

UNTHINKABLE THOUGHTS

ACADEMIC FREEDOM
AND THE ONE-STATE MODEL
FOR ISRAEL AND PALESTINE

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Preface

Mixed Marriages

As a Montreal anglophone, I went through Quebec's (and Canada's) FLQ crisis being pulled out of my elementary school several times due to bomb threats.¹ Driving in Montreal with my family as part of our regular routine in that period, I stared out the car window as we passed the army personnel carriers and Canadian soldiers in battle gear who were sent to the city as part of the War Measures Act. We drove stoically by, glancing at each other nervously but not speaking about what was going on all around us. I picked up on the hushed but omnipresent anxiety and tension of the adult world that surrounded me. We children were being kept safe in a watchful way that made my parents seem vulnerable. For a brief period of my childhood, at the intuitive and inchoate level at which children pick up on the world around them, I was aware that the safe enclave of my life was not secure.

Such episodes provide a foundation for the oft-repeated claims of critics of the one-state model for Israel/Palestine that there is no example of a successful binational state in the world, Canada being forever, in their estimation, on the verge of a return to this snapshot of my childhood (and my parents') experience.

Many Montreal anglophones – close to 400,000 – felt sufficiently unnerved by the crisis (and by the threatened loss of their place in the changing world of Quebec when the separatist Parti Québécois came to power in 1976) that they fled, creating a massive diaspora across the country and

continent. An important part of Montreal's Jewish community – having more historically cultivated grounds for fear of the rise of any form of nationalism – also broke up and departed.

A significant number of anglophone families remained, however, my family included. For the most part, they remained in the safe and homogeneous English enclaves of the West Island, Westmount, Mount Royal, and, in my case, Montreal West. Despite the enduring homogeneity of these communities, they grew to adulthood with me, knowing that to continue to live in Quebec peacefully and fully meant to embrace the French fact willingly and with curiosity. I was one of the first generation of anglophones for whom a compulsory Grade 7 year was spent in a French immersion environment. It was clear to those of us who remained that it was no longer acceptable for a very privileged minority to shop and run workplaces and occupy the city as though the French majority around us were the ones who had to accommodate our linguistic handicaps, rather than the other way around.

I was surprised to read, as an adult, the opening passages of Sherry Simon's book *Translating Montreal: Episodes in the Life of a Divided City* and to find that Simon had had the same experience as I had as a young teenager, no doubt subtly cultivated by the stoic yet reformed ethos of the rump anglophone community that remained behind after the exodus. Both she and I used to hop onto the city bus as young girls, unbeknownst to our respective parents, and head out of the suffocating sameness of our enclaves in order, simply, to walk around in the French milieu of the east end of the city, drinking in both its and our otherness.² We were beginning to see and to know who we were more fully – something that was not robustly possible without a very pedestrian intermingling.

I was also a Montreal anglophone living in Quebec during another of Canada's most perilous periods of constitutional and existential uncertainty. I was a law student at McGill University from 1990 to 1995, a period that saw a referendum in which the country was almost hived into two or more parts. Ninety-four percent of the voting population cast votes in that referendum: 50.58 percent of the population voted not to separate from the rest of Canada; 49.42 percent voted in favour of that proposition.

It was not uncommon during the height of those tense weeks during which the country was precariously balancing on a high wire that relationships between anglophones and francophones that were otherwise mundane became circumspect and tense. For three weeks, my brother, who worked at one of Quebec's leading ad agencies, would pass by the staff room and find that conversations with his otherwise amicable French colleagues would

cease abruptly or turn to something suspiciously anodyne. Marriages between anglophones and francophones became strained. In my own mixed marriage to my former husband, a Frenchman, I remember a heated argument in the extremely tense days before the poll with one of his friends, another Frenchman (a separatist) who had come to Quebec to serve his compulsory military service in a civilian capacity several years earlier and thereafter acquired citizenship. I railed against his assertion that he was part of the Québécois nation that was to make up the prospective nation-state of Quebec while I never would be, even though my family had lived in Quebec since 1814. While the taste of independence was intoxicating to a significant part of the Québécois, anglophones and allophones were deeply cynical about talk of a new “civic” nationalism. An outsider, taking away Montreal snapshots from these frenzied weeks, would be forgiven for thinking that it characterized perennial and intransigent irreconcilabilities.

Ironically, at this moment of acute national crisis, a group of thinkers (sometimes called “the Canadian school”) emerged, many of whom were my teachers and mentors.³ The focus of their intellectual work was on questions of nationalism, multiculturalism and binationalism, and the means of making a federal, binational model of governance and statehood both viable and just.

As a result of these formative experiences, I acquired a lifetime preoccupation with the concept of *mixité* – of the functions, merits, and limitations of intermingling and of the contextual and historical factors that facilitate or debilitate it. Having come to intellectual maturity at a time of acute national crisis, I have almost always focused my intellectual curiosity on the *bellum juridicum* of mixed jurisdictions and on the asymmetries of power embedded within *mixités*.

In retrospect, it seems natural that this intellectual preoccupation became the focus of my scholarly research, from the intermingling of Inuit and common-law criminal law sensibilities in northern Quebec;⁴ to the intermingling of Gitano, Catholic, and Spanish family law;⁵ and eventually to *mixité* within individual families from different family law systems in the mixed legal tradition of Israel/Palestine.⁶ This latter research – which is not the subject of this book – was based on extensive periods of fieldwork in the region.

Divorced till Death Do Us Part

As an ethnographer in Israel/Palestine, I could foresee that my intellectual curiosity with the topic of *mixité* and binationalism would encounter the

curiosity of those who questioned me about whether I saw possible ways out of the impasse that was the larger context for the detailed ethnographic interviews that I was conducting. My microproject might have been concerned with small-scale marriages and their petty animosities and pedestrian accommodations, but anybody who has been to Israel/Palestine knows how difficult it is to ignore the omnipresent macrocontext of the political impasse, even when trying resolutely to pretend that it does not impinge on one's thoughts or daily life. The very marriages that I was scrutinizing throughout Israel/Palestine were *intensely* inflected by those larger surrounding forces, their success or failure often locally contingent. Similarly, binationalism as an idea or a practice does not present an isolated and universal good of statehood but one that is context specific for its viability.

In the field, I quickly picked up a sense of how extraordinarily fraught even my curiosity with this topic was. On three separate occasions in the course of conducting the ethnographic component of my research, the topic of a binational state arose with Israeli Jews. When the topic came up among two of these people, one of whom was a colleague at the Faculty of Law of the Hebrew University, they immediately stood up and walked out of the room in the middle of otherwise civil exchanges as though an electrical jolt had just surged through their bodies. Both returned after spending several minutes composing themselves and attempted to explain why the very question was wrong-headed. The third person had asked me for my opinion on the politics in the region at a family Shabbat dinner in an Israeli suburb of Jerusalem. When I indicated that it was hard for me, as a Montreal anglophone, to dismiss *out of hand* a binational model for resolution of the impasse, the third interlocutor (as a child hidden from extermination in wartime Poland) immediately launched into a diatribe on his solution for the impasse: Israeli Jews are good at planting trees; they should establish a forest along the Euphrates and then transfer all of the Palestinians – from Israel, the West Bank, Gaza, and east of the Jordan River – to that forest. “What do you think of *that* solution to the problem?” he asked with aplomb. “I think it’s utterly appalling,” I replied with reciprocal aplomb. This man later approached me on the balcony shortly after our charged exchange and apologized for his outburst, indicating that his wife would be furious with him if she knew how he had talked to me.

From the field, I am familiar with how anxiety provoking for Jews is the idea that the safe haven of a state in which they form a majority might be imperilled by what appear to be idealistic – if not dangerously utopian – ideas of one-person-one-vote democracy and binational citizenship.

I noted a certain hypocrisy in finding the binational model worthy of contemplation. I myself had been in a mixed marriage in which the dynamics were so intractably hostile that I became intimately familiar with how naive are ideas that all disputes can be resolved with sufficient goodwill and good faith. I was able to extricate myself only by a physical separation that enabled both of us to move on to independent lives, each of which had greater integrity than the mismatched union had any prospect of generating for us together.

But Israel/Palestine does not seem to be fated to have any other than a Catholic indissolubility to it, no matter how much huddling occurs away from the eastern borders and around Tel Aviv, with gazes longingly directed out the window of the Mediterranean at the Western world,⁷ and no matter the wall that splits the territorial home. As a result of a physical inability to sunder and separate, Israel/Palestine is caught in a “divorce till death do us part.”

This sense of perpetually self-conscious separation is evident from a visit to Israel/Palestine. The curiosity about self and other that prompted a younger Sherry Simon and me separately and routinely to board a bus to the other side of Montreal is not just withered but in many cases has also become structurally all but impossible. On one of my many field trips to Israel/Palestine, I took my current husband and my then twelve-year-old son. Our foreignness to the land allowed us to wander a trajectory that is precluded to its inhabitants.

We spent Christmas in Bethlehem with a Christian family who has lived together in the West Bank for close to twenty years. The mother of the family is American and lives in fear that, on one of the trips that she has to make to Jordan every three to six months to renew her visa (the periods change according to Israeli demands), she will be prevented from re-entering and will have to have her children join her without their Palestinian father in the United States.⁸ The father, a dedicated agitator for non-violent resolutions to the conflict, has not been permitted for years by Israel to visit Jerusalem, his birthplace, roughly a ten-minute car drive away (were the “security wall” and checkpoints not in place). In this he is like the masses of Palestinians in the West Bank and Gaza who are not permitted to visit the land of their ancestors.

We passed Hanukkah with my husband’s family in Tel Aviv. They had not been to the Arab part of the Old City of Jerusalem in years, let alone the West Bank (forget about Gaza altogether), and indeed the option is not available even to Israelis who might feel stirrings of curiosity to intermingle (again)

with their counterpart others. Ordinary Israelis are not permitted (by an Israeli military order) to travel to Gaza and area “A” of the West Bank.

On another day of our sojourn, we drove with the minister of the Scottish church, who was able to travel freely in the West Bank because he had diplomatic plates on his car, to the 99 percent Muslim town of Jayous, where he was presenting the mayor with a donation for a town daycare. My Jewish husband was not the only one nervous about his travelling in the West Bank. The image of the slaughter of two Israeli Jewish soldiers who were captured and taken to the police station in Ramallah and then torn apart, the assailants coming to the window to show off their blood-drenched hands, beggars description.⁹ As the principal provocateur of our trip to the West Bank, I felt a terrible responsibility for his safety.

When we got to the town, the mayor showed us around. We adults stood on a cliff overlooking the new “security fence” that was being dug into the West Bank and patrolled by Israeli soldiers in jeeps, cutting the town of Jayous off from important parts of its agricultural lands. My son, for whom I had recently bought in Jerusalem’s Arab Market a cheap yo-yo that lit up as it descended and mounted, almost immediately found himself surrounded by a swarm of Palestinian boys who, speaking in excited Arabic, wanted to trade their homemade slingshots with Noah for his yo-yo. Although the negotiations were conducted through no shared language, it was clear what was being offered, yet I could not convince my son of the spectacular deal that he was passing up: to leave the land of David and Goliath with a home-made slingshot.

On the short drive back to Tel Aviv that night, Harry asked me to refrain from telling his relatives that he had been in the West Bank, certain that they would not understand and might even find his curiosity a betrayal – perhaps more so mine, for I was a gentile whom they had warmly welcomed into their family.

In this chilly and distant climate of enforced separation, it is hard to begin to conceive of similarities between the cultural and existential meanderings of Montreal’s remaining anglophones and the radically distinct groups and spaces of Israel/Palestine. Yet Meron Benvenisti captures a possible response to the settling reality of this uneasy on-the-ground situation that persists despite endless efforts toward a more intentional negotiated peace. As he notes, “the status quo that has emerged, though it appears chaotic, is in practice quite stable and could be characterized as *de facto* binational”¹⁰ – a marriage despite all protestations to the contrary.

I embarked on the conference that constitutes the central event of this monograph, then, knowing how deeply and understandably fraught the topic of a binational state is for Jews and for Jewish Israelis; aware, too, that it is not the preferred outcome for Palestinians who feel their deepest longings for self-determination compromised by the sharing of a land that they feel unjustly turfed off and squeezed out of. I embarked on it also knowing that the Canadian binational model – and its remarkable success despite the cynics who hold the binational model up to an ideal of perfect harmony that can have no place in a world of complex identities – is in many ways hopelessly ill suited to tensions in the Middle East that amplify my childhood experience of national insecurity a thousandfold. Yet I also embarked on an intellectual exploration of the one-state model knowing that, in the event of the utter failure of the two-state solution (a position that appears to be increasingly inevitable), the Canadian model at least speaks, albeit faintly, to other ways of imagining the real.

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Introduction

This book is not about the years of fieldwork that I carried out in Israel/Palestine on mixed legal jurisdictions. Perhaps somewhat strangely, given that a good part of the book is taken up with the theme, this is also not a book about the one-state model for Israel/Palestine. This is a book about academic freedom – a doctrine that is less a fixed rule than a historical concept and therefore a labile one that is often hard to grasp without having it tethered to particular circumstances and historical moments. As Alan Chen notes, “academic freedom represents not a doctrine, but a multitude of analytical approaches that vary widely across the spectrum of academic speech ... It is almost as if the only useful enterprise in examining academic freedom is ‘description by infinite itemization’ rather than generalization.”¹ In detailing what happened to one particular scholarly event – the Mapping Models of Statehood in Israel/Palestine conference held at York University in the summer of 2009² – this book presents one more crucible in which the refractories of academic freedom are routinely tested. The fraught field of Israel/Palestine – as a geopolitical space and as a terrain of study – has become a rich and recurrent testing ground for contemporary understandings of academic freedom as the endless political intrigues around the subject generate a multitude of concrete departure points for some of the most enduring intellectual tensions in the contemporary academy between orthodoxy and innovation, between knowledge and politics.

The depth of the controversy stirred by the Mapping Models conference was astonishing – and not only to the conference organizers. By the time that the furor reached the federal government, the treatment that this academic event received took many academic and non-academic members of Canadian society aback. At the height of the frenzy (and less than three weeks before the conference, two years in the planning, was to take place), the federal minister responsible for overseeing one of Canada's leading academic funding agencies threatened to withhold federal budget funding for the agency over its decision to fund the conference.³

By the time that the government intervened, the Organizing Committee had already been battered by a year of assaults on our scholarly integrity. The first stirrings were more local, with a colleague at Osgoode Hall Law School (where two of the conference organizers are faculty members) questioning our scholarly credentials to hold an academic conference. As this intervenor put it,

My colleagues, the organizers of the conference, are sound academics of high reputation in their respective areas. However they have no credentials whatsoever to organize a true academic inter-disciplinary conference on Israel-Palestine. Certainly they are entitled to express their views and invite likeminded people to express their views; certainly professors ought to be encouraged to raise their voice in the public interest. And yet a line is to be drawn between public interest and academic activity. The latter requires specialization that the organizers of the conference lack. Certainly, Middle East Studies are remote to their specialization.

I am told that one of the organizers did a study on mixed marriages in the West Bank. This qualifies her to deal with peace in the Middle East exactly in no superior way than my extensive work on the payment system in Sri Lanka qualifies me to organize a conference on the Sinhalese/Tamil conflict there (regardless of the fact that unfortunately nobody is interested in the subject anymore). I would never claim to have such credentials.⁴

The local interventions were not only horizontal; we were also subjected to vertical pressure from the administration of one of the sponsoring universities: York.⁵ At one point, the then dean of Osgoode Hall Law School (vice-president academic and provost of York University from July 1, 2009) intervened with suggestions for the conference program.⁶ When we insisted that we alone were in charge of the scholarly content of our event and

selected our own keynote speaker rather than one vetted by a shadow advisory committee that, unbeknownst to us, was providing feedback on the program to the dean and one of the university's assistant vice-presidents, the dean sent us the following email:

What your email now indicates is that you are not in fact going to add another speaker but, instead, have decided to elevate one of your existing speakers to be a keynote. This is not what we agreed in my office. More importantly, from my perspective, by using up the additional keynote slot on an existing speaker, you now have made it virtually impossible to attract any additional major scholars to the conference.

Even more troubling is the fact that you have already gone ahead and invited Lustick as a keynote, without any further consultation or discussion with me. So from my perspective this is presented as *fait accompli*.

I would have thought it appropriate and necessary to at least discuss this revised plan with me before acting on it, particularly since it was inconsistent with what we had agreed. So I have to ask, why would you do that, without consulting or discussing it with me? I have to conclude that you don't see meeting with me or discussing these issues in advance as helping you.

... I remain open to discussing this further with you, and working with you on improving the conference. But you have to want to work with me. That involves more than just meeting or sending emails. It requires actual cooperation on your part, where you want to work with me in a positive and constructive way, seeing me as a collaborator rather than as a threat. Can I also suggest, gently, that you need some help at this stage – and that you would benefit from my involvement?⁷

The belief that our conference-organizing abilities were questionable was echoed by lobby groups ranging from the Jewish Defence League to B'nai Brith to the Canadian Council for Israel and Jewish Advocacy (CIJA). The latter urged its constituents to “make clear to the administration of York and Osgoode that events like [the Mapping Models conference] should not have the sanction of the university.” CIJA believed that work like ours “leads to an increased sense of insecurity for those who should feel free to express their support for Israel.”⁸

By the time that the Mapping Models conference eventually opened on June 22, 2009, the conference Organizing Committee had acquired an

intimate sense of how exceptional the Middle East was as a topic of intellectual scrutiny. Many of the ordinary conventions surrounding academic life were suspended in our case, particularly those that relate to academic freedom. If we were ultimately resistant to the onslaught of efforts to bring us into line with political visions that were not our own, this was not a straightforward endeavour. As this monograph lays out, the ways in which pressure was brought to bear were subtle as often as they were coercive.

The topic of Israel/Palestine happens to be not only a contemporary but also a challenging topic with which to test whether and/or how academic freedom is resistant to pressure – or not. In the first instance, the conflict in the Middle East is notoriously complex, intractable, and uncontained by the geographic territory of the region. It bleeds into the domestic spaces of many nations around the world and thereby touches many local lives in ways that are potentially incendiary. The roots of the conflict also inflect many of our core understandings of democracy and human rights that derive their contemporary resonance from abysmal histories of anti-Semitism, racism, and Islamophobia – radioactive phenomena that are still present on the current landscape. Our most intimate understandings of oppression, recognition, and security reverberate to the tuning fork of the Middle East. For many of us, Israel/Palestine can cut close to the bone even while it is geographically remote. Furthermore, its contentious history is still being made.

As a result of this proximity to a time and place that spawns ideas in the contemporary moment, it can be hard to see how the treatment of those ideas impinges on cognate values of a democratic society such as academic freedom. It is easy now to see that a fear of communism warped what was thought to be reasonable in the academy, or that religious biases in the early twentieth century inappropriately skewed what was thought to be appropriate scholarly conduct, or that the losing side of the civil rights movement attempted to distort values central to the academic mission. We have enough distance from an itemization of the past's travails that the certitudes about the doctrine of academic freedom that emerged therefrom seem almost like ahistorical truths. On these topics, we are all now indignant. It is much harder to disengage from something as close and vexed and complex as the Middle East as a topic of scholarly scrutiny. The contemporary conundrum – now sophisticated by virtue of prior lapses, commonly accepted as such, in academic freedom – has generated all manner of exceptions to and special pleadings for that common sense.

A clear example, to us on the Organizing Committee, of the exceptional way that scholarship on the Middle East is treated arrived early in our

planning for the event. At a meeting to which the dean called the two Osgoode faculty members, he asked us to remove the Palestinian citizen of Israel, a doctoral student at Osgoode, from our conference Organizing Committee. This was one of the more shocking interventions in the organization of the conference. Two years after that event, I was carrying out fact checking for this book and provided Provost Monahan with an opportunity to clarify this intervention. He did not distance himself from the suggestion that we remove Mazen Masri from the Organizing Committee; rather, he provided a defence for it, one generated not in the crucible of spontaneous decision making but in the calm afforded by two years of reflection on the events. He justified the request for removal by remarking that, at the time that he had made the request, he had been “surprised to learn ... that the organizing committee included Mazen Masri, a graduate student who had played a prominent and public role in various organizations that are politically active in relation to the politics of the Middle East.” To his mind, it was evident that Masri’s “participation would likely lead to criticism of the event on the grounds that it was a political rather than an academic exercise.”⁹

The former dean is unabashed in declaring that it was Masri’s extramural political involvement that provoked him to propose a curtailment of Masri’s scholarly work. This might still strike readers (as it struck the former dean) as a legitimate defence – rather than an embarrassment – and, to the extent that it does, this illustrates precisely how the background thrust of the current political climate goes without saying in providing the status quo with the imprimatur of reality. It is hard to imagine, now, a university administrator suggesting that a student involved in the civil rights movement, or with pacifist leanings, or active in socialist politics, or active on campus in the boycott movement against South African apartheid be removed from an academic event because his or her presence might “jeopardize the willingness of some scholars to participate” in it. Indeed, it is hard to imagine a dean proposing the removal of a Zionist student from some scholarly endeavour on the basis that his or her “participation ... could undermine the goal of creating a robust scholarly dialogue,”¹⁰ and it is certainly hard to imagine that such a request would be met with silent indifference from organized Jewish groups. That it is only certain political positions that are problematic – and, more to the point, that the former dean is not particularly circumspect about stating this – illustrate how difficult it is to rise above our contemporary horizons.

It is tempting to reach for Archimedean points in the face of the hall of mirrors that the present moment presents in order to ascertain that by

which academic freedom is constituted in and of itself, tempting also to affirm that academic freedom and the academic mission comprise an abstract concept that always has the same content and configuration that can be understood apart from particular instances in which its parameters come into play. In response to the perception that academic freedom is a perpetually slippery dialectical concept, honed by an ongoing historical dialogue between the academy and its surrounding society, it is tempting to devise ahistorical criteria for the nature of academic discourse. Proper academic endeavour might get characterized, for example, by civility, by respectful exchange, by neutrality and dispassion, and by balance; scholarship might be construed as distinct from politics, based on clear principles of expertise, and disciplined uniquely by the intellectual fields that constitute the academy. Academic freedom, it might appear, protects these eternal hallmarks of the scholarly form of life.

For this understanding of academic freedom, it is not necessary to examine how these characteristics come into play and are used, and thereby given meaning, in particular circumstances. Accordingly, it seems possible to write a book about how academic freedom fared with respect to a particular event – a conference – without referencing the content of that event. Academic freedom looked the same in McCarthy-era America as it does in twenty-first-century Toronto.

This book does not begin from the premise that academic freedom can be understood abstractly. It begins from the assumption that the multifarious interests that interact with, and within, the academy can be wily and cunning and that society intersects with the university in increasingly sophisticated ways, and vice versa. The core doctrine that shores up the practices of the academy – academic freedom – is fragile as a result and kept on its toes by a subtle attunement to contemporary challenges. Among those challenges – as this monograph seeks to lay out – are the very concepts of civility, respectful exchange, balance, apolitical scholarship, discipline, and expertise. It is a further assumption of this work that grasping those challenges is virtually impossible without instantiations of how they come into play.

Part 1 of this book lays out an unintended ethnography that emerges out of the events surrounding the Mapping Models conference. It begins with a chronology as told through the developments that transpired outside academia in relation to the conference (Chapter 1). The sources of pressure external to the university include groups within the organized Jewish community, from the Jewish Defence League to what was then called the

Canadian Council for Israel and Jewish Advocacy.¹¹ They also include the Government of Canada through a Conservative member of Parliament, Gary Goodyear. And they include the Social Sciences and Humanities Research Council (SSHRC). I begin the book with a narrative that traces the ways in which these external sources interacted with an academic event and institution in order to provide the reader with a historical pivot around which the rest of the work can turn. A good deal of this material is already on the public record because a good deal of it was covered in the media, both in Canada and in Israel. And there have now been two reports that cover these events, the Iacobucci Report, which York University commissioned,¹² and a report for the Canadian Association of University Teachers (CAUT), carried out by Professor Jon Thompson.¹³

In order to make sense of why the Mapping Models conference was so fraught in the view of those outside academia, the second chapter of Part 1 is devoted to laying out the central theme of the Mapping Models conference that apparently made the event so extraordinarily fraught – the one-state model for Israel/Palestine. Although other critiques were levelled against the conference, the fact that it was open to an examination of this charged idea was the original, paramount, and persistent feature that made it so contentious to a faction of Canadian society. Whether or not the idea merits the intrigue generated by being a forbidden one, the one-state model was perceived by many to be an unthinkable thought. Understanding the significance of the idea, then, becomes critical to understanding how seemingly innocuous and abstract concepts such as civility, respectful exchange, balance, apolitical scholarship, discipline, and expertise can become fairly deft political tools in the service of a distinct agenda – and not in the service of scholarly goals. It is hardly possible to understand the ways that academic freedom is provoked without understanding the specifics of difficult ideas. Academic freedom, and its challenges, are best understood when the doctrine is situated. The context external to the university constitutes Part 1 of this unintended ethnography.

Part 2 of the unintended ethnography concentrates on the context closer to the home university that housed the conference – York University. Chapter 3 provides a bridge between the thematic content of the Mapping Models conference (statehood in Israel/Palestine) and the ways that on-the-ground tensions (acute both in Israel and in Canada) associated with the one-state model impinged internally on a foundational doctrine of the university – academic freedom. The chapter lays out the links between a foreign conflict and Canada's foreign policy on that conflict and how domestic

foreign policy was marshalled to guide efforts to line up domestic thought, including academic thought. These materials bring the conflict home.

In Chapter 4, I return to the same historical chronology laid out in Chapter 1, the same sequence of beginning, middle, and end. But this time around I cover the events that were happening inside the university as those external pressures were unfolding and intensifying around us. The movement from domestic lobbying within Canada on a foreign conflict to the foreign conflict itself – the trajectories of Chapters 1 and 2 – moves in the opposite direction in the two chapters that constitute Part 2 of the book: from domestic foreign policy associated with paradigmatically public figures (Chapter 3) to the more local public figures associated with university administration and the more personal communications engaged at that level (Chapter 4). External and internal pressures, then, bracket the thematic content of the conference that gave rise to the conflict arising on Canadian academic soil in late June of 2009.

Most of the materials presented in Chapter 4 are somewhat personal; they derive from emails sent and received, not only between university donors and government funding agencies, but also between university administrators and me. Although some of these emails issued directly from my inbox, many more were tracked down through a request under Ontario's Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.31. This piece of legislation enables members of the public to hold university administrators to account by ensuring that their written communications are available for public scrutiny. The documents released pursuant to a request under the law are also drawn upon to corroborate the history laid out in Chapter 1.

Chapter 4 – a more or less chronological narrative composed of the voices of those involved in, or reactive to, the conference – is more strictly ethnographic, as is Chapter 1, which also reverberates with the voices of local actors. Using the intimacy of those voices, both chronicle particular *overlapping* fields. Although they generate some low-to-the-ground analysis (especially conjoined with the historical work and political analysis of Chapters 2 and 3), they more critically provide multitudinous instantiations of the subtle and overt coercions to which research agendas are subjected in twenty-first-century Canada. Chapter 4 constitutes an itemization of the fate of academic freedom in particular contexts and vis-à-vis particular issues without which it is difficult to apprehend what is at stake in its compromise.

These materials present data that have personal valence. This account of what happened to the Mapping Models conference is an insider's account

from one of the conference organizers at the centre of a good deal of the data. Although this might be an unusually intimate and perspectival presentation of materials, the events surrounding the Mapping Models conference have generated their own Rashomon of tales. Just as the Iacobucci Report, in coming to its conclusions, digested a slice of the events surrounding the conference (principally those that relate to our responsibilities as academics) and digested an earlier manuscript draft of this account that I submitted to the Iacobucci Review, this book digests the Iacobucci Review and Report and absorbs their meaning and import. It also absorbs the findings of Thompson's *No Debate*, which focused on the responsibilities of university administrators and scholarly funding agencies and in its turn (before my final absorption of all prior consumptions in this book) digested the Iacobucci Report. These reports are folded into the part of the manuscript devoted to making sense of what transpired. And this first level of analysis that absorbs the reports constitutes the initial chapter (5) of the third part of the book, which is dedicated to making sense of the data. This also involves making sense of the nature of this kind of research project that deals with a referential world composed not only of social phenomena but also of individual, identifiable, responsive, and accountable participants.

I have followed the ethnographic work of the first two parts of the book with a set of materials dealing with methodological, epistemological, and ethical concerns that come out of this kind of work. The question about how I came to know what I came to know, and what the nature of that knowledge was, emerged as a theme in the process of fact checking and clarification. The same facts can give rise to different, sometimes contending, interpretations of the significance of events – and even the facts themselves can be contested. The epistemological issues of accounting for the events of the Mapping Models conference find an easy counterpart in the contending histories of and perspectives on the Middle East. It seemed auspicious to focus on what it means to have multiple accounts of an event and what it means to provide an accurate or true account. It is not difficult to see that ascertaining “the truth” in the kind of account constituted by this book is a matter of central importance. And Chapter 5 is preoccupied with how my particular account of local events, as well as accounts of the larger world, reckon convincingly with the referential world.

The troubling of the relationship between narrative truth and historical truth gives rise to the final chapter of this book, Chapter 6, a more sustained dissection of the doctrine of academic freedom. It is here that the question that courses through the work about how to discern the worthiness of ideas

is addressed. The concept of expertise – used (and misused) in ascertaining what makes ideas worthy of serious thought – is examined. Here is where questions about what restrains the work of academics are answered, where the very purpose and features of the doctrine of academic freedom are addressed. I also venture a response to the common critique that followed on the heels of the complaint that we were examining the one-state model – namely, that we engaged activists and polemicists rather than scholars to carry out the intellectual work. Chapter 6 examines what it means for academic work to be engaged and the implications of an apparent intermingling of goals – knowledge and political outcomes.

In this unintentional ethnography (for I did not set out to examine the field of academia when I began to organize the Mapping Models conference), important voices are squeezed to the margins because this is a sole-authored work. The conference Organizing Committee was composed of four members whose scholarship, both before and during the conference, left a mark on the event.

I embarked on my intellectual journey that took me to Israel/Palestine in 2000 as I was studying the literature in preparation for a major grant application. With Professor Sharry Aiken, a law professor at Queen's University working on international human rights, I formed a reading group at Osgoode composed of faculty members and graduate students on the topic of Israel/Palestine. Professor Aiken's specific research interests are in refugee law as well as citizenship rights in ethnically divided societies. Part of this research involved a series of ethnographic trips to Israel in which Professor Aiken conducted interviews with a broad cross-section of Israeli intellectuals and activists. A Canadian Jew, she has spent most of her adult life preoccupied with issues relating to minority rights and concepts of security. Despite the above assertion by a colleague that "nobody is interested in the subject [of Sri Lanka] anymore," Professor Aiken has been intensively involved in the Sinhalese/Tamil conflict, both as an activist and as a scholar.¹⁴

The intellectual community of the first reading group was enhanced the following academic year by a second reading group focused on Islamic and Talmudic law, in particular in the domain of the family. This group drew more widely from the York community of faculty members and young scholars. That year I was also awarded a significant research grant to carry out extensive ethnographic research in the Middle East with a focus on mixed marriages in the mixed legal jurisdiction of Israel/Palestine. In the course of this research, I embarked on seven separate ethnographic expeditions to

the region, starting in the extremely tense period of 2001 and ending in 2006 as the Second Lebanon War (known in Lebanon as the July War) exploded around me.

In view of my intellectual formation during Canada's near loss of its own binational heritage, I naturally gravitated to questions relating to similar possibilities and limitations within the context of other mixed jurisdictions such as Israel/Palestine. As it happens, in the past ten years or so, this coincides with a growing intellectual curiosity (one that has been present in some form even before the creation of the state of Israel) among Western, Israeli, and Palestinian scholars about whether a single binational democratic state for all of Israel/Palestine might best embody the human rights ideals and the concepts of citizenship and democracy deeply entrenched in Western self-conceptions of the West's greatest virtues.¹⁵

In the fall of 2007, I initiated a final reading group on these topics with an Osgoode colleague, Professor Bruce Ryder, together with three graduate students, each with research interests in Israel/Palestine and each completing graduate theses on topics directly related to the question of legitimate statehood. Mazen Masri, a doctoral student at Osgoode, was one of these three students.

Masri, eventually one of the members of the four-party Organizing Committee for the Mapping Models conference, is a Palestinian citizen of Israel who has been extensively involved with political issues in Israel/Palestine. As a Palestinian citizen of Israel, he has been living with the impasse in the Middle East since his birth and has been preoccupied with the political challenges that face his homeland for his entire life.

After graduating from Hebrew University Law School with an LLB and then from the University of Toronto Law School with an LLM, Masri went on to become a legal adviser for the Negotiations Affairs Department of the Palestine Liberation Organization. During his work as a legal adviser, Masri dealt with a wide range of issues pertaining to the peace process. Although he was mainly in charge of doing research on and developing negotiations strategy for the Palestinian refugee problem, he was involved in doing research and developing positions regarding other outstanding permanent status negotiations files such as settlements and the status of Jerusalem. His doctoral research is on human rights and citizenship within Israel. As an Israeli citizen, Masri is fluent in both Arabic and Hebrew.

This latter point about language fluency is worth emphasizing given that one of the conference critics (a colleague from York University's Centre for

Jewish Studies) who challenged our credentials to hold a conference on Israel/Palestine stated in an email sent to the Osgoode listserv that “I think a person who wants to organize a conference about Israel/Palestine, or a person who wants to express a view about whether an Israel/Palestine conference was really academic, should have training in the Middle East and should read Arabic and Hebrew.”¹⁶ Most Jewish Israelis, indeed most Jewish Israeli scholars, are in fact not fluent in Arabic. If they speak a second language, it tends to be English or some other European language. Most Palestinian Israelis, on the other hand, because of compulsory Hebrew language education in conjunction with their mother tongues, are completely bilingual. Adding irony to the critique, it was “suggested” by York’s administration that we remove the Palestinian Israeli member from our conference Organizing Committee, but doing so would have greatly reduced our ability to access both Hebrew and Arabic literature and scholars.

Professor Ryder, the fourth member of the Organizing Committee, is a constitutional scholar who has extensive expertise in examining issues arising from his studies in civil and political human rights, Aboriginal rights, federalism, and comparative constitutional law. From this comparative constitutional background, it was natural for Professor Ryder to engage with the range of constitutional models that might provide a just and viable solution to the Israeli/Palestinian impasse.

Out of this final reading group, as we explored the emerging academic literature on models of statehood for Israel/Palestine, came the idea of holding an academic conference on a topic that was beginning to attract much greater scholarly attention. Professor Ryder, Mazen Masri, and I asked Professor Aiken to join us in this enterprise, and from this seed grew the conference *Israel/Palestine: Mapping Models of Statehood and Paths to Peace*, successfully held on June 22-24, 2009.

Each of the other members of the Organizing Committee approached this conference with a unique understanding of the issues and their complexities. That range provided the often provocative and stimulating planning meetings for the June conference over the preceding year and a half and sustained us through the unsettling and distressing intrigues that arose around it. The other members have their own stories to tell of what the conference meant to them, though our long-standing involvement and friendship with each other suggest that these tales might have many overlaps with my own.

However, this particular narrative (in the preface and introduction and throughout the rest of the book), by its nature, is peculiar to my own personal

and intellectual proclivities. Like my colleague, who remains convinced that I have “no credentials whatsoever to organize a true academic interdisciplinary conference on Israel-Palestine,” this account (like his) is stamped with the limitations (and egresses) of an individual background.

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