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**Editorial**

Our last newsletter (Number 86, April 2015) reported the blatant attack on free speech at Southampton University where the conference entitled "International Law and the State of Israel: Legitimacy, Responsibility and Exceptionalism" was cancelled by the university at very short notice. At the time we went to press the organizers, Professors Oren Ben-Dor and Suleiman Sharkh, had decided to launch a legal

action against their university and we promised more information in the May BRICUP newsletter: here it is.

Our objective here is to provide readers with a range of viewpoints: that of a speaker on the conference programme; then a legal and human rights perspective; then an analysis of current Israeli tactics and finally an account of UK government policies and actions. Inevitably there is some overlap but we have not attempted to eliminate it - rather to offer readers a number of individual pictures that will, we hope, help us all to appreciate the severity and enormity of the damage and dangers that the events in Southampton present.

David E. Pegg

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**Freedom of speech and the state of Israel**

It has become the norm in Europe and the US for any adverse comment about Israel, however mild, to evoke a ferocious counterattack from pro-Israel groups. The fear of provoking these intimidatory reactions has prompted a widespread pre-emptive self-censorship with regard to anything Israeli or Jewish among individuals and organisations seeking to avoid them.

Scarcely any western public organisation, official or newspaper today dares to flout these strictures and pay the price. There are two main reasons for this situation: first, the deliberate conflation of hostility to Israel with that to Jews under the common and pejorative heading of anti-Semitism and second, the striking success of pro-Israel lobbyists in using their influence to stifle criticism

of the "Jewish State".

It was a combination of these two factors that prompted Britain's Southampton University's decision to cancel its forthcoming conference, "International law and the State of Israel: legitimacy, responsibility, and exceptionalism". I write as one of 52 so-called "toxic" speakers, as the Board of Jewish deputies described us, who had been slated to participate in the conference, which the press has emotively and inaccurately reported to be about "Israel's right to exist". In fact, it would have been a ground-breaking event, drawing together a large number of noted domestic and overseas scholars to examine fundamental questions about Israel's establishment and what constitutes its legitimacy.

In a democratic society that respects freedom of speech, these are legitimate subjects of debate, and the conference deserved better than to have been summarily cancelled by the university authorities. On March 30, and at a very late stage in what had been marathon preparations for the conference, the university suddenly withdrew its permission for it to go ahead. It justified its decision on the dubious grounds of "health and safety", citing the threat of hostile public demonstrations that might have put staff, students and conference participants at risk, even though the Southampton police had stated they were adequately prepared to deal with any such problems. In an attempt to overturn the university's decision, a judicial review was carried out in April at the behest of the organisers. But the judgement upheld the university's position, although the possibility of the conference being postponed 'pending further security checks' by the university was held out as a prospect. Whether any of this will actually happen must be open to question.

There is little doubt that the university's action was the result of the pressure placed upon it by intensive pro-Israel lobbying. The Board of Deputies of British Jews, the Jewish Leadership Council and the UK Zionist Federation, which collected 6,400 signatures protesting against the conference, all made representations to the university authorities, asking them to cancel it. Likewise, the Union of Jewish Students protested. Several MPs, including the conservative MP for Romsey and Southampton, did the same, and the

Minister for Communities, Eric Pickles, called the conference a "one-sided diatribe". The conservative peer, Lord Leigh, also expressed his dismay at the conference. Tim Shacking, a mathematics professor at Southampton University, said the conference aimed to "delegitimise Israel" and that he felt "uncomfortable" as a Jew; and a respected former graduate, Dr Andrew Sanezenko, returned his Southampton university degree in protest. One of the university's major patrons was said to be thinking of withdrawing funding from it, and a solicitor, Mark Lewis, announced he would "look unfavourably" on Southampton graduates applying to his firm.

A delegation of Jewish leaders, including Britain's ambassador to Israel, Mathew Gould, whose inappropriate inclusion should have raised questions about his diplomat's role, met with four university vice-chancellors to discuss the limits of free speech, in clear reference to the Southampton conference.

There are many other examples of this kind of intimidation in the service of Israel. Last year the editor of one of the most respected medical journals in the world, the Lancet, Richard Horton, was made the object of a sustained smear campaign by pro-Israel groups aiming to oust him from his position. He had helped to establish a Lancet-Palestinian health alliance with Ramallah's Bir Zeit University in 2013 to enable Palestinian health workers living under Israeli occupation to publish their research in the journal. Horton's support for these medical professionals was branded anti-Israel bias, made worse when the Lancet published a letter last July during Israel's war on Gaza signed by 24 leading physicians and scientists supporting Gaza's people and denouncing Israel's attacks on them. The Daily Telegraph headline for September 22, 2014 read: "Lancet hijacked by anti-Israel campaign." There were demands from the Israeli government for the Lancet letter to be removed, and several Jewish physicians declared they would not submit or review articles for the journal. The Lancet's publisher, Elsevier, was targeted with threats of an intensive boycott campaign against the journal and the large-scale cancellation of subscriptions to it unless Horton was sacked. That has not happened as yet, but it remains a threat.

That this formidable array of domestic forces can be assembled so effectively to protect a foreign state, Israel, to the detriment of free speech in a

democratic country, should be cause for alarm. Where exactly do the loyalties of these British citizens and British organisations lie? The smear of anti-Semitism is the perennial weapon of these pro-Israel lobbyists, and it seems to work every time. That and the real threats to the status and livelihoods of Israel's critics have succeeded in silencing many of them.

The same applies to organisations and institutions. It is past time for this kind of terrorism to be challenged, and in that respect the Southampton conference was an important event. For it would have exposed the shaky foundations on which the Israeli edifice is built and which drives its supporters to ensure that no one finds out.

Israel's "right to exist" is not a taboo subject, and should not be so especially in the context of the cost of its existence to the Palestinian people. No state established on the stolen land and property of another people and their continued oppression has any right to exist. The best way to end this pro-Israel bullying is to stand up to it, firmly and every time. Southampton University should set a precedent that those in a similar predicament could adopt. It was an important opportunity missed.

Ghada Karmi

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## **Court rejects legal challenge to cancellation of University of Southampton conference**

On 14 April 2015, the England and Wales High Court (Administrative Court) heard an application by the organisers, Prof. Oren Ben-Dor and Prof. Suleiman Sharkh, for permission to apply for judicial review of the decision of the University of Southampton to cancel an academic conference on "International Law and the State of Israel: Legitimacy, Responsibility and Exceptionalism". Deputy High Court Judge Alice Robinson dismissed the application. The organisers could not find a suitable venue outside the University, so were forced to cancel the 17-19 April conference. They plan to reschedule it.

In a 2 April statement, the University claimed that it was obliged to withdraw permission to hold the conference at the University because "the foreseeable risks to safety and public order at and near the conference venue have surpassed any practical mitigation that the University can put in

place". Sometime between the 14 April hearing and 3 May, the University deleted the conference's themes and programme from the University's website, substituting the University's version of events, including the Chief Operating Officer's letter of 31 March and the Vice-Chancellor's letter of 1 April (<http://www.southampton.ac.uk/israelpalestinelaw/index.page>).

The COO claimed that circumstances had changed since the University granted (tacit) permission for the conference in July 2014 (emphasis added):

- (1) "[i]n early February 2015, the Vice-Chancellor's office began to receive letters of complaint about the conference";
- (2) "a number of the speakers are regarded as not extreme but controversial" which will "provide a focus for protest";
- (3) "[t]he risk of protest, intimidation or violence, and injury to staff, students, attendees and speakers, has progressively worsened over the past few weeks and shows an unacceptable high level of risk ... even after considering measures to reduce the risk";
- (4) "[t]he University of Southampton Students' Union has expressed a real concern over escalated tension and division between student groups at the University";
- (5) "the inherent risk of disorder on campus ... must be considered in light of the increased threat to the UK of terrorist activity and the recent attacks in Paris and Brussels";
- (6) in "the Event Assessment from Hampshire Constabulary", "the estimated number of protesters ranges between 400 to 1000 people, over multiple sites at the university, from groups who are diverse and polarized";
- (7) the police "were confident that they could provide the necessary support to the University, if requested to assist" but "made it clear that: [t]he University ... should consider the JTAC [Joint Terrorism Analysis Centre] threat to the UK from terrorist activity as the event has a profile that would for some make the event a legitimate target and considerable thought needs to be given as to how this threat is to be mitigated against";
- (8) "the University's small security team will have to be enhanced by additional skilled resources", and the University will be "responsible for providing protest areas and clear stewarding";

(9) “given the combustible nature of the groups, a change of venue will not alleviate the difficulty that the security staff at the University (... 14, of whom 5 are committed elsewhere) are too small a group and do not have the appropriate training to deal with demonstrations of this size”; nor have they had appropriate training to deal with “disruptions within the venue”;

(10) “it is doubtful that the appropriate arrangements could be put in place in time given that a suitable security firm would have to be identified and once appointed, would have to conduct their own risk assessment”; and

(11) “the circumstances facing the University are exceptional ... we have, at least over the past decade, never faced a similar set of circumstances”.

The Vice-Chancellor’s letter upheld the COO’s decision, noting that:

(a) the advice of the police had referred to “the potential for protest and counter protest; the need to consider mitigation against the potential for terrorist attack; and the University’s capacity and experience to deal with such matters”; and that

(b) “[t]he University has a small security team who are not trained or resourced to deal with public order matters ... protest areas or clear stewarding. Consideration has been given to obtaining additional skilled resources but ... it would not be possible to get this in place in time ...”

The Vice-Chancellor upheld the COO’s decision for the sole reason that “it is not possible to put in place measures or take remedial action to ensure that good order can be maintained on campus that will safeguard staff and students while the conference is taking place”.

Judge Robinson’s written decision is not available yet, but the University has summarised her oral decision of 14 April at the conference website (<http://www.southampton.ac.uk/israelpalestinelaw/index.page>). The University stresses her finding “not a shred of evidence to suggest that the University’s decision had been influenced by lobbying or correspondence from other organisations”.

It was difficult for the organisers to prove the influence of lobbying with evidence that would be admissible in court. But media reports gave grounds for suspicion. The Board of Deputies of British Jews issued a press release after its meeting with the Vice-Chancellor on 18 March (<http://www.bod.org.uk/board-meets-with-vice->

[chancellor-of-university-of-southampton-on-israel-delegitimisation-conference/](http://www.thejc.com/news/uk-news/133033/southampton-university-confirms-it-considering-cancelling-anti-israel-conference/)). On 31 March, the Jewish Chronicle quoted Board President Vivian Wineman as saying (<http://www.thejc.com/news/uk-news/133033/southampton-university-confirms-it-considering-cancelling-anti-israel-conference/>): “When we had a meeting with the university vice-chancellor they said they would review it on health and safety terms. The two lines of attack possible were legal and health and safety and they were leaning on that one.” In its 2 April weekly update (<https://madmimi.com/p/2ec216?fe=1&pact=29367008341>), the Zionist Federation wrote: “While the official statement cites concerns about public protests, we believe that the negative publicity prompted by the campaigning [of the ZF and other Jewish communal organisations] played a significant role in the university’s decision.”

On 2 April, the Jewish Chronicle quoted Sussex Friends of Israel as saying (emphasis added, <http://www.thejc.com/news/uk-news/133152/southampton-university-cancels-anti-israel-conference-over-safety-concerns/>): “At no time did the police express any concern regarding our demonstration and were quite happy to facilitate our legal right. ... [W]e fully reject any ... suggestion that [our] demonstration ... gave rise to concerns regarding public disorder. ... We would remind people that ... the university has come under increasing pressure from politicians, community leaders, public opinion and funders, all seeking to have this conference moved.” On 21 March (<http://www.telegraph.co.uk/news/worldnews/middleeast/israel/11487555/Universitys-anti-Semitic-Israel-conference-condemned.html>), the Daily Telegraph had reported that “at least two major patrons of the university were considering withdrawing their financial support. One is a charitable foundation, the other a wealthy family.”

As for protesters other than Sussex Friends of Israel, a 31 March posting to the Facebook page of the English Defence League’s Southampton Division (<https://www.facebook.com/EdlSouthamptonDivision>) reads: “Well done to all our South coast EDL friends for coming together to oppose this racist nonsense at Southampton University. ... If this is correct we will cancel our protest organised for 18th April. ... We were doing this protest because we consider it wrong that a bunch of Islamists and leftists can govern the narrative at

Southampton university. It's a place of learning FFS NOT a place of political indoctrination.” According to Asa Winstanley’s report <http://electronicintifada.net/blogs/asa-winstanley/uk-high-court-backs-shutdown-israel-conference>, the police assessment said that “EDL supporters who could turn up were unlikely to number more than five or six”, and that “Hampshire Constabulary remains confident that it can provide the necessary support to Southampton University, if requested, to assist with the mitigation of risk from any protest.”

**Now that we know what happened, we can ask what should have happened.**

What should the University of Southampton and the Administrative Court have done to comply with the Human Rights Act 1998? The University and the Court are public authorities bound by section 6(1) of the Act: “It is unlawful for a public authority to act in a way which is incompatible with a Convention right [a right under the European Convention on Human Rights].” Freedom of expression and freedom of assembly, which cover organising an academic conference, are Convention rights, which should only be restricted when it is “necessary in a democratic society ... for the protection of the ... rights of others”.

The European Court of Human Rights has made it clear that there is a strong presumption that the expression of unpopular ideas must be permitted and protected by public authorities. *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria* (2 Oct. 2001) concerned an association that sought “recognition of the Macedonian minority in Bulgaria” (para. 10). The association saw the ban on its meetings as seeking to “suppress the dissemination of the idea that a Macedonian minority existed in Bulgaria”. In finding a violation of Article 11 of the Convention (freedom of assembly), the Court observed that:

‘86. Freedom of expression ... is applicable not only to “information” or “ideas” that are favourably received or regarded ... as a matter of indifference, but also to those that offend, shock or disturb. Such are the demands of pluralism, tolerance and broadmindedness without which there is no “democratic society” ... Likewise, freedom of assembly ... protects a demonstration that may annoy or give offence to persons opposed to the ideas or claims that it is seeking to promote ...’

The Court noted (paras. 106-07, emphasis added) that the association’s ‘meetings generated a degree of tension given the special sensitivity of public opinion to their ideas which were perceived as an offensive appropriation of national symbols ... However, if every probability of tension and heated exchange between opposing groups during a demonstration [or inside or outside a conference] were to warrant its prohibition, society would be faced with being deprived of the opportunity of hearing differing views on any question which offends the sensitivity of the majority opinion. ... The national authorities must display particular vigilance to ensure that national public opinion is not protected at the expense of the assertion of minority views, no matter how unpopular they may be.’

*Alekseyev v. Russia* (21 Oct. 2010) concerned the ban on any form of outdoor lesbian and gay Pride event in Moscow. The Russian Government gave two reasons (at paras. 57-59): “They claimed to have received numerous public petitions from various political, religious, governmental and non-governmental organisations calling for the ban, some of which included threats of violence should the events go ahead. They were therefore concerned about the safety of the participants and the difficulties in maintaining public order during the events. ... [T]hey could not have avoided banning the event, because no other measure could have adequately addressed the security risks.”

In addition to security, ‘the Government submitted that the event ... had to be banned for the protection of morals. ... [A]ny promotion of homosexuality was incompatible with the “religious doctrines for the majority of the population” ... [A]llowing the gay parades would be perceived by believers as an intentional insult to their religious feelings ...’

The Court rejected both reasons (emphasis added).

‘73. ... The participants must be able to hold [an annoying or offensive] demonstration without having to fear that they will be subjected to physical violence by their opponents. It is thus the duty of Contracting States to take reasonable and appropriate measures to enable lawful demonstrations to proceed peacefully ...

75. ... As a general rule, where a serious threat of a violent counter-demonstration exists, the Court has allowed the domestic authorities a wide discretion in the choice of means to enable

assemblies to take place without disturbance ... However, the mere existence of a risk is insufficient for banning the event: in making their assessment the authorities must produce concrete estimates of the potential scale of disturbance in order to evaluate the resources necessary for neutralising the threat of violent clashes ...

77. ... [T]he Court concludes that the Government failed to carry out an adequate assessment of the risk to the safety of the participants ... and to public order. ... [T]he Court cannot accept the Government's assertion that the threat was so great as to require such a drastic measure as banning the event altogether ... [I]f security risks played any role in the authorities' decision to impose the ban, they were ... secondary to considerations of public morals.

82. ... [H]aving carefully studied all the material before it, the Court does not find that the events ... would have caused the level of controversy claimed by the Government. ...

86. The mayor of Moscow ... considered it necessary to confine every mention of homosexuality to the private sphere and to force gay men and lesbians out of the public eye ... There is no scientific evidence ... suggesting that the mere mention of homosexuality [cf. Palestinian human rights], or open public debate about sexual minorities' social status, would adversely affect children or "vulnerable adults". On the contrary, it is only through fair and public debate that society may address such complex issues ... Such debate, backed up by academic research, would benefit social cohesion by ensuring that representatives of all views are heard ...'

In the Southampton case, the University also had two reasons for banning the conference. Its stated reason was the risk to safety, while its unstated reason was the risk of offending Jewish communal organisations, as well as one or more donors to the University. The evidence of a risk to safety was as flimsy as in Alekseyev. The police gave no basis for their estimate of 400 to 1000 protesters and, in any case, no group had threatened violence. There were therefore no "concrete estimates of the potential scale of disturbance". As for the "threat to the UK from terrorist activity", the police provided no evidence to support their claim that "the event has a profile that would for some make [it] a legitimate target". Apart from "Israel" in its title, there was nothing about the conference to suggest any greater risk of terrorist attack than at any other location in the

UK, such as in every University of Southampton lecture theatre, or on every London Underground train. (During the hearing, the judge suggested that Jewish protesters outside the conference might be attacked. The organisers' lawyer pointed out that the Sussex Friends of Israel are mainly Christian.)

The real question is whether the University objected to the content of the ideas to be discussed at the conference, or was genuinely unable in 16 days to organise adequate security to deal with the expected demonstration. A simple way to answer this question is to ask: would the University have been able to arrange security (and rely on backup support from the police) if peaceful demonstrations had been announced by opponents of a conference of the British Association for Jewish Studies or the European Association of Israel Studies, or of a hypothetical conference entitled "Celebrating Israel's Democracy"?

The University insisted at the hearing that, unlike in Alekseyev, the decision was a "postponement", not a "ban" (with regard to a conference at the University), and that the organisers could exercise their rights at another venue (outside the University); this proved impossible, but is arguably irrelevant, if we treat the University campus as a desirable location for staff-organised conferences analogous to the desirable location in Alekseyev, ie, the centre of the City of Moscow). The Vice-Chancellor wrote that "the University would be prepared to work with you to find a venue suitable for a conference of this nature at a later date. I remain committed to the possibility of the event taking place in the future if adequate safeguards can be put in place to minimise the risk to the safety of university staff and students." It remains to be seen whether the University will offer the organisers a suitable venue at a later date.

Even if the organisers could have persuaded the judge to grant permission to apply for judicial review, this would have meant a longer hearing on the merits of their case after 17-19 April. It would have been difficult to persuade any judge to order the University to allow the conference to go ahead, because the order would not have provided temporary relief until the longer hearing (it would not have been an order freezing the status quo, such as an order not to demolish a building). It would have been a final order in favour of the organisers. Once the conference was held, it could not be "unheld" if the Administrative Court ultimately found for the

University. Even though the organisers did not obtain the remedy they sought, and had to cancel the 17-19 April conference, they can consider an appeal on the question of whether the University's decision of 1 April violated their Convention rights to freedom of expression and assembly, contrary to the Human Rights Act 1998.

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### **The next stage of Israel's game in the UK: Lawfare, silencing and suppression – the test case in Southampton.**

Since the infamous Israeli attack on Gaza, in December 2008/January 2009, in which over 1400 Palestinian civilians were killed by the Israeli forces by a barrage of missiles, tank fire, aerial and naval bombing, shelling by canon and mortar, drone fire and even white phosphorous shelling over three weeks, Israel recognised it has a serious problem. The attack clarified, to anyone who was still confused about Israel's aims, that all Israeli governments, of the left, right and centre, are intent on a combination of intensifying and enlarging the settlements, incarcerating the Palestinians inside a huge open air prison, not just in Gaza, but also in the West Bank, making life as impossible as can be achieved, and continuing both to refuse to negotiate, or pretend to negotiate, while stealing more land and resources.

In following this set of aims, there is no difference whatsoever between the so-called 'left' and 'right' in Israel. All Zionist parties ruling Israel, or taking part in government, are right wing and racist. The use of left and right in the sense we use it elsewhere is misleading and useless, despite Israelis' insistence on such terms. For example, the so-called left of centre government of Ehud Olmert, was the one responsible for the attack on Gaza mentioned above, and once this coalition, of which Zippy Livni was at the heart, fell from power to be replaced by Netanyahu, she and others now called 'left' joined his coalition, as well as his two attacks on Gaza, in the Fall of 2012 and Summer 2014. Together in both these attacks Israel killed around twice as many Palestinians as in the earlier one, following the belief that one has to always strike harder, for the threat to be effective.

But what Israel thought was fine to do, was not quite so acceptable to the international

community. The attack in 2008 has started a huge wave of protest and action across the globe, especially through the newly adopted BDS campaign. This seems to be a successful campaign, drawing people by its civic and peaceful nature, and by the reference to the earlier success of a similar campaign in South Africa, against Apartheid. The call for BDS and academic boycott, signed by more than 190 Palestinian organisations, has galvanised the international movement, now that it was clear that the so-called 'peace process' is no more than a cover-up for the continued occupation and the land confiscation and settlement drive. As western governments, all closely allied to Israel, made any real solution all but impossible, it was up to the public to act; and it did. And its actions grew and spread, after its hesitant start in 2005, just one decade ago.

This is not the place or time to add up a list of the many successes of the campaign, and its enormous educational and organisational effects. But as the BDS message started spreading, it became clear to Israel and its paid and unpaid apologists and agents, that this new campaign, exactly because its universal appeal and non-violent nature, is a real danger to Israel's continued occupation. Thus a number of its main supporters started developing measures to counter the worrying growth of this campaign. One of the leaders of the opposition to BDS was, and remains, the Harvard Law professor Alan Dershowitz. This supposed supporter of human rights, together with other Zionists in the USA, has set up the Lawfare project in 2008. This is what it had said about itself in 2010, on its website:

"As enemies of the West increasingly (and successfully) strive to manipulate our judicial processes, erode our free speech and work to delegitimize the rights of democracies such as Israel and the United States to defend themselves against terrorism, failure to act in response is not an option. We have a responsibility to protect our legal institutions as well as our fundamental human rights, for if our systems of law are corrupted, our societies will be corrupted as well.

For more than two years, The Lawfare Project has been at the forefront of the struggle, exposing and combating the strategic abuse of Western legal systems against the interests of liberal democracy." [1]

So, much talk of democracy and western values, but the main targets, connected in the minds, or at least the publications of those involved, are the

twin enemies of the Muslim world, and the international civic resistance to Israel's continued crimes in the Occupied Territories of Palestine (sometimes called OPT). The connection they draw between Islamism, anti-Semitism and anti-Zionism have been influenced by a group of French Jewish intellectuals, originally of the left, but now part of the right in France, who have laid the academic foundation for connecting that which Alain Badiou claims was never connected. These people range from the originator of the argument, Pierre-Andre Taguieff, through Bernard Henry Levy, Claude Lanzmann, Alain Finkielkraut, Nicolas Weill, and some others. [2]

This loose group of Jewish academics and public intellectuals has done its very best to argue strong connections, and a unity of aims, between the Far Right, the Left, and Islamic groups in France, all of which are supposedly involved in anti-Semitic attacks on Jews and Israel, confusion and conflating the terms 'Jew', 'Zionist' and 'Israeli'. As Israel decided to change its semi-constitutional description from a "Jewish and Democratic State", first to a mere "Jewish State", and recently, to the "state of the Jewish People", this group of Zionist apologists has used this change and argued that ANY argument against the State of Israel is by definition anti-Semitic, as it threatens Israel, as a 'Jewish State'.

This bundle of arguments, the earliest formulated late during the last decade of the millennium, has really come to fruition and public note in the period 2001- 2009, when a number of volumes were penned and published by the various partners of this group in France, suggesting criminalising and making impossible a civic resistance to Israel's policies and actions. By passing various legislation, which basically accepted the Israeli definition of anti-Semitism as acts directed at either Jews, Israel or Zionism, by equating and connecting them all as some unchangeable continuum, the French legal system has made civic protest of boycott of Israel and its crimes near impossible in France. This success of the Zionist pressure groups in France was one of the models used by the US campaign of Lawfare; one has to note, though, that while in the US the Lawfare Project was not able to enlist a similar group of prominent Jewish intellectuals - and not due to the lack of such people, of course - it was able to also collaborate and influence the French campaign, as well as a similar campaign in Britain. Indeed, at the early stage of the public arguments in Britain, as Boycott resolution were passed by some of the leading unions, such as

UCU, the union representing College and University academics, Dershowitz, who has combined efforts with a British barrister, Anthony Julius of London, and the law offices of Mishcon De Reya, threatened the Union, universities and the academics supporting the boycott with destruction, no less [3]. Not one known for pulling his punches, he clarified his (and Julius') threat: "The pair are planning to publish a paper outlining their objections to a pro-boycott motion passed by British academics last month and Mr Dershowitz has threatened to "devastate and bankrupt" those he believes are acting against Israeli universities." [4] Neither was he alone in his valiant attack on the freedom of speech in Britain and elsewhere: "Mr. Dershowitz, the prominent lawyer and Harvard law professor who is well known for the ferocity of his attacks on those he perceives as enemies of Israel, told the Guardian that if the boycott call is endorsed by the UCU branches there would be retribution, and that he had enlisted 100 lawyers to break the boycott." [5] So it was clear that Dershowitz and his various partners in this campaign of silencing criticism and denting the right for civic action against Israel were well financed and resourced, and meant what they said - they were prepared to wreak havoc on the British (and any other) Higher Education system which would dare to offer opportunities for civic actions for academics critical of Israel's crimes. In France, such actions were taken by an allied group, Avocats Sans Frontières, which took action against the journalist Daniel Mermet, the publisher Le Fabrique, and then the philosopher Edgar Morin, political scientist Sami Naïr and novelist Denielle Sallnave [6]. Anti Zionist Lawfare was alive, kicking and spreading. Israel and diaspora donors supplied massive funding for these operations.

For a number of years, the Dershowitz associates in Britain have limited themselves to some bizarre and unsuccessful cases, like the one brought by UCU member Ronnie Fraser against the academic Union UCU, in 2012, and failed at the tribunal, which harshly criticized the legal team that supported him for bringing the case in the first place. This 'restraint' changed after the coming to power of Netanyahu, and especially after his attack on Gaza in the summer of 2014. A new and determined front against the discussion of Israel in academia, already active and successful in France, has started operating in the rest of Europe, with a vengeance since then. With a multi-million dollar budget, the campaign against Anti-Zionist academics is acting across the globe, from California to Australia, targeting the academics



and conferences which are deemed the most damaging to Israel's image and interests. Only recently, such action was taken against a conference in Université Paris 8/Sa. Denis [7], Rome University III [8], and Imperial College London [9]. In all cases, the conference or public symposia was cancelled or disallowed after earlier agreements by the institution, only to be revoked under enormous public pressure engineered by the Israel lobby in each country.

The first such a conference in Britain, arranged in the normal way through a widely publicized Call for Papers and organized by the hosting university, to be cancelled is the Southampton University conference on International Law and the State of Israel: Legitimacy, Responsibility, and Exceptionalism, planned and advertised for April 17-19, 2015. This conference, announced in Mid-2014, has attracted some 90 speakers, including a range of legal experts from many countries, representing also a range of positions on the topic. The conference was organized by Prof. Oren Ben Dor, Prof. Suleiman Sharkh, and Prof. George Bisharat, and was sold out, as many wished to join and partake as audience.

The campaign against the conference, one without precedent in Britain, has included the usual suspects, like the Board of Jewish Deputies, the Jewish Chronicle, the Sussex Friends of Israel, and a number of other Jewish bodies, who immediately demanded that the conference be cancelled, condemning the organizers, as well as the many speakers, as ant-Semites – more than half the speakers were Jewish, and many were also Israeli – without providing any proof or justification, of course.

To begin with, and throughout January and February 2015, the University of Southampton seemed to withstand the pressure and deflect the criticism, as facts were on their side. Indeed, the organizers were so confident that the university would never buckle under pressure, that they tried to minimize public concern. A petition calling to cancel the conference was open to signatures of all and sundry, rather than limited to academics, and garnered more than 5,000 signatures by the end of March, after a coordinated campaign in the Britain, Israel, Europe and North America, using Jewish and general media outlets. But there was a new development, an ominous and threatening UK government involvement in pressurizing the University of Southampton to call off the conference; for the first time, as far as we know. The Communities Secretary, Eric Pickles, made a statement, calling upon the university, without

any material information quoted, to cancel the conference: “Eric Pickles has warned Southampton University against “allowing a one-sided diatribe” as he became the most senior politician yet to intervene in the growing row over a major conference into the legitimacy of Israel.” [10] The university, enjoying financial support from the UK government budgets like any other in the UK, had of course to listen to a government minister speaking on this topic, despite the total lack of evidence, and even though the University of Southampton's own statement on the conference cancellation admitted that the conference was properly and carefully constituted, and represented many views on the topic. Hence, this demand by Pickles has joined the enormous pressure put on Prof. Don Nutbeam, the Vice Chancellor of SU. In an additional worrying development, the British ambassador to Israel has called for a meeting of Universities UK management, at which he has outlined the reasons for them to support the cancellation, or at least not oppose it. Thus, he acted on behalf of a foreign government when speaking to a British university organization, representing its interests.[11]

The Board of Jewish Deputies has demanded a meeting with the VC, which he immediately granted, though he has repeatedly refused to meet with the organizers, two of them professors at his own university. After the meeting, on March 18, a confident Vivian Wineman, the Board's President, said about the meeting: “We put forward very strong concerns about this proposed conference. It is formulated in extremist terms, has attracted toxic speakers and is likely to result in an increase in antisemitism and tension on campus.” [12] In another report, he went further and gave away the strategy: “Speaking to the JC [Jewish Chronicle], Vivian Wineman of the Board of Deputies of British Jews said: “When we had a meeting with the university vice-chancellor they said they would review it [the conference] on health and safety terms. The two lines of attack possible were legal and health and safety and they were leaning on that one,” he added.” [13] So the plan was laid out, and the university has been told its options by the Board President... And indeed, this advice was taken seriously, and acted upon.

A signature campaign of UK academics has been started, of exclusively UK academics, to offer support to the university against the crude pressure applied to it from all quarters. This has collected around 1,000 signatures of leading academics from across Britain in a few days. But the duty to protect academic freedom and the

freedom of research, enshrined in the university constitution, was not as significant to the VC as the pressure to cancel the conference by Zionist lobby groups and some government quarters, and the die has been cast. The University of Southampton buckled under the enormous pressure and told the organizers that it had removed its support of the conference.

Immediately on learning that the university has told the organizers that it had cancelled the conference on the grounds that it represented a danger to Health and Safety of students, staff and the public, and gave them 24 hours to appeal the decision, a campaign against the decision has been started and garnered more than 15,000 in 20 days, and is still growing by a few hundred signatures per day. At the Appeal, heard on April 1, the organizers have produced proof that the Southampton Police has seen no problem in securing public order at the event, and the Sussex Friends of Israel group, which planned to demonstrate against the conference, also noted that it has planned no violence whatsoever, the VC, hearing the Appeal, dismissed it without giving reasons on the same day.

The SU management, at this point, having exhausted the purely technical Appeal procedure, released a Statements (sic) in which it cancelled the conference finally, and also admitted that the conference was properly constituted: “The University has an excellent track record of upholding free speech and remains committed to ensuring that freedom of speech within the law is secured for staff and students. It has been impressed by the commitment of the organisers to include a broad spectrum of views, and indicated to the organisers that it will work with them to find a venue suitable for a conference of this nature at a later date.” [14]

The necessary ritual of ‘due process’ has now been exhausted, leaving the organizers with no chance but to start a Judicial Review process against the university, asking the court to force the University of Southampton to honour its academic and public contract, and arguing that the use of Health and Safety regulations was both a ruse, and a dangerous precedent of silencing academic debate by the use of arbitrary and inappropriate use of H&S regulation, thus failing the basic duty of guaranteeing academic freedom within the university. An overnight campaign raised more than £10,000, donated by many individuals to support the judicial challenge procedure, and donations are still coming in.

At the time of writing this article, the result of the Judicial Review process was not yet known, of course. The Court announced its decision on April 14th, few days before the date due for the conference – it has supported the decision by the Southampton University to cancel the permission it gave for the conference, and demanded that the organizers also meet some of the University’s legal costs [15]. That the Judicial Review produced a judgment which, no doubt, will be used many times in the future to silence criticism of Israel, can only be lamented as a serious attack on the freedom of speech, and on academic freedom in the UK. One hopes that a judicial challenge of this judgment will be successful in overturning it.

This left the only one option – to organize a conference at another venue in Southampton on the original dates. Many of the participants already announced their agreement to come to an alternative venue, if one can be found, and deliver their papers and lectures, making sure that this crude attempt to stifle free exchange of views on this crucial topic is not successful. But our hopes that such arrangements could be made in the short time left before the planned conference dates have not been realized, and the conference was cancelled, after a series of venues agreed to house the conference, only to cancel later on, under similar pressures from the same bodies, one may safely assume.

In the meantime, the university has also declined to announce its decision directly to participants, and left this duty to the organizers themselves, spreading a legal haze about the important question of who reimburses those many delegates who have booked hotels and travel arrangements, as advised officially by the university before the whole affair blew up, not to mention the hundreds of people who have booked places for the conference, and paid and made travel and accommodation arrangements. It will be interesting to see how far this lack of responsibility may extend in this unique case of the denial of free speech, academic freedom and the right, now denied, to voice critical view of Israel’s many war crimes.

In political terms, while the denial of the right to hold an academic conference in the UK on this topic is certainly a blow to the attempts to bring about free and frank discussion of Israeli actions and policies, the ferocity and aggression exhibited in this lengthy affair represents also the fact that Israel and its allies are losing the public’s support, and cannot afford to allow such discussion to

proceed. The current admission by Netanyahu that he never intended to support a Palestinian State in Palestine, his attack on Obama during the Congressional debate on Iran's nuclear capabilities, his racist remarks during the election in Israel, and the UK and French governments' uncritical and unconditional support of the continued brutal occupation and its many iniquities, are all evidence of the gulf between the public's view in Britain, and what its political class finds necessary and possible to support. The cancellation of the conference has proven that, like in Palestine, Israel and its supporters will stop at nothing to get its way. This is only likely to make the opposition to Israeli crimes more determined; Unfortunately, it is also very likely to increase anti-Semitism, as the parts of the public, with a strong history of past and present racism, use anti-Semitic memes to try and explain this immense influence by the Zionist lobby. It falls to all of us to continue to clarify that anti-Zionism never means anti-Semitism, and to demand the British Jews speak strongly against Israel's crimes, and against their representative organisations' unconditional support of Israel. Opposing anti-Semitism, as well as any other form of racism, is part and parcel of all anti-Zionist organization, and will continue to be. Britain's Jews, until now mainly silent on this crucial debate, should carefully review their silence, which is understood by some to be an acceptance of Israel's crimes. A more nuanced behaviour will make our combined struggle, against Zionism and anti-Semitism, a more successful one.

In Southampton, a battle was lost, indeed, in the struggle for free speech on Israel. The war against Israeli Apartheid will go on, and will be ultimately successful, as was the battle in South Africa.

Haim Bresheeth

## Notes

- [1]. See The Lawfare Project: <http://www.thelawfareproject.org/what-is-lawfare.html>, and <http://www.thelawfareproject.org/News/the-chilling-effect-of-lawfare-litigation-alan-dershowitz.html>, accessed on April 3, 2015
- [2]. See Alain Badiou, Eric Hazan and Ivan Segré (2013) Reflection on Anti-Semitism, Verso, London, pp. 17-32
- [3]. See Matthew Taylor and Susan Goldenberg "Boycott will destroy British Academia, Warns

US Professor", The Guardian, June 9, 2007: <http://www.theguardian.com/uk/2007/jun/09/highereducation.israel>, accessed on March 29th, 2015

[4]. *ibid*

[5]. see Anti-Israel Academic Boycott Resource Centre (Zionism on the Web), June 9, 2007, on: [http://www.zionismontheweb.org/academic\\_boycott/UCU\\_boycott\\_of\\_Israeli\\_academics/Boycott\\_will\\_destroy\\_British\\_academia.htm](http://www.zionismontheweb.org/academic_boycott/UCU_boycott_of_Israeli_academics/Boycott_will_destroy_British_academia.htm), accessed on April 3, 2015

[6]. see Badiou et al (2013) p. 5

[7]. see <http://mondoweiss.net/2015/03/university-featuring-blumenthal>, accessed on April 2, 2015

[8]. see "Did Rome college censor Ilan Pappé because of 'Zionist intimidation'?", on <http://electronicintifada.net/content/did-rome-college-censor-ilan-pappe-because-zionist-intimidation/14319>, accessed on April 2, 2015

[9]. see Palestine Conference 2015, on <http://www.palestine-conference.net/2015/>, accessed on April 2, 2015: this conference was cancelled at short notice, and had to move to a hotel in Central London

[10]. quoted on "Pickles warns Southampton uni over 'one-sided diatribe'", on <http://www.jewishnews.co.uk/pickles-to-southampton-uni-avoid-one-sided-diatribes/>, accessed on April 4, 2015

[11]. see "British Ambassador met Universities UK over Israel and 'free speech' concerns" on : <https://www.middleeastmonitor.com/blogs/politics/17477-british-ambassador-met-universities-uk-over-israel-a-free-speech-concerns>, accessed on April 4, 2015

[12]. Statement on: <http://www.bod.org.uk/board-meets-with-vice-chancellor-of-university-of-southampton-on-israel-delegitimation-conference/>, accessed April 4, 2015 Back

[13]. Quoted in: <http://rt.com/uk/245593-southampton-israel-conference-cancelled/>, accessed on April 4, 2015 Back

[14]. see <http://www.southampton.ac.uk/news/statements.page>. Accessed on April 3, 2015 Back

[15]. To read an article describing the Court's decision, see <http://electronicintifada.net/blogs/asawinstanley/uk-high-court-backs-shutdown-israel-conference>

## Securitising universities, suppressing political debate

When Southampton University cancelled its conference on ‘International Law and the State of Israel’, the decision was an unprecedented attack on academic freedom in this country. As the official rationale, the university raised ‘safety’ issues – a pretext for its surrender to external pressure. Its pretext has antecedents which make the university’s decision even more ominous for free political debate at universities. This pattern forms part of a wider securitisation process pervading public space.

### The “securitisation process”

For a long time various authorities have invoked ‘security’ or ‘safety’ as a pretext for political objectives. Colonial and Cold War strategies exaggerated (or even fabricated) military threats to justify aggression as self-defence. For the major powers, ‘national security’ has served an agenda to extend global domination, to expand resource extraction, to demonise rival forces, to silence dissent and thus to pre-empt political debate. Since 2001 the ‘war on terror’ has justified mass surveillance, anti-terror powers, various punishments without trial and even military invasion; all become normalised for our ‘security’.

Through a subtle securitisation process, any societal conflict can be portrayed as an existential threat warranting ‘security measures’ to protect the public (Buzan et al., 1998: 24-25; Wæver, 1995). By institutionalising such practices, ‘speaking and writing about security is never innocent’ (Huysmans, 2002). Such practices generally depoliticise conflicts by technicising issues, thus conveniently protecting public institutions from criticism.

Under a ‘national security’ agenda, the UK’s National Domestic Extremism Unit has been monitoring 9000 people deemed to hold ‘radical political views’. They include anti-capitalists, anti-war demonstrators, and environmental campaigners, particularly those engaged in direct action to protest against carbon emissions, such as coal-fired electricity plants and fracking sites. All these groups are officially classified as ‘domestic extremists’ (Ahmed, 2014; see also Netpol, 2014).

When activists used the FoIA to request budget details, the police declined the request through circular reasoning: ‘Disclosing any policing arrangements would render security measures less effective’ and so ‘increase the risk of harm to the public’ (MPS, 2012). Invoking ‘security’ avoids any justification or debate.

A similar strategy has been extended from ‘security’ to a mundane ‘safety’ rationale. This featured in the recent cancellation of two conferences – on Institutional Islamophobia, and on Israel. The first involved the Prevent programme, explained next.

### The ‘Prevent’ programme: political debate prevented

Within the UK ‘national security’ framework, since 2008 the ‘Prevent Violent Extremism’ programme has identified a broad threat from people expressing ‘extremist’ views, even if they do not advocate violence. According to the Home Office, ‘Extremism is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs’ (HM Government, 2014).

Many people see those values being regularly contradicted by the UK’s global role, but such criticisms are deterred by the programme. In particular, verbal support for armed resistance abroad has been stigmatised as Islamist extremism – incompatible with ‘our values’, as if only Muslims could support such resistance against imperialist or Zionist Occupation. Numerous Muslim organizations have been funded to ‘counter violent extremism’ through widespread surveillance of their own communities.

Regardless of its public statements about British values, the Prevent programme in practice has interpreted ‘extremism’ as opposition to UK government policy, mainly amongst Muslims. This agenda has violated privacy, undermined professional norms of confidentiality and degraded local democracy (Kundnani, 2009). The Prevent programme ‘gives the state unrestricted intrusive powers into the lives of a minority community and faith – restricting their freedoms of belief, expression and association’ (Cage UK, 2014: 50).

Teachers have criticised the programme’s closure of political debate. According to speakers at the National Union of Teachers (NUT) annual

conference, many parents ask their children to stay quiet in classroom discussions on controversial issues, lest their comments be reported to the authorities. Many teachers do not know whether to open up discussions, without knowing where they would go. One teacher complained, 'We are expected to be front-line stormtroopers who listen, spy and notify the authorities of students who we are suspicious of' (BBC, 2015). The Prevent programme deters political debate and thus education for citizenship, far beyond Muslim communities.

Under the Counter-Terrorism and Security Act 2015, moreover, the Prevent programme is put on a statutory basis: public institutions must monitor 'extremist' views and report back to the Home Office. The Universities and Colleges Union has warned that the legal duty 'risks undermining the academic freedom of institutions and the trust relationship between academic staff and their students'. According to its statement, democratic values 'must be maintained so that staff and students feel they can debate issues openly' (UCU, 2015). Contrary to this aim, the Prevent programme reduces political controversy to self-censorship and threat-management techniques, thus depoliticising the issues.

#### **'Institutional Islamophobia' conference: booking cancelled by Birbeck College**

Behind the scenes, the Prevent programme has interfered in decisions of public institutions, as became clear last year. Part of the University of London, Birkbeck College was to be the venue for a critical look at 'Institutional Islamophobia: A conference to examine state racism and social engineering of the Muslim community'. It was organised by the Islamic Human Rights Commission (IHRC), and supported by numerous other organisations including the Campaign Against Criminalising Communities and Stop the War Coalition (IHRC, 2014a).

A few days before the conference date of 13th December 2014, IHRC staff visited the site to check the facilities. They were unexpectedly met by College administrators and a Prevent officer of Camden Council, who told the IHRC staff about a problem: A xenophobic far-Right group which styles itself as the 'British Resistance', Britain First, had circulated an appeal on social media to demonstrate against the conference. In previous months the same group had attempted to intimidate other venues to cancel events organised by Muslim groups. Local police had been in

contact with the College about the Britain First demonstration but had raised no problem with IHRC.

Rather than deal with any threat to the conference, College officials used the protest as an excuse to involve Prevent officers. During the site meeting, they both seemed more worried about the prospect of a counter-demonstration by an 'anarchist anti-fascist' student group. The Prevent officer asked, 'Why would you choose to have a conference like this at an academic institution?' The question implied a mis-match between such a venue and the organisers' politics. The day after the site visit, the IHRC was told that the booking was cancelled because the College could not make sufficient security arrangements in time for the event. Afterwards the IHRC chair Massoud Shadjareh said in a press release: 'It is staggering to think that an Islamophobia conference held in an academic arena can itself become the victim of institutional Islamophobia at so many levels' (IHRC, 2014b).

In those ways, the College and Prevent programme together surrendered to an overtly Islamophobic threat. The cancellation undermined political debate on government policy, especially the Prevent programme itself. This case warrants an inquiry into other bookings which may have been denied or cancelled by universities.

#### **Israel conference: booking cancelled by Southampton University**

As the most high-profile case of cancellation, Southampton University academic staff had organised a conference on International Law and the State of Israel, with financial support from the university (Southampton conference, 2014). Set for 17-19 April 2015, the conference featured renowned speakers from the Middle East, UK and elsewhere. Although critics of the Israeli state, the organisers sought Abstracts from diverse viewpoints, but few Israel supporters sent Abstracts. This conference became the next target for a long-running agenda to conflate anti-Israel with antisemitic stances. In February the UK's Ambassador to Israel met with Universities UK to discuss Israel and limits on freedom of speech. Topics included 'concerns over antisemitism, Israel boycotts and extreme speakers on campus', including the Southampton conference as an example (White, 2015).

Over several months the conference was attacked by Zionist organisations (Jewish Leadership Council, Zionist Federation and Sussex Friends of

Israel), some MPs and eventually, Eric Pickles, Minister of Communities and Local Government. According to some criticisms, the conference was 'antisemitic' and undermined 'cohesiveness'. Sussex Friends of Israel eventually announced a demonstration against the conference.

A couple weeks before the conference, the university cancelled the booking, stating that it would be unable to ensure people's safety. As it acknowledged, a University is legally obliged under the Education (No 2) Act 1986, to ensure that freedom of speech within the law is secured for members, students and employees of the University, as well as for visiting speakers. But this freedom was countered by its responsibility under other laws including the Health and Safety at Work Act 1974, according to the administration. Under these obligations, if the safety risks at an event are above a certain level and mitigating action cannot reduce them below that level then the University cannot allow that event to proceed. It has now become clear that the foreseeable risks to safety and public order at and near the conference venue have surpassed any practical mitigation that the University can put in place. Under the circumstances the University is obliged to withdraw permission for the conference and is following the processes set out in its Code of Practice (Southampton University, 2015).

As evidence of such risks, the university cited the call for an anti-conference demonstration and the prospect of a pro-Palestine counter-demonstration, yet the latter had not been announced. This was a pretext for surrendering to Zionist pressure, as indicated by the following three statements:

According to the president of the Board of Deputies of British Jews, 'When we had a meeting with the university vice-chancellor they said they would review it on health and safety terms. The two lines of attack possible were legal and health and safety and they were leaning on that one' (Jewish Chronicle, 15.03.15). According to the organiser of the planned demonstration, 'At no time did the police express any concern regarding our demonstration and were quite happy to facilitate our legal right. We are aware however, that there were other groups who were planning to protest on a separate date and also those planning a counter-protest to ours. We fully reject any implication or suggestion that the demonstration being organised by us gave rise to concerns regarding public disorder. At no point was this ever raised by the police with us' (Jewish

Chronicle Online, 02.04.15). According to the Zionist Federation, 'while the official [university] statement cites concerns about public protests, we believe that the negative publicity prompted by the campaigning played a significant role in the university's decision' (Zionist Federation weekly update, 02.04.15).

After the conference was cancelled, its organisers brought a case against the university at the High Court (see article by Robert Wintemute). Under pressure to justify its decision, the university disclosed its pre-event risk assessment. This foresaw 300-1000 demonstrators with potential clashes between Left-wing and Right-wing groups, the latter because the local pro-Israel group had alleged links with the English Defence League (Southampton Daily Echo, 14.04.2015).

Although such political linkages generally exist, the official 'risk assessment' exaggerated the prospective turnout in a provincial town, especially from a counter-demonstration which had not been announced. Moreover, the latter claim implicated pro-conference activists in potential violence. In these ways, 'safety' issues became a pretext to renege on the university's commitment, to undermine academic freedom and to stigmatise the conference itself.

### **Conclusion: maintaining political debate in universities**

Universities have a duty to protect academic freedom and to host political debate, yet this role is being undermined by a securitisation process, displacing political conflict onto 'security' or 'safety' issues. As described above, the two conference cancellations set precedents for suppressing free debate at universities. By simply threatening to hold a protest, external pressure can achieve cancellation of a conference. And any university administration can raise 'safety' issues as an all-purpose pretext for its surrender to hostile forces, e.g. government Ministers, civil servants, the far Right, Zionist groups, etc.

The political danger is systemic, jeopardising any event awkward for government policy or a university administration. The Birkbeck College cancellation further revealed how the Prevent Violent Extremism programme prevents political debate. The Southampton cancellation raises the political stakes because the Israel conference was originally sponsored by the university administration. According to the official narrative in both cases, moreover, the physical threat came partly from groups supporting the conference,

thus stigmatising its content and its potential effects as inappropriate for an academic venue.

As our response, we must counterpose free political debate and academic freedom to the bogus 'safety' pretext, but much more is necessary. To counter the danger, academics will need to gain support from all relevant groups supporting universities' role as sites for open debate. While this is an essential basis for active citizenship, the converse also applies: To protect universities' proper democratic role from its enemies, we must exercise active citizenship and political power through alliances beyond academia. Les Levidow

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