

**The Palestine Exception to Free Speech:
Intertwined Stories from the Frontlines of UK-Based Palestine Advocacy**

by Malaka Mohammed Shwaikh and Rebecca Ruth Gould

Although we only later came to realise its significance in our lives and for Palestine advocacy generally, February 2017 turned out to be a watershed month for those of us on the frontlines of the Palestine advocacy movement within the UK. During this month, amid a wave of cancellations of events critical of Israel, we were attacked in the media, smeared as antisemitic, and both supported and censored by our universities. The following month was marked by unprecedented censorship of Israel-critical events across the UK. As we now know, these events were linked to the UK government's adoption of the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism.¹ While many communities and activists were affected by the event cancellations and the many different forms of censorship linked to the IHRA adoption, to our knowledge, we are the only UK-based academics who were directly targeted as a result of our written statements relating to Israel during this tumultuous year. Malaka was based at the University of Exeter, and completing her PhD on Palestinian hunger strikers at the time of the attack. Rebecca had recently moved to the University of Bristol, where she was a Reader (Associate Professor) in Translation Studies and Comparative Literature.

Rebecca would like to thank Kate Gould, Riz Mokal, Mike Joseph, Yair Wallach, Tom Sperlinger, and Seth Anzieska for help and insights, without implicating any of them in the views expressed here. Malaka would like to thank Yara Hawari, Ilan Pappé, Katie Natanel, Nadia Najjab, Cameron Rose, Ben Jamal, as well as family, friends, and colleagues who supported her throughout this difficult time and beyond. Copies of all materials quoted herein are in the present authors' possession unless otherwise indicated.

¹ For further background on the working definition and its adoption within the UK, see Rebecca Ruth Gould, "Legal Form and Legal Legitimacy: The IHRA Definition of Antisemitism as a Case Study in Censored Speech," *Law, Culture and the Humanities* (<https://doi.org/10.1177/1743872118780660>).

Two years after these events, we are telling our stories together. Although we did not know each other at the time when we were attacked, we have since become allies, co-authors, and academic collaborators with a common interest in Palestine.² The better we came to know each other, the more struck we were by the elements that brought our stories together. We were attacked by the same organisation in the days leading up to Israel Apartheid Week, in both cases for statements we had made about Israeli politics several years earlier. In both cases, too, the media systematically distorted what we had said, and our universities failed spectacularly to support us while we were under attack. Few observers at the time recognized the links between what was happening to us, but in retrospect the timing and other parallels in the attacks makes them appear like part of a coordinated effort to silence Israel-critical speech.³ The intertwining of our stories sheds light on the pervasive media and institutional complicity in silencing dissent across Europe and North America every day.

This is not however the only reason for considering how our stories intersect. Our intertwined stories—their simultaneity, their parallels, and their divergences—also provide material for reflection for activists who recognise their reliance on free speech as a condition of possibility for their activism. Our encounters with censorship shed new light on the dynamics that the US-based advocacy organisation Palestine Legal has termed “the Palestine exception to free speech,” whereby special interest groups “pressure universities, government actors, and other institutions to censor or punish advocacy in support of Palestinian rights.”⁴ They also reveal how hate speech wounds within the particular logic of the Palestine

² Our first co-authored publication is Malaka Mohammed Shwaikh and Rebecca Ruth Gould, *Prison Hunger Strikes as Civil Resistance: Protesting Imprisonment in Palestinian Prisons* (Washington, DC: International Center on Nonviolent Conflict Research Monograph Series, 2019).

³ These efforts arguably reached their peak the following year, in the explosive controversy relating to antisemitism within the Labour Party. For further background see Jamie Stern-Weiner, “Labour’s fabricated anti-Semitism crisis,” in *Corbyn and the Future of Labour* (London: Verso, 2016).

⁴ “The Palestine Exception to Free Speech,” Executive Summary p. 3 <https://ccrjustice.org/sites/default/files/attach/2015/09/Palestine%20Exception%20Report%20Executive%20Summary%20Final.pdf>).

exception to free speech.⁵ By exploring the intersections of free speech and Palestinian rights in these pages, we shed light on the specific pressures that advocates face, and reveal how even liberal democracies with robust traditions of supporting free speech tend to fall short when it comes to supporting the rights of activists and academics in their campaigns for Palestinian rights.

We narrate our stories consecutively, beginning with Malaka's and followed by Rebecca's, and then consider the similarities and differences that marked our experiences. We conclude by reflecting on how universities and academics can respond to such attacks while respecting the academic freedom of their faculty and students and being attentive to the challenges faced in particular by minority members of the community and by Palestinians when they come under attack. The ways in which we were targeted and attacked were related—having occurred simultaneously—and different, given our distinct positions within the academy's hierarchy. In co-authoring each other's narratives, we reshaped our respective experiences, which were isolating in the extreme when they first occurred, away from the politics of recrimination, and towards new solidarities, that could only have emerged based on what we experienced separately during this political targeting. The co-authoring of our narratives thereby became a co-authoring of each other's life story, and a means of linking our individual experiences to a broader collective goal.

Malaka's Story: Guilt by Association

I was targeted first, on the last day of the elections for the Vice-President of the Exeter Student Guild. The Campaign Against Antisemitism (CAA), an organisation that subsequently came to dominate much of the conversation in the UK concerning antisemitism within Labour and university contexts, tagged me in a tweet on 17 February. They complained that antisemitic graffiti, including swastikas, sprayed on university residence

⁵ We are indebted to Julie Rak for this formulation.

halls, had been ignored by the university. On that day, an exchange took place between CAA and the University of Exeter's official Twitter account, which made clear that the group was seeking to implicate me in these antisemitic events, notwithstanding a total absence of evidence. "As @UniofExeter brushes off antisemitic incidents," CAA wrote, "we reveal that @MalakaMohammed is about to be elected unopposed."⁶

The link proposed was spurious; I had no knowledge of the graffiti and was in no way a party to it. But no one bothered to examine the data critically. Like the media, the university accepted uncritically the guilt-by-association tactics put in place by CAA, and failed to challenge the spurious link drawn between the antisemitic incidents and my six-year-old tweets. To CAA's tweet complaining about my upcoming elections, the university responded "Hi, you can read a statement on antisemitism from our Vice-Chancellor here."⁷ CAA's complaint was retweeted by CAA chairman, and the university reposted the same statement, never once consulting with me concerning their media strategy or taking my interests into consideration.⁸ Notably, the statement from the Vice-Chancellor referred to an entirely different and unrelated series of antisemitic incidents, which were completely unrelated to my controversial tweets.

While both CAA and the university Twitter account conflated the antisemitic incidents with my Twitter feed, there was no evidence to support this linkage, which appears to have been crafted to intensify the hostility of the attack on me. While the attacks against me were mounting, I won the elections. In my victory speech a few days later, I spoke out against all forms of racism, including antisemitism:

I want to tell all those people who have been attacking and threatening me throughout the past few weeks, you are dealing with a Palestinian woman [...] who will never feel weak in front of your Islamophobic attacks. I will resist, we will resist. I will continue to fight for freedom, justice and equality of my people in Palestine. I will continue to fight

⁶ Campaign Against Antisemitism, @antisemitism (18 February). Tweet.

⁷ University of Exeter, @UniofExeter. <https://twitter.com/UniofExeter/status/832684063303442433> (17 February, 8:12PM). Tweet (thread containing the tweets in n7 and n8 below).

⁸ The tweet can be accessed here: <https://twitter.com/GideonFalter/status/832600252498731012> and here: <https://twitter.com/UniofExeter/status/832683661652791296>.

all forms of racism and fascism. And I hope you will join me in this because together we are stronger, together we will win. Together our world will be brighter and more inclusive for all regardless of our difference, where we come from, our religions, or background ethnicities. Because we can still disagree and love each other unless your disagreement is rooted in my oppression and my people's oppression and the denial of their human rights and right to exist.

The day after the elections, CAA wrote back on Twitter to the university. “Strong words, @UniofExeter,” they wrote, again referencing a decontextualized tweet, “We just found @ExeterGuild’s new VP is “proud to be called terrorist.” What will you do?”⁹ the university responded: “Any action will be taken as determined by our Disciplinary Procedure.”¹⁰ While the controversy around my tweets raged and CAA circulated inflammatory images of me on multiple social media channels that seemed intended to stoke hatred and fear of Islam, and of Palestinians, at no point did the university consult with me regarding their exchange with CAA. Nor did they challenge the guilt-by-association tactics deployed by the CAA. To the contrary, the university response validated CAA’s smear, treating me as guilty until proven innocent for comments made on my Twitter feed many years before I joined the university.

The attacks on social media were gratuitous and calculated at the same time. They encouraged a torrent of hateful messages, with misogynist rants such as: “I present the cutie pie of the week a Nazi in a hijab!...Funny she looks familiar to me. Isn’t her name ISIS?” Others played up my immigrant status. “Hate speech=deport her,” one comment read. On Facebook, a woman wrote “Lock her up before she gets to do more than talk!! Or deport her...either way!!” “How is hate speech legal?” someone wrote, “Why is she not under arrest?” As with CAA and university response, my own free speech rights were entirely ignored. My Israel-critical speech was conflated with hate speech and these connotations were followed by calls for my deportation.

⁹ Campaign Against Antisemitism, @antisemitism (18 February). Tweet.

¹⁰ University of Exeter, @UniofExeter (18 February). Tweet

The online attacks continued for many more months. The controversial media commentator Katie Hopkins joined in, tagging me in a tweet stating, “Saudi has big plans for your city. Stop this takeover.” In this same tweet, Hopkins shared the email address of the Exeter City Council, and encouraged her followers to report me (see figure 1).¹¹ As before with CAA’s attacks, no one specified what precisely I had done to merit this attack, instead preferring the technique of guilt by association (first in connection with the antisemitic graffiti, and later in connection with my hijab, visibly Muslim appearance, and Palestinian identity). A freedom of information request that I later placed with the City Council revealed a large number of emails sent to the Council immediately following Hopkin’s tweet. Contrary perhaps to Hopkins’ expectation, these emails were mostly supportive of me. I asked the University to step in and protect me. After several phone calls with the university representatives, the university decided that the responsibility to respond lay with the Student Guild, an entity that was legally autonomous from the university, notwithstanding their extensive interaction on social media directly with CAA and their complicity in applying guilt by association tactics to cause me harm.



Figure 1: Pinned on Hopkins Account, dated 17 April 2017 at: 8:51am

Racist comments on social media were tolerated, on the Guild’s website and on general attacking media outlets. I was harassed and threatened with “sacking from office,” and “locking up.” The Trump presidency had just begun and “travel ban” was advocated against me. Around that time, with the harassment reaching an unbearable phase, my Twitter

¹¹ The tweet has now been deleted. Figure 1 is a screenshot taken from when the tweet was pinned to Hopkins’ account, when it was the first tweet any user would have seen who visited her account.

handle was hacked. Further tweets were sent from it on 20 February 2017.¹² The attacks on me received coverage in the Israeli media (including the *Times of Israel*, which subsequently posted sensationalized stories about me on their Facebook page.) In Exeter, walking in the street became unbearable. Every time I ventured across campus, I was followed by two students. I overheard others speaking about me while I was abused by others verbally. Although I reported all of these incidents to the relevant authorities, much time passed before any action was taken. The stress and damage to my mental health was incessant, and the support provided to me by the university was almost non-existent.

On March 14, the Guild's Trustee Board issued a statement clearing me of all allegations.¹³ By March 2018, the majority of the media outlets that published the CAA claims removed them and some added public apologies. This was the result of complaining to the Independent Press Standards Organization (IPSO), the independent regulator of most of the UK's newspapers and magazines, 13 March 2017.¹⁴ Yet the scars remain. Among the most painful aspects of the university's handling of my case was their failure to support me from the beginning, and to recognise the racialized nature of the attacks against me, including in particular the guilt by association smear tactics deployed by CAA. No one at any stage in the attacks ever directly alleged that I was responsible for the antisemitic graffiti. Yet the media framing of the attack, as well as CAA's accusations, continuously linked my tweets from years past to student groups who posted antisemitic swastikas on the university campus. Not only was this coverage irresponsible: it was also complicit in the racism that continues to shape the experience of higher education for the BAME community throughout the UK.¹⁵

¹² According to an email I received from Devon Live, it was hacked by CAA, "[the reporter] saw that [your account] was not being operated by you, but had apparently been taken over by the CAA."

¹³ For a more detailed timeline of the attack on Malaka, see <https://medium.com/@MalakaMohammed/statement-4688a3ed7eff>. Also see the statement from Exeter Guild available at <https://www.exeterguild.org/news/article/6001/social-media-statement/>. A Guild statement in response to Hopkins' tweet was also published in the Exeter student newspaper *Exposé*: <http://exepose.com/2017/04/18/katie-hopkins-slams-new-university-accommodation/>.

¹⁴ IPSO does not regulate the non-UK media outlets that also participated in the attack on Malaka.

¹⁵ See Kalwant Bhopal, *The Experiences of Black and Minority Ethnic Academics* (London: Routledge, 2017).

Just as notable as was the systematic racism that encouraged the attacks on me was the elision of my free speech rights during the university's adjudication of the accusations against me. My academic freedom as a PhD student and a scholar of Palestine was never recognised or even noted by anyone involved in assessing my controversial tweets. In this respect, the contrast with the response to the attack on Rebecca by the University of Bristol, is striking, and indicative of the differential ways in which freedom of expression is apportioned by the academy. Students and academics on fixed contracts are not seen to merit the protections for academic freedom that are regularly extended to their more senior colleagues.

My experience in trying to tell my side of the story following the attack taught me much about the media's complicity in silencing Palestinian voices. Back in early 2017, CAA was a relatively unknown organisation. Many mainstream Jewish communal organisations regarded it with suspicion and criticized its findings.¹⁶ One of the most peculiar and least studied aspects of the controversy around antisemitism in the Labour Party is the way in which it has been accompanied by CAA's rise in prominence, and how the media has conferred on it a legitimacy that it earlier did not possess. Surprisingly to some, traditionally left-of-center media outlets such as *The Guardian* have played a leading role in legitimating CAA's defamatory guilt-by-association methods.¹⁷ As the next example shows, even alternative media outlets known for their reliable and sympathetic treatment of Palestine-related issues have had their integrity compromised by the antisemitism controversy and in particular by the pressures that CAA has exerted on the public sphere, through threats of lawsuits and defamation.

¹⁶ The Institute for Jewish Policy Research described one of CAA reports on antisemitism within the UK as "littered with flaws, and in the context of a clear need for accurate data on this topic...rather irresponsible" ("Researching Antisemitism," 14 January 2015; available at <https://www.jpr.org.uk/newsevents/article.1012>).

¹⁷ Flaws in *The Guardian's* coverage of antisemitism within the UK are documented at length in Justin Schlosberg and Laura Laker, *Labour, Antisemitism and the News: A disinformation paradigm* (London: Media Reform Coalition, 2018).

After the university determined that there was no basis for disciplinary action, I proceeded to draft a narrative about my experience, in which I reflect on the broader challenges that early career BAME academics face when they are attacked as I was in the lead-up to Israel Apartheid Week. I was approached to publish an early version of my story in *Mondoweiss*, an alternative media outlet that self-describes as “an independent website devoted to informing readers about developments in Israel/Palestine and related US foreign policy.”¹⁸ *Middle East Eye* (MEE), a London-based online news outlet focusing on the Middle East, also expressed interest in publishing a similar version of this story, saying it is an “excellent piece.” However, the publication was stopped when MEE reached out to CAA for a response on 16 March 2017, “We’ve had a strongly worded reply back from the CAA. I’ve shared it with my boss, and we are going to need to run this by our lawyers first thing in the morning.”¹⁹ When I reached out to MEE to ask them to release their communication with the CAA, their response was, “MEE is not obliged, and it would be inappropriate, to provide you with the correspondence to which you refer [...]”²⁰ When contacted later regarding our plans to reflect on this incident in the present essay, the publication responded as follows: “It is not correct to suggest that MEE did not publish your piece because of pressure from the CAA, and it would be wholly improper for you to publish such an assertion. You are well aware that MEE does not simply yield to pressure of that kind. In this instance, we took the view—on professional legal advice—that we could not be sufficiently confident that it would serve the interest of the public as a whole.”²¹ MEE’s assessment that my story did not “serve the interest of the public as a whole” should be assessed alongside the fact that they had read

¹⁸ Malaka Mohammed, “Character assassination as a tool to silence a Palestinian activist” <https://mondoweiss.net/2017/03/character-assassination-palestinian/>, *Mondoweiss* (4 March 2017).

¹⁹ Emails from Dania Akkad (dania.akkad@middleeasteye.org) to Malaka Shwaikh dated [16 March 2017 from 10:24 – 20 March 2017 to 17:17].

²⁰ Email from Hailma Rahman (Legal@middleeasteye.org) to Malaka Shwaikh dated [15 August 2018 at 10:19]

²¹ Email from Halima Rahman (Legal@middleeasteye.org) to Malaka Shwaikh dated 28 Mar 2019 at 16:26.

and had agreed to publish the piece on, prior to being contacted by CAA.²² While I do not accept MEE's explanation, I include it here in full in the interest of accuracy. MEE's complicity in silencing me and in preventing my side of the story from circulating is particularly disappointing coming from a news outlet has traditionally been on the vanguard of sharing Palestine perspectives on Israeli human rights abuses, and which regularly publishes work by Ben White, Jonathan Cook, and other journalists well-known for their support for Palestinian rights.²³

Endless polemics have been generated in connection with Labour's antisemitism controversy. Meanwhile, relatively little has been written about CAA, the organisation that played a leading role in orchestrating the controversy and in shaping media coverage.²⁴ The scarce commentary that exists by and large lacks a critical methodology.²⁵ As a result, allegations made against Palestinian activists are regularly taken at face value, while the accusing parties are not subjected to adequate scrutiny. The consequences of the media's biased and uncritical treatment of CAA and other groups that smear Palestine advocates as antisemitic are brought into focus by the treatment of me. A video, still posted online on CAA's YouTube account, splices images of the antisemitic graffiti at Exeter with images of me in hijab, alongside my tweets from years prior, and calls for my expulsion to the accompaniment of ominous music.²⁶ As the recent Christchurch massacre shows, when left unchecked, the combination of hateful social media, racist media coverage, and institutional

²² See footnote 19 above.

²³ MEE has covered the antisemitism within Labour controversy (see for example Jonathan Cook, "Anti-semitism is cover for a much deeper divide in Britain's Labour party," <https://www.middleeasteye.net/opinion/anti-semitism-cover-much-deeper-divide-britains-labour-party>, 20 February 2019) but apparently the racist smearing of me by CAA too controversial even for them.

²⁴ In the absence of reliable media coverage, legal rulings such as *Greenstein v Campaign against Antisemitism* [2019] EWHC 281 (QB), which found CAA guilty of defamation, provide insight into CAA tactics. The judgement is archived at <https://www.5rb.com/case/greenstein-v-campaign-against-antisemitism/>.

²⁵ Sarah K. Cardaun for example simply describes CAA as a new organisation "aimed at drawing public attention to...the new antisemitism" in *Countering Contemporary Antisemitism in Britain: Government and Civil Society Responses Between Universalism and Particularism* (Leiden: Brill, 2015), 152.

²⁶ Campaign Against Antisemitism, "Exeter students invite terrorist-supporting antisemite to reassure Jewish students" (<https://www.youtube.com/watch?v=ksHENJEmqpk>; video dated 20 February 2017).

apathy towards the targeting of BAME communities and individuals can lead to serious violence.²⁷ Even when the public expressions of racism that so heavily marked the attack on me do not directly result in physical violence, racist tendencies within the public sphere are reinforced while antisemitism remains unaddressed.

Rebecca's Story: Silencing Critique, Erasing Context

My story begins with an article I wrote in 2011, which was brought to the attention of the media by the same organization that had initiated the attack against Malaka.²⁸ This brief article was written while I was living in Bethlehem and commuting to Jerusalem on a daily basis as a postdoctoral fellow at the Van Leer Institute Jerusalem, a centre for advanced studies in all areas of the humanities. I was a recipient of a five-year Polonsky fellowship, widely regarded as Israel's most prestigious humanities-oriented fellowship. Although I applied just before receiving my PhD with a project relating to Islamic rhetoric, I was also interested in learning more about Israel/Palestine. As a graduate of Columbia University's Middle East and Asian Languages and Cultures (as it was then called) I was intimately familiar with Palestinian advocacy, but had decided that I would wait to commit myself to a specific position until I had the chance to witness the situation first hand. The Polonsky fellowship gave me a chance to live in Bethlehem and work in Jerusalem, and thereby to experience life under occupation and within Israel during the same time, often during the same days.

My article, entitled "Beyond Anti-Semitism," had Judith Butler's essay written in defence of BDS as one of its main intertexts. The title was a reference to her essay "No it's

²⁷ For a recent reflection of the role played by hateful views in perpetrating this massacre, see A. Dirk Moses, "White Genocide' and the Ethics of Public Analysis," *Journal of Genocide Studies*. Online First: <https://www.tandfonline.com/doi/full/10.1080/14623528.2019.1599493> (2019)

²⁸ The article was published in *Counterpunch* (November 2011) under the title "Beyond Anti-Semitism." For a detailed account of the circumstances surrounding this adoption, see Gould, "Legal Form and Legal Legitimacy."

not Anti-semitic.”²⁹ In her foreword to a volume on antisemitism published by Jewish Voice for Peace, Butler addresses how it feels to be accused of antisemitism. As she writes, “Those who make use of the accusation [of antisemitism] for the purposes of suppressing criticism actually know that the person accused is not antisemitic, for otherwise the accusation could not hurt as it does. Indeed, it does not matter whether the accusation is true, because the accusation is meant to cause pain, to produce shame, and to reduce the accused to silence.”³⁰

I am not Jewish according to any widely accepted definition, but Butler’s words deeply resonated with me. On my father’s side, I am of Jewish descent. My father’s ancestors were born in Lodz, in present-day Poland, in what was then the Pale of Settlement within the Russian empire. They migrated to Australia in the nineteenth century, in search of new opportunities, before arriving in America, where they became perfect capitalists, even to the extent of converting to Catholicism and changing their name from the Jewish Goldstein to the gentile Gould to increase their economic prospects. In order to further their capitalist ambitions, they concealed their Jewish roots. Such is the extent of my ancestral link to Judaism.

On January 2017, I was informed by my Head of School that a student who had attended one of my large lectures on literary translation deemed my 2011 article (which he had located online) antisemitic. He appeared to have come across it while browsing my profile on the Social Science Research Network, a scholarly repository widely used by political scientists and legal scholars.³¹ He condemned my article in the online edition of *Epigram*, the student newspaper, while concealing both his name and my own. He stated that, so long as I did not bring my views concerning Israel “into the classroom,” I had “the right to

²⁹ Judith Butler, “No, it’s not anti-semitic,” *London Review of Books* 25.16 (2003): 19-21.

³⁰ Judith Butler, “Forward,” *On Antisemitism: Solidarity and the Struggle for Justice* (Boston: Haymarket Books, 2017).

³¹ I have since relocated the article to ResearchGate, and added numerous supplementary sources for additional context. It is available here: https://www.researchgate.net/publication/228322693_Beyond_Anti-Semitism.

them, however much they disgust and repel[led].”³² Yet he also insisted that my article was antisemitic, specifically my discussion of the Nazi legacy, which, he wrote, “is officially defined as contemporary anti-Semitism, whether you like it or not.” Interestingly, the student included a hyperlink to the EUMC definition of antisemitism under the words “contemporary anti-Semitism,” as if to say that the meaning of antisemitism was changing in light of new governmental approaches to the IHRA definition.³³ In certain respects, he was entirely right. A colleague who read the letter pointed to the student’s invocation of the new definition as a sign that I had every reason to be afraid. A few weeks passed in awkward silence and nervous negotiations with the university administration (who had been warned of the simmering controversy by the editor of the student newspaper). No one knew how to react, or what the future held. As with the attack on Malaka, the university’s first priority was to avoid controversy. Bristol at that time had recently attracted significant negative media attention due to a string of student suicides, and the last thing they wanted was more negative media coverage.

As with the University of Exeter, Bristol wanted to keep things under wraps, to conceal rather than reveal. Given the intensity of debate around Palestine/Israel, it was however inevitable that the story would circulate. On 20 February 2017, the day of Malaka’s victory speech condemning racism and two weeks before Israel Apartheid Week, a story appeared in *The Telegraph* repeating the distorted and misleading claim that I had called for the Holocaust to be no longer ‘privileged,’ when in fact I had simply advocated for the use of the Hebrew word Shoah in place of the Christian term Holocaust.³⁴ Ironically given the

³² Anonymous, “Letter to my Lecturer,” *Epigram* (27 January 2017).

³³ This URL, which links to the text of a definition that almost entirely mirrors that of the IHRA definition that the UK government had adopted a month earlier, is as follows: <https://www.antisem.eu/projects/eumc-working-definition-of-antisemitism/>. The student’s letter is no longer archived on *Epigram*’s website.

³⁴ Camilla Turner, “Bristol University investigates claims of anti-Semitism after lecturer claims that Jews should stop ‘privileging’ the Holocaust,” *The Telegraph* (<https://www.telegraph.co.uk/education/2017/02/20/bristol-university-investigates-claims-anti-semitism-lecturer/>).

article's reception, my goal was to emphasize the singularity of the genocide of the Jewish people and to point to its legacy in the present, not to detract from this atrocity. One of the worst aspects of the distortion to which the article was subjected from my point of view was the erasure of its Palestinian as well as its Israeli context, for it was an article that could never have been written in any other geography, outside the parameters of that specific conflict.

The Telegraph story was followed by a wave of threatening and harassing emails, as well as lengthy diatribes, some of which were masked as letters of support, from a number of people who appeared to be suffering from various neuroses, including "Holocaust scepticism."

The university lawyer asked me not to make public statements, so I relinquished any attempt to set the record straight and confined myself to a sound byte-style defence of anti-Zionism, since the media was unwilling to address the issue in depth. My freedom to speak was immeasurably greater than Malaka's, yet it was still quite limited. The student who instigated the incident meanwhile vocally portrayed himself as a champion of free speech in venues such as *The Jewish Chronicle* and the *Huffington Post*.³⁵ He gave interviews to these newspapers concerning why, although he despised my way of thinking, and continued to view me as a Holocaust denier, he opposed calls for my dismissal. He explained that he had decided to address the challenge posed by my critique of Israel (which I had never directed to him, or to any student ever, and never referenced in a classroom context) by creating his own "safe space" in the classroom. Although *The Jewish Chronicle* claimed in its interview with the student about me that "Dr Gould did not respond to a request for comment from the JC," I received no emails or phone calls from the newspaper and was given no right of reply.

Similarly, *The Telegraph* reporter who 'broke' the story concerning my article refused to run

³⁵ Rosa Doherty, "Student says lecturer he accused of antisemitism should not be sacked," *The Jewish Chronicle* <https://www.thejc.com/news/uk-news/student-says-lecturer-he-accused-of-antisemitism-should-not-be-sacked-1.433267> (24 February 2017).

a follow-up story once the inquiry had concluded in my favour, or even to correct the misleading allegations in the original article.

Like Malaka, if in different ways, I experienced a significant amount of silencing around the events that were occurring to me. The Head of School, who was nominally supportive and repeatedly affirmed that she did not see anything wrong with my article, also warned me of the negative consequences of having it posted on a public website. Given the precarity of my situation, I complied with everything that was asked of me. While no one directly demanded that I take the article down, it was clear that it was the option preferred by university administrators. Knowing how reliant I would be on their support in the days ahead, I did exactly what I knew they wanted me to do.

Another uncanny similarity between Malaka's experience and my own has to do with our relationship to the media. Like Malaka, I felt the urge to tell my side of the story as soon as the attack began, and I saw my writing systematically distorted and quoted out of context. I therefore contacted an editor at *The Guardian*, who showed an interest in giving me the opportunity to tell my side of the story. The university expressed a preference that I wait until the inquiry had concluded to tell my story. Also, for the sake of maintaining a consistent narrative, it seemed better to wait until the university was able to issue a press statement in my defence. They did not do this until July 2017, at which point the following text appeared in a relatively obscure part of the university website.

Earlier this year we received a complaint from the Campaign against Anti-Semitism which raised concerns about an article called 'Beyond Anti-Semitism' written by Dr Rebecca Gould, a Reader in Translation Studies and Comparative Literature in the School of Modern Languages, and published in 2011.

The University carefully and extensively reviewed Dr Gould's article and concluded that the article is not anti-Semitic and does not breach the proper bounds of freedom of speech and academic freedom. We will therefore be taking no further action in relation to this matter.³⁶

³⁶ The statement remains posted here: <https://www.bristol.ac.uk/media-library/sites/red/documents/research-governance/Univeristy%20of%20Bristol%20Statement%20about%20Beyond%20Anti-Semitism%20Article.pdf> (accessed 2 May 2019).

By this point, now that much of the controversy had subsided and I still had a story to tell, the press office fully supported me going public with my story. I therefore renewed the conversation with *The Guardian* editor, who reviewed my piece and made preparations for its publication. The essay would be posted on The Guardian website within days, I was told. Then suddenly, as happened to Malaka, the editor fell silent and the publication was stalled. Since this silence coincided with a period of particularly misleading coverage in the mainstream media around the IHRA definition of antisemitism and its controversial status within the Labour Party, it was difficult not to make a connection with *The Guardian's* apparent resistance to publishing my piece after they had already agreed to. At any rate, the conversation with *The Guardian* ended there and I returned to pursuing these questions in scholarly domains.

When you are labelled an antisemite, you engage with the world differently. You wonder whether your interlocutors suspect you to be antisemitic, whether they consider you morally or mentally corrupt, guilty of the very thing you most despise. If they make no comment on the accusation, you assume that they secretly despise you, consider you beneath contempt, and that their treatment of you as a friend or colleague is mere politeness. You feel the urge to speak constantly about the accusations made against you, to repeatedly confess the crime you did not commit, to purify yourself of the imputed guilt, the antisemitism you inherited by virtue of your birth, or perhaps your politics. If you force yourself to keep silent, you are consumed by guilt. Projection starts to matter more than reality. Everyone and everything suddenly becomes suspect. Notwithstanding all of the introspection that the accusations generated, I remain convinced that CAA was engaging in deeply harmful activities when they persecuted Malaka and, during that same period, campaigned for my dismissal because I had written an article that they didn't like. Observing the racist treatment

of Malaka that followed from their public smears helped me to understand the negative role that this organisation plays within the public sphere.

Context, it is said, is everything. This cliché can be dispensed with for the interpretation of literary texts. From a literary perspective, the text also matters. What we make of the text depends heavily on the context within which it is interpreted. Literary texts create their own contexts, independent of the worlds within which they were created. They also create new contexts for new readers, and this is what makes them literary. But not every text transcends its historical provenance. Not every text can continue to signify in the aftermath of its decontextualization. “Beyond Anti-Semitism” is context-bound. It is best understood as an historical document written from within the occupation. Judged as literature—as a text that speaks for itself—it fails, due to its inability to transcend its time and space. Whether it merits apology or praise (and I received both in connection with the controversy) seems to miss the point for a text that is, first and foremost, an historical document. As to whether the article or its author is antisemitic, as someone who believes in the importance of taking all allegations (whether of racism or sexism) seriously, I prefer to let others form their own opinions on the basis of the text itself. But what I have learned in the process of trying to arrive at an answer to this question is that there is unlikely to ever be a consensus around the definition of antisemitism. Equally, I learned that the erasure of context impossibly constrains any good faith effort to work towards antisemitism’s eradication.

Techniques of Character Assassination and Decontextualization

Our stories belong to a vast apparatus of techniques used to continue the war on Palestinians and their well-being beyond the bounds of Israel proper. These censorious tactics that are becoming increasingly normalised across Europe and North America parallel in many respects developments within Israel in recent years, wherein the government increasingly punishes speech critical of Israeli human rights violations in the West Bank and

the Gaza Strip.³⁷ Since the creation of Israel in 1948, Palestinians have been killed, deported, surveilled, imprisoned and subjected to intensive campaigns of character assassination. Such attacks systematically silence the voices that most need to be heard.

While there are drastic differences between the suppression of freedom in the occupied territories and the suppression of Israel-critical descend within the UK and North America, these acts of silencing seem to operate according to parallel trajectories, and sometimes exhibit common features. The “evidence” used to smear us was based on old work, taken entirely out of context, and manipulated to create a false picture. Interlinked tweets by Malaka were published separately, others were mistranslated or decontextualized, and some tweets were hacked. Rebecca’s words were similarly misquoted in ways that construed them as asserting the exact opposite of what they said. Attempts to defame us as Palestinian activists, and for Malaka as a Muslim woman, are political in nature, with aims to silence and exclude us, and demonstrates that racism is not a thing of the past and permeates our institutions at all levels. Mainstream media reiterated the untruths, giving further weight to the slurs and defamation. Media outlets that supposedly sympathetic to academic freedom, initially lent their support to the idea of making our voices heard. However, they soon withdrew their offers, potentially fearing adverse legal action from the attacking organizations.

Why were we targeted for attack? At a time when we need a proper campaign against antisemitism, Israel advocacy groups like CAA work instead to attack Israel’s critics with false accusations of antisemitism. The use of smear tactics to silence criticism of Israel is a development that we should all be concerned about, particularly in a country that espouses

³⁷ For free speech in Israel, see Justin D. Martin, “Speech in Israel Is Not Free,” *Columbia Journalism Review* (4 November 2011; https://archives.cjr.org/behind_the_news/speech_in_israel_is_not_free.php).

values of democracy and freedom of speech. The Palestine Exception to free speech becomes more relevant every day, as attacks against Palestine activists at all levels increase.

Comparing our experience of being attacked by the media and various Israel advocacy groups reveals as many differences as similarities. Both are instructive. The attacks on Rebecca were less personal, and more focused on her professional status. At the same time, her response was a deeply personal one, for to be accused of antisemitism felt like an attack on her humanity. The hate-filled social media messages were more voluminous in Malaka's case, and the types of threats they made were more heinous. Also, because Rebecca, as an established academic, unlike Malaka who was still a student, had an excellent lawyer to support her and look out for her interests, her university had less scope for advantage of her or to dictate her actions. With that said, Rebecca too operated under extreme constraints and was pressured by the university administration (even as they supported her) to remove her Israel-critical article from the public domain. Neither of us were ever wholly in control of the narratives that circulated about us when these events occurred. The coercive silencing to which we were subjected—often by well-intentioned colleagues—motivates our need to tell our stories, and to relate them to each other, now.

Forging Solidarities from Intertwined Narratives

After years of friendship and solidarity, we have come to believe that our narratives are best understood in relation to each other. For both of us, our respective universities prioritised their reputation over an honest adjudication of the problem of antisemitism in relation to other racisms. Every ethical consideration was subordinated to possible reputational damage and negative media exposure. Malaka's response to the allegations against us was not sought prior to the university response, and Rebecca was only able to secure this consultation through the mediation of her lawyer. We were denied the right to reply by numerous media sources, and to defend ourselves and our names. Our work in anti-

racism was conveniently ignored, because it did not fit the narrative used to discredit us. Appearance mattered more than reality, as was evidenced by the fact that the inquiry into Rebecca's article was only undertaken once there was adverse media coverage and a CAA complaint. The same can be applied to Malaka's old tweets, which had been publicly available for many years. The prioritizing of appearance over reality broadly characterizes the institutional handling of our cases.

There were numerous calls to have us both removed from our positions. Malaka's situation was more precarious than Rebecca's due to the combination of her student status and her Palestinian identity. It may not have been a coincidence that we were both immigrants, and outsiders to UK higher education. Even when the university determined that she had not brought her institution into disrepute and she remained a member of the Trustee Board and continued to hold the position to which she had been elected, the university response was unnecessarily adversarial and oblivious to the racialized nature of the attacks. In Rebecca's case, a university panel comprised of three academics (whose identity was never revealed to her) determined that there were no grounds for taking disciplinary action. However, the very fact that an article published four years before she joined the university and which had not been regarded as requiring a university response until *The Telegraph* story and CAA complaint was suddenly seen to merit an inquiry attests to the way in which the university was held captive by public opinion. This valuing appearance over reality was equally in evidence in Malaka's case.

Academic freedom was invoked in Rebecca's case—it was entirely absent from the university response to Malaka—but it was by no means honoured as fully as it could have been, or as we hope it will be in the future. Our universities' handling of the attack on us contrasts in different ways with the case of Johnny Williams at Trinity College, whose social media posts led to him being placed on administrative leave by his institution, as well as to a

series of death threats. Williams has criticized the handling of the attack on him by the Trinity College administration.³⁸ Whatever the flaws of Trinity College's immediate response, the report that was issued and the recommendations from the Dean is many steps ahead of the treatment that either of us received when we were attacked for alleged antisemitism.

The most striking feature of the difference between Williams' treatment of our own relates to the centrality of academic freedom within the Dean's report and its relative absence from the university's handling of either of our cases. Concerning the controversial social media posts that led to death threats against him, Williams' Dean Tim Creswell stated that "his extramural utterances are covered by the concept of academic freedom, his responsibility to 'state the truth' as he sees it, and his rights as a citizen."³⁹ Elsewhere in the same report, he insisted that "Professor Williams' comments are political speech in a public forum on issues of current social concern, and therefore lie at the very heart of the First Amendment and principles of academic freedom."⁴⁰ British universities lack a constitutional principle, such as the First Amendment to which academics can turn to develop the foundations of academic freedom. The relative weakness of legal protections for academic freedom made it easier for this principle to recede from view in connection with the attacks against us.

Our experience shows that British universities would benefit from taking the academic freedom issue more seriously in relation to antisemitism allegations connected to the IHRA definition, which, as noted above, the UK was among the first jurisdictions in the world to adopt. The attacks against us would not have been conceivable apart from this

³⁸ See Johnny Eric Williams, "The Academic Freedom Double Standard: "Freedom" for Courtiers, Suppression for Critical Scholars," *Journal of Academic Freedom* 9 (2018; online at <https://www.aaup.org/sites/default/files/Williams.pdf>). Our aim here is not in any way to defend Trinity College's handling of his case, but rather to note certain striking features of the Dean's report.

³⁹ Tim Cresswell, "Review of the June 18, 2017 Actions of Professor Johnny Williams and College Policy" (Trinity College, Hartford, Connecticut, July 2017), 19 (available at <https://www.trincoll.edu/AboutTrinity/offices/president/Documents/FinalWilliamsReport12July17.pdf>).

⁴⁰ Cresswell, "Review of the June 18, 2017 Actions," 15

definition. Alongside arguing for a more robust implementation of the principle of academic freedom within UK universities, we also urge an extension of its remit to encompass students and other stakeholders in the production of academic discourse.⁴¹ Malaka has by now received her PhD and is teaching at the University of Leeds, whereas she was still a PhD student when she was attacked. From the point of view of her academic freedom, the distinction should be treated as irrelevant.

How Should Universities Respond?

In concluding, we have several recommendations to make. First, our universities should not have placed their public image above the mental and physical well-being of their community members. Rather than caving into media pressure, they should have centered the voices of their community members in these attacks and provided us with better and more effective provision of support. Second, university administrators should educate themselves concerning the political climate within which Palestinian advocacy and scholarship is forced to operate. Rather than rushing to judgement, they should have evaluated the situation critically, with an awareness of the widespread abusive applications of the IHRA definition and more generally the use of antisemitism allegations to silence Israel-critical speech. Third, universities should implement the principles of academic freedom in a fair and even-handed manner. This means extending the protections afforded by academic freedom and freedom of speech equally to professors, early career academics on fixed contracts, and students.

Anyone engaged in the enterprise of advancing scholarly knowledge should have their controversial speech protected by the principle of academic freedom. We were pleased to see that, in their recent statement opposing the IHRA definition, the British Society of Middle Eastern Studies (BRISMES) recognises the particular danger that the adoption of the

⁴¹ Here we urge a revision of Robert Post's account of academic freedom that excludes students from its remit. See also Robert Mark Simpson and Amia Srinivasan, "No-Platforming," *Academic Freedom*, ed. Jennifer Lackey (Oxford: Oxford University Press, 2018), 186-210.

definition poses to early career academics and students. The letter recognizes that “Academics employed on temporary contracts as well as students are particularly susceptible to self-censorship out of fear that any sort of accusations, even if false and malicious, could jeopardize their future ability to obtain permanent employment.”⁴²

If the warning issued by the UK’s leading scholarly association for Middle Eastern Studies has had an effect on the decision-making processes of those in positions of power and authority in UK higher education, this has transpired far from the public gaze. Most of the general public, like most academics, remain ignorant of the damage done by these attempts to silence and suppress Israel-critical speech, or by the profoundly unequal logic of the Palestine exception to free speech. Academics across Europe and North America should come together, in solidarity with Palestinians and other oppressed peoples, and oppose the IHRA definition alongside similar legislation, such as Prevent, the UK Government’s anti-terrorism strategy, that silences dissidents and others who criticise mainstream liberal politics.

Our most important advice, however, is for our colleagues and peers who may become caught in a similar situation, targeted for their beliefs and identities, when they least expect it. For you, we have one message: you are not alone. When you are targeted, take it as a sign of your involvement within a larger struggle. Know also that your story—and your suffering—belongs to those who will learn from your example. And know that the censorship you experience may become part of the solidarities you forge, as happened for us, over the long term. The full political meaning of what we experienced was revealed only when, as a result of our friendship, our co-authorship, and the solidarities we forged, our separate stories overlapped. Through this long process, we learned to tell two often separated histories—of the Palestinian quest for freedom and the global struggle for academic freedom—together.

⁴² Stuart Laing (BRISMES President), “Letter to Professor Dame Janet Beer on the IHRA definition of antisemitism” <http://www.brismes.ac.uk/advocacy/193-letter-to-professor-dame-janet-beer> (24 January 2019).