

Our community

1 message

Erwin Chemerinsky

Thu, Aug 25, 2022 at 5:46 AM

To: Erwin Chemerinsky

Dear Leaders of Law Student Organizations,

I had not anticipated sending another message so soon after the beginning of the school year. But a matter came to my attention in the last couple of days which I feel I must address.

The conflict in the Middle East between Israel and Palestinians poses enormously difficult issues about which there are intensely deep feelings. The Law School takes no position on these issues, or for that matter on any issues. As I have expressed on many occasions, and as recently as Monday, I want the Law School to be a place where all views can be expressed and where all of our students, staff, and faculty feel included and that they belong.

I have learned that student groups have been asked to adopt a statement strongly condemning Israel and some have done so. Of course, it is the First Amendment right of students to express their views on any issues.

But some students have come to me quite upset about this statement and there are aspects of the statement that are distressing in terms of our principles of community. For example, it states: “Furthermore, in the interest of protecting the safety and welfare of Palestinian students on campus,” student organizations signing the statement “will not invite speakers that have expressed and continued to hold views or host/sponsor/promote events in support of Zionism, the apartheid state of Israel, and the occupation of Palestine.”

It is troubling to broadly exclude a particular viewpoint from being expressed. Indeed, taken literally, this would mean that I could not be invited to speak because I support the existence of Israel, though I condemn many of its policies. Chancellor Carol Christ has also spoken about how the boycott, divest, and sanction movement “poses a direct and serious threat to the academic freedom of our students and faculty, as well as the unfettered exchange of ideas and perspectives on our campus, including debate and discourse regarding conflicts in the Middle East.”

The principles of community for the Berkeley campus --<https://diversity.berkeley.edu/principles-community> -- stress that we are committed to ensuring freedom of expression and dialogue that elicits the full spectrum of views held by our varied communities. As part of Berkeley’s Antisemitism Education initiative (<https://www.law.berkeley.edu/article/berkeley-antisemitism-initiativecampus-educational-video/>) the campus has created a video which explains why singling out the state of Israel for special condemnation, or questioning the very legitimacy of its existence, is considered by many Jewish students to be a form of Antisemitism.

I deeply support the right of all of our students to take positions on this and all issues. But as student groups decide what positions to take, I urge them to be sensitive to – and to listen to – all of our students. It is important that we be a community where all feel welcome, respected, and included.

I would also be pleased to facilitate a broader discussion or debate of these issues as a way of ensuring that all perspectives are heard and addressed.

Warmly,

Erwin