

## 2016 03 21 | Principles Against Intolerance

Fellow Bruins,

The Regents Working Group on Principles Against Intolerance recently released its Final Report. [Responses](#) are coming in fast and furious, across multiple [media](#). It's a good time for another [CrossCheck](#). Most important, here's the actual [Report](#). It's not long, so please read it instead of relying on second-hand accounts. (You can find my quick-and-dirty "taglines" for the Principles at the bottom of this post.) As you read, keep the following in mind.

### Not yet set in stone

The Regents won't vote on this until [March 23, 2016](#). Also, notice that the Report is divided into a *Contextual Statement* and *the Principles*. It's possible that the Regents might adopt just one part and not the whole.

### Social norms

There's a difference between mandatory "law"-like policies and suggested "social norms." By "law," I mean substantive requirements whose violations produce official University sanctions. For example, consider University policies against embezzlement or plagiarism. You steal money from the University or get caught plagiarizing, you better believe there are official sanctions. But "social norms" are different. If you violate these (often implicit) rules of behavior, the consequences are social disapproval, not official sanctions. For example, think about chewing with your mouth open or constantly interrupting someone who hasn't yet had a chance to speak. If you violate these social norms, you may lose friends, but the University won't be coming after you.

As I read them, the ten proposed Principles are not "law"-like. Instead they are "social norms." University leaders are expected to "consider" these principles (p.7) and "apply" them to the full extent permissible under law (Principle j, p.10). But in and of themselves, they do not require or mandate any new substantive policy. Don't get me wrong. Social norms are incredibly important, especially on matters of equity, diversity, and inclusion. And the Working Group is doing its part to spread the norms it feels most passionately about. But the social consequence, say, of fellow students avoiding you because you talk too much (violating "social norms") differs radically from the official sanction of suspension for cheating (violating "law").

### Uncontroversial principles

To be honest, I don't read the Principles themselves as super controversial. So what's the big deal? It's about academic freedom and anti-Zionism.

### Academic freedom

Aren't these Principles yet another example of political correctness gone wild that will chill robust conversation? Relax. I don't think so. Most important, note Principles d and h. The Principles themselves assure that free speech is "paramount" (Principle d) and that a heckler's veto won't be tolerated (Principle h). Beyond the Principles, the Contextual Statement is filled with language emphasizing the importance of robust intellectual exchanges. For instance, the Working Group embraces what might be called "brave spaces" over "safe spaces," and explicitly recognizes that the University requires us to be "challenged both intellectually and emotionally" (p.5). As a teacher who [pushed students extremely hard](#), I think this is exactly right. Moreover, nothing anyone says—even the Regents—changes the fact

that the First Amendment applies to UCLA. And that fundamental law, we should remember, protects freedom of expression and dissent *on all sides*.

### Anti-Zionism

By now, some readers will have grown impatient. What they really care about is not the academic freedom debate but about [anti-Semitism, anti-Zionism, and their conflation](#). That's where the *real* action's at. What did the Working Group do on these issues?

Let's start with some definitions. What is "anti-Semitism"? Well, without getting too technical, whatever you think to be "racism," apply that to the Jewish people. That's what I mean when I say "anti-Semitism."

What about "anti-Zionism"? It could mean many things, and I'm no expert. Thankfully, the Working Group dropped a footnote and defined Zionism as "an international movement originally for the establishment of a Jewish national religious community in Palestine and later for the support of modern Israel" and "[a] movement for (originally) the reestablishment and (now) the development and protection of the Jewish nation in what is now Israel." (p.2 n.1).

The term "anti-Zionism" appears only in the Contextual Statement and is conspicuously absent from the Principles themselves. The first mention is prominent, however, in the very first paragraph:

"In particular, opposition to **Zionism often** is expressed in ways that are not simply statements of disagreement over politics and policy, but also assertions of prejudice and intolerance toward Jewish people and culture." (p.2) (emphasis added).

Here, the Working Group points out that a particular political position (anti-Zionism) can be a coded, and therefore difficult to detect, expression of anti-Semitism (prejudice and intolerance toward Jewish people). Let's break down this claim.

First, is it possible that bias (against a social group) can be expressed through political positions against the interests of that group (or some subgroup)? Of course, that's possible. For example, if I have a bias against Chicanos/as, might I express that bias as a political position against immigration amnesty? Sure. If I have a bias against Trans folks, might I express that bias through political positions against, say, the diffusion of PGP (preferred gender pronouns) or gender inclusive bathrooms? Absolutely.

But just because something's *possible* doesn't mean that it's *always* so. How frequently does a political position (anti-Zionism) reflect a particular bias (anti-Semitism)? In the Working Group's estimate, it's "often." For some readers, it will "nearly always" be the case. For other readers, this will "almost never" be the case. Well, which is it? Is it 70% of the time, 95% of the time, or 5% of the time? And how might we resolve this empirical uncertainty? Could good social science help? Maybe, but what's fascinating is that almost no one points to data when we start fighting over frequency claims. It's almost like arguing over what's causing global warming without anyone bothering to take temperatures in some systematic way.

Even when we see data, we engage in what psychologists and behavioral economists call "motivated reasoning." We interpret the results in self-serving ways to further our own politics. One way to counter this tendency is to engage actively in perspective-switching or rotating problems onto different planes. So try this on for size. What if the Regents wrote:

“In particular, opposition to **Affirmative Action often** is expressed in ways that are not simply statements of disagreement over politics and policy, but also assertions of prejudice and intolerance toward **African Americans** and their culture.”

Did you have a different gut reaction to this empirical claim? If you believe that

**{anti-Zionism = anti-Semitism},**

do you also believe that

**{anti-affirmative action = anti-Black racism}?**

If not, why not? To clarify, I’m not interested in consistency just for consistency’s sake. After all, Emerson wrote that “[a] foolish consistency is the hobgoblin of little minds . . . .” But if we take seemingly inconsistent positions, then we should be able to explain publicly and transparently why that apparent inconsistency is not in fact so.

The second and last reference to anti-Zionism appears in the very next sentence:

“**Anti-Semitism, anti-Zionism and other forms of discrimination** have no place at the University of California. **Most** members of the University community agree with this conclusion and would agree further that the University should strive to create an equal learning environment for all students.” (p.2) (emphasis added).

Three concepts are lumped together: anti-Semitism, anti-Zionism, and the act of discrimination. On the one hand, if you believe that anti-Zionism (the political stance) almost always reflects anti-Semitism (bias against Jews), then conflating these terms is no big deal. On the other hand, if you disagree, then you will object. In addition, there is another frequency claim—that “[m]ost members of the University or community agree.” (emphasis added). The skeptic will ask: How do we know?

Again, as a heuristic, shift your perspective. Suppose the Regents had written:

“**Sexism, anti-Title IX positions, and other forms of discrimination** have no place at the University of California. **Most** members of the University community agree with this conclusion and would agree that the University should strive to create an equal learning environment for all students.”

Did you have a different gut reaction? If you believe that

**{anti-Zionism = anti-Semitism},**

do you also believe that

**{criticizing Title IX enforcement = sexism}?**

If not, why not? Do **most** Bruins agree?

### **Perchance to learn**

The final principle, Principle j, calls on University leaders “to respond promptly, and at the highest levels of the University, when appropriate, when intolerant and/or discriminatory acts occur.” There are two ways to understand this call for action. On the one hand, it could be reason to start measuring with a stopwatch, to the nearest millisecond, which group gets what response, from which administrator, at what level, with how many words, through what medium. And every tiny delta in response rate between one group and another could be marshalled as evidence of differential love. I like

measurements. I like accountability. And I understand American politics, so I understand the appeal of this understanding.

On the other hand, it could be reason to focus more on the *quality* of response and not the speed of delivery. Imagine responses that not only signal empathy with pain and grief but also ask hard questions about trade-offs, grievances on the other side, the constraints of law, and the practical difficulties of navigating between principles and policies inevitably in tension. My CrossCheck posts explicitly model this latter understanding. Why did I entangle anti-Zionism with affirmative action with Title IX? Certainly it was not to simplify matters or to dodge controversy. Instead, it was to respond with the complexity that was warranted, to check ourselves collectively.

Look, in a great university, we must be free to push each other with dissent, hostile ideas, and unpopular claims. But, as the Principles urge, we must also “collaborate to foster an equal learning environment for all” (Principle b., p.8). It’s this twin commitment to an equal learning environment and the robust exchange of even noxious ideas that makes modern academic environments so challenging. Our task is to live up to this challenge, as we stumble along each day, trying to do the right thing.

**(post script) Taglines for Principles**

- a. Mission = inclusive excellence
- b. Discrimination is prohibited
- c. Leaders should challenge bias: anti-Semitism especially
- d. Free speech is paramount
- e. Goal = decrease bias | words can undermine
- f. “Can” does not mean “should”
- g. No identity-test for University leadership positions
- h. No heckler’s veto
- i. Behavior can be punished, including “hate” penalty enhancements
- j. University leaders should speak promptly against bias