



The Israeli Law Professors' Forum For Democracy

Summary of Position Paper No. 22: Academic Freedom and the Threats that the Proposed Regime Changes Create (and a practical guide for academic staff)

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The Israeli Law Professors' Forum for Democracy, an ad-hoc and voluntary group of experts on Israeli law, and specifically Israeli public law, expresses its grave concern over the apparent intention to abolish the independence of the judiciary, to subordinate it to the government and to the partisan political considerations of the executive branch, to undermine the independent status of the attorney generals and legal advisors, and to violate human rights. **In this position paper, we address the effect that the proposed changes will have on academic freedom. Additionally, we provide a practical guide for academic staff that analyzes situations which raise ethical dilemmas pertaining to academic freedom.** The conclusions of the position paper include the following:

- We are of the opinion that threats to academic freedom in Israel will intensify if the planned regime changes are implemented.

^{1*}We, members of the Israeli Law Professors' Forum for Democracy, hold different academic views regarding the details of the various reforms proposed by Israel's 37th Government to change Israel's democratic regime. However, we are united in the opinion that the host of the government's proposals - which are an unprecedentedly severe attack on the independence of the judiciary, the Attorney General and government legal advisors, the police, the military, and public broadcasting - will seriously damage the rule of law and Israel's democratic character. Therefore, we joined this forum to make our professional opinion available to the public at this fateful time. The position papers or other professional materials produced by us reflect the prevailing position among the members, even if they are not unanimous. The list of Forum's members and all position papers on our behalf are available at <https://www.lawprofsforum.org/>. Follow us on Twitter: <https://twitter.com/lawprofsforum>. Contact us: lawprofessorsforum@gmail.com.

- Without a strong and an independent judiciary lecturers will be subject to the whims of politicians and considerations of academic excellence will be subordinated to political considerations. Both academic research and teaching will significantly deteriorate as a result.
- The regime changes create an imminent concern that Israel's impressive academic achievements will be jeopardized. The proposed changes threaten researchers' freedom to teach and conduct research, which is the foundation of quality science, open discourse and democratic culture in higher education.
- The attack on the aims of higher education and its values should be seen as a topic which warrants the comprehensive protection of academic freedom. Such protection should be provided to all faculty, regardless of their field of work.

The full position paper is available on our website in Hebrew.

Practical Guide for the Academic Lecturer

Academic freedom includes liberties of lecturers in their research, teaching, and sometimes also in administrative settings. The goal of this freedom is to protect lecturers from intervention by the state, by the institution in which they are employed, or by other factors. and includes the freedom to address controversial issues, to cast doubt and to express opinions.

The academic freedom is founded upon the absolute subjection to the norms of the academic discipline and the academic community. Research and teaching should be categorically free from political intervention or from serving governmental, political and social interests.

Academic freedom has two distinct goals. The first is to protect the integrity of research, aimed at ensuring the quality of research and teaching. The second goal is to promote democratic and humanistic values, and relies on the claim that academia is founded upon these universal values. Thus, for example, the academic ethos is based upon an anti-hierarchical stance. These democratic and humanistic values also include equality, freedom of thought, and a prohibition of discrimination of any kind, including on the basis of race, religion, sex, sexual orientation, etc. Scientific research should be blind to the identity of the researcher, their rank, status in the academic community, nationality, or sexual orientation.

We set forth some answers to common dilemmas. These recommendations are based on the principles detailed in the full position paper (available in Hebrew). Understandably, the norms presented here are general and legitimate disagreements can arise whether any specific behavior aligns them.

- ✓ **Am I allowed to address democracy during class even if this is not directly related to the topic of the course or to my area of academic expertise?** Yes. Democratic values are a part of academia's aims. Academic staff should, however, avoid investing excessive time in this discussion that might interfere with adequately teaching the course.
- ✓ **Am I allowed to wear a "No democracy No academia" shirt to class?** Yes. You are permitted to wear clothes with written messages as long as they are not offensive (for example: racist or inciteful). We recommend that you discuss your decision with the students.
- ✓ **Am I allowed to hang political posters or posters supporting democracy in my office?** Yes, you are allowed to decorate your office with posters expressing a political position and any other position if they are not offensive. We posit that an academic institution is not allowed to restrict academic faculty's freedom to decorate their office.
- ✓ **Which restrictions apply to academic discourse?** Academic faculty must maintain respectful discourse in their academic activity, including avoiding profanity and racist expression.
- ✓ **Which restrictions apply to academic faculty's free speech beyond the academic domain, for example on social media or demonstrations?** Outside of academia, no restrictions apply to academic faculty, apart from the limitations that stem from criminal law.
- ✓ **Am I allowed to use the institutional mailing lists to disseminate messages related to the protection of democracy to students?** It is inadvisable, as a rule, to use communication means that do not accommodate open academic discussion, except in extreme circumstances. However, these means can be used for promoting democratic-humanistic values, such as combating racism and promoting academic freedom.
- ✓ **Am I allowed to organize a conference which does not include diverse positions?** Hearing a variety of points of view from diverse speakers are the fundamental values of institutions of higher education. Nonetheless, the variety of positions heard in academic spaces depends on many factors. Additionally,

diversity does not entail a balanced representation of all the various positions present in the public discourse, nor does it require presenting views that are patently false. As a rule, the choice of speakers in academic conferences is protected by the academic freedom of the organizers and the only limitations that apply are those dictated by the criminal law. The protection of students' freedom of expression in academic events should be extremely strong, and restrictions are only justified when necessary for ensuring the conference's quality.