

U of T president should resign over his contemptible handling of the encampment

By Conrad Black

Ontario Superior Court Judge Markus Koehnen granted the University of Toronto's request for an injunction authorizing police enforcement of the university's demand that the anti-Israel encampment on its campus be removed. Although the university had complained of antisemitic signs and slogans and verbal abuse and intimidation, the judge rejected these claims and obtusely construed the case as one that pitted the university's claim that the encampment was a form of unlawful trespass, against the claim of the occupiers, an informal coalition of anti-Israel and other protest groups, that what they were doing constituted a legitimate exercise of their constitutional right to freedom of expression.



University of Toronto president Meric Gertler PHOTO BY CHRISTOPHER KATSAROV/THE CANADIAN PRESS

The decision does constitute progress, but it is far from an adequate treatment of the subject. Of course, the argument that freedom of expression includes the freedom to occupy the main square of one of this country's

leading universities for months by a group of people including a substantial number who had nothing to do with the university community, in order to insult an ethnic group, in the guise of objecting to Israel's actions in Gaza, is nonsense. The university provided assistance to the occupiers and their allies in evaluating U of T's investment program and determining whether it included investments that further what was outrageously described as Israel's "apartheid policies." The university expressed its preparedness to tolerate demonstrations each day other than between 11 p.m. and 7 a.m., which the judge saw as a fair balance between the protesters' right to demonstrate and the right of students living on campus to get some sleep.

Judge Koehnen failed to find any persuasive evidence that those temporarily residing in the encampment were motivated by antisemitism. This, too, is utter nonsense. There is overwhelming evidence from scores of authentic members of the university community, faculty and students that Jews, or those suspected of being Jews, were being harassed, threatened and

insulted, and that many students have elected to attend virtual classes out of concern for their own safety or the stressful annoyance of being insulted and threatened. The president of the university, Meric Gertler, and Judge Koehnen were aware of this.

The judge, in his presentation of introductory facts, referred to the Hamas invasion of Israel on Oct. 7, 2023, without mentioning that it violated an existing ceasefire, and implicitly engaged in the shabby and evasive practice of moral relativism, when he accepted the claim of the United Nations, which simply parrots numbers released by Hamas's health ministry, that the Israelis had killed 35,000 Gazans, the majority of them women and children. That total has been severely contested, and whatever the real total is, approximately 16,000 are Hamas armed terrorists, not civilians, and many have died from Palestinian "friendly fire," which traditionally is much less bothersome to Hamas than to Israel. The civilian casualty ratio is actually pretty low, given that Israel is engaged in urban guerrilla warfare with an enemy that uses schools, mosques and hospitals as military bases and humans as shields. It is, in any case, no business of a Toronto judge to utter gullible pronouncements about it. More serious than that is the idea of equivalence. Hamas committed an act of war against Israel. The great majority of the Israeli dead were civilians, many of whom were women and children who were specifically selected and gratuitously and brutally murdered. Israel announced that the Hamas invasion had created a state of war. In wars, there is no obligation to aspire to any parity in casualties. Nobody told U.S. President Franklin D. Roosevelt in July 1942 that he should desist because American forces had killed more Japanese than the number of Americans who died at Pearl Harbor. No sane person told President George W. Bush or the unanimous NATO alliance eight months after the terrorist attacks on the World Trade Center and the Pentagon to desist in their pursuit of the terrorists because they had already killed more of them than those who perished in the attacks of Sept. 11, 2001.

While the judge is to be commended for ordering the police to remove the encampment, and has been reviled on the internet as a "white supremacist," he cannot be commended for representing

the conflict in Gaza as one between morally indistinguishable protagonists, or for pretending that the protesters are not militant bigots sanctimoniously threatening members of the university community with violence, and for representing the entire issue to be one of simple trespass. The finding that there was no evidence that the trespassing campers were motivated by antisemitism was an act of judicial cowardice. The encampment at U of T and the other American and Canadian universities all "coincidentally" emphasize a number of points: Zionism is racism; Israel is an apartheid state that is committing genocide; Israel cannot claim it is acting in self-defence; and because a few Jews support the encampments they cannot be deemed to be antisemitic. All of these are lies and all have been generally used in other North American university encampments, indicating a degree of international co-ordination. Zionism is generally defined as meaning the right of Israel to exist as a Jewish state, which was the *raison d'être* given by the United Nations when it was founded. Israeli Arabs undoubtedly have a number of legitimate complaints about their treatment, but they have an unencumbered right to vote and freedom of expression and assembly. Israel has done nothing to justify the charge of genocide (though Hamas has), and the comparison with the former white supremacist regime of South Africa is a blood libel on Israel.

On June 1 in this newspaper, I wrote a column nominating U of T president Meric Gertler as the most distinguished Canadian personality of this year because, after weeks of shilly-shallying, on May 28, he announced that he would seek the injunction that has now been granted. I assumed he would carry out the university's statement when the encampment was set up on May 2 that it would not tolerate the use of physical force, threats or intimidation, and that hate speech would not be tolerated. But Gertler sat like a suet pudding while Jews and others who lack sympathy for Hamas, which Canada recognizes as a terrorist organization, were terrified by these racist hooligans. He has now participated in a pusillanimous judicial whitewash of the conduct of these contemptible riffraff. He should not have agreed to facilitate the protesters' investigation of the university's investments or done anything else to lend respectability to these terrorist cheerleaders.

Gertler knew that many of his faculty and students felt unsafe and have been subjected to grievous insults, and that those responsible have been permitted to decamp ahead of the arrival of the police, guilty of nothing more serious than trespass. Faced with a mortal threat to its status as a centre of academic freedom, the university has responded inadequately to mob rule. The pro-terrorist trespassers should have been fired or expelled by May 15, and not allowed to fester in their malodorous encampment for two months. These people haven't gone away, and Gertler's performance has not been distinguished at all. For months, he tolerated a Jewish exception to the protection of all students and faculty from harassment, intimidation, humiliation and the incitement of hatred. Despite his grand proclamations in May and the fact that his mother was a Holocaust survivor, he has failed in his fundamental duty to protect everyone on his campus and should accept contemporary university standards of accountability and resign.

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