

# University of Toronto Law School Under Fire for ‘Rescinding’ Job Offer to Israel-Hating Academic

by Hugh Fitzgerald



At the University of Toronto, acting on their own without consulting the Dean, several faculty members of a search committee did not only recommend a candidate for the job of director of the school’s International Human Rights Program – which was their prerogative – but did what they had no authority to do: they offered the job to one [Valentina Azarova](#). The Dean, however, who was the only one who had the authority to make such an offer, did not agree with the search committee. Now the media narrative has become one of “Dean rescinds offer under pressure from pro-Israel donor.” The story is [here](#).

*Students and teachers at the University of Toronto have called for the reinstatement of an international scholar's job offer after it was allegedly rescinded by management over her work on Israel's human rights abuses in the occupied Palestinian territories.*

*The university's law school has been accused of blocking the hiring of Valentina Azarova as director of the International Human Rights Program (IHRP) following pressure by a sitting federal judge, who is also a major donor to the faculty, according to emails seen by the Toronto Star newspaper.*

There was no valid "job offer," because those who made it, apparently in a Zoom call, lacked the authority to do so. It was only the Dean of the Law School who had that authority. He at no time agreed to make that offer. It is false to describe him as "rescinding" an official offer that he had never made. But Al Jazeera's report uncritically accepts the claim that the Dean "rescinded" his offer, and further attributes this to his having been under "pressure" from a pro-Israel judge who was also a donor to the Law School.

Why was the expression of an opinion, by that judge, as to the objectivity and value of Ms. Azarova's work, described as "pressure"? Did he threaten to withhold future contributions to the law school? Or did he simply express his misgivings about her likely biases, based on her demonstration – in her own C.V. – of an obsessive fixation on the "crimes" of Israel?

*In an email sent to law school Dean Edward Iacobucci on September 12, also seen by Canadian daily The Globe and Mail, two former directors of the IHRP programme said the school made an offer to Azarova that she accepted in August.*

No, those two former directors of the International Human Rights program were wrong. The school never made an offer to Azarova. Several faculty members had voted to recommend her

appointment, but any offer had to be made by the Dean. He was not bound by their recommendation. The faculty members knew this, but instead of waiting to hear back from the Dean about his own decision, after they had sent their recommendation, they took it upon themselves to make an offer, something they had no right to do. Perhaps they hoped thereby to commit the Dean to an appointment that they had reason to suspect he would not approve.

*However, when a judge in the Tax Court of Canada, whose name has not been disclosed, expressed concerns about Azarova, Iacobucci rescinded the offer, media reports said on Thursday.*

The media should have reported this correctly: “Despite the views expressed by a faculty committee, Dean Iacobucci decided not to make an offer to Ms. Azarova, which has led to considerable controversy. Deans everywhere, of course, have often refused to rubber-stamp the recommendations of faculty committees. The academic universe is full of stories of deans and college presidents who disagreed with their faculty, and refused to follow their recommendations in hiring decisions. In this case the position was managerial rather than faculty, so it was even more important for the Dean, as senior administrator, to make that decision.”

*The decision [not to make an offer to Azarova] led to a series of resignations at the university, including law professor Audrey Macklin, who chaired the hiring committee that unanimously found Azarova to be the best candidate for the position. On Thursday, a second member of the committee, Vincent Wong, resigned.*

*The IHRP programme’s three-member advisory board – Vincent Chiao, Trudo Lemmens and Anna Su – have also resigned.*

An unseemly fit of pique at not getting their own way led two

members of the vetting committee for the IHRP directorship to resign from the committee. Audrey Macklin, who chaired that committee, was one of them. She turns out to have been a stout defender of Omar Khadr, the Al-Qaeda terrorist and Canadian citizen, whom the Americans captured in Afghanistan when he was 15. Her involvement in that case suggests, does it not, a certain overlap of views between Macklin as a defender of Omar Khadr, and Azarov's pro-Palestinian obsession?

*More than 100 IHRP students and alumni have also sent a letter to Iacobucci, calling for a "thorough and public review of donor practices at the law school, as well as of the alleged improper external influence and pressure by, in this case, a member of the judiciary."*

What evidence do these IHRP students and alumni have that the judge who expressed his views exerted "improper external influence and pressure"? None has been provided. We only know that he spoke his mind. He may have convinced the Dean to look closely at Azarova's work, which led to the Dean's decision not to make an offer; the judge's doubts may merely have reinforced misgivings the Dean already harbored about Ms. Azarova. We have no reason to believe that he applied "pressure" to the Dean.

*As a public institution, the Faculty should not be swayed by wealth and influence at the expense of academic freedom and fair and accountable hiring practices," said the letter, calling on the "Faculty to reinstate Dr Azarova's offer" and "to apologise for this improper interference in the hiring process."*

Again, a charge is made about being "swayed by wealth and influence" without any proof that the judge's wealth had anything to do with the Dean's decision. One might at this point note that in recent decades great wealth has been used all over the Western world to influence university programs

and faculty appointments. But it's been overwhelmingly the wealth of the Gulf Arabs that has been deployed to create "academic centers" that will promote a pro-Arab and anti-Israel point of view. The Gulf Arab states have endowed entire Middle Eastern Centers, like those at the Universities of Exeter and Durham, the Middle East program at St. Antony's College, Oxford and, most famously, the Prince Alwaleed Bin Talal Center for Muslim-Christian Understanding at Georgetown, run by that well-known apologist for Islam, John Esposito. But many other universities have received large sums from Arab states as well. U.S. universities and colleges have reported donations, from Qatar, China, Saudi Arabia, and the United Arab Emirates, in excess of \$6.6 billion, but this sum may be significantly underestimated. Three of the four most bountiful donor nations named are Arab. All of this Arab money sloshing about has had its effect on the choice of faculty and students, the subjects deemed proper to study (Israeli "human rights violations" are a favorite ) and those to be avoided (study of the Sharia, or of Islamic justifications for terrorism).

*"As students, we look to the IHRP to engage with pressing international legal issues, including Israel's occupation of the Palestinian territories," the letter read.*

"Israel's occupation of the Palestinian territories"? That phrase tells us all we need to know about these students' understanding of the Arab-Israeli conflict. They are obviously ignorant of the Mandate for Palestine. They believe that territories that were assigned under that Mandate to form part of the future Jewish National Home somehow belong to the "Palestinians" – even though the "Palestinian people" had not yet been created when the Mandate was adopted by the League of Nations. They might have written, less tendentiously, about the need to study "pressing international legal issues, including the Arab-Israeli dispute." But they did not.

*“Dr Valentina Azarova’s scholarship on this topic is principled and reputable. She was unanimously selected by the hiring committee after months of consideration.”*

*Azarova, an international legal practitioner and researcher, told The Globe and Mail she was offered the IHRP director’s position and accepted it in August through a Zoom call.*

If the Dean of the Law School had offered her the position, or had been included on that Zoom call in which Azarova claimed she accepted the school’s offer, Azarova would certainly have said so. He did not, and he was not. Instead, those who had recommended that she be hired went ahead on their own, and acting ultra vires, beyond the scope of their authority, made her an offer that they assumed the Dean would not dare to oppose.

But he did dare to oppose it. And he, not the faculty members who recommended her and are now getting their knickers in a twist because of the Dean’s refusal to submit to their diktat, was the only one who could make that offer.

Valentina Azarova has – according to the story in Al Jazeera about her non-appointment – held positions at several universities, including several in the West Bank and East Jerusalem, with immigration detention, arms trade, occupation and annexation being her areas of research.

Azarova’s slant should be obvious. She has taught at Palestinian universities, including Al-Quds Bard College, Al-Quds University, and Birzeit University. Her work is focussed laser-like on the sins of the Israeli government. No other violations anywhere in the world seem to have worried her. Not human rights in China, Iran, Russia, North Korea, Saudi Arabia, Venezuela, Nicaragua. It’s Israel, perfidious Israel, that Azarova wakes up to do battle with every morning, and Israel, that she goes to bed – still belligerent – thinking about every night. It’s always on her mind. She studies the

“immigration detention” by Israel, the “arms trade” of Israel, the “occupation” by Israel and the “annexation” of “Palestinian” land by Israel. She’s a Johnny-one-note, and that one note she’s been holding without interruption for more than a decade is that of endless Israeli malfeasance.

Below is just a very tiny, but representative sample of Valentina Azarova’s legal work. All of her work, without exception is about one subject: How Should Israel Be Punished And What Must Be Done To Secure Justice For The Palestinians? I posted at Jihad Watch yesterday a much more complete list of her conference papers, lectures, policy opinions, media appearances, and blogs. After you’ve read through that list, you will understand why the Dean might have found her obsession disturbing.

Here’s the sample:

*CONFERENCE PAPERS, LECTURES*

- *Co-organiser and presenter, ‘Differentiation in Private Dealings with Israeli Settlements: What Role for Third State Regulation?’, Closed Workshop ECFR –Heartland-GLAN, 19-20 September 2016.*
- *‘Structural Illegalities, Legal Pathologies and Israel’s Military Justice System’, in Administrative Detention in Israel/Palestine, Edge Hill University, Liverpool, 16 September 2016.*
- *‘Towards Domestic Regulation of Extraterritorial Corporate Wrongdoing: The Legal Consequences and Risks of Business in Israeli Settlements’, in Taming Power in Times of Globalisation: What Role for Human Rights, Conference, NUI Galway, November 2015.*
- *‘Between Dynamism and Distinction: Palestinian Engagement with Human Rights Law’, for Law on the Bosphorus III: Dynamism and Distinction in Human Rights Law, International*

*Summer School, Istanbul University Faculty of Law – Leiden University, Leiden Law School, 20-30 July 2015, Istanbul.*

*– ‘A Paradigmatic Shift in Corporate Accountability? Insights from European ‘Divestment’ from Israeli Settlements,’ 2015.*

*– ‘Operationalizing Home-State Regulation of Corporate Involvement in International Law Violations: The Case of European Divestment from Israel’s Internationally-Unlawful Activities in Palestinian Territory’, Second Regional Annual Conference on Corporate Social Responsibility in the Middle East, Istanbul, 29-30 May 2014.*

That should be enough of a sample, but please do consult the full list of her written and spoken work [here](#).

How does that full list of her work strike you? As that of an objective “legal scholar”? Isn’t she, in fact, a committed anti-Israel and pro-Palestinian operative, using her own version of international as her weapon of choice?

Let’s return to Al Jazeera’s report:

*However, in a letter sent to the Faculty of Law on Thursday and shared with Al Jazeera, Iacobucci denied any offer was made for Azarova.*

*“Even the most basic of the conjectures that are circulating in public, that an offer was made and rescinded, is false,” he wrote, adding that he “would never allow outside pressure to be a factor in a hiring decision.”*

Dean Iacobucci did not mince words. He said, unambiguously, that no offer was made by him, and no one has contradicted that. There was neither an offer made by the only one qualified to make that offer, nor any need to rescind an offer that hadn’t been made in the first place. The account in Al Jazeera never makes that clear.



We come now to the business of Dean Iacobucci “changing his mind” supposedly because a judge on the Tax Court called to discuss his objections to Azarova’s possible appointment. But he didn’t change his mind. He was in the process of making up his mind. These are different things. At no point did he ever declare his support for Azarova, and those faculty members now maligning him should admit that. And Dean Iacobucci surely read with great interest Azarova’s C.V., and sampled her “scholarship” from the list of her many conferences, lectures, “expert” opinions, policy briefs, media, blogs, all about exactly one thing: “Israel” (bad) and “Palestine” (good).

The faculty members who had voted to recommend the hiring of Azarova should be asked why they thought they could make a valid offer to Azarova when only the Dean had that authority. Why did they not keep him informed of what they were doing in that Zoom call with Azarova? Were they trying to present him with a fait accompli, hoping he would yield to avoid a fight? He is obviously made of sterner stuff, and will not allow himself to be railroaded by a cabal of faculty members, distinctly unsympathetic to Israel (judging by their enthusiasm for Azarova), who they were trying to put in as Director of the International Human Rights Program at the University of Toronto Law School.

Much has been made, in newspaper reports, of the fact that this unnamed judge who contacted the Dean to discuss his reservations had contributed financially to the Law School in the past. So what? Are well-off and generous alumni not allowed to express their opinions? Should only alumni who are not well-off and not generous be allowed to share their misgivings and enthusiasms? Or should all alumni be prevented from expressing their views on possible law school appointments? What is the sense in that? Do those alumni and students who allege that the Dean was swayed by the judge with whom he talked have any proof? Did the Dean try to hide the fact that he had spoken to that judge? Apparently not, because

if he had, that would certainly have been reported by Al Jazeera.

Was that judge not entitled to express his opinion? Of course he was. Was the Dean not allowed to hear him out? Of course he could. Was the Dean, and not the members of that faculty committee, the one who makes the final decision about hiring someone for the job of Director of the IHRP? Yes.

*Iacobucci said conversations with a candidate were ongoing, but no offer of employment was made due to "legal constraints on cross-border hiring" within the timeframe required.*

*"Other considerations, including political views for and against any candidate, or their scholarship, were and are irrelevant," he wrote.*

It was not the political views of Azarova that Dean Iacobucci found worrisome. It may have been her manic obsession with Israel/Palestine, the subject of all of her lectures, policy opinions, media appearances, and blog

The Dean was attacked for having "rescinded" an offer that he never made. No one criticized the faculty members for making an offer that was beyond the scope of their authority. It was simply assumed – insultingly – that Dean Iacobucci had succumbed to crass financial "pressure" from a judge who had donated money to the school.

That's where things stand now. The Dean is not about to be cowed by a bad, and inaccurate, press. He "rescinded" nothing. He simply did not accept the "recommendation" made by a faculty committee. He made up his own mind, based on viewing the extensive evidence of Azarova's written and oral work, that she was not merely critical of Israel's "human rights abuses" but exhibited a positively clinical obsession with Israel's supposed perfidy and no interest at all in the "abuses" in, inter alia, China, Russia, Iran, Saudi Arabia,

North Korea. The two faculty members who resigned from the vetting committee in order to Make A Statement of Protest against the Dean – okay, duly noted. Meanwhile, the University of Toronto Law School has been declared one of the ten best law schools in the world, the only one from outside the United States and Great Britain. That has been achieved, *Al Jazeera* and *The Globe and Mail* are unlikely to recognize, under the leadership of Dean Edward Iacobucci.

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