**Govegate and the Postcolonial Professor**

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*Interventions: International Journal of Postcolonial Studies*  
Volume 20, 2018 Issue 1: Bart Moore-Gilbert Memorial Issue

The late Bart Moore-Gilbert (1952–2015), retired Professor of Postcolonial Studies and English at Goldsmiths College, London, leaves a legacy of groundbreaking scholarship, the PEN J. R. Ackerley shortlisted memoir *The Setting Sun* (2014), and, no less importantly for friends and family, the moving blog *oftherightkidney*, in which he tracked his painful yet ultimately life-affirming battle with kidney cancer. Among Moore-Gilbert's many achievements, his self-litigation of a 2012/13 freedom of information tribunal against the Department for Education (DfE) also ranks high, a case in which he sought the disclosure of email chains relating to the then Secretary of State Michael Gove's personal intervention in the matter of school workshops offered by the 2011 Tottenham Palestine Literature Festival. Moore-Gilbert's extensive work for the tribunal will be of continuing interest to anyone concerned about the power of lobby groups, the transparency of government, and the possibility of ministerial bias.

Moore-Gilbert was an audience member at the Tottenham Palestine Literature Festival, a weekend event organized by the Haringey Justice for Palestine Group and held at Tottenham's West Green Learning Centre, Sept 29th–Oct 2nd 2011. Like many others in attendance, he was astounded to learn that the festival's planned schools programme – a series of workshops in five local schools on the theme of human rights, and a poetry competition to be judged by then Children's Poet Laureate Michael Rosen – had been cancelled after the schools received warning letters from the Prevention of Extremism Unit of the DfE. The letters, personally signed by Michael Gove, demanded that the Heads, within two days, either set out plans to ensure that the political issues discussed in the workshops were given a “balanced presentation”, or withdraw from the festival altogether. Unable to comply with this directive within the tight time framework, the schools all chose to withdrew, with one Chair of Governors expressing “concern” at the imputation that his school had been involved in encouraging extremism.

Also concerned about this seemingly heavy-handed application of the Education Act, Moore-Gilbert volunteered to investigate. With the help of festival organizer Lynda Brennan, he discovered that the DfE, the schools and Local Authorities had all received complaints about the festival from the Board of Deputies of British Jews. A national organization of elected representatives from British synagogues, the Board of Deputies declares on its website its mission to “advocate for Israel”. Aware of Michael Gove's publically avowed Zionism, and conscious of the fact that just prior to his appointment the Secretary of State had (entirely legally) received an honorarium in the amount of thousands of pounds from a Zionist group, Moore-Gilbert became convinced that it was strongly in the public interest to ask to be reassured that, as he put it in his witness statement: “Mr Gove was not unduly influenced by any lobbyist or lobbying organization with privileged access to him; and particularly by lobbies with which he shares ideological affinities” (2013, 6). His first request for full disclosure of all correspondence between the DfE and the Board of Deputies in regard to the festival was denied by the Information Commissioner. At this point, Lynda Brennan introduced him to two other festival panellists with an interest in the case: Professor Haim Bresheeth, a UK-based Israeli writer, filmmaker and retired academic, and me, a poet and science fiction novelist. Supported by our three witness statements, he decided to appeal the decision notice.

The festival had a copy of one of the complaints from the Board of Deputies, a letter to a school that began by levelling a list of charges of anti-Semitism against various members of the Palestine Solidarity Campaign. Naturally, reading this would alarm any decent citizen. And as a member of PSC myself, I know that the organization can unfortunately attract anti-Semites – racists who mistakenly believe that they will find a home in its branches for their noxious views. But the reprehensible actions of isolated individuals by no means make PSC a suspect organization with “very dubious views”. As Moore-Gilbert testified in his witness statement, PSC “clearly emphasizes its opposition to anti-Semitism in its constitutional articles”, as does Haringey Justice for Palestine on the home page of its website (2013, 12). And in any case, Haringey Justice for Palestine is an independent branch of PSC and the national organization had nothing to do with organizing the festival.

The Board of Deputies also took aim at Haim Bresheeth in the letter, describing him as a man with “disgraceful views on the Holocaust, claiming that Zionist Jews collaborated with the Nazis over the deaths of over one millions [*sic*] Jews”. Quite contrary to the powerful implication that he might be a confirmed Holocaust denier, Prof. Bresheeth is the son of survivors of Auschwitz and Bergen-Belsen, and lost family members to the camps. Also the co-author of *Introduction to the Holocaust* (1994), he earned the contempt of the Board of Deputies by discussing in his book the well-documented case of Hungarian Zionist Rudolf Kazstner, a man the Jerusalem Court found guilty of collaboration with the Nazis, and who was never fully exonerated in appeal (153-4). Alerted by Moore-Gilbert to the existence of this letter, Bresheeth was keen to support his action.

For myself, as a creative writing lecturer, I was bothered by the fact that inner-city students had been deprived of the chance to work with published writers and submit their own poems to Michael Rosen. Aware that Michael Gove had been the keynote speaker at the 2011 annual dinner of the United Jewish Israel Appeal, I had also begun to ask questions of the government. After researching instances of Zionist workshops in state-funded schools, I had pressed the DfE to explain, for example, why the United Jewish Israel Appeal was permitted to hold school workshops in 2008 and 2009 on the topics of “Life in Northern Israel” and “Multiculturalism in Israel” without Palestinians or their supporters being invited to give views on these highly controversial subjects. At one point in our lengthy correspondence, I was informed by the department that:

We trust schools to ensure that they tackle subjects in an even handed manner. It is up to them to assess the political content and context of events taking place on a case by case basis and provide balance accordingly. (Email from DfE, 7 February 2012)

Given that the approach taken to the proposed Tottenham Palestine Literature Festival schools events was far from trusting, I shared Moore-Gilbert's suspicion that ministerial bias had inappropriately influenced the DfE's intervention, and was only too happy to share my own extensive email trail.

Moore-Gilbert was conscious of being a first-time self-litigant, but his case was as well researched, articulate and finessed as you would expect from an academic of his calibre, while his presence in the courtroom was never less than uplifting: like a postcolonial Jimmy Stewart in his ivory linen suit, he could not be dissuaded of his boyish conviction that justice would be served. His tenacity was rewarded by four significant, though highly disturbing, outcomes. The first was the revelation that, until Gove's intervention brought the festival to the attention of Labour Friends of Israel, there had only been one complainant to the government about the schools workshops: the aforementioned Board of Deputies. I can still recall the moment of silence in the courtroom as the implications of this admission sunk in. The DfE had told me they had written to the Heads with such urgency because “The Secretary of State received a number of complaints about the schools’ participation” (email, 24 February 2012). But now it was clear there had never been a public outcry against the festival, no groundswell of alarm from citizens concerned about the prospect of violent anti-Semitic agendas being smuggled into schools under the guise of children's poetry competitions; rather, the schools programme had been foreclosed entirely at the instigation of a self-described Zionist advocacy organization, a lobby group whose views on Israel were ideologically aligned with those of Michael Gove.

Equally troubling was Lynda Brennan's testimony that, after reading the Board of Deputies’ letter of complaint, the West Green Learning Centre had refused to allow Haringey Justice for Palestine to use its premises on a Jewish holiday in future, and not at all if Prof. Bresheeth was involved in the festival. The implication that the venue now believed that hosting the festival – which had included many Jewish participants, not least Michael Rosen and (the now late) Holocaust survivor Hanna Braun – might somehow be offensive to Jews was not lost on Moore-Gilbert or the team. And this evidence of damage to Bresheeth's reputation was so grave that he took legal advice on libel action, being dissuaded only due to ill-health and the near-end of a one-year statute of limitations on defamation cases.

The third disturbing outcome of the tribunal was the discovery that the DfE had no clear definition of “balance” in regard to the presentation of political issues in schools. Civil servants argued several times that achieving balance does not require the precisely equal and opposite presentation of views from the polar end of the spectrum. They, and Judge Brian Kennedy, agreed that one does not have to present “six arguments for, six against”. In regard, for example, to the Hasbara Club, a regular afterschool club run in a Manchester school by Joshua Rowe, the author of *Your Guide to Israel Advocacy* – a brochure that attempts to present the Zionist myth of “a land without a people waiting for a people without a land” as historical fact – the DfE deemed that the presence in the club of other “*Guardian-*reading” teachers provided students with sufficient balance of perspectives: Palestinian solidarity activists were not required to participate (Rowe, 2013).

In regard to the Tottenham Festival school events – which in any case were themed around the general issue of human rights, not the Israeli–Palestinian conflict – the DfE could not give defensible accounts of why, if the general approach was to trust schools, these particular Heads were supposed to have pre-confirmed their “balancing acts”; or what exactly these acts were supposed to consist of. The DfE's only suggestion in this regard was frankly risible: twice their counsel put it to witnesses that the festival had provided no articulation of voices supporting expansion of Israeli settlements in the Palestinian Territories, as if advocating activities that are considered illegal under international law in the form of many UN determinations and the Geneva Conventions, as well as being condemned by the Foreign Office here in the UK, could possibly be considered to “balance” views rooted in respect for such laws. Ultimately, Moore-Gilbert argued in his closing submission, “school authorities were placed in the impossible position of being expected to demonstrate that ‘balance’ would be ensured in the workshops without even the DfE knowing exactly what ‘balance’ is comprised of” (2013, 2).

The fourth and most demoralizing outcome of the tribunal was its final decision. Despite a lengthy closed session between the judge and the government lawyers on the content of the classified correspondence, Moore-Gilbert lost the case. Although acknowledging that the “perception of bias or prejudice by the SoS [Secretary of State] is perhaps understandable in light of the evidence given”, the tribunal ruled that it was not in the public interest to disclose even the redacted email chains between the DfE and the Board of Deputies because such a disclosure might discourage “free and frank” exchanges between civil servants and complainants – the so-called chilling effect (Kennedy 2013, 8). The tribunal also concluded that the Board of Deputies had not been acting in this instance as a lobby group, but were simply “expressing concern”, much as “informants or whistle blowers” might do (Kennedy 2013, 8).

We in the team did understand that it was not the tribunal's job to ascertain the truth of our suspicions, but given that, under Moore-Gilbert's able questioning, a senior civil servant had testified in court that he could only cite one case in 23 years in which he might have experienced anything approaching the alleged “chilling effect”, and also that he himself had not felt any “chilling effect” of the potential release of information in this particular case, the verdict was a hugely disappointing result for all of us – except Haim Bresheeth, who, as an experienced anti-Zionist Israeli activist, had predicted it all along. Personally, I still feel chilled when I reread the tribunal's verdict on the Board of Deputies’ role in the matter. “Informant” and “whistle blower” are terms that imply some kind of special knowledge on the part of the Board, and crime on the part of the festival; in fact the festival had been the victim in the matter, while the Board of Deputies’ letter, far from providing evidence of any wrongdoing on the part of festival organizers and participants, offered possible grounds for two defamation suits.

Bart Moore-Gilbert appealed this decision too, but lost again. Tragically, first the appeal process and then his illness prevented him from writing about the tribunal, but his exemplary work on the case stands as an integral part of his considerable legacy. As he put it in his witness statement, Moore-Gilbert undertook his investigations in the widest possible public interest, “to strengthen democracy itself and encourage public participation by ordinary members of the public in affairs of state”. Although the truth of Michael Gove's extraordinary intervention in the Tottenham Palestine Literature Festival will not be known until 2041 – when, under the Thirty Year Rule, all cabinet documents from 2011 must be publically released – I for one know already that, by so tenaciously raising questions government could not or simply would not answer, Bart Moore-Gilbert won his case hands down.

**References**

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