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The Fallacy of Academic Freedom and the Academic Boycott of Israel

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If you're outraged at conditions, then you can't possibly be free or happy until you devote all your time to changing them and do nothing but that. But you can't change anything if you want to hold onto a good job, a good way of life and avoid sacrifice.

—César Chávez

THE WORLD WITNESSED THE APEX OF THE SIEGE ON GAZA IN EARLY 2008 when Palestinians once again took control of their destiny and blew up the apartheid wall imprisoning the population inside the Gaza Strip. Although many of Israel's violations against the Geneva Conventions have been highlighted in some of the international media—such as blocking fuel, medicine, food, and water from entering Gaza or preventing medical patients from

seeking treatment outside Gaza—other aspects of the siege have been largely ignored, particularly in the United States. Since June 2007, the Israeli-imposed siege has held the people of Gaza hostage as it imposes its policy of collective punishment, a siege that has recently been escalated rhetorically as a *shoah* (Hebrew for Holocaust) by Matan Vilnai, Israel’s deputy defense minister: “The more Qassam [rocket] fire intensifies and the rockets reach a longer range, they will bring upon themselves a bigger *shoah* because we will use all our might to defend ourselves” (Israeli Minister, 2008).

Palestinians who are held captive to the onslaught of Israeli attacks on Gaza include civilians, many of whom are children, and students. Indeed, one of the consequences of this siege has been the impact on Palestinian education internally by not allowing educational materials to enter Gaza and by prohibiting students from leaving to attend their universities, whether in the West Bank or abroad. Last fall, Khaled Al-Mudallal was one of those students who was trapped inside Gaza and prevented from returning to Bradford University to continue his coursework; his case symbolized the struggle for Palestinians’ right to education.¹ The “Let Khaled Study Campaign,” which emerged from student organizations at Bradford, organized various petitions on his behalf, and he finally returned to England at the end of the fall semester. Khaled’s case is one of several hundred such cases that target Palestinian students and their academic institutions.

It is this context of Palestinians being denied their right to education by the state of Israel that must be brought to bear in discussions about the international solidarity campaign to support the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI). Israel’s practice of infringing upon the right to education coincided with the founding of the first Palestinian university, Birzeit, in 1975. In addition to curricular materials being subjected to Israeli censors—both in terms of intellectual production within Palestine and what sorts of academic materials may be imported—Palestinian students, faculty, and academic institutions have been under siege. In the West Bank, this began when Birzeit’s founding president, Dr. Hanna Nasir, was arrested and deported to Lebanon in 1974. It continued with the closing of all Palestinian universities, schools, and kindergartens during the first *intifada* in 1987, ostensibly rendering Palestinian education

“illegal” (Barghouti and Murray 2006). Between 1988 and 1992, all universities remained closed, and “Palestinian education was pushed underground” (Barghouti and Murray 2006) into people’s homes, mosques, churches, and community centers, which were repeatedly raided and during which people were arrested. Since 1992 when Birzeit and other universities were allowed to reopen, Palestinians still found themselves struggling to arrive at their educational institutions as a result of curfews, closures, checkpoints, and Jewish-only roads throughout the West Bank. More recently, since the start of the second *intifada*, Palestinian academic institutions have become military targets as “eight universities and over three hundred schools have been shelled, shot at or raided by the Israeli Army” (Barghouti and Murray 2006).

This brief history provides a crucial backdrop that led to the academic boycott’s genesis in Palestine. But while progress has been made in Canada and England in educating and building support for boycott, including divestment and sanctions, in the United States advocates of boycott, divestment, and sanctions have been met with charges of hypocrisy, censorship, and anti-Semitism. The call from PACBI asks for solidarity among global organizations to support Palestinians by boycotting Israeli institutions, and calling for sanctions and divestment using a strategy similar to that of the anti-apartheid movement in South Africa. Their call reads, in part, “Palestinian Civil Society Calls for the boycott, divestment and sanctions against Israel until it complies with international law and universal principles of human rights endorsed by 171 unions, associations, organizations, and universities” (Palestinian Campaign, 2005). Thus far England’s largest college teacher’s union, the National Association of Teachers in Further and Higher Education (NATFHE), agreed on a boycott, as did the Canadian Union of Public Employees (CUPE) in May 2006.² More recently, the Universities and Colleges Union (UCU) in England passed Resolution 30, which mandated that “the full text for a Palestinian boycott call be circulated to all UCU branches *for information and discussion*’ and that members ‘be encouraged to consider the moral implications of existing and proposed links with Israeli academic institutions” (Roff 2007). In response to this motion—to disseminate information, educate, and discuss the idea of the boycott—the American Jewish

Committee (AJC) took out a full-page ad in the *New York Times* (Figure 1), “Boycott Israeli Universities? Boycott Ours, Too!” which was signed by 300 American university presidents. The center of the ad featured a statement from Columbia University president Lee Bollinger that reads, “In seeking to quarantine Israeli universities and scholars, this vote threatens every university committed to fostering scholarly and cultural exchanges that lead to enlightenment, empathy, and a much-needed international marketplace of ideas.”³ Although the impetus behind the UCU’s action was certainly to encourage members to vote in support of the boycott, Bollinger, as well as these other prominent academics, misrepresented the current call, as it was about the very thing they claim to protect, discussion and debate, which in this case would have been about the boycott.

The AJC ad that featured Bollinger prominently reveals a number of core issues at stake in the contest over the academic boycott of Israel and its counterpoint, academic freedom in the United States. Indeed, attacks challenging the academic freedom of faculty in Middle East studies at Columbia have become commonplace over the past few years.⁴ Whereas Bollinger sees the university as a space that encourages “enlightenment” and a free exchange of ideas, his faculty, whose ideas are perhaps the most controversial, are left unprotected and violated in ways that do not demonstrate Columbia’s commitment to these professed values. Nevertheless the ad, as well as the debate in England to which it responded, discloses a number of questions about the nature of academic freedom and academic boycotts. Specifically, it raises the specter of key questions that this essay will engage in the following pages: What does academic freedom entail? Is academic freedom a right or a privilege? Should some academics be granted academic freedom when others do not have access to it? At whose expense shall academic freedom be sought?

In some ways considering the possible answers to these questions reflects the Chávez epigraph to this essay. The idea that one must seek change regardless of what risks it may pose to one’s livelihood or stability is at the heart of the boycott call, and certainly this risk affects those who have supported it. Electing to adopt the strategy of boycott, divestment, and sanctions emerged as Palestinians increasingly came to understand their struggle as analogous

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Boycott Israeli Universities? Boycott Ours, Too!

"As a citizen, I am profoundly disturbed by the recent vote by Britain's new University and College Union to advance a boycott against Israeli academic institutions. As a university professor and president, I find this idea utterly antithetical to the fundamental values of the academy, where we will not hold intellectual exchange hostage to the political disagreements of the moment. In seeking to quarantine Israeli universities and scholars, this vote threatens every university committed to fostering scholarly and cultural exchanges that lead to enlightenment, empathy, and a much-needed international marketplace of ideas."

"At Columbia, I am proud to say that we embrace Israeli scholars and universities that the UCU is now all too eager to isolate—as we embrace scholars from many countries regardless of divergent views on their government's policies. Therefore, if the British UCU is intent on pursuing its deeply misguided policy, then it should add Columbia to its boycott list, for we do not intend to draw distinctions between our mission and that of the universities you are seeking to punish. Boycott us, then, for we gladly stand together with our many colleagues in British, American and Israeli universities against such intellectually shallow and politically biased attempts to hijack the central mission of higher education."

Lee Bollinger, President, Columbia University

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"These presidents, along with Harold T. Shapiro, President Emeritus of Princeton University, organized this initiative."



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to apartheid in South Africa.⁵ Moreover, anti-apartheid South African leaders, such as Archbishop Desmond Tutu, who witnessed the racist regimes in both South Africa and in Palestine have remarked on these comparisons:

We in South Africa remember with gratitude the extraordinary phenomenon of the world-wide movement against *apartheid*. And, after years of tribulation, here we are, finally, free! South Africa, once a pariah state, and an embarrassment to many is now a blossoming democracy. And all because people around the world prayed for us, supported us, and were even willing to go to jail for us. Now, alas, we see *apartheid* in Israel, complete with the “Separation Wall” and *bantustans* that keep Palestinians rounded up in prisons. History tragically repeats itself. Yet injustice and oppression will never prevail. (Tutu 2005, 12)

The making of apartheid South Africa into a pariah state was connected to the boycott, divestment, and sanctions movement that led to the emancipation of Black and Indian South Africans. Understanding that history contributed to the Palestinian movement to call for a program that would lead to the dissolution of the Zionist state in a similar fashion. Although most histories of the anti-apartheid movement offer a greater context on the role of the cultural and sports boycott than the academic boycott of South Africa, this component cannot be overlooked.⁶ In South Africa, as in Israel, academic institutions are not innocent spaces where academic freedom and progressive ideas reign. Rather, universities in particular help produce the knowledge that undergirds the practices and policies that further the occupation and colonization of Palestinians.

The role of the university in a racist colonial state is articulated by Salim Vally, Professor of Education at University of the Witwatersrand in South Africa:

The university in South Africa played a critical role in reproducing the structural inequalities and injustices that were found in that society. Universities in South Africa—including the “liberal” ones—were closely linked to the state: they received much of their funding from the state; they provided the

“scientific,” commercial, and intellectual bases for the state to continue functioning; and they were the prime knowledge producers for the state and its bureaucracy. Moreover, a large number of academics were directly linked to the state, furthered the apartheid agenda at universities, conducted research on specific issues as the state required, and even spied on other academics and students. (Vally 2006)

As was true in South Africa, Israeli universities are also tied to the state and support its ideological apparatus. Vally goes on to explain this connection by providing just one example of such collusion between the Israeli academy and its participation in the state’s genocidal practices:

A number of Israeli academics provide the practical and ideological support necessary for the maintenance of the occupation and even for the ethnic cleansing of Palestinians, extrajudicial killings, racial segregation, and land expropriation. Consider the homicidal rant of one Arnon Soffer, who has spent years advising the Israeli government on the “demographic threat” posed by the Arabs: “When 2.5 million people live in a closed-off Gaza, it’s going to be a human catastrophe. Those people will become even bigger animals than they are today. . . . So, if we want to remain alive, we will have to kill and kill and kill. All day, every day.” (Vally 2006)

Vally’s comparisons of academic institutions in South Africa and Israel lead him to question the meaning of academic freedom as well as why it is important to uphold such a value when to do so requires gross human rights violations. For the siege in Gaza is one of many examples that highlight the ways in which the implementation of Israeli academics’ free exchange of ideas leads to genocidal practices.

Ironically, enabling the free exchange of ideas when it comes to discussing the academic boycott of Israel has consistently been stifled in and by the United States in ways that lead one to wonder, what does academic freedom mean? In 2006, the American Association of University Professors (AAUP) convened a meeting in Bellagio, Italy, to debate the subject of boycott with Palestinian, Israeli, and South African professors. The meeting never took

place, though most of the papers prepared for it were published in *Academe*, including Vally's article quoted above. Two of the papers were withdrawn from the journal in protest; those papers were authored by academics opposing the boycott.⁷ The AAUP's position with respect to the subject of boycotts highlighted in the defunct conference and journal issue was that boycotts are "as prima facie violations of academic freedom" (AAUP 2006). Although AAUP supported various forms of academic institutions' divestment from South Africa, it never approved any of the demands by South Africans for participating in its academic boycott.

The AAUP's policy of privileging some quaint idea about academic freedom over the tactical weapon of a boycott campaign is significant. In theory, academic freedom enables scholars to teach and conduct research without risking their jobs. However, in the United States, untenured professors whose research and teaching is critical of the state of Israel are not afforded the luxury of academic freedom. One need only examine the recent tenure decisions of Norman Finkelstein at DePaul University or Joseph Masad at Columbia University to glean how censorship reigns in this particular context.⁸ If those who speak out for justice in Palestine find themselves unemployed as a result of exercising their academic freedom, is the concept of academic freedom relevant any longer? Academic freedom was established as a principle that would uphold all ideas as opposed to those espoused by government propaganda in collusion with agents of foreign governments. But when we abandon those ideals—and I would argue that this is what they are, merely ideals—and allow internationally renowned intellectuals to be fired for producing well-respected scholarship, it would seem that academic freedom is dead.

The common thread that ties this discussion of academic freedom to the academic boycott is criticism of the state of Israel. That criticism, in the form of scholarly work, sometimes advocates that scholarly arguments be used to encourage boycott, divestment, and sanctions in order to isolate Israel, turn it into a pariah state, and make it comply with international law and a just resolution for Palestinians. Those who have been involved in trying to strip the academic freedom of scholars holding these sorts of intellectual positions seem to argue that such criticism should put one's academic freedom

at risk. These two themes converge in the case of Harvard Law professor Alan Dershowitz. On paper Dershowitz is a strong defender of civil liberties. In his article protesting the academic boycott of Israel, he argues that academic boycotts are “especially problematic”

. . . because they violate two important principles. One of these is peculiar to academic life, the other principle is best represented in academic life. The first principle is known as “the universality of science and learning”; the second principle is freedom of expression, which here implies freedom of association, too. (Julius and Dershowitz 2007)

Although Dershowitz uses a different phrase to describe academic freedom, his four-page newspaper article detailing its importance coupled with his rationale against the academic boycott of Israel becomes ironic given the ways in which he falls back on his typical modus operandi of ensuring that some forms of expression that he deems anti-Semitic (read: criticism of the state of Israel) cannot be afforded such privileges. But what is especially important, for my purposes here, is that all the while Dershowitz extols the virtues of academic freedom, especially Israeli academic freedom, he had just completed a three-year effort to intervene in the tenure process of Finkelstein. Dershowitz’s first foray into this particular pursuit of silencing free expression began by his attempt at blocking the publication of Finkelstein’s *Beyond Chutzpah* by appealing not only to the editors of the University of California Press but also to Governor Arnold Schwarzenegger. In his December 22, 2004, letter to Schwarzenegger, Dershowitz pleaded:

I know that you will be interested in trying to prevent an impending scandal involving the decision by the University of California Press to publish a viciously anti-Semitic book by an author whose main audience consists of neo-Nazis in Germany and Austria. The book to which this is a sequel was characterized by two imminent historians as a modern-day version of the notorious czarist forgery *The Protocols of the Elders of Zion*. I am attaching to this letter a letter I have written to the Board of Directors of the UCP, as well as an article that documents my charges. If you can do anything to help

prevent this impending tragedy, I know that many of your constituents would be very pleased, as would I. (Dershowitz 2004)

The obvious hypocrisy when comparing Dershowitz's two writings is not altogether shocking when one understands the role that he plays in policing scholars and scholarly material that are critical of Israel. The two activities are linked together in his crusade to defend Israel and its apartheid practices. What is telling is that Governor Schwarzenegger found it more compelling to uphold the First Amendment than to side with a lawyer who defines himself as a civil libertarian. When Dershowitz could not prevent Finkelstein's book from being published, his assault on academic freedom shifted to DePaul University, where he succeeded in pressuring the university to deny Finkelstein tenure.⁹

What this particular case reveals is indicative of the debate between academic freedom and the academic boycott of Israel more generally. Whereas defenders of the boycott campaign are typically charged with anti-Semitism and find their scholarly work censored, those who would purport to uphold academic freedom are those who are most actively censoring scholarship and teaching. Instead of genuinely advocating a position based on the freedom of expression, Dershowitz, as well as Daniel Pipes and David Horowitz, have conspired to police criticism of Israel, always defined as anti-Semitism, and work to silence those engaged in such academic pursuits. Somehow these efforts to silence serious critical work that details (ironically) both the abuse of the label "anti-Semitism" as well as gross human rights violations by Israel under international law does not receive the same sort of scrutiny as does the work of those pursuing justice in the name of international law.

When the AAUP reported its position on the academic boycott, the document asked a series of rhetorical questions to see what context might make a body like theirs support an academic boycott. Tellingly they ponder:

Are there extraordinary situations in which extraordinary actions are necessary, and, if so, how does one recognize them? How should supporters of academic freedom have treated German universities under the Nazis? Should scholarly exchange have been encouraged with Hitler's collaborators in those

universities? Can one plausibly maintain that academic freedom is inviolate when the civil freedoms of the larger society have been abrogated? (AAUP 2006)

Even in a philosophical musing about the validity of an academic boycott debate in general, an example of Jewish victimization figures as the litmus test. What is troubling about this example is that it feeds into the very discourse against the academic boycott and its detractors who would seek to render all such political solidarity work as anti-Semitic. Such questions do not facilitate the process of comprehending the complex dynamics at work with respect to the boycott and the various positions one might take in relation to it. Rather, it further entrenches Jewish supremacy by highlighting historical Jewish suffering as the continuing yardstick against which all other victimization must be measured.¹⁰ Upholding Jewish suffering as the instrument with which one measures how one should act in the context of gross human rights violations, as well as academic freedom, is closely linked to those who use the specter of anti-Semitism as an ideological weapon. As Finkelstein argues, “as Israel’s illegal and immoral policies came under closer scrutiny, the only defense available was to re-demonize critics, claiming the were classical Jew haters” (2005, 32). For how does one contend with forwarding legitimate claims against the state of Israel when its own leader promises a *shoah* or Holocaust against the people of Gaza? Does this finally enable academics to launch a respected campaign against Israeli academic institutions using AAUP’s own questioning or reasoning?

The incessant and false claim of anti-Semitism rearing its head around every corner highlights how it is next to impossible for otherwise reasonable people to discern the depths of racism embedded in Israeli practices, which are conceived of inside Israeli universities. The PACBI call for boycott highlights some of these key elements:

Whereas Israel’s colonial oppression of the Palestinian people, which is based on Zionist ideology comprises the following:

Denial of its responsibility for the Nakba—in particular the waves of ethnic cleansing and dispossession that created the Palestinian refugee

problem—and therefore refusal to accept the inalienable rights of the refugees and displaced stipulated in and protected by international law; Military occupation and colonization of the West Bank (including East Jerusalem) and Gaza since 1967 in violation of international law and UN resolutions; The entrenched system of racial discrimination and segregation against the Palestinian citizens of Israel, which resembles the defunct apartheid system in South Africa. (Palestinian Campaign 2008)

Compare this statement to the position paper composed by the African National Congress (ANC) in Lusaka in 1989:

The cultural and academic boycott were conceived as important aspects of the ANC's strategy for the total isolation of the racist minority regime. After intensive campaigns, conducted by our movement and people, with the support of the world's anti-apartheid forces, the UN and other international agencies, cultural, sporting, academic and other contacts between the international community and apartheid South Africa are today reduced to a bare minimum. (ANC 1989)

Both the ANC and the PACBI statements illustrate various aspects of racist regimes in relation to international law, particularly in the context of the United Nations. The Palestinian call for boycott makes clear the various populations who have been dispossessed as well as the various forms of apartheid imposed inside 1948 Palestine and in the Occupied Territories.¹¹ It also calls attention to the ways in which the Israeli educational system continues to deny its history of ethnic cleansing—in spite of new histories correcting that previously hidden historical reality.¹² Rhetorically, the ANC call is much stronger in its statement against the apartheid regime. Although the AAUP supported neither call because, aside from divestment campaigns, it adheres to a policy of dialogue and the free exchange of ideas, believing that is what will lead to an end of oppressive regimes. However, if we alter the context a bit and return to the AAUP's example of Nazi Germany, would AAUP recommend that Jews—as well as gays, Jehovah's Witnesses, handicapped, and others—should have engaged in dialogue with the Nazis in the midst of

that conflict? What does it mean to suggest that those under occupation or apartheid should talk their way through or use their academic work to free themselves from the noose?

Lawrence Davidson and Mona Baker, two scholars who have been involved in the solidarity campaign to support PACBI's call, argue that

it is precisely because "dialogue" on the Palestinian issue has been historically stifled that the boycott against Israel has become necessary. For decades the Zionists have had a near monopoly on the information flow in the West concerning the Palestinian situation. . . . To the small extent that this is breaking down, those offering the Palestinian point of view are now consistently labeled anti-Semites and supporters of terrorists. The Zionists themselves thus seek to maintain an environment that discourages dialogue and makes necessary other, more direct and effective tactics. (Baker and Davidson 2006)

Not only has dialogue not worked for 60 years, the state-run Israeli universities have increased their involvement in carrying out the occupation through both the research and teaching that occurs on those campuses. Moreover, the few Israeli academics who have spoken out against these practices through their scholarship and their activism have been ostracized and exiled by their university communities. Thus, the perception that a boycott campaign would stifle critical work by Israeli scholars and by extension "punish" Israeli academics is misguided at best. Indeed, Ilan Pappé, one of the few Israeli academics who has worked to this end in his research and support of the boycott, describes his own placement in this context:

Calling for a boycott of your own state and academia is not an easy decision for a member of that academia. But I learned how the concerned academic communities, worldwide, could mobilise at the right moment when I was threatened with expulsion by my own university, the University of Haifa, in May 2002. A very precise and focused policy of pressure on the university allowed me, albeit under restriction and systematic harassment, to pursue my classes and research, which are aimed at exposing the victimisation of the Palestinians throughout the years. (Pappé 2005)

Further, Pappé makes it clear that this system of repression that he experienced—at the expense of his academic freedom—is tied to the university’s close relationship with the state security services. The other Israeli academic who argued not only in support of the boycott, but also for a deeper understanding of the meaning of academic freedom was Tanya Reinhart. In an open letter to an Israeli colleague who did not support the boycott, she reasoned that his concept of academic freedom was “peculiar”:

What is under consideration here is your freedom to access international research funds. You seem to view this type of freedom as an inalienable right untouchable by any considerations of the international community regarding the context in which its funds are used. But it is not. The traditional spirit of the academia, no matter how much of it is preserved in daily practice, is that intellectual responsibility includes the safeguarding of moral principles. The international academic community has the full right to decide that it does not support institutions of societies which divert blatantly from such principles. You had no problem accepting this when South Africa was concerned. (Reinhart 2002)

Building on Pappé’s argument that examines the sort of repression of academic freedom that we see in the United States with academics like Finkelstein and Massad, Reinhart furthers the questioning of academic freedom as a right and re-situates it properly as a privilege, which comes with particular benefits such as research funding. One of the main criticisms that supporters of the boycott often find is that fears are linked not only to some abstract notion of academic freedom, but also and most often to the ways in which professors profit from those positions in the form of grants—which also benefit the institution itself—and travel to conferences and other speaking venues. In fact, under the European Union, with which Israel is most closely allied with respect to academic, cultural, and sports activities, monies cannot be legally distributed if the institution or state in question has perpetrated gross human rights violations and violations of international law. On the one hand, the European Union violates its own charter by continuing to grant research funds to Israeli academics and institutions; on the other hand, the feeling of entitlement

Israeli academics have in relation to such funds once again indicates that Israeli faculty are significantly invested in their own privilege. Although some of these external research monies are specifically earmarked for Israeli scholars working on collaborative projects with Palestinians, this has also turned into its own industry, not unlike the Oslo Accords, which perpetuated the status quo or further forced Palestinians into positions of becoming complicit in their own submission rather than leading to any emancipatory change.¹³

The various ways in which Israeli academia has been complicit in the suppression of Palestinians can be seen not only by the level of individual scholars or the academic institutions and programs in which they work. It can also be seen in the context of Israeli professional academic organizations that have never come out with any statement—not to mention any action—opposing the Occupation, as economist John Chalcraft argues:

. . . no Israeli academic body or institution has ever taken a public stand against the military occupation of East Jerusalem, West Bank and Gaza, now in its fortieth year, nor have academic institutions or representative bodies of Israeli academics criticized their government's longstanding siege of Palestinian education. (Chalcraft 2007)

The fact that no Israeli academic institution has passed any sort of resolution that suggests even the slightest bit of solidarity with Palestinians—coupled with the fact that those few Israeli scholars like Reinhart and Pappé have been pushed out of the academy and the state itself—suggests another layer of complicity within Israeli academia. It should begin to be clear that Israeli academia is not suited to lead the movement to end the occupation and colonization of Palestinians.

As I began this essay by posing questions about Palestinians' access to education, I want to return to this question in light of the realities of suppression of Palestinian narratives, movements, and rights in order to further privileges for Israeli academics. This question helps to understand Chalcraft's assertion that Israeli academics, by and large, have not spoken out against Palestinian oppression as individuals, institutions, or organizations. Moreover, Chalcraft asserts:

Particularly pertinent in this connection is that Israeli universities have never engaged in serious or sustained public opposition to the infrastructural degradation of Palestinian education at all levels, the destruction by Israel of educational buildings and equipment, the killing and injuring of students and others, and the checkpoints, border controls, land seizure, and the illegal separation Wall which place significant obstacles on academic and educational activity. (Chalcraft 2007)

The myriad ways in which Israeli “security” systems contravene international law in relation to freedom of movement affects the daily lives of Palestinians, including their education. Although the Universal Declaration of Human Rights states education as a fundamental right—along with the right to other basic needs such as food, medicine, water, and shelter—it says nothing about academics having a *right* to academic freedom. The question of how education, in particular, comes under attack at the hands of the Israelis can be seen in a number of ways at every level of the educational system in Palestine. It is not a question of supplanting one group’s rights by favoring another group’s rights—though that is what is at stake. The question, I believe, that must be asked, that must be engaged is whether or not the concept of academic freedom has become antiquated or emptied of its intended meanings.

In an age when powerful supporters of Israel in the United States can propagate the myth that it is Jews who are under anti-Semitic attack on college campuses by academics and activists who criticize the state of Israel for its violations of Palestinian human rights and turn a movement of solidarity with Palestinians into an instance of a violation of academic freedom, there is a problem. In a historical moment resonant with the McCarthy era of the 1950s when Americans experienced a different kind of witch hunt in their academic and cultural institutions, we see those who speak out for justice having their academic freedom called into question, and we see this especially for those who speak out against empire and neocolonial regimes, particularly Israel but also the United States.¹⁴ It is in this context that the discussion of academic freedom has become debased, as it has shifted from a concept that had some measure of ethics to a concept based on the so-called rights of the individual. Henry Giroux, professor of education at McMaster University,

Canada (whose provost recently banned the phrase “Israeli apartheid” on its campus¹⁵), argues that, in the context of the assault on various academics by right-wing forces inside and outside of academia, critical thinking and autonomy has become corrupted:

Ironically, it is through the vocabulary of individual rights, academic freedom, balance, and tolerance that these forces are attempting to slander, even vilify, liberal and left-oriented professors, to cut already meager federal funding for higher education, to eliminate tenure, and to place control of what is taught and said in classrooms under legislative oversight. (Giroux 2007, 138)

These attacks in the United States have expanded to include a number of academics, including those who are not only critical of the state of Israel, but also critical of the U.S. neo-colonial regimes in Afghanistan and Iraq, such as Ward Churchill. As a result, Giroux argues, “Traditional right-wing complaints were now coded as part of the discourse calling for academic freedom, balance and individual rights” (2007, 146). Thus, the concept of academic freedom is constantly shifting with respect to what privileges it protects, if any, so much so that the right-wing has hijacked the concept to remove any moral responsibility or obligation that comes with academic freedom; this has made me question the value of defending it more generally. In contrast, scholars such as Omar Barghouti and Judith Butler have argued for a recuperation and expansion of academic freedom to link it to broader concepts of freedom that would take into consideration the right to education. Indeed, as Judith Butler explains, “the Occupation constitutes an abrogation of academic freedom” (2006, 15). In other words, the state structures that violate Palestinian human rights also by extension interfere with their academic freedom. But what I would argue is that, while Palestinians’ ability to move freely or to access their academic institutions is a human rights violation, it does not necessarily infringe upon their academic freedom.

In Butler’s article examining the academic boycott in the context of academic freedom, she imagines the role of human rights, and their violations, in this debate inspired by Omar Barghouti’s desire to expand academic freedom in precisely this direction. In the end, however, Butler argues:

If the very capacity to exercise rights of academic freedom, however, is undermined by these conditions, then the inability to exercise a right constitutes a negation of the right in advance; in other words, these rights are, we might say, abrogated through foreclosure and pre-emption. They are not asserted and then restrained: rather they have from the start no opportunity to be asserted. Or if they begin to be asserted, they are violently denied. If the discourse of academic freedom cannot rise to this occasion, able to condemn widespread abrogation of rights, then to what extent is the discourse and practice of academic freedom involved in shielding such conditions, deflecting attention from them, and thus perpetuating them? (2006, 11)

Butler's questioning of the role of academic freedom and the debates surrounding it offers us some ways to consider making a convincing case for supporting the academic boycott of Israel. For Butler's questions—particularly in light of how Israeli academics and academic institutions alike have contributed to this violent denial of Palestinian rights at all levels of society, not only with respect to education—enable us to piece together the statements by scholars about how Israeli academic institutions collude with the state to participate in, shield, and deflect attention from gross human rights violations predicated upon a racist regime.

I have been arguing for a rethinking of these debates about what academic freedom means and whether or not it should be abandoned as an ideal, at least in its current form. For academic freedom that is accessible only to those who support a racist colonial regime that is ideologically based on Israeli supremacy over the Palestinian population—whether in the United States, Canada, England, or the state of Israel—cannot be an ideal that is worth retaining. Indeed as many scholars over the past few years, since the birth of the boycott movement, have argued, academic freedom is a privilege and not a right. A rethinking of academic freedom in this context will, I hope, enable us to consider the issue at hand, which is the Palestinian right to education and the lack of more urgent and general freedoms not afforded to Palestinians.

Although we may imagine that this debate is confined to the ivory tower and has no effect on policy decisions in the United States, Palestine, or

Israel, it is important to acknowledge that this is quite far from the truth. For Bollinger's participation in the AJC's *New York Times* ad was one of many gestures nodding toward Washington, D.C., where the AJC is one of several pro-Israeli lobbying organizations that collude with networks inside academia. In Congress, as in American academic institutions, the work of the Israel lobby ensures that neither the state of Israel nor the privileging of Jewish suffering and victimization during World War II be questioned.

In conjunction with Bollinger and the AJC's collaboration, Congress introduced HR 467 in July 2007, condemning the UCU in the most ironic of terms: Representative Sheila Jackson Lee of Texas argued, "By blaming the victims for the terrorists' crimes, the union's actions represent a bizarre inversion of the most fundamental principles of human rights. People of conscience have no choice but to speak out against this hypocrisy. In the face of terror and those who are morally blind to it, we must stand up for the values we cherish: openness, dialogue, democracy, and freedom" (U.S. Congress 2007). The problems with Representative Jackson Lee's statement are evident on many levels, not the least of which reproduces the very structure that the boycott seeks to undo: that Palestinians are named only as terrorists and that Israelis embody American values such as freedom and democracy. This rhetorical maneuvering is used to blame the victim. Indeed, the boycott movement is grounded entirely in international human rights law. But what is most disturbing is the way in which those politicians—as with some of the academics I've been discussing here—so readily turn to stifling and censoring debate, all the while extolling the virtues of academic freedom.

Moreover, as with organizations like the AAUP, Jackson Lee argues that it is dialogue that must be encouraged as opposed to boycott: "If the union truly cared about helping Palestinians, it would help nurture dialogue among Israeli and Palestinian academics and come to the resolution that the two states must live side by side, and Israel has a right to exist" (U.S. Congress 2007). In this framing, only one side has a "right to exist," while Palestinians' concerns get elided once more. In addition, she asks that the unions condemn Hamas and the boycott, leaving no room for either armed resistance or nonviolent resistance. Thus, while Congress demands that Palestinians (under occupation) acknowledge Israel's "right to exist," they are also asked

to condemn a legitimate political party and resistance organization that Palestinians are entitled to under international law.

The road between American academic institutions and the halls of Congress is a short one. Those actively censoring critics of Israel in the ivory tower are often connected to various arms of the Israel lobby in Washington, D.C. For instance, many of the pro-Israel lobbying organizations like AJC, American Israeli Public Affairs Committee (AIPAC), or Anti-Defamation League (ADL) have various programs involved in educating young people to ensure their unflagging support for the state of Israel, as well as nurturing that “education” by recruiting these students to intern in their Washington, D.C., offices to see how that education (read: propaganda) translates into action on Capitol Hill. At times the labor has been divided so that, while AIPAC indoctrinates students on campus with its pro-Israel dogma, ADL monitors professors on campus. John Mearsheimer and Stephen Walt argue that this nexus of universities and lobby converge in particular ways:

Pro-Israel groups and individuals have fought a multifront battle—against students, professors, administrators, and the curriculum itself—to shape discourse on campus. Their efforts have not been as successful in academia as they have been on Capitol Hill or even in the media, but their work has not been in vain. Despite the continued turmoil in the region and Israel’s continued expansion in the Occupied Territories, there is less criticism of Israel on college campuses today than there was five years ago. (2007, 185)

Given the response to debate over the academic boycott of Israel and the censoring of so-called anti-Semitism on campuses as a result of pro-Palestinian or anti-colonial research and teaching, it would seem that conditions have gotten worse. At the same time, efforts to resist propaganda on campus that privileges Jewish suffering and silences those who are critical of those efforts as well as critical of the state of Israel is increasing from students, faculty, artists, and public figures like former President Jimmy Carter.¹⁶ As this resistance gains momentum, it is crucial that we continue to question sacred cows such as academic freedom, the Jewish monopoly on suffering in the context of Israel and Palestine, and Israel as a state that is somehow

immune to criticism in light of its ongoing gross human rights violations since its creation. Rethinking the role of academic freedom as a privilege rather than a right can help to destabilize some of the censorship and debate against a boycott, divestment, and sanctions movement. It may not keep professors safe in their ivory towers, but it may indeed lead to an emancipated Palestinian state.



NOTES

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1. See Donald Macintyre and *www.letkhaledstudy.co.uk*.
2. Various religious organizations of note have also joined the campaign, specifically with respect to divesting funds from Israel: the Church of England (February 2006), the Presbyterian Church USA (August 2005), and the World Council of Churches (March 2005). For more detailed information on the campaign, see Coalition Against Israeli Apartheid, *www.caiaweb.org*.
3. The ad can be found on the AJC website, *www.ajc.org*.
4. See my “Fair and Balanced?: Sanctity v. Reality in the Theory and Practices of Academic Freedom.”
5. Obviously there are significant differences between the racism in apartheid South Africa and the racism in the Zionist state of Israel, but there are some remarkable similarities as well. See Abunimah, *One Country*.
6. Although most of the texts dealing with the history of the anti-apartheid movement in South Africa do not delve into the academic aspects of the boycott campaign with any depth, three such texts do offer a compelling picture of the struggle more generally: Mona N. Younis, *Liberation and Democratization*; Allister Sparks, *Tomorrow is Another Country*; and Francis Njubi Nesbitt, *Race for Sanctions*.
7. See Scott Jaschik, “Boycotting a Magazine’s Boycott Issue.”
8. Sami Al Arian, Wadie Said, Tony Judt, Joel Kovel, Rashid Khalidi, Nadia Abu El-Haj, and Juan Cole are more academics who have been under attack for the ways in which their scholarship is critical of the state of Israel.
9. For an archive of the original correspondence between Dershowitz and DePaul University’s administration, see <http://normanfinkelstein.wordpress.com>.
10. On the use of the Nazi Holocaust as a yardstick, see Kalí Tal, *Worlds of Hurt*.
11. For a study of apartheid inside Israel, see Jonathan Cook’s *Blood and Religion*.

12. Some of the key new historians responsible for this work are Avi Shlaim, Tom Segev, and Ilan Pappé. In particular, see Ilan Pappé's *The Ethnic Cleansing of Palestine*.
13. For studies critical of the "peace process" and the way that it worsened conditions for Palestinians, see Sara Roy, *Failing Peace*, and Edward W. Said, *The End of the Peace Process*.
14. In explaining some of the key differences between Israeli apartheid and South African apartheid, Ali Abunimah points out that U.S. support for the apartheid regime in South Africa was cultivated, in part, because the United States saw South Africa "as an ally in the battle against what Washington saw as revolutionary communism spreading in southern Africa." Likewise, part of U.S. support for Israel is codified in their mutual "war on terror" (2006, 185–86). Although these contexts differ in some key respects, the collusion of U.S. foreign policy and racist regimes seems strikingly similar. What is important to consider here is how censorship of academia in 1950s under McCarthyism is eerily similar to the current modes of silencing and censorship.
15. See www.caiaweb.org/node/505.
16. See, for instance, Jimmy Carter's *Palestine, Peace Not Apartheid* and Jonathan Demme's recent film about Carter's book tour, *Jimmy Carter: A Man From Plains*.

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