

Boycott, Academic Freedom, and the Moral Responsibility to Uphold Human Rights

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In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order, and the general welfare in a democratic society.

—United Nations, “Universal Declaration of Human Rights” (1948), Article 29(2)

Discrimination at every level of the [Israeli] education system winnows out a progressively larger proportion of Palestinian Arab children as they progress through the school system—or channels those who persevere away from the opportunities of higher education. The hurdles Palestinian Arab students face from kindergarten to university function like a series of sieves with sequentially finer holes.

—Human Rights Watch, “Second Class: Discrimination against Palestinian Arab Children in Israel’s Schools” (2001)

Just before year end 2012, Israeli defense minister Ehud Barak signed the official document upgrading the colony-college of Ariel, built on occupied Palestinian land, to a university,

inviting unprecedented condemnation.¹ Many academics around the world had already joined the widespread silent academic boycott of Israel—that is, the unannounced, yet very effective, shunning of academic visits to and relations with Israeli academic institutions—well before this latest upgrade of Ariel. After the upgrade, what started as a trickle may well develop into a South Africa–style deluge of academic boycotts against Israel.

Yet the focus on settlement institutions should not ignore or obscure the fact that *all* Israeli academic and cultural institutions are deeply complicit in maintaining the system of occupation and denial of basic Palestinian rights and are therefore just as worthy of the boycott. Not to recognize this would be to miss the forest for the trees.²

For example, in April 2005, the annual congress of the British Association of University Teachers (AUT) adopted a resolution calling for the boycott of two Israeli universities, Bar-Ilan and Haifa, for various infringements, and asking AUT members to heed the call of the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI).³ In response, the AAUP issued a curt report condemning academic boycotts as inherently antithetical to academic freedom.⁴

Three sets of problems arise from the AAUP stance on this issue: the conceptual, the functional, and the ethical. Together, they pose a considerable challenge to the coherence of the AAUP's position on the academic boycott of Israel, and they call into question the consistency of this position with the organization's long-standing policies and modes of intervention in cases where its principles are breached. Most important, by positing its particular notion of academic freedom as being of "paramount importance," the AAUP effectively, if not intentionally, sharply limits the moral obligations of scholars in responding to situations of serious violations of human rights. This essay deals with the conceptual and ethical shortcomings of the AAUP position.

Conceptual Inadequacy

The AAUP's conception of threats to academic freedom appears to be restricted to intrastate conflicts, mainly "governmental policies" that suppress the "free exchange of ideas among academics." For example, a governmental decree in China institutionalizing censorship of

academic publications would fall in this category. This leaves out academics in contexts of colonialism, military occupation, and other forms of national oppression where “material and institutional foreclosures . . . make it impossible for certain historical subjects to lay claim to the discourse of rights itself,” as philosopher Judith Butler eloquently argues.⁵ Academic freedom, from this angle, becomes the exclusive privilege of some academics but not others.

Moreover, by privileging academic freedom above all other freedoms, the AAUP’s notion contradicts seminal international norms set by the United Nations. The 1993 World Conference on Human Rights proclaimed, “All human rights are universal, indivisible . . . interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis.”⁶

Finally, by turning the free flow of ideas into an absolute, unconditional value, the AAUP comes into conflict with the internationally accepted conception of academic freedom, as defined by the UN Committee on Economic, Social, and Cultural Rights (UNESCO), which states:

Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfill their functions without discrimination or fear of repression by the state or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction. The enjoyment of academic freedom carries with it *obligations*, such as the duty to respect the academic freedom of others, to ensure the fair discussion of contrary views, and to treat all without discrimination on any of the prohibited grounds.⁷

When scholars neglect or altogether abandon such obligations, when they infringe on the “academic freedom of others,” they can no longer claim what they perceive as their inherent right to this freedom. This rights-obligations equation is the general underlying principle of international law in the realm of human rights. It also was one of the foundations of the AAUP’s initial view of academic freedom, as expressed in its 1915 *Declaration of Principles*,⁸ which conditioned this freedom on “correlative obligations” to further the “integrity” and

“progress” of scientific inquiry. Without adhering to a set of inclusive and evolving obligations, academic institutions and associations have little traction to discourage academics from engaging in acts or advocating views that are deemed bigoted, hateful, or incendiary.

Should a professor be free to write, “Among [Jews], you will not find the phenomenon so typical of [Islamic-Christian] culture: doubts, a sense of guilt, the self tormenting approach. . . . There is no condemnation, no regret, no problem of conscience among [Israelis] and [Jews], anywhere, in any social stratum, of any social position”? In fact, if we substitute for the words in brackets—in order—“Arabs,” “Judeo-Christian,” “Arabs,” and “Muslims,” the above becomes an exact quotation from a book by David Bukay of Haifa University.⁹ A Palestinian student of Bukay’s filed a complaint against him alleging racially prejudiced utterance. The university’s rector exonerated Bukay of any wrongdoing, although Israel’s deputy attorney general ordered an investigation of Bukay “on suspicion of incitement to racism.”¹⁰ In this case, the institution itself becomes implicated.

Criminal law aside, should an academic institution tolerate, under the rubric of academic freedom, a hypothetical lecturer’s advocacy of the “Christianization of Brooklyn,” say, or some “scientific” research explicitly intended to counter the “Jewish demographic threat” in New York? Arnon Soffer of Haifa University has worked for years on what is exactly the same, the “Judaization of the Galilee,” and he is launching projects aimed at fighting the perceived “Arab demographic threat” in Israel.¹¹ In his university and in the Israeli academic establishment at large, Soffer is highly regarded and often praised.

Do academics who uphold Nazi ideology, deny the Holocaust, or espouse anti-Semitic theories enjoy the right to advocate their views in class? Should they? Does the AAUP notion of academic freedom have the competence to consistently address such thorny cases?

Ethical Responsibility

The AAUP report “On Academic Boycotts” asks, “If there is no objective test for determining what constitutes an extraordinary situation, as *there surely is not*, then what criteria should guide decisions about whether a boycott should be supported?” (emphasis

added). While “objective” criteria may indeed be an abstract ideal that one can strive for without ever reaching, some ethical principles have acquired sufficient universal endorsement to be considered relatively objective, at least in our era. Prohibitions against committing acts of genocide and against murdering children are two obvious examples. The growing body of UN conventions and principles must be considered the closest approximation to objective criteria to guide us in adjudicating conflicts of rights and freedoms, particularly in situations of oppression.

UN norms and regulations may not be wholly consistent among themselves, but they are mostly informed by the ultimate ethical principle of the equal worth of all human lives and the indivisibility and interdependence of human rights to which every human being has a claim. Arguably, the violation of these principles was the strongest motivation behind the AAUP’s laudable call for divestment from South Africa during apartheid. This precedent is worth highlighting, as it deals with criteria, implicit though they may be, for deciding what constitutes an “extraordinary situation” necessitating exceptional measures of intervention.

The AAUP’s support for a form of boycott against apartheid-era South Africa can be interpreted or extrapolated to show that when a prevailing and persistent denial of basic human rights is recognized, the ethical responsibility of every free person and every association of free persons, academic institutions included, to resist injustice supersedes other considerations about whether such acts of resistance may directly or indirectly injure academic freedom. This does not necessarily mean that academic freedom is relegated to a lower status among other rights. It simply implies that in contexts of dire oppression, the obligation to help save human lives and to protect the inalienable rights of the oppressed to live as free, equal humans acquires an overriding urgency and an immediate priority. This is precisely the logic that has informed the call for boycott issued by PACBI in 2004.

PACBI’s Institutional Boycott

Unlike the South African academic boycott, the Palestinian call for an academic boycott of Israel is institutional in nature; it specifically targets Israeli academic *institutions* because of their complicity, to varying degrees, in planning, implementing, justifying, or whitewashing

Israel's occupation, racial discrimination, and denial of refugee rights. This collusion takes various forms, from systematically providing the military-intelligence establishment with indispensable research—on demography, geography, hydrology, and psychology, among other disciplines—that directly benefits the occupation apparatus to tolerating and often rewarding racist speech, theories, and “scientific” research; institutionalizing discrimination against Palestinian Arab citizens; suppressing Israeli academic research on the Nakba,¹² the catastrophe of dispossession and ethnic cleansing of more than 750,000 Palestinians and the destruction of more than four hundred villages during the creation of Israel; and directly committing acts that contravene international law, such as the construction of campuses or dormitories in the occupied Palestinian territory, as Hebrew University has done, for instance.¹³

Accordingly, although the ultimate objective of the boycott is to bring about Israel's compliance with international law and its respect for Palestinian human and political rights, PACBI's targeting of the Israeli academy is not merely a means to an end but rather a part of that end. In other words, the boycott against Israel's academic institutions—one component of the general campaign for boycott, divestment, and sanctions (BDS)¹⁴ against Israel—not only aims at *indirectly* undermining Israel's system of oppression against the Palestinians but also *directly* targets the academy itself as one of the pillars of this oppressive order.

Regardless of prevailing conditions of oppression, the AAUP has been consistent in opposing academic boycotts, preferring only economic boycotts and those only in extreme situations. In justifying its preference, the AAUP argues, among other points, that an academic boycott injures blameless academics. But does an economic boycott not hurt many more innocent bystanders, and not just in the academic community? Boycott is never an exact science, if any science *is* exact. Even when focused on a legitimate target, it invariably causes injury to others who cannot with any fairness be held responsible for the disputed policy. The AAUP-endorsed economic boycott of South Africa during apartheid certainly resulted in harm to innocent civilians, academics included. But as in the South African boycott, rather than focusing on the “error margin,” as important as it is, proponents of the boycott of Israel, while doing their utmost to reduce the possibility of inadvertently hurting

innocent individuals, must emphasize the emancipating impact that a comprehensive and sustained boycott can have not only on the lives of the oppressed but also on the lives of the oppressors.

As South African leader Ronnie Kasrils and British writer Victoria Brittain have argued, “The boycotts and sanctions ultimately helped liberate both blacks and whites in South Africa. Palestinians and Israelis will similarly benefit from this nonviolent campaign that Palestinians are calling for.”¹⁵ The Israel boycott, in this light, can be a crucial catalyst for processes of transformation that promise to bring us closer to realizing a just and durable peace anchored in the fundamental and universal right to equality.

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Notes

¹ Harriet Sherwood, “Ehud Barak Formally Approves West Bank University of Ariel,” *Guardian*, December 26, 2012, <http://www.guardian.co.uk/world/2012/dec/26/ehud-barak-approves-ariel-university>.

² PACBI, “Boycotting Ariel: Missing the Forest for the Trees,” September 2010, <http://pacbi.org/etemplate.php?id=1350>.

³ PACBI, “Call for Academic and Cultural Boycott of Israel,” July 6, 2004, <http://pacbi.org/etemplate.php?id=869>.

⁴ The full text of the statement is in *Academe* 91 (July–August 2005): 57.

⁵ Judith Butler, “Israel/Palestine and the Paradoxes of Academic Freedom,” *Radical Philosophy* 135 (2006): 8–17.

⁶ UN General Assembly, “Vienna Declaration and Programme of Action,” July 12, 1993, [http://www.unhchr.ch/huridocda/huridoca.nsf/\(symbol\)/a.conf.157.23.en](http://www.unhchr.ch/huridocda/huridoca.nsf/(symbol)/a.conf.157.23.en).

⁷ UN Committee on Economic, Social, and Cultural Rights, “Implementation of the International Covenant on Economic, Social, and Cultural Rights,” Art. 13, “The Right to Education,” December 8, 1999, <http://www.unhchr.ch/tbs/doc.nsf/0/ae1a0b126d068e868025683c003c8b3b?Opendocument>; emphasis added.

⁸ AAUP, “Appendix I: 1915 Declaration of Principles on Academic Freedom and Academic Tenure,” <http://www.aaup.org/file/1915-Declaration-of-Principles-on-Academic-Freedom-and-Academic-Tenure.pdf>.

⁹ David Bukay, “The First Cultural Flaw in Thinking: The Arab Personality,” in Bukay, *Arab-Islamic Political Culture: A Key Source to Understanding Arab Politics and the Arab-Israeli Conflict* (Shaarei Tikva,

Israel: Ariel Center for Policy Research, 2003), <http://www.acpr.org.il/ENGLISH-NATIV/issue1/bukay-1.htm> (accessed June 14, 2013).

¹⁰ Meron Rapoport, "In the Name of Truth," *Haaretz*, April 28, 2005.

¹¹ For more on this point, see Esther Zandberg, "Unacceptable Norms," *Haaretz*, September 26, 2004; and Lily Galili, "A Jewish Demographic State," *Haaretz*, July 1, 2002.

¹² Oren Ben-Dor argues that one of the purposes of the proposed academic boycott is to "provide a means to transcend the publicly sanctioned limits of debate," adding, "Such freedom is precisely what is absent in Israel." Oren Ben-Dor, "Academic Freedom in Israel Is Central to Resolving the Conflict," *CounterPunch*, May 21–22, 2005, <http://www.counterpunch.org/bendor05212005.html>.

¹³ PACBI, "The AUT Boycott: Freedom vs. 'Academic Freedom,'" May 31, 2005, <http://pacbi.org/etemplate.php?id=11>.

¹⁴ BDS Movement: Freedom Justice Equality, home page, www.BDSmovement.net.

¹⁵ Ronnie Kasrils and Victoria Brittain, "Both Palestinians and Israelis Will Benefit from a Boycott," *Guardian*, May 25, 2005.