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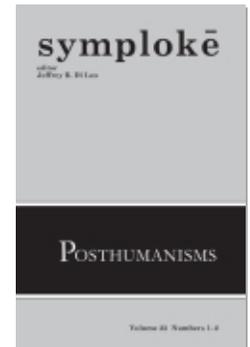
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## Not so Much Anti-Boycott as Pro-Israel

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## NOT SO MUCH ANTI-BOYCOTT AS PRO-ISRAEL<sup>1</sup>

DAVID PALUMBO-LIU

*The Case Against Academic Boycotts of Israel*, edited by Cary Nelson and Gabriel Noah Brahm (2015), aspires to be “a resource to bring reason, history, and sound information to campuses confronting [the] BDS [Boycott, Divestment, and Sanctions] agenda” (19). The editors clearly feel their book has accomplished that – Cary Nelson has awarded it five stars in his “review” of his own book on Amazon.

Yes, the collection is clearly and unabashedly partisan, and thus its claims for reason, history, and sound information have to be taken with a grain of salt, at least. The acknowledgment of the assistance of the Israel Action Network in the making of the book gives further evidence (if any were needed) of its agenda and biases.

That said, I have no problem with that. Nor do I have any problem with disclosing my membership, card-carrying and all, in the Organizing Collective of the U.S. Campaign for the Academic and Cultural Boycott of Israel. Indeed, what I appreciate about this collection, as should those on either side of the debate, is its comprehensiveness and thoroughness. The editors have done us all the favor of gathering together most, if not all, of the most common arguments against the academic boycott of Israel. They thereby help establish a bright line between their side and the pro-boycott side, which is well-represented in another collection, edited by Bill Mullen and Ashley Dawson, entitled *Against Apartheid: The Case for Boycotting Israeli Universities* (2015). Those interested in obtaining a good sense of the debate should read both these volumes.

The Nelson and Brahm volume consists of some 32 essays and documents, including as well online resources. Somehow Cary Nelson gets four essays, including the longest one, an ad homina attack on Judith Butler (“The

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<sup>1</sup>Review of Cary Nelson and Gabriel Noah Brahm, eds., *The Case Against Academic Boycotts of Israel*, Chicago and New York: MLA Members for Scholars' Rights, 2015. 552 pp.

Problem with Judith Butler”), but Nelson has never been the shy retiring type, and I suppose as co-editor he gets special privileges.

There is a lot to talk about here, but for the purposes of honing in on what is most crucial in terms of understanding the divide between the anti-boycott and the pro-boycott side, I will confine myself to four topics and leave it to the reader to delve into whatever other matters they find of interest.

Nelson-Brahm’s attack on the boycott stems largely from their characterization of it as anti-Semitic and anti-academic freedom. They feel that the boycott is therefore excessive, especially in the light of what they claim is a much better situation in Israel-Palestine than we imagine, one which must be preserved. They feel that the cost of a boycott includes disrupting a delicate and meaningful relation between Israeli and American academics. But most important is their belief that the boycott aims for the destruction of the State of Israel, and that, above all, warrants a condemnation of the boycott.

Conversely, I will argue, first, that the anti-Semitic charge is weak, even by the authors’ own standards; second, that their advocacy of academic freedom is inconsistent and serves mostly as a pretext to fend off criticism of Israel; third, that their claims regarding the situation of academics in Israel and the Occupied Territories is contradicted by the facts of the present day. I argue that their implacable defense of Israel as a Jewish supremacist state is at the heart of this volume, and that the issues of the boycott’s supposed anti-Semitism and denial of academic freedom are at best ancillary.

The absolute commitment of these authors to the preservation of that specific vision of a Jewish state accounts for their inability to see beyond that aim. They are profoundly unconcerned with precisely what the academic boycott of Israel seeks to help achieve—equal rights for Palestinians. Not only are they unconcerned with those rights, so long as they feel that those rights might lead to the “destruction” of the state of Israel, they are emphatically opposed to them.

In sum, the authors of these essays are concerned entirely with the survival of their particular vision of the state of Israel as a Jewish state; those in favor of the academic boycott are concerned about justice for the Palestinians. That is the fundamental and inescapable divide.

If this collection is based on securing the perennial existence of the state of Israel as a Jewish supremacist state, and because of that must write-out the legitimate grievances of the Palestinians against that state, then one of the main goals of the academic boycott of Israel is to help give voice those grievances and move toward a more just and rights-respecting situation in Israel-Palestine. This does not mean that the boycott is bent on the “destruction of the state of Israel”; it does mean it wishes to help dismantle the means by which a Jewish supremacist state has subjugated and continues to subjugate an entire population, and to help build the conditions that would allow the emergence of a truly equitable, and truly democratic state.

At base the academic boycott of Israel is founded on the fundamental principle that academic freedom is indivisible—one cannot fixate solely on

the academic freedom of U.S. and Israeli scholars to the exclusion of academic freedom and equal rights for Palestinians and others. That topic will be my fourth and final point: we need to see how Palestinians are deprived of not only their academic freedom, but also how that denial is set within a much broader context of human rights abuses that makes everyday life impossible under the Occupation and the future dismal and nearly hopeless both in the Occupied Territories and within Israel itself.

### *Anti-Semitism*

There are two basic angles from which the case that the academic boycott of Israeli universities is anti-Semitic is made. First, the authors say that features of the Boycott, Divestment, and Sanctions movement (BDS) are not dissimilar to previous historical boycotts that, they assert, are clearly anti-Semitic. Yet this “historical” argument works, ironically enough, only if one erases the historical specificity of anti-Semitic movements that stretch from the Enlightenment to Nazi Germany (Marcus 2015, 245-6).

Marcus and others wish to establish an invariable genetic feature found in other boycotts that, they argue, is at the heart of BDS as well. In essence, this is an argument of guilt by projected association, disregarding of the precise nature of each of these “prior” instances of the supposedly self-same. It sacrifices historical specificity for a thematic reading, derived from cherry-picked family resemblances. It removes from view the actual, concrete, present-day reasons why BDS advocates boycotts, divestment, and sanctions. BDS does not seek to destroy some pristine and eternally-same notion of Israel as supposedly other boycotts did, set within their specific historical contexts, but to address and remove specific oppressive state practices that empirically deny Palestinians equal rights and rights that are guaranteed them by international law, international human rights discourse, and UN resolutions. In other words, this is not a randomly selected target, nor a project driven by some inherent and invariable hatred of Jews; it is motivated by a desire for freedom from a specific oppressive regime, the actual nature of which we will see evidence of later in this essay.

Along with this ahistorical, contextless “historical” case, the second line of argumentation presents itself as an exercise in logic. A good example of this is Russell Berman’s “Scholars Against Scholarship,” which argues that the boycott “is not necessarily” anti-Semitic, but that it might be: “Criticism of Israeli policies or Zionism is not necessarily anti-Semitic. However, it also holds, obviously, that the mere fact that one has anti-Zionist views does not prove that one is not anti-Semitic. It is a logical fallacy to assert that the presence of anti-Zionism proves the absence of anti-Semitism” (Berman 2015, 56).

Berman is of course correct — it is a logical fallacy to assert that anti-Zionist precludes anti-Semitism. But that does not gain us much. For it leaves out, again, precisely the historical and political dimension.

It is probably correct to say that some who fought against South African apartheid were anti-white racists. But many were not. So how to measure the proportions of either group, at least enough to make the case that one group was large enough that one could say with any assurance that the movement was “mostly” one thing or another? What might be considered, rather than engaging in the impossible task of parsing out racists from non-racists, is the reason that people were protesting in the first place—it was the white apartheid government that was oppressing blacks. The anti-apartheid movement was just that—against apartheid. It was not organized around and motivated by hatred against whites *qua* whites, it was organized around the project of dismantling a set of pernicious state practices, as is the BDS movement.

The same goes for the civil rights movement in the U.S. What does it actually gain us to admit that “some” unquantifiable number of civil rights activists might have been anti-white racists? Isn’t it more logical to focus on the indisputable fact that the civil rights movement was organized around the desire to end segregation and other discriminatory practices?

A logical fallacy Berman calls attention to merely makes a point in logic, it admits a logical possibility, but it does not, to use Berman’s language, “prove” anything conclusively or meaningfully. That it to say, something “can” be true, but it does not mean that it necessarily is. But Berman and those who accept his argument act as if it does, and that is really all he wants to do—establish a hint of doubt and then inflate that doubt into a certainty.

The most direct and useful essay in this collection taking on the question of anti-Semitism is Kenneth L. Marcus, “Is the Boycott Movement Anti-Semitic?” Yet it too flounders on exactly this point. Try to follow carefully the twists and turns of Marcus’ argument:

In the last analysis, the BDS campaign is anti-Semitic, as its predecessors were, because some of its proponents act out of conscious hostility to the Jewish people; others act from unconscious or tacit disdain for Jews; and still others operate out of a climate of opinion that contains elements that are hostile to Jews and serve as the conduits through whom anti-Jewish tropes and memes are communicated; while all of them work to sustain a movement that attacks the commitment to Israel that is central to the identity of the Jewish people as a whole. This does not imply that all or even most of BDS’ proponents are anti-Semites. That is a different question. Based on the best available empirical research, it appears that some of Israel’s critics are not motivated by prejudice. Rather, they oppose Israel’s actions for legitimately non-discriminatory reasons. Their reasons may be good or bad, convincing or unconvincing, logical or illogical. But they are not anti-Semitic. Nevertheless it ought to give them pause to realize that, for whatever reasons, they are participating in a boycott that has deeply unsavory roots and ramifications. (Marcus 2015, 257)

The passage begins in utterly certainty: “in the last analysis, the BDS campaign is anti-Semitic, as its predecessors were.” This is the so-called historical argument we spoke about before. Yet then Marcus inventories a set of unsubstantiated possibilities that he, like Berman, treats as certainties. And what a slippery group (with indiscernibly proportions) this is. But as soon as he makes the case that these people are anti-Semitic he says that that is a different question. The reason why is hard to figure out. The best I can do is to imagine that Marcus wants to make a distinction between the “campaign” and the people who support it, but I cannot follow that distinction in light of the fact that what he presents us with are people who are identified by their motives. Which he claims are anti-Semitic. It eludes me as to how that distinction works.

The slide then veers off further—“based on the best available empirical research, it appears that some of Israel’s critics are not motivated by prejudice.” If there is such empirical evidence why does Marcus not present it so we can have before us more precise details than “some”? He then decides that “some” are not anti-Semitic, but the BDS campaign is anti-Semitic because of the historical argument. Marcus then circles back to his original point about the boycott having its roots as far back as the Enlightenment and as recently as Nazi Germany, again conspicuously avoiding the historical fact of the expulsion of the Palestinians from there land, as if that were a mere coincidence.

In essence, he wants to say that the BDS movement is anti-Semitic because it shares some features with other movements that have been established as anti-Semitic. But that the actual agents of the movement may or may not be anti-Semitic.

The fact which he takes pains to avoid is that the boycott is driven by the forced removal of Palestinians from their lands, a programmatic effort on the part of the Zionist administration called Plan Dalet; by the illegal seizure of what is now called Occupied Palestinian Territory; and by the condition of inequality maintained by the state of Israel. In other words, the motivations for the boycott are not driven by some essential and ahistorical antipathy toward Jews or Jewishness—they are driven by a reaction against injustice, an injustice that is empirically visible, and declared to be so not only by BDS, but also by the international community.

This ardent desire to see the boycott as anti-Semitic is a key element to the anti-boycott argument for two reasons. First, it taps into all decent people’s abhorrence of anti-Semitism in particular and all racism and bigotry in general. If the boycott is for certain driven by anti-Semites then of course one should reject it. But note how neither Berman nor Marcus can honestly say that is assuredly the case. The best they can do is say that it is not a logical impossibility that some who support BDS are anti-Semites. And again this impossibility is elevated to the status of certainty only by willfully ignoring the actual, historically-grounded reasons why BDS exists.

Here is the main point: the actual roots of the goals of BDS lie not in a desire to destroy Jews, but in a desire to remove the weight of oppression, the nature of which has been asserted not only by BDS, but also by international human rights covenants, conventions, by the Geneva Conventions, by numerous United Nations resolutions. The fact of the matter is that BDS would not be at all plausible based on only its own singular claims. It has appealed to the world community to make manifest the ideals and ethos of the world community as enshrined in those documents I just mentioned. Its success is in great part derived from the fact that members of the world community agree with the BDS argument and are signing on in solidarity. And that is precisely why the authors in this volume have to nay-say the human rights scaffolding of BDS, to deny its legitimacy. Yet any honest appraisal of the legitimacy of BDS as a rights-restoring movement has to take into account this architecture. BDS could not have achieved what it has in terms of garnering worldwide support without having human rights as an authentic basis.

### *Academic Freedom*

One of the fundamental arguments against the boycott, based on the idea of academic freedom, is that contrary to what pro-boycotters assert, this cannot be seen as a boycott solely against institutions and not individuals. They point to the first boycott resolution by a major U.S. academic organization, the American Studies Association.

But what that resolution, based on BDS principles, declared was that the ASA, as a corporate body, would not engage with any formal relations with Israeli state institutions. That did not mean that individual Israeli scholars would necessarily be banned from attending ASA conferences, or that individual ASA members could not, of their own accord, travel to Israel and collaborate with their colleagues there. Here is the ASA's statement on the boycott:

Our resolution understands boycott as limited to a refusal on the part of the Association in its official capacities to enter into formal collaborations with Israeli academic institutions, or with scholars who are expressly serving as representatives or ambassadors of those institutions, or on behalf of the Israeli government, until Israel ceases to violate human rights and international law.

The resolution does not apply to individual Israeli scholars engaged in ordinary forms of academic exchange, including conference presentations, public lectures at campuses, or collaboration on research and publication. The Council also recognizes that individual members will act according to their convictions on these complex matters.

The ASA is a large organization that represents divergent opinions. Anticipating strong and potentially divided feelings on this question, the Council unanimously decided to ask ASA members to endorse the resolution by a vote. (American Studies Association 2013, n.p.)

Nevertheless, the authors of this collection spend a huge amount of time proving the logical possibility that in some exceptional cases an individual scholar could be affected by the boycott. I will come back to that point at the conclusion to my essay, for it goes to the larger question about what a boycott actually is and how it is effective.

But right now I want to take issue with the way the ASA deliberations have been characterized. This may appear to be a side-issue, but it is important to mention for two reasons: first because it is another illustration of how every point of doubt or uncertainty, any grey area, has to be forcibly converted into a certainty and made a part of the overall argument of this collection. But secondly, the charge against the ASA resolution is heavily based on the idea that it imposed a party line on individual members. Again, we see the notion of individual choice at the center of the anti-boycott critique.

Here is Russell Berman speculating on how the ASA resolution came to make explicit the manners in which it was endorsing a boycott of institutions, not of individuals. Instead of granting that its making explicit how individual members could, as the statement above declares, collaborate with Israeli scholars and vice-versa, Berman claims that the protection of individual choice was an instance of bad faith: "This dumbing down of the boycott must've been an intentional strategy to enable it past the membership vote" (Berman 2015, 55). Must have? On what basis does he make that conjecture? Could not have Berman actually done some research into what process actually obtained in this instance?

He of course could have—but he chose not to. Berman makes his blithe comment in utter and willful ignorance of the facts. In actuality, the final resolution was a product of intense democratic debate, consultation, and deliberation. All of which was un-necessary—it was not mandated by ASA rules. Not only was the National Council not required to put the resolution to a vote by the entire membership, the National Council only had the prerogative of voting as an entity in the first place because the Executive Committee of the National Council referred it to the entire National Council. The Executive Committee of the National Council could have voted on the resolution solely on its own, as it does all the time. It could have been an entirely top-down decision—there was no need to "dumb down" or in any way change the resolution for mass approval.

So, exactly contrary to Berman's foundationless, cynical statement, the ASA resolution was not "dumbed down" but rather rigorously tested, with each step it widened the circle of participants in the decision-making process and in so doing potentially endangered passage of the resolution. But the ASA took each step voluntarily out of moral and ethical courage and

commitment, and its belief that the resolution should be vetted by as many members as possible, not just executive committee members, but also by rank and file members as well.

That is one of my main problems with the arguments posed in this collection. The authors often rush to make a partisan case out of nothing, through mean-spirited and unfounded conjecture (“must’ve”) that they insinuate into reality.

But more disappointing than this kind of sloppy distortion are the glaring ethical inconsistencies, which, I submit, prove fatal. Consider Cary Nelson’s, “The Fragility of Academic Freedom.” Again we find the argument by ad hominem and unsubstantiated attacks: “In the end, BDS is more than willing to sacrifice academic freedom to its political agenda. American and Israeli academic freedom must be set aside in order to seek justice for Palestinians” (Nelson 2015a, 68). If the ASA can be taken in any way as representative, then the pains it took to safeguard individual academic freedom (only to have those efforts characterized by Berman et al as tactical political maneuvers) should be taken as an indication of how, in fact, unwilling the ASA was and is to set aside academic freedom. I want us to keep Nelson’s statement firmly in mind as we proceed, for Nelson, it turns out, has proven himself to be all too willing to abandon his commitment to academic freedom. I move into this discussion not to chastise him personally, but rather to show how this inconsistency indicates that the academic freedom argument really takes second place to the argument for the preservation of the state of Israel as a Jewish supremacist state.

In his article, Nelson makes an impassioned case for protecting the transcendent value of academic freedom: “Academic freedom is an abstract principle that has to be applied to different questions and contexts.... Honoring fundamental principles irrespective of political opportunities is the only sound policy either now or in the long run” (Nelson 2015a, 63-4). Fine—let’s bear that in mind—academic freedom should be protected from the variability of context and political opportunism declares Cary Nelson, defender of “fragile” academic freedom, so threatened by political motives.

It is then puzzling to recall another heroic image of Cary Nelson (well-deserved in this case, I must say), this time as a staunch defender of collective bargaining rights, to the degree that he would both put his career and his body literally on the line to participate in a strike in solidarity with a graduate student union. The only problem this presents is that in pursuing this political motive he throws academic freedom under the bus.

The actions he advocates and practices with regard to supporting graduate student unions are laudable, but are clearly in violation of the academic freedom of both his fellow faculty members and of his students. Yet Nelson is completely comfortable with stopping the “free flow of ideas” when he is favor of the cause behind the protest.

Consider how the tactics he employed in his “personal boycott” align with the tactics of BDS in terms of refusing to collaborate with universities.

Here is the report of *Inside Higher Education* with regard to Nelson's championing of the graduate student union at NYU in 2006:

Nelson said that he was planning a "personal boycott" of NYU and that he would soon be encouraging other faculty members nationally to consider steps similar to those he will take, such as refusing to serve on NYU tenure review or publication review committees, refusing to speak on the campus, advising students against enrolling at graduate school or seeking employment there, and generally having "no active relationship" with the university. (Jaschik 2006, n.p.)

Sounds an awful lot like some of the tactics BDS advocates, no? In this case, the notion of academic freedom is trumped by a larger principle, that of solidarity. And not only will Nelson "personally" deprive others of academic freedom for this particular cause, he will also actively recruit others to follow suit:

The following morning, more than 90 percent of faculty members honored the strike and did not attend their classes. Students picketed the administration the rest of the week. The union had advised new faculty to meet their classes, since they would otherwise not have health care coverage initiated. But the faculty had spoken with one voice, though a strike carries a special emotional burden for them. They would prefer to be partners with the administration. They cannot leave their classrooms, their offices, and their labs without psychologically leaving much of themselves behind. It is not just a job; it is who they are. At Eastern Michigan the administration decided to exploit that special loyalty. The faculty stood together in support of shared governance and fair practices. When nearly 400 faculty met again on Friday, not one suggested calling off the strike. Sometimes solidarity deserves to be remembered forever. (Nelson 2006, n.p.)

Indeed. And yet how quickly he forgets. I will come back to this essential point later, and often: the actions of the American Studies Association and other organizations in endorsing the boycott are commonly mischaracterized as selectively and aggressively designed to attack Israel. This is utterly untrue. The ASA and others did not invent the boycott, they endorsed it as a response to an appeal for, yes, solidarity, from an oppressed people reaching out to the international community. The aggrieved group logically aimed its campaign against the forces that were oppressing it—the state of Israel. The ASA and others heard, debated, discussed the merits of that appeal and in an eminently democratic manner (i.e., nothing vaguely resembling a "personal boycott") ultimately decided to answer the call for solidarity.

What is now patently clear is that Nelson's case against the academic boycott of Israel, predicated on a defense of "fragile" academic freedom, is

bunk. Nelson has no trouble at all in denying academic freedom if the cause is, to his mind, worthy. He will refuse to write tenure letters, refuse to vet publications, stop delivery trucks, picket classes, urge faculty to strike, all for his preferred political causes. But if the cause is, in his mind, the “destruction of the state of Israel,” then he can effortlessly forget all he did to deny others academic freedom during his “personal boycott” and use the alibi of defending academic freedom to stand in for what he is really interested in, defending the state of Israel. So much for “honoring fundamental principles irrespective of political opportunities.”

In sum, Nelson is guilty of exactly what he accuses BDS supporters of doing, he is “willing to sacrifice academic freedom to his political agenda.” He does so in two ways, both empirically verifiable: in the past he has “sacrificed” the right of students to attend classes, the right of a university to carry out its business, the right of faculty to conduct their classes without being harassed, he has even denied colleagues the professional courtesy of his writing for their tenure cases, all to advance his agenda. Second, he is entirely prepared to sacrifice the academic freedom of the Palestinians for the sake of his agenda to preserve Israel as a Jewish state, while at the same time accusing those who honor the boycott of denying people academic freedom.

Again, in both the cases of the anti-Semitic charge and the denial of academic freedom charge we see the variability, weakness, and uncertainty that haunts these essays. To my mind it is vastly preferable to set aside these pretexts and unabashedly get to the heart of the matter – the argument against the boycott is an argument in defense of the state of Israel, by any means necessary. We find that most directly in the next essay.

## *State of Israel*

In Gabriel Noah Brahm and Asaf Romirowsky, “Anti-Semitic in Intent if Not in Effect,” and in the “Concise History of Israel” found in this volume, we find the national narrative of Israel that forms of the telos of the state they wish to defend. I have selected two passages from Brahm and Romirowsky for comment because they focus on the main part of the BDS agenda that is most objectionable to the authors of the volume. It is the right of return. Throughout the authors of these essays argue that the third aim of BDS: “Respecting, protecting, and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194” “is nothing less than a call for the dissolution of the State of Israel as the homeland of the Jewish people” (Budick 2015, 86). As Marcus notes this argument is based on the belief that “if all Palestinians were to return to their families’ pre-1948 homes, the demographic shift within Israel could destabilize the Jewish state, with uncertain consequences for Israeli Jews” (Marcus 2015, 248).

Here then, is the crux of the matter. To honor the UN resolution would put into stark relief the contradiction between the notion of Israel as a democratic state of all its peoples, and Israel as a Jewish supremacist state whose commitment to democracy is entirely subordinated to its privileging of Jews over Arabs and Christians alike.

Brahm and Romirowsky approach this “problem” in two ways. First of all is to attack the notion that the Palestinians’ right of return is based on their expulsion in the first place. Instead of being expelled, Brahm and Romirowsky make the incredible claim that the Palestinians’ “diaspora” is “blameless”:

For, while the problematic phrase “right of return” is sometimes explained away as inherently symbolic by definition, rather than practical, just an element of the Palestinian “narrative” regarding the blameless circumstances of their diaspora; Israelis are in fact compelled in many ways to confront real demands along these lines, faced with interlocutors who insist both that they (“the Jews” or at most “the Zionist entity”) accept the narrative in which they are the villains, and with it the possibility of a mass migration of Palestinians to Israel that would, by design, put an end to Israel as a Jewish and democratic state of all its citizens. Which is what it is. (Brahm and Romirowsky 2015, 81)

So ethnic cleansing is now “diaspora,” the Zionist state that, as we shall see, planned and executed the forced expulsion of Palestinians off their land cannot be considered a “villain,” and Israel is a democratic state of all its citizens that nonetheless cannot tolerate honoring the actual right of return because its tolerance for democracy stops when the demographics change and its assured identity as a Jewish state is jeopardized. Whitewashing the historical record and accommodating contradiction is thus strategy one. But this all pales in comparison to their second method of handling the right of return. BDS insists on (in the words of Brahm and Rowirowsky):

perpetual recognition of the Palestinian’s [sic] own status and *that of all their descendants until the end of time* as refugees, dispossessed of the land of Israel/Palestine with the connivance of the international community [emphasis in original]. More reasonably, however—since many, if not most, of the originally displaced victims of the 1948 *Nakba* would presumably be dead by now of old age or close to it—others have referred to the actual refugee problem as a diminishing, not growing, one. The actual refugee problem per se simply can’t go on forever and becomes increasingly moot, ironically enough, due to what might be termed, albeit sadly yet inevitably, “facts on the ground.” But Israel’s haters won’t mourn the dead and with that let their hatred die too, which they instead seek to keep alive and pass on from generation to generation.” (Brahm and Rowirowsky 2015, 80-81)

For those who cannot see, for whatever reason, the logic that these authors propose, let me furnish this gloss: BDS is a hateful organization bent on perpetuating hatred because it won't settle for the "natural" resolution of the refugee problem—its inexorable diminishment as more and more of the original refugees simply die off. It's like saying, why should any indigenous peoples demand rights that were not granted to them personally, but only to their distant ancestors? Besides the expiration date Brahm and Rowmirosky place on morality, ethics, and human rights, what if we applied the same logic to them when they say "The ASA chose to start with Israel—a country born heroically out of the national liberation struggle of a small minority of the earth's population, the Jewish people, and the movement to free itself from centuries of European endo-colonization, *by renewing its ties to its own indigenous lands*, and facing the kind of menace that turned out to include the only truly global-eliminationist genocide in history" [emphasis mine] (Brahm and Rowirowsky 2015, 77)? Why are the Jews to be allowed to "renew" their claims when it will cause all this trouble? Why pass on the Zionist settler colonial project? Why grant the Jewish people the right to "renew its ties to its own indigenous lands" and not the Palestinians? The illogic of this reasoning is matched only by its awful hypocrisy.

Numerous historians have presented a rather different version of the *Nakba* and the right of return. Let me quote this long passage from the American Friends Service Committee (the Quakers) on the subject, as it addresses each of the points raised above:

It is often claimed that Palestinians left their homes in 1948 voluntarily or at the behest of Arab leaders. However, these claims are not supported by the historic record (Khalidi 1988) which show that the vast majority of the 750,000 Palestinians displaced in 1947 and 1948 fled from their homes as a direct result of targeted violence and threats to their safety (Pappe 2007). Many Palestinians who fled attempted to return to their homes during or after the end of the fighting but were blocked from returning by Israeli forces.

The systematic displacement of Palestinians also began well before the UN Partition Plan formally went into effect on May 15<sup>th</sup> 1948, which is the date that marks the beginning of formal hostilities between the Israeli military and forces from surrounding Arab countries. Violent conflict between Palestinians and Jewish forces began as early as November 1947 and continued unabated until May 1948. The early months of the conflict witnessed limited back and forth violence between irregular Palestinian forces and the much more organized Jewish forces including the Hagganah, Irgun, and Palmach.

The nature of the conflict changed dramatically in February and March of 1948 when Jewish forces began systematically depopulating Palestinian communities. On February 15<sup>th</sup> 1948 all

of the residents of the villages of Qisarya, Barrat Qisarya, Khirbat Al-Burj, and Atlit which are near present day Cesarea were forced from their homes. This was the first time during the conflict when villages were completely depopulated (Pappe 2007). The practice of depopulating and destroying Palestinian communities was turned into official government policy by “Plan Dalet” which was finalized by the pre-state Jewish leadership in March 1948. Plan Dalet outlined an explicit strategy for taking over Palestinian communities and expelling the Palestinian population, stating:

“...operations can be divided into the following categories:

– Destruction of villages (setting fire to, blowing up, and planting mines and debris), especially those population centers which are difficult to control continuously.

– Mounting combing and control operations according to the following guidelines: encirclement of the village and conducting a search inside it. In the event of resistance, the armed forces must be wiped out and the population must be expelled outside the borders of the state.” (Khalidi 1988)

The Palestinians who were displaced in 1948 were not allowed to return to the places from which they were displaced because their presence was seen as a threat to the maintenance of a sustainable Jewish demographic majority in the new state. This was made clear to AFSC during an August 9, 1949 meeting between AFSC employee Don Stevenson and Eliahu Elath, the Israeli Ambassador to the U.S. When Stevenson asked Ambassador Elath if Israel would accept the return of Palestinian refugees to their homes Elath told him that Israel would not because “Israel would commit suicide if she took back all the refugees.” (Stevenson 1949)

The reality is that without expelling the Palestinian population that was present in areas set aside for the establishment of a Jewish State by the U.N. Partition Plan it would not have been possible to establish a state with a distinct Jewish character and political culture. Jews were only a slim majority of the population (55 percent Jewish vs. 45 percent Palestinian) in the area proposed for the state. They also owned less than 10% of the land in the area set aside for the new Jewish state and were clear demographic minorities in both the northern (Eastern Galilee) and southern (Negev) sectors of the proposed state where they constituted approximately 30 percent and 1 percent of the population respectively. The Jewish population was only a majority in the middle (coastal) section of the proposed state, but even here 65 percent of the Jewish population lived in the two cities of Tel Aviv and Haifa meaning that Palestinians were the majority population in nearly all of the area set aside for the new Jewish State. (Khalidi 1997)

Additionally, if the new state of Israel had attempted to keep the land that it seized during the 1948 War while also allowing people displaced from these areas during the 1948 war to return to their homes the Jewish population of the new state would have been the minority population. The decision to prevent Palestinians from returning to their homes was therefore not motivated by a fear of violence by returning refugees, but rather was a decision made as the result of the Israeli government's recognition that allowing Palestinian refugees to return would have turned Israel into a bi-national state with a Jewish minority. Israel could not have been established as a Jewish state without the expulsion of the indigenous Palestinian population. (American Friends Service Committee, n.d.)

### *The Facts on the Ground*

I borrow these words precisely from Brahm and Rowmirowsky in order to present a rather different set of facts than the ones they offer us. These have to do not with an idealized past, but with the present day. I urge readers to check the archives that both sides of this debate present, and to decide for themselves.

In her essay, "When a Boycott is Not Moral Action," Emily Budick insists on "self-interrogation": "Self-interrogation is the key here; it is self-interrogation, and therefore intellectual honesty, that seems to be lacking in many supporters of BDS against Israel" (Budick 2015, 91). In what I suppose is her exercise in self-interrogation she spends a good page conceding some lingering inequalities in Israel, but then declares:

My point here is that the State of Israel and the majority of its Jewish majority know and are fully committed to the fact the Jewish character of Israel cannot deprive non-Jewish citizens of their rights and liberties. This is absolutely clear. Boycotts are not necessary to pressure a nation into believing what it already believes or into doing what it is already undertaken to do. (Budick 2015, 97)

I do not know when Burdick and (others) composed their pieces, or what, if any, opportunity they had to update their contributions for this 2015 volume. So one cannot tell whether or not they had, in presenting their arguments that life for Palestinians and other non-Jews in Israel and in the Occupied Territories was not as bad as one might think, factored in the events surrounding the re-election of Benjamin Netanyahu. The manner in which Netanyahu was not only swept back into office riding a wave of racist pronouncements, but also thereafter put in place one of the most aggressively right-wing and racist cabinets in recent memory, offers a stark repudiation of the rosy picture

Budick and others seek to paint. Naturally, their reason for maintaining that Palestinian and other non-Jews have a better situation than imagined is to again remove any reason whatsoever for an academic boycott, or any other form of protest. But even without knowledge of the most recent elections, data from as far back as 2006 present a more grim, less hopeful picture of what “the majority” of Jews feel. For instance, in 2006 *The Guardian* reported that:

A poll of attitudes among Israel’s Jews towards their country’s Arab citizens has exposed widespread racism, with large numbers favouring segregation and policies to encourage Arabs to leave the country.

The poll found that more than two-thirds of Jews would refuse to live in the same building as an Arab. Nearly half would not allow an Arab in their home and 41% want segregation of entertainment facilities.

The survey also found 40% of Israel’s Jews believe “the state needs to support the emigration of Arab citizens”, a policy advocated by some far-right parties in the run-up to next week’s general election.

The poll was conducted by a respected Israeli organisation, Geocartographia, for the Centre for the Struggle Against Racism, founded by Arab-Israeli academics. “Racism is becoming mainstream,” said the centre’s director, Bachar Ouda. “When people talk about transfer [removal] or about Arabs as a demographic timebomb no one raises their voice against such statements.”

“This is a worrisome phenomenon. The time has arrived for the Jewish population, who experienced what racism is on its flesh, to wake up and change its ways.”

Among the poll’s other findings was that 63% of Jewish Israelis consider their country’s Arab citizens a “security and demographic threat to the state.” Some 18% said they felt hatred when they heard someone speaking Arabic, and 34% agreed with the statement that “Arab culture is inferior to Israeli culture.” (McGreal, 2006)

In 2012, another survey found that most Israeli Jews would not give Palestinians the right to vote if the West Bank were to be annexed (Levy 2012).

That same survey found that “a clear majority in the Jewish public (59 percent) wants the government to give preference to Jews in the admission to jobs in the public sector, half of the public wants the government to generally treat Jews better than Arabs, and over 40 percent would like to see separate housing and classes for Jews and Arabs.” (Poll: Israelis support

discrimination against Arabs, embrace the term apartheid: 2012). And in June 2015 the *Jewish Telegraphic Agency* asserted:

More than half of Jewish-Israelis support having separate Jewish and Palestinian buses in the West Bank, a new poll found. The latest monthly Peace Index poll conducted by the Israel Democracy Institute and Tel Aviv University's Evens Program in Mediation and Conflict Resolution focused on attitudes toward Jewish settlements in the West Bank, the diplomatic arena and the Cabinet appointments in the newly formed governing coalition. The June 4-5 survey surveyed 600 respondents, Jews and Arabs. Among the Jewish-Israelis, 52 percent backed separating Jewish and Palestinian passengers on West Bank buses, while 42 percent opposed such a practice. A segregated bus program was implemented in May but was ended within a day following domestic and international criticism. ("Poll: Half of Jewish-Israelis Back Segregated Buses in West Bank" 2015)

It is critical to note here that people both in Israel and abroad saw through the masquerade that the separate buses scheme was meant to suppress terrorism. It is precisely this combination of dissidents in Israel working in conjunction with international protests that BDS facilitates. This is part of the logic behind Neve Gordon's brave 2009 appeal:

It is indeed not a simple matter for me as an Israeli citizen to call on foreign governments, regional authorities, international social movements, faith-based organisations, unions and citizens to suspend co-operation with Israel. But today, as I watch my two boys playing in the yard, I am convinced that it is the only way that Israel can be saved from itself.

I say this because Israel has reached a historic crossroads, and times of crisis call for dramatic measures. I say this as a Jew who has chosen to raise his children in Israel, who has been a member of the Israeli peace camp for almost 30 years and who is deeply anxious about the country's future.

The most accurate way to describe Israel today is as an apartheid state. (Gordon 2009)

Well, one might well object, these are just surveys, soundings of "opinions." They do not prove much. If that is the case, let's complement these opinion polls with actual voting patterns. Let's test out the theory that life for Palestinians in Israel and the Occupied Territories might be troublesome, but not enough to warrant an academic boycott, by looking at how people actually manifested their opinions in their political actions.

Here is how the *New York Times* describes the ways Netanyahu curried favor with voters, the majority of whom, according to the self-interrogating Budick, “are fully committed to the fact the Jewish character for Israel cannot deprive non-Jewish citizens of their rights and liberties”:

Benjamin Netanyahu was poised to return to power. But there was a cloud over his apparent turnaround, the result of an increasingly shrill campaign that raised questions about his ability to heal Israel’s internal wounds or better its standing in the world.

He said there would be no Palestinian state under his watch.

He railed against Israeli Arabs — because they had gone out to vote. From the capitals of Europe, to Washington, to the West Bank, to the streets of Israel, even while his critics said Mr. Netanyahu had reaffirmed his reputation as a cynical, calculating politician, it appeared that his approach succeeded in drawing votes from other right-leaning parties. (Kershner 2015)

In other words, Netanyahu’s successful strategy was to out-radicalize the other right-wing parties. His famous call-out-the vote was this:

“Right-wing rule is in danger,” he said. “Arab voters are streaming in huge quantities to the polling stations.”

He said they were being bused to polling stations in droves by left-wing organizations in an effort that “distorts the true will of the Israelis in favor of the left, and grants excessive power to the radical Arab list,” referring to the new alliance of Arab parties. Opponents accused him of baldfaced racism.

The point is, racism, the removal of the possibility of a two-state solution, and the commitment to make the Occupation “permanent,” all positions to the right of the right, secured him re-election.

Another U.S. news source presented this editorial:

Israeli voters have the right to choose their own leader. But Americans have the right to scale back our support in response.

During the recent campaign, Prime Minister Benjamin Netanyahu broke faith with the fundamental values that bind our two nations.

His comments about Arab voters were racist, plain and simple. He warned that they were “streaming in huge quantities to the polling stations” in an effort that “distorts the true will of the Israelis.”

Imagine an American politician making the same comments about African-American voters, warning of a deluge and suggesting that their presence at the polls somehow distorts the “true will” of Americans?

Far worse was Netanyahu’s repudiation of a two-state solution to the crisis with the Palestinians, a signal that he will rely on Israel’s military superiority to subjugate Arabs in the occupied territories for many years to come. His attempt to take that back a few days after the election was laughably implausible. (Star-Ledger Editorial Board 2015)

Clearly the majority of Jewish voters, pace Budick, signed on to a blatantly racist regime. Here are some of the members of the ruling coalition, described in an article by the noted historian Joel Beinin:

On June 30 [2014] Ayelet Shaked, chairwoman of the Knesset faction of the ultra-right wing *ha-Bayit ha-Yehudi* (Jewish Home) Party, a key member of the coalition government led by Prime Minister Netanyahu, posted on her Facebook page a previously unpublished article written by the late Uri Elitzur. Elitzur, a pro-settler journalist and former chief-of-staff to Netanyahu, wrote

Behind every terrorist stand dozens of men and women, without whom he could not engage in terrorism.... They are all enemy combatants, and their blood shall be on all their heads. Now, this also includes the mothers of the martyrs, who send them to hell with flowers and kisses. They must follow their sons. Nothing would be more just. They should go, as well as the physical homes in which they raised the snakes. Otherwise, more little snakes will be raised there.

The viciousness of Mordechai Kedar, lecturer in Arabic literature at Bar Ilan University, was even more creative than Shaked and Elitzur’s merely genocidal proposal. “The only thing that can deter terrorists like those who kidnapped the children and killed them,” he said, “is the knowledge that their sister or their mother will be raped.” As a university-based “expert,” Kedar’s heinous suggestion is based on his “understanding” of Arab culture. “It sounds very bad, but that’s the Middle East,” he explained, hastening to add, “I’m not talking about what we should or shouldn’t do. I’m talking about the facts.”

Racism has become a legitimate, indeed an integral, component of Israeli public culture, making assertions like these seem “normal.” The public devaluation of Arab life enables a society that sees itself as “enlightened” and “democratic” to repeatedly send its army to slaughter the largely defenseless population of the Gaza Strip—1.8 million people, mostly descendants of refugees who arrived during

the 1948 Arab-Israeli war, and have been, to a greater or lesser extent, imprisoned since 1994. (Beinin 2014).

Besides the comments about “snakes” and “rape” mentioned above by Beinin, consider this:

Likud’s Moshe Ya’alon, a former military chief of staff returning as defense secretary, has praised Avraham Stern, founder and namesake of Lehi, of the “Stern Gang,” a Zionist paramilitary that massacred Palestinians, including hundreds at Deir Yassin, in ethnic cleansing operations during Israel’s founding.

In 2002, Ya’alon said: “The Palestinian threat harbors cancer-like attributes that have to be severed. There are all kinds of solutions to cancer. Some say it’s necessary to amputate organs but at the moment I am applying chemotherapy.”

Jewish Home’s Eli Ben-Dahan, previously deputy minister of religious affairs, is now deputy minister of defense with responsibility for Israel’s “civil administration.”

The body, part of the ministry of defense, oversees the administrative and regulatory aspects of Israel’s military occupation of the West Bank.

Ben-Dahan had seemingly spent years establishing his credentials for the post. In August 2013, he said: “Palestinians are beasts, they are not human.” In December of that year, he broadened the scope of his racism, saying: “A Jew always has a much higher soul than a gentile, even if he is a homosexual.”

Ben-Dahan will now oversee Palestinian infrastructure and development, the issuance of building, entry and exit permits, and innumerable other aspects of life in the West Bank. (Catron 2015)

Or consider Miri Regev, Likud, Culture Minister:

Miri Regev is another lawmaker fond of inciting racial hatred and devoted to depopulating Israel of African asylum-seekers. Exactly three years ago, she triggered a mini-pogrom when she told thousands of anti-African protesters that the asylum-seekers are Israel’s “cancer.” In the days following the racist frenzy, she apologized to Israeli cancer victims for daring to compare them to Africans. Six months later, Regev proclaimed in a televised interview that she was “happy to be a fascist.”

In the previous government, Netanyahu rewarded Regev by appointing her head of the Interior Committee, the very Knesset

committee that determines the fate of asylum-seekers. In the new government, Regev will serve as Culture Minister, where she will continue the work begun by her predecessor Limor Livnat, silencing dissent by cutting funds to artists whose works she deems to be insufficiently patriotic. (Sheen 2015)

Finally, consider the assessment put forward in *Haaretz*: “The current Knesset appears to be the most racist in the history of the legislature. It is also the most boorish and mediocre. Scandal follows scandal, MKs vie with each other to see who will lead the assembly to its nadir. Wednesday’s pick was the new deputy interior minister, MK Yaron Mazuz (Likud,) who told his Arab colleagues “we’re doing you a favor that you’re sitting here,” and called on them to return their identity cards. The most ludicrous moment was when he told them: “You’re in a democratic country, respect it” (*Haaretz* Editorial 2015).

And the view from diasporic Jews reveals skepticism regarding the Israeli state’s commitment to peace. The Jewish People Policy Institute’s (JPPI) project investigating Diaspora positions and perspectives on Jewish values and Israel’s use of force in armed conflict “concludes that the Jewish world understands the need and approves of the way Israel and the IDF use force in asymmetrical confrontations.” However, immediately following this the report notes, “Despite this positive conclusion, many in the Jewish world are critical of particular Israeli policies that lead to the use of force. Many Jews doubt that Israel truly wishes to reach a peace settlement with the Palestinians, and few believe it is making the necessary effort to achieve one.” One must mention here again that like the Diaspora Jews surveyed in this report, those supporting the academic boycott of Israel are indeed protesting “particular Israeli policies,” not Jewish people.

The situation “on the ground” has degenerated to the degree that, according to another editorial in *Haaretz*:

Slowly but surely Israel is acquiring the status of an anachronistic entity. The legislation that passed in the Knesset that dark night last week, which makes ethnic inequality a legal norm, has no parallel in democratic countries because it contradicts the very essence of democracy.

Does the West have any such anachronism? The settlement colonialism is the main reason today, usually the only one, for the opposition, sometimes bordering on hatred, that Israel arouses among much of the Western intelligentsia. It’s not the enemies of Zionism and the anti-Semites who are delegitimizing Israel, but Israel itself, with its own two hands. (Sternhell 2011)

Only by “interrogating” any assessment of the “facts on the ground” can we even begin to understand why those supporting the academic boycott of Israel would risk taking what has amounted to be the litmus test for

progressives in the United States. For there is no question whatsoever that if one speaks out for BDS one will immediately be accused of being anti-Semitic, and consequently shunned and harassed by those who live in ignorance or denial of the facts just presented.

Now why present all this information? Because so much of the Nelson-Brahm collection insists that none of this is true. Evading the actual conditions under which we are advocating an academic boycott, the call for a boycott seems weak, insufficiently grounded in reality, to open to the charge of being a groundless anti-Semitic attack on the Jewish people. I have instead pointed out, and will continue to point out, the ways the Israeli state policies that BDS targets have become “facts on the ground” with specific and terrible effects.

Such easily verified facts as those I have just mentioned (and I do urge skeptics to follow up on any of these sources or others) are the reason those who support the boycott are entirely skeptical about calls for patience, for dialog, for the “free flow of ideas,” by which of course critics of the boycott mean the flow of ideas between Israeli and American scholars. What is completely elided are precisely these data that show that “dialog” has produced no amelioration, no improvement, and has given us no hope. Critics of the boycott say we have to be patient. But look what is going on as they buy time for their cause.

It is now time to turn to the fourth and final section of this essay, and to present another set of data that is particular to the idea of academic freedom and the academic boycott of Israel.

## *Conclusion*

Let’s now finally return to the topic supposedly at the heart of this collection – academic freedom, this time with a focus not on the hypothetical harms an academic boycott might do to individual U.S. and Israeli scholars, but to the actual, manifest harms the Palestinians face on a daily basis, harms that directly deprive them of academic freedom and much much more. This should matter to anyone who, as these authors supposedly do, believes academic freedom is a “fragile” yet “transcendent” value.

What we find over and over again in the debates about the boycott is a concern about ourselves – “What will happen to *us* if the boycott is successful?” But in focusing on this potential harm we make ourselves blind to the already existing, and voluminously documented, harms already and continually done to the academic freedoms of Palestinians.

Now, more and more of that information is coming out, from reputable, neutral sources. This information paints a fuller picture of what academic life looks like in Israel/Palestine, where even going to school is challenging and often deadly. And while this information is, as noted above, usually absent from the mainstream media, all it takes is a modicum of curiosity and the

desire to know — something academics are supposed to be endowed with — to find this data. Once one does, one is able to start having a truly informed debate about an academic boycott of Israel. We simply have to know more about the academic and educational rights that are denied Palestinians — the very rights for which the boycott is exists. Only after seriously considering that information in as ethical way as possible and balancing those concerns against our self-interest can we arrive at an ethically informed choice.<sup>2</sup>

Right after the December 2013 vote of the American Studies Association to honor the call for the academic boycott of Israel, the *New York Times* (Pérez-Peña and Rudoren 2013) quoted me as saying, “People who truly believe in academic freedom would realize protesting the blatant and systemic denial of academic freedom to Palestinians, which is coupled with material deprivation of a staggering scale, far outweighs concerns we in the West might have about our own rather privileged academic freedoms.” In her essay, “Exercising Rights: Academic Freedom and Boycott Politics,” Judith Butler expresses a similar notion in a full and comprehensive manner:

One might begin by asking whether there are conditions under which academic freedom can be exercised. The thesis that academic freedom is *conditional* presupposes that there are institutional structures that make academic freedom possible and protect its ongoing exercise. What does it matter if there are such conditions? Is academic freedom not separable from the conditions of its exercise? My suggestion is that academic freedom is a conditioned freedom and that it cannot rightly be thought or exercised without these conditions.... We might begin to understand checkpoints, erratic closures of universities, and the indefinite detention of students and faculty for espousing political viewpoints as relevant to both the right to education and academic freedom itself. (Butler 2015, 293)

Remaining blind to the persistent and regularized harassment of scholars and students and universities in the Occupied Territories, as well as the destruction of Palestinian schools, universities, and other infrastructures necessary to “academic freedom,” as well as to the direct human cost of the Occupation in terms of deaths and injuries during Israeli’s military attacks, should be increasingly hard to do now, given key reports issued by the United Nations and other agencies and groups.

Let’s start with a small sample of academic life under the Occupation. First, the extensive barrier and checkpoint systems make travel hard enough — students and teachers often have to take circuitous routes that take hours to negotiate simply to attend class — but security personnel often maintain long delays on purpose to harass students and teachers. Indeed, travel

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<sup>2</sup>The following discussion is largely drawn from my op-ed, “To Critics of the Academic Boycott of Israel: What About ‘Academic Freedom’ for the Children of Gaza?” See Palumbo-Liu (2015).

for scholars both within Israel and the Occupied Territories and internationally is severely restricted, if not impossible, due to the massive visa and travel permit regulations:

There are 101 different types of travel permits. The type of required is determined by what the individual needs to do and the person's identification document. Palestinians living in Israel have Israeli passports to travel abroad but are prevented from entering the 1967 occupied territories for collaborating with colleagues. Those who lived in the West Bank and East Jerusalem prior to 1967 are able to get travel permits but with considerable effort and restrictions. If you get a permit, you cannot stay overnight in Israel or East Jerusalem but must return home and repeat the demeaning and time consuming clearance through Israeli checkpoints the next day. Imagine the impact this has on collaborations. According to a United Nations report, NGOs will spend 20% of each working day preparing permit applications and renewals. (Davidson 2015)

This reporter adds: "Travel inside the West Bank to participate in a conference held at another West Bank university becomes an arduous task. Academics at Al Najah (Nablus) told me they may spend three or more hours traveling to a conference at Bethlehem University (a 53 km. journey) if all goes well." He ends: "Closures, harassing and harming students and faculty, politically motivated incursions into student politics, restrictions on internal and external travel combine with the dependence on foreign donations given with many strings attached – and a host of other restrictions too numerous to mention here – deny or restrict severely anything but a pretense of Palestinian academic freedom" (Davidson 2015).

What about living under persistent attack, and in the aftermath of those attacks? In January 2015 UNESCO released its "Rapid Assessment of Higher Education Institutions in Gaza." It got no coverage at all in any major U.S. news venue. If it had, American readers might have learned that

The scale of destruction and devastation after 50 days of conflict in July-August 2014 is unprecedented in Gaza, including in the education sector. According to the MIRA findings [Multi-Cluster/ Agency Initial Rapid Assessment coordinated by the United Nations Office for the Coordination of Humanitarian Affairs], 26 schools have been completely destroyed and 122 damaged during the conflict, 75 of which are UNRWA schools. It is worth noting that already prior to the last conflict the education system in Gaza was suffering from a shortage of at least 200 schools, which led to a big number of classes running in double shifts, impacting on the quality of education. Early childhood development has also been highly affected.

Among a total of 407 kindergartens in Gaza, 133 were damaged and 11 totally destroyed. The Higher Education sector also suffered

severe human and infrastructure damages. After 50 days of conflict, the right to quality education for all Palestinian children and youth has been further compromised.

In addition to kindergartens, primary and secondary schools and other education centres, 4 higher education institutions were directly targeted during the hostilities, sustaining significant injury and loss of life among staff and student populations, as well as damage to buildings and equipment. (United Nations Educational, Scientific and Cultural Organization 2015)

The study offers these and other details in terms of loss of life and injuries to staff and students:

- Staff and students suffered heavy casualties during the conflict, sustaining loss of life and serious injuries. A number of injuries have led to disabilities including mobility, hearing and visual impairments which will impact on individuals and their families throughout their lives.
- Nine academic and administrative staff from the HEIs [Higher Education Institutions] were killed and 21 injured.
- A total of 421 HEI students were killed during the conflict and 1,128 were injured.

And, perhaps most dramatically –

- Student deaths during the conflict constitute *more than a quarter* – or 27.4% – of *total civilian deaths* incurred in Palestine. Even considering the exceptionally high ratio of people aged 15 to 29 to the total over-15 population (53%), this is a shocking statistic. (United Nations Educational, Scientific and Cultural Organization 2015)

The report states flatly: “The failure to treat learning environments as safe spaces and protect universities from attack is a serious violation of the right to education and is prohibited under international law. The resulting staff and student attrition, alongside loss of life, injury and damage to infrastructure, seriously undermines the quality of education which should be supporting young people to achieve their full potential as well as helping to mitigate psychosocial impacts of armed conflict by providing stability, normality, structure and optimism about the future” (United Nations Educational, Scientific and Cultural Organization 2015).

Reports from the United Nations have determined that Israeli armed forces purposefully attacked even schools designated as UN schools acting as shelters:

Israeli officials said they were trying to determine who was responsible for the bloodshed. In past incidents, the Israeli military blamed errant rocket or mortar fire by Gaza militants for explosions at U.N. schools—or said the blasts were under investigation.

The U.N. Relief and Works Agency (UNRWA), which operated the school-turned-shelter in the Jabalya refugee camp, said it had gathered evidence, analyzed bomb fragments and examined craters after the attack. Its initial assessment was that three Israeli artillery shells hit the school where 3,300 people had sought refuge.

“I condemn in the strongest possible terms this serious violation of international law by Israeli forces,” said Pierre Krähenbühl, the UNRWA commissioner-general. “This is an affront to all of us, a source of universal shame. Today the world stands disgraced.” (Raghavan, Booth, and Eglash 2014)

And just recently, in April 2015, Ban Ki-moon issued this UN report (United Nations Headquarters Board of Inquiry 2015) on the findings of a UN Board on Inquiry into the attacks on UN facilities in Gaza, which showed that Israel deliberately shelled the UN schools.

Denial of educational rights takes place in prisons where children are held as well. A recent study found that:

Since 2000, Israel has arrested and imprisoned over 7,000 children, with 156 currently in jail. Often handed down sentences for stone throwing, child prisoners are defined as being below the age of sixteen by Israeli military law, whilst being classified as under eighteen through civilian law. Only two out of the five prisons holding Palestinian child detainees provide some form of education, through a very limited teaching of Arabic, Hebrew, English and Mathematics. Geography and subjects related to the sciences are banned from being taught due to “security concerns.” (Mahmoudi 2015)

This, despite the fact that:

The right to education is numerously outlined in international law, including Article 26 of the Universal Declaration of Human Rights (UDHR), as well as the International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by Israel in 1991. Article 94 of the Fourth Geneva Convention encourages the “Detaining Power” to “take all practicable measure to ensure the exercise” of “intellectual, educational and recreational pursuits.” It also states that, “all possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.

In response to reports of Israel's killing of students and other civilians, supporters of Israel often argue that these people were being used as human shields. This alibi has been thoroughly repudiated. A UN report in 2009 found no evidence of Hamas using "human shields":

On the basis of the investigations it has conducted, the Mission did not find any evidence to support the allegations that hospital facilities were used by the Gaza authorities or by Palestinian armed groups to shield military activities and that ambulances were used to transport combatants or for other military purposes.

On the basis of the information it gathered, the Mission found no indication that the civilian population was forced by Hamas or Palestinian armed groups to remain in areas under attack from the Israeli armed forces. (Human Rights Council 2009)

And with regard to the attack on Gaza in 2014, Amnesty International issued this report:

Q: The Israeli authorities claim that Hamas and Palestinian armed groups use Palestinian civilians in Gaza as "human shields." Does Amnesty International have any evidence that this has occurred during the current hostilities?

A: Amnesty International is monitoring and investigating such reports, but does not have evidence at this point that Palestinian civilians have been intentionally used by Hamas or Palestinian armed groups during the current hostilities to "shield" specific locations or military personnel or equipment from Israeli attacks. In previous conflicts Amnesty International has documented that Palestinian armed groups have stored munitions in and fired indiscriminate rockets from residential areas in the Gaza Strip in violation of international humanitarian law. Reports have also emerged during the current conflict of Hamas urging residents to ignore Israeli warnings to evacuate. However, these calls may have been motivated by a desire to minimize panic and displacement, in any case, such statements are not the same as directing specific civilians to remain in their homes as "human shields" for fighters, munitions, or military equipment. Under international humanitarian law even if "human shields" are being used Israel's obligations to protect these civilians would still apply. ("Israel/Gaza Conflict: Questions and Answers" 2014)

Given Netanyahu's re-election and the continued rightward swing in Israeli politics, which adamantly refuses meaningful negotiations and continues to expand settlement building, Gaza is doomed to either face more such attacks, or else be condemned to the slower death envisioned in August 2012 by the United Nations, which determined that:

In the absence of sustained and effective remedial action and an enabling political environment, the challenges which confront the people of Gaza now will only intensify over the coming years to 2020, a period in which another half a million people will be added to the present estimated population of 1.6 million. Without such action, the daily lives of Gazans in 2020 will be worse than they are now. There will be virtually no reliable access to sources of safe drinking water, standards of healthcare and education will have continued to decline, and the vision of affordable and reliable electricity for all will have become a distant memory for most. The already high number of poor, marginalized and food-insecure people depending on assistance will not have changed, and in all likelihood will have increased. (United Nations Country Team in the oPt 2012)

But what about the academic freedom and actual educational opportunities of Arabs in Israel itself? A study by the Institute for Middle East Understanding found:

Palestinians make up about 20% of Israel's population, or about 1.5 million people. Although they are citizens of the state, they face widespread, systematic discrimination in virtually all aspects of public life, including education. This manifests in lower state funding for Arab schools and discrimination against Arab students and faculty at Israeli institutions of higher learning.

In July 2013, *Haaretz* newspaper reported on the disparities in funding between different sectors of the Israeli education system, which is segregated into Arab, religious Jewish, and secular Jewish sectors. The report found that in the largest Arab town in Israel, Nazareth, high schools were allocated an average of about \$5400 (USD) per student per year, while right next door in the Jewish town of Upper Nazareth the Israeli Education Ministry spent an average of about \$7400 (USD) per student annually. On the national level, the report found that in 2012 each Arab high school student in Israel was allocated on average about \$6000 (USD), below the overall national average of about \$7200 (USD). At the top end of the scale, religious Jewish high schools received an average of about \$7700 (USD) per student per year.

Access to most government financial aid for college students is dependent on military service. Because most Palestinian citizens of Israel choose not to serve in the army of a state that represses and discriminates against them and occupies and colonizes their Palestinian brethren in East Jerusalem, the West Bank, and Gaza, the military service requirement results in the privileging of Jewish students over non-Jewish ones in accessing higher education.

In June 2013, the Center for Advancement of Higher Education in Arab Society released a report detailing 14 barriers that young Palestinian citizens of Israel face in obtaining a college education. They include:

Discrimination in the awarding of scholarships through the granting of extra credit for army service or residence in so-called “national priority areas,” where few Arabs live.

Lack of access to campus housing due to preference given to applicants with military service and growing racism in Israeli society that makes it difficult for Palestinian students to find housing on and off campus.

A lack of freedom of speech for Palestinian students, who are often denied the right to freely express their political opinions on campus.

In September 2013, *Haaretz* newspaper reported that the Israel Academy of Sciences and Humanities, which is comprised of 108 of Israel’s most distinguished scholars, doesn’t have a single Arab member. The article also reported that only 2% of the 174 senior staff members of state-funded institutions are Arab. (“Israeli Violations of Palestinian Academic Freedom & Access to Education” 2014).

Thus to really talk about “academic freedom” and the educational enterprise, we need to be in firm command of such facts, and not be solely concerned with the potential restrictions a boycott might place on us. Getting back to Judith Butler, these are precisely the “conditions” under which academic freedom is to be found, or not, in Gaza and the West Bank, and in Israel itself.

In the face of persistent violations of human rights and international law, increased and relentless settlement building, and the attacks on BDS both within Israel and in Europe, Canada, the United States and elsewhere, we are facing a situation wherein there is no “legitimate” form of Palestinian resistance, even when it takes the shape and nature of non-violent, legal resistance as in the BDS movement.

And that is all the more reason why the academy should actively debate and discuss the academic boycott with the above kinds of information on hand, rather than hide behind safeguarding the privileges we enjoy at the expense of academic freedom for Palestinians. Particularly in the humanities, the contradiction produced as humanists jealously hold on to their scholarly privileges in the face of unspeakable death and destruction is bare, stark, and obscene. If humanists worry about the relevance of the humanities, they might consider how the humanities have failed in this regard to teach us much about being humane and outward looking.

It may well be that history will look back upon this era as one in which intellectuals and scholars in the United States chose to hide their heads in the sand and ardently ignored the facts that were available to them. For the

sake of pursuing unmolested their safely protected “research interests” and warding off so-called “divisiveness,” they avoided at all cost a glimpse into the horror of the Occupation, which has killed off a generation of scholars. But I would hope against all hope that they, that we, would answer the call for solidarity emanating from Palestinian civil society—a plea that reaches out to us from the abyss—and lend our support to ending the fatal injustices perpetrated against not only our fellow scholars and students, but also upon our fellow human beings.

One final thought, and a painful one to express. For all my active distaste for the tactics of those who use the pretense of defending academic freedom to defend their particular vision of the State of Israel, I have to recognize their consistency (even obdurateness), their conviction, their passion. There is also some real pathos to be found in their writings that I do not wish to downplay, even while I just as passionately disagree with them. What I personally find more disturbing are those who voice some modicum of criticism of the state of Israel and yet who hang on to the notion that the “free flow of ideas” is paramount, or that we should wait to see what develops. They do so not for some nation or state or religious or ethnic-based cause, but for an abstract principle. So far so good.

But my deep disappointment in them is that they have no real concern for an entire population has had not only their academic freedom stripped from them, but also their land, their jobs, their loved ones. With violence and extreme prejudice. Those who protest the academic boycott have not a meaningful word to say about that. They are more deeply concerned about some scholar or another not being able to attend a conference, or a student not being able to study abroad. In other words, those individuals, by the terms of the boycott, would be made to feel in one or another instance what Palestinian teachers and students feel on a daily basis, a continuing basis, and unless we act, this situation will continue into infinity.

So it is true—boycotts, by their very nature, are meant to disrupt life as usual. As Cary Nelson says, in endorsing his strike: “You have to make daily life unmanageable” (Nguyen 2014).

What I have hoped to have shown, by way of these numerous citations from credible sources, is that “daily life” for Palestinians, both in terms of access to education and to basic standards of life in general, is unbearable. In an act of solidarity we are asking our colleagues to perhaps forego every single instance of their rights and privileges in order to answer the call for help. There comes a time to extend to others a sense of empathy.

And if the lack of empathy and moral generosity on display here is not bad enough in that light, the hypocrisy of some of the anti-boycotters is—for not only will they argue vehemently against this act of solidarity, they and others in this volume will also not lift a finger to do something to extend to the Palestinians the rights they deserve. All they can present is a negative program of denial and denigration. They pontificate about reasonable alternatives to an academic boycott, but they do nothing. They fail on two major

ways. First, they fail to recognize the basic principle of solidarity—which means we listen to the silenced voices of the Palestinians and make our decisions to endorse or not endorse based on the nature of their call for solidarity, not according to the terms of our “personal boycotts.” Second, the utter shallowness of the sincerity of their supposed sympathy for the Palestinians is shown in their absolute lack of action, even in ways they recommend as preferable to that of the academic boycott.

When Nelson says, “In the end, BDS is more than willing to sacrifice academic freedom to its political agenda. American and Israeli academic freedom must be set aside in order to see justice for Palestinians” (Nelson 2015, 68), he is only part right (as well as being fully hypocritical as I have shown above). Yes, in fact, we are saying that despite all the protections put in place for the academic freedom for individual American and Israeli scholars (and read again the ASA statement cited above), if there were a case when in order to honor the boycott someone not be able to attend a conference, or not be able to invite a specific scholar who chooses to represent an Israeli state institution, then we would hope they would honor the boycott (there is of course no coercive or punitive force in the boycott). Yes, those who support the boycott put “justice for the Palestinians” above one’s conference activities.

What are those who argue against the boycott doing to effectively bring about justice in Palestine? If they cannot find it in themselves to join the boycott, and they are not doing anything on their own or with others to end the misery of the Palestinians and to bestow them the rights agreed to by international human rights laws, conventions and covenants, and numerous UN resolutions, then that means they effectively accept the status quo, which includes the systemic denial of academic freedom to the Palestinians.

And that is where we must part ways, for a growing number of us, here in the United States and around the world, emphatically do not accept the status quo, we do not wish to carry on business as usual, we choose not to defend our academic and other freedoms at the expense of extending them universally. And we find in BDS a perfectly legal, non-violent, human rights-based case for civil disobedience, for refusing to collaborate with an oppressive state’s immiseration of an entire people.

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