

MLA RESOLUTION TO ENDORSE THE BOYCOTT OF ISRAELI ACADEMIC INSTITUTIONS: SUPPORTING MATERIALS

Whereas the MLA affirms: “When academic freedom is curtailed, higher education is compromised”;

Whereas the US materially supports Israel’s ongoing violations of human rights and international law;

Whereas these violations include the systematic denial of academic freedom and educational rights for Palestinian scholars and students;

Whereas Israeli universities are instrumental in perpetuating these violations;

Be it resolved that the MLA endorses Palestinian civil society’s call for the boycott of Israeli academic institutions; and

Be it further resolved that the MLA affirms the right of faculty and students everywhere to advocate for the boycott of Israeli academic institutions, without retaliation.

I. Whereas the MLA affirms: “When academic freedom is curtailed, higher education is compromised”

The central statement of academic freedom in this country is the “1940 Statement of Principles on Academic Freedom and Tenure” formulated by the American Association of University Professors (AAUP) and the Association of American Colleges and Universities.¹ The Modern Language Association endorsed this statement in 1962 and has a long record of supporting its principles. The MLA reaffirmed its endorsement of this document in 2009.²

II. Whereas the US materially supports Israel’s ongoing violations of human rights and international law;

The United States provides material support for Israel’s ongoing breaches of international law, its continuing dispossession of the Palestinian people, and its occupation of the West Bank and the Gaza Strip. According to the United States Department of State this support amounts to “over \$3 billion” annually, and is supplemented by “a high level of exchanges with Israel, to include joint military exercises, military research, and weapons development.”³ Israel’s military campaign in Gaza in summer of 2014, like its previous attacks and its ongoing occupation, largely rely on the military aid, joint exercises, research, and development that the United States provides, most recently under a long-

¹ <http://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure> .

² http://www.mla.org/academic_freedom_2009 .

³ <http://www.state.gov/r/pa/ei/bgn/3581.htm> .

term, \$30 billion military aid package, agreed to in 2007, extending from fiscal year 2009-2018, recently reaffirmed by Barack Obama.⁴

The West Bank and Gaza are both occupied territories, and under international law this imposes specific obligations on the occupying power. From the perspective of international law, both these territories are occupied because, irrespective of Israel's unilateral withdrawal from Gaza in 2005, it retains effective control over them.⁵ That Israel retains effective control is shown through its capacity to control the borders of the West Bank and Gaza;⁶ to control the West Bank and Gaza's airspace and Gaza's access to territorial waters;⁷ to designate "no go" zones adjacent to Gaza's border with Israel, where Palestinians who enter may be shot by the Israeli military;⁸ to retain direct control over at least 60% of the land in the West Bank (designated by Israel as "Area C");⁹ to designate "bypass roads" that divide the West Bank into separate mini-areas, granting to Israel effective control over the entirety of the territory;¹⁰ to erect a separation wall along (and frequently breaching) the 1967 border between Israel and the West Bank;¹¹ and, through its capacity to lay siege to Gaza, to devastate its population, and to render Gaza "unliveable" by 2020.¹²

The obligations of Israel under international law are stipulated in the Geneva Conventions of 1949, the Hague Regulations of 1907, and the Additional Protocols I and II of 1977. The Fourth Geneva Convention outlines the protections afforded "protected persons" during time of war, and the Palestinians in the West Bank and Gaza belong to this category. This Convention prohibits particular behaviors, including the intentional killing of civilians or non-combatants (Article 3); collective punishment and reprisals against protected persons and their property (Article 33); and the forced transfer of an occupied population out of an occupied territory, and the transfer by an occupying power

⁴ On the long-term military aid agreement, see Jeremy M. Sharp, "U.S. Foreign Aid to Israel," *Congressional Research Service Report for Congress*, April 11, 2014 (<http://fas.org/spp/crs/mideast/RL33222.pdf>); see also (<http://www.nytimes.com/2007/08/17/world/middleeast/17israel.html>).

⁵ See Lisa Hajjar, "Is Gaza Still Occupied and Why Does it Matter," *Jadaliyya*, July 24, 2015 (<http://www.jadaliyya.com/pages/index/8807/is-gaza-still-occupied-and-why-does-it-matter>).

⁶ "The Scope of Israeli Control in the Gaza Strip," *B'tselem: The Israeli Information Center for Human Rights in the Occupied Territories*, January 1, 2011 (http://www.btselem.org/gaza_strip/gaza_status).

⁷ "Israel's Control of the Airspace and the Territorial Waters of the Gaza Strip," *B'tselem*, January 1, 2013 (http://www.btselem.org/gaza_strip/control_on_air_space_and_territorial_waters).

⁸ "No-Go Zones Near Gaza Strip Perimeter Fence," *B'tselem*, January 1, 2011 (http://www.btselem.org/gaza_strip/forbidden_zones).

⁹ "Acting the Landlord: Israel's Policy in Area C, the West Bank," *B'tselem*, June 2013 (http://www.btselem.org/publications/201306_area_c).

¹⁰ Jeff Halper, "The 94 Percent Solution," *Middle East Report* 216 (Fall 2000) (<http://www.merip.org/mer/mer216/94-percent-solution>).

¹¹ "Separation Barrier," *B'tselem*, January 1, 2011 (http://www.btselem.org/separation_barrier/map).

¹² "Gaza in 2020: A Liveable Place?," *The United Nations Relief and Works Agency for Palestine Refugees in the Near East*, August 28, 2012 (<http://www.unrwa.org/newsroom/press-releases/gaza-2020-liveable-place>).

of its own population into an occupied territory (Article 49). The facilitation of the proper working of educational institutions within the occupied territory is prescribed (Article 50). The Occupying Power must also ensure that food and medical supplies are available to the occupied population (Article 55).¹³

Al-Haq, a Palestinian human rights organization, and the West Bank affiliate of the International Commission of Jurists, has issued a report that details these practices of occupation and breaches of international law in relation to the right to education (2005).¹⁴

In November 2004, the UN Office for the Coordination of Humanitarian Affairs (OCHA) recorded a total of 61 checkpoints, six partial checkpoints, 102 roadblocks, 374 earth mounds, 28 earth walls, 48 road gates, 61 trenches and 39 observation towers throughout the West Bank. This amounts to a total number of 719 physical barriers to movement. Similarly in July 2004, OCHA recorded in the Gaza Strip a total of five checkpoints, nine roadblocks, 12 earth mounds, 10 road gates, 46 military posts, 67 observation towers and five commercial entries, totaling 154 physical barriers to movement in the Gaza Strip. In addition, the Israeli occupying forces continued to establish “flying checkpoints,” which are manned mobile roadblocks. At all checkpoints, whether permanent or “flying,” Palestinians must present identification and potentially be subject to searches and long delays.

As documented in **Section III**, the permit regime is among many factors that hinder Palestinian access to education.

The distribution of basic resources within the Occupied Territories is organized along religious or national lines. Amnesty International reports¹⁵ that in Gaza, as a result of the blockade imposed by Israel, “80% of the population is dependent on international aid,” “61% of the population is food insecure,” “Unemployment rate is around 39%, one of the highest in the world,” “Power outages usually last 4-6 hours a day and often longer,” “60% of Gaza’s population receives running water only once every 4 or 5 days, for 6-8 hours,” “50 to 80 million litres of untreated or partially treated sewage are released into the sea every day,” and “About 90% of the water supplied to Gaza residents is not suitable for drinking and is contaminated with salt and nitrates.” This restriction on and

¹³ The text of the Fourth Geneva Convention is available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtectionOfCivilianPersons.aspx> . The Geneva Academy of International Humanitarian Law and Human Rights has underlined that Israel is a party to the 1949 *Geneva Conventions*. See the details provided at: http://www.geneva-academy.ch/RULAC/international_treaties.php?id_state=113 .

¹⁴ “Palestinian Education Under Israeli Occupation,” *Al-Haq*, April 12, 2005 (<http://asp.alhaq.org/zalhaq/site/eDocs/txtDocs/Presentations/Palestinian%20Education%20under%20Israeli%20Occupation%20-%20final.pdf>) .

¹⁵ *Dashed Hopes: Continuation of the Gaza Blockade*, Amnesty International (<http://www.amnestyusa.org/sites/default/files/pdfs/gazareport2011.pdf>) .

distribution of resources imparts a structural, constant, pervasive, and daily violence that is also what Human Rights Watch has identified, in relation to the West Bank as well, as “systematic discrimination.”

Palestinians face systematic discrimination merely because of their race, ethnicity, and national origin, depriving them of electricity, water, schools, and access to roads, while nearby Jewish settlers enjoy all of these state-provided benefits,” said Carroll Bogert, deputy executive director for external relations at Human Rights Watch. “While Israeli settlements flourish, Palestinians under Israeli control live in a time warp—not just separate, not just unequal, but sometimes even pushed off their lands and out of their homes.”¹⁶

This systematic restriction on access to resources—bolstered by the confiscation and theft of Palestinian land and water resources—is administered to the Palestinians through a system of permits and identification cards, to mention only one dimension of the administrative apparatus of the occupation. *Haaretz* reports that,

Israel's Civil Administration issues 101 different types of permits to govern the movement of Palestinians, whether within the West Bank, between the West Bank and Israel or beyond the borders of the state, according to an agency document of which *Haaretz* obtained a copy.

The most common permits are those allowing Palestinians to work in Israel, or in Jewish settlements in the West Bank. Over the decades, however, the permit regimen has grown into a vast, triple-digit bureaucracy.

There are separate permits for worshipers who attend Friday prayers on the Temple Mount in Jerusalem and for clerics working at the site; for unspecified clergy and for church employees. Medical permits differentiate between physicians and ambulance drivers, and between “medical emergency staff” and “medical staff in the seam zone,” meaning the border between Israel and the West Bank. There is a permit for escorting a patient in an ambulance and one for simply escorting a patient.

There are separate permits for traveling to a wedding in the West Bank or traveling to a wedding in Israel, and also for going to Israel for a funeral, a work meeting, or a court hearing.¹⁷

¹⁶ “Israel/West Bank: Separate and Unequal,” *Human Rights Watch*, December 19, 2010 (<http://www.hrw.org/en/news/2010/12/18/israelwest-bank-separate-and-unequal>) .

¹⁷ Chiam Levinson, “Israel has 101 Different Types of Permits Governing Palestinian Movement,” *Haaretz*, December 23, 2011 (<http://www.haaretz.com/print-edition/news/israel-has-101-different-types-of-permits-governing-palestinian-movement-1.403039>) .

Israel's breaches of international law—mediated through the practice of separation as institutionalized in the state of Israel and through its occupation of the West Bank and Gaza—ought to be considered in relation to the corpus of international human rights law that addresses racialized violence. Alongside Article 55 of the Charter of the United Nations,¹⁸ the Declaration on the Granting of Independence to Colonial Countries and Peoples (1960),¹⁹ the International Convention on the Elimination of All Forms of Racial Discrimination (1969),²⁰ and the Convention on the Suppression and Punishment of the Crime of Apartheid (1973),²¹ provide a legal framework for the critique and redress of this violence. As the recent Israeli attacks on Gaza show, Israel shows no reluctance in the use of indiscriminate violence against a civilian population—in violation of Article 3 of the Fourth Geneva Convention.²² Using this violence to set the terms for political negotiations, and to install facts on the ground with which the Palestinians must continue to live, Israel continues to perpetuate its violations of the norms of international law and human rights standards.

The United States provides political support for these violations, routinely vetoing UN Security Council resolutions critical of Israel's policies, in addition to the massive material support documented above.²³ This imposes an ethical responsibility on scholars who work and reside in the United States, and to all the members of the Modern Language Association of America.

III. Whereas these violations include the systematic denial of academic freedom and educational rights for Palestinian scholars and students;

Within both Israel and the occupied Palestinian territories (oPt), Israel systematically violates the academic freedom and educational rights of Palestinian scholars and students in three significant ways: 1) restrictions on travel and mobility; 2) campus invasions resulting in the closure or destruction of institutions; and 3) discrimination and

¹⁸ <http://www.un.org/en/documents/charter/chapter9.shtml> .

¹⁹ <http://www.un.org/en/decolonization/declaration.shtml> .

²⁰ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx> .

²¹ <http://legal.un.org/avl/ha/cspca/cspca.html> .

²² For available reports of various Israeli acts of violence against Palestinian civilians in Gaza, see the report of four Palestinian boys killed while playing on the beach (Anne Bernard, "Boys Drawn to Gaza Beach, and Into Center of Mideast Strife," *New York Times*, July 16, 2014, <http://www.nytimes.com/2014/07/17/world/middleeast/gaza-strip-beach-explosion-kills-children.html>) , of Israel's bombing of a UN School (Sudarsan Raghavan, William Booth, and Ruth Eglash, "U.N. Says Israel Violated International Law, After Shells Hit School in Gaza," *The Washington Post*, July 30, 2014, http://www.washingtonpost.com/world/israel-presses-attack-16-killed-at-un-school/2014/07/30/4a643588-17a5-11e4-85b6-c1451e622637_story.html) , and of Israel's killing of entire families through targeted strikes (Jack Khoury, "89 Families Killed in Gaza Since Hostilities Began," *Haaretz*, August 24, 2014, <http://www.haaretz.com/news/diplomacy-defense/1.612255>) .

²³ For a list of Security Council resolutions vetoed by the United States, see: <http://www.jewishvirtuallibrary.org/jsource/UN/usvetoes.html> .

ensorship. Such violations have been well documented in recent reports by Human Rights Watch, Amnesty International, and many agencies within the United Nations, cited throughout this section.

1) Restrictions on Travel and Mobility

Palestinians students face a multitude of restrictions on their ability simply to arrive at their schools. Such restrictions, according to Amnesty International, violate international law and constitute “collective punishment of the population of Gaza and the West Bank in violation of International law.”²⁴ Amnesty International specifically notes that the over 500 checkpoints and additional barriers—most notably, “the fence/wall”—as well as the requirement that Palestinians obtain permits from Israel for travel, particularly to the West Bank, limit Palestinians’ access to education. The United Nations Office for the Coordination of Humanitarian Activities (OCHA) reported that in the first six months of 2013, the educational rights of 13,064 students were violated through access denials and decried that students and teachers “are confronted with delays and harassment by Israeli soldiers at checkpoints and are exposed to violence by Israeli settlers along their commute.”²⁵ Palestinians residing in East Jerusalem, illegally annexed by Israel in 1967, who wish to study abroad risk losing their residency and thus their ability to re-enter if they cannot prove that East Jerusalem is their “center of life,” a requirement that does not apply to Jewish residents of East Jerusalem.²⁶

For those in Gaza the situation is much worse. From 2000-2012, Israel allowed only three people from Gaza, all in possession of United States government scholarships, to study at universities in the West Bank.²⁷ In 2008, the US was forced to withdraw seven Fulbright Grants to students from Gaza when Israel refused to grant them permission to leave.²⁸ Another US-funded program that would have provided scholarships for thirty students from Gaza to study in the West Bank was cancelled in 2012 when the Israeli government refused to process the travel permits of the inaugural recipients.²⁹ *The Harvard Crimson* reported in 2012 that Israeli authorities cancelled the October sitting of the SAT exam for the West Bank and withheld College Board examination copies of the exam from the

²⁴ Amnesty International Report 2013: The State of the World’s Human Rights. <http://www.amnesty.org/en/annual-report/2013> .

²⁵ United Nations Office for the Coordination of Humanitarian Activities, “2014 Humanitarian Needs Overview: Occupied Palestinian Territories.” November 2013. p.16. http://www.ochaopt.org/documents/ochaopt_HNO_2014.pdf .

²⁶ B’Tselem, “Revocation of Residency in East Jerusalem.” August 18, 2013. http://www.btselem.org/jerusalem/revocation_of_residency

²⁷ Amira Hass, “High Court Rejects Gaza Students Petition to Study in the West Bank,” *Haaretz*. September 27, 2012. <http://www.haaretz.com/news/national/high-court-rejects-gaza-students-petition-to-study-in-west-bank-1.466867> .

²⁸ 38 Ethan Bronner, “U.S. Withdraws Fulbright Grants to Palestinians in Gaza.” *New York Times*. May 30, 2008. http://www.nytimes.com/2008/05/30/world/middleeast/30gaza.html?pagewanted=all&_r=1&

²⁹ Lauren E. Bohn, “US Drops Gaza Scholarships After Israel Travel Ban,” Yahoo News, October 15, 2012. <http://news.yahoo.com/us-drops-gaza-scholarships-israel-travel-ban-062209499.html> .

only testing agency in the area for several weeks.³⁰ That same year, Human Rights Watch found that applications of “security concerns” to create travel restrictions on Palestinians effectively creates a “blanket ban on all registered Gaza residents studying in West Bank universities” and “violates human rights law.”³¹

2) Bombings and Raids on Palestinian Educational Institutions

During both its 2008-2009 “Operation Cast Lead” and its 2014 “Operation Protective Edge” assaults, Israel targeted universities for bombardment. The United Nations Development Program’s 2010 report on Gaza estimated that the total damage to all educational facilities in Gaza incurred at that time at \$32,091,522 (USD), with 77 percent, or \$24,828,125 (USD), of those costs accounting for repairs to the eight universities bombed in the operation.³² In the summer of 2014, Israel bombed three universities, 90 United Nations Relief and Works Agency (UNRWA) schools and approximately 141 locally run schools.³³ On July 29, 2014, Israel attacked a north Gaza branch of Al-Quds Open University killing 22 students. The destruction forced the university to cancel most of its summer school offerings, effectively stopping the studies of 10,000 students.³⁴ Israeli bombing that same summer of the University College of Applied Sciences destroyed the central administration building, a large conference hall, numerous classrooms and most of the university’s computer and physical plant operations.³⁵ In both of these operations, Israel has especially targeted The Islamic University of Gaza, one of the largest in Gaza serving over 70,000 students. Despite a 2008 UN investigation that concluded Israel’s claims were false, Israel asserts that the university houses a weapons development program.³⁶

In addition to directly bombing Palestinian universities, frequent Israeli military invasions of campuses result in student injuries and increase attrition rates by creating an environment in which faculty, students and staff must fear for their safety. In January 22, 2014, Israeli forces fired teargas into the university’s Abu Dis campus grounds and

³⁰ Lena K. Awwad and Shatha L. Hussein. “Israel v. No. 2 Pencils.” *Harvard Crimson*. October 16, 2012. <http://www.thecrimson.com/article/2012/10/16/israel-sat-oped/>

³¹ 39 Human Rights Watch, “‘Forget about him, he’s not here’: Israel’s Control of Palestinian Residency in the West Bank and Gaza.” February 5, 2012. <http://www.hrw.org/node/104938/section/1> .

³² United Nations Development Program, “One Year Later: Gaza Early Recovery and Reconstruction Needs,” 2010. <http://www.undp.ps/en/newsroom/publications/pdf/other/gazaoneyear.pdf> .

³³ United Nations Office for the Coordination of Humanitarian Activities, “Occupied Palestinian Territory: Gaza Emergency Situation Report.” August 3, 2014.

³⁴ Rasha Faek, Yousef Al-Helou, and Thaer Thabet, “Educational Toll of Gaza War: At Least 3 Universities, 148 Schools.” *Al-Fanar Media*. August 3, 2014. <http://www.al-fanarmedia.org/2014/08/educational-toll-gaza-war-two-universities-six-schools/> .

³⁵ Ibid.

³⁶ Lizzie Deardon, “Israel-Gaza conflict: university hit as Palestinians endure more than 200 strikes in 24 hours.” *The Independent*. August 2, 2014. <http://www.independent.co.uk/news/world/middle-east/israelgaza-conflict-university-hit-as-palestiniansendure-more-than-200-strikes-in-24-hours-9644243.html> .

entered when students resisted by throwing stones at tanks. For two hours, the military continued to fire teargas and rubber bullets while blocking exits, which resulted in injuries to over 100 university students and employees.³⁷ At the Palestine Technical University-Kadoorie in Tulkarem, the Israeli military has set up a military base on the campus, and from October to November 2015 injured 726 Palestinians with live ammunition and rubber-coated metal bullets.³⁸ From late 2015 to early 2016, Israeli forces arrested approximately 90 Birzeit University students in raids on student offices or by targeting student leaders for detention.³⁹ Such attacks undermine Palestinian students' access to education by making universities the site of continual security risks rather than of intellectual inquiry and development.

3) Discrimination and Censorship

Given that Israel differentiates its approximately 300,000 Palestinian citizens from the rest of its population, discrimination informs the very structures of civil society in that state. According to The Legal Center for Arab Minority Rights in Israel, “[t]here are more than 50 Israeli laws that discriminate against Palestinian citizens of Israel in all areas of life, including their rights to political participation, access to land, education, state budget resources, and criminal procedures.”⁴⁰

In both Israel and the oPt, the severe shortage of schools and lack of facilities more generally disproportionately compromises the educational rights of Palestinians. In 2011, the High Court ordered that 2,200 new classrooms be built in occupied East Jerusalem by 2016 to address the shortage of adequate learning facilities, but by 2013 only 150 classrooms were completed.⁴¹ Palestinian students in East Jerusalem face other shortages as well. For example, the Association for Civil Rights in Israel (ACRI) found that in 2013, schools serving Palestinian students had only 29 counselors, whereas 250 school counselors staffed Hebrew schools throughout Jerusalem.⁴² Within Israel, which segregates students into three groups—Arab, religious Jewish, and secular Jewish—such discrimination is reflected in monies allocated for each, with religious Jewish schools receiving approximately \$7,700 (USD) per student as compared to \$6,000 or less paid to

³⁷ Israeli forces raid Abu Dis campus, clash with students.” *Maan News*. January 25, 2014.

<http://www.maannews.net/eng/ViewDetails.aspx?ID=667359>.

³⁸ “Israeli forces ‘shoot nine Palestinian students’ in clashes at Palestine university in the West Bank,” *The Independent*. December 21, 2015. <http://www.independent.co.uk/news/world/middle-east/israeli-forces-shoot-nine-palestinians-students-in-clashes-at-palestine-technical-university-a6781126.html>; International Middle East Media Center, “Israeli forces fire on Tulkarem University students,” December 21, 2015, <http://imemc.org/article/74298/>.

³⁹ Mariam Barghouti, “Birzeit University rises up against Israel’s arrests,” *Aljazeera*, January 10, 2016. <http://www.aljazeera.com/news/2016/01/birzeit-university-rises-israel-arrests-160106083537743.html>.

⁴⁰ <http://adalah.org/eng/Israeli-Discriminatory-Law-Database>.

⁴¹ Association for Civil Rights in Israel, “Failing East Jerusalem Education System.” September 2, 2013. <http://www.acri.org.il/en/2013/09/02/ej-edu-report-13/>.

⁴² *Ibid*.

educate Arab children.⁴³ As a result of the inadequate physical spaces for schools that serve Palestinian students and the lack of adequate staff and support programs, within Israel only 11 percent of Arabs are accepted into university, and Arab students comprise only 10 percent of Bachelor's Degree graduates.⁴⁴ The Center for the Advancement of Higher Education in Arab Society found 14 separate factors they identified that hinder Palestinian students in their quest to gain a college degree.⁴⁵ Additionally, the military service requirement attached to most government financial aid programs privileges Jewish students and renders most Palestinian students ineligible.⁴⁶

Palestinians with college degrees frequently face discrimination in the workplace or across campuses. Consider the case of 14,000 students, about a third of whom are Arab citizens of Israel with degrees from Al-Quds University in Jerusalem, who are not permitted to work within Israel as the state refuses to acknowledge their credentials because Al-Quds Jerusalem is within the same university system as a campus at Abu Dis, an area determined through the Oslo Accords to be under the joint Israeli-Palestinian jurisdiction.⁴⁷ Israel's refusal to recognize Al-Quds Jerusalem as either an Israeli institution or—as it does for others in the oPt—a foreign university, contributes to a shortage in critically under-staffed sectors of the economy such as medicine and engineering and limits Palestinians' abilities to make use of their college degrees and find employment, whether or not they are Israeli citizens.

Further, Israel withholds from Palestinian students and academics the same right to free expression that other students enjoy and censors scholars and scholarship that do not conform to the state's version of history and the occupation. In 2013, Adalah, an Arab legal rights organization, took legal action against Haifa University when it banned waving the Palestinian flag at student protests, arguing that such a prohibition violated freedom of expression.⁴⁸ Through its "Democracy Project," the Association for Civil Rights in Israel has catalogued an array of restrictions on freedom of expression in both the university and wider society, such as verbal attacks on professors critical of Israeli

⁴³ Institute for Middle East Understanding. "Israeli Violations of Palestinian Academic Freedom and Access to Education." February 6, 2014. <http://imeu.org/article/israeli-violations-of-palestinian-academic-freedom-access-to-education> .

⁴⁴ Yarden Skop, "Israeli Arabs face extensive barriers to getting college education, report says." *Haaretz*. June 19, 2013. <http://www.haaretz.com/news/national/.premium-1.530660> .

⁴⁵ Institute for Middle East Understanding. "Israeli Violations of Palestinian Academic Freedom and Access to Education." February 6, 2014. <http://imeu.org/article/israeli-violations-of-palestinian-academic-freedom-access-to-education> .

⁴⁶ Ibid.

⁴⁷ "Palestinian Al-Quds University Fights for Israeli Recognition. *Al Monitor*. April 24, 2013. . <http://www.al-monitor.com/pulse/originals/2013/04/palestinian-al-quds-university-fights-for-israelirecognitio.html#ixzz3E1orpZu5> .

⁴⁸ Ariel Ben Solomon, "University bans Arab students from waving Palestinian flag during protests." *Jerusalem Post*. November 26, 2013. <http://www.jpost.com/National-News/University-bans-Arab-students-from-waving-Palestinian-flag-during-protests-333446> .

policies, actions taken against students who have sought to demonstrate on campus, prohibition of teaching about the Nakba, the deliberate disappearance of the Arabic language from public spaces, the repeated repression and violation of Arab citizens' right to demonstrate, and the efforts to de-legitimize the elected representatives of the Arab public.⁴⁹ Most recently in April 2016, Imad Ahmad Barghouti, a well known Palestinian physicist was arrested and detained without charge by the Israeli military for the second time in less than 18 months. As of this writing, he remains in detention at an internal security service facility, Shin Bet, where he is being interrogated for allegedly making statements on Facebook and on television in opposition to Israeli military attacks and occupation.⁵⁰

IV. Whereas Israeli universities are instrumental in perpetuating these violations;

Israeli universities feature high levels of integration with the state and its projects, including development of military equipment used to maintain the occupation and the siege against Gaza, and the continuing dispossession of and discrimination against Palestinians in both Israel and the territories it controls. Israeli academic institution contributions take several forms, from the development of military hardware, especially of automated systems, to demographic and hydrological studies underwriting the ongoing eviction of Palestinians on the West Bank and East Jerusalem, and the appropriation of West Bank aquifers.

These facts have been most exhaustively detailed by Uri Yacobi Keller in *Academic Boycott of Israel and the Complicity of Israeli Academic Institutions in Occupation of Palestinian Territories*, a publication of the Israeli-based Alternative Information Center.⁵¹ It documents extensive examples of direct institutional complicity of Israeli universities in the occupation and in the maintenance of a systematically discriminatory social and educational system. But much of what Keller documented can be corroborated from openly available sources, including the universities' own websites, and from a broad spectrum of perspectives on Israel-Palestine.

Israeli universities are closely and programmatically integrated with both the Israeli Defense Forces (IDF) and with the private sector devoted to the development of military technology. As University of Haifa economist Dan Peled put it:

⁴⁹The Association for Civil Rights in Israel. "Project Democracy: Fighting for the Ground Rules: Chapter 4: Freedom of Speech, Dissent and Political Activity." <http://democracy-project.org.il/en/wp-content/uploads/2010/12/democracy-freespeech.pdf>.

⁵⁰ Ahmed Abbas, "Politics: Israel Must Release Palestinian Physicist," *Nature: An International Weekly Journal of Science*. July 13, 2016. <http://www.nature.com/nature/journal/v535/n7611/full/535231a.html>

⁵¹ Uri Yacobi Keller, *Academic Boycott of Israel and the Complicity of Israeli Academic Institutions in Occupation of Palestinian Territories*, *Economy of the Occupation Socioeconomic Bulletin*, No. 23, (Jerusalem and Beit Sahour: Alternative Information Center, 2009). <http://www.bdsmovement.net/files/2011/02/EOO23-24-Web.pdf>.

The existence of strong ties between defense-related R&D and universities in Israel (through commissioned work for the IDF/MOD performed at universities, the fact that many academic researchers contribute to the reserve service in their areas of expertise, and the fact that the government funds the bulk of the activities in both research universities and the IDF/MOD)—create a unique opportunity for enhancing the links between technological education and research at Israeli universities and R&D for generic technologies with military applications.⁵²

Institutions of higher education support the IDF and the defense infrastructure via provision of industry research facilities and training. As the 2013 Technion President's Report declares, "The majority of engineers at Rafael Advanced Defense Systems [Israel's largest and one of the world's largest defense corporations] are Technion graduates."⁵³ This is the outcome of special programs such as *Brakim*, "a student excellence program in the Faculty of Mechanical Engineering ... [and] the latest in a series of joint Israel Defense Forces (IDF)/Technion academic initiatives"⁵⁴ and of Technion's and other Israeli universities' contractual ties to the defense industries. Technion also has ongoing contractual relationships with Elbit Systems, one of the biggest private Israeli weapons research companies, which is responsible for the surveillance technologies that operate along the separation wall, which the International Court of Justice has declared illegal.⁵⁵ Technion's research collaborations include the development of "autonomous systems" (drones, robotic weaponry) with Israel Airspace Industries.⁵⁶

Among other weapons systems to which Technion has contributed, often dual-use but all essential to the maintenance of the occupation, to Israel's periodic assaults on Gaza, and to its ongoing dispossession of Palestinians, include the militarization of Caterpillar's D9 bulldozer, used in the demolition of Palestinian homes, Bedouin villages in the Negev, and in the assault on the Jenin Refugee camp in 2002.⁵⁷ The Technion has also developed in collaboration with the IDF a "snake robot" that is "able to identify specific

⁵² Dan Peled, "Defense R & D and Economic Growth in Israel: A Research Agenda", (Technion, 2001), p. 19.

http://www.academia.edu/5494169/Defense_R_and_D_and_Economic_Growth_in_Israel_A_Research_Agenda.

⁵³ Technion: President's Report, 2013, p. 5. http://issuu.com/technion-pard/docs/technion_pr_2013.

⁵⁴ See Technion's own description of the Brakim program: <http://meeng.technion.ac.il/Brakim/>.

⁵⁵ International Court of Justice, "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory,"

<http://www.icj-cij.org/docket/index.php?pr=71&p1=3&p2=4&p3=6&case=131>.

⁵⁶ Technion President's Annual Report, June 2011, pp. 6-7:

http://www.admin.technion.ac.il/President/Eng/President%27s%20Report%202011_FINAL.pdf.

⁵⁷ Keller, *Complicity of Israeli Academic Institutions*, p. 9; Eyal Weizman, *Hollow Land: Israel's Architecture of Occupation* (London: Verso, 2007), p. 201-2; see also Gavin Rabinowitz, Associated Press, "Israel to raze Palestinian homes with robot bulldozers", *USA Today*, Oct. 30, 2003:

http://usatoday30.usatoday.com/tech/news/techpolicy/2003-10-30-robot-destruction_x.htm.

targets while remain virtually unnoticed, and leave behind delayed activated explosive charges for employing lethal effect.”⁵⁸

Such activities are not limited to Technion. As of 2009, Tel Aviv University had “participated in no less than 55 joint technological projects with the Israeli army, particularly in the field of electro-optics.”⁵⁹ Other projects of Tel Aviv University involve cyber-security, a joint program with Institute for National Security Studies (INSS). Despite claims to defensive posture, INSS’s Military and Strategic Affairs program seeks “to identify the various components that impact directly on the IDF’s military structure, the way it functions, and its evolution” and “provide a conceptual framework for meeting Israel’s military needs and challenges.”⁶⁰ The INSS assisted directly in developing the Dahiya Doctrine, adopted in assaults on Lebanon and Gaza, advocating extensive destruction of civilian infrastructure and “intense suffering” among the civilian population as an “effective” means to subdue any resistance.⁶¹

TAU also housed the Operational Theory Research Institute, headed by Brigadier Generals Shimon Naveh and Dov Tamari, which pioneered the IDF’s urban warfare strategy that led to the massive destruction of civilian housing and essential infrastructure in Jenin and Nablus in 2002, to which Technion’s D9 bulldozers were critical.⁶² The assault on Jenin was regarded by the respected organization, Human Rights Watch, as having involved documentable war crimes.⁶³

At Haifa University, the Department of Geostrategy, formerly chaired by geographer Arnon Soffer, has contributed to the mapping of the route taken by the separation wall, which incorporates large parts of the West Bank into Israel, and to the policy of “Judaizing” Galilee, as well as to the demographic studies that contribute to the maintenance of a Jewish majority.⁶⁴

⁵⁸ http://defense-update.com/20101110_snake_robot_brml.html#.VBirxI0Raqk.

⁵⁹ Keller, *Complicity of Israeli Academic Institutions*, p. 9. See also the research in the SOAS Palestine Society’s Briefing Paper, “Tel Aviv University—A Leading Israeli Military Research Centre”, February 2009. A pdf of this document can be downloaded here: <http://electronicintifada.net/content/study-tel-aviv-university-part-and-parcel-israeli-occupation/3434>.

⁶⁰ <http://www.inss.org.il/index.aspx?id=4410>.

⁶¹ See Gabi Siboni, “Disproportionate Force: Israel’s Concept of Response in Light of the Second Lebanon War” *INSS Insight* No. 74 (2008) at <http://www.inss.org.il/index.aspx?id=4538&articleid=1964>, and the Institute for Middle East Understanding, “The Dahiya Doctrine and Israel’s Use of Disproportionate Force” (2012), at <http://imeu.org/article/the-dahiya-doctrine-and-israels-use-of-disproportionate-force>.

⁶² See SOAS Palestine Society’s Briefing Paper, np, and Weizman, *Hollow Land*, Chapter 7. For further information on Naveh and the OTRI, see Amir Rappaport, *The IDF and the Lessons of the Second Lebanon War*, *Mideast and Security Policy*, No. 85 (Begin-Sadat Institute for Strategic Studies, Bar-Ilan University, 2010), p. 8.

⁶³ Human Rights Watch, “Israel/Occupied Territories: Jenin War Crimes Investigation Needed,” <http://www.hrw.org/news/2002/05/02/israeloccupied-territories-jenin-war-crimes-investigation-needed>.

⁶⁴ Ruthie Blum Leibowitz, Interview with Arnon Soffer, *Jerusalem Post*, May 21, 2004, at <http://www.jpost.com/Features/I-didnt-suggest-we-kill-Palestinians>; Meron Rappaport, “On Israel’s

Israeli universities without exception run programs that are explicitly designed to train personnel for the IDF and the security services. Zefat College of Bar Ilan University in Tel Aviv has a special program that trains members of the Israeli General Security Services, an organization that has been regularly found to use excessively violent methods of interrogation, or torture.⁶⁵ Haifa University similarly runs the Havatzalot (“Lilies”) program, which includes obtaining academic degrees for the cadets at the University of Haifa, military and intelligence training, leadership studies, and joining Military Intelligence units for at least six years.⁶⁶ Hebrew University is host of the Talpiot academic reserve program, which trains soldiers in sciences and technology and permits a military base on campus. This latter program is an excellent instance of the integration of academic, military and defense industry goals with in the Israeli academy of which Peled writes.⁶⁷

As *Ha'aretz* journalist Gideon Levy notes:

Today there is hardly a university that does not offer special courses for officers, pilots and secret agents. As such, all it takes for students of the National Security College to receive a master's degree in political science from Haifa University is two classes a week for one semester. Pilots receive a bachelor's degree at Ben-Gurion University in the Negev after one year's study, while Shin Bet operatives receive a B.A. from Bar-Ilan University after a mere 16 months.⁶⁸

Perhaps best known is Ariel University, located in the illegal settlement of Ariel, and granted university status in 2012 by the Head of the IDF's Central Command.⁶⁹ Ariel University is not open to West Bank Palestinians, despite its location near Nablus, and is

Separation Fence, Part 1”, *Electronic Intifada*, May 31, 2003, at <http://electronicintifada.net/content/israels-separation-fence-part-1/4604>; Keller, *Complicity of Israeli Academic Institutions*, pp. 19-20.

⁶⁵ Keller, *Complicity of Israeli Academic Institutions*, p. 35; *Al-Jazeera*, “Inside Shin Bet: an Investigation into the methods used by Israel’s controversial internal security service,” October 24, 2013, <http://www.aljazeera.com/programmes/aljazeeraworld/2013/10/inside-shin-bet-20131020112634404283.html>; see also Alexandra L. Wisotsky, “Israeli Interrogation Methods Legitimized by Court”, <http://www.wcl.american.edu/hrbrief/v4i3/israel43.htm> and Alan Dershowitz, “Tortured Reasoning” in *Torture: A Collection*, ed. Sanford Levinson (Oxford: Oxford University Press, 2004), pp. 257-80.

⁶⁶ *Jerusalem Post*, 9/18/2014, “Elite Military Intelligence cadets complete training.” <http://www.jpost.com/Defense/Elite-Military-Intelligence-cadets-complete-training-331197> .

⁶⁷ Keller, *Complicity of Israeli Academic Institutions*, p. 37; Christopher Rhoads, “How an Elite Military School Feeds Israel's Tech Industry”, *Wall Street Journal*, July 6, 2007. <http://online.wsj.com/articles/SB118368825920758806>; Abigail Klein Leichman, “The IDF Incubator for Israel’s Future CEOs”, *Israel21c*, September 19, 2012, at <http://www.israel21c.org/technology/the-idf-incubator-for-israels-future-ceos/>.

⁶⁸ Gideon Levy, “The Shin Bet's academic freedom”, *Ha'aretz*, Sep. 8, 2008, at <http://www.haaretz.com/print-edition/opinion/the-shin-bet-s-academic-freedom-1.253397>

⁶⁹ Gil Ronen, “It's Final: IDF Central Command Approves Ariel University”, *Arutz Sheva*, Dec. 25, 2012 at <http://www.israelnationalnews.com/News/News.aspx/163542%23.VByQrmRdUjw#.VBzwhY0Raqk>

considered illegal under international law.⁷⁰ While some individual Israeli academics have declared a boycott of Ariel, “Ben-Gurion University’s Prof. Rivka Carmi, president of the Committee of University Heads, distanced herself and her committee from the boycott, saying that those who signed the petition did not represent any academic institution in Israel.”⁷¹

This is an example of the clear distinction drawn between individual faculty and institutions crucial to this resolution. Not a single Israeli academic institution has condemned the Occupation as an institution or spoken out against the civilian death toll caused by Israel’s wars on Lebanon and Gaza. Meanwhile, almost every Israeli university occupies in part or in its totality land confiscated from Palestinians or internationally recognized to be designated for future Palestinian habitation. As institutions, they directly and materially benefit from and affirm both the Occupation and the dispossession of Palestinians.

V. Be it resolved that the MLA endorses Palestinian civil society’s call for the boycott of Israeli academic institutions;

This boycott recognizes and supports Palestinian civil society’s efforts to resist the military occupation by non-violent means. Because the US government is not only the primary contributor of economic and military aid to Israel but has consistently used its veto power in the UN Security Council to block effective international efforts to force Israeli compliance with international law, it is therefore all the more appropriate for civil society organizations in the USA such as the MLA to take up the call by the Palestinian people for a boycott of Israeli cultural and academic institutions. As a leading voice in the humanities, the MLA is in a strong position to express solidarity in the global justice movement and to help lead the way for other institutions to lend their support.

Launched in 2004, the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI)⁷² is part of a social justice movement founded on principles of international law and universal human rights. It seeks to mobilize non-violent forms of resistance to the Israeli violation of Palestinian human rights, including the right to education.⁷³ In 2005, one year after the Advisory Opinion of the International Court of Justice had ruled that the Israeli separation Wall built on Palestine territory was illegal,⁷⁴ Palestinian civil society issued a further call for an international campaign of boycott, divestment and sanctions, known as BDS.⁷⁵ This boycott has been endorsed by the

⁷⁰ See Yolande Knell, “Israel’s first settlement university stirs controversy” *BBC News*, July 17, 2012 at <http://www.bbc.com/news/world-middle-east-18879786>

⁷¹ Ben Hartman, “165 Academics sign boycott against Ariel University”, *Jerusalem Post*, Jan. 9, 2011 at <http://www.jpost.com/National-News/165-Academics-sign-boycott-against-Ariel-University>

⁷² <http://www.pacbi.org/>.

⁷³ <http://pacbi.org/etemplate.php?id=868> Posted on 21-12-2008 .

⁷⁴ <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6> .

⁷⁵ <http://www.bdsmovement.net>. The express aims of the BDS movement are as follows:

General Union of Palestinian Teachers, the General Union of Palestinian Writers, the Palestinian NGO Network (PNGO),⁷⁶ and the Palestinian Council for Higher Education (CHE)⁷⁷ as well as the Council of Palestinian Federation of Unions of University Professors and Employees (PFUUPE)⁷⁸, the largest Faculty Union in Palestine, which in 2013 issued an urgent call to boycott Ariel University, built illegally upon occupied land in the West Bank.⁷⁹ The result of collective work of academics, artists and intellectuals, the academic boycott has been inspired by the international measures mobilized to abolish apartheid in South Africa through cultural and economic boycotts. By encouraging the use of sanctions and by highlighting the violations of human rights under apartheid, international boycotts were a crucial tool in ending apartheid, a fact recognised by former President Nelson Mandela.⁸⁰ South African institutions and key figures recognize and support the boycott movement. Desmond Tutu has endorsed both PACBI⁸¹ and BDS⁸² while student councils and faculty senates at prestigious campuses have voted for motions similar to the MLA resolution.⁸³

This resolution follows those endorsed by several other US academic associations that have recently voted to support a boycott of Israeli academic institutions: the Association

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- 1) Ending the occupation and colonization of all Palestinian and Arab lands and the dismantling of the Israeli Apartheid Wall which separates Palestinians from their arable lands;
 - 2) Recognizing the fundamental rights of Palestinian citizens of Israel to full equality;
 - 3) Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated by UN Resolution 194.

⁷⁶ For a full list of member organizations in BNC, see <http://www.bdsmovement.net/bnc> .

⁷⁷ See the Palestinian Council of Higher Education endorsement of PACBI, Jan. 27, 2005, <http://www.pacbi.org/etemplate.php?id=2352> .

⁷⁸ See PFUUPE endorsement of the University of Johannesburg petition in the wider context of boycott at <http://www.ujpetition.org/2011/01/palestinian-federation-of-unions-of.html> .

⁷⁹ <http://www.bdsmovement.net/2009/palestinian-federation-of-unions-of-university-professors-and-employees-urges-immediate-boycott-after-gaza-university-bombing-239>; See also PFUUPE “Statement of Position” <http://www.pacbi.org/etemplate.php?id=1451> and <http://maannews.net/arb/ViewDetails.aspx?ID=569666> .

⁸⁰ “The economic sanctions bill passed by the U.S. Congress in 1986 is a case in point. Without the decades-long divestment campaign undertaken by university students, churches, civil rights organizations, trade unions, and state and local governments to cut economic ties to South Africa, the U.S. Congress would not have acted, even to the extent of overriding a presidential veto. International sanctions were a key factor in the eventual victory...This successful campaign demonstrated what can be accomplished when citizens take up their responsibility to help shape U.S. political and economic policy for Africa. This work remains urgent.” Nelson Mandela, Foreword, *No Easy Victories: African Liberation and American Activists Over a Half Century, 1950-2000* Eds. William Minter, Gail Hovey, Charles E. Cobb (Jr.) (Africa World Press, Inc.: 2007).

⁸¹ <http://pacbi.org/etemplate.php?id=868> .

⁸² <http://pennbds.org> .

⁸³ http://www.bdssouthafrica.com/2011/08/university-of-witwatersrand-student_29.html; <http://www.aurdip.fr/UJ-PETITION.pdf>; <http://www.uj.ac.za/EN/Newsroom/News/Pages/UJSenatevotesonBenGurionpartnership.aspx>; <http://www.timeslive.co.za/world/2010/09/26/israeli-ties-a-chance-to-do-the-right-thing> .

for Asian American Studies (AAAS) in April, 2013⁸⁴; the Association for Humanist Sociology (AHS) in Oct. 2013⁸⁵; the American Studies Association (ASA) in December, 2013⁸⁶; the Native American and Indigenous Studies Association (NAISA) in December, 2013⁸⁷; the Critical Ethnic Studies Association (CESA) in March, 2014⁸⁸; the Peace and Justice Studies Association (PJSA), in November, 2014⁸⁹; the African Literature Association (ALA), in April, 2014⁹⁰; the National Association of Chicana and Chicano Studies (NACCS), in April, 2015,⁹¹ as well as many organizations abroad including the Teachers Union of Ireland (TUI).⁹² Several student unions, both in the US and abroad, have also voted to endorse the academic boycott, including the Union of Graduate Student Workers at the University of Massachusetts Amherst⁹³; the Graduate Student union at NYU⁹⁴ and at the University of California⁹⁵; the Federation of Francophone Students in Belgium (FEF)⁹⁶; and the National Union of Students (NUS) in the UK.

It is important to emphasize that this academic boycott is a targeted measure directed at institutions and not at individuals. The boycott does not discourage scholarly collaboration with individual Israeli academics or seek to exclude Israeli scholars from participating in conferences, from publishing in American venues, or from speaking or teaching in the US, provided that they are not serving as official representatives of Israeli institutions or of the Israeli government. The boycott targets Israeli academic institutions because of their material and ideological implication in the human rights violations associated with the military occupation, as documented above (**see section IV**). It is an attempt to place pressure on these institutions to change their policies and to place pressure on the Israeli government to end the Occupation. It is not targeted at ethnic,

⁸⁴ http://www.aaastudies.org/content/images/files/aaas%204_20_13%20-%20conference%20resolution%20to%20support%20the%20boycott%20of%20israeli%20academic%20institutions.pdf .

⁸⁵ http://web.ccsu.edu/uploaded/websites/Association_for_Humanist_Sociology/AHS_BDS_Support_State_ment-1.pdf .

⁸⁶ http://www.theasa.net/american_studies_association_resolution_on_academic_boycott_of_israel .

⁸⁷ <http://www.naisa.org/declaration-of-support-for-the-boycott-of-israeli-academic-institutions.html?highlight=YToxOntpOjA7czo3OiJib3R0Ijt9> .

⁸⁸ <https://criticalethnicstudies.org/sites/default/files/CESA%20BDS%20Resolution%207-16-14.pdf> .

⁸⁹ <https://www.peacejusticestudies.org/pjsa-endorses-bds-campaign> .

⁹⁰ <http://africanlit.org/about-the-ala/ala-resolutions-and-executive-letters/> .

⁹¹ <https://www.facebook.com/notes/10153439796812481/> and <http://www.usacbi.org/2015/04/national-association-of-chicana-and-chicano-studies-endorses-boycott-of-israeli-academic-institutions/> .

⁹² <http://www.ipsc.ie/press-releases/teachers-union-of-ireland-calls-for-academic-boycott-of-israel-in-unanimous-vote-first-academic-union-in-europe-to-do-so> .

⁹³ <http://www.geouaw.org/?p=3632> .

⁹⁴ <http://www.nooccupiedpalestine.org/official-bds-ballot.html> .

⁹⁵ UC Student-Workers Union, UAW Local 2865, “Historic: UAW 2865, UC Student-Worker Union, Becomes First Major U.S. Labor Union to Support Divestment from Israel by Membership Vote”, <http://www.uaw2865.org/historic-uaw-2865-uc-student-worker-union-becomes-first-major-u-s-labor-union-to-support-divestment-from-israel-by-membership-vote/> .

⁹⁶ <http://www.pacbi.org/etemplate.php?id=2175> and see also <http://www.fef.be/2013/06/gel-des-relations-academiques-avec-israel-clarifications/> .

national, or religious identities; it is not a “collective punishment” of Israeli academics; it does not seek to curtail dialogue between Israeli and US scholars. On the contrary, the premise of this boycott is that the conditions of occupation have made academic freedom and basic educational rights inoperative for students and faculty at Palestinian universities, and have curtailed the rights of Palestinians at Israeli universities, for reasons detailed above (**see section III**), and as documented by the UN among other international sources. It is therefore in the name of academic freedom—as well as the right to education—that this boycott is being proposed.

The detailed guidelines of the boycott (which also indicate areas of flexibility or case-by-case assessments) are published on the USACBI site.⁹⁷ The thrust of the boycott is as follows: to refrain from participating in events sponsored by an Israeli institution or the Israeli government; from forming institutional partnerships with Israeli universities or research institutes; from accepting funding from Israel or its lobby groups for academic activities; from hosting Israeli state officials or official representatives of Israeli academic institutions such as presidents, rectors or deans; from granting special academic honors or recognition to Israeli officials or representatives of Israeli academic institutions (such as the bestowal of honorary degrees and other awards) or to Israeli academic or research institutions.

It should also be emphasized that individual MLA members will continue to follow their own conscience when making their own decision whether to honor the boycott as individual scholars. The MLA will impose no sanctions of any kind on members who decide not to follow the academic boycott, and adherence to the boycott will not be a condition of membership in the MLA.

VI. Be it further resolved that the MLA affirms the right of faculty and students to advocate for the academic boycott of Israel, free from retaliation.

Instances of reprisals and retaliation against faculty members and students who have either engaged in criticizing Israeli state actions or advocated for Boycott, Divestment and Sanctions (BDS) measures are well documented and increasing in frequency and intensity. In their 2015 report, *Stifling Dissent*, Jewish Voice for Peace (JVP) documented a pattern of “increasingly coordinated efforts to quell advocacy for Palestinian rights on campuses.”⁹⁸ Palestine Legal, “an independent organization dedicated to protecting the civil and constitutional rights of people in the US who speak out for Palestinian freedom,” responded to 171 incidents of suppression of Palestine advocacy from 19 states in the first six months of 2016 alone, a 22 percent increase from the same period in 2015.⁹⁹ Its 2015 report, *The Palestine Exception to Free Speech*, documented 152

⁹⁷ <http://www.usacbi.org/guidelines-for-applying-the-international-cultural-boycott-of-israel/> .

⁹⁸ Jewish Voice for Peace, *Stifling Dissent: How Israel’s Defenders Use False Charges of Anti-Semitism to Limit the Debate over Israel on Campus* (2015): <https://jewishvoiceforpeace.org/stifling-dissent/>.

⁹⁹ Palestine Legal, *2016 Mid-Year Report* (2016): <http://palestinelegal.org/news/2016/7/25/2016-mid-year-report>.

incidents of censorship, punishment, or other burdening of advocacy for Palestinian rights and received 68 additional requests for legal assistance in anticipation of such actions in 2014. In the first six months of 2015 alone, Palestine Legal responded to 140 incidents and 33 requests for assistance in anticipation of potential suppression.¹⁰⁰ These incidents include false charges of anti-Semitism, the online publication of blacklists of activists and distribution of posters on campuses, accusing professors and students of terrorist sympathies and “Jew hatred”, as well as orchestrated campaigns seeking to suppress courses that dealt with Palestine or have Palestine solidarity organization banned or censured. Similar charges and attempts to legislate against BDS activities have been taking place in Canada.¹⁰¹

Some of these incidents have involved high profile cases that targeted specific individuals. In 2014, the University of Illinois Urbana-Champaign (UIUC) rescinded a tenured job offer to Steven Salaita, a professor of American-Indian studies and MLA member, apparently due to tweets expressing outrage over Israeli actions during the July-August 2014 Gaza-Israel War.¹⁰² The MLA and the American Association of University Professors have both condemned UIUC’s decision as a violation of academic freedom.¹⁰³ But this is only one recent instance of such reprisals that go back over a decade, including the cases of Columbia University professor of Middle Eastern studies Joseph Massad,¹⁰⁴ Barnard College’s Nadia Abu el Haj, a Palestinian-American professor of anthropology,¹⁰⁵ and DePaul University political scientist Norman Finkelstein. The AAUP also condemned DePaul’s decision as a breach of academic freedom.¹⁰⁶

¹⁰⁰ Palestine Legal, *The Palestine Exception to Free Speech: A Movement Under Attack in the US* (2015): <http://palestinelegal.org/the-palestine-exception>.

¹⁰¹ Hammam Farah, “Pro-Israel groups declare ‘lawfare’ on BDS movement in Canada”, *Mondoweiss*, September 6, 2016: http://mondoweiss.net/2016/09/declare-lawfare-movement/?utm_source=Mondoweiss+List&utm_campaign=3ba8e9a76c-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_b86bace129-3ba8e9a76c-398525005&mc_cid=3ba8e9a76c&mc_eid=93b7bf755b.

¹⁰² Sydney Dunn, “University’s Rescinding of Job Offer Prompts an Outcry,” *New York Times*, August 31, 2014. <http://www.nytimes.com/2014/09/01/education/illinois-university-prompts-outcry-for-revoking-job-offer-to-professor-in-wake-of-twitter-posts-on-israel.html>.

¹⁰³ “Statement on the Case of Steven Salaita,” American Association of University Professors. August 7, 2014. <http://www.aaup.org/media-release/statement-case-steven-salaita>; “Letter to the Chancellor of the University of Illinois, Urbana-Champaign, Executive Council, Modern Languages Association, August 15, 2014. http://www.mla.org/ec_univ_illinois .

¹⁰⁴ Jacob Gershman, “Rep. Weiner asks Columbia to fire anti-Israel Prof.” *The New York Sun*, October 22, 2004. <http://www.nysun.com/new-york/rep-weiner-asks-columbia-to-fire-anti-israel-prof/3602/>; Ira Katznelson, Lisa Anderson, Farah Griffin, Jean E. Howard, Mark Mazower, “Ad Hoc Grievance Committee Report.” March 28, 2005, at: http://www.columbia.edu/cu/news/05/03/ad_hoc_grievance_committee_report.html .

¹⁰⁵ Alan Finder. “Embattled Barnard Anthropologist Is Awarded Tenure.” *The New York Times*. November 3, 2007. <http://www.nytimes.com/2007/11/03/nyregion/03barnard.html>

¹⁰⁶ Jennifer Howard, “Harvard Law Professor Works to Disrupt Tenure Bid of Longtime Nemesis at DePaul U.” *The Chronicle of Higher Education*. April 5, 2007. <http://chronicle.com/article/Harvard-Law-Professor-Works-to/122347/> and <https://www.insidehighered.com/news/2007/06/11/finkelstein>; American

In 2013, New York City Council members threatened to withdraw funding from Brooklyn College over its Political Science Department's sponsorship of a lecture on BDS by philosophers Judith Butler, an MLA member, and Omar Barghouti.¹⁰⁷ Since then, political interference aimed at suppressing calls for boycotting Israel, or even simply defining criticism of Israel as on its face anti-Semitic, have become increasingly prevalent.¹⁰⁸ Palestine Legal record 31 legislative measures to restrict boycotts in 2016. The 2015 figure included 16 such measures. Some of these measures include proposals to develop blacklists of entities that advocate for BDS and denial of public funding to them.¹⁰⁹ Individual representatives of professional associations that have endorsed BDS have likewise been subject to campaigns of recrimination and defamation, while some of those associations have also been threatened with sanctions including the denial of state or University funding.¹¹⁰

Attempts to suppress advocacy of BDS is not confined to individuals and organizations in the United States and internationally (as, for example) in France. Within Israel itself, support for BDS has long been subject, through a bill upheld by its Supreme Court, to civil sanctions, while more recently proponents of BDS have been threatened with "targeted civil elimination," an ambiguous phrase that echoes the Israeli language for extrajudicial assassinations.¹¹¹ In follow-up to the latter declaration, BDS activist Omar Barghouti has been threatened with loss of residency in Israel and denied the right to travel.¹¹²

As JVP's report documents in some detail, the rise in incidents of reprisals and intimidation tactics deployed against academics who have either voiced support for BDS or have criticized Israeli state actions in other ways is not fortuitous. It is part of a well-funded and orchestrated campaign designed to "limit open debate on college campuses, and intimidate students, faculty, and administrators." JVP further shows that "The intent

Association of University Professors – Illinois Conference. "Illinois AAUP Letter to DePaul University on Tenure Denials," June 22, 2007. <http://www.ilaaup.org/fall200710.asp> .

¹⁰⁷ Letter to Brooklyn College President Karen Gould from New York City Council Members Lewis A. Fidler, David Greenfield, Letitia James, Michael Nelson, Mike Weprin, Gale Brewer, Stephen Levin, James Oddo, Dan Halloran, Sara Gonzalez. January 29, 2013. <http://coreyrobin.files.wordpress.com/2013/02/letter-from-lew-fidler.pdf> .

¹⁰⁸ Ron Kampeas, "Anti-BDS Legislation Is Challenging 50-year American Precedent on Settlements" *Haaretz*, February 24, 2016: <http://www.haaretz.com/israel-news/1.705308><http://www.haaretz.com/israel-news/1.705308> .

¹⁰⁹ Palestine Legal, *2016 Mid-Year Report*: <http://palestinelegal.org/news/2016/7/25/2016-mid-year-report> .

¹¹⁰ *New York Times* Editorial Board, "A Chill on Speech" February 3, 2014:

http://www.nytimes.com/2014/02/04/opinion/a-chill-on-speech.html?smid=tw-share&_r=2 .

¹¹¹ Revital Hovel, "High Court Largely Upholds Controversial 'Anti-Boycott Law'", *Haaretz*, April 16, 2015: <http://www.haaretz.com/israel-news/.premium-1.652019> <http://www.haaretz.com/israel-news/.premium-1.652019>; Mairav Zonszein, "In Israel, BDS is Winning", *+972 Magazine*, March 28, 2016: <http://972mag.com/in-israel-bds-is-winning/118198/> .

¹¹² Jack Khoury and AP, "Israel Bars BDS Founder Omar Barghouti From Travel Abroad", *Haaretz*, May 10, 2016: <http://www.haaretz.com/israel-news/1.719009> .

of these silencing tactics is to shut down conversation before it can even begin, limiting the range of political inquiry, expression and debate on campuses.” Such tactics represent a serious threat to academic freedom and to freedom of speech more generally and violate both in their spirit and in their effects the openness of debate and expression that is fundamental to free inquiry and exchange.

The MLA therefore reaffirms the right of scholars and other members of academic institutions to express views on the Israeli-Palestinian conflict, including but not limited to support for BDS, without retaliation or threats thereof.