

## Academic Boycotts Reconsidered

A Response to the AAUP [Journal of Academic Freedom, Volume 4](#)

By Cary Nelson

The limit case is always Nazi Germany. Would I have supported a boycott of German universities during the Nazi period? I cannot of course place myself back in that historical moment—before I was born—and be certain how I would have felt. But I can respond in principle. And I believe my answer at the time should have been “No,” but not, as it happens, because of the AAUP’s policy against academic boycotts. When the Nazis criminalized their institutions of higher education they ceased to be universities. Thus I would argue there was fundamentally nothing “academic” left to boycott. There was no meaningful dialogue with German academics to preserve. An academic boycott suggests there remains a redeemable core at the enterprise in question, that the “faculty” have some hope of engaging in meaningful national political discussion and debate, that international pressure on them might change attitudes and practices. Crediting such expectations would have been folly in the case of Nazi Germany.

What might one have advocated? Certainly a general economic and political boycott of Germany as a whole. But German “universities” arguably merited a targeted response. There could have been an international movement to withdraw recognition of German degrees granted after a certain date, but that should have been part of that comprehensive economic and political boycott. Course credits earned after 1933 could have had transfer status denied. German academics remaining in place could have had their institutional status denied; they could submit an essay for peer review at a journal published outside Germany in much the same way an independent scholar now might, but they could not do so on institutional stationery. In other words, an academic boycott would have entailed an unwarranted level of respect for German universities. The stance should have been that German universities as such had ceased to exist. A separate movement to boycott German universities would not have been a legitimate effort.

Have we reached that point with Israel? Hardly. Although the AAUP does not have the resources to do in-person academic freedom investigations at foreign institutions, Scholars at Risk, headquartered at NYU, provides reports on the state of academic freedom abroad. Human Rights Watch issues reports that bear substantially on whether academic freedom is possible in particular countries. And essays by individual academics sometimes testify to the state of academic freedom in a given country. Press reports and other sources add to the knowledge base about academic freedom around the world. Could international reporting about the status of higher education be improved? Yes. But we know quite enough to state unequivocally that there is more academic freedom in Israel than in other nations in the Middle East. It is hypocritical and a fundamental betrayal of our mission as academics to advocate boycotting universities not because of their fundamental character but because of the policies of the nation in which they are located.

Are faculty members in Israel attacked for their views? Certainly. And one might have noticed that US faculty members can face extramural critique as well. Has Israel denied freedoms to Palestinian students in the occupied territories? Yes. I have lodged protests against such actions and will no doubt do so again in the future. But is Israel a police state that stifles public debate like so many of its neighbors? No. And Israeli universities remain universities, however flawed.

A campaign to boycott Israeli goods produced in the occupied territories, on the other hand, could garner considerable international support. It has an appropriate economic and political focus and rationale. I would certainly support that kind of focused campaign. Its political value would

likely be far greater than its economic impact, but then that is equally true of an academic boycott. But there are, I believe, no good countervailing arguments against a targeted economic boycott, whereas the case for an academic boycott remains deeply flawed. Some have proposed an escalating series of economic actions, beginning with the boycott of Israeli occupied territories products and proceeding to further actions if that fails to stop practices like building further settlements there. That said, any economic boycott must be accompanied with very specific demands, lest those who support it find themselves harnessed to more radical agendas like the abolition of the Israeli state. Some in the boycott movement have exactly that goal. Others display a troubling fanaticism, convinced they are waging a war against the world's premier injustice.

Bill Mullen introduces the section of essays about academic boycotts by declaring that Israel was created through "ethnic cleansing": "The creation of the state of Israel in 1948 on land home to generations of Arab Palestinians is the contemporary world's most egregious instance of settler colonialism." He is opposed not just to the occupation of the West Bank but to the very existence of the Israeli state. Later one encounters sentiments like Omar Barghouti's call for "a just and durable peace anchored in the fundamental and universal right to equality." Of course that sounds fine, but not for some of us if that rhetoric hides the aim to abolish the Israeli state. An effort to make one state encompassing all of Palestine a reality—an alternative some support—would, I believe, usher in an era of massive bloodshed. My own view is that the record of the Holocaust justifies the creation of the state of Israel, but not the unending extension of Israeli settlements into new territory.

For the record, I have long supported the two-state solution, with a Palestinian capital in East Jerusalem. I do not support the "right of return," in part because the adults who lived in Arab-owned homes in what became the state of Israel are now almost all dead. Nor does it seem appropriate to apply a "right of return" to Israel without an enforceable international consensus that the millions of displaced families in World War II and more recent conflicts have the same right. I do support financial compensation to descendants of families that were forced out of or abandoned their property. The US could help with financial compensation. The right to return to some place you have never been seems rather chimerical, mainly a form of political combat by other means, designed to undermine or eliminate the religious character of the Jewish state. I do not believe I would want to live in a theocratic state, but I respect the right of Israelis to create one. Yet there is little space in the academic Left today to sustain such a position. My progressive colleagues at the University of Illinois now often disparage my support of the two-state solution as merely Zionist.

A close reading of the essays in volume four of the *AAUP Journal of Academic Freedom*, (*JAF*), a journal for which I served as founding editor, suggests that the vexed idea of a special academic boycott remains deeply vexed. One basic issue is whether the AAUP has blindly pursued a restrictive notion of academic freedom that actually constrains free expression, rather than encourages it. Several of the contributors argue that the AAUP's model of academic freedom is mistakenly conceived to be absolutist and transhistorical, whereas, in David Lloyd and Malini Johar Schueller's words, it is in fact "a geopolitically based privilege." Sami Hermez and Maysoun Soukariéh similarly reject "an absolute decontextualized and depoliticized principle of academic freedom" in favor of what Judith Butler has proposed, "a view that grasps the political realities at stake," that recognizes "that our struggles for academic freedom must work in concert with the opposition to state violence, ideological surveillance, and the systemic devastation of everyday life."

The most extreme version of that argument comes from what Mullen characterizes here as "the casual fetishization of academic freedom as part of a liberal hegemony that provides ideological cover for brutal acts of intellectual and political terror by Israel." But no one argues that academic freedom covers military action or justifies political terror. Academic freedom defines the values that should obtain at institutions of higher education. I cannot see that Mullen's effort to blur the

boundaries between a university in Haifa and a city in Gaza is anything more than confused. That is not to deny, however, that university research in the US, Israel, and other countries can serve the nation state in ways many of us find objectionable. The AAUP argues that no classified research should be done on campus, a principle that should apply in all countries. Such a prohibition would help reduce the military oriented university research that so troubles Barghouti in his essay here.

As I have argued in print, transcendent notions are produced within history and exist in dialogue with social and political reality, but that does not mean they are useless. A principle that has been sustained over time and that has survived legal and political changes can have significant cultural power. Indeed more than one of the *JAF's* pro-boycott authors urges that academic freedom be linked to universal, transhistorical understandings of human rights. Apparently some transhistorical categories are more equal than others. Stanley Fish is inclined to say that neither free speech nor academic freedom exists because they are never fully realized; the same thing could be said of human rights. But we will not be better off for abandoning these values.

That said, the AAUP is constantly engaged in rearticulating its core beliefs to the historical and political pressures of the day, which is, to be sure, different from simply abandoning them. *Academic Freedom and National Security in a Time of Crisis* (2003) took up the academic freedom implications of the Patriot Act. *Freedom in the Classroom* (2007) engages recent conservative efforts to limit academic freedom rights in classroom political speech. *Protecting an Independent Faculty Voice: Academic Freedom After Garcetti v. Ceballos* (2009) warned about the implications for shared governance speech of federal district court decisions following a key US Supreme Court case. *Ensuring Academic Freedom in Politically Controversial Academic Personnel Decisions* (2011) sets guidelines for guarding against reprisals against critics of Israeli policy, amongst other recent victims of efforts to curtail academic freedom. We are in the process of clarifying the academic freedom right to determine how faculty inventions are disseminated. We recently explained how academic freedom should impact contracts to design MOOCs and other online courses. We have worked for several years to shore up the increasingly imperiled academic freedom of contingent faculty members in the light of the changing context of their employment conditions.

To say that the AAUP simply hews to an inflexible principle and ignores historical conditions is both ignorant and untrue. The unending record of the AAUP's policy work addressing the changing political and economic landscape decisively demonstrates otherwise. *JAF's* pro-boycott authors seem to think that only they realize sustaining academic freedom requires constant struggle, whereas in fact the AAUP has been at the forefront of that struggle for a hundred years.

Contrary to the argument that Rima Najjar Kapitan makes, the role academic freedom has in facilitating other human rights is very limited. Certainly it helps protect other human rights on campus, and, in those countries that honor the protection academic freedom gives to extramural speech, the contributions faculty and students make to public advocacy and debate can help sustain other people's rights. But academic freedom is a specialized right that is not legally implicated in the full spectrum of human rights that nations should honor. The focus of the AAUP's mission is higher education. We do not, as Barghouti claims, advocate "privileging academic freedom above all other freedoms." We simply are not an international human rights organization. Perhaps all AAUP members would endorse "the ultimate ethical principle of the equal worth of all human lives," but our primary organizational mission is the state of higher education in the United States. When other countries violate our fundamental higher education principles we condemn them for doing so, but we do not pretend to investigate human rights throughout the world.

On the other hand, academic freedom cannot thrive in broadly repressive regimes like those long historically in power in East Germany, Libya, North Korea, South Africa, the Soviet Union, and Syria, among others. Nor does it exist in comprehensively restrictive and undemocratic regimes like Saudi Arabia or Singapore. Israel is not such a country. The Lloyd/Schueller assertion that "If

there has been anywhere a systematic denial of academic freedom to a whole population, rather than to specific institutions, it is surely in Palestine under Israeli occupation” is historically inaccurate. Presumably Tibet is out of sight and out of mind for both them and Mullen. Israel is, however, a country whose soul is being destroyed by the realities of the occupied territories. Pressure to reach a settlement should be applied to all parties to the Middle East conflict. Israel needs to divest itself of the bulk of the occupied territories for its own sake.

Both Mullen and Lloyd/Schueller manage a clever rhetorical reversal by turning their own exceptionalism back on the AAUP. Fundamentally ignoring all the regimes in the Middle East and elsewhere that comprehensively suppress academic freedom and human rights, they imagine that Israel’s flawed democracy exceptionally calls out for sanctions and international isolation more than any other nation state. The AAUP, they claim, makes an exception for Israel, ignoring the need to castigate its universities.

Incredibly, they seem to think we should censure Israeli universities as we censure US university administrations. Surely someone should have explained to them that the AAUP’s annual meeting votes to censure after a lengthy investigation followed by a detailed and public written report is issued on the status of academic freedom and shared governance on a campus. While we have good information about the general state of academic freedom in Israel, we are not prepared to launch on-site investigations of individual universities there or anywhere else in the world.

For the boycott movement, such investigations are unnecessary. PACBI asserts that “all Israeli academic institutions, unless proven otherwise, are complicit in maintaining the Israeli occupation and denial of basic Palestinian rights.” Guilty until proven innocent. But the AAUP will not censure an institution without a thorough investigation. We conduct investigations of US colleges and universities and censure US university administrations. CAUT, the Canadian Association of University Teachers, does so for Canada. Perhaps there should be an international organization that can conduct campus investigations for countries that will not do so on their own. But that organization will need far more in the way of resources than the AAUP can muster.

The narrow focus on academic boycotts in the Mullen, Barghouti, Lloyd/Schueller, Hermez/Soukariéh, Kapitan, and Scott essays is finally at best opportunistic. There are probably a higher percentage of US and British faculty members strongly opposed to Israeli policy than there are people in many other walks of life. As citizens, faculty have a responsibility to engage with their government’s foreign policy, but the activists in the US Campaign for the Academic and Cultural Boycott of Israel (USACBI) realize they cannot have much impact on US foreign policy, so they concentrate on a target of opportunity: the academy. A boycott of Israeli universities is more a tactical strategy than the moral and ethical priority they assert it is. And it gives faculty and student outrage an outlet and an organizing opportunity that seems achievable. That it would have the impact of isolating some of Israel’s most articulate internal critics, who are at those very universities, seems unimportant to them when compared to US activists’ own deeply felt emotional and political needs.

The contributors to this *JAF* issue notably cite some of the American academics who have had their careers threatened or terminated because of their critique of Israeli policy. In fact it is the AAUP and its leaders that took up their cause, something for which the authors of these essays give the organization no credit. The AAUP went to extraordinary lengths to defend Sami Al-Arian. We flew a team down to Florida and made certain his leave was salaried. We demanded a full and fair hearing until the FBI took matters out of our hands. We had an investigation in place to defend Norman Finkelstein. When David Robinson was under attack at UC Santa Barbara I defended him as AAUP president. When Israeli faculty member Neve Gordon was attacked in both Israel and the US for his boycott advocacy, I defended him in “Neve Gordon’s Academic Freedom,” an essay published in *Inside Higher Ed*, something for which both he and his family expressed their gratitude.

These are the fruits of our “ahistorical” and “depoliticized” concept of academic freedom. Contrary to Barghouti’s assertion that the AAUP “sharply limits the moral obligations of scholars in responding to situations of serious violations of human rights,” we protect and preserve that capacity to act by insisting that academic freedom covers extramural speech.

Yet I have also worked hard to block academic boycotts. As the *Chronicle of Higher Education* and *Inside Higher Ed* reported, I was the key figure at two annual meetings of the Modern Language Association’s delegate assembly responsible for defeating resolutions urging a boycott of Israeli universities. For at least one contributor to *JAF*’s sheaf of pro-boycott essays, that means I was confused. How could I vigorously defend faculty members’ right to promote boycotts while objecting to boycotts myself? At the time I received several emails from the contributor in question urging me to rethink my “contradictory” position, come to my senses, and join the international pro-boycott movement. The reason I could consistently take both actions is that I believe in academic freedom.

Were an academic boycott of Israeli universities to be adopted by American institutions, I would be expected not to visit campuses in Israel and meet its courageous critics of their country’s policies. I can only say I would refuse such a prohibition. There is perhaps no country where full and continuing dialogue with its faculty members is more critical to world peace. That is part of what the AAUP’s sound and principled policy against academic boycotts is designed to protect. As Marjorie Heins points out—in what is regrettably the only essay in this *JAF* issue critical of academic boycotts—their “predictable effect is to shrink academic freedom both at the targeted institutions and throughout the world.”

There is some evidence that the willingness to undermine academic freedom by way of a boycott reflects what one might describe as an imperfect understanding of academic freedom. Barghouti worries that academic institutions may “have little traction to discourage academics from engaging in acts or advocating views that are deemed bigoted, hateful, or incendiary.” But academic freedom protects many such utterances so long as they do not violate the law. He asks whether an academic institution should “tolerate, under the rubric of academic freedom, a hypothetical lecturer’s advocacy of the ‘Christianization of Brooklyn?’” And the answer is “Yes.”

Finally, I must object to Joan Scott’s inaccurate account of the demise of AAUP’s infamous conference on academic boycotts that was to be held at the Rockefeller Conference Center in Bellagio, Italy. She has long claimed that the demise of the conference was a grave violation of her academic freedom. In fact the three foundations that were funding the conference felt it had lost its way once all the pro-Israeli participants withdrew, that it would no longer be the dialogue they had funded. The Ford, Rockefeller, and Nathan Cummings foundations approached the AAUP leadership and asked that the event be postponed—not cancelled—until it could be reorganized. The AAUP’s executive committee agreed to do so in a unanimous vote. The decision was a leadership responsibility. The executive committee had final fiduciary responsibility for the Association. It was never simply a conference the AAUP had agreed to endorse; it was an organizational responsibility. The AAUP’s general secretary and other staff were responsible for logistics. Indeed it was someone in the national office who included an anti-Semitic essay among the background readings—apparently without troubling to read it. After we agreed to postponement, Scott and the other organizer decided to cancel the event entirely, but that was their decision, not ours. Jane Buck was AAUP president and I was on the executive committee. We honored the wishes of three national foundations. We had not “joined the opposition” as Scott claims.

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