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"The AUT Boycott: Freedom vs. "Academic Freedom

On May 26, the Association of University Teachers (AUT) in Britain reversed its previous decision -- taken on April 22 -- to boycott Israeli universities. Intimidation and bullying aside, no tool was as persistently used, abused and bandied about as much as the claim that academic boycott infringes on academic freedom. Freedom to produce and exchange knowledge and idea was deemed sacrosanct regardless of the prevailing conditions

There are two key faults in this argument. It is inherently biased because it only regards as worthy the academic freedom of Israelis. The fact that Palestinians are denied basic rights as well as academic freedom due to Israel's military occupation is lost on those parroting it. And its privileging of academic freedom as a super-value above all other freedoms is in principle antithetical to the very foundation of human rights. The right to live, and freedom from subjugation and colonial rule, to name a few, must be of more import than academic freedom. If the latter contributes in any way to suppression of the former, more fundamental rights, it must give way. By the same token, if the struggle to attain the former necessitates a level of restraint on the latter, then be it. It will be well worth it.

But is there a compulsory trade-off? Is academic freedom mutually exclusive with basic human rights? In most cases, no; but, in specific situations of persistent oppression and enduring breach of international law supported -- explicitly or implicitly -- by academic institutions, the answer is a resounding yes. Towards the end of the apartheid era, when the world boycotted South African academics -- as part of the overall regime of sanctions and boycotts endorsed by the United Nations at the time -- a degree of violation of academic freedom was indeed entailed. That was accepted by the international community, though, as a reasonable price to pay in return for contributing to the defeat of apartheid and the attainment of more basic freedoms denied black South Africans for generations. From an ethical perspective, freedom from racism and colonial subjugation was correctly perceived as more profound than the "unwanted side-effects" caused to academic and other freedoms of individual academics opposed to apartheid. The march to freedom had to temporarily restrict a subset of freedom, enjoyed by only a portion of the population.

And, upholding the principle of moral consistency, one cannot but view Israel in a similar light. As the South African Council of Churches, Archbishop Desmond Tutu, ANC leader and current government minister Ronnie Kasrils and hundreds of leading academics, trade unionists and human rights activists in South Africa have publicly recognized, Israel's system of racial discrimination and colonial oppression is sufficiently similar to the defunct apartheid regime as to warrant Palestinian calls for sanctions similar to those declared against South Africa in the past. The same trade-off accepted in the South African case will be encountered in the Palestinian struggle for freedom, justice and peace.

However, it should be noted that in the Israeli context, what is being so valiantly defended by the opponents of the boycott is not only the unfettered access of Israeli academics to the global community of scholars and participation in the "free exchange of ideas," but also the material and symbolic privileges of academic life. In this sense, rejecting academic boycotts in order to preserve Israeli academics' freedoms and privileges, while ignoring the more vital rights and freedoms of Palestinians -- whether academics or not -- is a blatant case of double standards.

It is also worth mentioning that the concept of academic freedom has been abused by opponents of the boycott and misunderstood by many others in this particular case. In democratic societies, the academy takes a grave view of scholars whose writings and activities can be interpreted as inciting to racial hatred. For example, academics in the United States and Europe who have denied that the holocaust occurred, or who have otherwise challenged accepted facts about it have faced harsh disciplinary measures from their universities and censure from colleagues and professional associations. In Israel, however, where racism against Palestinians and Arabs is a normal feature of everyday discourse and practice in the mainstream of society, the concept of academic freedom is so elastic as to include the freedom to propound racist theories and incite to hatred, ethnic cleansing, and worse.

Boycotts and sanctions are not exact sciences -- if any science is. They affect real institutions providing jobs and services to real people, many of whom may not be directly implicated in the injustice that motivated those punitive measures in the first place. Any boycott, intended to redress injustice, will in the process harm some innocent people. That goes without saying. One must therefore resort to clear, morally consistent criteria of judgment to arbitrate whether the causes of the called for boycott and its intended outcome adequately justify that unintended harm. In the case of Israeli universities, the weight of the causes cannot be more morally imperative or politically pressing.

Israel Boycott

For decades, Israeli academic institutions have been complicit in Israel's colonial and racist policies. Funded by the government, they have consistently and organically contributed to the military-security establishment, and, therefore, to perpetuating its crimes, its abuse of Palestinian human rights and its distinct system of apartheid.

Contrary to the false image -- created and skillfully marketed by Israel and its apologists, academics included -- of the Israeli academy as a "bastion of enlightenment" and a solid base for opposition to the occupation, this academy is in fact part of "the official Israeli propaganda," according to Ilan Pappé, one of the leading Israeli "New Historians" who exposed the systematic ethnic cleansing of Palestinians during the Nakba. [1]

Not only do most Israeli academics defend or justify their state's colonial narrative, they play a more active role in the process of oppression. Almost all of them obediently serve in the occupation army's reserve forces every year, thereby participating in, or at least witnessing in silence, crimes committed with impunity against Palestinian civilians. In the last 38 years of Israel's illegal occupation, very few of them have conscientiously objected to military service in the occupied territories. Those who have politically opposed the colonization of Palestinian land in any public form have also remained in a depressingly tiny minority. [2]

Even the revered academic freedom on Israeli campuses that Israeli propaganda tries to project in the media is grossly exaggerated. It is well constrained within limits set by the Zionist establishment; dissenters who dare challenge those boundaries are fiercely ostracized and demonized. This is why another purpose of the proposed academic boycott is to "provide a means to transcend the publicly-sanctioned limits of debate," in the words of Oren Ben-Dor, [3] a British academic of Israeli origin. "Such freedom is precisely what is absent in Israel," he adds. From this angle, the boycott is seen as indeed "generating" true academic freedom. "The Zionist ideology which stipulates that Israel must retain its Jewish majority is a non-debatable given in the country -- and the bedrock of opposition to allowing the return of Palestinian refugees. The very few intellectuals who dare to question this sacred cow are labeled 'extremists.'" Ben-Dor attacks those in the Israeli "left" who opposed the boycott as "sophisticated accomplices to the smothering of debate"

Irrespective of individual accountability of Israeli academics, a judicious and methodical scrutiny of the culpability of Israeli academic institutions in the crimes perpetrated against the Palestinian people will reveal an abundance of incriminating evidence. Even Baruch Kimmerling, a renowned Israeli academic who is opposed to the academic boycott, writes: "I will be the first to admit that Israeli academic institutions are part and parcel of the oppressive Israeli state that has ... committed grave crimes against the Palestinian people." [4] The facts presented below are only a small part of the evidence underlining this institutional culpability. They are particularly pertinent in light of the misinformation propagated by some academics in the Israeli left who experienced nothing less than a moral collapse when they joined the establishment choir in spreading half-truths -- or worse -- to shield their academic institutions from international reproach.

Haifa University – Institutional Racism

Haifa University not only condones racist utterances and pronouncements by its faculty, but also provides institutional sponsorship and thus legitimacy to the activities of academics engaged in scholarship that has been widely characterized as racist or inciting to racism and ethnic cleansing against the Palestinians of the occupied territories and the Palestinian citizens of Israel itself. This legitimacy is conferred by the university through its sponsorship of academic departments and research centers under whose aegis racist work is carried out.

Despite its substantial Arab-Palestinian student population, Haifa University harbors, or at least tolerates, a culture of racism -- against Arabs in general and Palestinians in particular -- which manifests itself in the fact that members of its faculty espouse racist "theories," publish bigoted research papers, and advocate ethnic cleansing with impunity. The university has consistently and systematically failed to censure such academics or to properly investigate accusations of racism raised against them.

It provides institutional support to racist academics and their research activities. The most notorious of these academics is Arnon Sofer, chair of geo-strategy at Haifa University and vice-chair of its Center for National Security Studies. He is also known in Israel as the prophet of the "Arab demographic threat." He takes credit for the route of the Israeli apartheid wall -- declared illegal by the International Court of Justice in the Hague, on July 9, 2004 -- saying, "This is exactly my map." [5]

Prof. Sofer, who views the high birth rate of the Bedouin Palestinian citizens of Israel as a "tragedy," and has no patience for "democracy and pretty words," [6] has for many years openly advocated "voluntary transfer" -- or soft ethnic cleansing -- of Palestinians in the occupied territories as well as Palestinian citizens of Israel, in order to guarantee "a Zionist-Jewish state with an overwhelming majority of Jews." In one particularly telling prediction, Sofer says, "When 2.5 million [Palestinians] live in a closed-off Gaza, ... those people will become even bigger animals than they are today, with the aid of an insane fundamentalist Islam. ... So, if we want to remain alive, we will have to kill and kill and kill. All day, every day. If we don't kill, we will cease to exist. The only thing that concerns me is how to ensure that the [Jewish] boys and men who are going to have to do the killing will be able to return home to their families and be normal human beings." [7]

Haifa University's promotion of the principles behind the infamous "Mitzpim Project," [8] which aimed at "Judaizing" the Galilee in the 1970's and 80's, is another dark spot in its record of complicity in projects that espouse racial discrimination against Palestinian-Arabs. It recently published a pamphlet examining the success of the project in reaching its goal, namely changing the demographic balance in that area in favor of Israeli Jews. The University is distributing the pamphlet in high schools and academic institutions, thus "inculcating in future generations unacceptable norms that raise serious questions," according to Ha'aretz. Sofer himself takes pride in having "an effect on where the Jewish hilltop communities [mitzpim, in Hebrew] were later established." [9]

These mitzpim were designed, in the words of one of Sofer's colleagues, Avraham Dor, to increase the Jewish population in the Galilee and "to drive wedges between the blocs of Arab settlements, in order to block their ability to create a territorial continuity." Another goal was to make possible "a maximum distribution of [Jewish] settlement sites and the 'conquest' of the territory by means of access roads to them and by means of the permanent Jewish presence in the area." Ha'aretz comments on the project saying, "Without mincing words, the study reveals that underlying the project were principles of ethnic discrimination, demographic phobia, and the concept that the country's Arab citizens are not equals but constitute a threat to its existence," and that "discrimination and inequality [against Arabs] are not a systemic failure but a deliberate intention." [10]

The most recent evidence of Haifa University's culpability in the advocacy of ethnic cleansing is the convening of a conference on May 17, 2005 entitled "The Demographic Problem and Demographic Policy in Israel." Blessed by the Rector of the university, this pseudo-academic forum for the purveyance of "demographic racism" -- not innocently timed to coincide with the 57th anniversary of the Nakba -- included almost all of the academic and political luminaries of ethnic cleansing, such as Arnon Sofer, Yoav Gelber, Yitzhak Ravid, Brigadier-General Herzl Getz, General Uzi Dayan, and Yuval Steinetz. Ravid, a researcher at Rafael, the Israeli manufacturer of arms, has been an advocate of inhibiting the natural growth of the Palestinian population in Israel, claiming that "the delivery rooms in Soroka Hospital in Be'er Sheva have turned into a factory for the production of a backward population." [11] Haifa University's rector has also recently "exonerated" Dr. David Bukay, [12] who teaches in the Department of Political Science, of any wrongdoing despite the fact that Israel's attorney general had ordered an investigation against him on suspicion of "racist incitement," upon receiving an official complaint filed by Mossawa-The Advocacy Center for Arab Citizens of Israel (copy of the original in Hebrew is available). Bukay made "unprecedented" racist remarks against Arabs and Muslims during his lectures, according to Mossawa. His publications, in which he defended his racist theories of "The Arab character," include titles such as "Mohammad's Monsters" and "The First Cultural Flaw in Thinking: The Arab Personality." [13]

In a letter dated March 13, 2005, (copy of the original Hebrew is available) responding to Mossawa's complaint, the deputy attorney general, Shai Nizan, writes: "After studying the matter, I've decided to issue an order to the police to open an investigation of Dr.

Bukay on the charge of racist incitement”

In a typical demonstration of institutional cover up, Haifa University’s rector, Prof. Yossi Ben Artzi, conducted his own “investigation” only to conclude that the remarks attributed to Bukay in the media “were not made in the way they were quoted and parts of sentences that were uttered in different contexts were yoked together by manipulation.” [14]

The Mossawa lawyer wrote (copy of the original letter in Hebrew is available):

“Dr. Bukay’s statements listed above contain expressions of degradation, humiliation, hostility and violent incitement against a part of the population based on its national affiliation; and this, in our opinion, violates [the relevant Israeli law against incitement] of 1977 which prohibits racist incitement. In addition, the listed declarations, which contain admiration, sympathy, cheering and actual support for violence and terror, also constitute an infringement of [the law] of 1977.”

Mossawa argued that there is no room for “tolerating racist and inciting discourse” like Bukay’s, which “hides behind the walls of ‘academic freedom.’”

Ironically, Ken Jacobson, associate national director of the Anti-Defamation League, was also “shocked” after reading Dr. Bukay’s article on the “Arab personality.” Concurring with Mossawa’s last point, he puts the blame on Haifa University’s president for not censoring Bukay:

“Naturally we respect academic freedom and understand that this is the only way academe can operate, but we believe that university presidents should condemn such things. It is not enough for a university president to say that his institution practices academic freedom. He must also say that such statements are obnoxious.” [15]

The Ha’aretz reporter who covered the story and interviewed all parties involved wrote:

“Something strange is happening at the University of Haifa. On the one hand, the Anti-Defamation League is ‘very disturbed’ by Bukay’s article because of its ‘destructive prejudices’ and the attorney general has initiated an investigation against Bukay on suspicion of racist incitement. On the other hand, the university is conducting a disciplinary process against the student who accused Bukay of racism.” [16]

Hebrew University – Colonial Land Grab

An indictment presented to the AUT executive by the Palestinian Federation of Unions of Universities’ Professors and Employees against the Hebrew University, for example, exposes the following well-documented facts:

In 1968, more than one year after Israel’s military occupation of Gaza and the West Bank (which includes East Jerusalem, according to UN Security Council resolutions), the Israeli occupation authorities confiscated 3345 dunums of Palestinian land, basing their decision on article 5 and article 7 of the Land (Acquisition for Public Purpose) Ordinance 1943. The decision was published in the official Israeli Gazette – the Hebrew edition -- number 1425. It was therefore “legalized” by Israel. Most of that land was (still is) privately owned by Palestinians living in that area.

A large part of the confiscated land was then given to the Hebrew University to expand its campus. The Palestinian landowners refused to leave their properties, arguing that the confiscation order of 1968 was illegal. In 1973, the Israeli court expectedly ruled in favor of the University and the state. The court decided that the Palestinian families must evacuate their homes and be offered alternative housing.

According to authoritative legal experts, the basis for the illegality of the Hebrew University land confiscation deal is that this land is part of East Jerusalem, which is an occupied territory according to international law (numerous UN resolutions recognize East Jerusalem as an inseparable part of the Occupied Palestinian Territories).

Israel’s unilateral annexation of East Jerusalem, as well as expropriation of Palestinian land and efforts at forced eviction of its Palestinian owners in this area, are illegal under the terms of International Humanitarian Law. [17]

The annexation of occupied East Jerusalem into the State of Israel and the application of Israeli domestic law to this area have been repeatedly denounced as null and void by the international community, including by the UN Security Council. [18]

By moving Israelis (staff and students) to work and live on occupied Palestinian land, the Hebrew University, like all Israeli settlements illegally established on occupied territories, is gravely violating article 49 of the Fourth Geneva Convention of 1949 which states that: “The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies.”

Based on the above, the Hebrew University of Jerusalem cannot invoke Israel’s domestic law in order to justify the oppressive and illegal measures it has been taking in order to evict the Palestinian families who remain the legal owners of the land in question under international law.

Given the multi-faceted complicity of their institutions in oppressing Palestinians, Israeli academics should either mobilize to oppose what is done in their names, with their direct and indirect help, or stop complaining when conscientious academics around the world decide to take them to task.

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Footnotes

1. Meron Rappaport, "Alone on the Barricades," Ha’aretz, May 6, 2005.

2. Ilan Pappé states: “The boycott reached academia because academia in Israel chose to be official, national. Prof. Yehuda Shenhav

- checked into it and found that out of 9,000 members of academia in Israel, only 30-40 are actively engaged in reading significant criticism, and a smaller number, just three or four, are teaching their students in a critical manner about Zionism and so on." Ibid.
3. Oren Ben-Dor, "The Boycott Should Continue," *The Independent*, May 30, 2005.
 4. Baruch Kimmerling, "The Meaning of Academic Boycott", *ZNet*, April 26, 2005.
 5. Meron Rappaport, "A Wall in their Heart", *Yedioth Ahronoth*, May 23, 2003, cited in:
[url=http://www.gush-shalom.org/archives/wall_yediot_eng.html]http://www.gush-shalom.org/archives/wall_yediot_eng.html[/url]
 6. *Ha'aretz*, February 25, 2003.
 7. *Jerusalem Post* weekend supplement *Up Front*, May 21, 2004.
 8. *Ha'aretz*, September 26, 2004.
 9. *Jerusalem Post*, July 20, 2004.
 10. *Ha'aretz*, September 26, 2004.
 11. Arjan El Fassed, Racism thrives at Israel's Herzliya conference, *The Palestinian Return Centre*, January 2004:
[url=http://www.prc.org.uk/data/asp/d2/332.aspx]www.prc.org.uk/data/asp/d2/332.aspx[/url]
 12. *Ha'aretz*, April 28, 2005.
 13. The following examples (all from the above cited *Ha'aretz* article) of Dr. Bukay's writings and utterances in class give a representative sample:

"Among Arabs, you will not find the phenomenon so typical of Judeo-Christian culture: doubts, a sense of guilt, the self-tormenting approach. ... There is no condemnation, no regret, no problem of conscience among Arabs and Muslims, anywhere, in any social stratum, of any social position."

"[Palestinian] Terrorists should be shot in the head in front of their families [as a deterrent]. ... a whole house should be demolished with the occupants inside."

"Arabs are nothing but alcohol and sex."

- "The Arabs are stupid and have contributed nothing to humanity."

14. Ibid.

15. Ibid.

16. Ibid.

17. In particular, the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949), Part III, Section III, Article 47, states that:

"Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory."

18. UN Security Council Resolution 252 (21 May 1968) considers that:

"[A]ll legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status ... [and] Urgently calls upon Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem."

Also UNSC Resolution 478 (20 August 1980) determines that:

"[A]ll legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent 'basic law' on Jerusalem, are null and void and must be rescinded forthwith."

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