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The American Studies Association boycott resolution, academic freedom and the myth of the institutional boycott – David Hirsh



David Hirsh

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Summary

1. The ‘institutional boycott’ is likely to function as a political test in a hidden form. It would offer exemption from the boycott to those Israelis who are willing or able to disavow their own institutions or funding bodies.
2. An ‘institutional boycott’, even if it did not in fact impact against individuals, would still be a violation of the principles of academic freedom.
3. In practice, the boycott campaign has been, and is likely to continue to be, a campaign for the exclusion of individual scholars who work in Israel, from the global academic community. There is no general principle proposed for boycotting universities in states which have poor human rights records or which receive US aid or on the basis of any other stated criteria; there is only a boycott campaign against Israeli academia.
4. There are also foreseeable likely impacts within the boycotting institutions, or within institutions in which the boycott campaign is strong, which would be distinct from the impact against Israeli academia. The violations of academic freedom which constitute academic boycott are likely to impact in the boycotting as well as the boycotted institutions:
 - a. Academics in boycotting institutions, in subjects which specifically relate to Jewish or Israeli topics, would be cut off from the mainstream of their disciplines, for example Jewish Studies, Israel Studies, some theology, some archaeology, some history; and there is a more generic danger that scholars would be cut off from important colleagues in any discipline.

- b. People who resist the characterisation of Israel as apartheid or as Nazi or as essentially racist are likely to be characterised by the boycott campaign as apologists for apartheid, Nazism, or racism and treated as such. People who ‘break the boycott’ are likely to be treated as blacklegs or scabs. Social sanctions against opponents of the boycott or ‘strikebreakers’ are likely to impact disproportionately against Jews. It is likely that some Jews will feel themselves to be under particular pressure to state their position on the boycott; it is likely that Jews will be suspected of opposing the boycott if they do not explicitly support it.

What the ASA resolution says[1]

The ASA resolution re-affirms in a general and abstract way, its support for the principle of academic freedom. It then says that it will ‘honor the call of Palestinian civil society for a boycott of Israeli academic institutions’. It goes on to offer guarantees that it will support the academic freedom of scholars who speak about Israel and who support the boycott; the implication here is that this refers to scholars who are opponents of Israel or of Israeli policy. The resolution does not specifically mention the academic freedom of individual Israeli scholars or students; nor does it mention protection for people to speak out against the boycott; nor does it say anything about the academic freedom of people to collaborate with Israeli colleagues.

What the ASA names ‘the call of Palestinian civil society for a boycott’ is the PACBI ‘Call for Academic and Cultural Boycott of Israel’.[2] The PACBI call explicitly says that the ‘vast majority of Israeli intellectuals and academics’, that is to say individuals, have contributed to, or have been ‘complicit in through their silence’, the Israeli human rights abuses which are the reasons given for boycott. There would be no sense in making this claim if no sanctions against individuals were envisaged. The PACBI guidelines state that ‘virtually all’ Israeli academic institutions are guilty in the same way.

These claims, about the collective guilt of Israeli intellectuals, academics and institutions are strongly contested empirically. Opponents of the boycott argue that Israeli academia is pluralistic and diverse and contains many individuals and institutions which explicitly oppose anti-Arab racism, Islamophobia and the military and the civilian occupations of the West Bank. Israeli universities, they argue, are anti-racist spaces, where words are used rather than violence and where there is as much effort to eradicate discrimination against minorities as there is in other universities in democratic states.

These claims about the guilt of Israeli academia are also contested by those who hold that the principle of collective guilt is a violation of the norms of the global academic community and of natural justice. Opponents of the boycott argue that academics and institutions should be judged by the content of their work and by the nature of their academic norms and practices, not by the state in which they are employed.

The PACBI guidelines go on to specify what is meant by the ‘institutional’ boycott. ‘...[T]hese institutions, all their activities, and all the events they sponsor or support must be boycotted.’ ‘Events and projects involving individuals *explicitly representing* these complicit institutions should be boycotted’. The guidelines then offer an exemption for some other classes of individual as follows: ‘Mere institutional affiliation to the Israeli academy is therefore not a sufficient condition for applying the boycott.’

Summary of the ASA position[3]

- ASA is for academic freedom in general and for the academic freedom of critics of Israel and for boycott advocates in particular
- ASA holds (via its endorsement of PACBI) that the vast majority of Israeli intellectuals and academics are guilty
- ASA says (via its endorsement of PACBI) that virtually all Israeli academic institutions are guilty
- ASA says (via its endorsement of PACBI) that individuals who are explicitly representing Israeli institutions should be boycotted
- ASA says (via its endorsement of PACBI) that mere institutional affiliation at an Israeli university is not a sufficient condition for boycotting an individual
- ASA does not mention any violations of academic freedom within Palestinian academic institutions other than those for which the Israeli state are responsible

The ‘institutional boycott’ functions as a political test by another name

Refusing to collaborate with academics on the basis of their nationality is, *prima facie*, a violation of the norms of academic freedom and of the principle of the universality of science.[4] It seems to punish scholars not for something related to their work, nor for something that they have done wrong, but because of who they are.

In 2002 Mona Baker, an academic in the UK, fired two Israelis from the editorial boards of academic journals which she owned and edited. Gideon Toury and Miriam Shlesinger are both well respected internationally as scholars and also as public opponents of Israeli human rights abuses, but nevertheless they were ‘boycotted.’[5] In 2002 the boycott campaign in the UK supported Baker against those who were critical of her act of boycott, as implemented against individuals on the basis of their nationality.

The boycott campaign sought a more sophisticated formulation which did not appear to target individuals just for being Israeli.

In 2003, the formulation of the ‘institutional boycott’ was put into action with a resolution to the Association of University Teachers (AUT), an academic trade union in the UK, that members should ‘sever any academic links they may have with official Israeli institutions, including universities.’ Yet in the same year, Andrew Wilkie, an Oxford academic, rejected an Israeli who applied to do a PhD with him, giving as a reason that he had served in the Israeli armed forces. The boycott campaign in the UK supported Andrew Wilkie against criticism which focused on his boycott of an individual who had no affiliation of any kind to an Israeli academic institution. If the principle was accepted that anybody who had been in the Israeli armed forces was to be boycotted, then virtually every Israeli Jew would be thus targeted.

In 2005 the boycott campaign aimed short of a full boycott of Israel, calling instead for the AUT to boycott particular Israeli universities: Haifa because it alleged the mistreatment of a professor, Ilan Pappé; Bar Ilan because of its links with Ariel College in the West Bank; and Hebrew University Jerusalem because it made the (contested) claim that HJU was building a dorm block on occupied land. This was an attempt to try to relate the boycott to particular violations rather than just aim it at Israel as a whole.

In 2006 the boycott campaign took a new tack, offering an exemption from the boycott to Israelis who could demonstrate their political cleanliness. The other British academic union, NATFHE, called for a boycott of Israeli scholars who failed to ‘publicly dissociate themselves’ from ‘Israel’s apartheid policies.’ The political test opened the campaign up to a charge of McCarthyism: the implementation of a boycott on this basis would require some kind of machinery to be set up to judge who was allowed an exemption and who was not.^[6] The assertion that Israel is ‘apartheid’ or implements ‘apartheid policies’ is emotionally charged and strongly contested. While it is possible for such analogies to be employed carefully and legitimately, it is also possible for such analogies to function as statements of loyalty to the Palestinians. They sometimes function as short cuts to the boycott conclusion, and as ways of demonizing Israel, Israelis, and those who are accused of speaking on their behalf. In practice, the boycott campaign attempts to construct supporters of the boycott as friends of Palestine and opponents of the boycott as enemies of Palestine.

The political test was implemented at the South African Sociological Association conference on 28 August 2012. An Israeli sociologist was required to disavow ‘Israeli apartheid’. When he declined, the other participants in the panel left the room to give their papers elsewhere while his freedom of speech, it was claimed, was respected because he was allowed to give his paper to an empty room. Boycott can be as much refusal to listen as it is a prohibition to speak.

But long before 2012, the official boycott campaign had moved on from the political test, changing tactic again, calling for an ‘institutional boycott’.

It is reasonable to assume that under the influence of the campaign for an ‘institutional boycott’, much boycotting of individuals goes on silently and privately. It is also reasonable to assume that Israeli scholars may come to fear submitting papers to journals or conferences if they think they may be boycotted, explicitly or not; this would lead to a ‘self-boycott’ effect. I offer an anecdotal example of the kinds of things which are likely to happen under the surface even of an ‘institutional boycott’. An Israeli colleague contacted a UK academic in 2008, saying that he was in town and would like to meet for a coffee to discuss common research interests. The Israeli was told that the British colleague would be happy to meet, but he would first have to disavow Israeli apartheid.

The PACBI call, endorsed by ASA, says that Israeli institutions are guilty, Israeli intellectuals are guilty, Israeli academics who explicitly represent their institutions should be boycotted, but an affiliation in itself, is not grounds for boycott. The danger is that Israelis will be asked not to disavow Israel politically, but to disavow their university ‘institutionally’, as a pre-condition for recognition as legitimate members of the academic community. Israelis may be told that they are welcome to submit an article to a journal or to attend a seminar or a conference as an individual: EG David Hirsh is acceptable, David Hirsh, Tel Aviv University is not. Some Israelis will, as a matter of principle, refuse to appear only as an individual; others may be required by the institution which pays their salary, or by the institution which funds their research, not to disavow.

An ‘institutional boycott’ is still a violation of the principles of academic freedom

Academic institutions themselves, in Israel as anywhere else, are fundamentally communities of scholars; they protect scholars, they make it possible for scholars to research and to teach, and they defend the academic freedom of scholars. The premise of the ‘institutional boycott’

is that in Israel, universities are bad but scholars are (possibly, exceptionally) good. Universities are organs of the state while individual scholars are employees who may (possibly, exceptionally) be not guilty of supporting Israeli 'apartheid' or some similar formulation.

There are two fundamental elements which are contested by opponents of the boycott in the 'institutional boycott' rhetoric. First, it is argued, academic institutions are a necessary part of the structure of academic freedom. If there were no universities, scholars would band together and invent them, in order to create a framework within which they could function as professional researchers and teachers, and within which they could collectively defend their academic freedom.

Second, opponents of the boycott argue that Israeli academic institutions are not materially different from academic institutions in other free countries: they are not segregated by race, religion or gender, they have relative autonomy from the state, they defend academic freedom and freedom of criticism, not least against government and political pressure. There are of course threats to academic freedom in Israel, as there are in the US and elsewhere, but the record of Israeli institutions is a good one in defending their scholars from political interference. Neve Gordon, for example still has tenure at Ben Gurion University, in spite of calling for a boycott of his own institution; Ilan Pappé left Haifa voluntarily after having been protected by his institution even after travelling the world denouncing his institution and Israel in general as genocidal, Nazi and worthy of boycott.

Jon Pike argued that the very business of academia does not open itself up to a clear distinction between individuals and institutions. For example the boycott campaign has proposed that while Israelis may submit papers as individuals, they would be boycotted if they submitted it from their institutions. He points out that

...papers that 'issue from Israeli institutions' (BRICUP)[7] or are 'submitted from Israeli institutions' (SPSC)[8] are worried over, written by, formatted by, referenced by, checked by, posted off by individual Israeli academics. Scientists, theorists, and researchers do their thinking, write it up and send it off to journals. It seems to me that Israeli academics can't plausibly be so different from the rest of us that they have discovered some wonderful way of writing papers without the intervention of a human, individual, writer.[9]

Boycotting academic institutions means refusing to collaborate with Israeli academics, at least under some circumstances if not others; and then we are likely to see the re-introduction of some form of 'disavowal' test.

In reality, the boycott campaign is an exclusion of individual Jewish scholars who work in Israel from the global academic community

In 2011 the University of Johannesburg decided, under pressure from the boycott campaign, to cut the institutional links it had with Ben Gurion University for the study of irrigation techniques in arid agriculture. Logically the cutting of links should have meant the end of the research with the Israeli scholars being boycotted as explicit representatives of their university. What in fact happened was that the boycotters had their public political victory and then the two universities quietly re-negotiated their links under the radar, with the knowledge of the boycott campaign, and the research into agriculture continued. The boycott

campaign portrayed this as an institutional boycott which didn't harm scientific co-operation or Israeli individuals. The risks are that such pragmatism (and hypocrisy) will not always be the outcome and that the official position of 'cutting links' will actually be implemented; in any case, the University of Johannesburg solution encourages a rhetoric of stigmatisation against Israeli academics, even if it quietly neglects to act on it.

Another risk is that the targeting of Israelis by the 'institutional boycott', or the targeting of the ones who are likely to refuse to disavow their institutional affiliations, is likely to impact disproportionately against Jews. The risk here is that the institutional boycott has the potential to become, in its actual implementation, an exclusion of Jewish Israelis, although there will of course be exemption for some 'good Jews': anti-Zionist Jewish Israelis or Israeli Jewish supporters of the boycott campaign. The result would be a policy which harms Israeli Jews more than anybody else. Further, among scholars who insist on 'breaking the institutional boycott' or on arguing against it in America, Jews are likely to be disproportionately represented. If there are consequences which follow these activities, which some boycotters will regard as blacklegging or scabbing, the consequences will impact most heavily on American Jewish academics. Under any accepted practice of equal opportunities impact assessment, the policy of 'institutional boycott' would cross the red lines which would normally constitute warnings of institutional racism.

There was a case in the UK courts in 2007 in which Birmingham University decided to close down its department of Social Work in order to save money. It turned out that an unusually high number of the academics in this department were black. There was a challenge to the closure on the basis that it would have a disproportionate impact on black academics. The challenge was upheld by the UK employment tribunal. The tribunal found that the university ought to have carried out an equal opportunities impact assessment prior to its proposed closure. Nobody said that there was any racist intent or consciousness at Birmingham, only that there was a foreseeable institutionally racist outcome. Perhaps an institution which plans a boycott of Israel would have a similar responsibility to assess, in advance, whether there would be a disproportional impact against Jews, and whether there was any politically or morally valid justification for such a disproportionate impact.

The reality of the 'institutional boycott' is that somebody will be in charge of judging who should be boycotted and who should be exempt. Even the official positions of ASA, Bricup and PACBI are confusing and contradictory; they say there will be no boycott of individuals but they nevertheless make claims which offer justification for a boycott of individuals. But there is the added danger that some people implementing the boycott locally are likely not to have even the political sophistication of the official boycott campaign. There is a risk that there will still be boycotts of individuals (Mona Baker), political tests (South African Sociological Association, NATFHE), breaking of scientific links (University of Johannesburg), and silent individual boycotts.

Even if nobody intends this, it is foreseeable that in practice the effects of a boycott may include exclusions, opprobrium, and stigma against Jewish Israeli academics who do not pass, or who refuse to submit to, one version or another of a test of their ideological purity; similar treatment may be visited upon those non-Israeli academics who insist on working with Israeli colleagues. There is a clear risk that an 'institutional boycott', if actually implemented, would function as such a test.

While the boycott campaign offers the precedent of the boycott against apartheid South Africa as justification, there is a long history of boycotts against Jews, including exclusions of Jews from universities.^[10] The boycott campaign is likely to resonate in Jewish collective memory in relation to these specifically Jewish experiences.

PACBI is the 'Palestinian Campaign for the Academic and Cultural Boycott of Israel'. What it hopes to achieve is stated in its name. It hopes to institute an 'academic boycott of Israel'. The small print concerning the distinction between institutions and individuals is contradictory, unclear and small. It is likely that some people will continue to understand the term 'academic boycott of Israel', in a common sense way, to mean a boycott of Israeli academics.

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Appendix

Relevant excerpts from the ASA resolution and the PACBI documents to which the resolution refers.

The ASA resolution states:

Whereas the American Studies Association is dedicated to the right of students and scholars to pursue education and research without undue state interference, repression, and military violence, and in keeping with the spirit of its previous statements supports the right of students and scholars to intellectual freedom and to political dissent as citizens and scholars;

It is resolved that the American Studies Association (ASA) endorses and will honor the call of Palestinian civil society for a boycott of Israeli academic institutions. It is also resolved that the ASA supports the protected rights of students and scholars everywhere to engage in research and public speaking about Israel-Palestine and in support of the boycott, divestment, and sanctions (BDS) movement.^[11]

The PACBI ‘Call for Academic and Cultural Boycott of Israel’ states the following (which the ASA resolves to endorse and honour):

Since Israeli academic institutions (mostly state controlled) and the vast majority of Israeli intellectuals and academics have either contributed directly to maintaining, defending or otherwise justifying the above forms of oppression, or have been complicit in them through their silence...^[12]

PACBI guidelines offer the following clarification (which the ASA implicitly resolves to endorse and honour):

...as a general overriding rule, it is important to stress that virtually all Israeli academic institutions, unless proven otherwise, are complicit in maintaining the Israeli occupation and denial of basic Palestinian rights, whether through their silence, actual involvement in justifying, whitewashing or otherwise deliberately diverting attention from Israel’s violations of international law and human rights, or indeed through their direct collaboration with state agencies in the design and commission of these violations. Accordingly, these institutions, all their activities, and all the events they sponsor or support must be boycotted. Events and projects involving individuals *explicitly representing* these complicit institutions should be boycotted, by the same token. Mere institutional affiliation to the Israeli academy is therefore not a sufficient condition for applying the boycott.^[13]

[1] From the ASA resolution and from the PACBI ‘call’ and ‘guidelines’ which it resolves to endorse and to honor. See appendix for relevant excerpts from the ASA resolution and the PACBI documents to which the resolution refers.

[2] Civil Society is specified because there is no ‘call’ from the official institutions of the Palestinian Authority or from the Presidency or from the PLO. President Mahmoud Abbas told South African journalists in December 2013: ‘No, we do not support the boycott of Israel’. <http://www.timesofisrael.com/abbas-we-do-not-support-the-boycott-of-israel/>

[3] From the ASA resolution and from the PACBI ‘call’ and ‘guidelines’ which it resolves to endorse and to honor. See appendix for relevant excerpts from the ASA resolution and the PACBI documents to which the resolution refers.

[4] http://www.engageonline.org.uk/journal/index.php?journal_id=15&article_id=61

[5] <http://www.engageonline.org.uk/blog/article.php?id=1336>

[6] Steve Cohen argued that to require Jews to disavow, was itself reminiscent of previous campaigns to exclude Jews. <http://www.engageonline.org.uk/blog/article.php?id=444>

[7] British Campaign for the Universities of Palestine

[8] Scottish Palestine Solidarity Campaign

[9] <http://engageonline.wordpress.com/2013/02/27/the-myth-of-the-institutional-boycott-jon-pike/>

[10] Picket lines were set up against Jews outside universities in Nazi Germany; Jewish Quotas were still in place in some elite American universities into the 1960s.

[11]

http://www.theasa.net/american_studies_association_resolution_on_academic_boycott_of_israel

[12] <http://pacbi.org/etemplate.php?id=869>

[13] <http://www.pacbi.org/etemplate.php?id=1107>

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