

# Academic Boycott and the Question of Academic Freedom

Paper Presented at the World Congress for Middle Eastern Studies  
Barcelona, Spain, July 19-24, 2010

*Sue Blackwell*  
*Lecturer in English Language*  
*University of Birmingham, UK*

## **0. Abstract**

An argument which is often raised against the tactic of academic boycott is that it undermines the concept of academic freedom, which scholars all over the world regard as sacrosanct. This paper challenges the concept that academic freedom is an inviolable principle which can be upheld in isolation from any other principle, such as human rights or resistance to an illegal occupation. It argues that academic freedom is indivisible and that there is, in fact, much evidence of hypocrisy and double standards in the arguments which have been raised against academic boycott of Israel, since the most basic academic freedoms of all - the rights to study and teach - are routinely violated by the Israeli occupation, and yet the protests about such assaults on Palestinian academic freedom are mute in comparison with the clamour which has greeted every attempt to promote a boycott of Israeli universities, which would have a relatively mild effect on the academic freedom of individual Israeli scholars. The paper will be illustrated with examples from the academic boycott movement within the British trade unions AUT, NATFHE and UCU since 2003.

## **1. Introduction: The academic boycott movement in British trade unions**

I would like to contribute a British perspective to this debate, and specifically a British Trade Union perspective. I will review some of the most significant policies of the Association of University Teachers (AUT) and its successor union, the University and College Union (UCU), in relation to academic boycotts, and flag up some apparent tensions and contradictions. I will not attempt to resolve those tensions but rather offer them up for debate. I should explain, first of all, that British Higher Education traditionally had a kind of two-tier system, and that academic and academic-related staff were mainly represented by two different trade unions until 2006. The AUT organised staff in the more traditional universities, which received their charters prior to 1992; some would call them elitist institutions and the AUT an elitist organisation. It is true that when founded in 1919 it was a professional organisation rather than a union; it only affiliated to the TUC in 1976. Meanwhile, the staff of the former polytechnics which only received their University credentials in 1992 were mainly represented by a union called the National Association of Teachers in Further and Higher Education (NATFHE). I will not devote any further space to NATFHE because most of my own membership and experience was with AUT. In June 2006 the two unions merged to form UCU, which with over 120,000 members can describe itself as “the largest post-school union in the world”.

## **2. Academic Boycott**

### **2.1 AUT policy on South Africa**

Before discussing the policies of academic trade unions towards Israel it is worth reviewing how AUT advised its members to conduct themselves in relation to a previous apartheid state: the classic case of South Africa.

The union's supreme decision-making body was its Council, held annually and composed of Members of Council and delegates from local branches. In May 1980, AUT Council passed resolution 29, which stated:

“Council reaffirms its total opposition to the policies of apartheid and of censorship of academic work, books, literature, etc., and believes that the most effective action is the maintenance of a total boycott on any form of contact with South African universities and with South African Academics.”

Two points stand out here: firstly, that the boycott was called in response to the South African Government's curtailment of academic freedom (“censorship”); and secondly, that the boycott extended to individuals (“Academics”) as well as institutions.

In May 1987 Council passed resolution 43, which instructed “the Executive Committee and TUC representatives of AUT to press the TUC to adopt a policy of a total economic blockade of South Africa by the Trade Union movement.”

It was apparently not a foregone conclusion that AUT members would back a total boycott. A policy statement for Council in 1988 cited a lengthy rationale for boycott (see Figure 1). This clearly-argued and principled position has much common ground, though also some significant differences, compared with the arguments for academic, cultural and economic boycott of Israel some two decades later.

**Figure 1: extract from “South Africa: an AUT Policy Statement”  
(LA/3394 March 1988)**

Why AUT support an Academic Boycott

For those of us outside South Africa, including the vast majority of AUT members, who abhor apartheid, there are few effective weapons available in the fight to improve the position of the black majority in South Africa. However, there is widespread agreement among organisations such as UNESCO, the Council of Europe, the Commonwealth and the UN itself that a policy of total cultural boycott is most likely to succeed in effecting change within South Africa. Most important of all perhaps is the support for such a boycott among those inside South Africa involved in the struggle for freedom, notably the ANC. For those of us in the universities, the academic boycott called for by Council in May 1980 is the expression of that general boycott. ...

Because of the importance and prestige attached to academic exchange and other academic contact, not just by universities but by the Government in South Africa as well, AUT’s policy of academic boycott is capable of having a significant impact on opinion in South Africa. Recent improvements in some South African universities provide evidence that the policy is beginning to have some effect. But there is still a tremendously long way to go and, notwithstanding ambiguous signals coming out of Pretoria, it seems likely that a tough stance will need to be maintained for some time to come. In some ways, limited success makes the continuation of a tough universal boycott more difficult to sustain, in the face of requests to lift the boycott in certain cases and for certain individuals. But while there will always be individual cases where it is clear that to boycott would negate the aims of the fight against apartheid, in general such selective implementation of a boycott is not practical and attempts to discriminate in this way could simply weaken policy.

... Therefore, while we should acknowledge and applaud the stand taken by some universities and some white academics in opposing apartheid and discrimination within South African universities and where possible adopt a flexible attitude, we must at the same time make clear the importance of maintaining the policy of total academic boycott, even though this means that the academic freedom of some white academics in South Africa is threatened by the reaction of their Government to their efforts to demonstrate their opposition and that of their universities to apartheid. Some will argue that academic freedom is indivisible but the academics concerned will be the first to recognise that freedom of expression and right to access educational opportunity for the black majority must come first.

## **2.2 AUT policy on Israel: boycott**

The debate within the AUT on boycott, divestment and sanctions (BDS) as applied to Israel began in earnest in 2002, when Council passed a resolution which concluded:

“Council supports the call made recently by academics in the UK and elsewhere for a moratorium on EU and European Science Foundation funding of Israeli cultural and research institutions until Israel abides by UN resolutions and opens serious peace negotiations with the Palestinians.”

It is not insignificant that this policy - better described as one of sanction than of boycott - followed a resolution at Council the previous year condemning “the closure of BirZeit University caused by the Israeli army’s physical destruction of the only access road”. As with South Africa, it was the apartheid state’s curtailment of academic freedom for oppressed groups under its control which prompted a call by AUT to take steps which might arguably restrict academic freedom for that state’s more privileged citizens.

A motion to AUT Council the following year calling for a general boycott of Israeli universities was defeated, but the proposers took heart from the size of the minority who supported it: some 30-40% of the delegates. Union rules prevented a reversal of policy for two years, by which time the establishment of Palestinian BDS group PACBI and British academic boycott group BRICUP had shifted the balance of forces considerably. The publication of PACBI’s boycott call meant that it was no longer possible for Zionist opponents to claim, as some had in 2003, that the call for boycott had been born in Birmingham rather than BirZeit.

In bringing new boycott motions to AUT Council in 2005, the BDS activists changed their tactics somewhat. By this time more detailed information was available about specific Israeli universities, and it was decided to focus on three particular cases in order to illustrate three specific aspects of the occupation. Bar-Ilan was selected because of its involvement with a college in an illegal settlement; the Hebrew University of Jerusalem was a target because of the location of part of its campus in occupied East Jerusalem and the eviction of an Arab family from its land to make way for dormitory accommodation. Lastly, the University of Haifa was “singled out” for its treatment of a student (Teddy Katz) and a lecturer (Ilan Pappé), to illustrate the point that the occupation brutalizes everyone to some extent, including Israeli Jews, and poisons the entire academic climate in Israel.

While the motion on HUJI was “referred” to the Executive for further consideration, those on Bar-Ilan and Haifa were carried outright. Some of their wording is reproduced below in figures 2 and 3. (The reader should bear in mind that the motions reflect the situation as it was in 2005; some of the facts mentioned no longer apply. For instance, Ilan Pappé is no longer employed by the University of Haifa; and the College of Judea and Samaria has claimed the status of a University in its own right).

**Figure 2: Resolution on Bar-Ilan passed by AUT Council in April 2005**

“Boycott of Bar-Ilan

Council notes:

- 1 That Bar Ilan University supervises degree programmes at the College of Judea and Samaria in the illegal settlement of Ariel, near Nablus, in the occupied West Bank.
- 2 That it is thus directly involved with the occupation of Palestinian territories contrary to United Nations resolutions.

Council resolves:

- i To call on all AUT members to boycott Bar-Ilan University until it severs all academic links with the College of Judea and Samaria and with any other college located in an illegal settlement in the Occupied Territories.
- ii That the boycott should take the form described in the Palestinian call for academic boycott of Israeli institutions.”

**Figure 3: Resolution on Haifa passed by AUT Council in April 2005**

“Boycott of Haifa

Council notes:

1 That on May 15, 2002 Dr. Ilan Pappé, senior lecturer in Political Science at Haifa University, was sent a letter notifying him that he faced trial and possible dismissal from his position. The charge was that he had violated 'the duties of an academic member of staff', that he had "slandered departments and members in the humanities faculty, damaged their professional reputation and endangered the possible promotion of some of them."

2 That these accusations related to Dr. Pappé's efforts to defend a 55 year old graduate student, Teddy Katz, whose Master's thesis was under attack by an Israeli veteran's organization because it documented a massacre of 200 unarmed civilians by the Haganah (the pre-state army of Israel) at a village called Tantura, near Haifa.

3 That the recriminations are still continuing and Dr. Pappé's job is still being threatened.

...

“Council resolves:

i To call on all AUT members to boycott Haifa University until it commits itself to upholding academic freedom, and in particular ceases its victimisation of academic staff and students who seek to research and discuss the history of the founding of the state of Israel.

ii That the boycott should take the form described in the Palestinian call for academic boycott of Israeli institutions.”

The “Palestinian call” referred to in both these motions was the PACBI boycott call, the current version of which is reproduced in Figure 4 (the version at the time was slightly different).

#### **Figure 4: The PACBI boycott call**

We, Palestinian academics and intellectuals, call upon our colleagues in the international community to *comprehensively and consistently boycott all Israeli academic and cultural institutions* as a contribution to the struggle to end Israel's occupation, colonization and system of apartheid, by applying the following:

- Refrain from participation in any form of academic and cultural cooperation, collaboration or joint projects with Israeli institutions;
- Advocate a comprehensive boycott of Israeli institutions at the national and international levels, including suspension of all forms of funding and subsidies to these institutions;
- Promote divestment and disinvestment from Israel by international academic institutions;
- Work toward the condemnation of Israeli policies by pressing for resolutions to be adopted by academic, professional and cultural associations and organizations;
- Support Palestinian academic and cultural institutions directly without requiring them to partner with Israeli counterparts as an explicit or implicit condition for such support.

### **2.3 AUT policy on Israel: backlash**

The boycott resolutions from AUT Council 2005 made world-wide news and unleashed a storm of protest from the Zionist lobby. It soon became apparent that both sides of the debate were laying claim to the title of defenders of academic freedom. On the one hand, the Haifa motion had called for boycott “until it [the University of Haifa] commits itself to upholding academic freedom, and in particular ceases its victimisation of academic staff and students who seek to research and discuss the history of the founding of the state of Israel”. On the other hand, those who expressed horror at the new AUT policy claimed that the very concept of academic boycott was inimical to that of academic freedom.

The opponents of the boycott within the AUT discovered that the rule book permitted a Special Council to be called if 25 members of Council demanded one. Never before had a Special Council been called for the purpose of overturning policy carried only weeks before at a regular Council, but the requisite signatures were obtained and a Special Council was duly convened in May 2005. The central resolution carried there is reproduced in Figure 5. The motion used the concept of “academic freedom” throughout in order to seize the moral high ground, alleging that the boycott motions and the debate which preceded the vote on them were at variance with this principle.

Noticeable by its absence was any reference to the “academic freedom” of Palestinian students or teachers, who continued to be impeded in their work and studies by checkpoints, arrests, assaults, arbitrary detentions and the apartheid wall which by now was spreading through the West Bank. No trade union worth the name could continue to be silent in the face of such violations of the most basic human rights. The Zionist victory was to be short-lived.

**Figure 5: Resolution passed by AUT Special Council in May 2005:**

“Council:

1 notes that resolutions on boycotting specific Israeli universities were passed in circumstances which precluded due investigation, consideration and debate.

2 believes that freedom of expression, open debate and unhampered dialogue are prerequisites of academic freedom and that the academic boycott motions carried at the AUT council constitute a significant threat to the free communication of ideas, and thus to the fundamental principles of academic freedom to which the membership subscribes.

3 notes that a large number of leading professional associations, in Europe and North America, have condemned these motions as an attack on academic freedom

4 believes that their effect has been to damage AUT, bringing it into disrepute both nationally and internationally.

Council therefore repeals with immediate effect the boycott of Israeli universities introduced in motions 58 and 59 at the council meeting of 20-22 April 2005.”

## **2.4 UCU policy on Israel**

Since the merger of AUT with NATFHE to form UCU in 2006, the new union has had to create its policy on international matters anew. UCU is a larger and, in the author’s opinion, more democratic union than AUT was. Its policies on all kinds of matters are correspondingly more progressive. For instance, the supreme decision-making body of UCU is Congress, composed of delegates from branches with no concept of semi-permanent “members of Council” as was the case with AUT. Under the UCU rulebook, it is considerably more difficult for special meetings of Congress to be called than was the case with AUT Council.

More importantly, members of UCU, like the general public in the UK, have become increasingly aware of the Israeli occupation of Palestine and its resulting atrocities. The siege of Gaza, operation “Cast Lead” and most recently the assault on the Mavi Marmara have opened the eyes of many trade unionists and convinced them that BDS is the only effective way to end the occupation. Motion 31, passed at UCU Congress 2010, commits UCU:

- to reaffirm its support for BDS, and to seek its implementation within the constraints of the existing law;
- to seek in conjunction with other trade unions, nationally and internationally, to establish an annual international conference on BDS, a trade union sponsored BDS website and a research centre on commercial, cultural and academic complicity with Israeli breaches of international law, with appropriate cost sharing;
- to sever all relations with Histadrut, and to urge other trade unions and bodies to do likewise;
- to campaign actively against the EU-Israel Association Agreement, and to coordinate that campaign with other trade unions and solidarity movements.

In the same motion, Congress resolved “to commence the investigatory process associated with the imposition of a boycott of Ariel College.” It was, of course, the involvement of Bar-Ilan University with Ariel College (aka the College of Judea and Samaria) which had prompted the AUT boycott motion of Bar-Ilan in 2005. The ground lost at Special Council has now been recovered. In voting to “sever all relations with Histadrut, and to urge other trade unions and bodies to do likewise” the UCU made new history, becoming the first British union to vote for boycott of the so-called Israeli trade union body, although Unison (a large public-sector union) was to follow soon thereafter.

The attack by the Israeli navy on the Mavi Marmara prompted UCU Congress 2010 to pass Emergency motion L11, which denounced “the Israeli act of piracy in international waters”, called for the Israeli government members and senior officers responsible to be put on trial for “crimes against humanity”, and demanded that the UK government should not change the rules on universal jurisdiction.

It is my belief that the only reason why no motion calling explicitly for academic boycott of Israel has yet been passed by UCU is because of the tiresomely familiar legal threats from Israeli universities and their supporters and the unwillingness of union leaderships to counter these head-on. These are the only weapons that the Zionist lobby in the UK have left at their disposal, having lost the moral and political arguments long ago.

### **3. Academic Freedom**

I stated above that both sides of the boycott debate had laid claim to the concept of “academic freedom”, using it both to justify and to oppose boycott of Israeli universities. I would now like to discuss how we might define that concept and to consider whether in fact it really does conflict with the idea of academic boycott as the Zionist lobby would like to claim.

In fact, there is a definition of academic freedom enshrined in English law. Academic staff in pre-1992 British universities still enjoy the protection of the Model Statute created under Section 202 of the Education Reform Act 1988 (Figure 6). This has been slightly modified in the “Revised Model statute” of 2003 (Figure 7), but the wording has scarcely changed. According to this definition, academic freedom can be said to have three main components:

- (a) academics should have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;
- (b) institutions should provide education, promote learning and engage in research efficiently and economically;
- (c) institutions should apply the principles of justice and fairness.

I will take these three clauses as my “working definition of academic freedom”, not because the British system is in any way morally superior but because the “Model statute” has been well-accepted for over two decades and seems a reasonable starting-point as a basis for anchoring the debate in some basic grounding of common sense and human rights. I will now explore each of these in turn in the context of Israel and academic boycott.

**Figure 6: “MODEL STATUTE” from the Education Reform Act 1988, Section 202**

Academic tenure

202 The University Commissioners

(1) There shall be a body of Commissioners known as the University Commissioners (in this section and sections 203 to 207 of this Act referred to as “the Commissioners”) who shall exercise, in accordance with subsection (2) below, in relation to qualifying institutions, the functions assigned to them by those sections.

(2) In exercising those functions, the Commissioners shall have regard to the need—

- (a) to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions;
- (b) to enable qualifying institutions to provide education, promote learning and engage in research efficiently and economically; and
- (c) to apply the principles of justice and fairness.

**Figure 7: UUK and UCEA REVISED MODEL STATUTE  
[Approved by the Privy Council Office: 31 March 2003]**

This Statute and any Ordinances or Regulations made under it shall be applied and construed in every case to give effect to the following guiding principles:

- i. to ensure that members of staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;
- ii. to enable the University to provide education, promote learning and engage in research efficiently and economically; and
- iii. to apply the principles of justice and fairness.

### **3.1 “Freedom within the law to question and test received wisdom”**

The first element of my working definition of academic freedom states that academics should have “freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges”.

To the best of my knowledge, there has been no instance where the application of the academic boycott of Israel has led to any Israeli academic being prevented from expressing their opinions, no matter how controversial or unpopular, let alone being deprived of their job or privileges. Nor should there be, bearing in mind that the boycott as articulated in the PACBI call is targeted at institutions rather than individuals (unlike the South African academic boycott - see 2.1).

One only has to think of Prof. Arnon Sofer (Haifa University), the prophet of the “demographic threat” and the “separation wall”; or of Dr. Mordechai Kedar (Bar-Ilan) with his proposals to expedite the release of Gilad Shalit by “gradually cut[ting] off supply of electricity and water to

Gaza”, to realise that academic freedom for Israeli academics is very extensive indeed. Pronouncements such as “if we want to remain alive, we will have to kill and kill and kill. All day, every day” (Sofer 2004) might fall foul of the Model Statute’s “within the law” constraint if they were to be uttered by a British academic, but such constraints do not appear to apply to their Israeli counterparts.

This must be contrasted, however, with the treatment of academics in Israel and farther afield who have dared to criticise Israel or Zionism or to express support for any form of boycott of Israel. A clear example of victimisation of such an academic can be seen in the case of Dr. Norman Finkelstein, whom I will quote in his own words:

“Ten years ago this past month my book *The Holocaust Industry* was published. It evoked outrage from the Jewish-Holocaust-Israel establishment and marked the beginning of the end of my academic career. I lost my job at Hunter College right after its publication and Depaul University cited it as grounds for denying me tenure in 2007. Much of the outrage was directed at the chapter entitled *The Double Shakedown*, in which I documented the Holocaust industry’s blackmail of European governments in the name of “needy Holocaust victims” and then the shakedown of Holocaust victims by the Jewish organizations that pocketed the ‘Holocaust compensation’ monies”.

<http://www.normanfinkelstein.com>

This is very much a case of an academic losing his job and privileges for expressing “new ideas and controversial or unpopular opinions”.

An imminent threat of such victimisations on a grand scale within Israel itself is posed by the Knesset Bill “Prohibition on imposing a boycott – 2010” which at the time of writing is making its way through the Israeli parliamentary process, having passed its initial reading on 15th July 2010. This piece of legislation is the third of a group of bills targeting BDS supporters. In particular it states:

“It is prohibited to initiate a boycott against the state of Israel, to encourage participation in a boycott, or to provide assistance or information with the intention of promoting a boycott.”

Various penalties are proposed for those who dare to breach this prohibition, if it should become law: Residents or citizens of Israel can be fined, while non-citizens of Israel will be banned from entering Israel for at least 10 years. Furthermore, Israeli citizens or the state treasury may sue for damages caused by a boycott imposed by “a foreign political entity”,

Because the Education Minister, Gideon Saar, has made public comments in support of the bill, it is believed to be particularly aimed at Israeli academics who have taken a position in support of BDS. Some 500 academics, including two former education ministers, have signed a petition condemning the bill. Clearly these individuals see the bill as an all-out assault on academic freedom, since the petition states: “We have different and varied opinions about solving the difficult problems facing Israel, but there is one thing we are agreed on – freedom of expression and academic freedom are the very lifeblood of the academic system.” Daniel Gutwein, a history professor at Haifa University who is one of the signatories, described the minister's intervention as an attempt "to make Israeli academia docile, frightened and silent".

One of the Israeli academics who has publicly stated support for a boycott is Neve Gordon of Ben Gurion University. Gordon told the Observer newspaper that he had recently received death threats and that many Israelis saw support for the BDS as "crossing a red line".:

"I am worried about what is happening to the space for debate in Israel. I find that there is a proto-fascist mindset developing. One of the slogans you hear a lot now is no citizenship without loyalty. It is an inversion of the republican idea that the state should be loyal to the citizen."

(The Observer, 11th July 2010)

On this evidence, the only way in which the academic boycott places anyone in jeopardy of losing their jobs or privileges appears to be as a result of victimisation of those supporting the boycott, whether in the USA, Israel itself or elsewhere.

### **3.2 “Qualifying institutions should be enabled to provide education, promote learning and engage in research efficiently and economically”**

The academic boycott of Israel causes minimal interference with the provision of education, learning or research by Israeli institutions: conferences and courses can still take place in Israel even if outside individuals and organisations refuse to participate in them.

However, in order to apply the second element of my definition of academic freedom, it is necessary to evaluate its application not only to Israeli citizens but also to Palestinians living under occupation. Here I will quote part of a speech made at UCU Congress 2009 by the President of UCU’s Palestinian sister union:

“Since 2004, Israel has totally prohibited the Palestinian residents of Gaza from studying in the West Bank. In 2006, a ruling from the Israeli High Court also forbade 10 Palestinians from accessing Bethlehem University to study Occupational Therapy. Today, travel abroad is totally restricted for Gaza residents. The Israeli colonial policy of segregating, confining Palestinians and controlling their movement has left students in Gaza with no option except to restrict themselves to the few fields of academic study available in the Gaza Strip. In 2000 there were 350 Gazan students at BirZeit University; many were deported, others stayed in the West Bank 'illegally' and risk being deported at any moment. By 2005 there were only 35 Gazan students at BirZeit. Today there are none.”

Anjad Barham, President, PFUUBE  
(Palestinian Federation of Unions of University Professors and Employees),  
Address to UCU Congress 2009

There is no evidence of the academic boycott of Israel preventing institutions from providing education, promoting learning or engaging in research efficiently and economically. However, the occupation prevents all these things for Palestinians.

### **3.3 “Institutions should apply the principles of justice and fairness”**

To any reasonable person, the concept of justice and fairness prohibits discrimination on the grounds of sex, race, religion, etc. Some examples of the *injustices* prevalent in Israeli universities

were provided recently in an article by Yitzhak Laor in Ha'aretz, entitled "Kahanism is flourishing in Israel's universities":

"The battle in Europe for an academic boycott against Israel is missing out on a good excuse: Israel's universities are leaders of the camp that discriminates against Arabs. Arabs make up 20 percent of the population, but less than 0.5 percent of university faculty members. The situation at the University of Haifa is a scandal: 20 percent of the students are Arabs, but not even 1 percent are faculty members. Here merit is usually cited as the reason, which is clearly racist: They aren't good enough. That's how big the appetite of the Jewish faculty is. (And in the universities' administrative and technical staff? Not even 0.5 percent are Arabs ).

"...That is where Kahanism is flourishing. Not in the synagogues, but where the establishment's future employees are trained. The education minister and MK Zevulun Orlev of the Knesset Education Committee can stand at the head of the right-wing Zionist student group Im Tirtzu, which objects to freedom of research. Their work is done mainly by Sadducees and Pharisees, left or right, Mizrahim or women - they won't share the pie and the curriculum with the Arab minority."

(Yitzhak Laor, Ha'aretz, 25th June 2010)

I would contend that the academic boycott does not prevent any institution from applying the principles of justice and fairness. It is Israeli policies towards Palestinian citizens of Israel and Palestinians living under occupation which prevent these principles from being applied.

#### **4. Conclusion**

The discourse of academic freedom is a site of ideological struggle. The phrase is used by both the right and the left within international academia. It has been used as an argument in support of academic boycott, whether of apartheid South Africa or apartheid Israel, on the grounds that those states practices censorship and discrimination in access to education. On the other hand, it has been used by those opposed to academic boycott on the grounds that it impedes constructive dialogue. As a result, Newman (2008) queries whether the concept "has been manipulated in such as way as to deprive it of all ethical validity":

"In an age when powerful supporters of Israel in the United States can propagate the myth that it is Jews who are under anti-Semitic attack on college campuses by academics and activists who criticize the state of Israel for its violations of Palestinian human rights and turn a movement of solidarity with Palestinians into an instance of a violation of academic freedom, there is a problem. In a historical moment resonant with the McCarthy era of the 1950s when Americans experienced a different kind of witch hunt in their academic and cultural institutions, we see those who speak out for justice having their academic freedom called into question, and we see this especially for those who speak out against empire and neocolonial regimes, particularly Israel but also the United States.<sup>14</sup> It is in this context that the discussion of academic freedom has become debased, as it has shifted from a concept that had some measure of ethics to a concept based on the so-called rights of the individual."

(Newman, 2009:102)

In an attempt to imbue the term 'academic freedom' with an element of objectivity, I have adopted a working definition based on the three major elements of the "Model statute" in British universities. As soon as one applies these criteria to the debate on boycott, it becomes clear that it is the Israeli state, and not the BDS movement, which poses a threat to academic freedom.

To debate "academic freedom" in abstract terms when Palestinian students and teachers are denied the most basic freedoms of all debases the concept to a point where it has no meaning worth speaking of. It is deeply ironic that the state of Israel was founded in the same year - 1948 - as the United Nations Universal Declaration of Human Rights, and yet continues to violate every single one of the Declaration's 30 Articles. In particular, Palestinians living under occupation are regularly denied the right to "life, liberty and security of person" (Article 3), the right to education (Article 26) and the right to "freedom of movement and residence" (Article 13); they are routinely "subjected to arbitrary arrest, detention or exile" (Article 9). Any infringement of the rights of Israeli students or teachers by the academic boycott must be seen in this context. As Judith Butler puts it:

"If the very capacity to exercise rights of academic freedom, however, is undermined by these conditions, then the inability to exercise a right constitutes a negation of the right in advance; in other words, these rights are, we might say, abrogated through foreclosure and pre-emption. They are not asserted and then restrained: rather they have from the start no opportunity to be asserted. Or if they begin to be asserted, they are violently denied. If the discourse of academic freedom cannot rise to this occasion, able to condemn widespread abrogation of rights, then to what extent is the discourse and practice of academic freedom involved in shielding such conditions, deflecting attention from them, and thus perpetuating them?"

(Butler 2006: 11)

It is for the advocates of BDS to defend a definition of academic freedom which maintains some integrity.

## References

Butler, Judith. 2006. Israel/Palestine and the Paradoxes of Academic Freedom. *Radical Philosophy* 135: 8–17.

Kedar, Mordechai, 2007, "What to do about the Palestinians?", BESA bulletin no. 22, October 2007

Laor, Yitzhak, 2010, "Kahanism is flourishing in Israel's universities", *Ha'aretz*, 25th June 2010

Newman, Marcy Jane, 2008, "The Fallacy of Academic Freedom and the Academic Boycott of Israel." *CR: The New Centennial Review*, Vol. 8, No. 2: 87–110. Michigan State University Press. Available at <http://usacbi.files.wordpress.com/2009/01/newman-fallacy-academic-freedom-academic-boycott.pdf>

Sofer, Arnon, 2004, interviewed in *Jerusalem Post* weekend supplement "Up Front", May 21, 2004.

United Nations: Office of the High Commissioner for Human Rights. *Universal Declaration of Human Rights*. Available at <http://www.ohchr.org/EN/UDHR/Pages/Introduction.aspx>. .