

February 4, 2014

Statement on Anti-Boycott Legislation

The [General Assembly of Maryland](#) has now joined the [New York State Legislature](#) in considering legislation that would prohibit public colleges and universities from using state funds to support academic organizations that have passed resolutions or taken official actions to promote boycotts against higher education institutions in other countries. As in New York, the proposed legislation would also prohibit a college or university from using state funding to pay membership dues to those organizations or to reimburse travel or lodging for an employee attending any meeting of such an organization. We understand that similar legislation is likely to be proposed—or may already have been introduced—in other states. These proposals come in response to the recent decision by the American Studies Association (ASA) to endorse an academic boycott of Israeli universities.

The American Association of University Professors (AAUP) has already stated its opposition to such legislation. As we wrote in [our previous statement](#) opposing the New York bill:

AAUP members hold a variety of views about the Israeli-Palestinian conflict and the efficacy of academic boycotts. The AAUP as an organization, however, opposes all such boycotts, including the one endorsed by the ASA, because they are inimical to principles of academic freedom. However, Assembly Bill A.8392, if enacted, could impose greater restrictions on the academic freedom of faculty members in New York than are threatened by the ASA boycott resolution. While the pending bill would not bar scholars from participating in or attending meetings of such an organization, it would impose a political litmus test on faculty members seeking university support for research meetings and travel. Universities can limit funding for scholarly travel and participation in professional associations, but such funding decisions should be made by representative faculty bodies based on professional standards, rather than on political or ideological criteria dictated by elected officials. The bill would also penalize faculty members whose participation in the ASA or any similar organization is unrelated to the organization's stance on a boycott—even those faculty members seeking to reverse the organization's support for a boycott.

While it is the position of the AAUP that academic boycotts contravene the principles of academic freedom, the Association has nevertheless [asserted](#) that it is “the right of individual faculty members or groups of academics not to cooperate with other individual faculty members or academic institutions with whom or with which they disagree.” Legislative interference in academic decision-making and with the freedom of scholars to associate and exchange views with their peers is even more dangerous than the academic boycotts this legislation is intended to oppose. That is because this legislation undermines constitutionally protected academic speech and debate in order to promote a particular viewpoint. If enacted, such legislation will set a deplorable precedent for future legislation that might further reduce academic speech. In case after case, the US Supreme Court has upheld the rights of university faculty to speak publicly on matters both national and international. In one of many cases, the Court declared “our

Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom” (*Keyishian v. Board of Regents*, 385 US 589, 684 (1967)).

Academic freedom is meaningless if it does not protect those who support unpopular positions, including the advocacy of academic boycotts. If controversial political issues such as the Israeli-Palestinian conflict cannot be freely discussed and debated in institutions of higher education, where can such debate and discussion occur? We urge opponents of academic boycotts to engage boycott advocates in dialogue, rather than seek to impose inappropriate restrictions on their activities that violate principles of academic freedom. And we call on university leaders publicly and forcefully to oppose such legislation. The stakes are high: the free and open exchange of ideas—however controversial—is what democracy is all about.