Why I Continue to Support the AAUP Policy in Opposition to Academic Boycotts

A Response to the AAUP Journal of Academic Freedom, Volume 4

By Ernst Benjamin

Joan Scott, with whom I worked on the AAUP policy on academic boycotts and co-edited the special issue of *Academe*, reports that she has changed her mind and now supports an academic boycott of Israeli academic institutions. I respect and largely share her critique of Israeli policy. Nonetheless I continue to support the AAUP recommendations against academic boycotts and, therefore, oppose the current academic boycott proposal as well as any other academic boycotts. My basic arguments are stated in my "Reflections" essay in the original Boycott issue of Academe (Sept-Oct 2006, pp. 80-83) and I'll try not to repeat them but to focus on why I have not changed my mind and urge that AAUP not change our policy.

AAUP's official policies, as distinct from occasional topical resolutions, pertain only to academic matters and not to general matters of world affairs. AAUP opposition to academic boycotts is not in any way founded on support of Israel but on its support of academic freedom. So I did not support the anti-boycott statement, as Joan suggests she did (Scott, "Changing," p. 2), in support of "Israeli academic freedom" but in support of every academic's academic freedom regardless of nationality, gender, race, sexual orientation, or political views.

Omar Barghouti and others argue that the AAUP, by asserting this universality of the right to academic freedom privileges academic freedom above other principles including basic human rights. It does not. The AAUP is not itself a human rights organization but nothing in the AAUP commitment to academic freedom precludes a commitment to human rights in general. Indeed one way to further human rights is through the free exchange of ideas protected by the principles of academic freedom. What AAUP argues is simply that proponents of human rights should do so through the exercise of academic freedom as well as other political means but not through the denial of academic freedom even to those who may be implicated in the denial of academic freedom to others.

Barghouti also questions whether AAUP itself supports academic freedom in the case of anti-Semitic or fascist speech or Holocaust denial in the classroom (Barghouti, Boycott, p. 4). Yes, the AAUP and I support the right of faculty members to uphold Nazi ideology and other anti-Semitic theories in class if the topic is pertinent to their course. Holocaust denial, because it is counterfactual, is protected extra-mural speech but would be subject to challenge for professional incompetence in a class where the comments were pertinent to the subject matter and subject to challenge as to relevance in a course where the comments were not pertinent to the subject matter. The AAUP has recently amplified our defense of the right of faculty to vigorously advocate views most of us despise in the statement *Ensuring Academic Freedom in Politically Controversial Academic Personnel Decisions* of which I was the principle author.

Moreover I do, far more enthusiastically, continue to advocate for the academic freedom of Palestinians and critics of Israel here, in Israel, and on the West Bank now as I did when I signed an ad to that effect, sponsored by Noam Chomsky et. al., nearly forty years ago. Support of academic freedom is also why I joined Joan in insisting on publishing, and the AAUP agreed to publish, the pro-boycott statements of several Palestinian academics, including Omar Barghouti, who had submitted papers to our proposed conference on academic boycotts despite the successful efforts of pro-Israeli authors to block the conference and delegitimize publication of the papers. I find it more

difficult to understand why the *Journal of Academic Freedom* published a "roundtable" on academic boycotts that included only one essay is support of AAUP policy.

Similarly I reject the "working definition of academic freedom," adopted by many European nations, which conflates criticism of Israel with anti-Semitism. Contrary to the statement of David Lloyd and Malini Johar Shueller (p. 6), the AAUP has not adopted the working definition. On the contrary, I recently spoke to the Jewish Public Affairs Council in New York to explain why the AAUP opposes the efforts of some pro-Israeli Jewish organizations to use the working definition as a way to pressure the Civil Rights Commission to suppress the free speech of Palestinian and other critics of Israel on American campuses.

My talk was much better received than I expected. Perhaps that is because I prepared my defense of the right of students to criticize and demonstrate against Israeli policy. First I summarized AAUP's many statements in defense of all students' academic freedom, in support of non-discrimination, generally forbidding constraints on campus speech and interference with the right to be heard. Next I described our policy encouraging administrations to speak out against hateful speech, to protect students from harmful actions and against academic boycotts. Then I made our case supporting the right of Palestinians and others to express their critique of Israel and Israeli policy. If, however, we are not consistent in our defense of academic freedom and free speech for all, and in opposition to all academic boycotts, but agree to a policy of academic freedom only for those found worthy, we will certainly lose our credibility and any real claim that our policy is anything more than the fig leaf for our own political views that some of the essays in this issue of the *Journal* mistakenly suggest it is.

Conversely, Joan Scott writes that "it began to seem to me that inflexible adherence to a principle did not make sense without consideration of the political contexts within which one wanted to apply it." As a political scientist I can scarcely disagree with the admonition to consider the political implications of absolute inherence to a principle. But I also remain committed to the concluding recommendation of the sub-committee report that Joan chaired and I co-signed:

> 8. We understand that threats to or infringements of academic freedom may occasionally seem so dire as to require compromising basic precepts of academic freedom, but we resist the argument that extraordinary circumstances should be the basis for limiting our fundamental commitment to the free exchange of ideas and their free expression.

Obviously, we considered whether the political context might provide grounds for suspending the principle and obviously we concluded it should not.

Why not? Because if we were to agree that each claim of academic freedom should be evaluated on its political merits then the principle of academic freedom itself would be utterly lost. Academic freedom would not be a universal academic right but a reward to those academics and academic institutions found deserving by self-appointed monitors on the basis of politically defined standards on a case by case basis. Consider the chaos that would ensue if we evaluated each case of a claimed violation of academic freedom on the political merits of the academic institution or aggrieved faculty member. Such a flexible standard could not long be sustained nor should it.

I am not, however, arguing as an absolutist. Academic freedom is not an unconditioned principle but a pragmatic principle that reflects our understanding that knowledge is incomplete and uncertain. If we knew with certainty what and who were right we wouldn't need academic freedom in the first place. Absolutists, convinced they know what is true and right, such as some denominational institutions, set limits to academic freedom. The AAUP challenges such limits but has historically chosen not to censure all such institutions but rather to press them to maintain and enlarge such academic freedom as they do provide.

The essays in the roundtable imply, however, that there is a widely accepted standard that we might apply and should apply in limiting academic freedom. Bill Mullen identifies as the unifying

theme of the essays the observation of BDS supporters Davis Lloyd and Malini Schueller that "If there has been anywhere a systematic denial of academic freedom to a whole population, rather than to specific individuals or institutions, it is surely in Palestine under Israeli occupation." The point of this assertion is, of course, to support the argument that we should do unto others as they do unto others. So should we deny academic freedom to those who deny academic freedom to others?

There is of course a practical obstacle to this approach that has sometimes been asserted as a rationale for our general practice of not carrying out investigations and censure, let alone, boycotts, of universities abroad. The AAUP may be competent to decide whether academic freedom effectively prevails in a given circumstance in universities in or at least accredited in the United States. But we have too few staff, too few resources and too little expertise to adequately assess the comparative extent of academic freedom available to faculty in the vast number of universities abroad. Even less do we have the competence or the established guidelines to determine not simply the extent to which academic freedom exists but the extent to which a given faculty or institution abroad should be accorded academic freedom by ourselves and others.

This practical argument fails to fully engage the claim of the pro-boycott authors that some instances are egregious and that the case of the Israeli denial of academic freedom—and not to mention a right to political freedom and their own land—to Palestinians under Israeli rule particularly, even uniquely, merits the sanctions proposed. This leads us to the response of which defenders of Israeli policy are all too fond. Why Israel? Why indeed? Why doesn't the Asian American Studies Association, which recently became the first American academic association to endorse the academic boycott of Israel, boycott China? Surely they have not forgotten Tiananmen Square or Tibet. What's the status of academic and other freedoms across the Arab world or in Iran? Unfortunately the denial of academic freedom is all too common in all too much of the world.

Not that I accept this argument as definitive. Although it may be unfair to single out Israel, the defense that others do it lacks moral authority. It's too much like that of the child who justifies his misbehavior with the claim that the other kids do it. The fight for justice cannot occur everywhere at the same time. Nonetheless, as I argued in my "Reflections" essay in the boycott issue of *Academe*, we should employ whatever academic freedom is available to critique its denial and expand academic freedom, rather than to compound such widespread abuses by selectively engaging in academic boycotts.

There is, however, an important political under-current shaping this debate that is not directly about the merits of the AAUP anti-boycott statement. For those engaged in the struggle for Palestinian rights and their allies the struggle itself is understandably more important than any philosophical argument regarding the merits of academic freedom or academic boycotts. I do not question, nor should the AAUP question, their priorities. As individuals many of us may share them and choose not to cooperate with institutions we abhor. Many of us may join human rights and political organizations to pursue our concerns and consider them more important than AAUP and academic freedom. But AAUP itself is not a general-purpose human rights organization much less a political movement. The AAUP exists to defend academic freedom. We should not compromise this principle in the name of others which, though they may be larger and even more important, are not the principles specific to our association.

I do think, moreover, that Joan and other advocates of the academic boycott are making an unnecessary political error that only undercuts their argument that the academic boycott is an appropriate tactic—or as Joan now argues—strategy for furthering Palestinian rights. Joan argues that the boycott will expose "the unprincipled and undemocratic behavior of Israeli state institutions." Perhaps—though anyone who cares probably already knows as I do; and I do so specifically as a Jew vitally concerned about Israel and out of the commitment to justice that is a core principle of my Jewish heritage as I understand it.

In my view the appeal of the academic boycott has little to do with its possible effects and much to do with the fact that academics are an easy target. But those who need to be swayed, in and out of Israel, are not the academics and liberals concerned with academic freedom who are already responsive to critiques of Israeli policies but those political and financial leaders and ordinary voters who are primarily concerned with power and economic well-being. Pursuing the chimera of an academic boycott abandons principle to little practical effect. For those who feel strongly the injustice of Israeli abuses, it is far better to use our academic freedom to speak out about those abuses, and even to use that freedom to advocate a potentially effective cultural and economic boycott of the West Bank in pursuit of negotiated resolution of the Israeli-Palestinian conflict.

Certainly this approach makes more sense than to compromise our even-handed commitment to academic freedom. If, like Joan we are concerned about the political implications of our commitment to academic freedom then even less does it make sense to jeopardize our ability to continue to speak out by subjecting the right to speak out and participate fully in academic debate to a political litmus test. A test which may—precisely because it is political—be applied based on power rather than justice and therefore unjustly against the weak rather than the strong. Such pragmatic considerations should not, however, distract us from the fundamental principle. Politically qualified academic freedom is not really academic freedom at all.