

Say It Ain't So, Joan

A Response to the [AAUP Journal of Academic Freedom, Volume 4](#)

By Joshua A. Fogel

As a student of Chinese history for the past 43 years, I have read extensively in the scholarship substantiating the tens of millions of people murdered or starved to death by the Communist regime, primarily during the years of Mao Zedong's leadership. These are not the ravings of some firebrand, right-wing, anti-Communist blogger or radio talk-show host, but the results of surveys in the People's Republic itself as well as overseas. During the Cultural Revolution covering the last ten years of the Chairman's life, 1966-1976, upwards of 1,000,000 men and women were tortured and murdered, including legions of academics. All of us witnessed the massacres of several thousand Chinese students and workers in June 1989 by the People's Liberation Army, and China still leads the world in the number of state-administered executions—in fact, it executes more than all reporting nations combined each year. These facts, as well as the crushing of the Falungong demonstrators only a few years back, are stark facts, not up for grabs among scholars everywhere. Oh, and did I mention the recent assessment, reported in the *Atlantic Monthly*, that China is now home to some three million slaves—meaning one out of every 450 Chinese performs forced, unremunerated labor? Yet, for all of these man-made human calamities, no one to my knowledge has ever suggested that North American academics boycott Chinese institutions of higher learning—and I agree that such a stance would be intellectually untenable.

Most recently, as widely reported in the press, Professor Xia Yeliang of Peking University's Department of Economics was fired from his job for criticizing the single-party stranglehold on politics and policy in his native land. Is China still the human rights exception? Where was the AAUP? Perhaps things are happening behind the scenes, but kudos to the Wellesley College faculty for very publicly coming to Professor Xia's defense.

How, then, is it that Israel is the sole focus of attention by those seeking to impose an academic boycott? Even by the most outrageous claims of its detractors—even those accusations conspicuously at variance with the truth—can Israel rise to comparability with China? And, contrary to what Professor Ernst Benjamin asserts is a childish approach to this issue, this is what in my field is referred to as “comparative history.” What Professor Mullen refers to as “the contemporary world's most egregious instance of settler colonialism” and “ethnic cleansing”—namely, the founding of the state of Israel and the subsequent dislocation of many Arabs—can only be meaningfully examined by looking at other (less egregious?) instances of colonialism and ethnic cleansing: the former Yugoslavia in the 1990s, China in Tibet, the treatment of native populations in North America, Australia, and elsewhere, etc. Without downplaying what this event has meant to many Arabs, were people lined up and executed by the thousands (see “Srebrenica” July 1995)? Has there been a state-sponsored effort to dilute local culture by moving thousands of men and women of the majority population into the area (see “Tibet” over the past five decades)?

Where did the authors of the articles in the most recent *JAF* get the idea that Arab students aren't welcome in colleges and universities in Israel? The most recent figure from Israel's Central Bureau of Statistics, just announced to coincide with the Muslim holiday of Eid al-Adha, states that there are 26,800 Muslims students studying for college and advanced degrees, some 8.7% of the total student population at that level. While this may not constitute the same percentage as Jewish students in their respective populations, I would be willing to bet (without checking) that those numbers compare favorably with, say, Latino or Black (or even Muslim) students vis-à-vis their respective numbers in the general U.S. population. And, there are special fellowships that have been made

available by the Israeli government for Muslim students to encourage pursuing their educations beyond high school.

I read Joan Scott's essay in *JAF* with particular frustration. I consider her a friend and am a great admirer of her scholarly work. I have always particularly admired how she has wedded her views to substantive corroboration. And, it was for that reason that I found her essay so thoroughly wrong-headed and without even a nod in the direction of a footnote. The idea that there is no academic freedom in Israel is ludicrous. As she puts it, "those who represented dissenting views" were threatened and fired for holding such views, but not a single case is cited, probably because there have been no such cases. Several other authors in this issue of *JAF* mention the case of Neve Gordon, but he has tenure and nonetheless continues to call for the boycott of his own institution. Nor for that matter does saying something over and over again make it true. Bill Mullen cites David Lloyd and Malini Schueller, two boycott supporters, to the effect that: "If there has been anywhere a systematic denial of academic freedom to a whole population, rather than to specific individuals or to institutions, it is surely in Palestine under Israeli occupation." But, again, as in the case of Scott's essay, aside from the assertion, no evidence is presented, and no cases are cited of critics of Israel being denied academic freedom, being threatened or fired from their positions. There are a handful of Israeli academics who support a boycott of their own and other Israeli institutions of higher learning, and they continue to receive their paychecks.

Scott goes on to say: "the Israeli state regularly denied academic freedom to critics of the state, the occupation, or, indeed, of Zionism, and when the blacklisting of the state's critics is the regular tool of state authorities against Israel's own academic institutions." There may be people in the general public who would like to have anti-Zionist academics in Israel removed from their posts and there may be private organizations who would like to do the same, but the Israeli government—even the right-wing Netanyahu government—has not caved. The Israeli populace expects academics in Israel to be leftist, as is the case in so many other countries, and it is usually not disappointed, but the idea that critics of the government are blacklisted or denied academic freedom is simply at odds with the truth. The situation is probably no different from (mostly right-wing) organizations in the U.S. (like the House of Representatives) who would very much like to see many leftist academics not teaching their children. Again, not a single item is marshaled to support this assertion with respect to Israel. Perhaps she was thinking of the case of Ariella Azoulay who was turned down for tenure last year at Bar-Ilan University and blamed that decision on her leftist, anti-government political views. But, Bibi does not make tenure decisions, and what negative tenure decision is not blamed by someone on politics? And, again, saying that such is "the regular tool of state authorities" and thus implying that silencing criticism happens all the time is just wrong. I myself have friends teaching at Israeli universities who vociferously criticize virtually every move of the Israeli government vis-à-vis the Palestinians, and they have never run into any trouble of this sort.

There seems to be an unwritten assumption in many of the essays in this issue of *JAF* that to be on the political right is some sort of crime; "right-wing" is thus less a description than an indictment. I myself like to situate myself politically just to the left of center, and I wish public opinion in Israel hadn't moved rightward. I think the statement that "the oppression of Palestinians [has] increased since 2006" is more ideological than true. One example would have been nice here, and if it is true, it may have had something to do with the shower of rockets rained down on Israel that year.

Scott then asserts: "The country that claims to be the only democracy in the Middle East is putting in place a brutal apartheid system." Scott doesn't specify what she means by *apartheid*, so one must assume that we are to immediately associate Israel with pre-1989 South Africa. Of course, the use of that Afrikaans term is meant as a shock tactic. Nothing resembling institutionalized racism as one found in pre-1989 South Africa (or Jim Crow America, for that matter) exists in Israel (see the statistics cited above about tertiary level education). And, if there's no apartheid, it can't very well be

“brutal.” This is not to say that Palestinians enjoy equal treatment with Jews (and Christians and Druze) in the Territories, a serious and ongoing issue, but I believe still a long way from *apartheid*.

Scott notes that Israeli “politicians are talking openly about the irrelevance of Arab Israeli votes in elections.” This is interesting in light of the *New York Times* article only last week, “Tradition of Not Voting Keeps Palestinians Politically Powerless in Jerusalem.” (10/21/2013) Arab citizens of Israel have the right to vote, but if they choose to boycott elections, or do not as a practice vote in significant numbers, or follow the views of their leaders not to do so, they can’t very well complain that no one is paying them any electoral attention. It should be pointed out that, not only do Arab citizens have the right to vote, but Israel is sadly the only country in the entire Middle East in which Arabs can vote freely. They can even vociferously choose not to vote and claim the country in which they live is illegitimate.

I wondered what Scott could have meant by Israel’s “developing new methods for testing Arab Israeli loyalty to the Jewish state.” Unfortunately, she doesn’t say what any of these “methods” are, nor for that matter is there any proof that Netanyahu and his cronies even have any. Again, asserting something is not the thing as substantiating it. Moreover, I’m not denying that Bibi might like to do this (and not just to test Arab loyalty), but where is the proof that is already happening? Avigdor Liberman’s arch right-wing Yisrael Beteinu Party suggested such a policy, but (as I understand it) it was never implemented. God save us if every idea that popped up in Ted Cruz’s head became policy. When I was fifteen, I had to sign a loyalty oath in the state of California—stating, if memory serves—that I would uphold the Constitution and was not a subversive, which I certainly did so I get my summer job doing menial labor for \$1.25 per hour. Where was the AAUP then?

“Israel’s legal system rests on the inequality of Jewish and non-Jewish citizens.” Now, that’s quite a gutsy statement! What laws is she referring to? Aside from the right of return, all citizens of Israel are equal before the law. Israel does define itself as a Jewish state, but that doesn’t change the basis of the entire legal system. This one was beyond the pale: Israel’s “children are regularly taught that Arab lives are worth less than Jewish lives.” I am led to believe that Professor Scott has never visited an Israeli classroom or not understood what is being said or taught in them. She might, though, want to check what is taught as part of the curriculum in Palestinian schools and what is broadcast on Arab-language television with respect to the desired future of Israel and Israeli Jews. I was stunned by the wide range of opinions espoused by Israeli students when I first entered a class (in Japanese history) at the Hebrew University in 1988, a much greater range than I have seen at the various institutions at which I have taught in North America.

When Scott writes “its [i.e., Israel’s] military interferes with Palestinians’ access to university education, freedom of assembly, and the right to free speech,” it’s clear that something is wrong here. The numbers above would be sufficient to disprove this statement, unless this statement refers to the territories (not made clear). It is, of course, quite true that entrances to Israeli universities are guarded by armed security officers, and one needs some form of ID to get in, perhaps because of the fear of terrorist attack, everyday news from that part of the world. But, this has nothing whatsoever to do with academic freedom, freedom of speech or assembly, or access to education. There are, of course, Arabic-language universities in the Palestinian territories where there is also freedom of speech, and if there is any degradation of that right there, it is due to the Palestinian Authority. The IDF is not absent from Israeli society—one finds them in crowded marketplaces, malls, and the like, and of course throughout the Territories—but one can go for days in Israel and never see a soldier.

All of the foregoing notwithstanding, Scott grabs the gold ring for the following statement: “and its Council of Higher Education, now an arm of the Likud Party, has elevated a religious college in the settlements to the status of a university, accredited a neoconservative think tank to grant BA degrees to students, and conducted inquisitions among university faculty, seeking to harass, demote, or fire dissidents—that is, to silence their speech.” Where to start? The Council of Higher Education

in Israel, which indeed has members selected by the government, actually objected strenuously to the elevation of this “university” (its name for the record was Ariel Academic Center; now, Ariel University, see: http://en.wikipedia.org/wiki/Ariel_University) in the West Bank, because of the huge uproar at virtually every university in Israel, and *Haaretz* even reported last year that this elevation was effectively dead in the water. (<http://www.haaretz.com/news/national/ariel-academic-center-in-west-bank-won-t-become-a-university-committee-rules-1.448855>). Virtually every university in Israel rejected the move as entirely counter-productive, and many presidents of universities vowed to have nothing to do with it. The IDF runs the show in the Territories, which are not formally part of Israel, and a general ultimately had to sign off on the deal. It’s still a bit of a stretch to say that the Council has become “an arm of the Likud Party.” And, it is not a “religious” college at all; in fact, there are Muslim students studying there. Scott doesn’t tell us the name of the putative “neoconservative think tank” that she is referring to—perhaps the conservative Shalem Center—and what think tank anywhere gives out university degrees, at least ones recognized anywhere else? It is unclear if she harbors similar misgivings about Jesuit universities and Christian seminaries in the U.S. In the late 1980s, I was offered a position at one of the Loyola Universities, but was stunned to discover in reading through the materials given to me that one of the sufficient causes for having tenure revoked was to express opinions at odds with the orthodox teachings of the Catholic Church. When I asked the chair if I could lose my job for expressing support for access to abortion, he became very defensive. Has the AAUP been active on this front?

Inquisitions, harassments, demotions, firings? Where did this rant come from? And, not a single instance is named or detailed. As it stands, this is pure demagoguery, and coming from an internationally respected scholar, it just adds more fuel to the fire. Let me help here. Take the more recent case of Professor Rivka Feldhay, a well-respected scholar of the history of European science at Tel Aviv University and critic of the Israeli government’s continued occupation in the West Bank. In 2008 she signed a petition supporting IDF soldiers who refused to serve in the Territories. Invited last year by the Israeli embassy in Germany to participate in a panel discussion that was also to include P.M. Netanyahu, she soon found herself uninvited by the government because Bibi did not want to participate in a roundtable with her. Bibi was left with his foot squarely lodged in his mouth, as Israeli academics and journalists lambasted his effort to stifle criticism of his government. I believe the message here is that he failed, and the egg on his face reveals just how vibrant a democracy Israel continues to be. Attempting to stifle criticism is not the same as an inquisition or harassment; it is an endemic condition even in the most democratic polities. The more insidious thing, though, is that Netanyahu effectively joined hands with the BDS movement by seeing to it that one of Israel’s own academics was boycotted from participating in an academic setting abroad. There are, of course, differences, but the effect is chillingly the same.

When we turn to the political issue of the Palestinian territories, I would agree that Israel would probably do well to negotiate land for peace, especially now when it is in a position of strength. Being a historian, I feel the need, though, to remind colleagues that the Israeli military did not wake up one morning in 1967 and decide to annex some territory just for the fun of it. It was attacked on all sides and, unlike the 1973 invasion on Yom Kippur, was prepared to successfully respond. If you have never been welcomed in your neighborhood and indeed have battled your neighbors on all fronts several times, should a group of your neighbors attack and attempt to destroy you once and for all and you successfully fend them off and secure some terrain as a kind of buffer—to say nothing of reuniting your ancient capital—might it be just a bit unseemly if those neighbors then started whining about wanting their land back? That said, the fact that Israel has held onto much of these lands all these years does not bode well for a future in which Israel will of geographical necessity remain in the Middle East. Several years ago, the Sharon government did unilaterally return some land, land from which shortly thereafter rockets were fired on Israel. Nonetheless, Israel continues even as we speak

to negotiate with the Palestinians. There are indeed injustices in the territories, theft of Arab lands for settlers, and the like, and many of the strongest voices of opposition come from Israeli journalists and scholars (such as the periodic reports from the brilliant Indologist David Shulman of Hebrew University).

In sum, Scott (and many others) call for “an institutional boycott, aimed at those cultural and educational institutions that consistently fail to oppose the occupation and the unequal treatment of non-Jewish citizens.” So, now we’re imposing a political litmus test. Would this mean that these same supporters of a boycott of Israel would have supported a similar boycott of U.S. institutions when Jim Crow laws were on the books, or when the American-led war in Viet Nam was being waged, or now when drones kill innocent civilians far from home? A powerful and highly persuasive critic of the French ban on the wearing of the veil in public, would Scott have us boycott French institutions of higher education because they discriminate against female Muslim students? Virtually every country in Europe mistreats its Roma and Sinti populations, and few, if any, of these long downtrodden peoples make it into the tertiary level of higher education. Shall we boycott all of Europe? And, what about Russia which even locks up its rock stars?

All the putative democracies of the world are flawed in one way or another, Israel among them, but why single out Israel for punitive treatment and based on seriously compromised “data” and hyperbole?

One final thought about Professor Nelson’s hypothetical case of not boycotting Nazi Germany. Why goes to such absurd extremes? Imagine the scene: the ovens of Auschwitz-Birkenau are firing up, Operation Barbarossa is going full guns, the Wannsee Protocol has been agreed upon, and we’d like to have an academic exchange with your department of Aryan studies?

I offer these thoughts in the spirit of collegial debate. Frustrated, yes, but open, absolutely, to discussion. Israel has problems in the way it treats its minorities, but it is doing no worse a job than other democracies and certainly a far better job than many than the way some nations treat their own citizens. Boycotts are just counterproductive.

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