

In Defense of Academic Boycotts

A Response to Martha Nussbaum

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IN “Against Academic Boycotts” (Summer 2007), Martha Nussbaum develops an argument against academic boycotts in general and boycotts of Israeli academia in particular. The argument proceeds by first noting that boycotts are but one option open to those who wish to condemn and resist serious wrongdoing; second, that in a wide range of cases, boycotts were less effective and morally more troubling than the alternatives she presents. From there, on the basis of an analogy to the Israel-Palestine case, Nussbaum concludes that a boycott of Israeli academia is neither necessary nor likely to succeed and therefore unjustified. In what follows, I will point to two ways in which Nussbaum’s argument goes astray.

First, the analogy between Israel-Palestine and the cases Nussbaum discusses is weak. Although Nussbaum’s strategies may work well in other contexts, they are unlikely to have an impact on the situation in Israel-Palestine. Over the years, piecemeal mobilizations of the kind she favors have consistently failed to yield tangible results. Boycotts are likely to be more effective for two reasons. They are comparatively immune to government interference and their impact on the oppressive situation is more direct. I discuss these points in the course of presenting the case for a boycott of Israeli academic institutions.

Second, I will show that boycotts are not “blunt instruments” that target institutions and all their members. Boycotts can be structured so as to censure and isolate institutions while preserving the academic freedom of individuals—whatever their political views. I sketch a model that shows how this can be done and explain why a boycott ought to be structured

in this way. This shows that what Nussbaum argues against are not academic boycotts *per se* but a specific kind of boycott proposal, so that even if her argument works, little follows from its success.

The term “military occupation” conjures up images of soldiers maintaining law and order in a territory following an armed conflict. This image fails to convey the gravity of the harm done to Palestinian civilians living under Israeli control in the West Bank and Gaza, where Israel still controls Gaza’s borders, coastline, and airspace and can intervene militarily at will, thus effectively occupying it, the “disengagement” notwithstanding.

Since it assumed control of these areas forty years ago, Israel has made it difficult for the Palestinians to maintain a meaningful connection to their cultural traditions and intergenerational projects. It has done this by destroying important institutions and by systematically preventing civilians from gaining access to the goods these institutions afford. An example of the former is the constant assault on the Palestinian educational sector, of the latter the use of such policies as closure, curfew, and the “pass system” to place restrictions on the movement of individuals, making it difficult for Palestinian civilians to maintain their sense of community and even their family relations.

All these measures are enforced with lethal violence, making fear a constant feature of daily life. Israel’s expansion into the West Bank has also resulted in the displacement of enormous numbers of Palestinian civilians, the uprooting of millions of olive trees, and denial of access to farmland and myriad other resources. The separation barrier has only added to these effects. The wall also puts the two largest water aquifers in the West Bank out of reach of the Palestinians and thereby places further obstacles in the way

of their national existence.

Although Israel is not exceptionally wicked for having treated the Palestinians in this way, the harms I have described are serious enough to warrant third-party intervention. The rationale for intervention is made stronger by at least three other factors, the first being the sheer length of time that Israel has managed to escape being held to account for its various crimes, including the ethnic cleansing of 800,000 Palestinians from the areas over which Israel extended its sovereignty in 1948. Second, Israel-Palestine contributes to regional and even global violence and instability to an extent that other conflicts do not, making it even more urgent that a solution be found. Third, the Western world privileges Israel with unprecedented levels of material and political support in which we as U.S. citizens and taxpayers are deeply implicated. It seems only decent to withdraw this support if it facilitates serious wrongdoing, and this is, in part, what a boycott calls for.

But these considerations are not by themselves sufficient to show that a civil-society boycott—let alone an academic boycott—is justified. It is often argued that a civil-society boycott is unnecessary because the official “peace process,” such as the “Road Map,” has yet to run its course. Issues of fairness aside, the “peace process” is unlikely ever to come to a conclusion in the absence of outside pressure. Although the United States will continue to push the Palestinians to uphold their end of the bargain, it has consistently rewarded Israel even in the face of its intransigence and criminal behavior. The European Union has been less overtly supportive of Israel but has stopped well short of applying the political and economic pressure required to implement the interim measures on which the “peace process” depends. Although it embodies an important ideal, the UN has neither the resources nor the political will to act without the support of powerful nations.

AT THIS POINT, let us consider Nussbaum’s position. She acknowledges the need for international civil-society intervention but suggests that instead of boycotting Israeli academia, we might take direct ac-

tion against the Israeli government on the grounds that the government—and not Israel’s academic establishment—is responsible for serious wrongs committed against the Palestinians. She uses the Narendra Modi example (governor of the Indian State of Gujarat) to illustrate how effective this form of organized public condemnation can be.

Although this is a constructive suggestion, it overlooks various ways in which Israel’s academic establishment has supported government policy toward the Palestinians. Hebrew University and Bar Ilan have bolstered the state’s expropriation of Palestinian land in East Jerusalem and the West Bank by establishing new facilities in these areas. The department of geostrategy and the center for national security studies at Haifa University played a crucial role in determining the route of the separation barrier, a measure declared illegal by the International Court of Justice in 2004. For decades, by offering specialized degree programs, conducting security-related research, and collaborating in the implementation of policy, academic institutions have contributed to maintaining Israel’s oppressive regime in the occupied territories.

In the Modi case, concerned academics petitioned the U.S. State Department requesting that he be refused a diplomatic visa, an action that eventually proved successful. The idea is that analogous actions would be equally successful in the case of Israel-Palestine. In making this claim, Nussbaum seriously underestimates what has been done so far, by academics, by American citizens from other walks of life, and by various advocacy and human rights groups employing just about every strategy under the sun, including the ones Nussbaum mentions. Over the years, these efforts have had comparatively little impact. The U.S. support that Israel enjoys creates a very different domestic political climate than the one needed to underwrite Nussbaum’s analogy. Support for Israel is dictated by U.S. strategic interests in the Middle East but also by a range of lobby groups that have the resources necessary to influencing the political process. Unless this process undergoes serious democratic reform, which is unlikely in the near future, strategies that have a more direct impact on

the oppressive situation will be more effective.

We might question Nussbaum's suggestion further by examining cases where even stronger forms of organized public condemnation were employed in a political climate less hostile to the Palestinian cause. In recent years, concerned civil-society actors have initiated various attempts to prosecute suspected Israeli war criminals under the principle of universal jurisdiction. In 2006, a district court in New Zealand issued an arrest warrant for former Israeli Defense Force chief of staff Moshe Ya'alon for his role in the 2002 assassination of Salah Shehada, suspected of being the founder of Hamas's military wing. Shehada was killed in the attack along with fifteen civilians, many of them children. New Zealand's attorney general stayed the prosecution permanently. The lawyers acting on behalf of the plaintiffs pointed out that political expediency had triumphed over justice yet again. If this is the case in a relatively neutral country such as New Zealand, then surely the odds of this strategy's succeeding in the United States are not good, its strength notwithstanding.

Nussbaum also suggests that if one wants to protest specific wrongs committed by Israeli universities, censure and/or organized public condemnation would be more appropriate to that goal than boycotts. There are two senses in which this misconstrues the objectives of a boycott. First, although boycotts have an expressive (condemnatory) function, they aim to terminate rather than simply protest wrongdoing by making a continuation of the status quo costly for the perpetrator. Used in a piecemeal fashion, censure and organized public condemnation lack this coercive aspect and are thus less likely to be effective. Second, although boycotts do aim at restoring the academic rights of Israeli-Arab and/or Palestinian students and faculty, they do this by addressing the wider problems faced by their respective communities. A comprehensive strategy of this sort is indispensable to creating the political conditions in which academic rights can be meaningfully realized. The most that Nussbaum's approach can do is to restore these rights temporarily and in only a limited number of cases.

In the specific forms in which she advo-

cates for them, it's difficult to see how Nussbaum's strategies count as effective forms of resistance to oppression. Although it is only right to punish or shun individuals responsible for serious wrongdoing, it's at best unclear whether this will be sufficient to deter others from similar actions let alone influence government policy in a positive direction. Piecemeal efforts at censure and organized public condemnation can promote awareness of various wrongs, but they do little to disrupt an institution's usual pattern of activity. Without disruption of this sort, the institution is unlikely to be pressured into reforming its behavior. Because they follow this logic, boycotts are more appropriate to the goal of encouraging positive social change.

One often hears the objection that some forms of wrongdoing—such as genocide—are worse than others, and so it would be unfair (or indicative of “double standards”) to call for a boycott of Israel while not advocating for the use of similar remedies to stem the government-sponsored slaughter of civilians in the Darfur region of Sudan, to take one example.

The response here is that boycotts are an appropriate and effective form of nonviolent resistance in only a limited number of cases. This will depend on whether or not the perpetrator society is susceptible to outside pressure. The argument from “double standards” will work only if a boycott of Sudanese or Chinese academia enjoys a similar prospect of success as a boycott of their Israeli counterpart, and the facts suggest otherwise. There's no inconsistency in maintaining that something ought to be done about all these cases while insisting that immediate action be taken against Israel on strategic grounds. To claim otherwise would result in an intractable debate about whether one country is “worse” than another, and from there, a state of moral paralysis would quickly follow.

Israeli academia attaches greater value and benefits more from its relationship with the academic (and political) establishment in the United States and Europe than do academic institutions in countries such as China or Sudan. Unlike their counterparts elsewhere,

Israeli institutions are fully integrated into the Western academic world and see themselves as part of it. They participate in joint projects, benefit from a variety of state-level academic agreements, and construct their activities and routines on the assumption of continued American and European engagement and support. This makes Israeli academia more susceptible to outside pressure. In Israel's case, a boycott will be especially (if not uniquely) disruptive and inconvenient. Because the disapproval it expresses would be of great social significance, a boycott of Israeli academia would also instill a sense of cultural isolation and shame in the group at which it is directed.

These facts also show that European and American academics are particularly well placed to do something about Israel's crimes, crimes they enable by paying taxes and have so far failed to protest in a systematic way. When so much is at stake and a remedy available that is both potent and comparatively easy to implement, it would be unseemly not to target Israel, and this would be the case even if Israel was neither exceptionally nor especially cruel toward its subject populations.

MOREOVER, IT SEEMS peculiar to think that the Sudanese or Chinese academic establishments can influence the policies of their respective governments as effectively as institutions in Israel. Israel is a relatively free and open democratic society that protects the rights of the majority of its citizens, something that can hardly be said of China—or most of the Arab states, for that matter. The idea that academics in Israel are a politically impotent bunch is belied by the history of their collaboration with the government. In any case, what matters to my argument is that most Israeli academics are Jewish citizens of Israel and—unlike citizens of China—they can protest and actively resist government policy without fear of serious retribution. Because it has the freedom to do this, it makes better sense to apply outside pressure to the academic establishment in Israel than it does to pressure its counterparts in countries such as China. After all, in the Israeli case, the prospects of this pressure being translated into active resistance to government policy are better.

Nussbaum and I are in agreement about the practical difficulties involved in boycotting individual academics, although I'm less convinced that the minor harms suffered by these individuals are not justified given the good consequences that would follow an end to Israel's occupation regime. Nevertheless, a boycott will be a more potent measure if it ostracizes institutions while simultaneously maximizing opportunities for interaction between their members and those individuals responsible for implementing the boycott. In circumstances where it's difficult to assign responsibility in a precise manner, a blanket boycott will lead many individuals to feel unfairly targeted and this is unlikely to persuade them to reform either their institutions or the policies of their government. Here, we might take note that Israeli academics are influential in two important respects. First, they are the individuals best placed to pressure academic institutions into taking an official stand against the government's appalling treatment of the Palestinians. Were they to act collectively, these institutions would no doubt have a significant impact on their government's conduct. Second, academics are well-respected members of society and thus in a good position to influence public opinion on important issues. A wiser strategy, then, is to persuade them to take action, and this requires more, not less, dialogue and communication, albeit of an informal kind.

A boycott structured in this way might include Nussbaum's strategy of failing to reward institutions engaged in wrongdoing. American and European academics could refuse to cooperate in the implementation of various bilateral and multilateral state-level academic agreements that provide scholarships, facilitate cooperation, and provide funding for joint projects. Cooperation would resume once Israeli policy became consistent with international law. This action would censure the Israeli academic establishment and target the state in at least a symbolic way and it would do so while providing individuals with incentives to challenge the policies of their government.

American and European academics could also decline to take part in academic activities inside Israel and refuse to deal with Israeli aca-

democratic institutions by not participating in joint research, conferences, or other officially sanctioned collaborative activity. Academics in these countries might also build momentum behind existing international efforts to overturn restrictions on foreign passport holders living and working in the Palestinian areas by helping to organize various events at Palestinian universities or by applying to work at these institutions in a temporary or permanent capacity. This would be a particularly powerful and constructive form of organized public condemnation, because it would add to the isolation of academic institutions in Israel, actively confront and draw attention to the government's draconian policies, and put Israeli, European, and American academics face-to-face with each other and with the appalling conditions in which Palestinians—academics included—are forced to live.

Finally, European and American academics could act by reforming their own institutions if they are invested in corporations that support or benefit from Israel's regime in the West Bank and Gaza. Provided it is systematic and widespread, the effort to divest from these corporations would send a clear message of rebuke to the Israeli government, help ease the suffering of Palestinian civilians, and communicate a posture of noncompliance with U.S. foreign policy as it currently stands.

None of the practical or moral problems that Nussbaum identifies in her article arise

in connection with the boycott model I sketched above. Boycotts are not, as Nussbaum suggests, "blunt instruments." They can be designed so as to avoid minor cases of injustice to individual academics and still be effective. Because a boycott can be directed solely at institutions, the issue of how to specify criteria for the exemption of individuals doesn't even arise. Institutions are to be exempted if their conduct is deemed consistent with widely held standards and if they cease to aid and abet their government's treatment of the Palestinians. A boycott, then, need not show an absence of academic hospitality, lack clarity, or fail to support Israeli-led resistance to the status quo.

In the particular form in which she advocates for them, Nussbaum's strategies fall short of boycotts. However, as I have shown, they will only be effective as part of a systematic campaign to ostracize and express disapproval of institutions engaged in harmful practices. Nussbaum can ensure the success of her approach only by endorsing a boycott structured in the way I have suggested. Whatever can be said of her arguments, they do not undermine the case I have presented for a boycott of Israeli academic institutions. ●

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Martha Nussbaum Replies

AS BEFORE, I shall not debate the specific facts concerning Israel and Palestine; this must be left to those whose expertise lies in that area. As my article went to press, however, the National Association of Teachers in Further and Higher Education (NATFHE) in Britain has voted to boycott Israeli universities and academics, and I shall discuss this case, because it illustrates several points in my argument.

I am very grateful to Mohammed Abed for the commitment to civil dialogue that he has shown throughout our exchange, which began last year at the American Philosophical Association.

Let me begin by addressing his constructive proposal; I shall then turn to his counterarguments.

Abed's proposal has two parts: first, that American and European academics might refuse to take part in academic activities inside Israel; second, and most centrally, that they should work together on creating dialogue by sponsoring events in Palestinian universities that "put Israeli, European, and American academics face-to-face with each other and with the appalling conditions in which Palestinians—academics included—are forced to live." I find the latter proposal a wonderful idea,