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February 1, 2006

Roger Bowen
General Secretary
American Association of University Professors
1012 Fourteenth Street, NW
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Dear Roger,

The American Jewish Committee, the U.S.'s oldest human relations agency with over 150,000 members and supporters, welcomes the opportunity to comment on the AAUP's statement "On Academic Boycotts."

We deeply appreciate the statement that AAUP issued in the spring of 2005, when the UK's Association of University Teachers voted to boycott two Israeli universities. We thought it an important step, not only because of our concern about the underlying issues of antisemitism involved in the targeting of these two universities, but more so because of the clarity of the approach, and the underscoring of the importance of academic freedom.

The American Jewish Committee firmly believes in the importance of the academy as a key institution in our global society. Our future leaders are trained there, and it is of utmost importance that they learn how to think unfettered by political and other pressures. We have thus taken positions against the imposition of campus "hate speech" codes, for example. And while we are concerned with the level of anti-Israel animus among some faculty members, we have been steadfast in asserting that professors have the right to their opinions, and to articulate their opinions, as long as they do not behave inappropriately, such as punishing students for disagreeing with their politics or otherwise engaging in acts of harassment or intimidation--a concern that would apply regardless of the topic under discussion. While other organizations have encouraged Jewish alumni/ae to withhold funds from campuses which have professors who are anti-Israel, we urge that they should rather give more, and help fund programs which increase the seriousness of the study of modern Israel.

Our view is that the original unqualified statement is simple, elegant, and ultimately correct--that mankind is best served when scholars have the ability to meet, travel, and study anywhere in the world. No idea, no people, no country, no region should be off-limits for intelligent discussion.

While we applaud the vast bulk of the similar sentiments in the November 4 statement, we fear that it leaves some room, perhaps intentionally, perhaps not, which would undermine the goals it otherwise espouses. It does so both by what it states, and what it leaves out.

- 1) **The statement insufficiently fails to distinguish between boycotts against institutions because of labor–related and political concerns.** The section on AAUP Policies notes that boycotts or other economic pressures can be used against institutions as a tool to insure that the rights of its members are being respected, or in other traditional labor-management type scenarios, for dispute resolution purposes. This is quite different from *political* debate which informed the decision of AUT to boycott two Israeli universities. The discussions leading to the AUT decision were infused with references to perceptions about current political events, and the alleged complaints about the universities boycotted would have made little sense outside that context. Thus the AAUP precedent for boycotts of specific institutions should only have relevance, if at all, when it is clear that the question of boycotting any university would still apply as strongly even if the political situation at the time were entirely different.
- 2) **The tough cases.** The statement correctly raises the issue of how an organization such as the AAUP should approach the extreme cases, mentioning the Nazis, Vietnam, and South Africa. One might add contemporary scenarios, such as universities in the Sudan where slavery and genocide is ongoing, or in Iran, where the president of the country advocates wiping another country off the map and denies the Holocaust. We believe that in any such situation it would be inappropriate for the AAUP to institute a boycott of any type. Even--or perhaps especially--in oppressive countries, there are benefits to outside contacts with other scholars and institutions. The symbol of disdain by a boycott is not as powerful as the potential for increased interaction among academics and the infusion of ideas. Furthermore, the statement fails to mention another important criterion in the one instance that AAUP did edge toward a boycott – South Africa. In that circumstance, there was universal agreement that the regime was racist to the core (as presumably there would have been agreement about Nazi Germany). There is no such agreement about issues involving Israel. While various anti-Israel groups will make one set of claims, others will note that Israel is the only functioning democracy in the Middle East, with full equal rights for women, etc. As Georgetown President John J. DeGioia said recently, rejecting a claim that Israel is similar to Apartheid-era South Africa, it is a “complex set of issues involving many parties in the Middle East.” (President Lee Bollinger of Columbia referred to the comparison as “grotesque” and “offensive.”) Our preference is that AAUP not consider any type of boycott under any circumstance, but even if it leaves open the possibility in extreme cases, part of the definition of such an extraordinary case must be near universal agreement that the behavior of the country in question is hateful in the extreme, and without any possible justification for its actions. Furthermore, as a test for whether the situation is in reality extreme or whether it is perhaps a reflection of the zealotry of advocates of a particular cause, the AAUP should consider whether there are arguably worse offenses in the world. If there are such possible cases, and they too are not the subject of proposals for boycott, this should be considered sufficient evidence of the political nature of the boycott proposal, which must then be rejected.
- 3) **The proposed distinction between economic and academic boycotts is without merit, and invites institution of the latter under the nomenclature of the former.** The distinction attempted to be crafted between “economic” and “academic” boycotts is antithetical to the goal of maintaining academic freedom. Whereas individual members of the AAUP can decide for themselves where to

spend their money, the AAUP should not make blanket rules intended to influence the economics of any nation. The ability for abuse of such a vague distinction is obvious. The AAUP could state that it is not restricting contact with the faculty of any university anywhere, but discourage or refuse to allow conferences or meetings to be held in a particular country so as not to support the economy. Not only would such an action (or other similar ones imaginable) unfairly stigmatize and penalize academics from the targeted country, opportunities for the positive effect of such academic interactions in that country would be lost.

- 4) **The language about resolutions condemning violations of academic freedom is unfairly onesided.** While it is certainly appropriate for the AAUP to consider resolutions about violations of academic freedom (as opposed to boycotts of any type), the language in the November 4 statement is one-sided. If mention of “creating material conditions such as blockades, checkpoints, and insufficient funding of Palestinian universities that make the realization of academic freedom impossible” is appropriate, then the context for these concerns must be mentioned (regarding the obstacles, the concerns about preventing suicide bombings). There must also be reference to such things as the impact of the academic endorsement of baby killing (such as the art exhibit at a university in Nablus which celebrated the killing of Jewish mothers and children at a Sbarro restaurant in Jerusalem); or the killing of teachers and students by the bombing of the cafeteria of Hebrew University; or the anti-Israel threats against the Al Quds Palestinian Medical School which caused it to cancel a session of a conference on Dopamine jointly sponsored by Hebrew University.
- 5) **The failure to note the legal and other implications of any type of boycott on members of the AAUP.** The AAUP exists for a purpose:

The mission of the American Association of University Professors (AAUP) is to advance academic freedom and shared governance, to define fundamental professional values and standards for higher education, and to ensure higher education's contribution to the common good. Founded in 1915, the AAUP has helped to shape American higher education by developing the standards and procedures that maintain quality in education and academic freedom in this country's colleges and universities.

Furthermore, AAUP's 1940 statement of Principles of Academic Freedom and Tenure proclaims that “Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.”

And the history section of the AAUP website notes that it exists to counteract “people who want to control what professors teach and write.”

The adoption of language which would permit any type of boycott by the AAUP under any circumstance not only violates the organization's mission, it would also put the AAUP on the side of those seeking to exercise control over “what professors teach and write.”

Further, it would allow the organization to act beyond the scope of its mandate

and authority, and open up a Pandora's Box of potential moral and legal complications.

To list just a few:

- 1) Bias, factual error or malice could inform the decision to label a university or group of universities an appropriate target for boycott. It is difficult to imagine a scenario under which the boycotted institution would not be defamed. A boycott is also by definition a desire to inflict harm. The AAUP might well have to defend itself against a lawsuit for defamation, with the possibility of significant monetary damages. (As the institutions boycotted by AUT so threatened until its boycott was overturned.)
- 2) The mission and purpose of the AAUP, as evidenced from the language cited here and indeed from the policy paper itself, are irreconcilable with the notion of a boycott. To sponsor a boycott of any type would be clearly beyond the scope of AAUP's objectives. It is a possibility that the directors of AAUP would therefore be personally liable for the costs of defending legal actions by those institutions and individuals who might sue.
- 3) People join AAUP, as the website articulates, because they are concerned with "academic freedom, and about the way that basic freedom protects [their] teaching and research." If the AAUP institutes a boycott of any type against any country or institution, members who either work in or desire to collaborate with those in that institution or country in furtherance of their teaching and research will be harmed, not helped. Indeed, they will be put in the untenable position of having to choose between their membership in AAUP or their work with the universities or countries boycotted. Not only is this an inappropriate choice to give to AAUP members, it also is one contradicted by the basic purpose of the organization, and would allow members so impacted to sue the AAUP (as individual AUT members reserved the right to sue that organization).

Conclusion:

It is the American Jewish Committee's belief that the AAUP should simply reaffirm its short statement at the time of the AUT boycott, asserting in principled terms its rejection of boycotts as inconsistent with the academic freedom of teachers and researchers, and as undermining of the "freest possible international movement of scholars and ideas."

If it decides, instead, to consider possible truly extraordinary situations in which a boycott might be considered, the policy must include language reflecting the concepts referenced above.

With best regards,

Kenneth S. Stern