

## Two Flawed Resolutions:

### **Errors, Misrepresentations, and Omissions in the Resolutions Before the AHA**

December 2019

On January 5, 2020, two [resolutions](#) will come before the business meeting of the American Historical Association calling on the organization to protect the “right to education in Palestine-Israel” and the “academic freedom of U.S. citizens visiting Israel and Palestine.” These resolutions ask for the AHA to condemn Israel for its treatment of Palestinian researchers, students, and archives and demand that the U.S. Department of State contest “Israel’s denials of entry of U.S. academics who have been invited to teach, confer, or do research at Palestinian universities.” The Alliance for Academic Freedom believes these resolutions should be **rejected** for many reasons, among them the abundance of misrepresentations, omissions, and imbalanced formulations.

The Alliance for Academic Freedom (AAF) is a group of more than 200 liberal and progressive scholars committed to upholding academic freedom and free speech in campus debates surrounding Israel and Palestine and supportive of both peoples’ national aspirations. We oppose the Israeli occupation of the West Bank because it deprives Palestinians of fundamental rights and corrodes the democratic principles upon which Israel was founded.<sup>1</sup>

Like the proponents of this resolution, members of AAF support universal access to higher education, believe in the free exchange of ideas and the principles of academic freedom, and are dedicated to the collection and preservation of historical information. We are also concerned about obstacles to education and research for students and faculty in the West Bank and Gaza. But as our founding documents state, we reject the all-too-common binary approach to the Arab-Israeli conflict that seeks to justify one side or the other as all right or all wrong and sets out to marshal evidence to prove a case of complete guilt or total exoneration. Scholarship and fairness require a more difficult and thoughtful approach. As academics we recognize the subjective perspectives of individuals and peoples, yet we strive to apply rigorous standards to research and analysis rather than to subsume academic discipline to political expediency.

The AAF does not believe that the AHA should have its own foreign policy. Complex issues like these are best debated in the political arena, not a scholarly professional organization. Many other organizations exist for activism about the Middle East. And any resolution adopted by a broad-based scholarly professional organization such as the AHA must be grounded in unimpeachable facts. The AHA’s “Guiding Principles on Taking a Public Stance” call for the facts in any resolution to be “established before issuing a public statement.”<sup>2</sup> These resolutions fail that test.

#### **1. The resolutions rehash old arguments that the AHA has already deliberated upon and rejected several times.**

Since 2013, a coordinated campaign within academic professional societies has sought to censure the state of Israel on a range of issues. Within the AHA, Historians Against War (HAW) initially led these efforts. In 2014, HAW’s steering committee endorsed an academic and cultural boycott of Israel, and

---

<sup>1</sup> AAF Founding Documents, “Alliance for Academic Freedom,” The Third Narrative, <http://thirdnarrative.org/get-involved/alliance-for-academic-freedom/>

<sup>2</sup> “[Guiding Principles on Taking a Public Stance](#),” *Perspectives*, American Historical Association, June 2017. AHA website.

thereafter, its Palestine-Israel Working Group promoted the boycott in other institutions.<sup>3</sup> At the 2015 and 2016 AHA annual conferences, HAW secured time at the business meetings to debate resolutions that condemned Israel's restrictions on Palestinian academic freedom. HAW's resolutions failed by large margins both years: 144 to 54 in 2015; and 111 to 51 in 2016.<sup>4</sup>

In response to perceived interest in the issue, AHA president Vicki Ruiz in 2015-16 organized three presidential panels to put the issues into historical context. Historians of international renown, with a wide range of positions on the issues, participated. Unfortunately, turnout was modest—suggesting that there is less support within the AHA membership for more political activity on these issues than the continual introduction of these resolutions implies.

Nevertheless, the following January, HAW bypassed the business meeting and pressed yet another two Israel-related resolutions directly to the AHA Executive Council. The executive council rejected one and universalized the other to condemn blacklists and intimidation efforts. Last summer, HAW reconstituted itself into a new group called Historians for Peace and Democracy (HPAD) and created a Palestine Working Group. This November, H-PAD resubmitted *the exact same resolutions* that HAW introduced and the AHA rejected in 2015. Those are the resolutions currently under consideration.

HAW/H-PAD's nearly annual introduction of similar if not identical resolutions despite ongoing rejection is misguided. There are many ways for people to advocate on these issues, including using the organizations like HAW/H-PAD. But this continual battle within a broader, more diverse professional association distracts the AHA from its core work as well as from other important issues on which members might find consensus.

## **2. These resolutions unfairly single out Israel and the Occupied Territories.**

These petitions provide no compelling rationale for focusing exclusively on Israel and the Occupied Territories. They cite close academic ties between the U.S. and Israel, but those ties are routine, benign, and no different from U.S. ties with many countries. They are far less problematic than, for example, the widespread efforts by American universities to forge links with countries that offer almost no basic free speech or academic freedom protections whatsoever, including China, Singapore, and the Gulf emirates. None of the main indexes of human rights—neither Freedom House nor the U.S. State Department nor Scholars at Risk—places Israel among the worst academic freedom violators. The actions of many countries and non-state actors warrant condemnation before Israel's would. For examples of academic freedom violations around the globe, we direct your attention to the document titled, "Academic Freedom and Educational Opportunity Worldwide: A White Paper from the Alliance for Academic Freedom." But these resolutions, which focus on Israel exclusively, are silent about more severe violations around the globe, as well as about violations by nations closer to the United States such as the United Kingdom.<sup>5</sup>

---

<sup>3</sup> Van Gosse and Jeri Fogel, "[HAW Proposes Work on Israel/Palestine and BDS](#)," The Hawblog, April 17, 2014.

<sup>4</sup> See, for example, Colleen Flaherty, "[Historians Skirt Anti-Israel Votes](#)," *Inside Higher Ed*, January 5, 2015; Colleen Flaherty, "[Historians Reject Measure Criticizing Israel](#)," *Inside Higher Ed*, January 11, 2016.

<sup>5</sup> Alliance for Academic Freedom, "Academic Freedom Worldwide and the Resolution Before the AHA: A White Paper from the Alliance for Academic Freedom," Dec. 2019. See the AAF website at <https://thirdnarrative.org/get-involved/alliance-for-academic-freedom/>

**3. These resolutions misleadingly blame Israel alone for inhibiting the travel of students and academics to and from Gaza. But Hamas, Egypt, the PA, and Jordan are also responsible—yet go unmentioned.**

Israel plays a critical role in the obstacles Gazans face to mobility and the opportunities that come with it, including research and education. But the resolutions before the AHA misrepresent those problems as the sole responsibility of Israel. When Israel occupied Gaza, prior to its withdrawal in 2005, student travel was relatively routine. However, since Hamas began controlling Gaza in 2007, Israel, Egypt, Hamas, and the PA have each imposed travel restrictions either for political reasons (Hamas) or security ones (the other parties).<sup>6</sup>

Policies restricting mobility are open to criticism, but the overall security context is necessary to understand the issues at stake. (As we note in the White Paper on Academic Freedom, security restrictions on travel, including academic travel, are common in the U.S., the UK, Canada, Australia, and virtually all other countries.) Before 2000, more than half a million Gazans exited the territory monthly, mostly for work, while 1,000 Gazan students a year studied in the West Bank. With the Second Intifada, both Israel and the Palestinian Authority feared that Gazans might act as Hamas operatives in the West Bank.<sup>7</sup> These security concerns led Israel to limit to humanitarian cases the movement of Gazans through the Erez crossing and into Israel. Despite some brief increases in the numbers of Palestinians allowed to exit through Erez, exit-visa policies remain strict. Between January and August of 2018, roughly 9,376 exit visas were granted to Gazans per month.<sup>8</sup> The standard route for Gazan students to access higher education abroad is through Gaza's other exit: the Rafah Crossing into Egypt. Nevertheless, between 2014 and 2015, 291 Gazan students traveled through Erez en route to travel abroad.<sup>9</sup> And Israel recently loosened its policies for travel through Erez. According to the Coordinator of Government Activities in the Territories, as of May and August of 2019, Gazan academics and teachers could apply for permits to pass through Israel to attend seminars or conferences abroad; spouses and children of recipients of academic scholarships could apply for travel; and the criteria for Gazans to travel for work have expanded.<sup>10</sup> Although it remains challenging for Gazans to leave, the resolutions before the AHA mention neither Israel's security reasons for imposing travel restrictions nor improvements in travel opportunities.

Israel also is far from solely responsible for the roadblocks that remain. Hamas's animosity with Egypt has led to limits on the Rafah Crossing into Egypt. After clashes with Hamas in 2014, Egypt largely closed the Rafah crossing (a move that the Palestinian Authority President Mahmoud Abbas endorsed, given Egypt's security concerns).<sup>11</sup> Egypt reopened Rafah only in May 2018. Since then between 35,000 and 40,000 Gazans, mostly young men with few jobs and little hope, have used Rafah to leave Gaza and either settle in Egypt or travel on to the Gulf, Turkey, or Europe.<sup>12</sup> Rather than encouraging Israel and Egypt when feasible to improve and expand academic travel policies, as both

<sup>6</sup> Cary Nelson, *Israel Denial: Anti-Zionism, Anti-Semitism, & The Faculty Campaign Against the Jewish State* (Bloomington, IN: Indiana Press University, 2019), 378.

<sup>7</sup> Nelson, *Israel Denial*, 379-380

<sup>8</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "[Recent Trends in Palestinian Access from Gaza: Erez and Rafah Crossings](#)," October 8, 2018.

<sup>9</sup> "[62 Students from Gaza Travel – Significantly Late – to Academic Institutions Abroad](#)," *Gisha*, November 9, 2015.

<sup>10</sup> "[Status of Authorizations](#): Changes to Israel's criteria on movement of people to and from the Gaza Strip," *Gisha*, September 2019.

<sup>11</sup> "[Abbas Backs Egypt on Creation of Buffer Zone with Gaza](#)," *i24news*, December 1, 2014.

<sup>12</sup> Abu Bakr Bashir, "[I Want to Get the Hell Out of Here: Thousands of Palestinians Are Leaving Gaza](#)," *National Public Radio*, July 4, 2019.

countries appear to be doing, the resolutions issue a blanket condemnation of Israeli policies, which ill serves a scholarly professional association.

Omitted altogether from the resolutions, too, is that Hamas also controls the mobility of students, faculty, and foreign nationals. Hamas has barred Palestinian students under its control from accepting fellowships to travel to the U.S. or to engage in educational visits to Israel intended to “plant seeds of peace.”<sup>13</sup> In December 2014, Hamas turned back 37 young war orphans from Gaza who were seeking to visit Israel for a peace-building conference.<sup>14</sup> According to the State Department’s 2013 Human Rights Report, Hamas “prevented high school students from the Gaza Strip from participating in certain cultural and educational exchange programs, including programs sponsored by foreign governments and international organizations. Students on foreign exchange programs also face difficulty when traveling out of Gaza to obtain permission for onward travel abroad. In some instances, families of the students petitioned Hamas’ Ministry of Education so their children could travel.”<sup>15</sup> Hamas set forth a punishment of ten years in prison for anyone receiving aid designed to encourage the normalization of ties with Israel.<sup>16</sup> Hamas has also been slow in producing lists of students approved for admission to foreign universities, impeding their timely travel.<sup>17</sup>

The Palestinian Authority is also implicated in travel restrictions. The Palestinian Civil Affairs Committee, an organization of the PA, is charged with providing Israel with lists of students who have received scholarships abroad. Although students do not typically travel abroad through Israel, Israel does allow some to do so based on PCAC’s lists. But this committee often provides the lists late after the academic year has started or visas have expired. These delays impede academic travel.<sup>18</sup>

Finally, Jordan contributes to the travel problems. Students who exit Gaza through the Erez crossing and then cross the Allenby Bridge into Jordan need permits to fly from Amman to their final destination. But Jordan is notoriously slow in issuing these permits, further delaying students wishing to study abroad. According to Gisha, an Israeli human rights organization devoted to protecting Palestinian freedom of movement, the combined Palestinian/Jordanian delays mean that fellowships often expire, or a term is well under way before students reach their intended institutions.<sup>19</sup>

Despite all this, the resolutions before the AHA make no mention of the roles of Hamas, Egypt, the PA, and Jordan in erecting impediments to student travel. They thus fundamentally misrepresent the problems of student mobility as exclusively Israel’s fault and cannot serve as an honest or fully accurate account of events.

#### **4. These resolutions further ignore evidence of Israel’s efforts to improve academic opportunities for minorities, including Arab-Israelis, Bedouins, and Palestinians who are not Israeli citizens.**

<sup>13</sup> Kari Huus, “[Hamas Bans Gaza Students Studying Abroad](#),” *NBCnews.com*, August 17, 2011.

<sup>14</sup> Isabel Kershner and Majd al-Waheidi, “[Hamas Turns Back 37 Gaza War Orphans From a Bridge-Building Trip to Israel](#),” *New York Times*, December 28, 2014.

<sup>15</sup> “[2013 Human Rights Reports: Israel and The Occupied Territories - The Occupied Territories](#).” U.S. Department of State’s *Bureau of Democracy, Human Rights, and Labor*. February 27, 2014.

<sup>16</sup> Fares Akram, “[Hamas Adds Restrictions on Schools and Israelis](#),” *New York Times*, April 1, 2013.

<sup>17</sup> “2013 Human Rights Reports: Israel and The Occupied Territories - The Occupied Territories.” <http://www.state.gov/j/drl/rls/hrrpt/2013/nea/220358.htm>.

<sup>18</sup> “[Following Appeal by Gisha, COGAT Confirms 180 Students from Gaza Will Be Allowed to Travel over the Summer to Reach Their Academic Institutions Abroad](#),” *Gisha*, June 2, 2015.

<sup>19</sup> “[Student Access Gets a Failing Grade](#),” *Gisha*, November 5, 2015; Jack Khoury, “[Jordan Joins Israel in Clamping Down on Palestinian Transit Visas](#),” May 16, 2016.

In a world where denial of educational access to whole groups based on gender, religion, or other categories is commonplace, Israel is notable for affording educational opportunity to its Jewish and Arab and other minority citizens. The University of Haifa strives to be a model of integrated education, with a student body that is 35 percent Arab. “We spoil the analysis that we are an apartheid state,” says its president, historian Ron Robin. “There is no better example of how specious the claim is than the city of Haifa and the University of Haifa.”<sup>20</sup>

Israel has made strides in expanding educational access for Palestinians who aren't Israeli citizens. This fall, the number of Palestinians (as distinct from Israeli Arab citizens) attending Hebrew University in Jerusalem doubled. According to *Haaretz*, “The overall trend shows a growth of hundreds of percent in the last decade.” Among graduate students, 18 Palestinians are enrolled in doctoral programs and 69 doing other graduate degrees, including in education, social work, communications, international relations, nursing, biology, electrical engineering, computer science and medicine. The Council for Higher Education in Israel has facilitated the growth of a Palestinian student body by providing funding for universities to offer stipends to all students, Israeli and Palestinian, who meet the requirements.<sup>21</sup> Moreover, the rate of Palestinian enrollment in higher education has increased (with some dips), from 10.1 percent in 1999-2000 to 14.1 percent from 2014-15. The most significant increase has been for students pursuing advanced degrees.<sup>22</sup>

The Israeli government has taken concrete steps to increase minority groups' participation in higher education. It has reduced their dropout rates by enhancing academic counseling and preparation classes at the high school level; established programming to support first-year Arab Israeli university students; awarded tuition-free scholarships; and given employment guidance to students in completing their studies.<sup>23</sup> A fuller, more nuanced picture of Israeli education policies illustrates that despite ongoing tensions, the country is enhancing educational opportunities for Palestinians and Israel's other minorities. Criticisms are fair, but any AHA resolution must consider the totality of the facts. These resolutions conspicuously omit information that would undermine their simplistic picture.

##### **5. These resolutions overstate the difficulty foreign national academics face in getting to the West Bank.**

Restrictions on academics traveling to the West Bank have lately become the subject of academic discussions. But contrary to the resolution's assertions, academics traveling to Palestinian institutions in the West Bank are not “arbitrarily” denied entry. Israel's procedures and regulations follow legal protocols based on the 5 Interim Accords signed by Israel and the PA.<sup>24</sup> Foreign academics are free to enter the West Bank after acquiring a visa or permit—standard procedure the world over. They can apply to the Coordination of Government Activities in the Territories (COGAT) office for a three month permit to work, study, or volunteer in the West Bank. According to the Israeli Embassy, more than 90 percent of

---

<sup>20</sup> Stewart Ain, “[Fighting the Academic Boycott at the Grassroots](#),” *New York Jewish Week*, October 29, 2019.

<sup>21</sup> Nir Hasson, “[Palestinians Are Attending Hebrew U in Record Numbers, Changing the Face of Jerusalem](#),” *Haaretz*, November 1, 2019.

<sup>22</sup> The Council for Higher Education, “Statistical Data: Table 14: Undergraduate Arab Students in Institutions of Higher Education by Type of Institution 1999/2000-2014/15,” 2015.

<sup>23</sup> The Council for Higher Education, “[The Higher Education System in Israel 2014](#),” May 2014, pp. 69-71.

<sup>24</sup> The Israeli-Palestinian Interim Agreement-Annex I, [Article IX](#), September 28, 1995.

academic applications for renewal in the Palestinian Territories are approved.<sup>25</sup> Denials occur either for security or procedural reasons. Israeli decisions on granting visas or allowing border entry are also subject to judicial review. Visa denials deemed unjustified can be overturned by the Israeli Supreme Court, to which all non-admitted persons have a right of appeal.

Israel's policy thus resembles that of other democratic states. In 2012, for example, only 142 Americans were denied entry into Israel out of 626,000 applicants—a 0.023% refusal rate. The refusal rate has remained low. In 2018, approximately 19,000 out of four million total visitors were denied entry (less than .005%), mainly because of concerns that they intended to work illegally.<sup>26</sup> In comparison, in 2012, the United States denied Israeli applications for “B” visas for students at 5.4% rate.<sup>27</sup> By this measure, the U.S.'s practices under Obama were far more restrictive than Israel's. They have grown more restrictive under Trump.<sup>28</sup>

Beginning March 14, 2017, Israel implemented an amendment to the Entry into Israel Law that prohibits foreign nationals from entering the state if they are prominent BDS activists, holding senior or significant positions in a published list of twenty pro-BDS organizations, or if they are public officials, like U.S. representatives Rashida Tlaib and Ilhan Omar.<sup>29</sup> According to the Ministry of Strategic Affairs, only those who “actively, continuously, and consistently” promote BDS are barred from entry.<sup>30</sup> The AAF strongly opposes this amendment, believing that the best way to counter BDS is through dialogue, discussion, and exchange. We are wary of border control officers using Google searches and the Canary Mission's blacklist of pro-Palestinian students and academics for guidance, as has been reported.<sup>31</sup>

Nevertheless, the Ministry of Strategic Affairs, after criticism, worked with university presidents to show greater respect for academic freedom, granting permission to academics to attend conferences and research despite their BDS activism or affiliation.<sup>32</sup> The Ministry reports that since the amendment's inception only sixteen people have been denied entry into Israel on BDS-related criteria, only one of whom, Columbia University's Prof. Kathrine Franke, is an academic. Franke was barred from Israel because of her “prominent role” with Jewish Voice for Peace (a role she denies).<sup>33</sup> The Ministry's numbers appear to underestimate those the amendment discouraged from trying to enter Israel, like

<sup>25</sup> “[Higher Education in the Palestinian Territories: Entry of Foreign Academics to the West Bank](#),” The Embassy of Israel to the United States (accessed December 17, 2019).

<sup>26</sup> “[Israel turned away a record 19,000 visitors in 2018](#),” *The Times of Israel*, December 27 2018.

<sup>27</sup> “[Border Security: Entry into Israel](#),” Embassy of Israel to the United States, Israel Diplomatic Network, Consular Services, 2014.

<sup>28</sup> Alia Wong, “[Colleges Face Growing International Student-Visa Issues](#),” *The Atlantic*, September 6, 2019.

<sup>29</sup> The Population and Immigration Authority, Border Crossing Administration, “Policy Document: Criteria for Denying Boycott Activists from Entering Israel”; Noa Landau, “[Israel Publishes BDS Blacklist: These are the 20 Groups Whose Members Will Be Denied Entry](#),” *Haaretz*, December 13, 2019.

<sup>30</sup> Correspondence with Sima Vaknin-Gil, Brig. Gen (Res.), Former Director General of Israel's MSA, December 2019; Itamar Eichner, “[Israel Sets Clear Entry Policy for BDS Activists](#),” YNet News.com, July 26, 2017.

<sup>31</sup> Josh Nathan-Kazis, “[Canary Mission's Threat Grows, From U.S. Campuses to the Israeli Border](#),” *Forward*, August 3, 2018.

<sup>32</sup> See for example Tzahi Gavrieli (Deputy Director-General, Ministry of Strategic Affairs) to Donna Robinson Divine (Association for Israel Studies President), letter, April 25, 2018.

<sup>33</sup> Dina Kraft, “[Two Leading U.S. Human Rights Activists Refused Entry to Israel, One for BDS Ties](#),” *Haaretz*, March 5, 2018.

Palestinian-American Lara Alqasem, who was ordered to be deported because she had served as president for a Students for Justice in Palestine chapter. Nevertheless, Hebrew University, where Alqasem was heading to pursue a master's degree, and some 400 Israeli academics joined her appeal to Israel's Supreme Court.<sup>34</sup> The Supreme Court overruled her deportation, and she was admitted to Israel to study at Hebrew University.

Any exclusions based on a political litmus tests or affiliations may encroach on academic freedom. Nevertheless, it is patently false to claim, as these resolutions do, that Israel's process of denying entry is "arbitrary." Criteria exist, as they do in other democracies. Students and faculty have the opportunity to petition the Israeli government to request exceptions, protest its decisions, and appeal them to the courts. H-PAD's claims, being factually incorrect and tendentious, must not form the basis of any AHA resolution.

## 6. The first resolution omits Islamic University's role in the 2014 military conflict.

The first resolution claims that in the summer of 2014 the Israeli Defense Forces "bombed the Islamic University in Gaza which houses the Oral History Center."<sup>35</sup> Disputes exist about Israel's attack on Gaza that summer, yet it is widely documented that Israel launched the attack because Hamas used the university—and other schools, mosques, hospitals, and hotels—to carry out violent military attacks on Israel.<sup>36</sup> Hamas's policies, which themselves violate the laws of war, endangered the lives of Palestinian students and academics. But nowhere does the resolution condemn Hamas's actions. It omits any mention of Hamas's well-established use of civil institutions for military purposes, implicitly absolving the organization of blame.

The role of the Islamic University is especially fraught, but the resolution includes none of the important context. On August 2, 2014, Israel targeted the university because of its role in building, testing, and possibly launching weapons.<sup>37</sup> By any definition of the laws of war, a facility engaged in such activity is a valid military target.

A strong link has existed between Hamas and the Islamic University dating to its founding in 1978.<sup>38</sup> Called "Hamas U." by the noted Middle East journalist Thanassis Cambanis, the university has long been a stronghold of the terrorist organization. "Hamas doesn't run the Islamic University, but the overlap of the party and the school is nearly seamless," Cambanis wrote in the *Boston Globe*. "Scientists and academics at the university double as Hamas technocrats: doctors, engineers, economists, teachers, and media specialists."<sup>39</sup> When Hamas was warring with the Palestinian Authority, Yasser Arafat of the PA ordered a police raid of the school because it housed explosives and other weapons; over six hours, three university guards were arrested, and police discovered caches of knives, explosives and suicide-

---

<sup>34</sup> Sasha Ingber, "[U.S. Student Detained in Israel](#)," *NPR*, October 9, 2018.

<sup>35</sup> "Resolution on Protecting the Right to Education in Palestine-Israel."

<sup>36</sup> See, for example, Terrence McCoy, "[Why Hamas Stores Its Weapons Inside Hospitals, Mosques and Schools](#)," *Washington Post*, July 31, 2014.

<sup>37</sup> Joshua Mitnick, Rory Jones, and Nicholas Casey, "[Israel Scales Back Forces in Gaza](#)," *Wall Street Journal*, August 3, 2014; Raphael Ahren, "[Israel Hits 5 Gaza Mosques Used to Hide Weapons, Won't Send Truce Team to Cairo](#)," *Times of Israel*, August 2, 2014; [Statement of the Israeli Embassy](#), December 18, 2015, *History News Network*.

<sup>38</sup> Matthew Levitt, "[Better Late than Never: Keeping USAID Funds out of Terrorist Hands](#)," *The Washington Institute*. August 24, 2007.

<sup>39</sup> Thanassis Cambanis, "[Hamas U.](#)," *Boston Globe*, February 28, 2010.

bomber vests.<sup>40</sup> In 2007, Arafat's successor, Mahmoud Abbas ordered another raid of the university, finding Iranian operatives running rocket-making lessons in labs; one committed suicide during the raid.<sup>41</sup>

Middle East commentator Ehud Yaari has explained that the 2014 strike aimed at an “R&D facility within the campus” that served the Izz ad-Din al-Qassam Brigades, Hamas's military wing, “where different components of rockets were made. In this facility professors, lecturers and other staff members of the science faculties were working for years on production of rockets—including those with a range to hit deep into Israel—improving the explosive payload and seeking ways to introduce guidance systems. On several occasions, rockets were fired from different spots within the campus.”<sup>42</sup> Before the AHA condemns Israel for attacks on institutions of higher education in Gaza, such as Islamic University, it should be definitively ascertained to what extent those institutions were functioning as academic institutions or as de facto military installations.

### **7. These resolutions ignore violations of academic freedom perpetrated by the Palestinian Authority, Hamas, and Fatah.**

Whatever limitations Israel places on education in the Occupied Territories pales next to those imposed by the PA and Hamas, who run higher education respectively in the West Bank and Gaza. “The PA has administrative authority over Palestinian education,” Freedom House notes, while “primary and secondary schools in the Gaza Strip are run by Hamas, the UN Relief and Works Agency (UNRWA), or private entities.”<sup>43</sup> According to a 2010 report by the Education International, a global teachers' union, and the Canadian Association of University Teachers, the ongoing conflict between Hamas and Fatah has negatively affected university governance, led to university closures, resulted in the harassment and arrest of academics and students, and produced violations of academic freedom and basic civil liberties in Gaza and the West Bank.<sup>44</sup> Antony Thrall Sullivan, who has written extensively and sympathetically about higher education in the Palestinian territories, cites a senior administrator at An-Najah University in Nablus saying, “The ‘political limitations’ on intellectual freedom issue from ‘student groups (primarily) and some faculty members.’”<sup>45</sup> According to another senior Palestinian faculty member, at Al Quds University in East Jerusalem, in the territories “there is no academic freedom. Faculty members are afraid to speak their minds because they will be branded as traitors. Fatah, Hamas, and Islamic Jihad all have students available to harass and intimidate faculty who are so named. And sometimes their lives are put in danger.”<sup>46</sup>

The restrictions that Palestinian governments impose limit travel (see above), the ideas that can be discussed, and who can receive education. They are sometimes enforced with violence. Some limits stem from religious-ideological conviction. According to Freedom House, “In the Hamas-run Islamic University, people are separated by gender, and women are obliged to cover their hair. Hamas intervenes in the schools under its control to uphold its views on Islamic identity and morality. It does not intervene extensively in private universities, but Hamas-led police have violently suppressed student

<sup>40</sup> Scott Kraft, “[Joint Israeli-Palestinian Raids Target Militants](#),” *Los Angeles Times*, March 7, 1996.

<sup>41</sup> Ali Waked, “[Iranian General Supervised Hamas Arms, Source Says](#),” *YNet News*, February 2, 2007.

<sup>42</sup> Jeffrey Herf, “[Inside Account](#),” *Legal Insurrection*, January 6, 2015.

<sup>43</sup> Freedom House, “[Freedom in the World, 2019](#).”

<sup>44</sup> David Robinson, *The Status of Higher Education Teaching Personnel in Israel, the West Bank and Gaza*, (Ottawa, ON: Canadian Association of University Teachers, 2010), pp. 34, 42, 44-45.

<sup>45</sup> Antony Thrall Sullivan, *Palestinian Universities Under Occupation* (Cairo, Egypt: The American University in Cairo Press, 1988), quoted in Cary Nelson, “Not in Kansas Anymore: Academic Freedom in Palestinian Universities,” *Academic Engagement Network*, Research Paper No. 1, 2019, 8 (forthcoming).

<sup>46</sup> Nelson, *Israel Denial*, 367.

demonstrations, including at least two in March 2018 at Al-Azhar University, which is overseen by the PA's Ministry of Higher Education in Ramallah."<sup>47</sup>

Like Hamas, Palestinian Authority resorts to violence to control campuses, in its case on the West Bank. In September 2019 PA security officers shot at and apparently abducted four Birzeit University student leaders loyal to Hamas.<sup>48</sup> Earlier in 2019, PA officials abducted and imprisoned Musa Dweikat and Ibrahim Shalhoub, students at An-Najah National University, also associated with an Islamic student bloc.<sup>49</sup> Such actions have been going on for years. Human Rights Watch reported that in April and May 2015, at Birzeit University in the West Bank, PA security forces violently arrested, detained and questioned students aligned with Hamas when they prevailed in student council elections. Others had been arrested in the preceding months and years because of their political opinions.<sup>50</sup>

A different but perhaps more notorious case of limiting academic freedom among Palestinians involves Mohammed S. Dajani, a Palestinian professor of political science at al-Quds University. After leading a trip of Palestinian students to visit the Auschwitz concentration camp, Dajani endured intimidation, accusations of treason, death threats, and an assassination attempt. He resigned in the hope of eliciting support from the university, but it did not defend him.<sup>51</sup> Dajani is unusual only in the lengths he went to in defying ideological censorship. Most dissenting academics simply don't speak out.

Hamas and other terror groups in Gaza have also infringed on the educational rights of Israeli citizens—Jewish, Arab, Bedouin, and other—by firing waves of missiles that force the closure of secondary schools and universities. In November 2019, missile attacks shuttered schools in the South and the central Gush Dan region, causing 19,000 students to miss school, 240 school trips to be canceled and 11,000 students to be evacuated.<sup>52</sup> In this most recent rocket assault, Ben-Gurion University, Tel Aviv University, Sapir University, and other universities also closed down. "Students, faculty and administrative staff have been told not to come to work," wrote one professor, resulting in "the cancellation of lectures, seminars, and many other meetings."<sup>53</sup> Missile attacks from Gaza have necessitated such school closures often over the last decade.<sup>54</sup> The harm done by such attacks on civilian

<sup>47</sup> Khaled Abu Toameh, " [Hamas police violently suppress Gaza student protest](#)," *Times of Israel*, March 26, 2018.

<sup>48</sup> " [PA security officers shoot at Birzeit University students](#)," *Middle East Monitor*, September 16, 2019.

<sup>49</sup> " [Abbas' Security Forces Assault Student from Al-Najah University](#)," *IMEMC News*, April 9, 2019; Adnan Abu Amer, " [The PA is targeting Hamas' student body in the West Bank](#)," *Middle East Monitor*, April 8, 2019.

<sup>50</sup> " [Palestine: Students Detained for Political Opinions](#)," Human Rights Watch report, May 7, 2015; Jonathan Brown, " [Detentions of Hamas-Aligned Students 'Deeply Worrying'](#)," *Al-Jazeera*, May 10, 2015.

<sup>51</sup> Nelson, *Israel Denial*, 361; David Horowitz, " [When an Ex-Fatah Palestinian 'Neighbor' Took Up a Zionist Author's Challenge](#)," *Times of Israel*, June 12, 2019; Neta Alexander, " [The Palestinian Professor Who Took Students on Auschwitz Trip and Paid a Heavy Price](#)," *Haaretz*, September 15, 2016; Ian Black, " [Palestinian Professor: No Regrets over Taking Students to Auschwitz](#)," *The Guardian*, June 13, 2014.

<sup>52</sup> Anna Ahronheim, " [Israeli schools, stores to start reopening after day-long shut down](#)," *Jerusalem Post*, November 13, 2019.

<sup>53</sup> David Newman, " [Ben-Gurion University at War](#)," *The Times of Israel*, November 12, 2019; Shira Kadari-Ovadia, " [Schools Close in Tel Aviv and South for First Time Since Gulf War](#)," *Haaretz*, November 13, 2019.

<sup>54</sup> See for example, Matti Friedman, " [For the flagship university of southern Israel, sirens replace bells](#)," *Times of Israel*, November 18, 2012.

populations includes the limitation of education and warrants inclusion in any discussion or resolution about of educational restrictions in the region.

When Israel has intruded upon Palestinian universities in the West Bank, it has typically been to address terrorist activity there. Many of its operations—in 2018 against Omar Al-Kiswani, a Birzeit student used by Hamas to sponsor terrorist recruitment on campus;<sup>55</sup> its 2016 raid on Birzeit that found Hamas propaganda and computer equipment; the rolling up of a terrorist cell (including a crude laboratory for making explosives) involving Al-Quds students at Abu Dis in December 2015<sup>56</sup>—were aimed at established terrorist threats. There have been other cases of students operating as part of terrorist operations, according to the Israeli Security Agency.<sup>57</sup>

Any cases of police or army forces moving against politically active students—whether involving Israel, the PA, or other countries outside the region—must be judged according to the nature of the threat posed by the activism and whether it is terroristic, violent, or merely dissenting. When students, like any other individuals, engage in planning terrorism, military or police action can certainly be warranted. Such judgments can be difficult and contested and may depend on knowing a great deal of information. If the AHA is going to take a stand on the condition of higher education in Israel and the Occupied Territories, it is necessary to consider infringements committed by all parties to the conflict, not just one, and carefully evaluate under what circumstances they are or are not justified.

#### **8. These resolutions would require the AHA to do something it lacks the resources to do.**

The resolutions call for the AHA to engage in advocacy that would dilute the AHA’s focus on historical education, research, publication, and other professional concerns. The AHA has neither the resources nor the expertise to evaluate complex international situations in a nuanced manner. But other groups, including New York University’s Scholars at Risk Network (SAR), Amnesty International, Human Rights Watch, and Freedom House, already monitor academic freedom around the globe. Such institutions have years of experience launching international investigations, accruing professional and issue expertise, developing protocols to ensure fairness, engaging with foreign governments, and putting issues into comparative and international contexts. Neither the small AHA staff nor the organization’s members are suited to this work. We encourage the AHA to continue to look for ways to support institutions that promote academic freedom, such as through its affiliation with SAR, but urge it not to develop a foreign policy that would divide its constituents and create harmful distractions from the AHA’s central pursuits.<sup>58</sup>

#### **9. Better ways exist for AHA members to improve educational access in the region.**

Members of AAF are concerned about obstacles to education in the West Bank and Gaza, as we are about impediments to education everywhere. But the AAF does not regard these resolutions as a viable solution or a justifiable response. Instead, we encourage the creation of opportunities for collaboration and exchange that would expose Palestinians and Israelis to each other’s historical narratives and use knowledge and mutual understanding to promote peace. Toward that end, AHA members could,

<sup>55</sup> Nelson, “Not in Kansas,” 64-65; A.J. Caschetta, “[In Criticizing Israel, MESA Ignores Terror Threats on Palestinian Campuses](#),” *The Tower Magazine*, February 5, 2019.

<sup>56</sup> Ali Waked, “[Iranian General Supervised Hamas Arms, Source Says](#),” *YNet News*, February 2, 2007.

<sup>57</sup> Jeffrey Herf, “[Inside Account](#),” *Legal Insurrection*, January 6, 2015.

<sup>58</sup> Scholars at Risk’s webpage is found at <https://www.scholarsatrisk.org/>.

individually or collectively, support, host, or collaborate with the many groups that already exist to promote these goals. Such groups can be found on the website of the Alliance for Middle East Peace, an umbrella organization for groups seeking partnership and cooperation among Israelis and Palestinians.<sup>59</sup>

In addition, we encourage the AHA to continue and, if appropriate, strengthen, its collaboration with New York University's Scholars at Risk Network, with which it affiliated in 2015.<sup>60</sup> We also encourage AHA members who are specifically concerned with the mobility of Gazan students to support Gisha, the Legal Center for Freedom of Movement frequently cited both by those who support and oppose this resolution.<sup>61</sup>

The Middle East conflict is an issue that has divided people of good will for decades; it is not an issue that the AHA can possibly hope to resolve. Scores of organizations of every sort exist for the purpose of taking positions on the Israeli-Palestinian disputes. Indeed, HAW/HPAD is free to investigate any matters it chooses and deliver whatever pronouncements it wants. There is no reason to subsume the AHA—a big-tent professional society—to this particular agenda. Imposing the politics of one relatively small faction on a much larger body will cause acrimony within the AHA and divert its staff and members energy from other pressing issues where consensus is possible.

---

<sup>59</sup> See Alliance for Middle East Peace, 2016, <http://www.allmep.org/>.

<sup>60</sup> The AHA staff, "[The AHA Joins Scholars at Risk as an Affiliated Member](#)," *Perspectives*, September 2015.

<sup>61</sup> Gisha, 2019, <http://gisha.org/>.