



## **Academic BDS: Where We've Been and Where We've Got To Go**

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As I look out over those assembled and review the anti-academic BDS movement since we started Scholars for Peace in the Middle East in 2001, I feel like the grandfather or a patriarch of a growing tribe and marvel at the proliferation of faculty-dedicated groups that have been direct or indirect off-shoots of the original Scholars for Peace in the Middle East faculty listserv. That group was originally conceived as a grass-roots, big tent, academically oriented, driven and led continuation of the work started and suspended by the original American Professors for Peace in the Middle East group.

Since that time, many faculty groups have proliferated, shifted in donor support, and changed in political and constituency orientations as the tide of anti-Israelism has grown around the world and in the United States. Even Scholars for Peace in the Middle East has gone through several iterations since its founding. Faculty groups that have arisen included but are not limited to: The Third Narrative of the Ameinu Group, The Academic Council for Israel, the Israel Action Network. The AMHCA Initiative is dedicated to researching and addressing issues of both student and academic anti-Israelism in American colleges and universities and now this Academic Engagement Network, a grass-roots, big tent faculty organization... addresses BDS issues on campuses and in the academic societies. All of these groups have unique perspectives and to some degree all are using strategies and elements we were using in SPME from 2001 when we started, until the end of my board involvement in 2010.

Our original intent organizing faculty was to “engage, educate and empower” faculty to address the rising tide of anti-Israelism appearing on college campuses as a faculty to faculty activity, realizing at the time millions of dollars were being poured into various student groups through Hillel, AIPAC and the then newly forming StandWithUs. In 2001/2002, with the exception of some isolated regional faculty activist groups, such as the group formed by the Chicago United Jewish Federation and led by Michael Kotzen, there were really no pro-Israel organized faculty groups.

Our original guiding principles were that:

- 1) All academic politics is local and may be unique to the institution and associations involved.
- 2) Faculty culture, norms and policies specific to institutions and disciplines were important frameworks to work within by grassroots faculty members and solutions could not be imposed by non-academic interests.

- 3) Peer review and academic excellence are the currency of the academic realm and that in order to persuade colleagues, peer review and responsible academic principles had to underlay all scholarship and initiatives.
- 4) Senior faculty had an obligation to work with to recruit and protect junior faculty to get involved in activities.
- 5) The initiatives had to be multi-disciplinary, multi-ethnic, multi-religious, big-tent and inviting those involved to come to common ground understandings based on fact-based information and universally accepted principles for academic freedom and excellence.
- 6) Coalitions were important and we were to seek common ground with like-minded organizations and associations and so we sought affiliations.
- 7) We were committed to internationalization, seeing this as a global problem, especially in Europe and Canada at the time and thus we sought to establish chapters around the world and did so. And, we worked closely with our colleagues in Israel ...

During the early years of BDS in Europe and in England, we were very much involved with our colleagues in the UK rounding up international grassroots faculty support against BDS with several petitions, some generated in collaboration with a total of 55 Nobel Laureates over time through a very active Task Force on BDS, headed by myself with Alan Dershowitz and Nobel Laureates, Steven Weinberg and Roger Kornberg.

We also established a highly successful faculty affiliate program with Haifa University which allowed faculty members from around the world to show solidarity with Israeli academic by applying for affiliated faculty status with Haifa University, making the statement, "If you are boycotting Israeli academics, you are boycotting me as well." I am delighted to see that this program has been resurrected.

So as is evident, we were pretty much on target with our original operating perspectives as many still have important validity and are in play with these new groups and even remain to some extent in SPME.

However, there is a new front, which though long eschewed in academics was always exciting to me personally and on the table as a strategy, though rarely discussed or talked about until recently. It remains controversial and not universally accepted. Nevertheless, I believe it has efficacy and may, at some point be an important consideration in the fight against BDS and that is lawfare.

Laws governing discrimination, conduct, financial and administrative procedures, personnel and other contracts must be observed when conducting college, university, institutional or association business. Certain activities, functions and conduct are regulated or prohibited by virtue of tax-status or laws governing institutional practices. Not-for-profits may be crossing a line with overt political action; denial of involvement by colleagues of different national origins may be considered discriminatory. BDSers might be outside the realm of corporate and tax-exempt charters of associations formulated to advance discipline specific purposes.

Though some are today debating the potential chilling effect lawfare might have on academic freedom and freedom of speech in the academy and whether legal avenues should be pursued in

these matters as a first or last step in countering BDS, it is my position that no one is above the law and that if professors or institutions are violating the law in any way with BDS activities, they should be held accountable.

Consequently with the recently announced suit of the American Studies Association by four professors, two of whom were long time colleagues and family friends at Penn State Harrisburg, and the involvement of Ken Marcus with a legal team of respected academic lawyers, I am lending my support to this effort with the understanding that I do believe very strongly that the plaintiffs, who are distinguished scholars in their disciplines, have every right to challenge the association for violating its charter and acting outside of its stated purposes. I believe that the ASA was hijacked by a handful of members to promote activity which is not in concert with the association's legally established mission.

In conclusion, I applaud the Academic Engagement Network and its commitment to being a truly faculty-driven organization and this conference of strong academics from the right, the left and the center to find common ground on how to address the menacing threat of BDS. I am proud of what we have done in the past and optimistic for the future under this next generation of leadership and involvement. Thank you.