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Anti-Israel Divestment Campaigns on U.S. Campuses After October 7

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Abstract

Following the October 7, 2023 massacre by the Islamist terrorist group Hamas of some 1200 mostly Jewish non-combatants, many campuses saw months of openly pro-Hamas rallies, culminating in “encampments” at over 100 schools. Among the activists’ main demands, which many administrators agreed through negotiations to consider, was that their universities divest from Israel. In this paper, I argue that universities must forcefully reject and in fact *denounce* any such demands. I first survey a dozen general, “content-neutral” arguments against divestment, drawing on precedents recently established by several prestigious schools rejecting divestment (including the University of Pennsylvania, Williams College, and Cornell University). I follow with a half-dozen arguments specifically relating to the Israeli-Palestinian conflict. These latter show that the anti-Israel campaign is based on false claims and lies about Israel, that it is driven by the desire not to advance Palestinian welfare but to destroy the Jewish state and ethnically cleanse or perpetrate the genocide of millions of its citizens, and that any university agreeing to divestment is directly aligning itself with the genocidal agenda of the terrorist group that perpetrated the October 7 massacre. For moral, humanitarian, financial, and, most of all, for academic reasons, universities should be deepening their relationships to Israeli institutions and investing in, not divesting from, Israel.

Contra the Divestment Campaign¹

Background and Introduction

On October 7, 2023 the Islamic Resistance Movement, aka Hamas, massacred over 1200 mostly Jewish non-combatants, including babies, children, dancing teenagers, pregnant women, disabled people, and elderly. The terrorists, including many Gazan civilians who entered Israel with Hamas, perpetrated rape, torture, dismemberment, beheading, and burned entire families alive. Shockingly, many students and faculty on U.S. campuses responded not by condemning these heinous crimes but by justifying, endorsing, even celebrating the carnage, in some cases calling for more such “resistance” activity.² On many campuses, months of pro-Hamas rallies followed, openly endorsing homicidal violence toward Jews and “Zionists” under the labels of “resistance” and “intifada.” Encampments erupted in late April 2024, starting at Columbia University but spreading to well over 100 other American campuses. At these encampments, protestors typically demanded that their institutions take concrete actions aligning with the international Boycott, Divestment, and Sanctions (BDS) movement against Israel.³ The encampments and affiliated activities generally broke campus rules and sometimes local laws; some included illegal occupations of campus buildings; most produced both destruction of property and harassment, intimidation, or even physical assaults primarily against Jewish members of the campus community. Instead of shutting them down, many administrators chose to negotiate with the encampment leadership. In some cases, university officials made significant concessions to get the activists to remove the encampments.

Among the activists' main demands is for university divestment from Israel.

These divestment demands have taken various forms on different campuses. They have ranged from targeted divestment from specific companies allegedly connected to the Israeli military, to divesting from and boycotting any Israeli company or person "complicit in human rights abuses" or "social harm" against Palestinians, to vague calls for boycotting and ostracizing anyone who may merely support or otherwise be connected to Israel, such as "Zionists." ("Zionists off campus!" has been seen and heard on many a campus.)⁴ The demands are often accompanied by the closely related call for an academic boycott of Israel, including severing academic connections with Israeli universities or scholars, proscribing visiting Israeli professors or speakers, cancelling study-abroad programs, and the like.

In this essay I argue that university administrators and trustees must forcefully reject, and in fact openly *denounce*, any such demands. That academic boycotts—which restrict resources, opportunities, speakers, campus events, collaborations, study abroad, etc.—are profoundly inconsistent with academic freedom and the general educational mission of the university, not to mention violations of the rights of other students and faculty who wish to pursue academic opportunities as they desire, seems too obvious to have to defend; that they should thus be denounced as literally an attack on the university itself, ditto.⁵ Thus, the focus of this essay will be on the divestment demand. I will refer to the pro-divestment activists as "anti-Israelists," though in many cases "pro-Hamas" would be perfectly appropriate.

Perhaps the single most important point throughout this essay is this: Though anti-Israelists are entitled to have and, in appropriate conditions, express their opinions, they are not entitled to do whatever they want on campus and to forcefully inflict their views upon others.

Despite their sometime allegations to the contrary, they in fact do not own the university.

No Negotiations

First, there should simply be no negotiations with students, faculty, or staff who are breaking campus rules or the law, much less intimidating, harassing, or otherwise aggressing toward other campus community members. There is a name for threatening behavior accompanying demands: "extortion." And no university should allow itself to be extorted by its constituents. Whether encampments, occupations of libraries, offices, and other buildings, or other behaviors disrupting university operations and the rights of its other constituents to learn, the proper administrative response is: "You must desist immediately or disciplinary proceedings, culminating in possible suspension or expulsion, will begin." If the behavior continues, campus security should intervene immediately and, if necessary, local police should be brought in. Follow-through disciplinary proceedings are absolutely essential.

Any other response normalizes and thus incentivizes the behavior. Even merely negotiating with the activists communicates the message that anyone who wants anything from the university merely needs to break some rules to get a seat at the table. Failing to discipline

the rule-breakers also means that if they do not get what they want—if the university ultimately decides not to boycott or divest, for example—there will be a green light for them to start back up and escalate. If they can occupy lawns and buildings, destroy property, and harass others without penalty, why wouldn't they up the ante until their demands are met?

If you capitulate to extortion, there will only be more extortion.⁶ Best to stop it early and firmly, and thus hopefully permanently.

Some may object that the university *should* take the softer approach of negotiations or “meaningful dialogue,” as that is more representative of an institutional commitment to “reasoned discourse” than the heavy-handed approach. But “meaningful dialogue” and “reasoned discourse” cannot take place when one of the parties is literally threatening the other. In fact, the anti-Israelists reject these approaches themselves in their very coercive activities; having failed to persuade their administrations to this point by means of “reasoned discourse,” they abandon it in favor of extortion. These behaviors moreover disrupt the teaching and research activities across the entire campus, making “reasoned discourse” difficult for everyone and thus interfering with the mission of the university. Not only is that profoundly unfair to tuition-paying and rule-abiding students, but it undercuts this objection. If “reasoned discourse” is the goal, then it's necessary to shut down activities that impede it as soon as possible.

Some may object that the commitment to free speech entails the softer approach.

But this behavior is not about “free speech.” There are many permissible times, places, and manners of free expression, of which anti-Israelists have been taking much advantage for months. Encampments in campus public spaces, occupying buildings, and harassment are not among them, nor are violating campus regulations or local laws, creating unsafe environments for all parties (including the activists), and destroying university property.⁷ This behavior also infringes on the rights of other members of the community, including *their* free speech rights. The right to free expression is not a right to commandeer a public space, exclude those who do not share your opinions, threaten and intimidate, and generally inflict your opinions upon people who simply don't wish to hear them. Nor does it entitle you to disrupt others, block their access to campus spaces including libraries, and prevent them from obtaining the education to which their free speech rights, and their expensive tuition dollars, entitle them. These are not activities protected by the First Amendment or by any university's free speech codes. If “free speech” is the goal, then barring that which violates and impedes it is necessary.

Some seem to support these activities because they support the anti-Israel cause.⁸ But merely thinking your cause is just doesn't warrant your breaking the rules, rules you agreed to follow when you matriculated (for students) or were hired (for faculty), and which in

There are many permissible times, places, and manners of free expression, of which anti-Israelists have been taking much advantage for months.

being content-neutral actually protect everybody, including anti-Israelists. Those who think otherwise apparently believe that the rules don't apply to them or their cause. But if they don't apply to them and their cause then they won't apply to anyone else and *their* cause, and campuses will descend into anarchy. In recent months we have seen truly chaotic situations on numerous campuses, including incidents of physical violence. At UCLA, for just two examples, a Jewish woman was beaten unconscious⁹ and a Jewish man was chased down and tased.¹⁰ The encampments are anything but peaceful, in manner or in content. We shouldn't want that on any campus, or any public space. One wouldn't accept the Proud Boys behaving on a campus this way, or the KKK, or the Westboro Baptist Church, and one shouldn't accept *anyone* behaving this way.

Finally, there's a moral problem with negotiating agreements with the encampment protestors. As Harvard University's Prof. Eric Nelson argues, allowing some constituents to leverage their noncompliance with rules to extract concessions is deeply unfair to all others.¹¹ To negotiate with rule-breakers is to privilege those voices and disenfranchise the many others, perhaps even a large majority, who uphold the community norms and policies. To negotiate with the rule-breaking minority is to run roughshod over shared governance, allowing major faculty hiring and funding decisions to be made with no consideration to the many rule-abiding constituents who in fact choose the appropriate path of reasoned discourse—not extortion. It privileges those violating the mission and norms of the university over those upholding them, which is both immoral and, frankly, absurd.

There should be no negotiations with members of the campus community who break the rules or the law.

Recent Precedents and General Arguments Against Divestment

Perhaps negotiations have (unfortunately) already occurred and the university has conceded to entertain the divestment demand. Or perhaps some non-rule-breakers have appealed through appropriate mechanisms expressing that same demand; in that case it may be appropriate for the university to entertain it.

Either way, the conclusion should be the same:

The proposal to divest from Israel should be thoroughly and publicly rejected and in fact *denounced*.

There are many arguments to support this conclusion, both general "content-neutral" ones and others specific to the Israeli-Palestinian conflict.¹² Some readers may wish to begin with the latter, below, which demonstrate both that the entire divestment campaign is based on false claims and lies about Israel and that siding *with* Israel, rather than against, is far more aligned with moral and academic values. Here I begin with the former, examining several representative divestment-rejecting precedents at the University of Pennsylvania, Williams College, and Cornell University.¹³

A. The University of Pennsylvania

On May 20, 2024, The University of Pennsylvania Task Force on Antisemitism reported its findings and recommendations to the university.¹⁴

We recommend that the University re-issue a clear statement on its opposition to divestment, sanctions or boycotts against Israel, the most recent of which was made by then President Gutmann in 2011. Our University champions academic freedom and values the open exchange of ideas as vital to our educational mission. We believe in building bridges through dialogue, engagement, and collaboration rather than isolation and division. Penn has important and successful scholarly collaborations with Israeli institutions that touch on many areas of our academic enterprise and these should continue to grow unfettered and unabated.

The Task Force is aware that the University issued the following statement to the media via its spokesperson on May 2, 2024: “The University of Pennsylvania strongly opposes sanctions, boycotts, or divestment targeted against Israel. Divestment focused on Israel is also against the law in the Commonwealth of Pennsylvania.”

Nevertheless, we recommend doing so more formally and publicly as well ... The University’s own position should recognize the discriminatory and anti-intellectual impact of any policy that stigmatizes Israeli scholars and scholarship, impedes partnerships with Israeli academic institutions, or that denies students the opportunity to learn about Israel. The Task Force recommends that the University reaffirm its opposition to such discrimination and its commitment to open intellectual and cultural exchange across political differences.

Several general arguments are reflected here:

- Boycotts, divestments, and sanctions are inconsistent with academic freedom.
- They are “discriminatory” in nature.
- They may be illegal, depending on the specific laws of the state.

Let us consider these in order.

Academic boycotts obviously violate every norm of academic freedom, but so does divestment. As the Task Force puts it, it is a “policy that stigmatizes Israeli scholars and scholarship, impedes partnerships with Israeli academic institutions ...” Divestment campaigns justify themselves by portraying Israel as guilty of “human rights abuses” and Israelis as uniquely malevolent. By extension it would follow that supporting Israel, identifying with its citizens, or even just studying the country, should not be tolerated. Those with any attachment to or sympathy for the Israeli people must therefore be marginalized and ostracized. If Israel is so monstrously evil that it requires divestment, then *anything* associated with the country, or its people, must be taboo, including studying it, visiting it, meeting its people, and most of all making the case in its defense. All of that is inconsistent with academic freedom. Indeed, what immediately follows from the BDS stance

are direct impediments to and restrictions of academic freedom, including disruptions of pro-Israel campus speakers, social pressure against (or actual rejection of) partnerships with Israeli institutions and scholars, and campaigns to end student and faculty research collaboration and study abroad in Israel (including some faculty refusing to write letters of recommendation for study there).¹⁵

Singling out one country in the world for divestment is obviously discriminatory by its very nature.¹⁶ All the more so when that country is associated with advancing the well-being, continuity, and self-determination of one specific ethnic and religious group, the Jewish people. Sometimes activists attempt to disguise this singular focus by framing their demand in general terms: “Divest from companies that profit from war or from human rights abuses.” If the principles truly are applied in a universal manner, then this would be fine. But in practice, and in the current context, they either are designed to apply only to Israel or get applied only to Israel. Many anti-Israelist groups indicate, for example, that they advocate for divestment specifically from the companies identified by the BDS movement—a movement which targets only Israel (see below). Discrimination on the basis of “national origin” is generally illegal, clearly immoral, and surely in violation of campus “inclusivity” norms; singling out an entire country (and its associated people and religion) for discriminatory treatment is simply that writ large.

“Divestment focused on Israel [may be] against the law.” If your institution is in a state with the relevant anti-BDS laws, that should seal the deal quickly. Universities and colleges that openly violate state laws risk losing state funding and possibly accreditation, not to mention setting a terrible moral precedent for their students.

B. Williams College

On May 23, 2024, the Williams College Advisory Committee on Shareholder Responsibility (ACSR) issued its recommendations on the divestment issue to the Investment Committee of the Board of Trustees.¹⁷ It did so in its charge to advise that committee on “matters relating to non-financial aspects of the investment portfolio.” In doing its work, it crafted general “guideposts” for itself that should be applied universally, i.e. “considerations that could be relevant to *any* request from a member of the college community for *any* change in investment strategy” (emphasis added):

Since divestment constitutes an institutional stance on a particular issue, a broad and deep consensus view shared among the constituents of the college community ... on the issue motivating the request for divestment is a necessary, but not sufficient, condition for the ACSR to recommend divestment... In the absence of such a consensus, divestment would impose one view upon, and misrepresent the diverse views of, the college community ...

Since a change in investment strategy requires time, effort, and resources, divestment should have a substantial impact on the issue motivating the request in order to be recommended as a means by which the college effects change ...

Since a change in investment strategy is motivated by a particular purpose, divestment should have minimal negative, collateral impacts on priorities, parties,

issues, or situations beyond the intended target for divestment. Collateral impacts could include, for example, funding for college priorities and various geopolitical situations.

Note the important observation, to which we'll return, that "divestment constitutes an institutional stance on a particular issue." The Committee then demonstrates that divestment violates each one of these guideposts:

There is clearly no consensus on the issues, as the Israeli-Palestinian conflict is an extremely divisive topic on which there is a great diversity of opinions. Why should the institution take a collective stance, and make substantive changes to its investment strategy, on a topic over which there is tremendous disagreement among its constituents?

Furthermore, even where divestment is feasible—and targeting specific companies in the complex portfolios of a university endowment is actually quite difficult if not sometimes impossible¹⁸—the impact of an institution divesting its shares from certain companies, typically international behemoths engaged in business across the world, is likely to be negligible on the government targeted for its alleged abuses. Why should a university undertake onerous changes to its investment policy if doing so won't matter much or make any difference to the desired outcome? The Committee recognizes that divestment might have *symbolic* meaning "to certain members of the college community," but answers flatly that it "does not advocate using changes in investment strategy for solely symbolic gestures." To this I might add that the "symbolic meaning" of divestment would also be one that *other* members of the campus community would find quite hostile and alienating, making it even more imperative that an academic institution not act on it: it produces no actual benefit, and significant harm to the community, including undermining its commitment to the norms of "inclusivity."

Why should a university undertake onerous changes to its investment policy if doing so won't matter much or make any difference to the desired outcome?

Speaking of harm, finally, consider the "collateral impacts" of divestment, of which the Committee identifies two types. The first concerns the specific companies targeted:

Regarding the negative, collateral impacts of a change in investment strategy, the particular structure of the divestment requests would encompass parties and situations beyond the intended targets. Divestment from weapons manufacturers would cast a wide net across various geopolitical situations, including not only Israel but also, for example, Ukraine, and across various types and uses of weapons, including those for defensive purposes. The targeting of companies that sell weapons is also broad, including a company such as Boeing that not only builds missiles, but also satellite systems and commercial aircraft.

Like the medical maxim, "Do No Harm," so too in investment strategy. One may desire to achieve some "good" aim but in the complexities of world affairs, corporate structures, and investment instruments, that "good" may well be—and in the Committee's opinion

is—outweighed by the potential collateral harms. That means that effective divestment must involve extensive research and difficult (not to mention unreliable) calculations about all the possible implications of the divestment across the many (sometimes conflicting) political issues campus constituents care about.¹⁹ The argument is only more persuasive when we throw in the facts that (a) many disagree that the original target aim itself is a “good” and (b) divestment might not actually even do much for achieving that goal.

Then there is the second type of “collateral impact,” namely on the institution itself. The Committee makes the point very modestly:

Divestment from any commingled fund that includes companies with a weapons manufacturing unit could have a negative impact on investment performance out of proportion to the negligible impact on the targeted company. Negative impact on investment performance would translate into negative impact on the college’s finances, because the draw on the endowment currently funds more than half (about 55 percent) of the college’s annual operating budget.

Recall that the Committee’s charge is to advise on “matters relating to non-financial aspects of the investment portfolio.” That is actually a reminder of the single most important function of a university’s endowment: *to make money*. Indeed, the institution’s investment managers and generally the trustees themselves have ethical, legal, and fiduciary obligations to provide the greatest possible returns on the endowment, on behalf of all of its beneficiaries. That money directly funds the educational mission of the university; compromising the endowment in turn harms every aspect of the university’s mission and thus all stakeholders of the institution, who are the ultimate beneficiaries. To harm the endowment on the basis of political opinions that do not command a consensus among the beneficiaries, with measures likely to have minimal or no impact on the target and which may do more harm than good, is thus at best inadvisable, at minimum immoral, and at worst may be illegal (even apart from existing state anti-BDS laws). At barest minimum, it makes the university seriously vulnerable to litigation from its many harmed stakeholders, increasing its financial risks even further.²⁰

To this we may add, with a nod to the earlier “inclusivity” point: For a university to adopt divestment is to signal a very hateful stance to at least some portion of the *prospective* student body as well. There are many families who will choose not to send their child to a school with such a position, and in the current state of higher education—where many schools are facing enrollment, and therefore financial, deficits—this too would be another collateral harm to the university.²¹

To all this we may add a corollary. Anti-Israelists typically also demand that the institution make its investments “transparent,” the idea being that activists want to see exactly how much the university has invested in exactly which companies. There are degrees of transparency, and some degree and forms of transparency are legitimate and desirable, but what these activists seek is a detailed, itemized, public list of specific holdings. If it isn’t obvious, that degree of transparency, even where feasible (and it largely isn’t, given investment complexities), would be disastrous. To “make transparent” each investment, each amount, is to invite stakeholders to argue over each and every investment decision,

and for non-financial reasons at that.²² It would require the university to openly adopt numerous political positions across controversial issues, leaving a scorched earth of a divided community behind it. That cannot turn out well, either for the fiscal health of the endowment or for the community it supports.

Fortunately for Williams College, the ASCR report proved persuasive, with their Board of Trustees meeting soon after and announcing that it “has decided to follow the ACSR’s major recommendations not to divest.”²³ Among the reasons they highlighted are these:

The Trustees’ deliberations were characterized by several major themes:

1. Our view that the college’s foremost duty is to make the highest-quality liberal arts education available and affordable to a diverse population of future leaders.
2. The Board’s fiduciary [and ethical] responsibility, encoded into the College Charter and Laws.
3. The fact that the endowment is essential to that work, and is not a vehicle for expressing views on world affairs or conducting advocacy.

They continue, adding some new considerations along the way:

Subordinating overall investment strategy, in which performance and impact are assessed over many decades, to the volatility of geopolitical events ... would introduce significant new risk. The Board is unwilling to accept increased risk, given that we rely on the endowment to provide 55 percent of our annual operating budget ...

And because our investment strategy consists solely of investing through third-party investment managers and funds, what might otherwise seem to be small, exclusionary changes in the composition of our investments would actually compromise our access to key investment managers, undermining the Board’s fiduciary obligation to manage the endowment in ways that fully fund the college ...

The Trustees join the Williams community in wanting to see human suffering alleviated and injustices righted. We believe the institution’s distinct contribution toward these ends is to educate students who can go on as alumni to work in human rights, refugee work, journalism, scholarship, policy, international affairs and other relevant fields ...

The outcomes outlined in this letter will not satisfy those who would like the college to use its endowment to exert political influence. But that endowment, sizable as it is in individual and higher-education terms, is very small when measured against the immensity of the markets. Whereas Williams’ positive educational and societal impact, significantly funded by our endowment and achieved by a global community of students and alumni (not to mention our faculty and staff), is enormous and lasting.

The arguments here are summarized with all the others in the Appendix below, but in short: Not only is divesting inconsistent with the fundamental obligations of the Board, but it is also misguided insofar as the institution can have a greater impact on the issues by providing a first-rate education, funded by an endowment guided *not* by ineffective and financially harmful attempts to divest but by its foremost obligation—that of maximizing returns.

C. Cornell University

Similar themes appear, finally, in the May 30, 2024 statement by Cornell University President Martha Pollack, responding to a student referendum demanding both a university statement on the Israel-Hamas war and divestment from Israel.²⁴ She writes:

The first [demand] is for the university to call for a permanent ceasefire in Gaza. It is not the proper role of the university to make a statement about this complex political issue, especially when there is a diversity of opinion among members of the campus community, as demonstrated by the fact that the vote on the referendum was far from unanimous ... Were I, on behalf of Cornell, to express university support for particular geopolitical positions on which there is strong disagreement, this could chill the voices of those Cornellians who disagree ... But the university is not the State Department—we do not espouse a foreign policy.

She then declines to forward the divestment request to the Board of Trustees for consideration:

I must decline recommending the proposed divestment to the Board, for several reasons. First, just as Cornell is not primarily an agent to direct social or political action, but rather a forum for analysis, debate, and the search for truth, the principal purpose of our endowment is not to exercise political or social power. Rather, Cornell's endowment consists of gifts to the university that are invested to generate money that supports the university's work in perpetuity, funding mission-directed priorities including financial aid and other student support, faculty salaries and stipends, facilities maintenance and upgrades, academic programs, and research activities. I am also troubled by the fact that this referendum singles out companies for providing arms to Israel when there have not been calls for divestment or sanctions from a host of other countries involved in similar conflicts. Finally, the divestments called for risk being in violation of New York state's executive order 157, which prohibits investment activity intended to penalize Israel.

We see here similar arguments, namely that divestment violates the purpose of the endowment, can generate great harm to the university's pursuit of its educational mission, is discriminatory in nature, and, in the case of many states, may be unlawful.

Note, now, that the arguments to this point are all general in not presupposing any particular stance on the Israeli-Palestinian conflict, or on the Israel-Hamas war. Anyone whose primary goal is to advance the mission of the university—including education, teaching, research, as well as academic freedom and freedom of speech—should be persuaded by them, because they rely specifically on promoting those values. Indeed, all

those values are best served by the financial health of the institution, which means that the purpose of the endowment—to maximize returns—should simply never be interfered with except under the most extraordinary of circumstances. Not least given the extreme lack of consensus on the matter, the current status of the Israeli-Palestinian conflict—a complicated long-running conflict half a world away, just one of more than a hundred ongoing conflicts in the world²⁵—simply does not qualify as such.

Another way to make this point is to note that the arguments above are all “content-neutral.” Like the Williams “guideposts” they don’t presuppose any particular position on any particular political issue, and are precisely the kinds of arguments that people would likely adopt from “behind the veil of ignorance,” i.e. if they aimed to establish a flourishing academic institution in which they did not have any particular personal stake or political position.²⁶ Of course those committed to the university and its mission would want to promote academic freedom, avoid discrimination, avoid illegal activities, etc., and most generally use the endowment exclusively to support the educational mission.²⁷

These considerations bring us to the most fundamental general argument against divestment, which culminates from or perhaps codifies the arguments above:

Institutional Neutrality

Cornell President Pollack captured this idea well when she wrote above, “The university is not the State Department—we do not espouse a foreign policy.” More fully, the seminal statement for the important policy of “institutional neutrality” is the famous and influential Kalven Report, issued by the University of Chicago in 1967 but still very relevant today.²⁸ It is worth quoting it at some length (emphases added):

The mission of the university is the discovery, improvement, and dissemination of knowledge. Its domain of inquiry and scrutiny includes all aspects and all values of society. A university faithful to its mission will provide enduring challenges to social values, policies, practices, and institutions. By design and by effect, it is the institution which creates discontent with the existing social arrangements and proposes new ones ...

The instrument of dissent and criticism is the individual faculty member or the individual student. *The university is the home and sponsor of critics; it is not itself the critic.* It is, to go back once again to the classic phrase, a community of scholars. To perform its mission in the society, a university must sustain an extraordinary environment of freedom of inquiry and maintain an independence from political fashions, passions, and pressures. A university, if it is to be true to its faith in intellectual inquiry, must embrace, be hospitable to, and encourage the widest diversity of views within its own community ...

Since the university is a community only for these limited and distinctive purposes, *it is a community which cannot take collective action on the issues of the day*

without endangering the conditions for its existence and effectiveness. There is no mechanism by which it can reach a collective position without inhibiting that full freedom of dissent on which it thrives. It cannot insist that all of its members favor a given view of social policy; if it takes collective action, therefore, it does so at the price of censuring any minority who do not agree with the view adopted. In brief, it is a community which cannot resort to majority vote to reach positions on public issues.

The neutrality of the university as an institution arises then not from a lack of courage nor out of indifference and insensitivity. *It arises out of respect for free inquiry and the obligation to cherish a diversity of viewpoints.* And this neutrality as an institution has its complement in the fullest freedom for its faculty and students as individuals to participate in political action and social protest. It finds its complement, too, in the obligation of the university to provide a forum for the most searching and candid discussion of public issues

[T]here emerges ... a heavy presumption against the university taking collective action or expressing opinions on the political and social issues of the day, or modifying its corporate activities to foster social or political values, however compelling and appealing they may be.

The essential element here is that the university must avoid "taking collective action" because doing so is *inconsistent with its fundamental mission*. That clearly proscribes undertaking divestment in support of any particular political goal, or even merely issuing a public opinion on any of the great social or political matters of the day.²⁹ It should also proscribe taking an action as substantive as divesting from companies "involved in Israeli military affairs," for that, as the Amherst statement rejecting divestment acknowledged, amounts to "effectively reject[ing] the sovereign right of Israel to defend itself, indicat[ing] support for Hamas."³⁰ More generally it amounts to the university picking a side in a long-running complicated political and religious conflict very far away.

This institutional neutrality is particularly essential, too, in today's campus climate where "inclusion" is promoted as a vital value. Some years back the McGill University Judicial Board, in overruling a BDS motion adopted by the student government, made this point well and very much in the spirit of the Kalven Report.³¹ Reading through its own mandate documents, the Judicial Board noted that the student government's mission is to "facilitate communication and interaction between all students," to refrain from discrimination on the basis of "race, national or ethnic origin ... religion ...," and to create "an 'anti-oppressive' atmosphere where *all* of its membership feels included" (emphasis added). The student government therefore "cannot take an authoritative, direct, and unambiguous stance" against a particular nation, as the boycott-divestment resolution demanded that it do. A university will have students whose sympathies are with either side of any given conflict, and "by picking a side ... the government does not promote interactions ... but rather champions one's cause over another's." Student governments have the obligation to represent *all* their members, but "it would be absurd for the government to claim that it is representing Israeli members as favorably as other nationals despite it supporting boycotts

... against Israel.” Indeed, by “adopting official positions against certain nations ... [the government] would be placing members from those nations at a structural disadvantage within [the] community,” failing to protect the rights of those minorities from “the tyranny of the majority,” and in thus violating its “anti-oppression” mandate would be failing in “its obligations to its own members.”

Or as they put it succinctly:

McGill is first and foremost a university, a place of knowledge and intellectual growth—a fact that is often forgotten...[Our student government] cannot be the venue for a proxy war.

If true for the student government, all the more so for the university itself. If the university is not the State Department, it also is not, and must not become, “the venue for a proxy war”—which it surely would become by adopting a substantive position on the Israeli-Palestinian conflict, thereby directly foisting a specific perspective about the conflict onto its own community and excluding or disadvantaging all those who disagree.

The Kalven Report is lately enjoying new life in light of the current campus controversy. In recent weeks several major universities have returned to it and, given the demands being made upon them by their anti-Israel activists, have publicly reaffirmed their commitment to its basic ideal of institutional neutrality. These include Harvard,³² Syracuse,³³ Stanford,³⁴ Purdue,³⁵ and Amherst,³⁶ with surely more to come.

In sum:

- Institutional neutrality is essential both to the nature and mission of the institution and its vaunted value of “inclusion”;
- Institutional neutrality proscribes the institution taking official positions or actions on social and political matters, particularly when they are controversial or divisive; therefore
- Institutional neutrality proscribes adopting divestment and related demands for public statements, academic boycotts, etc.

All together this produces the final, cumulative general argument:

Divestment is inconsistent with the institutional neutrality essential to the nature, mission, and inclusive values of the university.

Those who demand divestment of a university are essentially demanding that it nullify its own nature and mission, that it commit, in effect, a kind of institutional suicide. That is why those administrators and trustees who believe in the nature and mission of the institution must not merely reject demands for divestment, per the many precedents above, but in fact *denounce* them.

A “Damn No!”

Anti-Israelists will insist that divestment is a moral imperative. They believe that Israel is a terrible human rights abuser and is currently committing genocide in Gaza, and consequently enormous measures are morally mandated to oppose it. Below I will argue that their campaign is actually based on many false and malicious claims: Israel is not guilty of the many things they allege, including “genocide.” But the point now is that *even if their moral position were largely correct, this does not matter*. Universally applicable, content-neutral considerations override them: the actions they demand are likely to have little actual impact, they violate academic norms, and they harm other campus stakeholders and violate *their* rights. Most importantly, neither their anti-Israelism nor their demand for divestment enjoy consensus, as many stakeholders disagree with their moral verdict. Is the university now going to wade into the weeds of the Israeli-Palestinian conflict to determine who and what is “right” and empirically valid? Could administrators and trustees ever be justified in reaching an institution-changing opinion about this enormously complex century-plus-old conflict, when credentialed scholars and practitioners who have devoted their lives to studying it, to earning doctoral degrees and writing books about it, do not agree?

Could administrators and trustees ever be justified in reaching an institution-changing opinion about this enormously complex century-plus-old conflict?

That is simply not the business of a university administration—not only is it untrained for the task but, again, institutional neutrality dictates that it must not do so.

And make no mistake: what activists are trying to do is precisely to get the university to adopt a substantive political position. To see this, assume for a moment that they are motivated by the morally admirable goal of ending the suffering of Gazans. No decent person should be opposed to that, (though they perhaps might also express concern for the suffering of Israelis).³⁷ But there are at least two ways to advocate for an end to Gazan suffering: demand that Israel stop its war or demand that Hamas return the hostages, which would also end the war. They demand the former, using divestment as one tool to that end. But by so doing they are advocating specifically for the victory of Hamas over Israel and in support of Hamas’s ongoing genocidal campaign for the destruction of Israel. That is not a morally neutral or humane position but in fact a morally questionable (I would suggest repulsive) political position. Anti-Israelists are thus attempting to get the university to adopt their preferred political position, the very thing an administration is both inadequately trained, and proscribed by institutional neutrality, from doing.³⁸

Anti-Israelists do not own the university, their occasional protestations to the contrary (and alleged “liberations” thereof) notwithstanding. They are entitled to their opinion and, when they follow the same rules that apply to everyone else, should have a seat at the table—but they do not get to dictate their opinion to everyone else, especially not by extortion. At the heart of the academic enterprise is (as we saw) the norm of “reasoned discourse,” proceeding via attempts to “persuade” by arguments and evidence and not by force or

coercion, all of which requires maintaining a neutral academic arena open to a healthy diversity of opinions. To “demand” the university adopt their position, particularly through their rule-breaking extortion, is to undermine the entire academic enterprise.

Every administration should therefore recognize what is truly going on here. Anti-Israel activists are attempting to hijack the academy, to use the institution to advance their own political agenda to the detriment of all other stakeholders and the institution itself, and literally take it over, commandeer it, “liberate” it—as many of the encampments make explicitly clear.³⁹ Theirs are not in fact reasonable demands within the boundaries of institutionally acceptable discourse that deserve a respectful (if negative) response, but unreasonable demands, in fact *outrageous* demands, that deserve an unequivocal harsher response.

This is why the demands for divestment, boycott, etc. should not be entertained in the first place, not “normalized” by engaging in negotiations over them. But if that ship has sailed, the next step should be clear: Administrators, and trustees, must publicly, promptly, and forcefully *denounce* these demands—in the name of the university and everything the institution stands for.

They must not merely say “no” to the demands for divestment, boycott, etc.—but “*damn no!*”

The Israeli-Palestinian Conflict and the Moral Inversion of Divestment

I turn now from content-neutral arguments against divestment to specific arguments focused on the Israeli-Palestinian conflict.

The most important is that these divestment campaigns are fundamentally morally incorrect. BDS is based on and disseminates many false claims, including an entirely false narrative about the establishment of Israel that typically omits the long Jewish history in that land and misrepresents the events and war of 1947-48. BDS falsely charges Israel with an array of long-running treacheries including “ethnic cleansing,” “genocide,” “settler-colonialism,” “occupation,” and “apartheid.” The immediate moral panic driving the divestment demand is based on the allegation that Israel is currently committing “genocide” in Gaza, including being responsible for a “famine” there, but both accusations are demonstrably false.⁴⁰ Though a refutation of these falsehoods is beyond the scope of the current essay, the major charges against Israel are false, maliciously false, even straightforwardly mendacious.⁴¹ Israel is simply not guilty of these charges, thus not deserving of the treatment that anti-Israel activists demand. Universities obviously should not make major investment decisions, including those that harm the institution and its stakeholders, on the basis of false allegations that fail to meet basic academic standards and norms, and may even be outright lies.

If anything, a robust objective study of Israel and its history would suggest that, morally speaking, universities should undertake the opposite strategy.

They should not divest from, but rather *invest* in, Israel.

Despite for decades being under unparalleled existential threats, and now being attacked simultaneously on seven different fronts, despite confronting relentless terrorism directed at its civilians, Israel manages to be the only country in the Middle East that (a) enshrines equality under the law for all its citizens, (b) enables Jews and Arabs to coexist (Arab countries long ago ethnically cleansed their Jews), and (c) empowers its substantial (and sometimes hostile) Arab minority to participate fully in society (in law, politics, medicine, education, etc.). As David Collier puts it, “In Israel a Jewish person can be arrested by an Arab policeman, taught by an Arab professor, serve in the army under an Arab superior officer, be operated on by an Arab surgeon, and sentenced by an Arab judge.”⁴² Israel is also a place where, quite remarkably, (d) that same (sometimes hostile) Arab minority enjoys more rights and freedoms than Arab citizens or subjects do in most Arab countries.

The “apartheid” allegations aren’t merely false; they are *obscene*. Morally speaking, Israel is practically a miracle, in its context; we should be allying ourselves with it, learning from it, not ostracizing it.⁴³

More directly relevant is the fact that, despite the relentless warfare and terrorism against it, and despite its small size, Israel has built a thriving “start-up” economy making major contributions to all areas of human welfare and well-being, including in science, tech, agriculture, medicine, business, culture, and more. The 2011 bestseller, *Start-Up Nation: The Story of Israel’s Economic Miracle*,⁴⁴ provides ample and astounding evidence of what this tiny country, with initially no natural resources, has accomplished, somehow turning itself into an economic and humanitarian powerhouse. Despite its being just a sliver of a country—32 Israels would fit into the state of Texas!—Israel’s humanitarian agency, IsraAID, shows up at disaster sites around the world and saves lives, often using Israel’s own advanced medical techniques and technology.⁴⁵ Israel has world-class academic and scientific institutions, featuring racial, ethnic, and religious diversity among their student bodies that U.S. universities only aspire to achieve.⁴⁶ There’s a reason that the University of Pennsylvania has, as its Task Force put it above, “important and successful scholarly collaborations with Israeli institutions that touch on many areas of our academic enterprise.” It’s because Israel has so very much to offer to any university that partners with it.

Israeli institutions, then, are ones with which universities should be *deepening* their relations, not dissolving them. Moral, humanitarian, and financial considerations all support investing in, not divesting from Israel, but most of all *academic* reasons—for partnering with Israel’s world-class academic institutions directly *promotes* the scholarly mission and values of the university, rather than violates it. The most appropriate response to the anti-Israelists’ demand for divestment, then, would be the “Damn no!” just mentioned *plus* an announcement of increased investment in and collaboration with the Jewish state.

In fact, the moral status of the divestment campaign is even darker. A little probing reveals that what ultimately drives the anti-Israelist is *not* concern for the “welfare of the Palestinians,” despite their claims. If they truly cared about the Palestinian people, they would take many other actions they do not take, as I’ve argued elsewhere.⁴⁷ Moreover, arguably, they should currently be advocating for the defeat of Hamas rather than its victory, which they have not done in any of the campus protests. Anti-Israelists are not primarily

“pro-Palestinian,” in other words, so much as “anti-Israel.” What truly drives their movement is the desire to render the one sliver of a Jewish state in the world, and the seven million Jews who seek safe haven there (half the world’s Jews!), defenseless—by depriving them both of the resources literally necessary to defend themselves from ongoing genocidal threats and of the ability to make their “case for Israel” on the world stage.⁴⁸ Their actions are ultimately in support of the genocidal annihilation of the Jewish people. This is not the morally admirable stance of “relieving Gazan suffering” but the morally reprehensible stance of supporting genocide, and clearly should not guide any educational institution in its financial (or other) decision making.

It gets even worse. In fact, much of the rhetoric at the demonstrations and encampments has been not “pro-Palestinian” but specifically and openly *pro-Hamas*. Hamas flags, headbands, chants, symbols, and other paraphernalia appear regularly and their October 7 massacre is repeatedly praised and glorified. Hamas, Hezbollah, Palestinian Islamic Jihad, the Houthis, and the Ayatollah of Iran have all publicly praised the student demonstrators, including by endorsing them as being part of their “resistance” movement. Not only has no student group (or individual student) participating in the protests disassociated from these statements, but some quite explicitly embrace them.⁴⁹ These anti-Israelists are just fine, in other words, publicly, openly aligning or identifying themselves with Hamas and these others.

But now it takes only minimal research to reveal what Hamas is all about, and thus what these student groups are openly embracing. Its foundational charter explicitly endorses the murder of all Jews as part of its plan to establish not a Palestinian state but, ultimately, a global Caliphate; that is, the entire world ruled by Islam.⁵⁰ In its radical Islam, Hamas rejects higher education and the liberal arts as we may conceive them (because dedication to Islam is the supreme value). In its radical Islam it is also authoritarian, homophobic, and misogynist, and displays no interest in human rights for its own subjects (there are no freedoms in the Gaza Strip), much less for anyone else. In its radical Islam it rejects such Western values as pluralism, tolerance, diversity, equity, and inclusion (because Islam must dominate), and it displays an open thirst for Jihadist holy war, including terrorist violence directed at civilians, no matter the cost even to their own civilians, to achieve that dominance. Since taking over Gaza in 2007, by a violent illegal coup in which its operatives murdered dozens of their political rivals, the terrorist organization has militarized the entire Gaza Strip and launched some 70,000 rockets, initiated five wars, and perpetrated thousands of acts of violence against Israeli civilians. In its four decades of existence, Hamas has murdered or maimed many thousands of Israelis, and is directly responsible for the deaths of many Palestinians as well. Recently, Hamas officials were quoted yet again as embracing the deaths of large numbers of Palestinian civilians, including children, as “necessary sacrifices” in that quest to establish a global Caliphate.⁵¹

Literally *every single aspect* of Hamas’s ideology and actions violates the core principles and values of the Western academy. And this is what constitutes the political platform of the campus anti-Israel movement. If universities are looking for something to divest from, it should rather obviously be *that*.

Any university that chooses to divest from Israel in the wake of October 7 and in response to these campaigns will therefore be directly serving the goals and interests of the utterly illiberal, immoral movement that supports all the above. If in response to the worst massacre of Jews since the Holocaust, to the barbaric killing of babies, children, pregnant women, and entire families, university administrators choose to punish Israel in a way that works to render it defenseless, then they will be directly aligning their institution to the political program of an internationally designated terrorist group that is authoritarian, homophobic, misogynist, anti-human rights, anti-DEI, anti-freedoms, anti-Western, and antisemitically genocidal.

Divestment campaigns, then, are morally inverted. Simply put, they reverse the good guys and the bad guys, as evaluated by the standard and basic moral and academic norms governing the university.

A “Damn no!” response indeed—along with the emphatic declaration to defend the moral and academic norms of the university by increasing investment in and collaboration with Israel.

A Compromise Proposal?

For those unpersuaded or unwilling to take the strong stance advocated here, I offer a compromise proposal. It will not satisfy those anti-Israelists calling for a blanket boycott of Israel obviously, but in theory it should be acceptable to those who carefully frame their demands more generally (“Divest from companies that profit from war or human rights abuses”) or in a more targeted manner (“Divest from complicity in Israeli ‘apartheid’ or ‘genocide’”). Administrators might respond to as follows:

“We will indeed divest from all military-oriented or weapons-manufacturing companies, but we will increase our investment in companies that promote human welfare, in science, technology, agriculture, medicine, business, culture, etc., including Israeli companies.”

Note that this proposal meets those anti-Israelists’ stated demands while avoiding many of the objectionable consequences to divestment outlined above. Indeed, the campus pro-Israel community would likely have no objection to it, and no genuine humanitarian could object to it either. While it probably won’t *actually* satisfy even the “careful” anti-Israelists (who likely truly desire a blanket boycott of Israel despite speaking carefully), it will, if nothing else, call their bluff. If they object, then it will serve to clarify that their motivation is neither Palestinian welfare nor human rights but only animosity towards Israel. At a minimum, it might also dissipate the current crisis and tensions on campus, if only temporarily.

Conclusion: Nitty Gritty Details about BDS

Many anti-Israelists pushing divestment refer to the guidance offered by the international BDS movement,⁵² and some refer as well to the 2020 Brown University Advisory Committee on Corporate Responsibility in Investment Policies (ACCRIP) report.⁵³ For those closely concerned with the Israeli-Palestinian conflict, it's worth brief consideration of both of these.

A. BDS

Here is a short primer about the BDS movement, with which a university would be aligning itself were it to adopt any form of anti-Israel divestment:

- BDS pretends to be a “non-violent” and “social justice” movement against Israeli “policies,” when in fact it accepts and endorses violence, seeks to remove the Jewish right to self-determination and to render Jews defenseless, and has as its ultimate goal to end the existence of the Jewish state.⁵⁴ The movement’s founder, Omar Barghouti, has openly stated, “We oppose a Jewish state in any part of Palestine”; similarly with respect to the “two-state solution,” BDS’s not-so-hidden goal, in demanding to flood Israel with millions of alleged “refugees,”⁵⁵ is to create not a Palestinian state side-by-side a Jewish-majority state but as Barghouti puts it, “a Palestine next to a Palestine,” in which case “there is no reason why [the whole thing] should not be renamed Palestine.”⁵⁶ He says it explicitly: “A return for refugees would end Israel’s existence as a Jewish state.”⁵⁷ BDS rejects the two-states-for-two-peoples solution; it favors destroying the Jewish state and replacing it with the state of Palestine.
- As is horrifyingly obvious from October 7, the goal of ending the Jewish state will entail much extreme violence, given the ethnic cleansing and mass slaughter of Jews it requires. BDS is led by the Palestinian BDS National Committee (BNC), an organization whose members include, as the *New York Times* has noted, “terrorist organizations, including Hamas.”⁵⁸ No surprise then that the BNC endorsed the October 7 massacre, immediately afterward issuing a statement praising the operation as “heroic,” “reasonable,” and “deserved,” even while acknowledging that it was against “civilians.”⁵⁹ So much for being “non-violent.”
- In service to this bloody end, BDS promotes the eponymous strategies of boycott, divestment, and sanctions, with the aim of weakening the Jewish state toward its eventual annihilation. But merely partial compliance with these strategies is not satisfactory. Campus divestment, an official BDS handbook states, is a “stepping stone towards a broad, comprehensive boycott of Israel.”⁶⁰ A university that concedes to divestment will soon find itself facing equally strident demands (and encampments) for full-scale boycott—all, again, with the aim of ethnically cleansing and slaughtering seven million Jews en route to destroying the Jewish state.

This is what a university is supporting when it capitulates to its anti-Israelists.

Consider now the specific companies that the BDS movement targets for boycott and divestment. As we noted, many anti-Israelists claim, to avoid singling out Israel explicitly, that they seek divestment “from companies that profit from war or from human rights abuses”; many others, to deny the antisemitic bigotry and national origin discrimination inherent to boycotting everything Israeli, claim that they seek divestment only “from complicity in Israeli ‘apartheid’ or ‘genocide’.” But then many subsequently refer to the BDS movement for guidance on what specific businesses from which to divest—the BDS movement whose entire specific purpose is to eliminate Israel!

Given its aim, the BDS movement not surprisingly asserts that “Virtually all Israeli companies are complicit to some degree in Israel’s system of occupation and apartheid.”⁶¹ True to that, the particular companies they are currently promoting for boycott and divestment include these: Puma, SodaStream, Ahava, Sabra, and the general category of “Israeli fruits and vegetables.”⁶² These include not only specifically Israeli companies but a sneaker company, a seltzer company, a cosmetics company, a hummus company, and literally all Israeli produce. One might almost imagine the Israel Defense Force is conscripting heads of lettuce to serve as bombs.

Despite their claims, then, anti-Israelists in fact are targeting *anything* Israeli, and by extension, ultimately, anyone who supports or even engages with Israel.

B. Brown University ACCRIP Report

This 2020 report recommended that Brown divest from a set of companies allegedly “complicit in human rights abuses in Palestine.”⁶³ The committee generating it consisted of eleven people: three faculty, four students, three alumni, and one staff member. For scale, Brown University has nearly 17,000 students, faculty, and staff, and perhaps some 100,000 alumni. Brown President Christina Paxton declined to forward the report to the Corporation for Brown University for its consideration, giving several reasons, some of which by now are familiar:⁶⁴

The standard is high for Corporation consideration of any action to divest Brown’s investment holdings. As I have stated on multiple occasions, Brown’s endowment should not be used as an instrument to take sides on contested geopolitical issues over which thoughtful and intelligent members of the Brown community vehemently disagree. Brown is deeply committed to academic freedom, and we will continue to uphold the right of members of the Brown community to express their views on the Israeli-Palestinian conflict. However, we will not use the endowment to take an institutional position on this issue.

She also added this:

[The report] did not adequately address the requirements for rigorous analysis and research as laid out in ACCRIP’s charge, nor was there the requisite level of specificity in regard to divestment. The divestment recommendation did not meet established standards for identifying specific entities for divestment or the articulation for how financial divestment from the entities would address social harm as defined in the committee’s charge.

Although this echoes arguments made above, it is more specific. To accept the recommendation for divestment one must show explicitly how divesting from some particular company would actually address the alleged “social harms.” Considering that the companies targeted in this report are all international behemoths—AB Volvo, Airbus, Boeing, DXC, General Dynamics, General Electric, Motorola, Northrop Grumman, etc.—it’s not surprising that doing so is virtually impossible. Never mind all the potential collateral harms, both globally and to the university, of divesting from such companies and industries as noted earlier; it’s literally quite impossible to draw a line from a university divesting to making any meaningful change on the ground in the Middle East. Absent that, divestment serves merely as a “symbolic gesture,” as the Williams report put it above when declining to use its endowment essentially to virtue-signal.

Meanwhile something darker is revealed by a deeper dive into the ACCRIP report. It aims to address “social harms,” a term so vague it could encompass perhaps anything and everything Israel does—including merely existing. Things like “checkpoints,” for example, which protect Israeli innocents from terrorism, also impede the free movement of Palestinians, and so may well inflict “social harms” on them. Beyond the fact that divesting from Boeing seems unlikely to impact the existence of checkpoints in the West Bank, does this mean that “checkpoints” are morally unacceptable, and that Israel must be boycotted until they are removed? But checkpoints serve a security purpose and are in fact quite effective in diminishing the amount of homicidal terrorism perpetrated against Israeli civilians, so the removal of checkpoints would clearly increase the “social harm” inflicted upon Israelis. If the ACCRIP goal is to reduce “social harms,” shouldn’t they be *in favor of* checkpoints? Or do Israelis have no rights at all here, including the right to be protected and safe from homicidal terrorism?

This isn’t merely a theoretical example. Among the criteria that ACCRIP offers for targeting companies for divestment is that the company “provide[s] products or services that contribute to the maintenance and construction of the Separation Wall.” But the Separation Barrier—some 95% of which is actually fence, not wall—was erected beginning in the early 2000s to stem the flow of suicide bombers during the Second Intifada, a violent uprising in which thousands of Israelis were murdered or maimed in hundreds of mass casualty terror attacks. It was quite successful in this regard, as the number of terrorist incidents decreased significantly as the barrier grew.⁶⁵ This is not to say that there are no legitimate criticisms of the security barrier.⁶⁶ But that it is a justifiable defensive measure that has saved many lives is undeniable. Yet to ACCRIP it generates a “social harm” to Palestinians and must therefore be dismantled.

Israel is to be boycotted, in other words, because of measures it takes to protect the lives of its citizens. The conclusion, apparently, is that Israelis are not permitted to defend themselves from the homicidal terrorism directed against them.

When I mentioned earlier that the aim of anti-Israelists is to destroy the state and subject its Jewish citizens to ethnic cleansing and slaughter, I had in mind initiatives like this. Remember that this document is among the key sources that anti-Israelist activists look to “for guidance.” Though ACCRIP’s specific divestment recommendations are different from those on the current BDS agenda—Boeing and General Dynamics rather than sneakers and

hummus—between them they cover all the bases in aiming for the same overall goal: to render the Jewish state and its citizens defenseless, both by removing their capacity for self-defense and by delegitimizing efforts to defend them on the global stage.

That is not a “social justice” movement aiming to mitigate “social harms.”

It is a movement for ethnic cleansing and genocidal slaughter.

The optics, and the facts, are clear: Any university that accedes to the divestment demand is thereby aligning itself with this immoral movement.

Anti-Israelists seem to believe that they own the university and can commandeer it to their own genocidal ends.

Say “Damn no!” to remind them that they do not and cannot.

APPENDIX:

Summary of the Arguments Contra Divestment

General and Content-Neutral

- Divestment is inconsistent with academic freedom.
- It is discriminatory in nature, thus immoral and inconsistent with inclusivity norms.
- It may be illegal in many states.
- It is divisive, while consensus is a necessary (though not sufficient) prerequisite.
- It is not particularly feasible, and even where feasible likely to have negligible if any impact at all on its targets.
- The institution can have a far greater impact on the issues in question by providing a first-rate education, funded by an endowment guided by its primary obligation of maximizing returns rather than by political considerations.
- Divestment may have symbolic value, but (a) onerous (and potentially harmful) changes in investment strategy should not be pursued for mere symbolic gestures and (b) that symbolic value is also one of hate and exclusion for many community members present and prospective.
- It may actually do more harm than good even in the political arena.
- Maximum investment “transparency” is disastrous for the endowment and the community.
- Divestment is inconsistent with the purpose of the university endowment, which is not to be an instrument of political and social power and advocacy but to support the educational mission of the university. Pursuing any investment strategy other than that of maximizing returns for the beneficiaries may violate the ethical, legal, and fiduciary obligations of the trustees and their investment managers (and so may be illegal apart from anti-BDS laws), and it directly harms and violates the rights of every stakeholder in the institution, many of whom pay enormous fees for the educational product the university claims it offers. All that makes the university seriously vulnerable to expensive litigation.
- Divestment is inconsistent with institutional commitments to diversity and equity. Endowments fund financial aid and other programs essential to any university’s commitment to, to quote the Williams decision, “make the highest-quality liberal arts education available and affordable to a diverse population of future leaders.”
- Divestment is inconsistent with the institutional neutrality essential to the nature, mission, and inclusive values of the university.

Specific to the Israeli-Palestinian Conflict

- The BDS campaign is based on false claims and lies about Israel. Israel is not guilty of these alleged wrongdoings and does not deserve to be ostracized or boycotted.
- There are strong moral, humanitarian, financial, and most of all, academic reasons for universities to be *deepening* their relationships to Israeli institutions and investing in, not divesting from, Israel.
- The anti-Israel movement is ultimately driven less by concern for the Palestinians than by a desire to render the Jewish state, and half of the world's Jews, defenseless, thus enabling their elimination. The BDS movement in particular is not a "non-violent social justice" movement but a violence-endorsing program supporting the ethnic cleansing and slaughter of Jews as part of the destruction of the only Jewish-majority state in the world. To accede to their divestment demands is to further the aim of the genocidal annihilation of the Jewish people.
- To accede to divestment is to legitimize and in fact align with the political program of the internationally proscribed terror group, Hamas—which aims for the same genocidal annihilation of the Jewish people.
- Any university that capitulates to a divestment demand is inviting further anti-Israelist activism on its campus until *all* their demands are met.
- The effort to frame divestment demands in a non-objectionable way, as being against "war" or specifically Israeli "military" operations, is misleading and mendacious. Anti-Israelists in fact seek to boycott and divest from *all* things Israeli in service to their eliminationist agenda.

Endnotes

- 1 This Research Paper draws from and expands on Andrew Pessin, "Contra the divestment campaign," *Israel Affairs* (August 30, 2024), 1-28. See <https://www.tandfonline.com/doi/full/10.1080/13537121.2024.2394301>.
- 2 These representative examples are a small fraction of the phenomenon: Cornell University's Professor Russell Rickford found the bloodshed "exhilarating"; Columbia University's Professor Joseph Massad was filled with "jubilation and awe," finding the massacre "astounding"; and CUNY's Professor Marc Lamont Hill endorsed the attack as a matter of "decolonization." See Sofia Robinson, "[Cornell Professor 'Exhilarated' by Hamas's Attack Defends Remarks](#)," *The Cornell Daily Sun*, October 18, 2023; Joshua Q. Nelson, "[Columbia University professor describes Hamas terrorist attacks as 'indigenous Palestinian resistance'](#)," *Fox News*, October 11, 2023; and Marc Lamont Hill, [post](#) at Twitter/X, October 28, 2023. Lamont Hill's remark came after ten days of massive campus rallies endorsing and even celebrating the "resistance." On October 7 itself, while the massacre was still ongoing, 34 Harvard student groups proclaimed that it was all Israel's fault (i.e. the Jewish civilians deserved it) and Students for Justice in Palestine, the leading national campus group with some 200 chapters, enthusiastically asserted that "decolonization is a call to ... actions that go beyond ... rhetoric," including "resistance ... in all forms," including "armed struggle," called to "bring the resistance to campus," and illustrated their social media with vibrant images of homicidal hang gliders (in case we missed the point). See J. Sellers Hill and Nia L. Orakwue, "[Harvard Student Groups Face Intense Backlash for Statement Calling Israel 'Entirely Responsible' for Hamas Attack](#)," *The Harvard Crimson*, October 10, 2023 and National Students for Justice in Palestine (NSJP), "[Day of Resistance Toolkit](#)," (October 2023). Most tellingly, NSJP declared that they "are PART of this movement, not [merely] in solidarity"—that is, with a movement that guns down unarmed dancing teenagers. That first week, long before Israel began its military response, there were massive rallies supporting the massacre at Harvard, Yale, Princeton, Columbia, Georgetown, and on other campuses, including at the University of North Carolina where one very excited young woman screamed exuberantly, "We are all of us Hamas!" None of the many around her seemed to disagree. At the University of Washington rally "for Palestine" a young Jewish woman was filmed sobbing in front of a seemingly indifferent administrator, "Why are you allowing this to happen here? They want us dead!" See StopAntisemitism (@StopAntisemites), [post](#) at Twitter/X, October 14, 2023; and Tom Tillison, "[They want us dead! Weeping Jewish students plead with college official over militant pro-Palestine rally](#)," *American Wire*, October 13, 2023.
- 3 Palestinian BDS National Committee (BNC) and Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI), [website](#). For an overview of the global BDS movement arrayed against Israel and its central tactics see, for example, Lev Toper, "The Covert War: From BDS to De-legitimization to Antisemitism," *Israel Affairs*, Vol. 27, No. 1 (2021).
- 4 Several representative incidents are documented in "[What Do Anti-Israel Student Organizers Really Want? Examining the Extreme Demands Behind the Campus Protests](#)," Center on Extremism, Anti-Defamation League (ADL), May 15, 2024.
- 5 For an earlier argument against the academic boycott of Israel see, for example, Michael B. Atkins and Miriam F. Elman, "[BDS as a Threat to Academic Freedom and Campus Free Speech in the United States](#)," *Michigan State International Law Review* (2021): Vol. 29, No. 2.
- 6 Many activist groups already are calling to escalate their actions come the fall semester. For example, Brown University anti-Israelists, fresh off a negotiated victory in which university officials conceded to many (but not all) of their demands, announced, "We will not let our agreement be used to pacify this movement. Rather, we will use it to fuel us further. With the strength of our collective organizing power laid bare, this deal is far from the end." See Brown Divest Coalition (@DivestBrown), [post](#) at Twitter/X, May 2, 2024. Pay close attention also to Occidental College and the University of Michigan in the months ahead. After agreeing to consider divestment, administrators at Occidental ultimately decided against it for many of the reasons I will examine below. Are activists who were permitted to so blatantly violate the rules to compel their school to consider divestment likely to simply accept this result? Similarly, Michigan President Santa Ono, after having capitulated to some demands, recently announced a "zero tolerance" policy toward future encampments (Marc Rod, "[University of Michigan president vows 'zero tolerance' for further campus encampments](#)," *Jewish Insider*, June 11, 2024). But if the rule-breaking that enabled divestment activists to have some of their demands met occurred with (mostly) impunity, why wouldn't they undertake more rule-breaking to realize the rest of their demands? Or if "zero tolerance" is the correct policy for the next wave of rule-breaking, why wasn't it correct for the initial onslaught?
- 7 For an elaboration of this point, see Hillel International and Academic Engagement Network, "[Best Practices and Principles: Free Speech, Academic Freedom, and Responsibilities of Students and Faculty](#)," May 2024.
- 8 For example, nearly half the faculty at Connecticut College signed a statement "in solidarity with" the student encampments, invoking condemnations of various alleged Israeli misdeeds to justify the students' activities. See Connecticut College Faculty, "[Faculty and Staff Statement of Solidarity with Student Protestors](#)," *The College Voice*, May 2, 2024.
- 9 NBC4 News (LA), "[Jewish student recounts injury during UCLA protest](#)," May 1, 2024.
- 10 Combat Antisemitism Movement (@CombatASemitism), [post](#) at Twitter/X, April 30, 2024.
- 11 Eric Nelson, "[The Case Against Negotiation](#)," *The Harvard Crimson*, May 10, 2024.
- 12 Note that all the arguments of the essay are summarized succinctly in the Appendix below.
- 13 Other institutions also recently rejecting divestment include Occidental College, see Lisa H. Pink, Occidental College, "[Update on Divestment Proposal](#)," June 10, 2024; Western University, see President Alan Shepherd, "[Peaceful end to the encampment at Western](#)," July 6, 2024 and Amherst College, see Amherst College Board of Trustees, "[Decision Concerning Formal Divestment Resolutions](#)," June 24, 2024. With similar reasoning behind its decision, the University of California at Berkeley has also announced it will not be divesting from Israel. See Emma Goss, "[Outgoing chancellor: Cal won't divest from Israel, will invest in antisemitism education](#)," *The Jewish News of Northern California*, June 27, 2024.
- 14 The University of Pennsylvania Task Force on Antisemitism, "[University Task Force on Antisemitism Final Report](#)," May 20,

2024.

- 15 There's a reason, after all, that BDS campaigns generally tie the boycott and divestment demands together, because they in fact serve the same end: to remove Israel from the curriculum, the campus, and, ultimately, as we'll see, from the world.
- 16 It's only more blatantly discriminatory in nature when Israel is singled out for divestment while many other countries that are indisputably guilty of far greater offenses are entirely ignored and face no global BDS movement against them. See, for example, Jonathan Marks, "[Where is the Movement to Boycott Turkey?](#)," Commentary, July 29, 2019.
- 17 Williams College Advisory Committee on Shareholder Responsibility, "[Report of the Advisory Committee on Shareholder Responsibility](#)," May 23, 2024.
- 18 Amherst College's decision rejecting divestment discusses some of these difficulties: "There also remain significant practical barriers to any form of endowment action. In accordance with the contemporary structure of endowments and responsible investment practices in higher education, approximately 95% of the College's endowment capital is invested by outside managers whose decisions and strategy we do not control; many of these investments are also pooled with investments from other institutions in long-term funds with widely established restrictions on access ... It would be unrealistic for us to seek to compel our current outside investment managers to remove these companies from their funds. We would, therefore, need to liquidate holdings at potentially poor valuations and either move our endowment capital to other managers whose current investments do not include these companies or directly manage the capital, which would not align with responsible practices for institutional investment. These actions could have significant immediate and long-term negative impacts on returns and ... [thus] on financial aid, faculty and staff salaries and benefits, and operations." See Amherst College Board of Trustees, "[Decision Concerning Formal Divestment Resolutions](#)," June 24, 2024.
- 19 There are complications just within the issue at hand as well. If one is motivated by Palestinian welfare, then arguably one should work on freeing Palestinians from the tyrannical grip of Hamas, whose commitment to eternal war against the Jews has brought nothing but misery to the Gazans who have lived without basic freedoms under its dictatorial thumb for nearly 20 years. Divesting from Israel will only benefit and strengthen Hamas and other radical and reactionary groups and organizations, thus guarantee decades of misery ahead for Palestinians.
- 20 Some of the relevant legal issues are discussed in Max M. Schanzenbach & Robert H. Sitkoff, "Reconciling Fiduciary Duty and Social Conscience: The Law and Economics of ESG Investing by a Trustee," *Stanford Law Review*, v. 72, 381-454. One relevant example of current litigation, where beneficiaries are suing an institution for making "socially conscious" rather than purely financially motivated investment decisions, is here: "[Wong et al v. New York City Employees' Retirement System](#)," Climate Case Chart, May 11, 2023.
- 21 This is not an abstract concern: there are multiple websites and groups tracking which universities are considered hostile to Jews, for example, and advising Jewish families not to apply to those institutions.
- 22 In some cases, the anti-Israelists' demand has even been explicitly for the "democratization" of financial decision-making. See James W. Kelly, "[Pro-Palestine students end LSE building encampment](#)," BBC, June 17, 2024
- 23 Quotes to follow are from a June 11, 2024 email to the Williams community; the decisions are reported in Sten Spinella, "[Williams College board of trustees say 'yes' to increased transparency, 'no' to divestment](#)," *The Berkshire Eagle*, June 11, 2024.
- 24 Martha E. Pollack, "[Response to Student Referendum](#)," May 30, 2024.
- 25 The Geneva Academy, for example, currently monitors "more than 110 armed conflicts" across the globe. See [Today's Armed Conflicts](#), Geneva Academy, 2024.
- 26 The phrase is adopted from philosopher John Rawls.
- 27 A sign that these arguments are content-neutral is that, almost surely, anti-Israelists would invoke them if it were Palestinians who were being targeted for divestment.
- 28 Kalven Committee, "[Report on the University's Role in Political and Social Action](#)," University of Chicago, Vol. I, No. 1, November 11, 1967.
- 29 And if actual concrete actions and public utterances are proscribed, all the more so for even the merely "symbolic" gestures discussed above—because those would serve no purpose other than to "express an opinion," precisely the thing the university must not do.
- 30 Amherst College Board of Trustees, "[Decision Concerning Formal Divestment Resolutions](#)," June 24, 2024.
- 31 See Andrew Pessin, "[McGill University and How Western Civilization May Have Just Saved Itself — From Itself](#)," *Algemeiner*, June 6, 2016.
- 32 Emma H. Haidar and Cam E. Kettles, "[Harvard Will Refrain From Controversial Statements About Public Policy Issues](#)," *The Harvard Crimson*, May 28, 2024 and Harvard Institutional Voice Working Group, "[Report on Institutional Voice in the University](#)," May, 2024. Interestingly the Harvard document demands that the university refrain from taking public political positions but doesn't say anything explicit about divestment. But all its own arguments would apply: "Adopting an official [political] position" undermines the neutrality necessary for the university's educational mission and harms "inclusivity," it argues, but surely, as the Williams report discussed earlier observed, guiding investment decisions by the political opinions of one side of a highly contentious, non-consensus issue amounts to "adopting an official [political] position."
- 33 Syracuse Working Group, "[Syracuse Statement on Free Expression and Free Inquiry](#)," May 7, 2024.
- 34 Berkely Initiative for Free Inquiry, "[Stanford tweaks institutional neutrality policy](#)," June 4, 2024.
- 35 Purdue University, "[Trustees reaffirm Purdue's long-standing commitment to institutional neutrality](#)," June 10, 2024.
- 36 Amherst College Board of Trustees, "[Decision Concerning Formal Divestment Resolutions](#)," June 24, 2024.
- 37 Not merely as victims of the October 7 massacre and the ongoing war but also as targets of a four-decade long genocidal

campaign waged by Hamas that has murdered and maimed thousands of Israeli civilians.

- 38 The anti-Israelist would likely object that not divesting also amounts to taking a political position, but that is false. Not divesting might perhaps have favorable consequences for Israel in its war against Hamas, but unlike the divestment demand, it is warranted by content-neutral considerations. (Below we will also see that positively investing in Israel, and not divesting, is warranted by the academic reasons a university is justified in considering.)
- 39 “Liberation” is the activists’ widespread parlance expressing their view that they are taking over the campuses. For just one example, students at Rutgers announced they would be boycotting the university’s disciplinary proceedings against them (in consequence for their rules-and-law-breaking encampment) because they do not recognize the university’s authority to enforce its own rules: “Participating in these disciplinary processes only serves to legitimize the authority that the administration presumes to have over us ...” See Jackie Roman, [“We’re skipping ‘sham’ Rutgers disciplinary hearings, pro-Palestinian protesters say.”](#) New Jersey.com, June 20, 2024.
- 40 For the “genocide” allegation, see for example Norman J.W. Goda and Jeffrey Herf, [“Holocaust Historians, the Genocide Charge, and Gaza.”](#) Quillette, November 23, 2023. For the “famine” allegation, see the June 4, 2024 report by the Famine Review Committee of the Integrated Food Security Phase Classification, which critiques earlier reports alleging famine as being inconsistent with the evidence: Integrated Food Security Phase Classification, Famine Review Committee: [“Review of the Famine Early Warning Systems Network \(FEWS Net\) IPC-Compatible Analysis for the Northern Governorates of the Gaza Strip”](#), May 2024. Additional Columbia University research shows that more than enough food has been entering the Gaza Strip: Seth J. Frantzman, [“Experts: ICC and UN blamed Israel for a famine that never happened in Gaza.”](#) Jerusalem Post, June 18, 2024. For the record, Israel has been facilitating the transfer of massive amounts of humanitarian aid into Gaza from nearly the start of the war in October 2023. For more, see Pessin, “Refuting the Lies,” forthcoming.
- 41 For detailed refutations of all charges, see Pessin, “Refuting the Lies,” forthcoming.
- 42 David Collier, [“In Israel a Jewish Person.”](#) X, June 12, 2024.
- 43 Israel is by no means perfect, and suffers from its share of discrimination and inequality, as all countries do. However, compared to its immediate neighbors and many enemies (including Hamas), and in the context of the relentless hostility waged against it, the rights and freedoms that Israel affords its citizens, including its minorities, are nothing less than astonishing.
- 44 Dan Senor and Paul Singer, “Start Up Nation”, Twelve, November 4, 2009.
- 45 ISRAAID, [“Who We Are”](#), 2024.
- 46 The University of Haifa, for example, has a diverse population of some 18,000 students made up of secular and religious Jews, Christian and Muslim Arabs, Druze and Bedouin. Over 40% are Arab, while the elite scientific institution, the Technion, has 22% Arab students—despite the Israeli population itself being only 21% Arab. See Lior Dattel, [“Number of Arabs in Israeli Higher Education Grew 79% in Seven Years.”](#) Haaretz, January 24, 2018. Serving over 23,000 students from 80 countries and producing nearly 40% of Israel’s civilian scientific research, the Hebrew University of Jerusalem (HUJI) similarly embodies diversity and coexistence among Jews, Muslims, Christians, and other members of the campus community. Its Diversity, Equity, and Inclusion unit leads initiatives focused on integrations and community outreach to different minorities, including Ethiopian Jewish students and Palestinian students and its Multiversitas program offers a rich array of classes that bring faculty and students from different religious and national backgrounds together. At HUJI, 16% of the student body are Arab-Palestinians. See [“Diversity and Inclusion,”](#) The Hebrew University of Jerusalem, 2024 and The Minerva Center for Human Rights, [“Multiversitas—Peacebuilding in Jerusalem through Academic Project-Based Learning.”](#) The Hebrew University of Jerusalem, 2024.
- 47 Andrew Pessin, [“How to Be Pro-Palestinian on Campus Without Being An Antisemite.”](#) The Times of Israel, March 22, 2017.
- 48 Two useful books to support this point are: Alan Dershowitz, “The Case For Israel,” Jon Wiley & Sons Inc., August 1, 2004 and Noa Tishby and Emmanuel Acho, “Uncomfortable Conversations With a Jew,” Simon & Schuster, April 30, 2024.
- 49 For some examples, see Tom O’Connor, [“Hamas Slams US Crackdown on Pro-Palestinian College Protests.”](#) Newsweek, April 24, 2024; [“Yemeni-Houthi Leader Abdul-Malik Badreddine Al-Houthi Praises Student Protests In The West.”](#) Middle East Media Research Institute, May 9, 2024; Arash Azizi, [“The Islamic Republic claims to support US student protests, but it crushed its own student uprising.”](#) The Atlantic Council, May 10, 2024; Sayyid Ali Khamenei, [“As the page of history is turning, you are standing on the right side of it.”](#), May 30, 2024. Here a Hezbollah official discusses the strategy of investing in Western students in order to “enter the heart of [W]estern societies”: MEMRI Reports, [“We should rely on Arabs and Muslims in the West to indoctrinate the Western students.”](#) X, June 19, 2024. National Students for Justice in Palestine (SJP), which oversees 200-plus campus chapters, announced the day after October 7 that its campus movement was not “in solidarity” with the “resistance” (i.e. terrorism) movement, but that “[W]e are PART of this movement.” See National Students for Justice in Palestine, [“Day of Resistance Toolkit”](#) released on October 2024 and illustrating a promotional flyer with images of the homicidal hang-gliders (in case its allegiance was unclear). Similarly, the anti-Israelist group at the University of California at Santa Cruz posted a message directly from Hamas encouraging “our people in the diaspora ... to keep their camps,” adding the note, “Hamas calls on us to continue the encampments.” See AMCHA Initiative, [“This was on UCSC Divest’s Instagram story today: ‘Hamas calls on us to continue the encampments.’”](#) X, June 20, 2024.
- 50 Hamas, [“Hamas Covenant 1988: The Covenant of the Islamic Resistance Movement.”](#) Yale Law School Lillian Goldman Law Library, August, 18, 1988.
- 51 Summer Said and Rory Jones, [“Gaza Chief’s Brutal Calculation: Civilian Bloodshed Will Help Hamas.”](#) The New York Times, June 10, 2024.
- 52 Palestinian BDS National Committee (BNC), [From the River to the Sea: Stop Israel’s #GazaGenocide, Free Palestinian Prisoners,](#) July 30, 2024.
- 53 Advisory Committee on Corporate Responsibility in Investment Policies, [“To Recommend Divestment from Companies that](#)

- Facilitate the Israeli Occupation of Palestinian Territory”, January 2020.
- 54 AMCHA Initiative, Background of BDS.
- 55 Palestinian BDS National Committee (BNC), “What is BDS?”
- 56 Omar Barghouti, “Letters From the August 26-September 2, 2019, Issue” The Nation, August 26-September 2, 2019.
- 57 Ali Mustafa, “Boycotts work”: An interview with Omar Barghouti, The Electronic Intifada, May 31, 2009.
- 58 David M. Halbfinger, Michael Wines and Steven Erlanger, “Is B.D.S. Anti-Semitic? A Closer Look at the Boycott Israel Campaign,” New York Times, July 27, 2019.
- 59 StandWithUS, “According to the global Boycott, Divestment, and Sanctions @bdsmovement, massacring and kidnapping Israeli women and children is “heroic.” Twitter/X, October 10, 2023. After some backlash the movement later rather strangely claimed its website had been hacked, and replaced the initial statement (which was in fact entirely consistent with everything they advocate) with one that removed some of those words but still defended and justified the massacre as “the powerful armed reaction of the oppressed Palestinians” and doubled down on its agenda of rendering the Jewish state defenseless. See Palestinian BDS National Committee (BNC), Urgent Action Alert for meaningful support for Palestinians, BDS Movement, October 8, 2023.
- 60 US Campaign to End the Israeli Occupation, Divest Now! A Handbook for Student Divestment Campaigns, BDS Movement, September 16, 2010.
- 61 Know What to Boycott, Palestinian BDS National Committee (BNC), 2024.
- 62 <https://bdsmovement.net/get-involved/what-to-boycott>.
- 63 Advisory Committee on Corporate Responsibility in Investment Policies, “To Recommend Divestment from Companies that Facilitate the Israeli Occupation of Palestinian Territory”, January 2020.
- 64 One must note that in the current cycle of protests, President Paxton has conceded this time to bring the divestment issue to the Corporation for a vote. Christina Paxson, President Letter to Advisory Committee on University Resources Management (ACURM), March 9, 2021.
- 65 See, for example, Col. Zohar Palti, “Israel’s Security Fence: Effective in Reducing Suicide Attacks from the Northern West Bank,” Washington Institute for Near East Policy, July 7, 2004.
- 66 Some examples may be found in Daphne Barak-Erez, “Israel: The security barrier—between international law, constitutional law, and domestic judicial review,” International Journal of Constitutional Law, Volume 4, Issue 3, July 2006.

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