

Academic Freedom in Palestinian Universities

Cary Nelson

Debates about the status of academic freedom in Israel, Gaza, and the West Bank have for years focused almost exclusively on claims about the negative impact particular Israeli government and Israeli Defense Force (IDF) policies and practices have had on Palestinian students and faculty. Largely ignored, especially as the Boycott, Divestment, and Sanctions (BDS) movement levels accusations against Israel and promotes boycott and divestment resolutions directed against the Jewish state, has been the broader character of academic freedom on Palestinian campuses. Indeed there is little evidence that most students and faculty in the West know what the major threats to academic freedom in Gaza and the West Bank are, let alone who is responsible for carrying them out.

This report is based on a review of relevant news reports and scholarly essays, as well as on numerous interviews I conducted in the area from 2014 to 2016. Through several key examples, I seek to promote a wider understanding of the realities on the ground in Palestine. In order to give a sense of the character and range of news coverage of these matters, I have cited stories from a number of different sources and countries and by reporters and groups with very different political perspectives.

In a series of numbered sections, the analysis that follows focuses on individuals, issues, and institutions. It opens with portraits of two Palestinian faculty members, each of them unique but each facing responses and consequences that are instructive and often representative. Beyond these two faculty members, whose stories have been widely covered in the press, in a few cases I have withheld the names of people interviewed to protect their safety.

1. Mohammed Dajani

In March 2014, Al-Quds University faculty member Mohammed S. Dajani Daoudi (1946–) took twenty-seven of his Palestinian students from the campus to Poland to visit Auschwitz. Dajani had joined the Al-Quds faculty in East Jerusalem in 2001 and the following year established its American Studies Institute. Dajani was born in Jerusalem into a historic Arab family; the honorific “Daoudi” was added to the family name in 1529 when Suleiman the Magnificent appointed

a Dajani ancestor keeper of the Tomb of David on Mount Zion. Dajani had been involved in reconciliation efforts for nearly twenty years, so the trip reflected a long-term commitment. He had first seen Auschwitz himself in 2011. As a consequence, he coauthored a 2011 *New York Times* op-ed titled “Why Palestinians Should Learn About the Holocaust.”¹

The trip to the most well-known death camp was part of “Hearts of Flesh—Not Stone,” a collaborative educational program designed to teach each side about the historical suffering that shaped the narrative of the other. Dajani was working in a joint program on Reconciliation and Conflict Resolution with the Friedrich Schiller University in Jena, Germany, and Ben-Gurion University of the Negev. Al-Quds was not an institutional participant. The Israeli students in the program visited the Dheisheh refugee camp just south of Bethlehem in the West Bank. Established as a temporary refuge in 1949, the camp has increasingly acquired the accouterments of permanence, though a portion of it has yet to be connected to a public sewage system.

In a Jerusalem café in spring 2016, I had an extended face-to-face conversation with Dajani in which he made it clear to me that he knew he had to discuss the trip with others in advance. That included the Al-Quds University president, Sari Nusseibeh. Accounts of that conversation differ. Dajani understood himself to have Nusseibeh’s approval for the trip, though the president had also instructed him to tell the students that Al-Quds had nothing to do with it. But in the trip’s aftermath, when it became highly controversial, Nusseibeh denied having given his approval. Two members of the Al-Quds administration who discussed the events with me in August 2016 differed in their understandings as well; one supported Nusseibeh’s account, the other Dajani’s.

In any case, plans for the trip became public knowledge beforehand, and Dajani was pressed to cancel it. Warnings about the consequences came from multiple political and paramilitary groups both overtly and covertly active in East Jerusalem and the West Bank, including Fatah and Hamas. But Dajani was determined to honor his commitment. On his last day at Auschwitz, Dajani received an email from his secretary. Students had trashed her office and left a note for Dajani warning him not to return to campus. On his return, hostility escalated. The Israeli newspaper *Haaretz* broke the story about the trip. The fact that it was part of a collaborative program did not help win approval among anti-Israel opponents of “normalization.” Dajani, moreover, has openly opposed the movement to boycott Israeli universities. As *Haaretz* reported, “He says the choice of Dheisheh for the Israeli students was not meant to suggest there was an equivalence or even a direct link between the Holocaust and the Nakba. They were chosen as the symbolic

1. Mohammed Dajani Daoudi and Robert Satloff, “Why Palestinians Should Learn about the Holocaust,” *New York Times*, March 29, 2011, http://www.nytimes.com/2011/03/30/opinion/30iht-edsatloff30.html?_r=0.

events that have deeply affected the psyche on both sides of the conflict.” The aim was to build mutual empathy and understanding through an appreciation of events central to the other side’s narratives and self-understanding.

None of this played well on the Palestinian street. Holocaust deniers asserted that Dajani was trying to brainwash his students by disseminating the fabrication that the Holocaust was real. He was denounced as a traitor and collaborator by students and others and warned not to enter Ramallah. The faculty union canceled his membership. Dajani had expected the university to expel the students who threatened his life.² After Al-Quds publicly distanced itself from the trip, claiming it was altogether a personal venture, Dajani felt he should give the institution a chance at least to honor his academic freedom by defending his right to his pedagogical practices. He offered his resignation on May 18, 2014, anticipating it would be rejected. Instead he immediately found himself out of a job as of June 1. Dajani summarized these events in a 2016 interview:

In March 2014, the Workers, Staff, and Faculty Syndicate at Al-Quds University fired me from their membership. Nine political student organizations on campus issued a public statement against me titled “Normalization = Treason.” Students demonstrated against me on campus and delivered a letter to my secretary threatening to kill me if I returned to teach at the university.³

According to Dajani, news accounts of the most dramatic subsequent event misrepresented its character. In January 2105, it was reported that his car was set on fire and destroyed while it was parked in front of his house. Widely understood to be a threat and a warning that he must leave, Dajani now insists that it was far more serious. In the account he offered in the 2016 interview, highly experienced operatives—possibly operating through a trained student group—poured a flammable glue into the spaces between the metal segments of the car. The glue was designed to burst into flame when the car was started and the engine began to warm. Luckily for Dajani, an unexpectedly warm day intervened, and the car burst into flame and burned up before he had occasion to drive it himself. Published photos of the car show that the fire was concentrated at the front around the engine.⁴ It was not a warning; it was an assassination attempt. His pedagogy had nearly proven fatal. He fled to the West Jerusalem where he would be safe. Subsequently he took up residence in Washington, DC, as the inaugural Weston

2. Neta Alexander, “The Palestinian Professor Who Took Students on Auschwitz Trip and Paid a Heavy Price,” *Haaretz*, September 15, 2016, <http://www.haaretz.com/israel-news/.premium-1.742212>.

3. Fikra Forum, “Wasatia Movement of Moderate Islam: An Exclusive Interview with Professor Mohammed Dajani,” *Fikra Forum*, August 12, 2012, <http://fikraforum.org/?p=2605>.

4. Alexander, “The Palestinian Professor.”

Fellow at the Washington Institute, though he is working on plans to return to Jerusalem to start a doctoral program in reconciliation studies. He has not given up hope nor his principles, though he now understands the risks that Palestinian faculty can face when they voice unpopular political opinions.

A soft-spoken and dignified advocate at once of Palestinian rights and a negotiated peace, Dajani believes that contact and conversation between Israelis and Palestinians and the cultivation of mutual empathy is a necessary precondition for a resolution of the conflict. But achieving empathy requires breaking taboos; hence the Auschwitz trip. Dajani came to this view from a personal history that began with antagonism. As a young engineering student at the American University of Beirut in the 1960s, he was active in Fatah, heading the group, and saw that kind of political activism as the only route to liberation, but he was deported from Lebanon in 1975. Also exiled by Israel from his native Jerusalem and banned from Jordan because of his political activities, he pursued his education in the United States, earning a BA in economics from Eastern Michigan University. He then completed two doctorates, one in government from the University of South Carolina and one in political economy from the University of Texas at Austin.

He was only allowed to return to Israel in 1993 when his father was being treated for cancer. Like many Palestinians who have contact with Israeli medicine, he was surprised when it became clear that Jewish doctors saw his father not as an enemy but as a patient and a human being. The experience was repeated when his mother became ill. But most Palestinian students, lacking family members with serious illnesses, do not have contact with Israeli medicine. Instead they learn distrust and resentment when they spend hours waiting in lines at checkpoints on their way to campus. As a faculty member at Al-Quds, he sought to break the pattern with an educational experiment. But neither his views nor his pedagogy are acceptable for Palestinian faculty; they are not protected by academic freedom. This time it was his fellow Palestinians who forced him into exile. Along with three others, including his brother Munther, he has since coedited *Teaching Empathy and Reconciliation in Midst of Conflict* (2016). The book is published by Wasatia Press, a project of Wasatia, an organization promoting Islamic traditions of nonviolence and compromise that the Dajani brothers cofounded in 2007.

2. Abdul Sattar Qassem

In late January 2016, Professor Abdul Sattar Qassem (1948–), a political scientist who has taught at An-Najah National University in Nablus for three decades, was arrested by the Palestinian Authority at his home on charges of inciting violence against the group's leaders. As a Palestinian journalist reported in the *Jerusalem Post*, "Fatah accused Qassem of calling for the killing of Abbas and members of the PA security forces for their alleged collaboration with Israel. In an interview with the Hamas-affiliated Al-Quds TV station, Qassem called for the

implementation of the PLO's 'revolutionary law,' which imposes a death sentence on those found guilty of 'high treason.'"⁵ Of course these would be actionable offenses in Western countries as well, but Qassem denies the charges. According to the Palestinian Centre for Human Rights, the charges included "slandering prominent figures and inciting sectarian feuds."⁶ A number of groups, including Islamic Jihad, described the arrest as political, a claim the PA denied, and called for his immediate release.⁷ That release took place a few days later.

Qassem was born in the Tulkarem-area village of Deir al-Ghusoun in the northern West Bank. He earned a bachelor's degree in political science from American University of Cairo in 1972, during which time he sought to become involved with the Palestine liberation movement. As he remarked in a 2009 interview, "I wanted to be part of the revolution. I used to call it a revolution; I discovered later that it wasn't. I went to Beirut three times: in 1970, 1971 and 1972 to join a Palestinian faction. Each time I was disappointed and left without joining. I noticed that they were not true revolutionaries."⁸ He went on to earn a master's degree in economics and a doctorate in political science from the University of Missouri.

A regular columnist for Al Jazeera's Arabic-language website about Palestinian and Arab affairs, Qassem has a long history of incendiary views and a history as well of being arrested for them. In April 2009 he was arrested by Palestinian security forces. In August 2011 he was arrested after his university filed libel charges against him. He had accused the university of corruption and had published a piece accusing the institution of failing to execute a court order blocking the expulsion of four students. A 2011 article by Khalid Amayreh on The Palestinian Information Center's website describes him as "one of the most courageous and outspoken intellectuals in occupied Palestine" and adds that "the PA justice system and leadership don't really see any difference between defamation and slander on the one hand and legitimate freedom of expression and speech on the other."⁹ According to *The Electronic Intifada*, which writes approvingly of him,

5. Khaled Abu Toameh, "Palestinian Forces Arrest Professor Accused of Calling for Abbas Execution," *Jerusalem Post*, February 2, 2016, <http://www.jpost.com/Middle-East/Palestinian-forces-arrest-professor-accused-of-calling-for-Abbas-execution-44363>.

6. Palestinian Centre for Human Rights, "PCHR Calls for Immediate Release of Dr. Abdul Satar Qassem," February 7, 2016, <http://pchr.org/en/?p=7840>.

7. Ma'an News Agency, "PA Rejects Political Motive in Arrest of Dissident Palestinian Professor," February 3, 2016, <https://www.maannews.com/Content.aspx?id=770094>.

8. Marcy Newman, "Interview with PA Dissident: 'I cannot just stay silent,'" *Electronic Intifada*, November 26, 2009, <https://electronicintifada.net/content/interview-pa-dissident-i-cannot-just-stay-silent/855>.

9. Khalid Amayreh, "PA Must Stop Persecuting Abdul Sattar Qassem," *Palestinian Information Center*, January 9, 2011, <http://english.palinfo.com/site/pages/details.aspx?itemid=67668>.

“Qassem survived an assassination attempt by unknown gunmen shortly after being released from his latest stint in Israeli prison, where he spent a week in July 2014; he was shot in his car while driving to give a television interview condemning Israel’s massive military assault on Gaza at the time.”¹⁰ *The Electronic Intifada* adds that “A coalition of civil society organizations and some political factions are protesting Qassem’s arrest, putting out a statement calling for his immediate release as part of the [Palestinian] ‘commitment to preserve civil liberties and defend freedom of expression.’”¹¹

In the 2009 interview, in which he reported being shot at and wounded in 1995, accusing Yasser Arafat of trying to silence him, Qassem argued, “I cannot just stay silent while the PA rapes my land, my country and my people. They are collaborating with the Israelis. They are coordinating with them on security matters. They have been arresting Palestinians in defense of Israeli security.”¹² As a *Washington Report on Middle East Affairs* story reports, in 1999 Qassem and twenty others signed a petition laying out their grievances against the PA and implicating Arafat in its “corruption, abuse of power, misuse of resources, human rights violations, and a dysfunctional political process.”¹³ The title of the article is “Jailed Professor Talks About Palestinian Authority’s Intolerance of Criticism,” and that is a key issue in the context of this report. While academic freedom would protect Qassem from university sanctions for any but the recent accusations of incitement to violence, had they been proven, it is notable that the Palestinian Authority has not historically been inclined to grant any special consideration to its most severe academic critics for ordinary criticism of its policies and leadership. That constitutes yet one more contribution to the chilling effect on free expression at Palestinian universities.

3. *Birzeit University*

In September 2014, the Israeli journalist Amira Hass reported in *Haaretz* that she had been asked to leave a conference on “Alternatives to Neo-Liberal Development in the Occupied Palestinian Territories—Critical Perspectives” being held at Birzeit University near Ramallah. The oldest Palestinian university, now enrolling over 12,000 students, Birzeit evolved from a 1924 elementary school to become

10. Budour Youssef Hassan, “Palestinian Authority Arrests Dissident Professor,” *Electronic Intifada*, February 5, 2016, <https://electronicintifada.net/content/palestinian-authority-arrests-dissident-professor/15526>.

11. *Ibid.*

12. Newman, “Interview with PA Dissident.”

13. Raed N. Tayeh, “Jailed Professor Talks About Palestinian Authority’s Intolerance of Criticism,” *Washington Report on Middle East Affairs*, April 2000, <http://www.wrmea.org/2000-april/jailed-professor-talks-about-palestinian-authority-s-intolerance-of-criticism.html>.

a college in 1942 and a university in 1975. The conference had been organized by the German Rosa Luxemburg Foundation and The Center for Development Studies (CDS) at Birzeit. The two lecturers who asked her to leave explained that, for the past two decades, there had been a regulation at Birzeit stipulating that Jewish Israelis are not to be allowed on the university grounds. She had signed into the conference as a *Haaretz* reporter, one consistently sympathetic to the Palestinian cause and critical of the Israeli government. As Hass reported in *Haaretz*,

One of the lecturers explained that it is important for students to have a safe space where (Jewish) Israelis are not entitled to enter; that while the law is problematic, this was not the time or place to discuss amending it; and that, just as she could ask to treat me differently as an exception to the rule, another lecturer might ask for the same preferential treatment for Yossi Beilin, Israel's former justice minister who is known as one of the architects of both the Oslo Accords and Geneva Initiative and the initiator of the Taglit Zionist project. She also told me that Professor Ilan Pappé, author of the book *The Ethnic Cleansing of Palestine*, among others, had been invited to deliver a lecture at Birzeit, but owing to the law, gave the talk off campus. The other lecturer told me that if I didn't write "*Haaretz*" in the registration form, I would have been able to stay. Still another faculty member who I have known for 40 years walked past and said: "This is for your own protection [from the students]." ¹⁴

The director of the Luxemburg Foundation later informed Hass that had she known of the prohibition against Jewish attendance, she would not have held the event on campus. It is notable that one of the lecturers was arguing that an exception for a left-wing journalist like Hass could well lead to a similar request for an Israeli whose politics were unacceptable. One might well assume that this Palestinian teacher was either confused or poorly informed about the nature of academic freedom, but the university itself issued a statement assuring everyone that "the administration has nothing against the presence of the journalist Hass. The university as a national institution differentiates between friends and enemies of the Palestinian people... and works with every person or institution that is against the occupation." Three days later the university strengthened its stance, declaring that it welcomed "supporters of the Palestinian struggle and opponents of the Israeli occupation of Palestine, regardless of nationality, religion, ethnicity, or creed." ¹⁵

14. Amira Hass, "When a *Haaretz* Journalist Was Asked to Leave a Palestinian University," *Haaretz*, September 28, 2014, <http://www.haaretz.com/israel-news/premium-1.618007>).

15. Matthew Kalman, "The Real Lesson of Amira Hass' Ejection from a Palestinian University," *Haaretz*, September 30, 2014, <http://www.haaretz.com/blogs/outside-edge/premium-1.618420>.

What Birzeit administrators actually know about academic freedom as it is understood in Europe, Israel, and North America is impossible to say. What is clear, however, is that they are not willing to risk promoting, let alone enforcing, standards that would provide an appropriate learning environment for students or the necessary minimum safeguards for faculty members. Can one blame them, especially from our vantage point of physical safety in Europe and North America?

Matthew Kalman, a foreign correspondent based in Jerusalem, comments in *Haaretz* on the paradoxical character of life at Birzeit:

I've reported from Birzeit dozens of times for *The Chronicle of Higher Education* and other media. I've reported the random arrests and administrative detention of their students and lecturers, often in the middle of the night, by the IDF. I've reported how many of those students and lecturers have been held for months, even years, without a fair trial, sometimes without even being told the crimes of which they are suspected.

In 2009, for example, there were 83 Birzeit students incarcerated in Israeli jails, of whom 39 were convicted of various terror-related charges, 32 were awaiting trial, nine were in "administrative detention" and three were undergoing interrogation following their arrest. Birzeit accounts for more than half of all the 1,000 Palestinian students arrested by Israel since the start of the Second Intifada in 2000, including at least three of its student council heads who were arrested and held for months on end.

Clearly, some of these students were also engaged in dangerous terrorist activity, but the majority appears to have been innocent of any real crime.

Nor is Birzeit alone in feeling the crushing weight of Israel's occupation interfering daily with its studies and students. Just about every Palestinian university in the West Bank has stories of nighttime IDF raids, campus teargas attacks and random arrests and intimidation.

So I am well aware of the pressures that distinguish university life at Birzeit from Berkeley or Brooklyn College.

But much of the trouble there has little to do with Israel or the occupation. I have also reported the political intimidation and violence doled out by some Birzeit students to their political opponents. I met the Islamist student who led the stone-throwing rioters who injured the visiting French Prime Minister Lionel Jospin and chased him off campus in February 2000. The British Consul-General Sir Vincent Feane had to beat a similar retreat in 2013.

In 2007, university classes were suspended and students evacuated from the campus after Ahmad Jarrar, a student supporter of the ruling Fatah party, was assaulted in his dormitory room, apparently by four men from the Marxist PFLP. Jarrar was treated at a hospital for severe injuries suffered as he was apparently being tortured. The assailants used charcoal to burn Jarrar's face and hammered nails into his feet. Fatah gunmen arrived soon after, threatening to kill PFLP supporters.¹⁶

16. Kalman, "The Real Lesson of Amira Hass' Ejection."

A senior Palestinian faculty member put matters bluntly in an August 2016 interview with me: “There is no academic freedom. Faculty members are afraid to speak their minds because they will be branded as traitors. Fatah, Hamas, and Islamic Jihad all have students available to harass and intimidate faculty who are so named. And sometimes their lives are put in danger.” This generalization does not, of course, apply to all subject matter; it refers primarily to political speech, but what counts as political and what positions and marks you politically encompasses wider territory than it does in the West. As Bassem Eid, another Palestinian, remarked to me in a 2016 conversation, what mosque you belong to identifies your political allegiances and shapes how your statements will be received.

Most American academics generally do not understand nor care about the dual stresses that Palestinian students in both East Jerusalem and the West Bank experience. Both the IDF and Palestinian groups compromise academic freedom in various ways, but not with equal severity. Yet the BDS movement criticizes only Israeli transgressions, ignoring what are the far more serious and dangerous assaults against a secure learning environment carried out by Palestinians themselves. At the very least it is a matter of scale. Ignoring or misrepresenting the severity of the threats at stake means that U.S. debates about academic freedom for Palestinian students and faculty are conducted in fundamental and corrupting ignorance.

4. Students at War

In November 2015, London-based *Al-Fanar Media*, which describes itself as “an editorially independent publication dedicated to covering higher education in the Arab region” reported that “The conflict between the two major Palestinian political groups—Fatah and Hamas—has turned students against each other at Birzeit University.”¹⁷ Furthermore, “Students who belong to the Hamas-affiliated Islamic Wafaa’ Bloc student group suffer harassment and worse at the hands of Fatah agents in Birzeit, according to interviews with numerous students at the school, near Ramallah.” The Palestinian Authority, in sometimes violent conflict with Hamas for a decade, had recently interrogated twenty-five Birzeit University students and detained several over their Hamas affiliation or their criticism of the PA. One student claimed to have been beaten and tortured while in custody. A PA intelligence service officer countered: “We only arrest people who try to create chaos or threaten the stability of the West Bank, whether he belongs to the Islamic bloc or not,” he continued, making claims that require more nuanced, less absolute, distinctions, “the intelligence service watches every Palestinian. That’s

17. Asma’Jawabreh, “Palestinian Political Divisions Play Out at Birzeit University,” *Al-Fanar Media*, November 12, 2015, <http://www.al-fanarmedia.org/2015/11/palestinian-political-divisions-play-out-at-birzeit-university/>.

part of its job. But they have never arrested any students because of their work with the Islamic Bloc. We believe in democracy and pluralism.” Some students supportive of Fatah, the PA’s political party, reportedly inform the PA about student activities supportive of Hamas.

As Egypt’s *Daily News* reported in May 2015, interrogations and detentions increased after Hamas student groups at Birzeit won a majority of the student council seats in an April election. The ambiguities inherent in such police actions are apparent in the comments a spokesperson for the PA Security Services offered: “We never arrest people for their speech or for their political affiliations,” Al-Dimiri said, “these people have been arrested for the criminal charge of incitement of sectarian violence and other criminal charges.”¹⁸ Yet students had been interrogated or arrested in both 2014 and 2015 after they wrote Facebook posts critical of the PA. One resulting charge: “insulting public authorities.” The widely respected groups Human Rights Watch and Scholars at Risk, both based in New York, denounced the PA’s practices. Scholars at Risk reported in *Academic Freedom Monitor* on several student detentions and beatings, among them this one: “On April 25, architecture student and current student representative Jihad Salim was allegedly forced into an unmarked vehicle in front of the Birzeit campus and taken to a preventative security office where he was beaten and held for 24 hours, during which he was interrogated about the elections, denied food and water, and forced to remain in physically strenuous positions.”¹⁹ The group’s conclusions are uncompromising:

Scholars at Risk is concerned about the arrest, detention, and reported custodial abuse of university students and graduates, apparently as a result of student elections and nonviolent expression and association—conduct which is expressly protected under international human rights instruments including the Universal Declaration of Human Rights. State officials have a responsibility not to interfere with freedom of expression and association, so long as such rights are exercised peacefully and responsibly. Arrest, detention and abuse aimed at limiting student expression and association undermine academic freedom and related values such as university autonomy.²⁰

Human Rights Watch argues that Hamas “has a large political wing, involvement in which does not amount to incitement to violence,” but the distinction is not always so decisive. I believe it is important for groups like Human Rights Watch

18. Abaza, Jihad. “Palestinian Authority forces arrest students affiliated with Hamas,” *Daily News* (May 8, 2015), available online at <http://www.dailynewsegypt.com/2015/05/08/258063/>.

19. Academic Freedom Monitor, incident report, Birzeit University, May 7, 2015, Scholars at Risk, <http://monitoring.academicfreedom.info/node/688>.

20. Ibid.

to apply a universal human rights standard to treatment of all people, including students, who are detained and interrogated, but whether that standard makes it unacceptable for the PA to monitor Hamas political activity and question those involved in it is quite another matter.

Affronts to academic freedom are not limited to PA treatment of students or faculty loyal to Hamas. Islamist students themselves are quite willing to threaten faculty who do not share their religious and cultural views. In July 2012, Scott Jaschik reported in *Inside Higher Education* about the case of Birzeit University cultural studies professor Musa Budeiri, who ran afoul of student ideology when he posted what they considered to be offensive cartoons on his office door: “The cartoons in question are a couple of pages from Superman comics,” he explained. “A blogger from the Emirates had taken a few pages from the comics, added a beard to Superman and declared him Islamic Superman, and posted on the Internet. He also erased the English blurb and inserted words of his own in Arabic. In the first, Superman is lying in bed with a woman and she asks him if he is going to marry her, he responds by saying that on the planet Krypton, they are ‘not allowed to take a fifth wife.’”²¹

Students distributed a leaflet declaring the cartoons an affront to Islam. The university removed the cartoons and asked the professor to apologize, which he refused to do. He issued a statement pointing out that people should not assume they understood his intentions in posting the images. That did not deter the students from issuing threats of physical violence against him, and the university then announced that the nineteen-year veteran would not be returning to teach, an action that seemed designed to appease the radical Islamists in the student body. Birzeit meanwhile seemed reluctant to punish the students involved. The Middle East Studies Association of North America issued a letter declaring that “the actions of the university administration to date risk establishing a dangerous precedent that privileges those who resort to intimidation and violence to contest the freedom of expression.”

The protests and threats against Budeiri recall the attacks against Danish cartoonist Kurt Westergaard after he published a series of twelve cartoons featuring the prophet Mohammed. The cartoon that Muslims worldwide objected to most violently was one depicting Mohammed wearing a bomb in his turban. In 2008 the Danish security services arrested three Muslims for plotting to murder Westergaard, and in 2011 he escaped an attempted murder at his home. To read about Budeiri now is of course to recall the horrific murders of members of the *Charlie Hebdo* staff in Paris on January 7, 2015. There too the offense was the

21. Scott Jaschik, “Superman and Academic Freedom,” *Inside Higher Education*, July 12, 2012, <https://www.insidehighered.com/news/2012/07/05/did-birzeit-university-fail-protect-professor>.

publication of a satirical cartoon featuring Mohammed. Both the threats against Budeiri and the chilling effect of Birzeit's failure to defend his academic freedom are serious matters.

5. *The Incitement Environment*

In December 2015, Israeli Defense Forces reported uncovering and arresting members of a Hamas terror cell in Abu Dis near Jerusalem. Many of the operatives were students at Al-Quds University, a Palestinian institution of about 14,000 students with campuses in Jerusalem, Abu Dis, and al-Bireh, the latter near Ramallah. The authorities involved reported that the group planned suicide attacks in Israel.²² Some had been trained by Hamas to manufacture explosive devices and suicide belts. There was particular interest in recruiting students who held Israeli citizenship, as they could move freely round the country. One Ahmed Jamal Musa Azzam, aged 24, from Qalqilya, "was instructed to recruit fellow students at Al-Quds University in order to buy materials for explosives, rent spaces for the terror ring, and recruit people to carry out attacks," and he succeeded in doing so.²³ Those students are named in news stories. An explosives lab was found in Azzam's apartment in Abu Dis.²⁴ As Issacharoff, a well-regarded Israeli journalist whom I've met, observed, "Had this Abu Dis cell succeeded, it could have changed the entire nature of the current conflict." One or two suicide bombings would have intensified pressure on the IDF to take more aggressive preventive action, and the authority of the PA would have been seriously undermined. Another terror cell including Al-Quds students was uncovered in Bethlehem. Funding and instructions came from Hamas in Gaza. Shortly thereafter, in January 2016, the IDF raided Birzeit University and seized Hamas propaganda and computer equipment from the campus. Simultaneously area raids located weapons caches.²⁵

22. Gili Cohen, "Hamas Cell Operating in Abu Dis Planned Suicide Attacks in Israel, Says Shin Bet," *Haaretz*, December 23, 2015, <http://www.haaretz.com/israel-news/.premium-1.693420>; Judah Ari Gross, "Hamas Cell Planned Suicide and Car Bombings, Shin Bet Reveals," *The Times of Israel*, December 23, 2015, <http://www.timesofisrael.com/hamas-cell-planned-suicide-and-car-bombings-shin-bet-reveals>; Avi Issacharoff, "What If the Hamas Terror Cell in Abu Dis Had Succeeded?" *Times of Israel*, December 23, 2015, <http://www.timesofisrael.com/what-if-the-hamas-terror-cell-in-abu-dis-had-succeeded/>.

23. Cohen, "Hamas Cell Operating in Abu Dis."

24. Israel Defense Forces, "ISA Uncovers and Thwarts Large Hamas Terror Cell," December 23, 2015, <https://www.idfblog.com/blog/2015/12/23/isa-uncovers-thwarts-large-hamas-terror-cell/>.

25. Raoul Wootliff, "IDF Troops Seize Weapons in West Bank, Raid University," *Times of Israel*, January 11, 2016, <http://www.timesofisrael.com/idf-troops-seize-weapons-in-west-bank-raid-university/>.

In an April 2015 student council election at Birzeit, Hamas bested rival Fatah, the Palestinian Authority's political wing, realigning student political allegiances and arguably enhancing campus recruitment opportunities for terrorist activities. Birzeit had long been considered a Fatah stronghold, so the political reversal was significant.²⁶ In the absence of general elections, some saw the campus vote as a more general indicator of West Bank political sentiment. This new cultural and political environment presents serious challenges to both Israel and the Palestinian Authority. Campus politics and political reality in East Jerusalem and the West Bank bear little relationship to what Americans routinely experience in their own country. Impressionable students in Palestinian universities have the opportunity to escalate from more conventional political advocacy to activities that threaten both the campus and the general public.

When the IDF in response arrives on a Palestinian campus in force, paving stones and limestone blocks are hurled from one side of the battlefield and rubber bullets fly from the other. Photographs and newsreel footage of rubble-strewn buildings flood social media. The question remains: what can such tactics accomplish? While those North Americans and Europeans who castigate Israel and the IDF for their policies and actions are typically unwilling to admit it, Al-Quds, An-Najah, Birzeit, and other Palestinian campuses, despite the quality of many of their academic offerings, are not quite the same kind of institutions as, say, the University of Kansas. Allying with a Hamas cell is not the same as joining the Campus Republicans in Lawrence, Kansas. On the West Bank, we are not in Kansas anymore.

Given that the threat posed by incitement to violence on Palestinian university campuses and involvement in terrorism by Palestinian students is real, then the issue entails not only transcendent principles like academic freedom but also the practical question of the tactics best suited to the unique circumstances on the West Bank. In the spring 2016 conversation, Mohammed Dajani was forthright in detailing the political challenges both the IDF and the Palestinian Authority face on Palestinian campuses. Despite rumors to the contrary, however, the IDF is not likely to find major weapons caches on campus, though it may have been justified in conducting such searches during the Second Intifada. And terror cells will recruit on campus but are less likely to meet there. Dajani argued that the IDF should challenge student members of these groups in their apartments and off-campus meeting sites rather than on campus itself. Indeed the majority of such raids are conducted off-campus.

Unsurprisingly, some university employees have off-campus terror connections. After a March 2015 arrest of a terror cell, it was revealed that "one of the

26. Adnan Abu Amer, "How Hamas Scored a Win in West Bank Student Elections," *Al-Monitor*, May 5, 2016, <http://www.al-monitor.com/pulse/originals/2016/05/hamas-birzeit-university-elections-winning-indications.html>.

cell's members was employed at Abu Dis University as a cafeteria attendant,"²⁷ hardly a major revelation, but notable as a mundane reminder that these institutions face different challenges than our own. Perhaps the IDF hopes its campus incursions will have a chilling effect on illegal political activity, but the opposite result may well be more probable. Palestinian campuses are not simply innocent academic enclaves assaulted by invading Israeli armies, despite efforts by the BDS movement to characterize them that way. There is no lack of serious academic work ongoing on Palestinian campuses, but a reign of intermittent political terror by Palestinians themselves also shapes the psychological environment and eliminates academic freedom for political expression. Yet an IDF incursion is by its nature a blunt instrument, disrupting the activities of all who study or work on a campus, not just the smaller number who have crossed a line into illegal activities. An IDF incursion inevitably blurs the distinction between political activity that should be protected by academic freedom and activity that is against the law, though the latter does occur on Palestinian campuses, and it is a challenge to distinguish between legal and illegal political activities when terrorist groups are at issue. The likelihood that campus incursions by the IDF will create broad antagonism is high. Dajani is effectively urging targeted anti-terrorist actions that are more likely to be of practical success.

Understanding the reality on Palestinian campuses requires recognizing the role these forces, principles, responsibilities, and allegiances play. In the end, intimidating or threatening the lives of those students and faculty who express unpopular political opinions remains by far the most serious and fundamental threat to academic freedom on Palestinian campuses. It is Palestinians themselves, not Israel, who bear responsibility for those actions.

6. Islamic University of Gaza

It is fair to say that a decade-long and sometimes violent struggle between Hamas and Fatah carries over into Palestinian universities. An institution where that claim does not apply is Islamic University of Gaza, a university that has been entirely and exclusively identified with Hamas since its founding in 1978. Established by Sheikh Amed Yassin (1937–2004), the founder of Hamas itself, the university enrolls over 20,000 students. It is recognized as Gaza's best institution of higher education, offering bachelor's and master's degrees in such fields as economics, education, engineering, history, literature, and physics. It has cooperative relationships with major institutions elsewhere, including the London School of Economics.

27. [OSCA], "Jerusalem 2016 Crime & Safety Report: Jerusalem, West Bank, and the Gaza Strip," U.S. Department of State: 2016, <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=19191>.

In another critical sense, however, it falls into the category of a “dual-purpose institution.” From the outset, it has also served as a Hamas recruitment center. Many of Hamas’s leaders either graduated from Islamic University or have been members of its faculty. As noted journalist Thanassis Cambanis wrote in the *Boston Globe* in 2010, Islamic University is

the brain trust and engine room of Hamas, the Islamist movement that governs Gaza and has been a standard-bearer in the renaissance of radical Islamist militant politics across the Middle East. Thinkers here generate the big ideas that have driven Hamas to power; they have written treatises on Islamic governance, warfare, and justice that serve as the blueprints for the movement’s political and militant platforms. And the university’s goal is even more radical and ambitious than that of Hamas itself, an organization devoted primarily to war against Israel and the pursuit of political power. Its mission is to Islamicize society at every level, with a focus on Gaza but aspirations to influence the entire Islamic world. . . .

Hamas doesn’t run the Islamic University, but the overlap of the party and the school is nearly seamless. Scientists and academics at the university double as Hamas technocrats: doctors, engineers, economists, teachers, and media specialists. The Islamic University serves as an employment program and intellectual retreat for Hamas leaders, giving a perch to the prime minister, the foreign minister, and bureaucrats in charge of ministries. . . .

The scholarship and instruction at the Islamic University offer a map of the world Hamas’s leaders would build if they had no political constraints. More than any single idea, the Islamic University promotes a view of a society inescapably suffused with religious doctrine.²⁸

Twice—in 2008 and again in 2014—a rocket development and testing facility on campus was bombed by the IDF during military campaigns. Such a facility is a valid target according to the laws of war. Moreover, in 2014 Israel reported that rockets had actually been fired at Israel from the campus area, making the testing facility a target of some urgency. Hamas’s military wing, the Izz ad-Din al-Qassam Brigades, was using the institution’s chemistry labs and other facilities not only to develop but also to manufacture weapons. Islamic University faculty may have been involved. Despite all this, the IDF chose to strike the facility at night on August 2, 2014, during Operation Protective Edge, to minimize or eliminate the possibilities of casualties. Apparently no one was injured. Nevertheless, proponents of a boycott of Israeli universities in the American Historical Association (AHA) the following year made much of a claim that an oral history archive across the street had also been damaged or destroyed. “What good are we as historians,” they argued, “if we do not protest the destruction of an archive?”

28. Thanassis Cambanis, “Hamas U,” *Boston Globe*, February 28, 2010, http://archive.boston.com/bostonglobe/ideas/articles/2010/02/28/hamas_u/?page=4.

They presented no further information about the nature or extent of the archive, but their claim that this collateral damage was the salient element of the story is absurd in any case.

Given its fundamental role in promoting the work of a terrorist organization, Islamic University belongs at the extreme end of politically compromised Palestinian institutions. There is such overwhelming political conformity at Islamic University that it is unreasonable to claim any meaningful academic freedom exists there. But the case of Islamic University raises numerous difficult questions about the problems that arise when other Palestinian universities serve as incitement and recruitment centers. A 2013 essay by Aviv (Cohen) Dekel, then affiliated with Georgetown University Law Center, asks whether an educational grant to Islamic University would amount to financial support for terrorism under U.S. or Israeli law. The answer may be “yes,” without even raising the fact that Hamas routinely diverts humanitarian aid for military purposes.

The more vexing question for other Palestinian universities, the Palestinian Authority, and Israel itself remains how to distinguish between valid political expression protected by academic freedom and political expression or political activity that facilitates terrorist recruitment or incitement to violence. Moreover, as we are all learning, a vast amount of terrorist incitement on the Internet and social media is outside the control of either Israel or the PA. That does not, however, eliminate the need to investigate instances of face-to-face recruitment and incitement, either on campus or elsewhere.

One of the most notorious cultural events at a Palestinian University, one that doubles as indirect recruitment activity, was the 2001 Second Intifada commemorative exhibition at An-Najah National University. The exhibit celebrated the August 2001 suicide bombing that killed 15 people and wounded 130 others at Jerusalem’s Sbarro Pizza. Sponsored by students supporting Hamas, the exhibit’s main attraction was a room-sized installation including shattered furniture spattered with fake blood and human body parts. The exhibit also included a large rock in front of a mannequin wearing the black hat, jacket, and trousers often worn by ultra-Orthodox Jews. Drawing on a widely quoted Hadith, a recording from inside the rock announces: “O believer, there is a Jewish man behind me. Come and kill him.” Yasser Arafat eventually shut the exhibition down. Some U.S. universities would likely regard it as protected, if deplorable, political expression, though it is unlikely it would survive a policy prohibiting explicit anti-Semitism on campus like the one the University of California Regents adopted in 2016.

In 2010 six members of the An-Najah University faculty were arrested by Palestinian Authority security forces for being closely linked to a charity that is suspected of being a front for Hamas. The unfortunate bottom line in the West Bank context is that there is no fixed line between valid political expression and terrorist recruitment. Should students there or in Israel be permitted to celebrate

Nakba Day? Yes. Should the An-Najah exhibit have been closed? Possibly not, even though the Palestinian Authority has been engaged in a lethal struggle with Hamas. Should the An-Najah faculty have been arrested? If the evidence of their involvement with Hamas fundraising was convincing, yes. While it is often difficult enough for a country not at war to protect political expression that is deeply objectionable, it is still more difficult to decide these questions in Israel and Palestine. We must consider the conflicting values and interests carefully before making judgments.

7. Students Traveling from Gaza

Although Islamic University, for example, offers a range of different academic programs, there are also areas of study and advanced degrees not represented in its curriculum. Across the 26 academic institutions in Gaza, some programs—including advanced degrees in clinical psychology, human rights, public health, gender studies, and international development—are not offered at all.²⁹ For that and other reasons, including the right student academic freedom supports to study at the institution of your choice, Palestinian students commonly apply to study at institutions in Arab countries, Europe, and the West. Some earn fellowships supporting study abroad. Some groups, among them the important Tel Aviv–based Israeli advocacy and research organization Gisha, believe the right to study at any institution where you gain admission and meet financial requirements, including universities in the West Bank, rises to the level of a fundamental human right. Unsurprisingly, denunciations of Israeli restrictions on student travel from Gaza have been a regular feature of academic boycott resolutions, though BDS resolutions typically ignore the impediments other countries impose on travel from Gaza. I have been in conversation with Gisha for some years and have high respect for their work, but I have a different take on the role that human rights play in the matter.

During the years when Israel occupied Gaza, travel in and out of the area for students and others was relatively routine. Many Israelis still remember when they made it a practice to shop in Palestinian markets there every week. All that began to change when Israel withdrew from Gaza in 2005. After Hamas won local elections the following year and took full control of Gaza in a 2007 civil war with Fatah, travel became both a political and a security issue. From the perspective of both Israel and the Palestinian Authority, Palestinians traveling from Gaza present security concerns. From the PA's perspective, Hamas is a violent and hostile political rival. For the Israelis, Hamas is a terrorist organization dedicated to killing Israelis and bringing an end to the Jewish state. While both recognize that students have a genuine need to exercise the freedom of study that

29. Gisha, "Gaza's Academic Sector" (Tel Aviv: September 2016).

their academic freedom entails, they also realize that young people exposed to Hamas propaganda can be motivated to engage in promoting and recruiting for Hamas's violent goals. West Bank Palestinian security forces already face a huge task trying to curtail violence; they are anxious about the risks involved in admitting Hamas-indoctrinated students for study in the West Bank. As with the issue of political expression in West Bank universities, academic freedom and security concerns intersect. BDS advocates tend to ignore or reject such complications, but Israel and the PA have a responsibility to confront them, and that ends up limiting students' rights to study where they choose.

Other major players are involved in adjudicating and administering student travel from Gaza. Since 2005, the standard travel route for Gaza students to study abroad has been to cross into Egypt at Rafah on Gaza's southern border and then fly elsewhere from Cairo airport. But Egypt has kept the Rafah crossing largely closed since 2007. Egypt too has had problems with Hamas, especially since 2013 when the Egyptian military overthrew the Muslim Brotherhood. Hamas grew out of the Brotherhood, and the two groups remained allies. Egypt is justifiably opposed to Hamas collaboration with the Islamist insurgency in the Sinai and has ample reason to be vigilant about security at Cairo airport. At a notorious 2014 Modern Language Association debate, the faculty members proposing a boycott of Israeli universities were not only oblivious to the role that Egypt and others play in restricting Palestinian student travel; they were also reluctant to concede that Egypt, not Israel, occupies Gaza's southern border. Egypt itself could largely solve the problem of student travel from Gaza, but it chooses not to do so.

That is but one example of the fraught complexity of travel in the area. Hamas itself also obstructs student travel from Gaza. In order for students to travel through Israel and the West Bank and cross the Allenby Bridge to fly abroad from Amman, Jordan, Hamas must produce lists of students approved for admission to foreign universities. As a 2013 U.S. State Department report detailed, Hamas has been very slow in doing so.³⁰ Israel has somewhat increased the number of students it allows to exit Gaza from the north through the Erez crossing it controls, but these students also need Jordanian transit permits to complete their travel, and Jordan is also slow to grant them. Jordan's history of lethal conflict with Palestinians plays a role here. Meanwhile, the PA's Palestinian Civil Affairs Committee itself provides Israel with lists of students who have received fellowship support for study abroad, and they too are frequently late in doing so. The combined result of bureaucratic delays from Hamas, the PA, and Jordan frequently means that the school year is well under way or that fellowships expire before students from

30. Bureau of Democracy, Human Rights, and Labor, *2013 Human Rights Reports: Israel and the Occupied Territories—The Occupied Territories* (Washington, DC: U.S. State Department, 2014), <http://www.state.gov/documents/organization/220568.pdf>.

Gaza can reach their destinations. BDS chooses to blame Israel alone for these difficulties.

A 2010 report from the Sixth Education International and the Canadian Association of University Teachers points out that continuing conflict between Hamas and Fatah has undermined university governance, produced the arrests of Palestinian faculty and students, and infringed on academic freedom in Gaza and the West Bank.³¹ Hamas has a history of blocking students from accepting fellowships or traveling to participate in reconciliation programs, thereby instituting a politically based restriction on student travel, a specific violation of academic freedom.³² The State Department's 2013 report also notes that Hamas "prevented high school students from the Gaza Strip from participating in certain cultural and educational exchange programs, including programs sponsored by foreign governments and international organizations. Students on foreign exchange programs continued to face difficulty when traveling out of Gaza to obtain permission for onward travel abroad. In some instances families of the students petitioned Hamas's Ministry of Education so that their children could travel."³³

While Israel limits travel from Gaza through its territory for valid security reasons, it should be possible both to increase the number of student permits and to institute at least a pilot program for renewed study on the West Bank. Gisha's position is that prohibitions on study in the West Bank should be applied individually, rather than comprehensively. Before 2000, when the Second Intifada broke out, after which students from Gaza were prohibited from studying on the West Bank, one thousand Gazan students a year studied there. Israel justifiably sets criteria for study, but its security services are accomplished in doing background checks and interviewing people before clearing them for transit. As Gisha explained to me during a 2016 visit to their offices, such interviews often inquire not only into personal histories but also into the character of the neighborhoods in which people live. Monitoring of Palestinian students from Gaza, especially as part of a trial expanded program for study in the West Bank, would be expected. On the other hand, one sometimes encounters academics naïve enough to urge that Israel open Ben Gurion airport to travel from Gaza. When political naïveté meets an uninformed passion for justice, the results in terms of faculty political

31. David Robinson, *The Status of Higher Education Teaching Personnel in Israel, the West Bank and Gaza* (Ottawa: Canadian Association of University Teachers, 2010), <https://download.ei-ie.org/Docs/WebDepot/The%20Status%20of%20Higher%20Education%20Teaching%20Personnel%20in%20Israel,%20the%20West%20Bank%20and%20Gaza.pdf>.

32. Kari Huss, "Hamas Bans Gaza Students Studying Abroad," *NBCnews.com*, August 17, 2011, http://www.nbcnews.com/id/44179843/ns/world_news-mideast_n_africa/t/hamas-bans-gaza-students-studying-abroad/#.V-VuRBSDeLs.

33. Bureau of Democracy, Human Rights, and Labor, *2013 Human Rights Reports*.

activism are neither inspiring nor helpful. The end goal should not be contempt for the security needs of Egypt, Israel, Jordan, and the PA—let alone a pretense that Israel alone is responsible for the difficulties that Palestinian students face—but rather a practical effort to balance academic freedom and security in such a way that both interests are served to the degree that is possible.

8. Conclusion

The place where academic freedom is ultimately tested is over free expression about politics and religion. It is a test that even democratic countries struggle to pass, especially when political expression during wartime is at stake. During and after World War I, during World War II, and during the McCarthy period of the 1950s, the United States was willing to compromise or set aside its constitutional guarantees for self-expression. Like other Americans, faculty members sometimes lost their jobs as a result. Some Americans faced prison. During wartime, faculty members who express controversial opinions can expect to face severe criticism from colleagues, politicians, and members of the public. The most important question is whether they face sanctions as a result. As recently as Operation Protective Edge in 2014, faculty members in Israel who criticized the war were excoriated by conservative politicians. But they did not lose their jobs, and they did not go to jail. Israel has an exceptionally good record of honoring academic freedom within its pre-1967 boundaries. There have been some challenges to political expression by Arab student citizens in Israel proper, but, once again, sanctions have generally been avoided.

Israel confronted extraordinary challenges during the wave of suicide bombings that accompanied the Second Intifada from 2000 to 2005. We should remember that Hebrew University of Jerusalem's Mount Scopus campus endured a suicide bombing on July 31, 2002. The attack, which took place in the Student Center cafeteria during lunchtime, killed nine people, among them five American students, and injured about 100 others. Seven died immediately, while two others succumbed to their wounds in the following weeks. Hamas took credit for the attack. From 2000 to 2005, there were 138 suicide bombings in Israel, along with numerous other terror attacks. Decisions about how to handle violence and incitement to violence became urgent as a result. Both Israel and the Palestinian Authority have felt similar pressures during the wave of knife and automotive attacks that began in the fall of 2015.

Israel has also faced the challenge of deciding whether foreign faculty members who support Hamas should be allowed to speak at Palestinian campuses if there is reason to believe they may engage in incitement to violence. In September 2016, Israeli officials barred University of London School of Oriental and African Studies faculty member Adam Hanieh, a strong supporter of Hamas, from speaking at Birzeit University and expelled him from the country. While people are

free to criticize such actions, it is clearly Israel's responsibility to negotiate such conflicts between national security and academic freedom.

As I have sought to show in this essay, however, the most serious threats to academic freedom in Gaza and the West Bank come from Palestinian society itself. The BDS movement in the United States has focused its moral outrage on such matters as foreign faculty members being denied entry to teach in the West Bank, though most often they simply face delayed entry by Israeli authorities. Actual denials can easily be appealed to Israeli courts. Are not Palestinian attempts to kill Mohammed Dajani and Abdul Sattar Qassem for their politically incorrect speech more serious? Do not the gangs of student enforcers trained by Hamas to intimidate, harass, and assault dissident faculty members represent a greater threat to academic freedom than any IDF practices? There is little hope for dialogue with those unwilling to answer these questions in the affirmative.

9. Coda

Palestinian universities often declare their support for academic freedom; in September 2016, I wrote to a distinguished Palestinian faculty member to ask whether his or any other Palestinian university had adopted formal regulations about academic freedom. His answer: "I do not think any Palestinian university has such code. Maybe foreign universities should pressure them to have one."