

Banning the Nations
An Old Testament Approach to the Rights and Wrongs of Boycotts

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THERE IS NOTHING as benign as an economic, academic or cultural boycott in the recorded traditions of Ancient Israel. Although modern Hebrew uses the classical Hebrew noun *cherem* to express the idea of the boycott, anyone subject to its effects three millennia ago would have experienced something much worse than the loss of income from produce, the drying up of invitations to scholarly conferences, or the absence of Vanessa Redgrave and Emma Thompson from their theatres. I shall return to this theme later; in the meantime I want to begin by establishing some context for this particular paper.

The boycott as a human weapon is not new, even if the term itself only emerges from the sorry history of Ireland in the nineteenth century.¹ It begins in early childhood, when toddlers recognize the power they have over significant adults of refusal of cooperation. Once you know that someone with power needs something from you, its refusal gives even technically weak individuals surprisingly effective means of control. This explains its attractions, and the difficulty opponents have in seeking alternative forms of action. Whenever boycotts are proposed to confront an obvious (or apparently obvious) evil, the presumption is that most right-minded people will be in favour. No analysis of the moral nature of boycotts is ever presented, no consideration of the effectiveness of such approaches is entered into. The boycott belongs to that part of human ethical behaviour which is, in effect, taken for granted.

In the course of this paper I want to illustrate and amplify these points by (a) considering their equivalent in Ancient Israel, (b) reviewing the recent history of an swp

¹ Captain Charles Boycott, the land agent of Lord Erne, attempted to evict tenants in a time of famine in Ireland in 1880. The response from the Irish Land League was to impose ostracism on him. The success of this initiative led quickly to his name becoming a synonym for such actions.

(Socialist Workers Party)—inspired movement to bind UCU (the University and College Union, United Kingdom) into boycotting Israel, and (c) giving some pointers of principle. In so doing, I want to make it clear that the specific case of Israel and Palestine (or Israelis and Palestinians) is not one from which we can stand back in some philosophical vacuum and take a purely dispassionate position. Consequently, I do not wish to claim objectivity on my own part, or to conceal my own sympathies—which are with Israel’s right to continue to exist without regular threats to the well-being of its citizens, and with a corresponding right for Palestinians to have control of their own viable state and the return to them of what has been taken by force majeure—as distinct from the legitimate decisions of the UN.

Boycott and Ostracism in Ancient Israel

The “ban” (*cherem*) in Tanakh

The frequent instruction, ostensibly on God’s command, to annihilate people and things, is a disturbing aspect of the Old Testament.² At various points the Israelites are told to destroy (wipe out) Canaanites, Sihon, Og of Bashan, Amorites, Jericho, Ai, Makkadah, Eglon, Hebron, Debir, Hazor, the Anakim, Zephath, all the adults in Jabesh-Gilead, and the Amalekites.³ The purpose of the ban in these cases would seem to be what we would now describe as genocide or ethnic cleansing—the creation of an “empty” land so that the Israelites could have unchallenged possession. The myth of the empty land is a persistent one. It recurs in exilic texts which suppose that after 587 BCE no-one remained, and the land was given over to thorns, thistles and wild animals. The ideological purpose of this rhetoric was to justify the ethnic and theological claims of the group which returned from Babylon at various points after the rise of Persia and enforced their religious and political systems in Jerusalem. Its modern incarnation is to be found in some of the language of ultra-Zionists and their evangelical Christian fellow-travellers; thus the slogan “a land without a people for a people without a land” and the canard that Palestine was more or less a wasteland until modern Israelis caused “the desert to bloom.”⁴

² It is possible that in some sense the meaning of *cherem* is “devoted to the Lord” (hence Lev 27.21, 28, 29; Mic 4.13); the surest way for something to reach God, of course, is to annihilate it (or him or her). Num 18.14, however, seems to suggest that “devoted things” are the property of Aaron, and Ezra 10.8 seems to refer simply to the confiscation of property. Other passages indicate a trend towards the more general meaning of “to destroy utterly” (Jer 50.21, 26; 51.3), and can refer to the destruction brought about by Assyrians and others (2 Kings 19.11; 2 Chron 20.23; 32.14; Isa 37.11; Jer 25.9; Isa 37.11; Dan 11.44); it is also used of God’s generalized rage against the nations (Isa 11.15; 34.2, 6) and Israel herself (Isa 43.28; see also the withdrawal of the threat against Israel in Zech 14.11 and Mal 4.6).

³ The references are, respectively, Num 21.2, 3; Deut 2.34; 3.3–6; Josh 2.10; 6.17–21; 8.26; 10.1, 28, 35, 37, 39; 11.11, 12, 21; Judg 1.17; 21.11; 1 Sam 15 passim. Cf also Deut 20.17; Josh 10.40; 11.20.

⁴ See for example Meron Benvenisti, *Sacred Landscape: The Buried History of the Holy Land Since 1948*, trans. Maxine Kaufman-Lacusta (Berkeley: University of California Press, 2002) for a thorough discussion of these and related issues concerning the mythology which undergirds much settler and right-wing Israeli

There is no conceivable moral defence of the ban in this sense. It is unequivocally monstrous, a remnant from a past which has no place in modernity, though the use of genocide to create space for groups that perceive themselves to be superior has by no means been absent from twentieth and twenty-first-century history.⁵ The only saving factor (and this is relevant to my overall argument) is that all of these efforts have failed in their ultimate objective. Canaanites and Philistines—and indeed Amalekites⁶—and Jews, Armenians, and others have survived despite the ban.

Other uses of *cherem* imply reasons for its imposition other than the naked land-grab referred to above. Two passages in Deuteronomy (7.1–6 and 13.12–18) spell out what are perceived as the real dangers to Israel of allowing free intercourse with “the enemy.” The core issues are clear: no covenants with outsiders, no intermarriage, and no worship of gods other than Yahweh (with the rider that this almost certainly entails idolatry—hence Deut 7.5). The “dangers” cited can be loosely correlated with more general fears associated with the threat of the other:

1. Intermarriage, with implications for ethnic identity. This is dealt with separately, in (3).
2. Cultural relationships. The “covenant” had a secular aspect in the ancient world, since it covered all sorts of agreements between peoples, sometimes voluntary, sometimes imposed by a stronger party. There is ample evidence from the archaeological record of cultural assimilation, and the indigenous development of Israel from existing peoples in the region, despite Biblical traditions about invasions from outside—all of whom spoke dialects of the same language. Hence defining “difference” matters.⁷
3. Religious syncretism. Leaving to one side the objective fact that all religions known to history have been and are accretions of various earlier traditions combined with faith-specific beliefs and practices, it remains the case that many religions abhor syncretism.⁸ This is particularly true of the Old Testament’s position on what is commonly referred to as Yahwism, the supposed faith of Israel.

rhetoric.

⁵ Armenians, Jews, Cambodians, Rwandans, black South Africans, the villagers of Darfur ... the list is depressing.

⁶ I have written elsewhere on the way that Amalek functions as a trope for genocide: see “(De)nominating Amalek: Racist Stereotyping in the Bible and the Justification of Discrimination,” in *Sanctified Aggression: Legacies of Biblical and Post-Biblical Vocabularies of Violence*, ed Jonneke Bekkenkamp and Yvonne Sherwood (London: T&T Clark, 2003), 92–108.

⁷ See, for example, Lev 18.3: “You shall not do as they do in the land of Egypt, where you lived, and you shall not do as they do in the land of Canaan, to which I am bringing you. You shall not follow their statutes.” This is followed by an extensive list of banned sexual practices; the implication is that these were found in Canaan.

⁸ The instruction in principle to put to the ban anyone who sacrifices to any other god than Yahweh is found in Exod 22.20.

4. The fourth perceived threat is what we would today describe as political assimilation. If other peoples remain a viable force, we (Israel) may one day find ourselves absorbed into an alien polity. It is perhaps ironic that the survival of the Jews and of Judaism was precisely at the cost of surrendering their national identity. It was the diaspora which defined, defended, and successfully delivered to the future everything we now understand by Judaism.

There are notable examples of failure to comply with the command to destroy. The two most striking are in Joshua 7 and 1 Samuel 15, dealing with the disobedience respectively of Achan regarding Ai and Saul regarding Agag. In each case the punishment is condign and ineluctable: the guilty parties are themselves, in effect, put to the ban, and no mercy is shown. Nevertheless, whether the reasons were cupidity (as the text insists) or moral scruples (as we might guess reading between the lines), these cases show that even in antiquity it was possible to question the boycott.⁹

The Separation of Groups (*badal*)

This is the same root that is used in the first creation narrative in Genesis 1 to describe the separation of the heavens and the earth; it also covers the division between clean and unclean, pure and impure. It is the latter which is implied in the passages of interest to us, where human groups are to be regarded as separate in the sense of “in-groups” and “out-groups.” This is particularly clear in Lev 20.24, 26 where God is understood to have separated Israel out from all other nations (1 Kings 8.53 enshrines the same principle): the two references sandwich the use of the same verb in verse 25 to mark the distinction between clean and unclean animals. Deut 29.21 (“The LORD will single them out from all the tribes of Israel for calamity, in accordance with all the curses of the covenant written in this book of the law”) describes God’s isolation of those who revert to the idolatrous ways of Egypt; they are, in effect, singled out for calamity—a process similar to that described in Deut 7 and 13 (see above).

The post-exilic experience strengthens this concept of separation, but now it is self-imposed rather than a divine choice. Thus Ezra 6.21 (and by contrast 9.1, and see also Neh 9.2; 10.28) refers to the returned exiles and (significantly) those of the land who “separated themselves from the pollutions of the nations of the land to worship the LORD, the God of Israel.” The verb is also used in speaking of the separation of Israelites from their foreign wives, in a process of harsh ostracism (thus Ezra 10.11: “Now make confession to the LORD the God of your ancestors, and do his will; separate yourselves from the peoples of the land and from the foreign wives”). Finally, direct ostracism is imposed in Ezra 10.8 (on those who don’t conform) and Neh 13.3 (on foreigners: “When the people heard the law, they separated from Israel all those of foreign descent”).

⁹ See also the note in 1 Kings 9.21 referring to the descendants of the various nations “who were still left in the land, whom the Israelites were unable to destroy completely”; Solomon enslaves them!

The ban on intermarriage

There is a pronounced strand in the Old Testament which is concerned to emphasize the importance of Israelites not marrying outside the group. This is found both in narrative passages and as direct injunctions; the following list covers the most significant.

Wives for the sons of patriarchs.

In Gen 24.3 Abraham makes his servant swear “not [to] get a wife for [his] son from the daughters of the Canaanites, among whom I live”; the servant reiterates this injunction later (24.37). This attitude is reinforced wittily in a rather catty aside about Esau’s choice of bride (Gen 26.34–35):

When Esau was forty years old, he married Judith daughter of Beeri the Hittite, and Basemath daughter of Elon the Hittite; and they made life bitter for Isaac and Rebekah.

This in turn leads to the convoluted adventures of Jacob who is sent off to his maternal uncle’s farmstead to find himself a wife from within the family rather than one of the local Canaanite girls.

The righteous anger of Phineas (Num 25.1–18).

This is a complex story, which I will not attempt to unpack fully here. For our purposes, what is of interest is (a) the link made between an outbreak of plague and Israelites whose sexual relations with Moabites led them to worship Baal of Peor; (b) the bad timing which led an Israelite with a Midianite wife to come home; (c) Phineas’s action in spearing the couple to death, followed by the cessation of the plague; and (d) his being blessed by God for his action. There are of course all sorts of comments one might wish to make about this sequence regarding, for example, history, ethics, cause and effect, morality and the nature of God. My reference to it is simply because it demonstrates starkly the effects on society of a harsh definition of endogamous marriage as a ruling principle.

Solomon and his foreign wives (1 Kings 11.1–13). Perhaps naively, the author of Kings ascribes to Solomon wives and concubines from a wide range of suspect nations: Egyptian, Moabite, Ammonite, Edomite, Sidonian and Hittite. He is also said to have endorsed the worship of Astarte, Milcom, Chemosh and Moloch—errors which are then said to have caused the break-up of his kingdom.

Rules against intermarriage.

These are forthright and daunting, and almost always linked to the supposed danger of idolatry. Thus Exod 34.15–16 warns against making covenants with local peoples

lest they then persuade you into intermarriage, while Deuteronomy simply bans both practices without linking them causally. Both, however, hold up the threat of apostasy as the key issue. Neh 10.30 records the ban on intermarriage without further comment, following it with an injunction to observe the Sabbath, as though the matter is more one of ethnic distinctiveness than religious danger. Neh 13.23–29 also contains a condemnation of mixed marriages which, unlike Ezra, focuses on foreign-ness (speaking other languages!) and only alludes indirectly to the biblical reasons for the ban.

Perhaps the most disturbing episode is the extended process described in Ezra 9–10 by which Israelites married to “foreign” women were forced to divorce them and send them and their children packing. Three things are noteworthy: the citation of Torah as the authority for this action; the extensive list of those involved; and the poignancy of the last verse of the book: “All these had married foreign women, and they sent them away with their children.”

Did boycott and ostracism work?

There is clear evidence (see above) that biblical demands for the eradication of other peoples were at least sometimes defied, and were certainly not successful in their aim of complete ethnic cleansing. Of course, we know this to be true from the extensive archaeological record: the Philistine cities, for example, flourished until the Babylonian period. The list in Ezra 9.2 (Canaanites, Hittites, Perizzites, Jebusites, Ammonites, Moabites, Egyptians and Amorites), while paying tribute to the remarkable inclusiveness of the Judaeans of the time, bears comparison with the list of nations in Exodus 23.23 whom Yahweh undertook to blot out, or in Deut 7.1–2 of those whom the Israelites were to “utterly destroy.” None of this is to be accorded any moral credit: it is simply part of the pragmatic analysis of the effectiveness of such processes.

Of the four specific purposes of the ban listed above, I have already commented briefly on the failure of the cultural and political aspects. The two remaining—syncretistic religion and the ban on intermarriage—merit further analysis.

It is abundantly clear from the extensive rhetoric found in the prophets and elsewhere that fear of indigenous Canaanite religion was widespread in elite groups in Israel. The “bad kings” of the northern kingdom are frequently denounced for having followed Jeroboam in worshipping other gods. The principal danger from intermarriage was thought to be idolatry and apostasy, and the major theme of much prophetic writing is the accusation against Israel that she has abandoned her first loyalty to Yahweh. It comes as something of a surprise, therefore, to find that the archaeological record shows extensive use of female figurines in worship contexts throughout much of Israel’s history,¹⁰ and that there is evidence as late as the Jewish colony in Elephantine

¹⁰ There is no doubt that many female figurines have been found dating through the period of the Israelite and Judean monarchies, and most scholars now accept a significant place for some kind of female deities in the everyday religion of the period. See, for example, Judith M. Hadley, *The Cult of Asherah in Ancient Israel and Judah: Evidence for a Hebrew Goddess* (Cambridge: Cambridge University Press, 2000);

of a female associate of Yahweh, perhaps his consort.¹¹ The variety of designations for God, many drawn from surrounding cultures, are *prima facie* evidence for a far more syncretistic and open religion at the popular level in Israel than is often admitted. The ban and the boycott turn out to be the weapons of an exclusive elite bent on changing the rules, rather than a realistic reflection of societal norms.

The point of greatest tension in the ancient sources belongs to the field of human sexual relationships. We have sampled already the extensive and sometimes brutal range of words and actions designed to protect the purity of the Israelite inheritance by means of ethnic exclusivism. What is equally fascinating is the counter-evidence suggesting that at the very highest levels, and at the heart of the religious tradition itself, exogamy was far from unusual: Abraham and Hagar the Egyptian; Moses's and Zipporah, the daughter of the priest of Midian; Joseph's Egyptian wife Asenath; Naomi's sons married Moabites—Ruth and Orpah—and Ruth in turn married Boaz and was the great-grandmother of David; David himself married Bathsheba, the wife of Uriah the Hittite; Solomon was their son.

Negatively, the excessively long list of priests, Levites and lay Israelites who had married foreign women found in Ezra 10.18–44 implies that there was nothing scandalous or even abnormal about the practice in many Israelite circles. It may further be inferred that one reason why intermarriage was not controversial was that—contrary to certain biblical rhetoric—there was in fact little cultural or religious difference between the various city states and small kingdoms that flourished in the Levant during the second and the first half of the first millennium BCE. Just as Yahweh was the named God of Judah, so was Chemosh of Moab, Baal of Ugarit, Milcom/Moloch of Ammon, Astarte of Sidon, Marduk of Babylon, and Dagon of Gaza and Ashdod.

Summary

The evidence I have surveyed in Part One of this paper may be summarized briefly as follows:

1. Two verbs—"to ban" (*emphcherem*) and "to separate" (*badal*)—are used in Hebrew Bible contexts which are broadly similar to aspects of modern approaches to the use of boycott and ostracism, though of course without the ancient context of the elimination of those under the ban.
2. These similarities are, it should be emphasized, far from exact; nevertheless they give expression to the motivations behind modern tactics in that (a) they intend the utter isolation of the target group, (b) they condemn those of the in-group

Othmar Keel and Christoph Uehlinger, *Gods, Goddesses, and Images of God in Ancient Israel*, trans. Thomas H. Trapp (London: Sheffield Academic Press, 2002).

¹¹ John Day, *Yahweh and the Gods and Goddesses of Canaan* (London: Continuum, 2002), 144; *ibid.* 59–60 for the likelihood that Asherah was thought to be Yahweh's consort.

who do not participate in the process, and (c) they presuppose the moral superiority of those imposing the ban.

3. The demand for the ban and separation is reiterated by an elitist, probably minority group intent upon establishing its control over the wider body politic and religious in Jerusalem. To the extent that this is the case, the negative claims made about the target groups (other nations, foreign wives, supposedly alien deities) must be regarded with some suspicion.
4. The morality of the ban is deeply suspect, involving as it does (a) demands for ethnic cleansing and genocide and (b) the forcible dissolution of marriages with no recompense for alienated wives and children.
5. Perhaps thankfully, its effectiveness is also dubious, in that the nations targeted largely survived—indeed, action against them may have been much exaggerated by some of the biblical traditions—and marriage across ethnic boundaries was in fact an integral and positive part of the experience of Israel.

Boycott and Ostracism in UCU

Perhaps the most sustained campaign for boycotting in recent years has been directed against the state of Israel. In the light of the first section it is not a little ironic that a largely religious process which arguably failed within the history of ancient Israel should be so strongly advocated against its modern secular incarnation in the form of legitimate boycotts. The irony lies in the quasi-religious fervour which informs the campaign; for unlike other boycotts of recent times, the focus of this one centres firmly on the competing claims of two communities perceived to have both religious and ethnic features: Palestinian Muslims and Israeli Jews. The fact that numbers of Palestinians are not Muslim, and Israelis not Jews, is largely glossed—as indeed is the dubious character of the assumptions made regarding ethnicity—with the result that the language of the boycott campaign can all too easily segue into antisemitism through a careless identification of Israel as a state with Jews as a people. In part the problem lies in the hardly surprising fact that, while modern Israel is a secular state, albeit one that operates with an underlying structure of Jewish customs, festivals and beliefs, there is undoubtedly a vociferous and influential element within Israel which sees the modern state as being in direct continuity with, and fulfilment of, the promises supposed to have been made by Yahweh to ancient Israelites. Most perniciously, these promises are used to justify the seizure of Palestinian land and property in the name of this religious belief—and it has to be admitted that elements in government in Israel have either actively or tacitly endorsed these actions, though usually by claiming the fig-leaf of security. I should make it clear here that Israel has a perfectly legitimate security need, faced as it undoubtedly is by neighbours whose acceptance of its very existence is at best lukewarm, and by some who regularly deploy violence against non-combatant citizens to make their point.

It is not my purpose in this paper to discuss or comment on the various positions taken regarding the stand-off in the Middle East between Israel and Palestine, or to pass any value judgments on the actions of the various powers involved. I have a much more limited objective, which is to look at the recent history of the “boycott Israel” movement within UCU and its predecessors, the Association of University Teachers (AUT) and National Association of Teachers in Further and Higher Education (NATFHE), and to draw some parallels and perhaps some lessons from the analysis in Part One of boycotts and ostracism in ancient Israel. It is also not my intention to suggest that the Union was in some sense the progenitor of or prime mover in the campaign, which undoubtedly originated in Palestinian circles.

In 2005, AU Council unexpectedly voted in favour of a package of motions designed to isolate certain specific HE institutions in Israel, and more generally to commit the Union to “advocate a comprehensive boycott of Israeli institutions at the national and international levels.” Though this series of victories came as something of a surprise to a union which had little track record of activity vis-à-vis Israel (though it had in the past endorsed the boycott campaign against South Africa), its timing—towards the end of the second or Al Qsa intifada—represented a significant shift in public opinion more generally regarding Israel’s treatment of Palestinians, and international disapproval of the expanding settler movement. Within a couple of months a special Council had been called; that meeting overwhelmingly reversed the boycott call, and mandated Executive to prepare a properly thought-through policy on international affairs, the implication clearly being that we should have guidelines for the possible application of international boycotts. The guidelines which were eventually drafted by a representative committee of AUT were passed in due course, and subsequently became policy in UCU.

The issue faded while the merger between AUT and NATFHE was effected; but came back with a vengeance at the first full congress of the new union in 2008, and then in each of the next three congresses. The final straw, for many people, was the decision of Congress in 2011 to disbar the Union from employing the European Monitoring Centre on Racism and Xenophobia (EUMC) working definition of antisemitism,¹² on the grounds that it confused criticism of Israel with antisemitism and was “used to silence debate about Israel and Palestine on campus.”

These campaigns have proved to be extremely controversial, and have prompted a number of legal moves, clarifications by UCU, and latterly an individual tribunal complaint. Threats of resignation, and actual resignations from the Union have occurred, and it is abundantly clear that this is an issue which profoundly divides UCU at all levels: The executive, officers, regions, branches and individual members. This is not, of course, the only international issue on which UCU has taken a position. In recent years, for ex-

¹² “Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.” The full text of the English version can be found at <http://www.european-forum-on-antisemitism.org/working-definition-of-antisemitism/english/>.

ample, the Union has expressed its solidarity with academics under threat in a number of countries, with the most successful arguably being the case of the Colombian lecturer Dr Miguel Angel Beltrán, who was cleared of false charges of terrorism in June 2011. Yet none of these other instances has engendered the kind of internal tension which attends the expression of concern regarding Israel and Palestine. The most obvious reason for the difference is that it is only the latter case which raises the spectre of race and ethnicity, running the danger of confusing political criticism of a government with generalized assumptions about the ethnic composition of those held to be under its influence, or complicit in its decisions. Moreover, it is only in this instance that many who identify themselves as of the same religion/culture/ethnicity as those in the “offending” state are also British academics and citizens of the United Kingdom.¹³ They naturally question whether they ought to be held personally responsible (as some rhetoric implies) for the actions of a state to which they do not belong and over which they have little influence.¹⁴

While this admittedly brief survey cannot do justice to the many complexities of the issues raised by the stand-off between Israel and Palestine, I hope that it will serve as a context for my narrower focus on the question of boycott and the phenomenon of a small pressure group’s ability to win support against the odds for its specific objectives. Even a cursory glance at the various motions in the appendix is revealing. Of the eighteen successful motions, four involved the Birmingham branch, three came from branches in Brighton, and seven from the National Executive. A further three relate to the May 2005 special council of AUT and represent in essence the opposition position. It is not accidental that a leading exponent of the campaign against Israel came from Birmingham, that the leadership in Brighton is dominated by the Socialist Workers Party faction for whom this has been until very recently a cause célèbre, and that the National Executive of UCU in its first five years contained a clear majority of elected members who were either in the SWP or belong to its support group, UCU Left. In short, the move to target Israel and to urge the membership of UCU to undertake both economic and academic/intellectual boycotts of the country is a classic example of the effectiveness of a dedicated grouping within an otherwise open organization.

It would be wrong to suggest that this is the only reason for the success of the motions we are considering. Without broad support from delegates to the annual meetings of AUT, NATFHE and UCU, it would not have been possible to promote such policies. Moreover, the wider context of perfectly legitimate criticism of many of Israel’s policies in recent years provided fertile ground for the superficial success of the boycott cam-

¹³ Muslim Britons experience some of the same prejudice when they are lumped together as symbols of Islamist terrorism. At present, however, there is to my knowledge no active campaign against (say) Saudi Arabia which blames Muslims in general for its appalling civil rights record; nor, indeed, has there been any call amongst British trade unions for a boycott of that supremely undemocratic state.

¹⁴ I pass over another irony—that few individual British citizens are held similarly to be personally responsible for the actions of their government in similarly dubious neo-colonialist adventures like Iraq, Afghanistan and Libya!

paign. My choice of the word “superficial” is a considered one: there has been no review of the extent to which the various calls for members to carry out a process of boycott has been successful, and certain voting patterns within the Union demonstrate that individuals known to oppose academic boycotts have been successful in winning the support of members.

As a result serious divisions emerged in UCU, and individuals have found themselves under pressure either from, on the one hand, those who hold as a very strong moral principle that the only answer to crisis in the Middle East is to isolate Israel, or, on the other, Jewish leaders and members of UCU who believe that they have been singled out unfairly and subject to tactics which are virtually antisemitic. The passing of Motion 70 at UCU Congress in 2011 (dissociating the Union from the EUMC definition of antisemitism) did nothing to ease their fears and suspicions.

To sum up, it is likely that the whole process has had a far greater effect on UCU than on either Israel or Palestine. On the credit side, the issues have certainly been widely aired; and UCU’s commitment to the observation each year of Holocaust Memorial Day is positive. No-one who has been an active member of UCU over the last five years can fail to have been prompted to look very seriously at our attitudes, whatever they are, to the peace process (or lack of it) in the Middle East. On the debit side it is legitimate to wonder whether the price in terms of public obloquy has been worth it. Have any attitudes actually changed? Have we lost collegiality in the interest of a principle which we do not all agree on? I shall attempt to draw some conclusions in Part Three by making some comparisons between the ancient and the modern exemplars.

Lessons to be Learnt?

I shall refer here to the five summary points at the end of section one. We can, to a remarkable degree, identify modern comparators for many of these points, and I will consider them in turn.

1. The least contentious (and perhaps least relevant!) is the shared technical language—“to boycott” and “to ostracise”—which (in modern Hebrew) uses the very terms found in the Biblical examples. There is not much to say about this, beyond noting the irony that terms used in the Hebrew Bible with reference to somewhat unsavoury practices in the ancient world have now been turned against modern-day Israelis, whatever their relation to the ancient Israelites.
2. The second group of indicators—intended isolation of Israel, condemnation of those who refuse to participate in the boycott, and an assumption that the boycotters occupy the moral high ground—can each be identified as part of the process in UCU. Frequent descriptions of Israel as “an apartheid state,” coupled in extreme instances by accusations of ethnic cleansing, if not attempted genocide, show how Israel is defined as a pariah state. Even polite objections to the campaign for academic boycott are met with overt hostility, regardless of the moral position of

those who object. Finally, a clear sense of moral superiority is evident in several of the motions, and is an underlying assumption of the whole campaign.¹⁵ The one-sided nature of this morality is perhaps illustrated by the refusal of Congress to pass motion 33/2010 which asked the Union to dissociate itself from antisemitic remarks made by Bongani Masuku (then the International Relations Secretary of the Congress of South African Trade Unions [COSATU]), an invited speaker at a UCU event. This refusal was seen by many to have undermined the many protestations that there is nothing antisemitic about the campaign to isolate Israel and win support for sanctions against it.

3. There is no doubt that, within UCU, the SWP poses as an elite, politically speaking. It has a clearly-stated agenda which is quite separate from, and at several points in conflict with, the aims of UCU, and it is without doubt a minority faction in the Union. In many of the motions it sponsors (by no means only in the case of Israel and Palestine) matters of opinion are stated as fact and council delegates asked to endorse these with very little background information.
4. The morality of calls to boycott Israel is questionable though not, of course, in terms of the right of any individual to take non-aggressive action in the interests of a firmly-held conviction. But that is not an absolute right, as recent cases where medics who wished to boycott abortions, or registrars who wanted to boycott same-sex civil ceremonies have found to their cost. When it comes to a matter of institutional action, wider concerns must be considered, and it is not safe for individuals to take action on the assumption that the institutional boycott call will cover them. Refusal of what are seen to be the human rights of Israeli citizens could well become a legal issue, and in terms of common justice, at the very least must give right-minded people pause for thought. Is the choking off of cultural and intellectual communication appropriate? Similar issues, of course, arose in the case of the boycott of Apartheid South Africa, and I shall return to these shortly when I consider the efficacy of sanctions. The furore caused by Paul Simon's decision to work in South Africa with black musicians to make the classic album *Graceland* is perhaps indicative of the tensions involved¹⁶—tensions which have still not been resolved.
5. Do boycotts work? And perhaps more important, in what circumstances might they work? South Africa and the world-wide campaign against apartheid is often (indeed, almost exclusively) cited as the paradigm case, but even that exemplar is far from clear cut. Lee Jones, of Queen Mary University in London, is currently engaged on an extensive research programme intended to identify not just how

¹⁵ See for example 56/2005; 25/2008; and 70/2011.

¹⁶ There is a useful summary of the issues in a Guardian article marking the twenty-fifth anniversary of *Graceland*: Robin Denselow, "Paul Simon's *Graceland*: the acclaim and the outrage," *The Guardian*, April 19, 2012, <http://www.guardian.co.uk/music/2012/apr/19/paul-simon-graceland-acclaim-outrage>.

effective sanctions might be, but how such effectiveness might be measured, and what preconditions should govern decisions about the application of sanctions, and what kind of sanctions might be deployed.¹⁷ His preliminary findings suggest that even at governmental level, “policymakers impose sanctions essentially on a wish and prayer, merely hoping that economic deprivation will have the desired outcome, without any sense of how it may (or may not) do so.” There is not room in the context of this paper to discuss his work in detail, but some observations are particularly pertinent. It is likely, for example that most of those currently advocating sanctions against Israel base their advocacy on classic liberal assumptions which Jones identifies as having three aspects:

First, target-state policymakers’ decisions are based on cost-benefit analyses which are highly sensitive to economic calculations, such that imposing costs will lead to a policy change. Secondly, and underpinning the first assumption, the function of states is to maximize the general welfare, leading them to prioritize economic costs of resisting over the political costs of conceding. Thirdly, those affected by sanctions enjoy the capacity to effect political change. If the targeted government does not automatically respond on the basis of a revised cost-benefit analysis, the classical liberal view expects the target population to compel it to do so, on the basis of their own rational, cost-benefit analysis.

He notes, dryly, that “[a]ll of these classical liberal assumptions are questionable”! Even in the case of South Africa, the long-term effectiveness of sanctions (in the short- and medium term they were largely counter-productive) was due in considerable part to the development of internal change—including, ironically, greater access to resources and information on the part of the oppressed groups targeted by apartheid. In a fascinating parallel to the Paul Simon case cited above, Jones observes that even “fake” disinvestment was positive in its effects, since it

enhanced the leverage of anti-apartheid forces, particularly black trade unions, which was used to further fragment the dominant coalition.... [thus] the very fakery of disinvestment created significant “pullout leverage” for unions which “dramatically increase[d] our bargaining power.” Foreign firms were reluctant to actually withdraw from South Africa but to stay they had to strike deals with workers to appease hostile activists back home. Many firms reduced layoffs, increased pay, agreed to press the government to negotiate with the opposition, and

¹⁷ This is a preliminary report, to which I have referred with the permission of the author. See now, Lee Jones and Clara Portela, “Evaluating the ‘success’ of international economic sanctions: Multiple goals, Interpretive methods and critique,” *Research Collection School of Social Sciences*, paper 1671 (April 2014).

recognized black unions, helping COSATU to enhance its “organizational base” and survive the government crackdown.

In short, Jones’s answer to the question, “Do sanctions work” is a resounding “It depends”; moreover it is clear that it is unsafe to draw upon analogy in relation to sanctions. His conclusions are particularly apt:

What an analysis of the important South African case does highlight, however, is the danger of reasoning by analogy in relation to sanctions. As noted earlier, calls for sanctions to be applied in other cases, from Myanmar to Israel, are justified by claims that since they worked in South Africa, they will work elsewhere. The analysis of sanctions against apartheid suggests that, to the extent that they worked, they did so in interaction with historically and societally specific dynamics. To the extent that other target states lack these pressures and offer very different contexts, we cannot logically expect even identically-designed sanctions to have the same effect elsewhere.

Lee Jones does not discuss academic and cultural boycotts directly, though they were a vociferous part of the sanctions campaign in general, and one to which UCU’s predecessor unions (AUT and NAFTE) subscribed without much controversy. In 2006, however, the American Association of University Professors (AAUP) hosted in its online journal *Academe* three contributions reflecting on the experience.¹⁸ Two of the contributors (Salim Vally and Shireen Hassim) accepted without much question the effectiveness of academic sanctions against South Africa; the third (Jonathan Hyslop) provides a nuanced historical account based in part on his own experiences, and concludes that “it had no important political effect in undermining apartheid and ... may have had a minor negative impact on postapartheid society.” He identifies many problems which quickly arose in practice, and notes the emergence of internal support for a “selective boycott,” but that too proved problematic not least because of the impossibility of identifying appropriate criteria for selective exemptions. In the end the ineffectiveness of the academic boycott was beneficial in that openness to external influences enable real changes of mind and attitude in the white population. However, Hyslop notes a countervailing unfortunate consequence of the “effect of boycott on the boycotters,” namely that

the politics of the boycott engendered a situation where academics approached the South African question primarily as moralists. In doing

¹⁸ Jonathan Hyslop, Salim Vally, Shireen Hassim, “The South African Boycott Experience,” *Academe* (Sept-Oct 2006), <http://cosmos.ucc.ie/cs1064/jabowen/IPSC/archive/seanArchives/journal989/article0046403.html>.

so, they largely abandoned the contribution they could have made as intellectuals to the creation of South African democracy. To this day, it damages their ability to engage with the country.

He concludes by citing Kant's idea of "universal hospitality," and reflecting that

Kant's words must provoke us to think about whether the abandonment of that cosmopolitan right of hospitality in one place on the globe can be a useful contribution to overcoming the transgression of rights in another. If we do believe that scholarship is more than a job, that ideas do make a difference in human affairs, that the clash of ideas is essential to change, then it is difficult for me to understand how stemming the flow of people and ideas assists us toward a better world. The great achievement of South Africa's present is surely that it is an attempt at sharing the earth, to which nobody has a greater right than another. My experience of the South African boycott makes me doubt whether a refusal of academic hospitality is a means to bring about the conditions for that kind of sharing.

Conclusions

Undoubtedly there are many attractions in using the boycott as a political weapon. It is something that can be done with little consequence to those doing it (which might, incidentally, be morally problematic); it is highly visible; it seems to "fit the crime" in that those against whom it is deployed deserve to be isolated from their fellow human beings; it scores highly on the ideological scale because of its "right and wrong" certainty: we know who the enemy are and feel justified in acting against them; and it can be very simply presented, requiring little in the way of nuanced argument.

Do boycotts work? There is evidence that they can; indeed, the original boycott was highly successful, being small-scale, local, and highly focused. Above all it was short-term, aimed at a particular abuse within a limited period of time. The Montgomery Bus Boycott of 1955, which brought fame to Rosa Parks and Martin Luther King, and set in train a sequence of events which permanently changed the United States, affords a similar instance. An interesting recent variant on the boycott is the use of social media to address very specific abuses (or perceived abuses), usually in the retail sector. Large companies seem to be particularly susceptible to this technique, and will sometimes make very public changes to policy and/or practice to protect their markets; this was certainly the case when a widespread campaign was launched against the Cameron Government's "workfare" scheme which was interpreted as a scam to force the unemployed to work for nothing, and as a consequence to render other workers redundant. On the other hand, many of the businesses thus targeted do not show signs of being much affected: while Starbucks made a token payment to the Treasury to ward off bad publicity, Amazon

and Vodafone seem to have continued blithely in their tax- minimising ways. Perhaps the truth of the matter is that successful boycotts are either short, sharp campaigns addressing a sharply defined and specific issue, or those mounted at an international level by a consortium of national governments. Even then, success is not guaranteed: it is by no means clear that the Western boycott of Iran is close to achieving its aims, and the analyses referred to above of South Africa reveal a much more complex situation than most of those who appeal to its example will allow.

On the negative side, in situations where there is sharply divided opinion and no clear moral certainty, it is likely to prove a damp squib. There are also the problems associated with over-use: hardly a week goes by without a call coming out to consumers to boycott some business or another, whether for alleged tax avoidance, bad employment practices, the use of child labour, complicity in the arms trade, or whatever. Many of the seeming advantages of the sanctions/boycott weapon can, of course, also be presented as drawbacks. In what circumstances are we justified in imposing suffering on others in the name of our own principles? Are we sure that the isolation and ostracism of the many innocents amongst boycotted communities is a price worth paying? Have the innocent had the chance to make their voice heard in the debate? Ideological purity is a dangerous condition, being perhaps the other side of the coin called bigotry: have we explored the counter-arguments, and made allowance for mitigating circumstances with regard to the supposed crimes of those we are targeting? Is their violence, for example, a defensible response to attacks on their well-being? Are the high profile accusations often made in such circumstances factually correct? The use of terms like Apartheid and genocide or ethnic cleansing in criticisms of Israel is frequent, offensive; and it is doubtful that their use is accurate, to say the least.

This paper has drawn on the implicit evidence in the Old Testament for programmes of sanctions, boycotts and social exclusion (up to and including ethnic cleansing and genocide). What that seems to show is that, rooted as they are in the narrow beliefs and agendas of elite minorities, their ultimate effectiveness is nugatory and their impact negative. The irony that these same programmes were frequently used against the Jews in Christendom up to the Holocaust under the Nazis reinforces their suspect nature.

Parallels with modern calls for sanctions and boycotts are of course limited, but they certainly highlight the risks of self-righteous supposed moral superiority on the part of those making such calls, of ill-thought out presuppositions regarding the application and effectiveness of sanctions, and of a consequent failure to explore other and perhaps better approaches to resolving the undoubted injustices and inequalities which abound in the Middle East—as, indeed, in too many other places in our as yet unreformed world. There is no single magic bullet that will resolve these problems; perhaps at least a recognition of their complexity might help to forestall simplistic “answers” which run the risk of, in the end, making things worse rather than better.

Appendix: UCU Motions 2005–11

Note: only those motions directly referred to have been given in full. Others may be found in the records of the national meetings of AUT and UCU. The numbers correspond with the numbers used in the proceedings of these meetings.

AUT Council—April 2005

56 (Moved by Open University and seconded by Birmingham)

Council notes:

1. That nearly sixty of the most prominent academic, cultural and professional associations and trade unions in the Occupied West Bank and Gaza, including the Federation of Unions of Palestinian Universities' Professors and Employees and the umbrella organization of Palestinian Non-Governmental Associations (NGOs) in the occupied West Bank (PNGO), and thus highly representative of the views of major sectors in Palestinian civil society, have now called for an academic and cultural boycott of Israeli institutions.
2. That AUT is affiliated to Friends of Bir Zeit University and Trade Union Friends of Palestine.
3. That the full text of the Palestinian Call can be found on the following websites: right2edu.birzeit.edu/news/article178; www.bricup.org.uk
4. That the wording of this call is as follows:

In the spirit of international solidarity, moral consistency and resistance to injustice and oppression, we, Palestinian academics and intellectuals, call upon our colleagues in the international community to comprehensively and consistently boycott all Israeli academic and cultural institutions as a contribution to the struggle to end Israel's occupation, colonization and system of apartheid, by applying the following:

- a) Refrain from participation in any form of academic and cultural cooperation, collaboration or joint projects with Israeli institutions;
- b) Advocate a comprehensive boycott of Israeli institutions at the national and international levels, including suspension of all forms of funding and subsidies to these institutions;
- c) Promote divestment and disinvestment from Israel by international academic institutions;
- d) Exclude from the above actions against Israeli institutions any conscientious Israeli academics and intellectuals opposed to their state's colonial and racist policies;

- e) Work toward the condemnation of Israeli policies by pressing for resolutions to be adopted by academic, professional and cultural associations and organizations;
- f) Support Palestinian academic and cultural institutions directly without requiring them to partner with Israeli counterparts as an explicit or implicit condition for such support.’

Council resolves to circulate the full text of the Palestinian call to all LAs for information and discussion.

AUT Special Council—May 2005

1 (Proposed by Southampton)

Council notes that at the last council, AUT international policy on Israel and Palestine was resolved in the absence of defining principle and without debate or acceptable standards of democratic procedure.

Council therefore resolves:

1. that international policy must be based on consistent principle, openly debated and democratically confirmed
2. that the European and international affairs sub-committee of the national executive update such a policy for debate at the next meeting of council
3. that in light of this, existing policy relating to boycotts of Israeli universities should be set aside
4. to reiterate its long-term position in regard to the occupation
5. to mandate the executive to work with NATFHE and the TUC to establish an investigative commission charged with examining how best to implement this policy and to provide practical solidarity to Palestinian and Israeli trade unionists struggling to maintain academic freedom, undertake research and teach students whilst arguing for Israel’s compliance with UN resolution, with a view to reporting back to the next council.

UCU Congress 2008

25 (Proposed by University of Brighton—Eastbourne, University of Brighton—Grand Parade, University of East London Docklands, National Executive Committee)
Congress notes the

1. continuation of illegal settlement, killing of civilians and the impossibility of civil life, including education

2. humanitarian catastrophe imposed on Gaza by Israel and the EU
3. apparent complicity of most of the Israeli academy
4. legal attempts to prevent UCU debating boycott of Israeli academic institutions; and legal advice that such debates are lawful
Congress affirms that
5. criticism of Israel or Israeli policy are not, as such, anti-semitic;
6. pursuit and dissemination of knowledge are not uniquely immune from their moral and political consequences; Congress resolves that
7. colleagues be asked to consider the moral and political implications of educational links with Israeli institutions, and to discuss the occupation with individuals and institutions concerned, including Israeli colleagues with whom they are collaborating;
8. UCU widely disseminate the personal testimonies of UCU and PFUPE delegations to Palestine and the UK, respectively;
9. the testimonies will be used to promote a wide discussion by colleagues of the appropriateness of continued educational links with Israeli academic institutions;
10. UCU facilitate and encourage twinning arrangements and other direct solidarity with Palestinian institutions;
11. Ariel College, an explicitly colonising institution in the West Bank, be investigated under the formal Greylisting Procedure.

December 2008—Statement on motion 25

(Agreed by the National Executive and Trustees)

Over the past months, the UCU has been under the threat of legal action from 12 anonymous members of the union. These members sought, by bringing the threat of legal action, to persuade the National Executive Committee to repudiate motion 25 on education in Palestine and on the role of Israeli universities and colleges in the Occupation. They sought this outcome on the basis that, in their view, solidarity boycotts of institutions are unlawful, and that targeting Israeli institutions specifically would be discriminatory.

Contrary to the widespread misreporting, the UCU has neither abandoned nor repudiated motion 25 as a result of legal threats and challenges. Together with all other policy positions adopted at the 2008 Congress, national, professional and international, motion 25 will be pursued vigorously and rigorously. This motion was carried overwhelmingly at Congress, and, amongst other things, called for an investigation and

report into the conditions of education in the Occupied Territories, and specifically for an investigation of the role of one college preparatory to any request of “greylisting” being received. At its recent meeting, the National Executive confirmed, again by an overwhelming vote, that this investigation would be pursued as part of our wider concern with the condition of academic freedom in a number of areas across the world. The outcome will be reported to our next Congress.

It is to be deeply regretted that an attempt should have been made to subvert the democratic procedures of the union by resort to a tendentious interpretation of the law. Even many of those who had opposed motion 25 were determined that this should not succeed. If members of the union wish to change policy, there are established democratic mechanisms for that to be done, without recourse to the courts.

The union has met the counsel for the litigants in the motion 25 threat, and has politely explained this position to them. It has explained that motion 25 will be pursued in a manner determined by its executive bodies, and within the law, and that the union will not be deterred by legal threats or by intimidation. No discussion of amendments to this position was possible outside the formal democratic processes of the union, and no “concessions” or “compromises” on this position would be negotiated formally or informally.

Congress 2010

33 (Proposed by University of Oxford) [The motion was defeated]

Congress notes that:

- UCU invited Bongani Masuku to a meeting in December 2009 to discuss Boycott, Disinvestment and Sanctions against Israel;
- the South African Human Rights Commission (SAHRC) has found that at a rally at the University of the Witwatersrand in March 2009 Masuku “uttered numerous anti-semitic remarks which were seen to have incited violence and hatred amongst the students who were present.”;
- the SAHRC has determined that these statements, and others made publicly by Masuku, amount to hate speech prohibited by the South African constitution;
- the SAHRC finding makes it clear that Masuku does not deny making the remarks attributed to him;
- these remarks were publicly available on the internet well before UCU’s invitation to Masuku was issued.

Congress dissociates itself from Masuku’s repugnant views.

Congress 2011

70 (Proposed by National Executive Committee)

Congress notes with concern that the so-called 'EUMC working definition of anti-semitism', while not adopted by the EU or the UK government and having no official status, is being used by bodies such as the NUS and local student unions in relation to activities on campus.

Congress believes that the EUMC definition confuses criticism of Israeli government policy and actions with genuine antisemitism, and is being used to silence debate about Israel and Palestine on campus.

Congress resolves:

1. that UCU will make no use of the EUMC definition (e.g. in educating members or dealing with internal complaints)
2. that UCU will dissociate itself from the EUMC definition in any public discussion on the matter in which UCU is involved
3. that UCU will campaign for open debate on campus concerning Israel's past history and current policy, while continuing to combat all forms of racial or religious discrimination.

