

NETTA BARAK-CORREN

# The Legal Remedy

*Rising threats to Israeli academia demand  
a new approach*



SENIOR BIOLOGIST is abruptly informed by her European partner that their research collaboration must end immediately due to his university's decision to boycott all Israeli universities. The two, who are part of an EU-funded consortium, co-supervise students, share a patent, and are in the process of writing a joint article. Neither scientist wants to sever ties, but they are bound by the directive from above.

A feminist scholar has been working for months on organizing a set of panels for an international conference. Then comes a boycott decision by AtGender, the organization behind the conference. The scholar is excluded from the conference she helped to design, her work and ideas are appropriated, and her carefully curated multinational discussion of the impact of war on women, with Palestinian, Israeli, and other conflict-zone speakers, will take place without its sole Israeli voice. (The Palestinian scholar has been retained, of course.)

A delegation of Israeli high-school students, after having spent months training for the International Olympiad in Informatics (a major scientific competition) amid wartime challenges, is barred from physically attending the competition because Egypt, the host country, boycotts Israel. A few days before the event, several Arab delegations demand the complete ousting of the Israeli delegation. The circa 100-country body votes to erase Israel from the global map, days after the Israeli youth win three gold medals, placing them second among all competing nations. From now on, Israelis will no longer be allowed to compete under the Israeli flag, only as stateless individuals. The chairperson of the assembly, an Australian scientist, thanks his peers for doing “the right thing for Gaza.”

According to an April report from the Israeli Ministry of Intelligence, these acts and the broader academic boycott “pose risks to Israel’s scientific-technological position in the world, and in the long run could lead to damage to national security and the strength of Israel’s economy.” When Prime Minister Netanyahu declared in June that Israel is now fighting a “seven-front war” (meaning Gaza, Lebanon, Yemen, Iraq, Syria, the West Bank, and Iran), he could well have added an eighth: academia.

It is hard to overstate the stakes of this front not only for Israel, but for countries all over the world who benefit from Israel’s scholarly contributions to many fields. The boycott has already scotched research collaborations in medicine, computational biology, chemistry, informatics, political science, child welfare, and more. While it is impossible to measure the full extent of a movement that tries—and succeeds—to frighten academics from collaborating with Israeli colleagues, it is already clear that the boycott has disturbed and derailed many innovations that benefit humanity.

All the more frustrating is the boycott’s advancement despite Israel’s academic culture of inclusivity, diversity, and peace-

building. For example, about 16 percent of the Hebrew University's 24,000 students are ethnically Arab, roughly the share of the Arab population among Israel's citizens. (About half of our Arab students are Palestinians from East Jerusalem.) This figure has grown steadily over the years as the university has poured effort and resources into recruiting Arabs and Palestinians for all of its ranks. A recent example of that commitment is a notice sent to the entire faculty a few weeks ago from my university's vice president for strategy and diversity seeking to recruit "postdoctoral researchers from Arab society" for academic positions, and asking to raise faculty awareness and involvement in such hiring. As customary for the Hebrew University, the email came out in all three languages—Hebrew, Arabic, and English. Participating in such initiatives is so commonplace in Israeli academia that had I not been writing this article, I would have entirely missed the irony. Arab feminist administrators such as Hebrew University's Mona Khoury or Ben-Gurion University's Sarab Abu-Rabia-Queder, both vice presidents of their respective universities, or Mouna Maroun, the freshly minted provost of Haifa University, are all celebrated in Israeli academia for their leadership and academic achievements. Institutions such as Hebrew University's Harry Truman Center for Peace Studies devote themselves to advancing knowledge on peace-building, and legal clinics at each law school promote equality and diversity in Israeli society. All of this is normal academic business in Israel, which is lost on the academics in other countries who seek to boycott Israeli institutions.

What European universities like those in Ghent, Granada, and Barcelona leading the boycott may fail to recognize is that in addition to being counterproductive, immoral, and completely at odds with the ethos of intellectual inquiry, the boycotts may in fact be illegal.

Through the EU-Israel Association Agreement, Israeli researchers and institutions have access to EU grants, which constitute some of the largest sources of research funding in the world. The

regulations for such funding include nondiscrimination rules as a condition for eligibility. EU Research and Innovation Commissioner Iliana Ivanova stated unequivocally in June 2024, when asked about the Israeli boycott initiatives, “Termination solely on the basis of nationality would be improper and would amount to discrimination prohibited under the Association Agreement,” meaning that universities or researchers who terminate collaborations with Israeli collaborators will violate their contractual commitments and risk their eligibility for funding.

The situation in the United States is similar. Major funding bodies such as the National Institutes of Health (NIH), the National Science Foundation, the Department of Defense, and others have nondiscrimination rules as well. In 2019, the NIH sent a letter to Harvard expressing concern about allegations of discrimination against Asian-American applicants in undergraduate admissions. In 2020, the NIH intervened at USC’s Keck School of Medicine after multiple complaints of gender discrimination. Investigations have been opened into other universities as well. Participation in a boycott of Israeli researchers as such would constitute a violation of Title IX’s prohibition of “discrimination on the basis of race, color, or national origin in programs or activities that receive federal funds.” This rule also applies to the many European universities that regularly enjoy NSF and NIH funding through collaboration with American institutions.

The battlefields of Israel’s eighth front extend from the halls and yards of universities to regulatory commissions and courts charged with enforcing these laws. The soldiers we need to fight this battle are lawyers with this specific area of expertise, and the weapons come at the cost of their time. We need them to compose and file motions to get the various regulatory bodies to enforce their nondiscrimination policies, neutralizing the boycott’s destructive ambitions.

There is also a legislative front to this war. Although there are laws

in the United States that prohibit government contracts with entities that participate in the Boycott, Divestment, and Sanctions (BDS) movement, these laws mainly apply to commercial activity. Back in 2014, then-Representative Alan Grayson, a Democrat from Florida, introduced a bill to prohibit the grant of federal funds to higher-education institutions that participate in BDS. It is perhaps more timely than ever to push similar legislation through Congress. We need lobbyists and Washington insiders to persuade members of Congress to take the lead on getting this legislation through.



It is easy to forget that before this war began, the divisions within Israel that brought us to the streets were also real, legitimate, and existential. Those divisions continue to play out—in disagreements over strategies, priorities, and objectives—as we navigate our way to the war’s end on all fronts. Unlike the other seven, the eighth front is one over which there should be little debate. It is an attack on one of our most fundamental reasons for existing as a nation: to contribute to *all* human flourishing. We fight for our place in the global discourse and dissemination of knowledge, both for our own sake and for the world. While we may agree or disagree with the government, it is our society and its potential that are always worth protecting. While some of us fight on the land, others fight in the air and on the sea. Still others fight in the classrooms, the conference rooms, the courts, and the halls of government. We fight for knowledge, for truth, and for our part in creating a better world. If that is you, consider yourself called up. \*