

## 12 Environments for Expression on Palestine: Fields, Fear, and the Politics of Movement

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What we can safely say depends on where we are – but not in a simple way in which place can be reduced to jurisdiction or state sovereignty. States can influence what is sayable beyond their boundaries, too, because of the ways in which people move and because of the interdependence writers and speakers have with one another. States and non-state entities – corporations but also “non-profits” – can also essentially work in concert to undermine the ability of people to speak truth to power. Inextricable from these dynamics is the racialized positionality of the speaker. If Ruth Wilson Gilmore (2007) thinks of race as that which makes people additionally prone to death at the hands of or in ways sanctioned by the state, we can extrapolate that those in additional risk of physical harm are often at additional risk of being hurt for what they say or in other ways being limited in what they say. A critique of “free speech” as situated clearly in democratic states – a “free world” brightly separated from other parts of the world – is an important insight of the anthropology of expression, which can put “familiar debates about freedom of speech into a broader comparative frame” (Candea et al. 2021). I argue here that comprehending these geographical and racialized dimensions of expression is crucial for anyone who writes with any comfort in the United States about global issues, because we are so often “writing alongside” those with less freedom than ourselves – people upon whom our own apparent independent ability to express ourselves often is conditioned, or with whom it is entangled.

Palestine is a telling location through which to explore the contours of what is regarded in rights talk as a “universal” right to freedom of expression. What can be said about and by Palestinians is limited in such different ways across various places. Military occupation – Israel’s heavily armed and racialized form of control over Palestinians in the West Bank and Gaza Strip – produces physical threats to journalists and others involved in expressive acts. On 11 May 2022, an Israeli soldier shot and killed Al Jazeera journalist Shireen Abu Akleh while she was reporting from the West Bank city of Jenin. She had been

wearing a helmet and a protective vest marking her as a journalist. She was one of at least twenty Palestinian journalists killed by Israel between 2000 and 2022 (Halpern, Zeveloff, and Mahoney 2022). At once a national icon and fond household presence, Shireen Abu Akleh's loss had painful resonances that were both public and intimate. Palestinians in multiple cities participated in her funeral, and she was quickly memorialized in murals and billboards in many cities (Al Jazeera 2022). Her killing is a sharp example of how individual cases of violence or restriction can have immense impacts on societies. But for communities under threat, even less profound losses can have collective effects. Restrictions on expression often compound each other. I have written elsewhere about the physical violence faced by Palestinian journalists with an eye to how this violence shapes journalism and the production of political knowledge (Bishara 2013). I focus here on the forms of restriction on expression that operate across borders. In addressing these more subtle threats, I seek to explore the global atmosphere of threats to Palestinian expression that is another part of the context for outright violence.<sup>1</sup>

Racialization poses different threats across various subject positions and state borders. I have thought of Palestinians – especially those living under military occupation – as “epistemic others” (Bishara 2013) who are limited in three ways in their ability to express themselves. First, and here especially I am building on the work of Edward Said (1978), they are seen as less trustworthy due to long-standing orientalist associations between Arabs and lying or “florid” speech. Second, they are stateless, and political speech is integrally linked to and often validated by citizenship status. Third, they have been racialized as associated with terrorism during the “War on Terror,” which we can think of as neither beginning with President Bush's declaration of that war in September 2001 nor as ending with the US pulling out its troops from Afghanistan twenty years later. But it is not only Palestinians whose ability to engage in political expression about Palestine is limited – non-Palestinians are also impacted – and among Palestinians, the right to speak is graduated by many factors.

Pierre Bourdieu (1993, 2005) offers a window onto understanding how expression and knowledge production are linked to specific institutions and restricted by associated forms of power. Bourdieu's concept of a field organizes

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1 In grief, I note that I substantially finalized this chapter well before Israel killed over one-hundred Palestinian journalists in its war on Gaza (Committee to Protect Journalists 2024). This extreme violence – including the deadliest ever period for journalists since the Committee to Protect Journalists (CPJ) began recording such killings in 1992 – is a terrifying backdrop to the pressures and menaces described here, and we will need to reckon with these unbearable losses for a long time to come.

an analysis of how disciplines, professions, media worlds, and other spaces of knowledge production are both related to broader fields of power and also somewhat independent from them. This independence means they partially can challenge prevailing systems of power – but it also means that they can have their own versions of hierarchy that can be oppressive in their own ways. Bourdieu's (1993, 38, 49, for example) schematic charts position positive and negative poles to distinguish how certain artistic fields are aligned with capital and related to other prestige systems. They allow for a clear mapping of spaces for cultural production. However, these charts can obscure how profoundly place-bound much of our expression is. Overlaid on Bourdieu's neat charts, we need checkpoints and border control! We need oceans and interrogation rooms!

I am inspired to think about US academia as a site of political practice by Lara Deeb and Jessica Winegar's 2016 *Anthropology's Politics: Disciplining the Middle East*, an oral history and analysis of Middle East anthropology in the United States that accounts for how US politics and trends in the neo-liberal university have shaped the experiences of scholars of various genders, classes, races, ethnicities, and generations. The cultural and ideological relationship between Israel and the United States has endured during the first decades of the twenty-first century, alongside newly intensified forms of Islamophobia and structures of "state security" that especially police the movement of brown and Black people. How is speaking truth to power on Palestine different but similar in the United States than in Israel or the West Bank or Europe?<sup>2</sup> How are these environments for expression distinct but related? How is freedom of expression influenced by the circulation of legal frameworks and state speech and also of actual people? When does mobility open up possibilities for expression and when does movement – or the possibility of movement – undermine the potential for expression?

Regarding Palestine, it is especially important to consider a category of "state speech." Building on the work of Judith Butler (1997), I think of this as what states or their representatives can declare without evidence and without rigorous research but which is nevertheless effective because it is a state that declares it. State speech works on at least three levels. First, states have an effective power to influence discourse because those speaking on behalf of the state automatically command an audience. Second, they are usually distinctly able to take action to make statements effective: to issue permits, make arrests, inhibit movement, and more. Third, they can produce data – through censuses

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2 The legal and cultural landscape of restriction on Palestinian political expression is different in Europe, and the focus of this chapter is on the traffic between Israel and the United States. For more on Europe, see Atshan and Galor (2020) and Doughan (2022).

or police reports, for example – to solidify social facts. To put it in J.L. Austin's (1975) terms, they have the bureaucracy and the army to make their own felicity conditions. The speech of authorities can drive news events that have widespread implications, even when they are not followed by full-fledged legal processes (Cody 2023). States are at the centre of security discourses that operate on a global scale to reproduce logics of racialized separation (Besteman 2020). Therefore, their declarations about security have power that operates beyond the borders of single states.

For those concerned with speech about Palestinians, the key examples are when Israel (or another state) determines something to be a statement in support of terrorism, or when an Israeli official deems something anti-Semitic. Both of these categories are ones about which, it often seems, there can be no legitimate debate. Yet these categories have become blurred in pro-Israeli discourse, as Israeli officials deem both rhetoric that questions the legitimacy of Israel as a Jewish state and the act of boycott tantamount to terrorism and anti-Semitism. Because Israel operates in a world of states, and because discourses on terrorism and anti-Semitism are both mediated and indeed legislated in interconnected ways across many countries, Israel's declarations on these topics have influence beyond its borders. Potentially, they also can be checked or questioned if Israel declares something to be a terrorist act or entity in a way that ultimately does not make sense to others – but this has often been an uphill battle given Israel's position of privilege in defining anti-Semitism and terrorism as a post-Holocaust Jewish state in the Middle East. For the sake of space, I will not take on in-depth debates about the definitions of either terrorism or anti-Semitism here. Instead, in this chapter, I especially consider how limits on expression are shaped in academia and related spaces of apparently privileged expression in ways related to cross-border movement of ideas, money, and people.

### **Reflecting on Academic Practice**

As an anthropologist of Southwest Asia and North Africa who lives and works in the United States, my intellectual work involves a constant toggling across spaces where, it can seem, different things are sayable. As a committed ethnographer, I often feel I cannot say anything without moving across spaces and listening to many people. Anthropologists have long thought about our debts to our interlocutors and to the communities with which we work, and there have been active conversations in anthropology and beyond about citational politics and the imperative to cite women and non-binary scholars, scholars of colour, and others. It is essential that we as writers account for not only our privilege in terms of our social positions but also our specific obligations as knowledge producers. As ethnographers working on politically urgent topics, we often

must rely on adjacent forms of knowledge production to make our arguments in the strongest possible ways. So much of what I write depends on the research and hard work of Palestinians and Israelis who do the daily work of cataloguing Israeli violence. This, for me, entails a deep set of responsibilities to these people and indicates, if not a common cause, a camaraderie of sorts across various forms of difference.

These issues have been a backdrop to my recent book *Crossing a Line: Laws, Violence, and Roadblocks to Palestinian Political Expression* (2022), which addresses the different *environments for expression* for Palestinian citizens of Israel (in Israel's 1948 territories) and Palestinians in the Israeli-occupied West Bank. I think of those two environments as distinct but related because they are both under Israeli sovereignty (though under two disparate legal regimes). Here, I expand and reflect on that material in two ways. First, I move beyond these two apparently distinct jurisdictions that are actually under a single sovereign by looking at expression across state boundaries, under different state sovereigns (primarily the United States and Israel). Second, I reflect on my experience as a scholar and consider the university in general as a site for intellectual production that is nevertheless shaped by dynamics of other states' restrictions on expression.

Reflection on our citational practices initiates a deeper awareness of accountability that we have as writers. One way of asking about this accountability is to consider our company as we write. In my writing about journalism (Bishara 2013), "writing alongside" was for me a way of conceptualizing a relationship distinct from "writing up," as described by Laura Nader (1974). Journalists have similar social power as anthropologists, and our writing overlaps in ways that can create tensions over our different audiences and norms. The special practice of "writing alongside" I am describing in this chapter is also a writing *across* borders and lines of social power. I am encouraged in this conception of "writing alongside" by anthropological approaches to expression that recognize that "the model of a self-owning, rights-bearing individual subject of free speech is only one of multiple possible ways in which human societies have thought about and organised the relation between speech and freedom" (Candea et al. 2021).

While the focus in my book is on Palestinian political expression, and while the assumption of the book is that it is crucial for Palestinians to be able to speak to each other and as a collective despite their different political statuses, I could not have written the book without a number of Jewish Israelis and Israeli institutions. This includes institutions and individuals of a variety of political stances, including stances of "objectivity." Some I would regard as closely aligned with the politics of the Palestinian activists about whom I write, such as Zochrot, the Jewish Israeli organization that promotes Israeli memory of the Palestinian Nakba, or mass dispossession, of 1948. It also includes institutions

that are important critics of the Israeli state though they are not necessarily aligned with the politics of the Palestinian activists about whom I write, such as Israel's premiere human rights organization B'Tselem. Finally, it includes Jewish Israeli reporters working for a variety of Israeli newspapers that are not explicitly oriented towards a fundamental critique of the Israeli state. While some of the journalists are major public figures and important critics of the Israeli state whom I have admired and followed for decades, like Amira Hass and Gideon Levy of *Haaretz*, others emerged as personas for me as I wrote my book. I imagined Nir Hasson, also of *Haaretz*, on the streets of Jerusalem, at night, reporting on right-wing crowd violence against Palestinians. I knew there were a variety of reasons I would not be in his place. This citational practice may seem unremarkable, but in an era when and at a site where different groups may adhere to separate truths (Stein 2021), my dependence on Jewish Israeli knowledge producers of various institutional and mostly likely ideological positions is important to recognize. Still, the energy of this chapter focuses on Palestinian knowledge producers, because, as subjects often racialized as threats by the Israeli and US states, they face the most profound risks.

### **“Writing Alongside” Threatened Human Rights Activists**

Palestinian human rights organizations occupy an essential position in an ecology of human rights knowledge production, as they can begin conversations and document abuses in ways that push other national and global non-governmental organizations (NGOs) to continue their advocacy. Indeed, we have seen this in the last few years as B'Tselem, Human Rights Watch, and Amnesty International have all built on the cases made by Palestinian human rights organizations, arguing that Israel is an apartheid state.<sup>3</sup> For my research, the most important among these human rights organizations have been Adalah: The Legal Center for Arab Minority Rights in Israel, based in Haifa, and BADIL Resource Center for Palestinian Residency and Refugee Rights, Defense for Children International Palestine, and Addameer Prisoner Support and Human Rights Association, all based in the West Bank.

As I was completing my book, two of these organizations – Defense for Children and Addameer – were among six Palestinian organizations declared

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3 For example, eight Palestinian human rights organizations submitted a major report about Israeli apartheid to the UN Committee on the Elimination of Racial Discrimination in 2019 (Al-Haq 2019), and then the Israeli human rights organization B'Tselem (2021) and Human Rights Watch (2021) and Amnesty International (2022) followed soon after. Each presented their own research, and taking the lead of Palestinian organizations is hardly automatic, but after decades of documentation and argument led by Palestinian human rights organizations (L. Allen 2013), this new consensus has grown.

to be terrorist organizations by Israel.<sup>4</sup> The accusations stretched credulity. They were purportedly linked to allegations that individuals at the organizations were involved with fundraising for a leftist Palestinian political party, the Popular Front for the Liberation of Palestine (PFLP), which the United States, the EU, and Israel had all labelled as a terrorist organization. This is part of a broader criminalization of Palestinian politics that we can see inside Israel's 1948 territories and in the West Bank and Gaza.

The Israeli declaration had several kinds of impacts, but one was epistemic. With these accusations, various realms of knowledge production collided. There is the open and accessible world of human rights knowledge production, where publicity is often the point and can be protective. There is the academic mode of production, where there can be a collusion between a neo-liberal "marketplace of ideas" and demand to produce, on the one side, and activist scholars' interest in making heard stories of injustice and struggle, on the other. Both of these contrasted starkly with the field of knowledge production of the Israeli state's declaration, in which information is produced through violence and made to be effective not because it is rigorously presented, but because it is stated with force to back it up. It is not transparent but deployed with a combination of secrecy and accusation. The human rights, academic, and activist realms can be described in terms of the theories of the public sphere, geared towards deliberation, but the Israeli declaration left little to deliberate. Yet – and this is the key point – these environments are interconnected.

Analysts see Israel's declaration of these six organizations as terrorist groups to be part of a lengthy campaign to derail their work. Israel had long accused such organizations of "delegitimizing Israel," a vague accusation that seems to miss that human rights organizations are charged with criticizing oppressive states. Ramping up accusations, in May 2021, Israel circulated a dossier to European officials accusing these Palestinian human rights organizations of being involved with funding terrorism, but the officials were unconvinced. Rather than convince, then, the Israeli state declared. In October 2021, Israel pronounced the six organizations to be terrorist organizations according to Israel's 2016 Counterterrorism Law. Both culturally and legally, when Israel makes such a declaration, it must be attended to both inside and outside of Israel. According to joint reporting by the online publication *The Intercept* and the Israeli news magazine *Local Call*, the details of the dossier presented to Israeli officials were gained under circumstances of torture of two accountants who had worked with one of the organizations. Interrogation sessions lasted as long as twenty-two hours at a time. According to his lawyer, accountant Said

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4 The other four groups were Bisan, Al-Haq, the Union of Palestinian Women's Committees, and the Union of Agricultural Work Committees.

Abdat was interrogated while his hands were tied behind his back and his feet were also tied, in a position known by generations of Palestinian prisoners as a *shabah*, a stress position. Interrogators also threatened harm to his family during the interrogation. Abdat fainted more than once but received no medical care (Abraham, Ziv, and Rapoport 2021). Again I underscore that we are very far from the modes of knowledge production that would be accepted by my university's Institutional Review Board.

The details of the allegations were compiled in a document marked “classified,” but by the fall of 2021, they were being widely circulated. This exemplifies the ways in which secrets can be deployed to wield more power than information that circulates freely, producing impunity for the producers of secrets and deepening senses of insecurity for those who are their targets.<sup>5</sup>

The declaration of the six organizations as terrorist organizations was quickly condemned by international human rights organizations as well as by twenty-four leading Israeli human rights organizations (Zaher 2021). But the declaration nevertheless had momentous potential influence. It could have impacted data collection for an investigation of the International Criminal Court into the Israeli crimes in the West Bank and Gaza that began in 2021. As Michael Sfard, an Israeli lawyer representing Al-Haq, commented, “It all starts and ends with the fact that these organizations are seen as promoting a boycott of Israel and the investigation of war crimes at the International Criminal Court ... The attack on them is a political one under the guise of security” (quoted in Abraham, Ziv, and Rapoport 2021). This also has the potential to disrupt hundreds of Palestinian lives – people who depend on these organizations for their livelihood, as well as communities of human rights workers. According to the 2016 Israeli Counterterrorism Law, all of these organizations' activities have been criminalized, and their equipment and assets could be seized, and their staff arrested (Zaher 2021).

This tactic for defunding and delegitimizing Palestinian human rights organizations is related to “lawfare,” the strategy of using legal cases as a weapon in conflict that has been widely used against Palestinian advocates, especially to combat their speech and association (Guinane 2021). While the designation occurs under the purview of Israel's 2016 Counterterrorism Law, there is little legal process involved; security logics often undermine legal processes (Shenhav and Berda 2009; Dorsey and Díaz-Barriga 2015). Designation of an organization as a terrorist organization in Israel happens without a prior hearing; then the minister of defence may hear a petition from the organization to reverse its own decision, but this may involve secret evidence on the part of the

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5 See Tate (2007) for a different process of production of impunity, and Paz (2021) on the production of collective anxiety as a result of the discretionary circulation of secret information.



state, as could a legal petition to the Israeli Supreme Court. As Eliav Lieblich and Adam Shinar (2021) write, “The Counterterrorism Law provides a vestige of due process but in fact allows Israel’s security apparatus almost unfettered discretion.”

Importantly, the incontestability of these laws relies on cultural assumptions that can feel universal in “the free world,” that terrorism can never be considered legitimate (Li 2019). Yet “terrorism” is too often left undefined. In the case of these six organizations, there are no allegations of them having funded violent acts, and certainly not violent acts against civilians (the requirement of many definitions of terrorism), only that some funding in some cases might have been geared towards cultural activities like dance lessons or summer camps organized by the PFLP (Abraham, Ziv, and Rapoport 2021). In a powerful report for the Charity and Security Network, lawyer and free speech advocate Kay Guinane (2021, iv) writes of lawfare as a tactic increasingly used to threaten civil society in two ways, as “driven by authoritarian leaders seeking to restrict civic space in order to repress political dissent, and by counterterrorism measures passed in the wake of the 9/11 attacks.” Yet the key point here is that the “War on Terror” as a discursive formation exposes the lack of a bright line between democratic and non-democratic contexts. Discourses of security also often blur this line. Anti-Palestinian agendas have been a core of antiterrorism law, used to repress dissent over many decades (Li 2024).

The impact of such declarations reaches beyond state boundaries. They are made effective through donors’ sense of fear and legal liability. As Diala Shamas of the Center for Constitutional Rights writes:

The US Departments of Treasury or State need not themselves designate these human rights groups for there to be significant fallout from Israel’s claims. Launching these allegations alone, with or without substance, can cause serious and crippling isolation of the designated groups. Third parties – funders, institutions, advocates, students – fear they might be violating some law, or that they could subject themselves to resource-intensive lawsuits to defend themselves from allegations of supporting a designated group. Those of us who advise Palestinian rights groups and engage in advocacy for Palestinian rights suspect that this is exactly the intended consequence. Indeed, each time there is a new report purporting to uncover terrorist ties to Palestinian rights groups – no matter how implausible the accusations – my organization receives calls from individuals and institutions alike concerned about their potential liability in light of this new, or newly packaged, information. (Shamas 2021)

Whether as a distraction campaign that takes resources away from other important issues or as a threat to these organizations’ funding, the terrorism designation is a debilitating attack.

There is also speculation (and fear) that this attack on Palestinian human rights organizations is but a first step towards a crackdown on Israeli human rights organizations like B'Tselem. While a scholar's risk of citing these organizations pales in comparison to the dangers faced by the organizations themselves or to their funders, some scholars may also experience a sense of risk. In an atmosphere in which an NGO maintains a website slandering scholars for their criticism of Israel, some junior or vulnerable scholars may fear citing "terrorist" information. If the alternative is to cite only Israeli or international human rights organizations, this serves to reinforce dynamics in which Arab sources are less trusted than Israeli, European, or North American ones. This can perpetuate a troubling and historically engrained cycle. This all underscores how these environments for expression are interrelated across geographies and modalities of writing.

Nevertheless, the declaration of these six organizations as terrorist organizations might be a kind of a limit case: the declaration has created a backlash in the United States and Europe and (re)exposes the racialized and problematic labelling of Palestinians as terrorists. We are currently in the middle of this story, and it will be important to watch as it unfolds. By the summer of 2022, ten European countries had decided to restore funding to the organizations (Kuttab 2022; Lis 2022).

### **Transnational Approaches to Boycott, Divestment, and Sanctions**

The Boycott, Divestment and Sanctions (BDS) movement is especially illustrative of the ways in which speech is at once territorialized but not bound to the jurisdictional laws of where one is primarily located. Academic boycott is a means of speaking collectively, of drawing people's voices together against repressive policies. Boycott campaigns, in contrast to state declarations of terrorism, often gather tremendous evidence and a chorus of voices to press people into deliberation and action. Recent campaigns in the United States have strived to have a politics of voice that resists racialized logics of expertise and mobility by working intersectionally against US racism and settler colonialism and by foregrounding the perspectives of Palestinians in Palestine.<sup>6</sup> Boycott campaigns are not without risk for their leaders. One's stance on the boycott can have different impacts depending on one's location. The BDS movement is a Palestinian-led campaign launched in 2005 that calls for these three (non-violent) tactics to be used to isolate and put pressure on Israel until it ends its

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6 See, for example, the website of the Anthropologists for the Boycott of Israeli Academic Institutions (<https://anthroboycott.wordpress.com>) and analysis of the campaign by Allen, Segal, and Winegar (2023), Bishara (2023), and Deeb and Winegar (2017).

military occupation of the West Bank and Gaza, treats all of its citizens equally, and honours the right of Palestinian refugees to return.<sup>7</sup> Boycott campaigns are one way in which both individual academics and academic associations can express solidarity with a Palestinian-led campaign. Recent boycott victories include votes from the American Studies Association (ASA) in 2013, the Middle East Studies Association (MESA) in 2022, and the American Anthropological Association (AAA) in 2023 to implement an academic boycott.

However, there has been a coordinated global campaign against the use of boycott as a tactic, a campaign that attempts to undermine the Palestinian consensus on BDS. In the occupied territories of the West Bank and Gaza, boycotting Israeli goods is widely recognized as a positive strategy to the extent that that is possible, given the prevalence of Israeli goods in Palestinian markets, which is a product of Israeli occupation. However, according to a 2011 Israeli law, support for the boycott by Israeli citizens can lead to legal sanction (Lis 2011). In the United States, too, thirty-four states had anti-boycott laws as of November 2021 (Foundation for Middle East Peace 2021). As Human Rights Watch (2019) has found, “Anti-boycott laws in the US are part of an increasingly global campaign by Israel and its supporters to combat perceived supporters of the Boycott, Divestment and Sanctions (BDS) movement.” On this issue, as on many others, right-wing activists arrive in jurisdictions ready to submit bills for voting. These anti-boycott bills do not necessarily represent local debates or priorities. As local press institutions are hollowed out and become polarized along similar lines as the national press in the United States, thorough consideration of these bills can be difficult to engineer. Organizing against them, while certainly possible, requires work from local organizations that are closely following local legislation and are able to mobilize the right people to confront the law, as I witnessed as residents of my state waged not one but two successful campaigns against such laws (Massachusetts Peace Action 2019).

Anti-boycott laws can provide a purportedly “pragmatic” logic against boycotts, as opposed to arguments based in principles. In the recent AAA campaign, one anti-boycott argument, refuted by boycott organizers, was that a boycott resolution would make it impossible for the AAA to hold meetings in certain places that had anti-boycott laws in place. According to a close analysis, the laws would not prohibit the conferences being held in such states in any case (AnthroBoycott n.d.). However, for those accustomed to facing

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7 See the websites of the key boycott institutions, the BDS movement (<https://bdsmovement.net>) and the US Campaign for the Academic and Cultural Boycott of Israel (<https://usacbi.org>), as well as analysis of the history and contemporary importance of the boycott movement by Feldman (2019) and Takriti (2019).

no interruption to the usual business of the academy, who have internalized the sense that the academy is a free space for the exchange of ideas – rather than a field of struggle for such freedoms, as Bourdieu (1993) might have it – conceiving of what it might mean to face restrictions on where a conference could be held was a plausible reason to vote against a boycott. For those in support of a boycott, the laws were a related injustice that needed to be addressed. The campaign raised the possibility that the association would need to think about the politics of location more consistently in planning where to hold its conferences in order to press for academic freedoms, the right to boycott, and the rights to expression and education more broadly.

Zooming out, we can see that anti-boycott laws in Israel and the United States create a tension between activist Palestinians under occupation who are strongly inclined to support BDS and Palestinians in Israel or Palestinians and their allies the United States who can be isolated by boycott politics and who can also perceive certain kinds of support for BDS as risky. Here again, though, tides may be turning, if the recent academic institutional votes are any indication.

### **Points of Entry: Rhetoric and Visas**

It is those most viscerally committed to Palestinian rights who are sometimes most threatened in these networks of restrictions on expression and mobility. Israel, as the effective sovereign power over not only its 1948 territories but also the territories Israel occupied in 1967, controls access for many Palestinians to their families and to their hometowns. For generations of Palestinians, border stories are constitutive of Palestinian identities. These are the lucky Palestinians who have even the possibility of access, unlike most Palestinian refugees in the Arab world beyond historic Palestine. Delays and searches at Ben Gurion Airport are rites of passage for young Palestinians as they travel alone. Travellers tell their stories with a certain sense of wearing a badge of honour, sometimes recounting their clever retorts or sincere challenges to the border control officers, or the camaraderie or shared anxiety they found with others in the small rooms where they waited. In this sense, border stories propel expression.

Yet it is less often acknowledged that border experiences can set limits on the expression of Palestinians and others. State deployment of information and control of mobility can produce anxiety and fear in targeted communities (Paz 2018, 137). Passport control is another site at which state and – as we will see – non-state actors threaten freedom of expression even beyond their borders. Once again, these logics of exclusion are at odds with expectations about open spaces of discourse in democracies. Universities (especially in the United States) rely on a sense of global connection, and scholars value global

circulation of their ideas, so these limitations on movement interrupt utopian views of the academic environment for expression. Restrictions on movement interlace the domestic and international politics of Israel and the United States and their two related but distinct racialized hierarchies. Though exclusion happens at the level of the individual, such cases contribute to perpetuating an atmosphere of fear and anxiety around critique of Israel, especially for Palestinians and other Arabs. These dynamics again illuminate how free expression is territorialized, but not bounded to state sovereigns in any simple way.

As of a 2017 Israeli law, support for the BDS movement could lead to prohibitions on entering Israel for non-Israelis.<sup>8</sup> Israel denied a work visa to the director of the Human Rights Watch Israel and Palestine desk, Omar Shakir, in 2017, and the Israeli Supreme Court upheld a deportation order in 2019 (Human Rights Watch 2019). In many circles, each activist who embarked to Israel and each group of students or church or synagogue delegation became a new test case for the law. Rumours circulated of border patrol officers doing Google searches of would-be travellers. People had their theories of how Israel's passport control officers operated – but even expressing the theories effected Israel's threats and intimidation against critics because they work by circulating fear.

Then in 2018, *Haaretz* published evidence that Israel had an unlikely source for its information on whom should be excluded from entering Israel: the website Canary Mission (Landau 2018). Canary Mission is a US-based anonymous webpage, established in 2015, that slanders students, professors, and others for criticism of Israel, deeming their statements to constitute anti-Semitism or support for terror. Canary Mission targets many Arabs, Muslims, and other people of colour, posting their pictures along with statements twisted to sound nefarious (Jewish Voice for Peace 2016). This has negative effects on students' reputations and can impact factors like admission to graduate schools and attaining jobs. This, then, is a case of Israeli officials effectively using anonymous rumours to make decisions about visas – based on people's purported expressions. Canary Mission can post whatever it likes with no repercussions, but those advocates for Palestinian rights risk bans on entry (and more) if they are caught in Canary Mission's net. While Israel has for decades used security files to hide information from those accused, this use of unverified information from a non-government source seemed especially egregious and presented itself as a new level of threat to those watching the developments.

And then there were more high-profile cases of visa refusals. In the fall of 2019, Israel declared it would prohibit entry of US Congressperson Rashida

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8 The 2017 law built upon the 2011 law that made supporters of boycott subject to civil liability in Israel (Redden 2017).

Tlaib because of her support for the BDS movement. This was unprecedented because Tlaib was to go as part of a congressional delegation. Tlaib's status as the only Palestinian American member of Congress and as one of the "squad" of four progressive women of colour who were regularly targeted by then US president Trump are necessarily part of this story. Trump had harassed Tlaib in the past, and he goaded Israeli Prime Minister Benjamin Netanyahu on in the visa denial, tweeting, "It would show great weakness if Israel allowed Rep. Omar and Rep. Tlaib to visit" (Kershner, Stolberg, and Baker 2019). The Israeli government reversed its decision and said it would allow Tlaib to visit, but the case exemplified how even when they are elected, even when they are representatives of Israel's most powerful ally, women of colour are prone to be racialized and gendered in order to discredit and marginalize their voices. Muslim Americans and Palestinian Americans are often racialized as risky (Rastegar 2021), and they often experience a sense of never quite belonging in the United States (Cainkar 2009; El-Haj 2015). For Arab Americans who watched Tlaib's and Omar's inaugurations into the US Congress with awe, their racialized exclusion from a basic privilege of US citizenship – mobility, entry into the territory of one of the US's closest allies, whose budget the Congress indeed supports generously – exacerbated a sense of threat and exclusion.

Travel has been inhibited in the other direction as well. Limitations on travel did not only have to do with criticism of Israel but were also reinforced by an underlying logic that saw Arabs as dangerous. In May 2019, the United States denied entry to Hanan Ashrawi, who has for decades been a prominent "voice for peace," a negotiator, a Palestinian parliamentarian, a NGO founder, and a frequent guest at US universities. As a woman in her seventies holding a PhD in English from the University of Virginia, she hardly fit the profile of a security threat. She accounted the problem to Trump, writing, "His administration does not have the tolerance or capacity to engage in fact-based dialogue. It combats meaningful discussion because it has no interest in respectful negotiations and sees no value in international engagement" (Ashrawi 2019). She also pointed out that she was one of several Palestinian leaders and activists who had recently experienced visa denials. While Trump may have exacerbated matters, the US has denied visas to Arab and Muslim intellectuals for decades, as with the visa denials of Tariq Ramadan and Adam Habib (Schmidt 2010).

For me, one of the most illustrative cases was of a denial of entry to a Palestinian student entering Harvard. In the fall of 2019, after he had already been through all the security checks entailed with attaining a visa, after he had received that visa in his passport and travelled to Boston's Logan Airport, customs officials interrogated Ismail Ajjawy about other people's Facebook posts that they found on his digital wall. He was only allowed entry after a long ordeal that stretched out over several days (Kaleem 2019). His ordeal demonstrates a criminalization of a Palestinian *conversation*: Ajjawy was not

even being penalized for what he said, but rather for what others said to him. Indeed, from the time when he initially attempted to enter the United States to when he was later allowed in, his number of Facebook friends fell from 752 to 299, suggesting unfriending was a way of making his profile more palatable to border control.

These cases demonstrate that limitations on speech are racialized during the long “War on Terror,” that they are enforced while people are in motion, that they impact not only individuals but collectives, and that while they are related to state control, they effectively operate across borders.

### **What Does It Entail to Engage Expression as a Site of Struggle?**

Palestinian activists understand these restrictions on collective expression in a deeply engrained way. Over decades of experience with international law, they have seen purportedly universal liberal principles falter again and again when Palestinians try to put them into action (L. Allen 2020). While they may continue to engage institutions of international law, they may in other cases attempt a collective refusal of the conditions of participation placed upon them. This refusal resonates with other refusals of settler colonial order (Simpson 2014). These refusals are public challenges to these racialized controls on movement and expression.

In 2020, Palestinian civil society organizations came together to reject a new wave of conditions on European funding. Foreign funding of civil society institutions is a vivid example of how limitations on expression can operate in a manner that is territorialized but operates across international lines. Palestinian institutions of civil society are integral for documenting Israeli violence, asserting Palestinian collective rights, and creating spaces for the practice of Palestinian heritage. They also constitute a relatively reliable segment of the economy upon which many members of the tenuous middle class rely. Because of Palestinian statelessness and the investment of the “international community” in having some form of stability in the region, much of the work of Palestinian civil society is made possible through foreign funding. There have long been conditions on that funding, including, by the early 2000s, requirements from the United States Agency for International Development (USAID) and the US State Department to isolate “terrorists,” very broadly defined. But these restrictions had not extended to European funding, until more recently. As a statement signed by dozens of Palestinian institutions of civil society asserted,

In recent years, Israeli and Zionist campaigns targeting Palestinian civil society, and its national non-governmental organizations, have escalated. In conjunction with this, funding constraints from various donors have escalated, which include

conditions that we have resisted such as preventing engagement in the Palestinian Boycott, Divestment and Sanctions Campaign (BDS), the defense and promotion of the right of return, and programs and projects in areas such as the Gaza Strip, or Palestine 1948 (Israel). These conditions have reached an unacceptable level that stipulates the signing of the provisions on preventing terrorism that affect the history and struggle of our people. (BADIL 2020)

Funders have become complicit in Israel's attempt to impose fragmentation of Palestinians into separate societies and struggles in the West Bank, Israel, and the West Bank. European restrictions labelled a number of Palestinian political movements to be terrorist and required civil society organizations receiving funding to screen people and organizations as potential terrorists. In response, the Palestinian organizations, led by the refugee rights organization BADIL, declared, "Palestinian political factions and forces are not terrorist organizations, and their popular, national, and legal statuses are not determined by a European document" (BADIL 2020). They pledged to "abstain from signing any conditional funding agreement that includes the anti-terrorism policies" and asked other Palestinian organizations to do the same, "to stand against and resist the criminalization of Palestinian history" (BADIL 2020). For cash strapped organizations, this was a strong stance to take. It was something akin to going on a strike, threatening one's own (organizational or economic) health to make a collective statement about injustice and pervasive threat. It was a recognition that if a single institution refused to accept the new conditions, it would mean nothing, but together the refusal could have political significance.

Compare the underlying logic here to that of those who assert boycotting Israeli institutions is unacceptable because it limits the expression of Israeli academics who are not the central perpetrators and who should, according to this logic, be able to express themselves as individuals in ways that are unimpeded.<sup>9</sup> The Palestinian stance of refusal sees the ability to express one's self collectively and individually as a possibility only through ongoing struggle – and here I am channelling not only Palestinian language about the "national struggle" but also Bourdieu's (1993, 40) language about "the struggle for the dominant principle of hierarchization" within a field. It moreover recognizes that significant limitations and suffering may be necessary for a collective statement to be heard and for the long-term accomplishment of a goal of justice. Those opposing a boycott of Israel, on the other hand, see any small impediment to individual expression, and even any small stigma attached to it, to be unacceptable, even though the jobs and core ability to conduct and publish research of Israeli academics are not threatened by institutional boycotts.

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9 See Wind (2024) for an important critique of this argument.



In another contrast to those opposing an academic boycott of Israel, scholars at the University of Toronto supported censure of their own university – tantamount to a boycott – when the University of Toronto pulled a job offer to law scholar Valentina Azarova for her past writings on Palestine. In the summer of 2020, Azarova had been a top choice of a hiring committee for a position at the University of Toronto as director of their International Human Rights Program. Deans and university lawyers had been working closely with her to get her residency and work-authorization permits in place, and she was expected to relocate by the end of 2020. Then, apparently, a donor blocked her hire because of her legal work earlier in her career on behalf of Palestinian rights. Once again, visas played a role in the logic of ceasing the offer, though in a different way: procedural issues related to the work visa initially provided cover for the university's political decision.

As a result of research into the issue by University of Toronto scholars, the real reasons behind rescinding the offer came to light. In April 2021, the Canadian Association of University Teachers (CAUT) called for a censure of the University of Toronto, only the third time they issued such a censure. Many scholars at the University of Toronto saw the disruption of the offer as an affront to the university's values of academic freedom at their institution and thus to their own academic freedom. They supported the CAUT's censure, publishing a "How to" censure guide and documenting the case extensively. Censure, they noted, would involve refusing speaking engagements, appointments, distinctions, and honours from the University of Toronto until the censure was lifted (Censure UofT 2021). The case generated global publicity, including an article by Masha Gessen (2021) in the *New Yorker*.

In this case, the collective action accomplished its goal. As a result of the campaign, the university finally made the offer to hire Azarova in September of 2021 (too late for her to actually join the university), and the CAUT censure was lifted in November 2021. Yet scholars at the University of Toronto have not ceased their struggle to make space for Palestinian voices and critique of Israel, having launched their Hearing Palestine initiative to strategize for a long-term hub for the study of Palestine at the University of Toronto. The multifaceted organizing of scholars at the University of Toronto underscores that the struggle for freedom of expression and for broader forms of justice can involve both the work of refusal – such as boycott and censure – and also the positive work of creating spaces for expression.

## Conclusions

As a Palestinian scholar based in the United States, and in particular as an anthropologist who is committed to learning from and with Palestinians in the region and also Israelis about Israeli violence and Palestinian struggles

for justice, this returns me to a sense of what my responsibilities are: to make transparent the relationships on which I rely to do my work, to make clear how we as speakers write and speak on unequal terrain for expression, and to strive continually to make that terrain more equitable. Just because I am in a country that rates high in measures of “liberal democracy” according to many indices, and just because I have university tenure that should guarantee me certain kinds of academic freedom does not mean that I am untouched by these restrictions. I say this not to point out my vulnerability but instead to underscore the interconnectedness of various environments for expression. University spaces – even relatively privileged ones like mine – are not islands of free expression, because there are no such islands. Geopolitics and racialized logics of the long “War on Terror” ensure that unfreedoms leak and proliferate, and passports offer little protection. Again, we can return to the killing of Palestinian journalist Shireen Abu Akleh. Not only did being a US citizen not protect her from a soldier’s bullet, but her US passport has as yet not made it possible for her family to see her killers held accountable.

While the University of Toronto case came to a relatively swift conclusion, the same cannot be said of the restrictions on funding of Palestinian civil society institutions. Indeed, as I discussed above, rather than have these restrictions lifted following their 2020 campaign, Palestinians saw Israel attempt to expand the number of organizations regarded as terrorists in 2021. In 2022, Israel issued a new military order stipulating that Palestinian institutions of higher education must receive Israeli permission for the “foreign” faculty they hire and even must submit to a limit on the number of foreign students they admit, another way in which a limit on mobility hampers free expression in higher education (Bishara 2022; HaMoked 2022; Hass 2022). As I have demonstrated here, these are not distant threats to freedom of speech in an isolated place where freedoms have long been squelched. They are threats that can circulate the globe due to racialized definitions of who is a terrorist and who might be a speaker of truth. Palestinian organizations know their ability to engage in free expression is conditioned by traffic in money and ideas from Israel to the European Union and the United States and back to the occupied Palestinian territories. They are willing to organize to maintain whatever tenuous ability to mobilize that they have under Israel’s military occupation. Scholars at the University of Toronto recognized that their academic freedom was contingent on that of all members of their community. They all recognize that freedom of expression is a site of struggle, territorialized but not bounded by states. With creativity and perseverance, on our own and in concert, we must all do the same.