

## Statement Opposing HB 476

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**Summary:** As a professor and advisor of student groups at Ohio State, as a researcher and scholar of the non-Western world, and as a human rights advocate, I am writing to oppose HB 476, aimed to “prohibit a state agency from contracting with a company that is boycotting Israel or disinvesting from Israel.”

The bill is faulty for a number of reasons: I will highlight two that tie-in directly with my knowledge and experience as a faculty advisor and a scholar. First, in terms of the citizens of Ohio, HB 476 is **opposed to the spirit of free speech and democracy**, as it aims to influence and stifle citizens’ open and honest discussions about Israel and its policies. Secondly, the bill suggests **ignorance of and/or misinformation about the Boycott, Sanctions, Divestment (BDS) movement**—a product of civil society in Palestine that has sought *non-violent* means to challenge Israeli atrocities and is growing in support across the world.

**Stifling Free Speech At Home:** It is easy to see that government intervention in the democratic debates of citizens—and especially at state-funded universities—will have a negative and harmful effect. At Ohio State, we have a very recent experience of this, specifically with relation to HB 476. As an educator and long-time student organization advisor who values freedom of discussion in my classroom and on campus, I was shocked to see that State Rep. Tim W. Brown, of Ohio’s 3<sup>rd</sup> House District, wrote personally on March 22 to Ohio State’s Undergraduate Student Government (USG) in order to influence a debate about divestment from Israel.

As you read the following passage, think about how strange and chilling it is for an elected official to use the power of his governmental office to write to nineteen-, twenty-, twenty-one year-old students on the issue of an undergraduate resolution that has little more than *symbolic* value – since any actual divestment would have to be approved by the Board of Trustees. Rep. Brown writes:

“Currently in the Ohio House of Representatives, House Bill 476 has been introduced and forbids any state agency from entering into contracts with companies that participate in the BDS movement against Israel. This legislation to support our nation’s strongest ally in the Middle East has Republican and Democrat support...In 2015 [Ohio House of Representatives members] participated in a trade mission to Israel to express the State of Ohio’s unwavering support for the Jewish State. Passage of this resolution present in the Undergraduate Student Government body opposes this commitment.”

Whatever his intentions, Rep. Brown’s letter discourages independent thought on Israel’s actual policies and, instead, makes its case through the threat of governmental sanction (HB 476, though still not passed, “forbids” state monies to BDS-supporting entities), through the force of popular opinion (both parties support the bill), through implicit moral rhetoric (Ohio has made a promise to “the Jewish state”), and through reference to national foreign policy (“our nation’s strongest ally in the Middle East”). Historically, “the Jewish state” and “Middle East” in such statements imply an appeal to the horrors of the Holocaust, on the one hand, and the threatening specter of Arabs and Muslims, on the other.

In our popular culture and in our American history, we despise governmental officials who stifle democratic debate, especially among youth. No one likes Dolores Umbridge in the *Harry Potter* series. At the very least, Rep. Brown ought to have engaged students’ *minds* regarding, for instance, current questions like whether states like Israel and Saudi Arabia with their ethnically-defined citizenship laws ought to be recipients of so much US aid, from the public or the private sectors. Indeed, Rep. Brown’s letter to USG followed a March 21 one signed jointly by US Congress

members Patrick J. Tiberi, Steve Stivers, and Joyce Beatty, which, taking a different angle, claimed that BDS was “divisive”—as if debate around social justice is itself the problem. Our own history negates this view, as expressed best by Dr. Martin Luther King, Jr., in “Letter from a Birmingham Jail.”<sup>1</sup>

As I have emphasized, my point is not that elected officials need to agree with the well-documented critique of Israeli policy in the human rights community,<sup>2</sup> or the BDS movement. Rather, it is that HB 476 and its logic will stifle debate at public universities where young women and men are thinking through the issues of the day.

***The BDS Movement as Nonviolent Action:*** Whatever the political positions of Ohio politicians, HB 476 uses economic sanctions to compel citizens, institutions, and businesses to take a definitive political position on Israel—at a time when individuals and institutions around the country and the world are either taking positions critical of Israel or rethinking their long-held positions due to the nonviolent civil rights movement of Palestinians, of which BDS is a central pillar. HB 476 goes against the current of a growing, global movement for human rights that no longer sees Israeli policy as off-limits. HB 476 would place the Ohio legislature on the wrong side of history.

The criticisms of Israel are emerging from all sides. Israeli soldiers have actively refused to serve—for many reasons including racism against nonwhite Jews.<sup>3</sup> Respected South African anti-apartheid leader Archbishop Desmond Tutu has repeatedly said that the condition of Palestinians reminds him of that of Black South Africans, and therefore supports BDS.<sup>4</sup> US allies like the European Union, are taking stands *against* businesses that have contracts with Israel’s Occupied Territories.<sup>5</sup>

Shouldn’t we pay heed to Israelis who are criticizing the treatment of Arab and African Jews? Shouldn’t citizens and students moved to oppose US bipartisan support for Israel have freedom to do so when President Obama himself talked about supporting the boycott of South Africa despite US support for the apartheid regime?<sup>6</sup> Would HB 476 force Ohio businesses and universities desiring state funding to cut off links with the EU due to its sanctions on certain Israeli products?

We in the US always uphold our civil rights movement, and say that grievances ought to be opposed nonviolently. *The BDS movement is precisely such a movement*—and Ohio citizens and students ought to have the freedom to explore their own views on this question without government interference or threats.

***Conclusion:*** I ask Ohio legislatures to reject HB 476, which restricts questioning of a status quo that is widely being considered undemocratic and repressive. The world right now is moving towards challenging the legal and military force that prevents Palestinians from pursuing the freedoms of life, liberty, and happiness that we claim to stand for. The BDS movement has touched people precisely because of its nonviolent tactics and rational approach in the face of harsh daily treatment of Palestinians. Please ask yourselves whether you are so definitive on these questions that you would restrict the freedom of others to consider them without economic sanction. Because HB 476 is nothing but an economic punishment for those who speak out against human rights violations, and that is morally unacceptable for a people who claims to stand on the side of democracy.

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<sup>1</sup> [https://www.africa.upenn.edu/Articles\\_Gen/Letter\\_Birmingham.html](https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html)

<sup>2</sup> <https://www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian>

<sup>3</sup> <https://www.washingtonpost.com/posteverything/wp/2014/07/23/we-are-israeli-reservists-we-refuse-to-serve/>

<sup>4</sup> <http://www.haaretz.com/israel-news/1.578872>

<sup>5</sup> <http://www.theguardian.com/world/2013/jul/16/eu-israel-settlement-exclusion-clause>

<sup>6</sup> <https://www.whitehouse.gov/the-press-office/2013/06/30/remarks-president-obama-university-cape-town>