

Dear Dean James Hackney and President Joseph Aoun,

The Chair of the Northeastern University School of Law (NUSL) Student Bar Association (SBA), Michael Allen, has published a letter on behalf of himself and anonymous student groups, expressing solidarity with Palestine, in which he has reiterated several harmful falsehoods and misrepresentations of truth.

There are many inaccuracies throughout the letter released by NUSL SBA, so in the interest of brevity, we have addressed some of the grossest distortions of fact below:

“The Palestinian people and their continued resistance to Israeli settler-colonialism...”

According to Learning for Justice, “the goal of settler-colonization is the removal and erasure of Indigenous peoples in order to take the land for use by settlers in perpetuity.”¹

As defined by the United Nations, the criteria for indigeneity are: (1) historical continuity with pre-invasion and/or pre-colonial societies that developed on their territories; (2) non-dominance; (3) a determination to preserve, develop, and transmit to future generations their ancestral territories and identify as peoples in accordance with their own cultural patterns, social institutions and legal system; (4) a strong link to territories and surrounding natural resources; (5) distinct social, economic or political systems; and (6) distinct language, culture and beliefs.²

Jews meet all of these criteria of indigeneity. Indigenous peoples cannot be settler-colonialists in their own indigenous lands.

In fact, Israel has been the homeland of the Jews for 3000+ years, long before the invention of Christianity and Islam. As stated by Rabbi Jonathan Sacks, the UK Chief Rabbi from 1991 to 2013, “Jews are the only people who ever created a nation state there. At all other times in the past 3,000 years it was merely an administrative district in an empire whose centre was elsewhere: the Assyrian, Babylonian, Persian, Alexandrian, Roman and Byzantine empires, the Crusaders of the Holy Roman Empire, the various Muslim empires such as the Umayyads, Abbasids, Fatimids, Mamluks and Ottomans, and finally the British. Jews are the only people who have maintained a continuous presence in the land. They are its indigenous, original inhabitants.”

The historic indigeneity of the Jewish people is in stark contrast to the modern Palestinian identity. In the early stages of Arab nationalism, there was no clear distinction between

¹ <https://www.learningforjustice.org/magazine/what-is-settlercolonialism>

² <https://www.ohchr.org/sites/default/files/Documents/Publications/fs9Rev.2.pdf>

Arab and Palestinian identity. Palestinian Arabs initially identified as Arab subjects under the Ottoman Empire. The emergence of a distinct Palestinian national identity occurred later, following the dissolution of the Ottoman Empire and the division of the Middle East by the British and French.³ Although it is true that there now exists a Palestinian identity, this has historically not always been the case, and therefore they do not in fact hold the same indigenous status as Jews.

“...and apartheid.”

Cornell Law School defines “apartheid” as “a policy that is founded on the idea of separating people based on racial or ethnic criteria.” Israel does not segregate people based on race. On the contrary, the 26.7% of Israeli citizens who are not Jewish (i.e., Arabs, Bedouins, Christians, Baha'i, Druze, etc.)⁴ enjoy equal rights as Jewish Israelis. The non-Jewish population in Israel is represented in the Israeli Knesset (Parliament), both presently (by the United Arab List) and historically.⁵ Non-Jews (including both Muslims and Christians) have held appointments as Supreme Court judges (see Khaled Kabub,⁶ Salim Joubran,⁷ and Abdel Rahman Zuabi⁸).

As a point of comparison, when South Africa was an apartheid state, interracial sex & marriage were banned, race was listed on IDs, there was institutionalized segregation, separate legislatures, and ID requirements. None of these are true in Israel.

The Gaza Strip is not under Israeli rule or occupation, but rather has been governed by the terrorist organization Hamas since 2007.⁹ This regime that has directed terrorist attacks on civilians has unfortunately forced both Israel and Egypt to take protective measures. Similarly, much of the West Bank is under the rule of the Palestinian Authority.¹⁰ Since Israel does not govern these territories, it cannot and does not impose apartheid. As stated by the Anti-Defamation League, “choosing to apply the apartheid label would seem to question the legitimacy of the world’s only Jewish state and its continued existence.”¹¹

³ https://brill.com/display/book/9789004180840/Bej.9789004169845.i-254_003.xml

⁴ <https://www.jewishvirtuallibrary.org/latest-population-statistics-for-israel>

⁵ <https://www.science.co.il/gov/Parties.php>

⁶ <https://versa.cardozo.yu.edu/justices/kabub-khaled>

⁷ <https://versa.cardozo.yu.edu/justices/joubran-salim>

⁸ <https://versa.cardozo.yu.edu/justices/zuabi-abdel-rahman>

⁹ <https://www.cia.gov/the-world-factbook/countries/gaza-strip/>

¹⁰ <https://www.cia.gov/the-world-factbook/countries/west-bank/>

¹¹ <https://www.adl.org/resources/backgrounder/allegation-israel-apartheid-state>

“We mourn the lives of Palestinians who have been killed at disproportionately higher rates since the establishment of Israel.”

This statement implies that Israel is entirely at fault for the number of Palestinians killed. In actuality, terrorist organizations, such as Hamas, have historically been more interested in killing Israelis than in protecting Palestinians. In fact, Hamas has time and time again used the Palestinian people as “human shields,”¹² presumably because as Palestinian deaths increase, they are able to garner more sympathy in the media. On the other hand, when responding to Palestinian terrorism, Israel has consistently used restraint and exercised methods to minimize civilian casualties, including the “roof-knocking” tactic¹³ and the practice of sending out numerous notices to civilians to evacuate prior to targeting an area.¹⁴

Even this week, the IDF has requested that Gazan civilians *temporarily* evacuate the Gaza Strip for their safety¹⁵ since Hamas uses hospitals, schools, and civilian homes as military bases.¹⁶ In response, Hamas told civilians to stay in their homes¹⁷ and put up roadblocks preventing them from evacuating,¹⁸ putting them in grave danger.

The failure of Michael Allen and signatories to acknowledge the contribution of Hamas, other terrorist groups, and Arab states to the Palestinian death toll is a gross misrepresentation of fact.

“The events of October 7th, 2023, were acts of resistance to oppression.”

The events of October 7th, 2023, were carried out by the terrorist organization Hamas. The Hamas Covenant sets out the movement’s ideology as it was formulated and honed by its founders. In classic anti-Semitic rhetoric, it blames the Jews for everything ranging from the French Revolution to World War II (Article 22) and calls for the killing of Jews (Article 7).¹⁹

¹² https://stratcomcoe.org/cuploads/pfiles/hamas_human_shields.pdf

¹³

<https://theweek.com/world-news/middle-east/59444/knock-on-the-roof-how-does-israel-warn-of-airstrike>

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¹⁴

<https://www.wsj.com/video/watch-israel-drops-leaflets-over-gaza-city-telling-residents-to-leave/B65830BD-E2F4-4A8F-9C56-B063B8844366.html>

¹⁵ <https://twitter.com/IDF/status/1712707301369434398>

¹⁶

<https://www.washingtonpost.com/news/morning-mix/wp/2014/07/31/why-hamas-stores-its-weapons-inside-hospitals-mosques-and-schools/>

¹⁷

<https://www.wsj.com/livecoverage/israel-hamas-war-gaza-strip/card/hamas-tells-civilians-not-to-evacuate-to-the-south-T9TX4p5KH19300HJDyfp>

¹⁸ <https://twitter.com/Israel/status/1713244796372804042>

¹⁹ https://avalon.law.yale.edu/20th_century/hamas.asp

The beheadings of children, rapings of women, and other brutal acts committed by Hamas on October 7th, 2023, are acts of terrorism that are in line with their fundamental beliefs and desires, as outlined in their own words. These genocidal acts of terrorism are not acts of resistance. **Calling these Hamas atrocities acts of resistance is akin to calling 9/11 an act of resistance.**

“We refute any notion that being Anti-Zionist is inherently anti-semitic.”

Zionism is the movement for the self-determination and statehood for the Jewish people in their ancestral homeland, the land of Israel.²⁰ Many organizations, including the Anti-Defamation League and American Jewish Committee, clearly outline why anti-Zionism is indeed anti-Semitic.^{21,22} Asserting that Jews don't have the right to self-determination as an indigenous people or denying their irrefutable historical and religious ties to Israel is fundamentally prejudiced. Criticizing the Israeli government's actions is different from being anti-Zionist or anti-Semitic; outright denial of Israel's right to exist crosses that line.

“To those that condemn the use of violence by the Palestinians, remember that they have consistently used peaceful methods to no avail.”

Historically, Palestinians have in fact rejected every single peace proposal, going back to the UN partition plan.²³ When Jews accepted the plan and declared independence in 1948, the Arab nations surrounding Israel attacked. Israel did not reject the existence of an Arab Palestinian state.²⁴

Just to name a couple more: The Palestinians responded to Israel's attempts to implement the Oslo Accords by sending waves of suicide bombers to the streets and buses of the cities of Israel, a blatant violation of their commitment to the agreements and a clear statement of their rejection of the idea of peace with Israel.²⁵

In August 2005, the government of Israel carried out the unilateral evacuation of all Israeli villages from the Gaza Strip and the northern West Bank in a move for peace.²⁶ Since then, the Gaza Strip has been self-governing, but rather than establish a civil society, Hamas, the Palestinian terrorist group that controls Gaza, has been launching attacks on Israeli towns and villages for years, forcing a response by the Israeli government to protect its citizens.

²⁰ <https://www.adl.org/resources/backgrounder/zionism>

²¹

<https://www.adl.org/resources/blog/anti-zionism-antisemitism-how-anti-zionist-language-left-and-right-vilifies-jews>

²² <https://www.ajc.org/sites/default/files/pdf/2020-10/AntiZionism%20and%20Antisemitism.pdf>

²³ <https://besacenter.org/palestinian-rejectionism/>

²⁴ <https://history.state.gov/milestones/1945-1952/arab-israeli-war>

²⁵ <https://www.pbs.org/wgbh/pages/frontline/shows/oslo/etc/cron.html>

²⁶ <https://www.npr.org/series/4797062/israel-s-withdrawal-from-gaza>

These repeated rejections of peace proposals are in line with the Hamas Covenant, which states that “initiatives, and so-called peaceful solutions and international conferences, are in contradiction to the principles of the Islamic Resistance Movement. . .there is no solution for the Palestinian question except through Jihad” (Article 13).²⁷

The writing of this letter only seven days after the bloodiest slaughter of Jews since the Holocaust is cold-hearted, insensitive, and inhuman.

The fact that the Northeastern University law students rushed to justify the massacre of more than 1300 innocent Jewish civilians, including babies, young boys and girls, and Holocaust survivors, can only be explained by either anti-Semitism or ignorance.

NUSL SBA’s public letter damages the reputation of Northeastern’s law school and its alumni, since it’s based on unfounded, false, and even malicious claims. We seek to remind that everyone is entitled to their own opinion but not their own facts.

Sincerely,
Inbar Ofer and Naomi Anbar, Northeastern University students
Co-signed by a numerous and growing number of individuals and students

²⁷ https://avalon.law.yale.edu/20th_century/hamas.asp