



## The Activist Files Episode 20: Law, lawyering, and writing Palestine with Noura Erakat

- Diala: Welcome to The Activist Files. My name is Diala Shamas. I'm a staff attorney at the Center for Constitutional Rights and I'm so excited to be here with Noura Erakat. She probably needs no introduction, but she is an activist scholar lawyer and so many other things and it's so rare to have the opportunity to reflect with a fellow Palestinian lawyer on our work on freedom, on patriarchy, on everything we're trying to do to a dream about a free Palestine. So I'm so excited to have you here.
- Noura: Thanks Diala.
- Diala: Noura has just published a book called Justice for Some. I highly recommend that our listeners grab a copy at a bookstore and we're here to talk about that book and the journey to that book. I know that you've been thinking a lot about the role of academia as opposed to a lawyering. And I'm here as a litigator, having also worn the academic hat in the past and you have written this book that is like an offering to the movement basically and how we think about our work, how we vision a future for our Palestine and also how we try to think about the nuts and bolts of doing that, which are all exactly the kinds of questions that we struggle with here at the Center for Constitutional Rights on a day to day. And even though we're drowning and briefs and memos, oftentimes this is exactly the kind of meat of the question I want to get to. So tell us a little bit about how you got here and what it was like.

# The Activist Files Episode 20: Law, lawyering, and writing Palestine with Noura Erakat

Noura:

Yeah, no, that's really, really excellent. I think when you start that by saying that you struggle with, you know, the Academy, I think just we're friends and so we know what that means inter-subjectively. But just to make that more clear for other people, I remain an activist and was an advocate as a legal advocate and the turn to the Academy and to scholarship was a really difficult turn for me. It was the only decision in my life that I have made with my head and not my heart, which also tells you about a lot of decisions in my life, but I wasn't necessarily the quintessential scholar that wanted to be in the library. I didn't. I wanted it to be out in the streets and struggling and in the trenches, but I remained committed to this process. And so the reason that it was such a vexing process is because I wasn't sure that I was doing the right thing.

Noura:

But as you highlight, this is an offering to the movement because what I do spend my time doing is taking the questions that the movement has grappled with and has asked and dealt with them and their questions I ask myself. And so it was very much a torturous process. I wasn't just trying to write a book. There were contradictions that I found that would stop me. You know, editors would tell me, "Oh, it's really easy. Just make this slight revision and get around it. " And it would actually stop me in my tracks and forced me to start over because I was literally being the activist and asking these questions and as the scholar using the time and the resources and you know, method in order to find those answers. I've come out the other end. Thankfully I've also come out the other end in resolving that identity crisis. And now just, you know, acknowledging I'm a scholar activist and there's room and that, you know, this is the role of a scholar activist, which is you know, to use the privilege of time and space to be grappling with the questions the activists are producing for us. And it becomes a conversation.

Diala:

And on that point, so for the law students who, you know, listen to this podcast and we try to really cultivate movement lawyers here and like thinking through the challenges of trying to use the law as a tool for liberation of the communities that we're trying to free. We talked a lot about this, the challenge of being in law school and thinking about the limits of the law and what it actually can lend to our movements. And the unlearning that we've had to do of many of the doctrines that we've been taught in law school, once we've then tried to apply them to the people that we care about, the places that we care about. So I went to Yale, For example, and I had to study under Aharon

# The Activist Files Episode 20: Law, lawyering, and writing Palestine with Noura Erakat

Barak, who was the Chief Justice of the Israeli High Court and who's also been the linchpin for many of the doctrines that you kind of lay out in your book.

Noura: And not only that, but is actually celebrated amongst liberal legal scholars as you know, an example of the enlightenment of Israel and Israeli legal thought. Because of his liberal demeanor, he's masking so much of that violence that he's perpetuating in ways that actually make others more accepting of it. Nabil Sultani has a great critique of him where he describes this as oppressive jurisprudence, but sorry, tell us more about Barak.

Diala: I was gonna just use that as a way to, to invite you to tell us a little bit about your sort of unlearning of the law and really how this book captures the, the restitching of all of the different things that one struggles through. And the footnotes (I can't say enough about the footnotes) is sort of this mix of history, interviews with our elders, interviews with those who have done a lot of the thinking and the writing and reminding us that we're not the first ones to struggle with some of these questions as well as looking outside of the context of Palestine. And you did so much of that work. So just tell us a little bit about, you know, that process and that that unique contribution.

Noura: So I hear at least two questions that you've asked me. Let me answer the first, which is about, you know, unlearning law school and surviving it. And the second question, which is about creating new archives but also building on what we know. So as to the first, I had the worst time in law school, I have never been more miserable. And so what's so crazy is that none of the folks that I went to law school with would ever have imagined that I would be the one to come back to the Academy. It's like, Oh no, not that one. Right. The irony of it, and part of the reason that I teach law to undergrads is actually to vindicate such an awful experience. You are taught, you know, and Dunkin Kennedy does a great job of showing us this where he teaches us that legal education is basically pedagogy of training for hierarchy.

Noura: That's what it is. They break you down. The logic that you learn cannot be questioned. So we have to accept the logic of the law and the way that you know, the math equations that are created. But those math equations that actually, you know, culminate in a legal answer and a legal outcome and legal

# The Activist Files Episode 20: Law, lawyering, and writing Palestine with Noura Erakat

reasoning are all constituted of serious violences that are predicated on the exclusion of minorities and indigenous people and women and a tremendous amount of violence that then is masked by what we look as the law, which we're taught is just to take on its face value. So that was the first jarring process of being in law school. Then the second jarring process was that justice cannot guide you. That what has to guide you is a specific type of legal logic. So for the activists, for the lefties in law school, this is really oppressive because you've come to fight and you're told you can't fight on those terms with any kind of normative arguments.

Noura:

That's policy. You have to make a legal argument. Right, and the legal argument is one. Again, you have to use the master's tools and even to articulate yourself in a language that you don't have. I cannot tell you how disgruntled the whole process made me. I didn't even think I was going to graduate and if it wasn't for some of the women that have become my best friends, I wouldn't have even gone to graduation and I'm so glad that I did because my experience was vindicated when I received the Student Activist Award, ironically. Anyway, how do you unlearn that? It's that moment in law school I think that a lot of people might have. Hopefully you have and if you don't, you have it when you start working somewhere in an internship. It's that aha moment where you realize that you can use the law how you want.

Noura:

It's not there to use you. Once you start to depend on yourself more and trust yourself and trust your logic and stop being beholden to what it's trying to tell you. I think that you can take flight and that's a really hard process. And especially for women of color who are basically told that they're guests here, but this is not their domain. So to be able to trust yourself I think is the hardest part of the process. And I'll tell you really what helped unstitch and recreate was practice. It's your practice and it's your advocacy that'll help you, I think, answer most of these questions as I'm sure is your experience. And most people's. The second question, what about the archives? So one of the things that I didn't realize that I did, but I was told by a few historians is that I've produced a legal social history and created a new Palestinian archive.

Noura:

Because as again, law students or practitioners know even in the scholarship, the scholarship on - legal scholarship on Palestine is dominated by Israeli scholars. And so we can't even

# The Activist Files Episode 20: Law, lawyering, and writing Palestine with Noura Erakat

find ourselves there, right? You can't even make your argument if what you have to do is use, you know, citations that exist. So it's also about creating certain things for a citation. And when it comes to our own stories, part of the struggle as Edward Said has pointed out to us is the permission to narrate. How do we narrate our own stories, especially when we're being told that when we do that we're actually being activists and not scholars, right? Because we're too close to it, we're too passionate. All those things are basically demons that haunt you in the writing process. And again, trusting yourself, which is an act of extreme faith and a lot of crazy, right, to do.

Noura:

And what I did here is I had to interview living Palestinians to create a new archive where I couldn't find one that had already existed. And I do that primarily in the chapter on when the PLO goes to the United Nations in the aftermath of the October, 1973 war from 1974 through 1982. And we see the apex of their legal advocacy. I do that also in the chapter on the "Oslo peace process" in quotations you can't see me making right now. There's so much national mythology about what is Oslo. And I wanted to actually ask what were the negotiators doing? What were they seeing? What did this look like internally on our own terms? So those are the primary offerings. And then elsewhere, as you point out, I'm building on such rich, rich literature. When you have a struggle that's a hundred years and people think it's the easiest thing right now to deal with in the middle East, given what's happening in Yemen and in Syria and Turkey, that writing about Palestine, it's like what are you going to add?

Noura:

The real thing is, is you're not doing anything new. Every piece of scholarship is always building on something that exists. And so it becomes a conversation with that literature. And that's what I felt like I was doing. I was having a conversation with [unknown] and Rashid Khalidi and Fayeza Sara and Nadera Shalhoub-Kevorkian. I mean I'm just, you know, all the names that come to mind, Tariq Dana. People and scholars, Palestinians, have created a tremendous literature and I was really, really lucky to be able to grapple with that on our own terms in the words of [unknown], to write about the Palestinian struggle for freedom outside of the shadows of Zionism.

Diala:

Yeah, exactly. And how you bring all of that thinking in conversation with, you know, movement lawyering. TWAIL, or Third World Approaches to International Law and the work of Duncan Kennedy was one of the most exciting things for me to

# The Activist Files Episode 20: Law, lawyering, and writing Palestine with Noura Erakat

read and kind of invited a lot of reflection on my own work. You know, here at CCR as somebody who is still trying to use litigation as a tool to bolster the Palestinian movement for freedom.

Noura:

Before you go into thinking about litigation strategies, which I think you're going to pivot to. I wanted to just comment a little bit about the literature and again about the writing process and you're going to see this also if you read, you've read the book, but for others who are going to read it, I'm grappling. There is a tension in the book. There is a very palpable tension which is what's producing kind of a synthesis between two different bodies of literature that I'm leaning on. One literature is IR, right? International relations, political science, legal scholarship, doctrinal work, the very kind of establishment approach to questions of law and what it means and if it exists or not, but then there's an other literature I'm really immersed in as I'm writing the book, which is the freedom literature. It's the black radical tradition. It's indigenous literature, it's feminist literature, right?

Noura:

These two bodies, what I call the white gaze in the black gaze at certain points, these two bodies of work don't necessarily speak to one another. They're not in communication. And yet I was trying to put them in communication, which is why this was so hard. Now what gets produced as a result is what you get in the book, which is drawing on that very establishment literature but with a commitment to what we have been shown and taught and and experienced through the freedom literature. And so you'll see hints of that in the beginning when I'm signaling to Fanon and Wretched of the Earth. I come back to him in the conclusion. You'll see that also as I'm contemplating and putting into question the meaning of self determination, it's juridical meaning and it's non-juridical meaning and then by the books end, I completely take flight and I abandon that literature and I basically jump into the freedom kind of dreams in Robin Kelly's words.

Noura:

And I don't want to do a disservice to the listeners. I think everybody should go and read the book, but can you just walk us through really briefly the central argument or proposition in the book.

Noura:

For sure. So in the book, I want to answer the question of what is the relationship between international law and politics and

# The Activist Files Episode 20: Law, lawyering, and writing Palestine with Noura Erakat

what does that relationship tell us about the Palestinian struggle of freedom over a course of 100 years? I'm centering Palestinian struggle and really emphasizing, you know, the course of resistance. This is not just a story of oppression and I want to do this in a nuanced way where there is no black and white, you know, good and bad. This is a very complicated story. That's what I want to show. I answer that question briefly saying that law is politics and in order for us to leverage its emancipatory purpose, it must be wielded in the sophisticated service of a political movement, which is basically movement lawyering theory.

Noura:

You're saying it's not the law that should guide us. It's not a political compass. It's not a moral compass. It doesn't have that value because it's indeterminate. It's the contingent space and the only thing that the law promises is a contest but not an outcome. And unlike the movement lawyer who already knows that and knows that whatever we're doing politically, we can use the law as a tactic and the service of that political movement. So without the political movement, using the law becomes just great, great risk because then there's no way to contain it. You might think you want a victory, but it ends up being counterproductive. It just becomes tremendous risk. What I show in the, you know, what does that mean for the struggle of Palestinian freedom? The central argument is that I show that what happens as a result of the Balfour declaration, which describes 90% of Palestine's population as non-Jewish, who are entitled to civil and religious rights, but not political rights thereby erasing them as a political community, what I describe as a colonial eraser.

Noura:

It's a juridical erasure that becomes enshrined verbatim in the Palestine mandate and its preambular text in 1922 and the erasure of Palestinians is henceforth from 1922 onwards, a space of international law and policy and it becomes subject to exceptional lawmaking what I described as a sui generis framework, unlike anything other where there's no precedent, there's no analogy which creates a new lawmaking authority for the sovereign. That sui generis dimension. That's exactly how the league of nations actually described the Palestine mandate. They describe it as sui generis. That's how Israel describes its occupation. It's sui generis. That's how Israel describes Gaza as sui generis. It's how Israel describes its use of force, as sui generis, right? It's this idea that this is unlike anything other than so cannot, you just cannot apply other universalizing

# The Activist Files Episode 20: Law, lawyering, and writing Palestine with Noura Erakat

precedents and Palestinians have been struggling against this exception on this exceptionalizing norm and I show over the course of 100 years of when they've been successful at it and when it's been, you know, used against them in order to advance Israel's political claims,

Noura:

The outcome of it, on balance, international law served Israel much more than it's served Palestinians, but that wasn't inevitable. That's not just because Israel is, you know, the only nuclear power in the middle East and the 11th most powerful military in the world. That's because of a lot of reasons and I also go through a lot of that nuance and you'll see that I'm not focusing as much on the content of the law as much as I'm focusing on the historical context that's shaping the meaning of the law over the course of a century.

Diala:

So, fast forward a little bit to the present moment and where we are as we have been sort of stuck in this framework being in a situation where when a sovereignty trap and post 1967 and all of the legal work that Israel Israeli military lawyers have done to place the Palestinians in this position where we're really only stuck talking about statehood in this limited way. And of course we described the process of the ban to standardization of Palestine. And the current reality for practitioners is that we have the international humanitarian law framework to work with and we try our best to leverage in whatever forums are possible with varying degrees of success and with varying degrees of political commitment. And this is a little bit of a tension that we oftentimes faced as we engage in and think about what kinds of cases to bring, whether it's international forums or even advocacy in the U.S. and continue to struggle with.

New Speaker:

So I want to sort of invite you to reflect a little bit further on this tension, namely, that we want to be able to talk about as your book begins with, you know, Balfour colonialism and the Nakba and everything that's happened in between. And yet we find ourselves dealing with a much more limited framework that we are given, right? Because that's the only path for action as the only really thing that'll even get us through the door if we even get through that door. Your book opens with the of resolution 2334. at the UN security council and how that was a sort of double-edged failure in some ways because of how we were not able to leverage it. And you know, obviously deliver any kind of end to settlements but also victories in some ways because it



# The Activist Files Episode 20: Law, lawyering, and writing Palestine with Noura Erakat

lent some avenues for concrete action, namely around the work of differentiation, which we're seeing some successes on. And it's really one of the more concrete pieces out there that you know, a lot of the folks in the movement for Palestinian rights had been trying to leverage. So I just wanted to ask you, I threw a lot at you.

Noura:

Let me start again on the writing process. So what you're saying in the beginning about 2334, that's the security council resolution where for the first time in 20 years the United States did not veto a resolution that was condemning Israeli settlements or frankly holding Israel to account on anything. And that's a big deal because since 1967, the U.S. Has vetoed something like 43 security council resolutions that were intended to hold Israel to account, which is more than it's ever issued on behalf of any other cause it cares about including apartheid, South Africa and Namibia. The reason I'm lifting that right now in your example is because I initially was ready to completely trash 2334 as it doesn't do anything right and looking at how the Palestinian leadership fell to leverage it. The Obama administration doesn't veto this two weeks before the end of their administration so they can actually effectuate it. And it was in conversation with someone I don't necessarily always agree with just on legal approaches cause he's much more doctrinal Ahmad Dajani who is a former advisor to the negotiations and also a brilliant legal scholar. But I'm a critic, he's more of a positivist.

Noura:

And again, here was a really great tension because Ahmad was the one who said, but you have to look more at about what does 2334 do internally. And so just there again and just inviting tension is actually a really productive generative process. So I do acknowledge what 2334 does do what it doesn't do, what it could do, and it creates a much more nuanced conversation. The other question that you ask is about overcoming the sovereignty trap. So really quickly for your listeners, that's the trap that we're in. That where I, you know, show up by the end that Palestinians have entered into an arrangement as natives whose independence is contingent on the approval of their settler sovereign. But the most that they're going to get from their settler sovereign is incremental autonomy and never full independence. And in the meanwhile, to prove eligibility, the native has to do the settlers bidding, which is why the Palestinian authority finds itself in a place where it's using CIA

# The Activist Files Episode 20: Law, lawyering, and writing Palestine with Noura Erakat

trained security forces to protect the settlers in the Israeli military from the Palestinians.

Noura:

And not the other way around. This is not some perverted outcome. It's what some people describe as the Palestinian authority is the subcontractor of the Israeli occupation. Yes. But if you're looking for them, it's not just about the money in their personal benefit, this is their national freedom agenda. They actually think they're getting us free because they can show their eligibility for self-governance. They can protect Israel from the Palestinians. One day. Israel in the United States are going to say, yes, you do it good enough, you're free. I think that's crazy. Empirically we can demonstrate that that's just not true. And I described that as a sovereignty trap and end by trying to think of how do we overcome that trap and that's why I leave all the legal literature in turn to other freedom literatures to think about, you know, beyond political sovereignty beyond statehood to think about what does freedom look like so that we're no longer asking one state to state blah, blah, blah.

Noura:

Those are political formulations which are mutually exclusive. I'm moving us into thinking about not mutually exclusive equations of existing and coexisting. So as to the third question then, what about legal strategies that are used and how that, like you said, you articulated so perfectly, it's that if we can get through the door, the tools that are available to us could be very counterproductive and self-destructive. Right? We entered through the door on the ground. You have a one-state reality, the only legal tools that we have available to us in order to counter Israel's military force, Israel's settlement enterprise, it's encroachment of Palestinian lands is a humanitarian law framework that is contingent on a false partition between Israel and the Palestinian Territories. So that's a conundrum for any legal advocate. And it's been a conundrum even in the 70s, right? When Palestinians were declaring Zionism is racism.

Noura:

You can even see in the texts that many of the States that voted for resolution 3379 are voting for it, but still committed to a two-state solution. And that's a tention that doesn't get necessarily resolved until the Palestinian, you know, declaration of independence in 1988. The Palestinians resolve it. Israel hasn't resolved it. They don't want a Palestinian state. Even when you know Palestinians are finally okay with partition and a two-state solution. Right? And so what do we do as legal advocates when the tools available to us reify a false partition

# The Activist Files Episode 20: Law, lawyering, and writing Palestine with Noura Erakat

and a reality that doesn't exist. And so one of the things that I say, it's part of this equation using the law because it's entwined with politics, is rife with risk. The only way to cushion and mitigate that risk is through political movement. Absent the political movement, those legal strategies will most likely just be counterproductive. But can you wage a legal battle against the settlements using an IHL framework while you simultaneously are demonstrating politically the apartheid settler colonial nature of Israel and Israel as the singular sovereign and the territory from the river to the sea. That's where you have to balance that out. It's the political narrative that is going to cushion, create the cushion that mitigates the risk of what you're doing in this legal sphere.

Diala:

So last time I saw you, it was actually [unknown] after your book talk there, which was one of the rare moments where I was in Palestine in a political space and felt that there were people in the room who are feeling genuinely excited to hear something different. You know, we've talked about this, how we've been stuck and suffocated in these cycles. We have some of the best thinkers and lawyers and activists and freedom fighters, and yet the past decade or certainly for a while, we felt really stuck in some of these frameworks and that was one of the things that I found really exciting about being in that room and watching how you've used this book to create those spaces for conversations internally amongst Palestinians who are all grappling with some of these questions has been really great. After the book talk, you and I were talking and were reflecting a little bit on some of the differences that we were observing as people who straddle these two worlds, right? Who straddle Palestine and the West bank, and we have conversations with people in Gaza as well as in 1948 Palestine and then people who are here in the U.S. also dealing with our movement over here. We're observing some of the gaps and you actually left me thinking a lot more positively about those gaps than I had been before. So I wanted you to share that with the listeners who may also be frustrated as I am. So please go for it.

Noura:

One, I just want to thank you, thank you for lifting that. I think that has been one of the most remarkable parts of sharing this book with the world is the fact that young people are in the audience. As an advocate, I remember everybody in the room that was available to think and talk about Palestine was retired because now they could and yet what I was finding in the course, certainly throughout my talks in Palestine but

# The Activist Files Episode 20: Law, lawyering, and writing Palestine with Noura Erakat

elsewhere, it's a lot of young people who are really thirsty for direction, for ideas, for opportunity, for space, for empowerment, and to just be able to think past our slogans of national resistance. Because when you are in a position and the position that Palestinians are at is very devastating. The situation is much worse on the ground. There's just shrinking space in every metaphorical and literal sense for life. And so we end up finding ourselves in a war of positions of wanting to affirm who we are and principles that we die with dignity.

Noura:

That until our last breath we fought and died with dignity and it's so noble and understandable, but the negative outcome of that, the unintended consequence is that we're not creating room to make mistakes. We're not creating room to ask controversial and provocative questions. Right. For me, what I do in the book by basically asking Palestinians to think about a future for themselves, that's also a better future for Jewish Israelis than what Israel can offer them is really controversial and provocative and it's very scary as a Palestinian, especially living in the diaspora to ask that question to Palestinians who can barely breathe. I'm just describing this discomfort to you in the listeners that this is why there's no space aside from you know, other realities. Even we police ourselves. It's a tremendous risk to ask that I'm willing to take the heat and there's negative that's coming with it.

Noura:

Obviously. Yes, it's creating space. Yes, there's young people, but there's discomfort and that discomfort is coming with, you know, some sort of critique. Thankfully, I've been in the trenches long enough. I've served my time, I'm a known quantity that my intentions are not questioned. So I think that's also giving me the cushion to do that.

Diala:

And what are some of the things that you're seeing happening in the U.S. context that give you hope? The conversation that's happening in the United States is one where we're seeing this black feminist theory of intersectionality, you know, coined by Frances Beal and then Kimberly Crenshaw to describe the condition of not just being any singular identity. You are black, you are a woman. There's class, you might be out of status as a migrant, you might be queer. I mean, there's a number of different things that intersect to make a person a person.

Noura:

But now we see that emerge in the late seventies, early eighties as a theoretical concept. And now we're living it in the left in

# The Activist Files Episode 20: Law, lawyering, and writing Palestine with Noura Erakat

the United States. It's literally a living moment of intersectionality in the U.S. political moment amongst the left where we're thinking about indigeneity, about black liberation, about Palestine because of, you know, the U.S.'s role as an empire and an Imperial power. And we're also thinking about class and we're thinking about gender and we're thinking about ability and that is creating this really exciting moment in the United States, I think amongst the left to be able to think about comprehensive ways forward and to think about freedom. And it's also, I think breaking apart the Palestinian, the question of Palestine beyond a nationalist framework from which it, you know, it's, it's developed and where it's born, especially after 1967 and the third world upheaval, it's framed along with all other anti-colonial struggles as a national independent struggle and what the United States, because of this political context, what it's doing is it's breaking apart that structure of nationalism to think about Palestine.

Noura:

So that Palestinian freedom is also a question about smashing patriarchy. It's also a question about what is a safe haven for all migrants and not just Palestinian refugees. That's a different conversation. That's happening in Palestine right now for all the reasons that we described about shrinking space, about the conditions. Unfortunately I think this is work that we have to do more is leverage voices, not just in West bank and Gaza and in 1948 but throughout the Palestinian diaspora. I think that the US-based movement, Palestinians in the U.S. because of our positionality in empire, you know, everything that happens in the United States gets exported much faster in terms of our culture and movies and politics are no different. And so I think that we're taking up a tremendous amount of space and not balancing that with more conversation with other places. And again, that those conversations are going to be challenging and difficult and really generative ways.

Diala:

So just reflecting on this question of shrinking space, you know, as we grapple here with what it means to be lawyers and movement lawyers in support of the Palestinian rights movement, a big part of that observation has been responding to exactly what you're describing, this shrinking space for Palestinian activism, right? The more we're successful here in the U.S. as well as the more we fight in Palestine, the more we're seeing a very aggressive pushback by Israeli organizations as well as these other groups that are in supportive Israel here in the U.S. and in Europe, the attack on Palestinian activism.

# The Activist Files Episode 20: Law, lawyering, and writing Palestine with Noura Erakat

And so one of the responses has been if we want to create this place to dream right, if you want to create a little bit of room to breathe, that we can begin articulating what a political vision looks like, but we need to protect our people.

Diala:

And so this defense work is almost just as important as some of the other work that also needs to be thought about in parallel. And I think what I'm excited about continuing this conversation with you was how some of that other parallel work. We've been doing a lot of the defense work lately and unfortunately that's where we've had to expand all of these resources with the movement. So many of the students organizing on campuses here are not able to organize. I mean, you know this, but it's it's really escalating as the efforts to redefine antisemitism to include any kind of criticism of Israel and your articulation of Palestinian rights. That needs to be a push back from that. But I think one of our biggest challenges has been how to make sure that we're not only doing that.

Noura:

It's really hard. It's really hard, especially because we have finite resources. For example, I remember this at Berkeley as a student activist, we took over Wheeler hall. It was tremendous. We did, it was a big deal. We shut down the building and it was direct action. But then the second time that we did it, I think something like one student had to be detained and we needed to post bail to get them out. And then in another case, I think there were 33 other defendants we needed to get their charges dropped and all of our energy that was otherwise being used to do this organizing was now used to protect our own. So it's really difficult with those finite resources. And I think part of it could be dealt with. I think we have those resources, we need to organize them a little better, but we can't stop working on both fronts.

Noura:

One of the things, you know to not overly romanticize this beautiful, I think generative moment in the United States political scene is what you're doing, which is to highlight that because it's been so successful, the reaction to is so severe so that now it's 41 out of 50 U.S. States have either passed or have tabled legislation that would make BDS illegal in the state. Right? It's, it's what Kenneth Marcus is doing at the Department of Education in changing the meaning of antisemitism so that it's not about protecting Jewish students. It becomes about protecting Israel because they want to equate and conflate those two things. It's about the neo-liberalization of universities

## The Activist Files Episode 20: Law, lawyering, and writing Palestine with Noura Erakat

where Palestine is really the canary in the coal mine and so if you take out Palestine, it can help diminish all other forms of activism and so professors and students are targeted, employment and so on and so forth. But as we know, things always get worse and they must get worse before they get better. Those are the movement sacrifices that we make, and thankfully we live in a history, what I describe, our present is a history of triumph and we should take faith that these sacrifices are not for not.

Diala: I think that's a great note to end on. Thank you so much Noura for being here on The Activist Files.

Noura: Thank you for having me, Diala.