

Fair and Balanced?: On Academic Freedom in Post 9/11 America

Marcy J. Knopf-Newman

Dr. Marcy J. Knopf-Newman is Assistant Professor of English, Boise State University



During the Cold War, the United States famously endured a battle on the home front in which intellectuals and artists, among others, were witch-hunted during Senator Joseph McCarthy's congressional House on Un-American Activities hearings.¹ Of course, it was fear that guided the U.S. government's attacks on communists. That same fear of communism led the U.S. government to support the emergence of area studies programs in order to understand—or perhaps undermine—its Cold War nemeses. It was in this context that area studies programs—including American studies and Middle East studies—emerged in American universities as a way to educate students about the very issues that shaped U.S. domestic and foreign policy. The U.S. government's desire to understand the politics, languages, and cultures of key regions of the world led to its funding for many of these programs.

Since September 11, 2001 Americans have faced a resurgence of McCarthyite tactics that have palpably affected American universities. This current scare is grounded in a fear of religion/ethnicity (read: Islam/Arab) and in this case the specter of the fear, rekindled by, but certainly predating, the 9/11 attacks. All of this trepidation, much of which is played out in determining who has the power to define terrorism and who is allowed to speak critically about the U.S. or Israel, has produced a corollary panic about speaking on university campuses for fear of being black listed by watchdog groups such as Daniel Pipes' Campus Watch.² Although communist ideology is not the target of fear-mongering this time, the strategies used to combat it during the cold

1. I would like to thank Rosie Bsheer and Elizabeth Swanson Goldberg for their insightful comments.

2. Daniel Pipes' Campus Watch website, students report professors who are "biased" against Israel or whose lectures contain political content they disagree with. See <http://www.campus-watch.org/>.

war have been resuscitated and redirected to academics working in Middle East studies. Intellectual “witch hunts” in the U.S. are emerging in various forms, but one of their most disturbing effects is the chill cast upon academic freedom on college campuses. The project of censorship in the name of “homeland security” has taken many forms: prohibiting distinguished scholars such as Tariq Ramadan from entering the U.S. to begin his professorship at Notre Dame University; passing state and federal congressional legislation that enables government oversight of area studies programs; labeling professors as anti-Semitic (read: anti-Israel) in an effort to discredit, undermine, and challenge their academic freedom; and, finally, drafting legislation in the House of Representatives—HR 3077—to monitor professors’ teaching to make sure it is devoid of “politically biased” (that is, material that can be interpreted as “anti-American” or “anti-Israel”) content.³ Most of the scholars who have come under attack teach and conduct research in subjects that include Islam in general and/or Palestine in particular, and it is these subjects that are perceived as the new-millennial threat worthy of the censorious impulse. The litmus test scholars must pass is not whether they have refused participation in any communist party program or event, but whether they support Israel without reservation. It is within this politico-rhetorical nexus, informed by the response to September 11, 2001 in the form of the nebulous “war on terror,” that anti-Israel sentiments have been conflated with anti-American feeling, easily translated then to a potential platform for “terrorist” action and “justifiably” censured as such.

Unbecoming Developments at Columbia

One of the most public of such controversies has taken place at Columbia University, where professors Joseph Massad, George Saliba, Hamid Dabachi and Rashid Khalidi have come under attack by some students, state legislators, and the media.⁴ Three main Jewish organizations championed these attacks:

3. As a harbinger of this intellectual climate, Harvard University president Lawrence Summers stated in 2002: “Profoundly anti-Israeli views are increasingly finding their support in progressive intellectual communities. Serious and thoughtful people are advocating taking actions that are anti-Semitic in their effect if not their intent.” Quoted in Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (New York: Verso, 2004): 101.

4. To be fair, for the most part, and until recently, Khalidi was praised as a model of “moderate” Middle Eastern professors, one whom all others should follow. The remaining three are on leave in Fall 2005, some planned, others not. Some believe that in their absence Khalidi will become the new target during the 2005-2006 academic year.

Campus Watch, the David Project, and the American Jewish Committee.⁵ At issue for these groups is how Palestine and Israel are portrayed in the classroom and in scholarly work produced by professors of Columbia's Department of Middle East and Asian Languages and Cultures (MEALAC). What is especially troubling about the charges of anti-Semitism and anti-Israel perspectives in these professors' body of work is that it is unsubstantiated by the majority of students in the class. The case with Massad, for instance, was brought to the forefront by Deena Shanker, who claims she was asked to leave class; the only person who corroborates her story is a person who claims to have been in class that day, but who was unregistered.⁶

Much of this debate came to the public's attention when the David Project, a Boston-based organization that claims to "promote a fair and honest understanding of the [Middle East] conflict," produced a film entitled Columbia

5. "The school board's decision was praised by some New York lawmakers with ties to the Jewish community, as well as by the American Jewish Committee. A number of other organizations and individuals, however, including Columbia University and the American Jewish Congress, have questioned the school board's decision." Nathaniel Popper, "N.Y. School Board Bans a Controversial Arab Professor." *The Forward*. 25 February 2005. Online. <http://www.forward.com/articles/2741>.

6. According to Massad's "Response to the Ad Hoc Grievance Committee Report," Shanker "claims that I told her 'If you're going to deny the atrocities being committed against Palestinians, then you can get out of my classroom!' Shanker has two witnesses, one is a registered student, and one whom she claims was a visitor for the day, a claim that has not been verified by anybody except for Shanker who is the only witness that this person was visiting my class, just as he is her witness that the incident she describes took place! As for the registered student, he provided testimony that differs significantly from that provided by Shanker. He alleges that I 'raised' my 'voice considerably and said that "I will not stand by and let you sit in my classroom and deny Israeli atrocities."' Note that Shanker's claim that I instructed her to 'get out of my classroom' is not corroborated but rather replaced by a different claim altogether. The fact that I deny that the incident ever took place and that my testimony is corroborated by three students, two graduate Teaching Assistants and one registered undergraduate student, while mentioned in the report, is treated as immaterial to the report's conclusion. Also immaterial to the report's conclusion is the report's finding that Shanker did not register this complaint in her anonymous evaluation of the course, nor reported it to anyone in authority nor spoke of it to me her professor." See <http://www.columbia.edu/cu/mealac/faculty/massad/>. Also see "'Taking Back' Middle East Studies: The Case of Columbia University's MEALAC." *Journal of Palestine Studies* 34 (Winter 2005): 70-84 and "Academic Freedom and the Teaching of Palestine-Israel: The Columbia Case, Part II. *Journal of Palestine Studies* 34 (Summer 2005): 75-107.

Unbecoming.⁷ The various (four or five differing) versions of the brief documentary feature fourteen Columbia students and alumni who describe feelings of intimidation because they espouse a pro-Israeli view in the context of MEALAC classes. Massad is one of the professors accused of intimidating students in this film. But many of the claims made by the students are clearly spurious. They offer an image of a university that is generally hostile to Jewish students—indeed, former Hillel director from Columbia Rabbi Charles Sheer states that he has heard many of the complaints articulated in the film—the fact is that Professor Massad has never had a formal complaint filed against him. Indeed, what is not represented in this film is the fact that Massad is an award-winning teacher and scholar precisely because of the rigorous nature of his critical inquiry into the nature of the conflict between Palestine and Israel.

Of course, as scholars and teachers, we know that good teaching often comes out of moments when students are made to feel uncomfortable because they have to rethink their archive of knowledge. Thus, as Massad instructs on his syllabus for “Palestinian and Israeli Politics and Societies, “The purpose of the course is not to provide a ‘balanced’ coverage of the views of both sides, but rather to provide a thorough yet critical historical overview of the Zionist-Palestinian conflict to familiarize undergraduates with the background to the current situation from a critical perspective.”⁸ This drive to critical thought and historical examination is precisely what the higher education of students in the global age must be about; moreover, the mission statements of most accredited colleges and universities (Columbia included) reference such goals as part of the objectives for and outcomes of the educational experience they offer. Questioning the dominant narrative of Israeli history should never be grounds for removal from any educational institution; rather, educators, scholars, administrators, and students must commit themselves to the search for true meaning and understanding of global conflicts in all contexts, regardless of how politically charged that endeavor may be at a given moment, rather than towing the party line as McCarthy would have had it.

7. Information about the film and the David Project’s mission can be found on its website: <http://www.davidproject.org/>. Although the filmmakers have recently tried to distance themselves from the campaign against professors, the damage has already been done. Moreover, the David Project trains Jewish students to do precisely this type of agitating on their college campuses.

8. Importantly, largely because of this controversy, Massad has since cancelled this class. Censoring Thought, a collective of undergraduate and graduate students at Columbia University, has created a database of materials related to this crisis at Columbia. Included on their website is the above quote from Massad’s syllabus as well as specific refutations to the claims made in Columbia Unbecoming. See: <http://censoringthought.org/behindthemyth.html>.

A New McCarthyism

Indeed one of the primary politicians who has led the charge against Massad, Anthony D. Wiener, a New York congressman, has played the role of McCarthy against Columbia faculty.⁹ Politicians like Weiner interfering with academic freedom illustrate the dynamics of the current witch-hunt. The smear campaign did not end with the release of *Columbia Unbecoming*; rather, in some ways the film became a highly inappropriate platform for two students to make formal charges against Massad, such as Shanker's complaint, an incident which the University's Ad Hoc Grievance Committee Report found credible. However, twenty students who attended class on the day in question released a formal public statement asserting unequivocally that these charges were fictitious.¹⁰ Much of the information contributing to the witch-hunt against Massad has been bandied about through media and online organs, especially in New York, but what has received less media attention, and which is perhaps even more damaging than these ad hominem attacks, is the way in which real higher education is being suppressed as a result.¹¹

Assertions critical of the State of Israel, which in the U.S. are often equated with anti-Semitism and then hyperbolized in reportage, now constitute grounds for removing distinguished faculty from educating high school teachers about designing Middle East curricula. In March 2005 Chancellor Joel I. Klein removed Rashid Khalidi, Edward Said Professor of Arab Studies and Director of the Middle East Institute at Columbia, from his duties conducting workshops in the New York After-School Professional Development Program that trains kindergarten through high school teachers. Khalidi had participated in the program, which features a number of professors each teaching a different facet of the Middle East in a course entitled "The Middle East: An Overview, History, and Culture," for the past two years. Khalidi's contribution was largely concerned with the demography and geography of the region. However, at issue as a catalyst for Khalidi's dismissal was not the subject of Khalidi's seminar. Instead, what disturbed organizations such as the American Jewish Committee were statements made by Khalidi in his public discourse and scholarship, outside the context of this program, that included the words "racist" and "apartheid" in

9. See Jennifer Jacobson, "U.S. Lawmaker Urges Columbia U. to Fire Professor Who Criticizes Israel," *The Chronicle of Higher Education*. Online. <http://chronicle.com/weekly/v51/i11/11a01402.htm>.

10. The full text of the students' letter exonerating Massad can be found online: <http://censoringthought.org/twentystudentpetition.html>.

11. To understand the larger concerns about academic freedom implicated in the Columbia case and other similar post 9/11 scenarios, see Jonathan R. Cole, "Academic Freedom Under Fire." *D?dalus* (spring 2005): 1-13.

descriptions of Israel and its policies with regard to Palestinian people and land. As with the case against Massad, participants in the program forcefully refute the charges brought against Khalidi. One teacher who attended his past lectures in this program describes the content of his teaching as “apolitical.”¹² Moreover, two weeks after this decision, a group of teachers who were dismayed by the decision of Klein invited Khalidi to continue his workshop privately in a show of solidarity.

Like the witch-hunting of Massad, statements against Khalidi were taken out of context, exaggerated, and used to silence intellectual discourse. Professor Arthur Hertzberg, who co-taught a class with Khalidi, illuminates the way in which his removal from the education program violates academic freedom: “[Khalidi] is about as virulently anti-Israel as the Likudniks are anti-Arab. Have we decided that we are going to throw all the Likudniks out of public life?”¹³ Thus the issue is not whether or not Jewish or Israeli or Zionist students support Massad and Khalidi, although they certainly do so publicly. Nor should the issue be whether or not their scholarship or teaching is fair and balanced, although these professors also critique the laws and practices of Arab countries in their scholarship and pedagogy. Nor should the issue be a debate over statements made by Khalidi and Massad in their published records or classrooms that might make Jews, Israelis, or Zionists uncomfortable. The issue is about censoring teaching and scholarship on college campuses, particularly when the professor in question is Arab or Muslim.

Oversight Bodies?

Unfortunately, these are neither isolated nor rare anecdotes. In October 2003, the U.S. House of Representatives unanimously passed HR 3077, a bill which provides funds to area studies and foreign language centers under Title VI of the Higher Education Act. The bill this time around did not merely approve a budget for these programs; it added an oversight body that would have had broad powers to investigate faculty and students in any Title VI program. While HR 3077 would certainly have made the surveillance of so-called anti-American academics a priority, it is clear that teaching and research that criticizes Israel

12. Popper, “N.Y. School Board Bans a Controversial Arab Professor.”

13. *Ibid.*

would also set off alarms.¹⁴ In its memo to the House of Representatives, the American Jewish Congress (AJC) (which did not support Khalidi's termination from the New York After-School Professional Development Program) argued, Federal tax dollars are funding Middle East seminars exclusively promoting one-sided anti-American and anti-Israel views. To correct this distortion, American Jewish Congress is petitioning the Secretary of Education to amend the selection criteria required to be employed by the Secretary in evaluating an application for a grant to fund comprehensive National Language and Area Centers Programs authorized under Title VI of the Higher Education Act.¹⁵

The conflation of the already questionable terms "anti-Israel" and "anti-American" in the AJC document demonstrates how hysteria about what goes on in the classroom can encroach upon academic freedom.¹⁶ Even worse: it also provides us with some not-so-subtle clues as to the reversal of prey in this witch-hunt: not the Jewish "victims," as the AJC might have it, but the scholars of Islam and the Arab world.

Although HR 3077 did not pass the Senate, professors in Pennsylvania will find themselves subjected to an even more extreme measure at the hands of David Horowitz, a neoconservative champion of what he calls the Academic Bill of Rights. The Pennsylvania House of Representatives passed the bill, HR 177, on July 5, 2005, which charges the state legislature with the authority to set up a committee to investigate whether or not classrooms are being used to promote professors' political agendas. At least twelve other states have introduced Horowitz's bill. Unlike HR 3077, this bill cuts across academic departments and colleges, requiring faculty to present a fair and balanced syllabus. Ensuring that creationism and evolution are taught side by side is one example of such an approach. Nevertheless, the language of the bill and the climate of censorship and surveillance in the U.S. in a post-September 11th

14. Zachary Lockman explains: "HR 3077 provides for the creation of a new International Higher Education Advisory Board with the power to "monitor, apprise and evaluate a sample of activities supported under [Title VI] in order to provide recommendations to the Secretary and the Congress for the improvement of programs under the title and to ensure programs meet the purposes of the title." Four of the board's seven members would be appointed by Congress and at least two of the remaining three members would represent government agencies concerned with national security." "Behind the Battles Over US Middle East Studies" in *Middle East Research and Information Project* (January 2004). Online http://www.merip.org/mero/interventions/lockman_interv.html.

15. See: <http://www.ajcongress.org/TitleVIPetition.htm>.

16. For a wider context on the hysteria of anti-Semitism as perceived as anti-Israel criticism see Norman Finkelstein's *Beyond Chutzpah: On the Misuse of Anti-Semitism and the Abuse of History*. Berkeley: University of California Press, 2005.

context ensures that, as this bill gains momentum, it may well be used as a weapon for Islamaphobes. Fair and balanced in this context would mean that a professor teaching a course about Palestine and Israel would have to ensure that any criticisms of Israel would be neutralized by criticisms of Palestine. Perhaps this would not arouse concern from many professors, as even those who have been targeted at Columbia regularly engage in intellectual critique on both sides of this divide. However, the idea that a governmental body would put professors under surveillance to monitor such classroom or scholarly statements creates a (well-founded) panic in academe.

Importance of Rational, Critical Debate

Challenging dominant narratives and asking provocative questions about the dominant paradigm lies at the heart of academic work. Certainly scholarship is informed by the perspective of its author, but this is not to say that such work is biased or invalid. Quite the contrary, as Joseph Massad argues: “all respectable scholarship about Nazi Germany and the holocaust, to take an important example, is indeed biased against the Nazis, but no one except anti-Semites would dare equate scholarly judgment of Nazi Germany and the holocaust as the ‘Jewish’ perspective or narrative. The same applies to scholarship about South Africa under Apartheid, which is never described as the ‘Black’ perspective or narrative.”¹⁷

We need to try to overcome our traditional historical time-lag: to identify censorship and repression before the worst scenarios become reality. Before we have enough retrospective distance to realize that our worst fears (about the terrorist or Islamic “threats”) didn’t materialize and we marvel incredulously at “how unthinkable” it was that such witch-hunts took place. Isn’t it time that we catch ourselves in the act and perform the feat that history claims as its best trick: to prevent itself from repeating its worst? A real cause for fear lies in the fact that it is the most vital voices — those of the intellectuals — that we shut down when we enact such witch-hunts, the voices that have historically called for human rights. The charge of anti-Semitism leveled at scholarship and pedagogy that takes a critical approach to global problems by calling such critical work “anti-American” or “anti-Jewish” renders a binary opposition of either for or against Israel, for the U.S. or against it, as if there are no positions in between. This is the shoddiest form of political censorship masking as intellectual intervention. If we silence rational critical debate of stellar scholars such as Khalidi, Ramadan, and Massad who — and what — will we be left with?

17. Joseph Massad, “Targeting the University.” *Al-Ahram Weekly*. Online. <http://weekly.ahram.org.eg/2005/745/op2.htm..>

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