

On Behalf Of Robust Academic Freedom - Richard Falk

At the very moment when original and critical thinking is urgently needed in America, the mechanisms of repression are put in play. There is no doubt that 9/11 presented American society with anguishing challenges, which called for both a protective response, adjustments in security, and some painful soul searching. Perhaps even more tragic for others than these triggering events, and in the end for us, is the less noticed date of 10/7. October 7th was the day a few weeks later that the Afghanistan War started, and 'the global war on terror' shifted from rhetoric to reality. This militarist reflex to rely on the war option for post-9/11 security is daily proving itself disastrously dysfunctional, and as its failures become more manifest, those American leaders responsible reaffirm their extremism, relying on a brew of fear, demonization of the other, and global ambition to pacify a nervous, poorly informed, and confused citizenry at home. And where there are expressions of significant, principled opposition, the impulse of the rulers is inquisitorial. In such a setting it is hardly surprising that academic freedom is menaced, but no less troubling.

My first reaction to being listed among the '101' that David Horowitz had identified as the most 'dangerous' professors in the country was bemused pride-almost wishing that I deserved the accolade, that I was indeed this dangerous, at least in relation to the ideas and policies holding sway in our government. I admit also to feeling a modest sense of accomplishment, being viewed even by one so disreputable as Horowitz, as deserving inclusion in what could only be regarded as a kind of national honor roll. But on further reflection, I realized that Horowitz was a mercenary foot soldier in an orchestrated, funded, multi-dimensional campaign against genuine democracy that was being waged on many fronts at home while American leaders were circling the globe insisting that other societies become 'democratic.' This Orwellian climate of lies, deceptions, and euphemisms was epitomized by recourse to torture in dealing with terrorist suspects while at the same time linguistically repudiating torture as a means to gain information. The Horowitz contention is along the same lines: denounce those that express their views of ongoing events with critical honesty in the name of 'balance' within college and university settings so as supposedly to realize the true goals of education.

The relentless pursuit and persecution of Ward Churchill is a revealing instance of the witch-hunting McCarthyist ethos that is currently threatening academic freedom. Admittedly, Churchill made some provocative comments about the victims of the 9/11 attacks that struck

many as totally lacking in empathy for the victims, as well as tasteless. His words could even be (mis)understood as a vindication of violence against civilians. But such a provocation could also be interpreted as merely the other side of the extremist coin from President Bush's absurd self-congratulatory evasion: "Why do they hate us? Because of our freedoms." It is the most honorable calling of institutions of higher learning to provide safe haven for unpopular and distasteful views, including highly critical appraisals of national policy, especially at moments of crisis. Without critical thought, learning tends toward the sterile and fails to challenge inquiring minds. For this reason alone, it is vital that we who belong to the academic community join together to protect those who draw repressive fire, whether or not we agree or not with the ideas or expressive metaphors of a particular individual.

And we should similarly be wary of opportunistic attacks on scholarship that are disguised means of sanctioning critics and stifling the free expression of ideas. It may be that aspects of Churchill's large body of published writings were vulnerable to responsible academic criticism, but the proceedings against him were not undertaken because of efforts to uphold high scholarly standards, but to provide a more acceptable basis for giving in to the right-wing fury aroused by his 9/11 remarks, which themselves were given a distorted inflammatory character by being removed from their rather obscure context of a college lecture that was never even delivered. Churchill's writings have been around for decades, and although they evoked some sharp debate among those engaged in ethnic and Native American studies, there was never any serious consideration of the sort of institutional disciplinary process that has now been undertaken at the University of Colorado. On the contrary, Churchill's reputation within the university was sufficiently strong that he was appointed by administrative officers to be chair of ethnic studies, a position he resigned after the flare-up. I mention Churchill's case with this degree of detail because it is so emblematic of a mood that threatens the vitality and integrity of the university atmosphere in a much broader sense.

Of course, tolerance for public utterance and scholarship has its limits. As Kwame Anthony Appiah reminds us in his book, *Cosmopolitanism*, "[t]olerance requires a concept of intolerance." There are ethical and pedagogical limits, so widely affirmed, that their violation may be grounds for censure, or even dismissal. No society needs to tolerate the advocacy of genocide or the encouragement of abuse and incitement directed at such vulnerable groups as gays or minorities. Of course, interpreting the specifics of what is intolerable needs to proceed with the greatest caution, and err always on the side of tolerance. At issue, is a subtle, somewhat fuzzy, distinction between ideas and behavior. For instance, how should a Holocaust denier or defender be treated with respect to academic

freedom? In my view, the empirical claim is so irresponsible and dubious, and the relation to hateful behavior, as measured by ethical, legal, and human rights standards so clear, that such views should not be tolerated within a classroom, especially if such warped interpretations of history feed the fears and actualities of anti-semitism. In addition, the position taken by the Holocaust denier or defender is particularly disturbing, even wounding, to Jews generally, and especially to those Jews who are survivors or have relatives who were victims. The case becomes more difficult if such ideas are expressed in scholarly writing or public lectures for which attendance is voluntary. On the one side, clearly a lecture hall depends on relations of trust, which requires a faculty member to act responsibly under all circumstances, given her/his role as authority figure and the typical student's status and probable young age. On the other side, is the expectation that students will not be discouraged from expressing their views, however much they depart from that of their teacher.

It is difficult to the point of impossibility to draw specific boundaries with respect to what is impermissible in the classroom. What about denials of the Turkish genocide perpetrated in 1915 against Armenians, which remains strongly contested, at least in Turkey? Should those who engage in this work of denial be protected when expressing such a dissident interpretation of history that evokes painful memories and inflames unhealed wounds among the Armenian community? Should distinctions be drawn between the classroom, the public lecture, professional consulting work, publications? Without doubt the strong presumption should be in favor of free expression; tolerance is the rule, intolerance the exception reserved for the hurtfully outrageous.

In no way, however, can the attacks on Churchill, and some others within universities, cannot be justified as a matter of zoning off the intolerable. As Horowitz's book confirms, any expression of dissident ideas on the intellectual left is fair game, and there need not be any responsible connections between the allegations and fact. For instance, in the short sketch on my supposedly dangerous activities, Horowitz associates me with a heavy involvement in the activities of the International Association of Democratic Lawyers, a left professional association of lawyers that was especially active during the Cold War in Western Europe. I was never a member of this organization, and never was very familiar with its ideological orientation. I did speak under its auspices once on the relevance of international law to the Vietnam War, but I also spoke on similar themes at the Council on Foreign Relations, West Point, The Naval Academy, and The Naval War College. Horowitz also attacks me because of my opposition to the Iraq War and for views suggesting that war might not be the most effective manner to deal with the sort of extremist

adversary that staged 9/11. In other words, as with Churchill, the denunciation is based on the expression of ideas that depart from an extreme right conception of political orthodoxy. Such an understanding of what is dangerous is particularly perverse, as it tends to immunize only the banalities of conventional wisdom as defined by the US Government at any given time, or reactionary expressions of militancy. Rightest figures can say the most outrageous things in large public arenas that do have serious political consequences, and yet suffer no adverse career consequences. Pat Robertson, for instance, advocated on a radio broadcast the assassination of a foreign leader, Hugo Chavez, and yet experienced not even a mild rebuke from responsible political leaders.

A witch hunt that focuses on the most visible academic critics of present policy is to establish an overall climate of intimidation within university settings. It becomes costly to express dissident ideas, and professionally seems imperative to shut up. It is not only someone such as Churchill who becomes a target. Consider the recent case of the Brigham Young professor of physics, Stephen Jones, who has been temporarily suspended from teaching because he casts doubt on the official version of what actually happened on 9/11. This respected scholar raises crucial issues, based on his professional knowledge of the physics and engineering associated with collapsing buildings, which bear fundamentally on the legitimacy of the governing process in this country. Clarifying the reality of 9/11 could go a long way to shaping the responsibilities of citizens in this country. It takes courage to go against the mainstream on such ultra-sensitive issues. For teachers to speak out often invites contempt from more timid and conventional scholars. But without those voices of dissent society loses the benefit of a creative tension associated with contested ideas, which invites their resolution, not by censure and punishment, but by confronting evidence and engaging in reasoned debate. To contemplate disciplinary action against Professor Jones sends a chilling message to anyone in academic life that may have knowledge, which if disclosed in a manner that reaches the public, could embarrass or discredit the political leadership in this country. Considering the reliance of the government on secrecy, especially where international policy is involved, the importance of encouraging the free flow of private and public sector scholarship and the vetting of ideas can hardly be overstated.

We who work within the domain of international studies have a particular mission to protect academic freedom, particularly here in the United States. This country exerts an influence that extends far beyond its boundaries, often shaping the destinies of foreign countries. National elections in the United States are often more consequential for citizens of these countries than the outcome of their own elections. In many

significant respects, given the global role of the United States, much of the world is significantly disenfranchised, even if their own national political system successfully functions as a democracy. To compensate to some degree for this dimension of a largely unacknowledged global 'democratic deficit' there at least needs to be an energetic presence within American society to challenge through critical thought prevailing policies of the government. This operates as a safety valve, although it is far from a substitute for empowering the peoples of the world to participate meaningfully in the formation of policies that impact upon their lives, their hopes, and their individual and collective destinies. But if opposition is stifled even in the United States, then foreign societies are denied even this indirect voice in these American political debates that can lead to action that is destructive of their economic, environmental, and even physical wellbeing.

Obviously, this concern is greatest when the subject-matter of controversial behavior has to do with world affairs or foreign policy. In this sense, ISA has a particular reason to sustain a strong regime of protection for academic freedom. The integrity of its voice depends on its authenticity and perceived scholarly independence of governments, political parties, private pressure groups, and vested interests of any kind. Its meetings and journals can have credibility only if open to a range of viewpoints, including those drastically at odds with prevailing policies. Many junior participants in academic life will be particularly sensitive to the degree to which it seems it seems jeopardize career prospects to express unpopular and dissident viewpoints on prevailing policies. They will only feel emboldened if a widely shared commitment to close professional ranks exists, and is effective, in response to assaults on academic freedom.

Such an argument for political openness is further supported by the passivity of the media, Congress, and opposition politics in post-9/11 America. There has been an absence of serious public debate in this country with respect to the most controversial policies adopted by the government during the Bush presidency. Even highly respected media outlets almost always defer to the government, especially in the area of national security. In this spirit, the media suppress considerations about the unlawfulness of proposed or ongoing American actions in the world, and fail to prepare the people of the country to act as responsible citizens informed about options and the full range of considerations, given the realities of the 21st century. The failure of even the NY Times, the self-proclaimed gold standard of journalism, to give any attention to arguments based on international law that opposed the invasion of Iraq is a recent example of a far broader pattern of unwillingness to give their readers the range of considerations needed for an informed judgement on such a vital question of national policy.

This issue of academic freedom takes on its particular coloration based on the background political culture and the historical moment. Public intellectuals in Europe, especially France, exert an influence only dreamed of by those of working in the United States. But even in these countries this influence waxes and wanes over time. After World War II, such figures as Jean-Paul Sartre and Albert Camus personified this high stature. Today, there are no comparable figures, and there has been some turn against public intellectuals, reflective of a rightward drift, a skepticism associated with earlier misguided sympathies with the Soviet Union, and the general immersion of the public with the rights and wrongs of globalization. In America, there have been some truly exceptional figures, including within the confines of the university, most notably Noam Chomsky and Edward Said. Both were world class scholars whose work was famously influential quite apart from their conscious decision mid-career to speak out as public intellectuals on controversial questions. Pointing to such eminent figures who maintained their prominent university positions without difficulty, despite enduring a constant backlash of denunciations and threats, does not provide any reassurance about the current quality of academic freedom. Very few members of the academic community will ever achieve such eminence, nor should this be a condition precedent to speaking out on controversial issues. Of course, not every scholar needs to feel obliged to be a public intellectual. Many persons lack such a vocation, and view their roles as citizen as falling within a personal domain, much as many view their religious or spiritual beliefs. This is fine. The issue of concern is providing confidence to those who do feel the impulse to speak out at teach-ins, demonstrations, media outlets, and in a variety of academic and semi-academic settings, expressing views that offend portions of the wider community, but are beneficial, even essential, with respect to fostering a fuller understanding of contested issues. The arbiters of acceptable viewpoints are emboldened to act more intrusively within the university whenever the societal climate seems ready to clamp down on dissident ideas, and their strategy as in a lion hunt, is to focus their toxic energies on those in the herd who seem most vulnerable.

It is at such time of national reckoning that the mainstream professional ethos is tested. The tendency at moments of crisis is for influential voices in the universities to side at least tacitly with the policies of the elected government, especially if the academic institution has a vulnerable funding base and politically aspiring administrative leaders. I remember being told during the Vietnam War that my public opposition to the war was costing Princeton one million dollars a year in alumni contributions. It was my good fortune to have tenure, support from immediate colleagues and most administrators, and be part of a university with a hyper-secure financial

base. But even in such a protected enclave, academic freedom is being tested, especially behind closed doors. It appears that a few months ago Yale University was on the verge of making the Middle East specialist, Juan Cole, an offer, currently on the faculty at the University of Michigan. At the last minute, due to an administrative override, the offer to Cole was withdrawn without explanation. Such an action is obviously disappointing for the person so treated even though Cole retains a secure position at a first-rate university. At the same time, Yale students lose the opportunity to have Cole in their midst, although the relevant Yale faculty departments after a thorough search regarded him as the most qualified candidate. The unavoidable message of such an incident is that you had better stay below the radar screen, that is, refrain from voicing the controversial, if you want to be fully recognized within the profession, and this applies even to the most established, reputable scholars. In certain respects, this is a more chilling message than the attack on Churchill, as Cole, although a public intellectual, listed among the 101, and author of a widely read blog that was highly critical of US policies in the Middle East, published widely and his work was respected and admired by most professionals. In effect, even though it was a matter of thwarting a professional opportunity rather than challenging tenure or academic standing, Cole's experience reminds us that academic freedom is being seriously eroded in many subtle ways, and that not all of our attention should be devoted to the most extreme cases. Universities, editorial boards, publishers do not have to give reasons for their decisions, but I think it is hardly paranoid to suppose that in the current atmosphere where critical voices within universities are being subject to systematic, well-organized, well-financed attacks, that individuals are passed over to avoid future trouble. Such an atmosphere invites self-censorship. Even before the current inflamed climate, and aside from earlier threats to academic freedom such as resulted from McCarthyism and pressures during the Cold War for ideological conformity, the gatekeepers at most universities do their best, rather successfully, under normal circumstances to deny entry to progressive public intellectuals. It is a revealing credential that some of America's finest universities did not have a single faculty member who made the Horowitz 101 roster, despite his low and arbitrary threshold of inclusion.

The Cole experience reminds us one other set of considerations. There is much talk on the right of liberal bias among college faculties, but little acknowledgement that within these institutions there is a reverse ideological spin. Those faculty members who go off to Washington to give insider advice or are awarded lucrative consulting arrangements with conservative think tanks or government agencies are regarded as bringing prestige to themselves and their institutions, and this is taken into favorable account whenever issues of tenure, promotion, salary, and other career arise. It is consistently the opposite for those of us who are active

in the village square or within the halls of academe. At best, their presence is quietly tolerated, waving vigorously in defense of such tolerance, banners of academic freedom. This itself is not healthy, if what is desired is learning community in which freedom of expression flourishes and citizen engagement with the controversies of the day is considered a sign of institutional vitality.

Of course, if the repressive atmosphere intensifies, and the country slides further in an autocratic direction, those kinds of protections become irrelevant. The Horowitz book and the Churchill witch hunt can be best understood as organized, undoubtedly conscious, efforts to make a robust form of academic freedom non-viable even at elite institutions of higher learning. While Edward Said was alive, he served as a lightning rod for anti-Palestinian pressures at Columbia, with his stature and influence sufficient to keep hostile forces at bay. But since his death there has been a strong concerted push to purge vulnerable professors who are perceived as critics of Israel. If the philosophically (not politically) liberal and self-confident Ivy League universities are shaken, then it will quickly establish a climate of intimidation and self-censorship with all learning communities.

To be this concerned about academic freedom is itself a warning bell. Ideally, academic freedom would function as the oxygen of the life of the mind-indispensable, yet invisible and so strongly presupposed that its defense is superfluous. As with oxygen we become acutely conscious of academic freedom when it is not present in sufficient quantities for normal breathing. When academic freedom is threatened, the most sustaining response, is vigorous defense on principle.