

Opinion

What Do Critics of Israel Have to Fear?

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None

At what point do imbalances in access to money, media, and society's administrative apparatuses constitute the censorship of dissent? Recent events at Harvard provide an exhaustive example.

At the Faculty of Arts and Sciences (FAS) meeting on Nov. 13, 2007, I moved "that this faculty commits itself to fostering a civil dialogue in which people with a broad range of perspectives feel safe and are encouraged to express their reasoned and evidence-based ideas." Expressing the fear that voting down so self-evidently reasonable a proposition would be embarrassing, my colleagues voted massively (74-27) to "table" the motion—that is, to end discussion of it and to avoid a vote. They did so because the motion had arisen in the context of what many of my more silent colleagues regard as the widespread censorship of dissent about Israel-Palestine on campus and in the nearby bookstores that are an essential part of the intellectual life of the University. Moreover, as I showed on this page last November, the vote unambiguously violated Robert's Rules of Order, the standard of parliamentary procedure in Faculty meetings. The fervor of their conviction blinded 74 Ph.D.'s to the fact that they were proving my point.

The massive displacement of people that resulted from Israel's founding 60 years ago is the object of willful forgetting in American foreign policy and of baffling ignorance by the American public in general. How else could we justify the massive and ongoing theft of the Palestinians' native land since the mid-20th century—subsidized annually with upwards of three billion dollars from the U.S. government—while we correctly enforce the right of Jewish refugees to recover European properties from which they were displaced in the mid-20th century? If we do not recognize the equality of Palestinian and Jewish rights, how can we avow the equality of the rights belonging to Tibetans and Han Chinese, Sahrawis and Moroccans, Africans and Americo-Liberians, women and men, blacks and whites, gays and straights?

However, on no other issue at Harvard have I ever heard of the disinvention of even one invited speaker, much less three. In 2002, Harvard's Department of English invited Tom Paulin—Oxford professor and one of the finest living British poets—to speak, but promptly disinvited him after then-University President Lawrence H. Summers expressed disapproval of Paulin's criticisms of Israel. Though the Department later voted to reverse the disinvention, Paulin has never come to campus. In 2005, DePaul historian Norman G. Finkelstein, who has both sharply criticized Israeli military conduct and accused Harvard Law School Professor Alan M. Dershowitz of plagiarism, had been invited to speak at Harvard Book Store but was abruptly disinvited without explanation. While Finkelstein cannot prove that Dershowitz was responsible for the disinvention, the Dershowitz modus operandi is evident in the hundreds of pages of threatening legal correspondence which document Dershowitz's campaign to stop publication of Finkelstein's book at University of California Press (UCP) and had evidently succeeded at doing so at the New Press. Dershowitz even wrote—using Harvard Law School letterhead—to ask Governor Arnold Schwarzenegger to stop the book's publication.

Some have opined that, with the passing of the Summers administration in 2006, these threats to free speech about Israel have ended. However, in 2007, long after Summers' departure, Martin A. Nowak—Professor of Mathematics and Biology and Director of Harvard's Program for Evolutionary Dynamics (PED)—invited Rutgers biologist Robert L. Trivers to speak on the occasion of his receipt of the prestigious Crafoord Prize in biosciences from the Royal Swedish Academy of Sciences. Hours before the scheduled speech and party, according to Trivers, Nowak abruptly rescinded the invitation and said that he was doing so under the orders of someone he would not identify. Also according to Trivers, Jeffrey Epstein later admitted ordering the cancellation and said that he had done so under pressure from Dershowitz. Epstein, a legal client of Dershowitz, had donated the funds used to establish PED, which, according to other sources, depends for its future effectiveness on further funding from him.

Dershowitz, who is also a Faculty Affiliate of PED, had complained of a letter to the Wall Street Journal in which Trivers described Israel's attacks on Lebanese civilians during the 2006 invasion as "butchery." He also called Dershowitz a "Nazi-like apologist" for justifying it, and told Dershowitz to "look forward to a visit" from him if his public justifications continued. Trivers denied any intent to threaten or harm Dershowitz physically. In 2008, it was a professor from outside of PED who ultimately invited Trivers anew. Notwithstanding Dershowitz' dramatic claim to have posted his karate-expert secretary at his office door to protect him, Trivers delivered a brilliant and well-attended speech, which took him nowhere near Dershowitz or his office. That Trivers was disinvited in the first place remains an unwashed disgrace to Harvard, unprecedented since the McCarthy era with regard to any issue other than Israel-Palestine.

Two of the three major local bookstores have participated in this censorship process. I have mentioned Harvard Book Store's disinvention of Finkelstein. In 2002, Hillel Stavis, owner of the now-defunct Wordsworth bookstore in Harvard Square, played a prominent role in a highly damaging donor boycott of public radio station WBUR, on the grounds that it allegedly broadcast pro-Palestinian points of view too freely. Following my December 2007 lecture at Harvard Law School about the context of my FAS motion, in which I referred to Stavis as having "led" the boycott, he screamed at me from the audience and threatened to sue me.

Dean of FAS Michael D. Smith invited Dershowitz to the Dec. 11 Faculty meeting to contest these reports. Dershowitz said that he "was unaware of any attempt in his 44 years at Harvard to prevent speech, comments, or arguments about the issue of Palestine." Yet, in order to state his disagreement with it, he acknowledged that Paulin had indeed been disinvited. Dershowitz also acknowledged alleging to the Harvard University Police that Trivers had threatened him, implying that his allegation may have led other University officials to disinvite him. While also claiming that Finkelstein had threatened him, Dershowitz flatly denied that Finkelstein had ever been disinvited—a claim that Finkelstein disputes. Most readers will wonder whether so many people are actually threatening Dershowitz, or whether the mere accusation has not become a conveniently hands-free way for Dershowitz to keep some people off campus.

I am happy that Dershowitz was able to speak for himself at the Dec. 11 FAS meeting. However, it should be noted that his involvement in the discussion—beyond his distribution of flyers at the meetings and his multiple Crimson articles—arose from an uneven application of the rules. On the one hand, I was required to jump through every possible procedural hoop in order to raise these incidents for discussion in the FAS meeting, and it cost me significant time, effort, and social capital to secure my undeniable right as a Faculty member to do so. For example, before acknowledging a full month later that they had erred in allowing the "tabling" of my Nov. 13 motion, officials told me repeatedly that they had been right, that I should take my discussion elsewhere, and that my proposal to resume discussion and to take a vote by secret ballot was "strange." On the other hand, the rules were stretched to allow Dershowitz, a Law School professor, to speak at an FAS meeting. According to the Rules of Faculty Procedure, "The Dean of the Faculty...may invite [non-FAS professors] to attend as observers [emphasis mine]," but neither the term "observers" nor any other passage in the Rules suggests the right to speak.

Finally, my colleagues and I hold the strong suspicion that a recent tenure case was terminated because of the candidate's non-academic writings about the Israel-Palestine issue. Faculty rules forbid me to disclose any further details. Despite the brevity with which this case must be treated, the potential for political bias in tenure decisions is the most serious and frightening of threats to free speech and to Harvard's reputation for excellence. Every one of the dozen junior faculty members who have privately expressed support for my motion have also expressed fear of doing so publicly.

For some people, such disinventions, compromises to the tenure process, donor boycotts and threats thereof, legal threats, appeals for state governors to intervene in the peer review and publication process, and one-sided bending of the rules are themselves merely instances of "free speech"—mechanisms in what Dershowitz calls "the marketplace of ideas." For others, they are bold threats to the process of scholarship, debate, and the free dissemination of information. They also result in the loss of career opportunities to which scholars are rightfully entitled. One Faculty member who asked not to be named here spoke of "a campaign of intimidation," saying, "If you are perceived as being 'anti-Israeli,' ...[and] you're up for some honor or some position, you might not get it," or you might, through "behind-the-scenes retribution," lose what you already have. Another colleague wrote, "we are not able to have reasoned debates about Israel without someone yelling anti-Semitism."

Some have interpreted my apparent lack of fear and my recent success in publishing these ideas in The Crimson as proof that there is neither censorship nor fear

of criticizing Israel on campus and in the US generally. They should know, first, that both The New York Times and the Boston Globe have repeatedly refused to publish my editorials on this issue. Moreover, I am afraid. Much of a professor's global effectiveness depends on the personal esteem and cooperation of deans, administrators, and fellow professors. Even my annual salary increases are determined by officials who appear to feel threatened by my bringing up this issue. Furthermore, I have received a stream of insulting and threatening emails calling me, among other things, an "anti-Semite," a "pussy," and a "mentally inferior black jew-hater." Some called for my dismissal. It is difficult to stand up while everyone else is sitting down. One risks the hammer.

In the Dec. 11 faculty meeting, Dean of the Extension School Michael Shinagel and I re-introduced the motion with an amendment acknowledging the ideals and the gaps in the 1990 legislation. Incredibly, many express the faith that this legislation, which had been formulated to balance the rights of speakers at Harvard against those of disruptive protesters, had all along been sufficient to guarantee free speech generally on campus. The scope of the legislation, however, was far removed from the phenomena of disinvitation, politically biased tenure deliberations, and donor boycotts. Moreover, the laissez-faire principle of the earlier legislation had done nothing to remedy situations in which the most popular, most confidently-voiced, best-financed, and best-administratively-supported positions are allowed to drown out all others.

Opponents labored to poke holes in the motion because it arose in the context of an issue close to home. The circus of amendments and motions—amid universal uncertainty about the applicable rules of procedure—prompted me to withdraw the motion altogether. My only hope was that those who are tempted in the future to disinvite a speaker or torpedo a tenure case over politics will at least think twice. In the end, however, most of my colleagues literally groaned in collective denial, convinced that their defeat of our motion disproved that there had been ever been any problem in the first place. Only one concrete proposal apparently survived the abortive free-speech debate of fall 2007. At my suggestion, Dean Smith recommended to University President Drew Faust the establishment of a University-wide Committee on Free Speech, consistent with the unfulfilled recommendation of the 1990 legislation. Six months later, there is still no Committee.

Harvard has known me for 31 years. I was promoted from within, by two separate departments, an outcome of the closest examination of scholarship, citizenship, and collegiality known in the academic world. Moreover, I am the faculty co-chair of one of the largest University-wide associations of faculty and administrators. Yet those who feel chastened by my complaint now comfort themselves by whispering the self-serving rumor that I am "not a team player." The kind of team player who would comfort such detractors might have felt at home in Dixie, Nazi Germany, or the Bush White House, but he or she does not deserve tenure in the Acropolis of world education. Tenure affords and demands a finer moral compass. We must act on the wisdom that justice withers when intended for just us. And "free speech" is nothing but the self-congratulation of the moneyed and the mighty when the university does not fulfill its unique calling to defend this principle for all.

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