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SPECIAL DOCUMENT FILE

“TAKING BACK” MIDDLE EAST STUDIES: THE CASE OF COLUMBIA UNIVERSITY’S MEALAC

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American campuses as diverse as the University of Chicago, San Francisco State University, and Columbia University have witnessed a new form of activity over the past two years aimed at delegitimizing and intimidating voices—whether of faculty or student—that do not fall within a narrow range of prescribed speech about Israel and Palestine. In some cases it has appeared that any serious criticism of Israel is tantamount to anti-Semitism; among other things, speakers are accused of “singling out” Israel, while ignoring a range of offenses in other Middle Eastern countries. The need for “balance” often is invoked to imply that there is a grave imbalance in Middle East offerings and programs.

*Columbia University’s Middle East and Asian Languages and Cultures (MEALAC) department has been one of the high-profile targets of extreme pro-Israel advocacy groups; among the most prominent of these groups is Campus Watch, set up in 2002 by Daniel Pipes’s Middle East Forum. Two of the eight original targets of Campus Watch’s campaign are professors in the MEALAC department: Hamid Dabashi and Joseph Massad (a member of JPS’s Editorial Committee). Rashid Khalidi, then at the University of Chicago, and now in the history department at Columbia (and editor of JPS), was also one of Campus Watch’s initial targets. MEALAC was also recently the subject of a film, *Columbia Unbecoming*, made by the David Project, a Boston-based pro-Israel advocacy group. In the film—so far only screened privately—some Columbia students allege anti-Israel bias, anti-Semitism, and student intimidation within MEALAC. Professor Massad—the only one of the accused without tenure, and hence the most vulnerable—was singled out in particular.*

This activity at Columbia and on other campuses has several common features: students play a key role; outside nonstudent groups are involved in coordination, financing, and other aspects of the campaigns; and there is sophisticated manipulation of the press. These bursts of activity on several campuses since 2002 are not in fact random: several little noticed articles, including a 29 April 2002 article in Ha'Aretz by Yair Shelag and a 28 August 2002 piece by Rachel Pomerance in the Jewish Telegraphic Agency (Document A below), call attention to the establishment of a new Israel on Campus Coalition (ICC), which now comprises twenty-five member organizations across the country. The David Project is an affiliate member of the ICC.

The abovementioned case of Joseph Massad at Columbia is a good example of the kinds of tactics being used against professors whose views are offensive to some pro-Israel groups. Following reports about the David Project's film and its focus on Massad, the New York Sun and Rep. Anthony Weiner (D-NY) called for Massad's firing. A spate of highly charged articles in the New York Daily News and the New York Post that uncritically repeated the film's accusations followed. Interestingly, New York's Jewish Week published a news article (29 October 2004) critically examining the allegations and quoting a number of Massad's Jewish students who spoke out in his defense; the article also provides a good overview of the case (see Document B). Massad's own statement in response to these allegations and tactics is also included here (Document C), as well as the 20 December 2004 letter to the president of Columbia from the New York Civil Liberties Union (Document D). These latter two documents clearly demonstrate that the real issues are academic freedom and free speech.

A. RACHEL POMERANCE, "JEWISH GROUPS COORDINATE EFFORTS TO HELP STUDENTS 'TAKE BACK CAMPUS,'" *JEWISH TELEGRAPHIC AGENCY*, 28 AUGUST 2002, (EXCERPTS).

With pro-Palestinian activists heating up college campuses around the country, nearly every Jewish organization . . . is going back to school . . . with new strategies to help map out a pro-Israel agenda . . . A new body has been created, the Israel on Campus Coalition, in an effort to coordinate the various efforts and maximize the impact on students. The group was put together by Hillel: The Foundation for Jewish Campus Life and the Charles and Lynn Schusterman Family Foundation, which is funding several student programs and has invested a quarter of a million dollars to fund this project. It hired Wayne Firestone, former director of the Israel office of the Anti-Defamation League, as its director. Based in Washington, the Israel on Campus Coalition will act as an information-sharing and planning agency for more than 20 Jewish organizations on campus. . . .

Pro-Israel professionals from the elite consulting firm McKinsey & Company, offered pro-bono services to assess the key lessons learned from the activities of the past year and the top priorities of each organization for the coming year. In a document

the company submitted to the Israel on Campus Coalition, it stated that the primary goal for this year should be to “take back the campus” by influencing public opinion through lectures, the Internet, and coalitions. It says that to affect public opinion on the campuses, the message should be to “make the case for Israel proactively: Don’t sound defensive about Israel, or argue about specific facts—instead, reframe the debate to emphasize Israel’s long history of democracy, peace, and resistance to terror.” . . .

. . . [T]he new coalition’s steering committee . . . is comprised of representatives of Hillel, the American Israel Public Affairs Committee, the United Jewish Communities, the Jewish Council of Public Affairs, and a rotating group of students and members from other participating Jewish organizations. . . .

Among the various initiatives that groups have taken with students:

- Hillel bolstered its Israel programming with a major advocacy trip for . . . students to Israel . . . and continuing education for the participants, the establishment of a Campus Israel Affairs department . . . and expansion of its speaker series . . .
- The American Israel Public Affairs Committee has tripled the size of its budget and staffing for its student program. . . . [I]t is targeting 60 campuses, considered high-profile universities that produce large numbers of political leaders. . . .
- Caravan for Democracy was launched by the Jewish National Fund, Media Watch International, and the Hadassah-sponsored Hamagshimim, in January 2002 to showcase Israel’s democratic values. . . .
- The American Jewish Committee has circulated a letter sponsored by presidents and former presidents of major universities calling for an intimidation-free campus. Just over a week into its circulation, more than 250 university presidents have signed the statement.
- Alpha Epsilon Pi Fraternity has created an Israel advocacy program for the first time. At its international convention this month, pro-Israel speakers briefed the 300 delegates, and 50 delegates trained intensively with Jewish leaders to gain advocacy training.
- Israel is launching an “Israel at Heart” program to bring 13 teams of 42 Israeli students to tour college campuses . . . to talk about their experience as young Israelis.
- USD-Hagshama, the student division of the World Zionist Organization, is spearheading a “Buy Israel” campaign on campus.
- The graduate center of the City University of New York is launching a forum on Israel studies, which is coordinating a network of academics who will speak out in support of Israel. Its goal is to establish key liaisons at hundreds of campuses around the country.

Organizations are also monitoring the efforts of Palestinian activists in an effort to counter their strategies on campus. . . .

B. LIEL LEIBOVITZ, "CONTROVERSIAL FILM ROILS COLUMBIA," *JEWISH WEEK*, 29 OCTOBER 2004, (EXCERPTS).

When news broke last week of the existence of a new film allegedly exposing anti-Israeli bias at Columbia University, the campus was thrown into turmoil yet again over the Israeli-Palestinian crisis.

The unreleased film, produced by the David Project, a Boston-based organization devoted to promoting Israeli positions, is said to consist of interviews with Columbia students who speak of instances of intimidation and harassment from professors, particularly in the Middle East and Asian Languages and Culture department (MEALAC), a department long thought by some in the pro-Israel community to be slanted against the Jewish state.

Although only a few Columbia officials have seen the film, whose existence was first reported in the *New York Sun*, word of the project prompted Rep. Anthony Weiner (D-Brooklyn) to call for the firing of one professor, Joseph Massad, who the film alleged verbally abused Israeli students, and restructuring the department to be more balanced.

But in interviews with four of the seven students who appear in the film, and more than two dozen others—mostly Israeli or American Jewish students who attended MEALAC classes over the last five years—a much different picture emerges than the one seemingly portrayed on screen. The students most familiar with the MEALAC department, while noting that some professors are highly critical of Israel and its policies, defended the teachers as well within the bounds of academic give-and-take. Most of the complaints on campus appear to be from pro-Israel activist students not in the MEALAC program, raising questions of where anti-Israel bias—which clearly unsettles some students—ends and intimidation begins, and who can best assess the situation.

"The class was an incredible experience," said Lia Mayer-Sommer, 24, referring to Massad's class titled "Palestinian and Israeli Politics and Societies." Mayer-Sommer, an Israeli native, added that "it wasn't fun to be the only Israeli in class, but I never felt intimidated. Passionate, emotional, but not intimidated."

Shaina Greiff agreed. "I studied at MEALAC," said the 22-year-old Texas native. "I am a Jewish student, and I never felt intimidated or bullied or otherwise."

Speaking for the first time since the controversy over the film broke, Massad told the *Jewish Week* that while he believes Israel is a racist state, he calls the charges of intimidation "patently false." "I am dedicated to all my students, many of whom are Jewish," Massad said in an interview. He said that while many students may differ with his politics, he allows a free exchange in the classroom. "This is exactly what teaching and learning are about," Massad said.

Since news of the film was made public, Massad has received several pieces of hate mail, some of which he forwarded to the *Jewish Week*, including one from a fellow Columbia professor saying, "Go back to Arab land where Jew hating is condoned. Get the hell out of America. You are a disgrace and a pathetic typical Arab liar."

The allegations in the film are believed to include stories of students being intimidated by professors; Massad asking an Israeli student who served in the Israeli army how many Palestinians he had killed; professors using inflammatory language directed against

Israel, such as equating the Jewish state with Nazism; and professors accusing Israeli students of violence.

While the film, which is believed to have an 11-minute version and a 22-minute version, was not made available prior to its scheduled screening at midweek, the *Jewish Week* saw a three-minute clip.

Tomy Schoenfeld, 27, was interviewed in the film describing an altercation with Massad that occurred after an off-campus lecture by the professor three years ago. When Schoenfeld approached Massad, the professor asked if he had served in the Israeli army. Massad then asked how many Palestinians Schoenfeld had killed.

"He trespassed good taste," Schoenfeld said in an interview, adding that "some step could be taken; maybe postpone his tenure or something similar." Schoenfeld said he had not taken any of Massad's classes but enjoyed the other MEALAC classes he had taken. Schoenfeld said the department "is balanced," adding that he was in a class with Professor Hamid Dabashi, the head of MEALAC, and "enjoyed it very much. I loved his class and thought he was great."

Eric Posner, 25, who was raised both in Israel and the United States, has taken numerous classes with Massad and others in MEALAC. "When I came to Columbia," Posner said, "I heard absolute horror stories from my Israeli friends about Massad. They told me that he lies and that he's provocative." Posner discovered, however, when he had Massad for a professor that he was "a brilliant lecturer. He is articulate, he is very challenging, he is very critical of the Israeli government and he's very critical of Yasir Arafat and the Palestinian Authority." Posner added that although he and Massad have had countless disagreements, he found the professor to be "approachable, stimulating and challenging." "If a professor doesn't challenge me, if he doesn't make me re-evaluate my positions or come up with better arguments, what's the point of going to the classroom?" Posner asked.

Professor Philip Oldenburg, who taught a joint class with Massad four years ago, said Massad "not only taught with the highest standard of professionalism, his practice was invariably one of making a positive response to students. There was certainly no incident of intimidation or intolerance of a different opinion."

Not everyone was sanguine, though. Another student in the film, Noah Liben, 22, said he had taken one of Massad's classes hoping it would broaden his horizons.

During one exchange in class, when he defended Israel and asked if Massad understood his point, the professor "smirked and said that he didn't," which led to the whole class "erupting in laughter," Liben said.

This, Liben said, is harassment, as "the university has the responsibility to create an atmosphere where everybody feels comfortable being a student."

Ariel Beery, 25, president of the Columbia School of General Studies' student body and a driving force behind the film, believes MEALAC professors have crossed the line into intimidation, though he was reluctant to offer specific examples. Beery is not a MEALAC student and said he has not taken any of Massad's classes.

"If there are students who feel they are being intimidated, then intimidation exists," he said. "It's very important that Columbia University be held to a higher standard, as it trains the next generation of leaders of the United States and the world. To hold itself to such a low standard that it's willing to let such things pass, that's pathetic." . . .

Charles Jacobs, who heads the David Project, said: "We want to make a change at Columbia. We don't want students to be harassed. We want the Middle Eastern studies department to be diverse. We want students to be able to make complaints and not feel harassed."

No complaints have been filed, according to Susan Brown, Columbia's assistant vice president for public affairs.

"To our knowledge, over the last few years there have been no formal complaints of political intimidation in the classroom that were initiated through any of the formal processes at the university for adjudicating such complaints," she said.

Further, Columbia President Lee Bollinger convened an advisory committee in February to discuss the state of academic freedom on campus. Among other things, the committee touched on allegations of anti-Israeli pronouncements from professors in classes. According to Brown, the committee assured Bollinger "that they found no claims of bias and intimidation in classrooms." A spokeswoman for the Columbia Hillel said she knew of no formal claims by students of intimidation by professors. . . .

C. JOSEPH MASSAD, STATEMENT IN RESPONSE TO THE INTIMIDATION OF COLUMBIA UNIVERSITY, NEW YORK, 3 NOVEMBER 2004.

The recent controversy elicited by the propaganda film *Columbia Unbecoming*, a film funded and produced by a Boston-based pro-Israel organization, is the latest salvo in a campaign of intimidation of Jewish and non-Jewish professors who criticize Israel. This witchhunt aims to stifle pluralism, academic freedom, and the freedom of expression on university campuses in order to ensure that only one opinion is permitted, that of uncritical support for the State of Israel. Columbia University, the Department of Middle East and Asian Languages and Cultures, and I personally, have been the target of this intensified campaign for over three years. Pro-Israel groups are pressuring the university to abandon proper academic procedure in evaluating scholarship and want to force the university to silence all critical opinions. Such silencing the university has refused to do so far, despite mounting intimidation tactics by these anti-democratic and anti-academic forces.

The major strategy that these pro-Israel groups use is one that equates criticism of Israel with anti-Semitism. But the claim that criticism of Israel is an expression of anti-Semitism presupposes that Israeli actions are "Jewish" actions and that all Jews, whether Israelis or non-Israelis (and the majority of world Jews are not Israelis) are responsible for all Israeli actions and that they all have the same opinion of Israel. But this is utter anti-Semitic nonsense. Jews, whether in America, Europe, Israel, Russia, or Argentina, are, like all other groups, not uniform in their political or social opinions. There are many Israeli Jews who are critical of Israel just as there are American Jews who criticize Israeli policy. I have always made a distinction between Jews, Israelis, and Zionists in my writings and my lectures. It is those who want to claim that Jews, Israelis, and Zionists are one group (and that they think exactly alike) who are the anti-Semites. Israel in fact has no legal, moral, or political basis to represent world Jews (ten million strong) who never elected it to that position and who refuse to move to that country. Unlike the pro-Israel groups, I do not think that Israeli actions are "Jewish" actions or that they

reflect the will of the Jewish people worldwide! All those pro-Israeli propagandists who want to reduce the Jewish people to the State of Israel are the anti-Semites who want to eliminate the existing pluralism among Jews. The majority of Israel's supporters in the United States are, in fact, not Jews but Christian fundamentalist anti-Semites who seek to convert Jews. They constitute a quarter of the American electorate and are the most powerful anti-Semitic group worldwide. The reason why the pro-Israel groups do not fight them is because these anti-Semites are pro-Israel. Therefore, it is not anti-Semitism that offends pro-Israel groups; what offends them is anti-Israel criticism. In fact, Israel and the US groups supporting it have long received financial and political support from numerous anti-Semites.

This is not to say that some anti-Zionists may not also be anti-Semitic. Some are, and I have denounced them in my writings and lectures (see http://web.mit.edu/cis/www/mitejmes/issues/200105/br_massad.htm). But the test of their anti-Semitism is not whether they like or hate Israel. The test of anti-Semitism is anti-Jewish hatred, not anti-Israel criticism. In my forthcoming book, *The Persistence of the Palestinian Question*, I link the Jewish Question to the Palestinian Question and conclude that both questions persist because anti-Semitism persists. To resolve the Palestinian and the Jewish Questions, our task is to fight anti-Semitism in any guise, whether in its pro-Israel or anti-Israel guise, and not to defend the reprehensible policies of the racist Israeli government.

I am now being targeted because of my public writings and statements through the charge that I am allegedly intolerant in the classroom, a charge based on statements made by people who were never my students, except in one case, which I will address momentarily. Let me first state that I have intimidated no one. In fact, Tomy Schoenfeld, the Israeli soldier who appears in the film and is cited by the *New York Sun*, has never been my student and has never taken a class with me, as he himself informed the *Jewish Week*. I have never met him. As for Noah Liben, who appears in the film according to newspaper accounts (I have not seen the film), he was indeed a student in my Palestinian and Israeli Politics and Societies course in the spring of 2001. Noah seems to have forgotten the incident he cites. During a lecture about Israeli state racism against Asian and African Jews, Noah defended these practices on the basis that Asian and African Jews were underdeveloped and lacked Jewish culture, which the Ashkenazi State operatives were teaching them. When I explained to him that, as the assigned readings clarified, these were racist policies, he insisted that these Jews needed to be modernized and the Ashkenazim were helping them by civilizing them. Many students gasped. He asked me if I understood his point. I informed him that I did not. Noah seems not to have done his reading during the week on gender and Zionism. One of the assigned readings by Israeli scholar and feminist Simona Sharoni spoke of how in Hebrew the word "zayin" means both penis and weapon in a discussion of Israeli militarized masculinity. Noah, seemingly not having read the assigned material, mistook the pronunciation of "zayin" as "Zion," pronounced in Hebrew "tziyon." As for his spurious claim that I said that "Jews in Nazi Germany were not physically abused or harassed until Kristallnacht in November 1938," Noah must not have been listening carefully. During the discussion of Nazi Germany, we addressed the racist ideology of Nazism, the Nuremberg Laws enacted in 1934, and the institutionalized racism and violence against all facets of Jewish life, all of which

preceded the extermination of European Jews. This information was also available to Noah in his readings, had he chosen to consult them. Moreover, the lie that the film propagates claiming that I would equate Israel with Nazi Germany is abhorrent. I have never made such a reprehensible equation.

I remember having a friendly rapport with Noah (as I do with all my students). He would drop off newspaper articles in my mailbox, come to my office hours, and greet me on the street often. He never informed me or acted in a way that showed intimidation. Indeed, he would write me E-mails, even after he stopped being my student, to argue with me about Israel. I have kept our correspondence. On 10 March 2002, a year after he took a class with me, Noah wrote me an E-mail chastising me for having invited an Israeli speaker to class the year before when he was in attendance. It turned out that Noah's memory failed him again, as he mistook the speaker I had invited for another Israeli scholar. After a long diatribe, Noah excoriated me: "How can you bring such a phony to speak to your class?" I am not sure if his misplaced reproach was indicative of an intimidated student or one who felt comfortable enough to rebuke his professor!

I am dedicated to all my students, many of whom are Jewish. Neither Columbia University nor I have ever received a complaint from any student claiming intimidation or any such nonsense. Students at Columbia have many venues of lodging complaints, whether with the student deans and assistant deans, school deans and assistant deans, department chairmen, departmental directors of undergraduate studies, the ombudsman's office, the provost, the president, and the professors themselves. No such complaint was ever filed. Many of my Jewish and non-Jewish students (including my Arab students) differ with me in all sorts of ways, whether on politics or on philosophy or theory. This is exactly what teaching and learning are about, how to articulate differences and understand other perspectives while acquiring knowledge, how to analyze one's own perspective and those of others, how to interrogate the basis of an opinion.

Columbia University is home to the most prestigious Center for Israel and Jewish Studies in the country. Columbia has six endowed chairs in Jewish Studies (ranging from religion to Yiddish to Hebrew literature, among others). In addition, a seventh chair in Israel Studies is now being established after pro-Israel groups launched a vicious campaign against the only chair in modern Arab Studies that Columbia established two years ago, demanding "balance"! Columbia does not have a Center for Arab Studies, let alone a Center for Palestine Studies. The Department of Middle East and Asian Languages and Cultures encompasses the study of over one billion South Asians, over 300 million Arabs, tens of millions of Turks, of Iranians, of Kurds, of Armenians, and of six million Israelis, five million of whom are Jewish. To study these varied populations and cultures, MEALAC has three full time professors who cover Israel and Hebrew, four full time professors to cover the Arab world, and two full-time professors who cover South Asia. One need not do complicated mathematics to see who is overrepresented and who is not, if the question is indeed a demographic one.

Moreover, the class that this propaganda machine is targeting, my Palestinian and Israeli Politics and Societies course, is one of a number of courses offered at Columbia that cover the Palestinian-Israeli conflict. All the others have an Israel-friendly perspective, including Naomi Weinberger's "Conflict Resolution in the Middle East," Michael Stanislawski's "History of the State of Israel, 1948-Present," and a course offered in my

own department by my colleague Dan Miron, "Zionism: A Cultural Perspective." My course, which is critical of Zionism and Palestinian nationalism, is in fact an elective course which no student is forced to take.

Let us briefly review these claims of intimidation. Not only have the students (all but Noah have not even taken my courses) not used a single university venue to articulate their alleged grievances, they are now sponsored by a private political organization with huge funds that produced and funded a film about them and screened it to the major U.S. media and to the top brass of the Columbia administration. Last Wednesday, the film was screened in Israel to a government minister and to participants at a conference on anti-Semitism. The film has still not been released to the public here and is used as a sort of secret evidence in a military trial. The film has also been used to trump up a national campaign with the aid of a New York congressman to get me fired. All this power of intimidation is being exercised not by a professor against students, but by political organizations who use students against a junior nontenured faculty member. A senior departmental colleague of mine, Dan Miron, who votes on my promotion and tenure, has recently expressed open support for this campaign of intimidation based on hearsay. Indeed with this campaign against me going into its fourth year, I chose under the duress of coercion and intimidation not to teach my course this year. It is my academic freedom that has been circumscribed. But not only mine. The Columbia courses that remain are all taught from an Israel-friendly angle.

The aim of the David Project propaganda film is to undermine our academic freedom, our freedom of speech, and Columbia's tradition of openness and pluralism. It is in reaction to this witch-hunt that 718 international scholars and students signed a letter defending me against intimidation and sent it to President Bollinger, with hundreds more sending separate letters, while over 1,400 people from all walks of life are signing an online petition supporting me and academic freedom. Academics and students from around the world recognize that the message of this propaganda film is to suppress pluralism at Columbia and at all American universities so that one and only one opinion be allowed on campuses, the opinion of defending Israel uncritically. I need not remind anyone that this is a slippery slope, for the same pressures could be applied to faculty who have been critical of U.S. foreign policy, in Iraq for example, on the grounds that such critiques are unpatriotic. Surely we all agree that while the university can hardly defend any one political position on any current question, it must defend the need for debate and critical consideration of all such questions, whether in public fora or in the classroom. Anything less would be the beginning of the death of academic freedom.

D. NEW YORK CIVIL LIBERTIES UNION, LETTER TO PRESIDENT OF COLUMBIA UNIVERSITY LEE C. BOLLINGER ON ACADEMIC FREEDOM AND INTIMIDATION AT COLUMBIA UNIVERSITY, 20 DECEMBER 2004.

Dear President Bollinger,

We are writing with respect to the current controversy at Columbia University arising out of a film, entitled *Columbia Unbecoming*. This controversy deeply implicates issues of academic freedom and civil discourse on campus. We recognize your distinguished academic career as a First Amendment scholar and your professional and personal

commitment to freedom of speech and to what you have variously described in your writings as the "ethic of tolerance" and the "virtue of magnanimity." Accordingly, we do not presume to lecture you on the principles and importance of academic freedom. Nevertheless, we feel compelled to address this matter because of its seriousness as a public controversy and because of the need—in circumstances such as this when fundamental principles as well as the university itself are under attack—to lend our voice in defense of academic freedom and to express our long-standing commitment to ideological diversity, pluralism, and tolerance upon which any community of scholars and any system of intellectual discourse must ultimately rest.

The New York Civil Liberties Union (NYCLU) believes that it is vitally important to foster an academic environment conducive to the free exchange of ideas. We further believe that, in order to foster such an environment, freedom of thought and expression must be scrupulously protected even when, in doing so, protection is bestowed upon ideas that are deeply offensive to a distinct segment of the community. We recognize that, as Provost Alan Brinkley has observed, "students have a right to learn in an atmosphere that permits an open exchange of ideas." We do not, however, regard these rights of students, correctly understood, as incompatible with principles of academic freedom. Moreover, when one closely scrutinizes the assertion of student rights as set forth in the film and when one considers the film's accusations directed at the conduct of certain Columbia professors in failing to provide an appropriate classroom atmosphere, the line between ideological content and conduct seems to blur significantly and one is left with the distinct impression that these accusations are really about the content of academic lectures and writings. Thus, in the end, the attempt by some outside the academy to transform these accusations into a demand for the termination of a scholar or other sanctions reduces to a direct attack upon principles of academic freedom. Our reasons for reaching this conclusion are amplified below. Our suggestions as to how the University should respond to this attack upon academic freedom are also set forth below.

I

The facts of the controversy, as we understand them, are as follows. The David Project has produced a film that contains accusations that Columbia professors—particularly from the Middle East Asian Language and Culture (MEALAC) Department—have taken positions that are seriously critical of policies pursued by the Israeli government and have engaged in the intimidation of students "when they voiced pro-Israel views." And, according to the *Columbia Spectator*, "One professor featured in the film is Professor Joseph Massad."

Two episodes involving Professor Massad's interactions with students are apparently identified in the film. One involves an alleged exchange outside the classroom between Professor Massad and Tomy Schoenfeld, a former member of the Israel Defense Forces, in which Mr. Schoenfeld reportedly asked Professor Massad a question and the Professor responded that he would not answer the question until Mr. Schoenfeld revealed "How many Palestinians [he had] killed." The second episode involves an exchange between a student, Noah Liben, who was defending the treatment of Sephardic Jews by the Ashkenazi majority in Israel and who concluded this discussion by asking whether

Professor Massad understood the student's point. Professor Massad allegedly answered that he did not understand the point that the student was trying to make and, according to Mr. Liben, the Professor "smirked" during the student-teacher exchange. In the film, and elsewhere, Professor Massad is further accused, in his lectures and writings, of describing the State of Israel as "a racist state that does not legitimately represent Jews."

The accusations set forth in the film have provoked a variety of responses. Congressman Anthony Weiner has called upon Columbia University to terminate Professor Massad's appointment. New York City Councilmember Michael Nelson has threatened to have the City Council investigate the academic environment at Columbia. The *New York Sun* has written an editorial criticizing Columbia and urging the University to "fire Mr. Massad . . . and to discipline Mr. [Rashid] Khalidi for the errors in his book." The *New York Daily News* issued a more moderate statement but its editorial, nevertheless, grudgingly described academic freedom as a "guise" rather than recognizing its important instrumental value. It has been further reported that potential donors to Columbia have read accounts of this controversy and have threatened to withhold funding unless Columbia responds adequately to the accusations set forth in the David Project film. On the other hand, many scholars within the university and around the country have rallied to the defense of the professors who were accused of misconduct in the film.

Moreover, Professor Massad has issued a detailed and vigorous response to the accusations. Professor Massad asserts that the David Project film is part of a "witch-hunt [that] aims to stifle pluralism, academic freedom, and the freedom of expression on university campuses"; that such a campaign is "pressuring the university to abandon proper academic procedures for evaluating scholarship"; and that "the major strategy" of those engaged in this campaign is to "equate criticism of Israel with anti-Semitism." As to the specific accusations set forth by students in the film, Professor Massad asserts that Tomy Schoenfeld was not a student of his and he does not recall ever having met Mr. Schoenfeld. As for his exchanges with Noah Liben, Professor Massad asserts that he "remember[s] having [had] a friendly rapport with Noah" characterized by ongoing communications between professor and student long after the incidents which were described in the film. Moreover, Professor Massad states that "the lie that the film propagates claiming that I would equate Israel with Nazi Germany is abhorrent." Professor Massad further asserts: "I have never made such a reprehensible equation."

II

It is the obligation of a university to create and to maintain an environment conducive to academic freedom. This obligation which is owed by the university to its scholars and students is necessary to protect diversity of discourse and experimentation even if such intellectual pursuits are provocative, unorthodox, and controversial. Accordingly, faculty members must retain broad latitude to think as they will and to write as they think and to suffer no recriminations, from outside the academy, for the content of their scholarship.

This does not mean that such scholarship is immune from criticism. Within the university community, academic judgments such as tenure and promotion can and should rest upon the content and quality of one's scholarship. It is to be expected, therefore, that such scholarship will be critically scrutinized within the academy. Moreover, members

of the academic community and even those that are outside the academy who believe that an academic writing or lecture is wrong-minded have every right to respond, on the merits, with a public refutation of the perceived error. But the appropriate response must be substantive. It must be on the merits. And critics outside the academy must avoid seeking to support their substantive arguments with threats and sanctions. This requirement is in keeping with the concept of the academic campus as a paradigmatic marketplace of ideas where the appropriate response to bad ideas cannot be coerced silence but must instead involve "more speech" to refute and correct the unwisdom of the original expression.

Accordingly, while those outside the university community remain free to criticize academic scholarship, it is entirely inappropriate for potential donors to try to use the power of the purse to dictate the content of scholarship or the composition of a university's faculty or one of its departments. As Arthur Lovejoy, one of the founders of the American Association of University Professors, has observed: "the distinctive social function of the scholar's trade cannot be fulfilled if those who pay the piper are permitted to call the tune." Similarly, it is also inappropriate for public officials to try to intrude into the academic processes with threats of sanctions or investigations. We learned this in *Sweezy v. New Hampshire*, 354 U.S. 234 (1957) where Justice Frankfurter's concurring opinion correctly observed that "political power must abstain from intrusion into this activity of [academic] freedom, pursued in the interest of wise government and the people's well-being except for reasons that are exigent and obviously compelling." The observations of Professor Lovejoy and the experience of *Sweezy* reinforce the importance of a central principle of academic freedom. That principle holds that academic judgments regarding the content of curriculum and the composition of the faculty reside, as a matter of academic self-governance, within the academy and that intrusion into these matters by those outside the academy must be vigorously resisted.

III

In extolling the importance of academic freedom we do not mean to suggest that professors bear no responsibility to treat their students with civility and respect. As noted above, Provost Alan Brinkley has correctly observed that "students have a right to learn in an atmosphere that permits an open exchange of ideas." So understood, students have the right to express their own views. They have the right to criticize the professors for the content of their scholarship, for the nature of their pedagogical style or for what they perceive to be a lack of open-mindedness. They can advance such criticism in student newspapers, in off-campus publications, at rallies, in student surveys, in private conversations, and in evaluations of instructors that are routinely submitted by students at the conclusion of a course. They can even advance such criticism in class if permitted by the professor to do so. In this way, the commitment to civil discourse is entirely compatible with principles of academic freedom.

But, in asserting their right to criticize, students must also understand the limitations of such rights. The classroom is a bounded educational environment. It is not, except at the invitation of the professor, an open forum for students to express any views that they wish at any time. It is not, except at the invitation of a professor, an opportunity for those not enrolled in a course to attend and participate in classroom discussions. Additionally,

students cannot expect, through the use of a grievance procedure or otherwise, that the university administrators will call professors to account for the content of their lectures or their ideological assertions within the classroom.

Moreover, the right of students to an appropriate learning environment does not immunize them from ideas that they find provocative or disturbing or even offensive. Students can expect to be treated with respect. They cannot expect that their views and opinions will be unchallenged. And they cannot expect that their professors will trim the cut of their convictions so as not to offend the sensibilities of their students. The notion of a system of free expression embraces the commitment to speech that is wide-open, unfettered, and robust. Such robust expression requires that teachers and students alike must remain persons "of fortitude able to thrive in a hardy climate." *Craig v. Harney*, 331 U.S. 367, 376 (1947).

IV

As suggested above, the claims of incivility of professors in their treatment of students seem, in this case, to be inextricably bound to the ideological disputes between certain professors and the students advancing these claims. We reach this conclusion for several reasons. First, the episodes identified by the students do not appear to involve situations where the allegations of uncongeniality were unrelated to substantive or ideological conversations taking place within the classroom. Second, we suspect that this controversy would not have acquired the attention that it has received had it been simply about the rudeness of professors or their intolerance of other points of view. This film would not have provoked the sort of controversy that has now developed had it not arisen in the context of the deeply divisive political controversy involving Israel and Palestinians.

So understood, the attack upon Professor Massad and others in the MEALAC Department is fundamentally about their scholarship and political expression. Thus, the criticism of these academics must be seen for what it is: an assault upon principles of academic freedom and upon political speech.

V

In a 6 December letter to you, Provost Brinkley advanced three recommendations for your consideration: First, in the belief that the grievance procedures available to students "are not sufficiently robust to deal effectively with controversies of this kind," Provost Brinkley recommended that "all schools work carefully at their existing grievance procedures" and that they develop more effective procedures, if necessary. Second, Provost Brinkley recommended that all "schools make a major effort to educate students, faculty and administrators on what the procedures are and how they can be used." Third, Provost Brinkley recommended the appointment of an ad hoc committee to entertain and investigate student complaints including the current complaints directed at the MEALAC Department. In an 8 December memorandum to the Columbia community you endorsed and implemented the third recommendation.

Where, as here, the accusations from students about the conduct of certain professors remain deeply contested, a serious investigation of those claims may well be useful to determine the truthfulness of the competing claims. Nevertheless, we have grave reservations about an ad hoc committee engaging such an investigation. First,

where, as here, the accusations with respect to professorial conduct are so inextricably bound with ideological disagreements, we fear that holding professors to account for their statements runs a severe risk of intrusion by administrators into academic content and political ideology. Accordingly, in a controversy as politically charged as is this one, we are concerned that the investigation, if not undertaken with appropriate sensitivity toward academic freedom, will descend into an inquisition into the ideological or political views of the professors who have been accused. Finally, we are troubled that in discussing the need for more effective procedures for the consideration of student grievances, Provost Brinkley seemed to ignore the substantive limitations, discussed above, respecting the right of students to an appropriate learning environment. We are concerned that unless students understand those limitations the grievance procedures will become, at best, a source of misunderstanding and, worse still, a license for censorship.

VI

We also note from conversations that we have had with undergraduate students at Columbia that some have suggested, by way of a resolution of this controversy, that Columbia should insist on more ideological balance within the MEALAC Department. This is a seductive but ultimately flawed recommendation.

It is flawed because it is fundamentally at odds with the marketplace theory of free expression. Under that theory, balance is loosely but imperfectly achieved through the self-corrective mechanism of "more speech" as a response to bad ideas. And if we abandon that theory because it is not really working in practice we are left with the question as to whom we would trust to make the decision that the ideological composition of a particular department is balanced. Because judgments about "balance" are inevitably so subjective, efforts to achieve balance almost always fail. Thus, for example, for about 20 years we tried to achieve "balance" within the broadcast media by adopting a "fairness doctrine." But a few years ago the "fairness doctrine" was abandoned as a failure. The FCC concluded that fairness had the net effect of reducing the volume and quality and diversity of expression. Moreover, trying to impose balance from outside the department might well violate academic freedom principles of self-governance. Would those who urge balance within the MEALAC Department go to the University of Chicago and tell the economics department that it needs to be more balanced? The point is that the marketplace model rather than the model insisting on balance seems more effective at provoking intellectual creativity and in achieving pluralism and diversity. Under that model, one must look beyond a particular department or even a particular university to acquire a full exposure to the diversity of expression.

VII

For all of these reasons, we call upon the University to respond appropriately to this assault on academic freedom. This response can and should involve several initiatives. First, we urge that you make clear to the public that academic judgments about members of the faculty must be left to the academy and that the attempted intrusion by donors or by politicians into this matter is entirely inappropriate. Second, you should use your office to educate the Columbia community about the importance and value of academic freedom and of freedom of speech on campus. Third, you should use your office to

educate the Columbia student body about the nature of the learning environment to which they are entitled and about the limitations of that entitlement including the fact that they are not immune from hearing provocative or disagreeable or even offensive ideas from instructors or fellow students. You might inform students that they have a right to criticize their professors for what they regard as errors in scholarship or politics or even pedagogical style. But students have no right to initiate administrative investigations designed to call professors to account for their substantive views.

Finally, we urge the University to do what it can do best. It can convene a symposium to explore fully the real issues that have provoked this controversy. The University has the capacity to bring to the symposium table those representing a broad array of perspectives and viewpoints on this divisive topic, and it can use the vehicle of "more speech" to address the current disagreements that so obviously exist.

We would be happy to meet with you to discuss any and all of these issues.