

Academic Freedom with Violence

A Response to the [AAUP Journal of Academic Freedom, Volume 4](#)

By Roderick A. Ferguson and Jodi Melamed

If we believe the waning coverage of the American Studies Association's resolution in the popular press, we would say that the controversy has been retired, and fresher news-items have taken its place. But news cycles have never been tools to measure the importance or duration of a discourse, and they aren't going to start now. In fact, a discourse has emerged around the legitimacy of knowledge and critique that has to be addressed, a discourse that has gained and will continue to gain footing because it surrounds the issue of whether or not we can bear collective witness to the Palestinian situation. To understand that discourse—its itineraries and its anatomy—we would do well to revisit recent events that may seem residual but are actually still quite dominant.

The majority of those who condemn the American Studies Association's resolution to endorse an academic boycott of Israel have one thing in common with many who support it. Both appeal to academic freedom. But when we consider the desired effects of such statements (not just what they say), we see that appeals to academic freedom on both sides are heavy with the unspoken weight of a contest over what counts as legitimate knowledge and over legitimacy itself. As two co-chairs of the American Studies Association program committee (writing solely as individuals stating our own views), we seek to call attention to the increasing use of the slogan of “academic freedom” to punish dissenting scholars and to undermine the university as a home for the kinds of debates, critiques, and movements that bring about social change. At stake is not some mystifying ideal, but whether scholars can engage in activities that question the status quo and challenge where the line is drawn between prohibited and permissible knowledge.

Most immediately, what is at stake is whether U.S.-based scholars may frame relations between Israel and Palestine through the lens of occupation and write and teach in a manner that ascribes equal value to the human rights and wellbeing of Jewish Israelis, Arab Israelis, and Palestinians. On another level, what is at stake is the legitimacy of efforts to expose and critique the violences that are often the conditions of possibility for the freedoms enjoyed by the privileged in the United States and Israel alike. For the United States and Israel indeed share a “special relationship.” They reflect to each other an image of an exceptionalist nation-state with a unique errand to advance democracy under conditions that presumably require expanding apparatuses of legitimate violence, including military force and complicated internal apparatuses of securitization, from prisons to border control.

Demonstrating the counterintuitive link between expansions of social emancipation and expansions of state-sanctioned social violence has consumed American Studies scholars for the last 20 years. Many ASA members voted for the boycott because we saw it as a reflection of that concern. When we situate the ASA vote in the context of freedom struggles and social movements that have had to reveal the limits and exclusions of status quo notions of justice and freedom, the notion of “academic freedom”—as it is being used to discipline the ASA and to expand the surveillance capacities of universities and governments—can only be seen to be both provincial and repressive.

To begin with, the historical mission of the American Association of University Professors (AAUP) has been to protect faculty against the offense of university presidents, regents, politicians and donors—people who might otherwise use their power over academic conditions of labor (including employment contracts) to force faculty to conform to their positions. In its opposition to the ASA's boycott move, the AAUP now finds itself oddly on the side of its “natural” opposition,

that is, ideologically (if not actually) standing with university presidents and state legislators who have taken up the AAUP's banner of academic freedom to interfere with the conditions of academic labor, interfere with them by requiring American Studies departments to withdraw from membership in the ASA and by trying to prevent funding that will allow faculty to present their scholarship at future conferences.

Ironically, "academic freedom" has become a kind of mantra used to stifle debate and to squash oppositional critiques that result from scholarly inquiry. While university presidents accompany their condemnation of ASA with loud praise for academic freedom, described as unfettered exchange that rules nothing out in advance, they, in fact, seek to remove from public discussion precisely what the boycott witnesses, including violations of the right to education for Palestinian students, Israeli state policies that negatively impact the working conditions of Palestinian scholars, and U.S. support for expanding illegal settlements in the occupied territories. Wielding academic freedom as censors, by defaming the boycott, university administrators undermine the capacity for scholars to freely investigate Israeli settler-colonialism under that name, implicitly attacking oppositional scholarship. It is hard not to draw a connection between such restrictions of permissible knowledges and the pressures administrators face from trustees, donors, and politicians whose various interests cause them to seek conditions that grant absolute sanction to Israeli state policies.

In addition to observing "academic freedom" as part of a developing strategy within the U.S. to render certain knowledges impermissible, we would also have to situate it within and alongside efforts outside the U.S., particularly by American and Israeli institutions, to quash critiques of the occupation and Zionist nationalism. The historian and theorist Joan W. Scott brings this point home in her article "Changing My Mind about the Boycott." Discussing her own evolving opinion about academic boycotts, one that was shaped by the circumstances of an "aborted" 2006 AAUP conference on academic boycotts, she writes, "What did it mean, I wondered, to oppose the boycott campaign in the name of Israeli academic freedom when the Israeli state regularly denied academic freedom to critics of the state, the occupation, or, indeed, Zionism and when the blacklisting of the state's critics is the regular tool of state authorities against Israel's own academic institutions?"¹ Similarly, in their article "Boycotting Against Israel and the Question of Academic Freedom in American Universities in the Arab World," anthropologists Sami Hermez and Maysoun Soukarieh detail the ways in which "academic freedom" works to suppress conversations about the occupation and its consequences for Palestinians taking place at the American University in Beirut. Like Scott, they point to what appears more and more to be the ideological function of "academic freedom." As they put it, "[An] issue confronting supporters of the academic boycott of Israel around the world is whether academic freedom is being used as a defense to shut down dissent, silence controversy on campus, or promote one set of views or policies over others (i.e. administration views over faculty ones)."²

In a context in which many faculty and administrators use the academic boycott to determine what knowledges can be permitted and what knowledges should be prohibited, academic freedom discloses itself to be in the ideological service of privatized and possessive individualism. Put simply, academic freedom is revealing itself as the "right" to remain personally and institutionally unencumbered by the issue of Palestinian suffering. What is perhaps most interesting about the AAUP's own condemnation of the boycott is its insistence that the academic boycott will inhibit the mobility of individual academics—this, despite the fact that proponent after proponent has argued

¹ Joan Scott, "Changing My Mind about the Boycott," *Journal of Academic Freedom*, Volume 4, 2013.

² Sami Hermez and Maysoun Soukarieh, "Boycotting Against Israel and the Question of Academic Freedom in American Universities in the Arab World," *Journal of Academic Freedom*, Volume 4, 2013.

that the academic boycott does not restrict exchange or travel, that the boycott only prevents persons from Israeli institutions from presenting themselves as representatives of those institutions. So, in fact, none of the vaunted privileges and protections of academic freedom are at risk, but rather the individual's ability to represent an occupying nation-state. More succinctly, at issue is whether one should be able to adopt the mantle of an occupying nation-state *without criticism*. In this instance, "academic freedom" functions simply as a state ideology working to protecting a nation-state from criticism.

The New York legislature's most recent bill to prohibit academic institutions from providing funding to academic groups who support academic boycotts would have to be understood as one of the ostensibly ironic (and repressive) effects of the deployment of "academic freedom" as an institutional discourse. In fact, through the bills we can see—quite literally—a delirious effort to delegitimize any knowledge of the Israeli occupation and Palestinian communities. For example, the bill affirms the right of students to "have access to an education that is not bound by borders and to have the opportunity to obtain a global education." The bill goes on to state that the State of New York will "undertake efforts to ensure that its students succeed in a world that is continually becoming more interdependent and diverse and further that students have access to international higher education institutions." While it sounds laudable—with its ideals of "global education," "interdependence," and "diversity," the bill is absolutely startling for how it erases the very people that have occasioned the boycott's concern—Palestinians themselves. Rather than fostering institutional and intellectual practices of "interdependence" and "diversity," the bill actually works to prohibit faculty, students, and staff from considering Palestinians—their histories, their cultures, their lives—as part of any project designed to foster "interdependence," "diversity," and "global education." It represents a managerial use of "academic freedom" to restrict ties between scholars and students to those sanctioned by the status quo, particularly worrisome in light of universities seeking profit by expanding into places like Saudi Arabia and China.

This use of "academic freedom" is clearly at odds with struggles and movements that seek to expose nation-states for their exclusions and dehumanizations. These actual freedom struggles don't arise out of the same history as academic freedom, precisely because that latter history, a legal tradition based on claims to safeguard liberal individualism, touts freedom in the abstract but allows for water cannons, death threats, vandalism, and bullets to be unleashed on nonviolent protesters. But these freedom movements are precisely the ones that motivate many of the constituencies in the ASA. In fact, the tradition of freedom that occasioned the ASA resolution is one that arises out of various social movements that attempted to illuminate and stand against forms of disfranchisement and oppression. In the post-WWII moment, we can think of movements that tried to throw off the tides of capitalist exploitation, homophobia, sexism, racism, and colonialism within this lineage.

For some decades now, the American Studies Association has been *the* scholarly organization that has systemically attempted to shed light on the historical contexts and legacies of those movements as well as the persisting (but not unchanging) conditions that called those movements into being. Far from an indication of scholars-gone-wild, the resolution is—for many of us—part of our decades-long engagement with questions of empire, occupation, colonialism, and race. This mode of freedom based on social movements rather than academic freedom is one that charges us with bearing witness to Palestinian suffering and the suffering of other disfranchised communities.

In order to undermine the exercise of boycott as a form of witness, those who attack the ASA boycott must exclude Palestinian oppression from the debate as meaningless to academic freedom. This is the point our president, Curtis Marez, was making when he noted recently that the university presidents' denunciation of the ASA has been silent regarding Israel's abuses of Palestinian academics and Palestinian human rights in general. While he calls upon them to acknowledge such abuses, not to acknowledge them is the whole point for those who seek to

narrow the field of permissible discussion about Israel/Palestine at U.S. universities. Having broken that taboo by questioning the legitimacy of Israeli occupation, the ASA leadership must now also be made excludable, by being painted as irrational, freedom-hating extremists and through baseless accusations of anti-Semitism.

Of course, one of the signature accusations leveled at the ASA (and ostensibly “proof” of its anti-Semitism) is that the organization has allegedly “singled-out” Israel for critique. But as scholars of nationalism, we cannot help but note that there is not a regime that has not defended itself by claiming that it is the victim of arbitrary and irrational attention. One notable example is actually that of South Africa: In 1946, when the General Committee of the United Nations tried to make the treatment of Indians within South Africa and the apartheid regime part of its agenda, the South African foreign minister Eric Louw argued that the United Nations was setting a dangerous precedent by assuming for itself “the power to interfere in the domestic affairs of Member states.”³ Also, when Asian and African countries managed to have Louw’s defense of apartheid struck from the U.N. record, the *Washington Post* responded by writing, “Nothing that South Africa has done and nothing that its representative said justified the mob-like censure which the United Nations General Assembly visited upon that country and its Foreign Minister, Mr. Eric H. Louw.”⁴ In September of 1956, Louw would also give an address to the American Club of Johannesburg entitled “Why Pick on Us?” In the U.S. context, moreover, proponents of slavery often defended that peculiar institution by saying that the British had their own peculiar version among the Irish and that Northern workers were treated more poorly than black slaves. Put simply, nation-states and nationalist regimes have always defended their exploitations by objecting to what they label as unfair and singular attention—that is, by claiming themselves as the victims of biased critique.

The crux of the matter—for many of us who supported the resolution—concerns the need to bear witness to the cruelty that nation-states inflict on others under the guise of “legitimate violence,” that is, in the name of the security or interest of the state. In this regard, many of us evaluate the Israeli occupation and the treatment of Palestinians as part of our critical observation of the contradictions of nation-states that, on the one hand, espouse democracy and, on the other, evince repression and inequality. The matter is particularly vexed when the state in question claims exceptional status as a model democracy beset with a special historical errand, as is the case with the United States and Israel. As American studies scholars Melanie McAllister and Keith Feldman (among others) demonstrate, the State of Israel has long served as a crucial reference point for U.S. imperial culture and as a laboratory for how a self-declared democracy can perpetuate exclusion, economic precarity, spatial control, and internal security organized around racial and religious difference. Along with the United States’ singular financial and military patronage of Israel, it is this entanglement that encourages many in the ASA to see the academic resolution as an ethical imperative, grounded in significant scholarly research, which calls us to account in full for the on-going damage wrought by the United States’ “special relationship” with Israel. Bearing witness to the suffering of others is precisely what condemnations in the name of academic freedom are designed to prevent.

We have tried to reframe the discussion of “academic freedom” away from the parochialism that currently shapes that discussion because a great deal is at stake here, much more than what “academic freedom” can or will allow us to acknowledge: there is the issue of Palestinian suffering; there is the question of faculty governance, but there is also the matter of our increasingly fragile ability and freedom to analyze and critique nation-states. We are in a moment in which nations across the globe are threatening the freedom of civilians to bear witness to exploitations at national

³ Eric H. Louw, *The Case for South Africa* (New York: McFadden Books, 1963), p. 10.

⁴ See “Why Pick on Us?” *Cairns Post*, 16 November 1948 and *The Case for South Africa*.

levels: Consider Congress's discussion about whether Edward Snowden should receive the death penalty; ponder as well Pussy Riot's severe punishment and the crackdown of Russian gay rights activists for speaking out against the Putin regime; contextualize these reflections within the avalanche of vitriol visited upon the ASA for endorsing a largely symbolic move designed to turn attention to Palestinian life under occupation. In other words, these issues have a longevity that isn't likely to go away any time soon. Seen this way, we can better perceive the transnational aspects of the ASA's conception of freedom and the provincialism of the AAUP's own understanding of that word. In the U.S. context, organizations like the American Studies Association, the Association of Asian American Studies, and the Native American and Indigenous Studies Association (the "lesser" fields among the disciplines) are showing themselves to be part of an emerging (and courageous) cadre of intellectual organizations that can present critical alternatives to the AAUP's definition of freedom, all the while providing forums for bearing witness to the suffering sanctioned by nationalism in general, calling our attention to the tribulations produced by Israeli occupation and U.S. nationalism, in particular.

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