

Academic Freedom and Anti-Semitism

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I am delighted to help inaugurate this forum on academic freedom. Academic freedom is essential if universities are to succeed in their missions of creating and disseminating knowledge. Universities excel when they are governed by the authority of ideas rather than the idea of authority. And more perhaps than at any other moment in history, the work of universities--transmitting knowledge and values from one generation to the next, and creating new knowledge -- determines the future of nations.

It speaks to the importance of universities in the life of nations that George Washington very much wanted to devote his farewell address to a proposed American national university until he was dissuaded from the idea by Alexander Hamilton, not because Hamilton did not like the idea but because he thought the farewell address was the wrong occasion for its presentation. So Washington instead bequeathed a substantial part of his not inconsiderable fortune to the proposed university.

For this reason, I have always had an ambivalent reaction to the famous observation about academic politics that "the fights are so vicious because the stakes are so small" which is variously attributed to Henry Kissinger, Woodrow Wilson, and Columbia's own Wallace Sayre. On the one hand no one who has lived in a university and certainly no one who has presided over one can deny that much energy is dissipated over matters of little ultimate moment. On the other hand because the ideas universities produce and pass on are so important the stakes in what they do and therefore in what they fight about are actually immense.

This is how I feel about the issue of academic freedom in general and about issues involving Israel and possibly anti-Semitism in particular. I have chosen to speak about academic freedom and anti-Semitism for three reasons. First, discussions of academic freedom without a particular context are doomed to be platitudinous and unhelpful. It may be that hard cases make bad law, but easy cases provide little insight for those who must make difficult decisions. In any event as a meat-eating, number crunching economist I have little capacity for abstract philosophical doctrine. Second, my labeling of initiatives and statements advocating for Harvard to divest from any company that invested in Israel as "anti-Semitic in effect if not intent" was the source of more academic freedom controversy than any other academic freedom issue (though certainly not any other issue) that took place while I was President of Harvard. Third, I believe that the general failure of American academic leaders to aggressively take on the challenge posed by the Boycott, Divestment, Sanction (BDS) movement represents a consequential abdication of moral responsibility.

No one, including me, come to academic freedom matters in a purely abstract way so just a few words about my background here. I am Jewish and identified but not seriously observant. During my lifetime I have never felt that there was prejudice against me, members of my family, or close friends. I support and feel affinity with the State of Israel. While such expertise as I may possess is in economics not

international security, it has been my instinct that Israel has made consequential policy errors particularly in regards to settlements. I have often wondered whether Israeli intransigence regarding settlements has made the achievement of peace with the Palestinians more difficult and has hurt Israel's security position. During my time in government I worked, I wish with more success, to promote prosperity in the West Bank and Gaza for its own sake and because I believed it would contribute to the peace process.

I'd like to do two things this afternoon. First, I will explain why looking back I spoke out in the way I did against proposals advocating for universities to divest from Israeli companies or companies transacting with Israel, and comment on the debate my remarks engendered. Second, I will offer some observations on the BDS movement and a range of current controversies.

Previous Controversy

In the fall of 2002 a petition that gained more than 500 signatures was circulated among the faculty and students at Harvard and MIT calling on the universities to divest stock in companies that did business in Israel in protest against Israel's occupation of the Palestinian territories.ⁱ At about the same time a clamor for an academic boycott of Israel arose in Europe and Israeli scholars were forced off the editorial board of a number of academic journals.ⁱⁱ At protest rallies of various kinds on and off campus students and faculty members were heard comparing Israeli policy to those of apartheid South Africa and even comparing then Israeli Prime Minister Ariel Sharon to Adolph Hitler. This all was happening in the broader context of what seemed at the time to be significant surge in anti-Semitic activity with Holocaust denying candidates reaching the runoffs for the leadership of several Western countriesⁱⁱⁱ, and a small epidemic of synagogue burnings^{iv}.

A number of Jewish American and Israeli students in private conversations at the time expressed concern about being in a hostile environment when they were being taught by professors who had signed the petition against Israel or lived in residences where the faculty master had signed the petition. They asked that something be done to make them feel comfortable.

The question arose of how Harvard should respond specifically to the divestment petition and to the broader context. The advice I received and subsequently rejected was that the University should reiterate statements that it had made in the past about how it was inappropriate for the University to use its endowment as a tool of political pressure and to ignore the broader issues around Israel.

Apart from the fact that the University did in some cases like tobacco use its endowment to express its values, it seemed to me that to resist divestiture of Israel only on generic grounds was to implicitly accept that the singling out of Israel for sanction was a morally reasonable position. I felt that as Lee Bollinger said somewhat later "the comparison of Israel with apartheid South Africa is grotesque and offensive".^v I understood the students concerns but I felt that while the University's obligations to protect its students from discrimination was absolute, its obligation to protect them from the discomfort of being offended was close to nonexistent.

And so while it seemed to me wrong to stop campus activities from having their say, it did seem appropriate to speak to the merits of the petition and the broader context. At a Harvard institution known as Morning Prayers that takes place in its Memorial Church I gave a brief set of remarks^{vi}. I began by saying I was speaking personally, then explained why I was broadly concerned by all that was going on, and noted that “there was much in Israeli foreign and defense policy that should be vigorously criticized.” Then I described the divestment petition and academic boycott movements and then observed that “serious and thoughtful people are advocating and taking actions that are anti-Semitic in their effect if not their intent.”

Towards the end of my remarks I observed that “We should always respect the academic freedom of anyone to take any position. We should also recall that academic freedom does not include freedom from criticism. The only antidote to dangerous ideas is strong alternatives vigorously advocated.”

It is I believe fair to say that my remarks were widely noticed. Some applauded what they saw as my standing up for Israel and the Jews, which was not quite how I saw myself. There were people who thought that I had responded forcefully in moral terms to those seeking to instrumentalize the University in support of a dangerous political agenda. Many others like literature scholar Judith Butler in a widely read essay argued that it was outrageous to equate criticism of Israel with anti-Semitism^{vii}. I was further charged with undermining academic freedom through bullying because faculty members would hesitate to do things like pushing for divestiture for fear of being labeled anti-Semitic.

For several years, at least in Cambridge Massachusetts and perhaps beyond, the divestiture movement was wholly quiescent. I may have persuaded a few people though I doubt very many. More did not want to go near anything where they could be seen as anti-Semitic.

Looking back did I do the right thing? Reasonable people can disagree, and I hope some will in a little while, but from my perspective I upheld academic freedom by making clear that any member of the community could say whatever they wished and could petition the University as they saw fit without fear of retribution.

My suggestion that the divestiture and boycott movements were “anti-Semitic in effect if not intent” seems to me to have stood up rather well. Note I did not label anyone an anti-Semite. I said instead that the effect of the actions they favored--singling out Israel for economic pressure --if carried out would be anti-Semitic-- in other words, in opposition to the Jewish people. We live in a world where there are nations in which the penalty for homosexuality is death, in which women are stoned for adultery, in which torture is pervasive, in which governments are killing tens of thousands of their own people each year. But the proponents of Israeli boycotts divestiture and sanctions do not favor any form of pressure against countries other than Israel.

The US State Department in the August 2014 Anti-Semitism Monitor wrote “while criticism of Israel cannot automatically be regarded as anti-Semitic, rhetoric that ...applies double standards to Israel crosses the line of legitimate criticism^{viii}.” Similar sentiments are expressed in European Union documents on anti-Semitism.

Does anyone doubt that if African countries were singled out for sanction when non-African countries guilty of the same vice were not that racism would be alleged? And rightly so. What is different?

I am fairly confident that my speech did cause some, perhaps many, people to be much more hesitant about supporting divestiture and the like. Not principally because they were persuaded but because they did not want to be embroiled in controversy. I have to say this was a feature not a bug. It was my intent and effect. Academic freedom does not include freedom from criticism.

There was the element of helping to create a better environment for students put off or intimidated by what they saw as hostility to their identity. Since actions taken by large and vocal groups within the university can easily be seen as reflecting some kind of university view. There was the aspect of making clear the university was not engaged in singling out any country. And in the same way that speaking out against racism both educates and deters I believed that speaking out against actions that crossed a line with respect to anti-Semitism was salutary as well.

I have emphasized what I did do to respond to those who pushed the university to take actions that I thought would if actually carried through be anti-Semitic in their effects. In the context of a seminar on academic freedom, I would be remiss if I did not also emphasize steps to address anti-Semitism or other wrongs that I rejected out of hand.

--Any form of speech code or ban on hate speech is an attack on academic freedom.

--Any form of civility pledge such as Harvard's pressure on the class of 2015 to make Harvard Yard a place where "the exercise of kindness holds a place on par with intellectual attainment^{ix}" invites censorship and restriction on speech.

--Any limitation on the right of faculty or students to invite any speaker they wished to hear from as long as there is no implied university endorsement of the speaker or the speaker's views.

--Any disinvitation by university administrators of any speaker previously invited because of a judgment that the speaker or the speech would be wrong, immoral or inflammatory.

Of course in rejecting these measures I did not commit to refrain from criticizing statements, publications, or even invitations if I felt that doing so was in the interest of the community.

II. The Current Context

While I believe that pressure for boycotts, divestment and sanctions declined for a few years in the middle of the last decade, these pressures have grown sharply in recent years. I will leave to others to assess broader global developments involving anti-Semitism. It is my impression that there are more grounds for concern today than at any point since the Second World War. It is a sad irony that Theodor Herzl, the founder of modern Zionism, hoped that the establishment of the state of Israel would bring an end to "anti-Semitism." On college campuses in the United States vilification of Israel has never been so great.

--Several academic associations have voted for an academic boycott of Israel and Israel alone, most notably the American Studies Association^x. The matter has been considered seriously by several more.

--Universities with increasing frequency find themselves unknowingly lending their name and sponsorship to conferences in which the legitimacy of Israel as a state is challenged^{xi}. While anyone is free to hold any opinion they wish, no member of a university community has the right to arrogate the prestige of their institution behind their personal view.

--Pressure for symbolic economic sanctions mounts and occasionally succeeds. As one example Harvard's dining service -- in a decision that was apparently not reviewed at any senior level -- bowed to pressure from a small group of students to stop purchasing soda dispensers that had been manufactured in occupied parts of the West Bank^{xii}.

--Anecdotal reports suggest that swastika graffiti, comparisons between Israel and the Nazis and intimidation of Jewish students has never been so great.

The response of most academic leaders to these developments has tracked the advice I received with respect to the divestment petition back in 2002. There have been responses but they have been of a generic nature going to issues of avoiding the politicization of universities and not to the highly questionable nature of the specific acts.

Take for example the American Studies Association boycott. It has indeed been widely condemned. The New York Times quotes a raft of University presidents saying things like "Such boycotts threaten academic speech and exchange which is our solemn duty as academic institutions to protect" or in the words of former Princeton president and reigning academic elder statesman William Bowen "Boycotts are a bad idea . It is dangerous business and basically unwise for institutions to become embroiled in these kinds of debates. The consequences for institutions are just too serious^{xiii}."

There are two problems with this line of argument. First, it is too broad. It is far from clear that academic boycotts are always inappropriate. Should American universities have cooperated fully with Nazi universities and loyal Nazi scholars in the late 1930s? Would a university that indicated that while individual scholars were free to do what they pleased it would not invite members of the Ku Klux Klan to speak in its Civil Rights lecture series be doing something wrong? Are not defacto boycotts a regular part of academic life. Biology departments boycott creationists. Astronomy departments boycott astrologers. Philosophy departments almost without exception boycott Ayn Rand disciples.

Second, it misses the point. For the same reason that those proposing divestiture were advocating something that was anti-Semitic in effect if not intent, the academic boycott of Israel and universities and scholars from no other country is also anti-Semitic in effect and quite likely in intent. It sought to demonize only the Jewish State. It was unrelated to the expertise of the American Studies Association.

What should university presidents have said? I would have said something like this: "The decision of the American Studies Association supported by a majority of its membership to single out Israeli institutions and Israeli scholars for selective boycott is abhorrent. The University believes it is very

dangerous for scholarly associations to insert themselves into political issues outside of their range of competence. While individual members of the faculty are free to do as they wish, the University is withdrawing its institutional membership in the ASA. We will withdraw from any scholarly association that engages in similar boycotts with respect to Israel or any other country.”

Such statements would in my view bring moral clarity where it is currently missing. The problem is not primarily that some exchanges are not taking place. It is that American academic community is being implicated in uniquely persecuting the world's only Jewish state for sins that even on the least sympathetic reading are small compared to those of many other nations.

In the same vein, I believe that universities should make clear that their names cannot be invoked as the purported sponsor for conferences or dialogues in which the primary thrust is demonization of Israel. When errors happen they should be called out. And it goes without saying that they should not allow themselves to be used as economic leverage against Israel.

Conclusion

At one level the issues I have been discussing seem small. The actions of universities are unlikely in any event to have a material impact on events in and around Israel. And at least to date the actions that have been taken are relatively minor in scope. So perhaps discretion is the better part of valor and it can be argued, apparently persuasively, that academic leaders should avoid creating controversy by not speaking out on these issues.

Appealing as it may be at any particular moment I believe this approach if maintained over time represents a real threat to academic freedom. If zealous minorities no matter how well intentioned are able to hijack the prestige and resources of the Academy in pursuit of objectives that are parochial and bigoted, why should the broader society refrain from seeking to set the Academy's agenda. The right to say, advocate, or propose anything must always be protected. But it must come with others right or even obligation to call out words and deeds that threaten the community and the values of moral concern and rational inquiry for which it stands.

Endnotes

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