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Liberty Beat

Intimidated Classrooms

New York Civil Liberties Union: students can dissent in class only if professor permits

by Nat Hentoff

January 18th, 2005 10:10 AM

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[Professor] Massad [of Columbia's Middle East and Asian Languages and Cultures department] likened Israeli Prime Minister Ariel Sharon's cultural views to those of Nazi Minister of Propaganda Joseph Goebbels. **Columbia Spectator** (the student newspaper), January 27, 2003



David French, president of FIRE, protector of academic freedom for students too

photo: Harvey Finkle

Israel is a Zionist state, which has to be dismantled. **Professor Hamid Dabashi**, Columbia MEALAC department, *Electronic Intifada*, September 29, 2002

The New York Civil Liberties Union has blundered into the growing controversy at Columbia University about charges by students in Middle East studies (MEALAC) that they are bullied and silenced in classrooms by certain professors who are vehemently anti-Israel. Professors have the right to compare Sharon with Goebbels or to declare Israel not to be a legitimate state—but do dissenting students have no academic freedom to question those professorial views in class? The NYCLU says that's up to the professor.

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These charges by students first gained wide publicity in a film, *Columbia Unbecoming*, produced by the David Project in Boston. On-screen, at the beginning of the film, there is the statement that some of the students intimidated in these classes "agreed to appear only if their faces and voices were masked. They feared that their academic careers and letters of recommendation would be jeopardized."

There was no mention of this fear on Columbia's campus in a December 20, 2004, letter to Columbia University president Lee Bollinger from the New York Civil Liberties Union, signed by executive director Donna Lieberman, Art Eisenberg, and Udi Ofer. This fact-finding delegation refers to the film in the letter *but did not see it*.

In a conversation with three students, two of whom were in the film, the NYCLU officials were offered a screening of the film. The offer was not taken up.

Therefore, the NYCLU letter to Bollinger—vigorously supporting the academic freedom rights of the professors in question—did not mention another statement in *Columbia Unbecoming*:

"Numerous [pro-Israel Columbia] professors were contacted and asked for interviews [for the film]. Only a dozen agreed to discuss the situation. They did so with the strict condition of anonymity. Each voiced concerns about consequences to their careers. The professors' own experiences supported the students' testimonies" that students had been intimidated.

But the NYCLU letter to President Bollinger ignored the range of intimidation. After saying that students can criticize professors in various ways outside the classroom, the NYCLU declared: "*They can even advance such criticism in class if permitted by the professor to do so.*" (Emphasis added.)

Read that sentence again. There is ample evidence, in and beyond the film, of certain MEALAC professors treating dissent from students with such confrontational hostility that a student would have to be courageous not to fall silent. I admire those students who have nonetheless stood up for their rights to free inquiry in the classroom, and as a result, have also taken heat from some fellow students—in one instance, when a dissenter in the film wore a yarmulke on campus.

I started to write an answer to the NYCLU letter to Bollinger, but I prefer to quote from a response concerning the NYCLU position that was sent to Bollinger on January 10 by FIRE (the Foundation for Individual Rights in Education). On First Amendment and due process grounds, I have been associated with this national organization since its inception, and am on FIRE's advisory board.

As FIRE's president, David French, explained to Bollinger in the letter:

"FIRE unites civil rights and civil liberties leaders, scholars, journalists and public intellectuals across the political and ideological spectrum on behalf of liberty, academic freedom, due process, freedom of religion, voluntary association and, in this case, freedom of speech and expression, on America's college campuses."

FIRE has successfully defended and protected many professors and students—liberal, conservative, radical, religious, non-religious, critics of the Iraq war, supporters of that war—from college and university administrators who have punished them for their views in and out of class.

This is what FIRE says about the NYCLU's stunningly misguided definition of students' academic freedom rights in class: "According to the NYCLU, a student may offer . . . criticism [of a professor] 'if permitted by the professor to do so.'

"While a professor is certainly free to limit the scope of classroom discussion to the topics discussed in that class—and the professor can prevent actual disruption of the learning environment—*it would violate every reasonable notion of student academic freedom to give professors the ability to open classroom discussion for all comments except those critical of the professor's point of view.*" (Emphasis added.)

FIRE continues: "Just as students do not have the right to 'expect their views will be unchallenged' [as the NYCLU says], *neither do professors have the right to indoctrinate their students without permitting a murmur of classroom dissent.* According to the NYCLU's reasoning, if a professor had not given permission for in-class dissent, a student could be forced to sit through a professor's defense of racial segregation—and even through a classroom discussion in support of segregation—without protest." (Emphasis added.)

FIRE added that it "agrees with the NYCLU that recent demands by government officials that Columbia terminate the relevant professors are unconscionable."

But, FIRE emphasized: "Academic freedom is not threatened by student criticism of professors' ideas. It is threatened by [professors'] disproportionate or inappropriate responses to that criticism." The NYCLU claims that the students' charge against the professors is "an assault upon principles of academic freedom and upon political speech." Whose academic freedom and free speech are being assaulted?

In a future column: Bollinger's "independent" committee of inquiry concerning the student charges.

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There Is More To Be Explored In Columbia University's Middle East Studies Than Israel

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