The Question of Palestine and the Subversion of Academic Freedom

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THE QUESTION OF PALESTINE AND THE SUBVERSION OF ACADEMIC FREEDOM: DEPAUL'S DENIAL OF TENURE TO NORMAN G. FINKELSTEIN

Matthew Abraham

I have a sinking feeling about the damage this [Finkelstein’s tenure denial] will do to academic freedom...

Raul Hilberg (Chicago Sun Times, June 10, 2007)

Through a strange concatenation of events, DePaul University has become a battle ground for two things: 1) academic freedom; 2) hideous forty-year occupation of the Palestinians by the Israeli government, supported by U.S. taxpayer dollars.

Norman Finkelstein (848, Chicago Public Radio, June 15, 2007)

Historically, university administrations have insisted upon protecting the concept of academic freedom, as it is the centerpiece of the university’s mission and functioning. At the same time, no university administration has ever owned up to a violation of academic freedom, or admitted that academic freedom was at issue, in the context of the dismissal of a controversial faculty member (see: Schrecker, 1986, 1999). In defending their decisions to terminate or deny tenure in controversial cases, universities simply claim that other plausible reasons—beyond the scholar’s research area or provocative extramural speech—existed for the dismissal or tenure denial (see: Schrecker, 2010). This “other reasons” approach to sidestepping a university’s obligation to promote academic freedom, for scholars advancing particular political viewpoints, becomes particularly problematic with respect to denying basic due process protections to scholars writing critically about the Israel-Palestine conflict.

Within the current political landscape of the US academy, academic freedom has been largely redefined to protect Israel’s defenders against serious and substantive criticism, producing the unfortunate result that supporting Palestinian human rights in scholarship can be portrayed as “advocacy,” “partisanship,” and “political posturing” (see: “AAUP Statement,” 2004; Hollinger, 2005). Despite all of the seemingly

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fancy rhetorical footwork about what academic freedom is and how it should be conceptualized, a university depends upon it in justifying to the public its existence as an intellectual testing ground. Regardless of how one defines academic freedom, all would agree that, without academic freedom, a university cannot theoretically represent itself as a serious experiment station for examining the most important and controversial ideas of our time. Universities have an obligation to defend academic freedom to create the conditions of possibility that are necessary for experimentation and the discovery of knowledge. Unfortunately, as the denial of tenure to the embattled political scientist Norman Finkelstein at DePaul University in June 2007 amply demonstrated, this commitment to academic freedom is transient at best.

Despite the sound and the fury around his tenure denial, Finkelstein ultimately praised DePaul University upon reflecting on the unique set of pressures that eventuated in his unjust dismissal:

For the record, I did not begrudge DePaul's decision to deny me tenure. It has always been my belief that no one except me should have to bear the costs of my political convictions. The sustained pressures exerted on a middle-tier Catholic institution vulnerable to charges of anti-Semitism would probably have proven intolerable. It was also an institution that performed a creditable public service, attracting a morally impressive student body from which I greatly benefitted during my last days there and to whom I will be eternally grateful. (Finkelstein, 2008-09; emphasis added)

Well-known public intellectual, the author of several recognized books, and one of the most effective of DePaul's professors, Finkelstein possessed an envious academic record by any standard. It is quite clear Finkelstein should have easily received tenure and promotion to Associate Professor of Political Science at DePaul University in 2007 under any reasonable process free from external pressures. The process, however, was anything but reasonable and untainted (see: "Middle East Studies," 2007). Indeed a review of the relevant documents in the Finkelstein tenure case, leads one to a clear and simple conclusion: DePaul's stated reasons for denying Finkelstein tenure and promotion cannot be reconciled with the factual record. These reasons were contrived to construct a transparent pretext for dismissing an outspoken critic of US and Israeli Middle East policy. As Noam Chomsky noted on Democracy Now! in May of 2007 shortly before DePaul announced its final decision, "It's amazing he [Finkelstein] hasn't had full professorship a long time ago" (Goodman, 2007a).

The fact that Finkelstein was not only denied tenure, but done so in violation of the most fundamental aspects of academic due process (as I will explain), strongly suggests that critics of Israel, and their well-vetted scholarship, not only are deprived of basic academic freedom protections, but that academic freedom does not exist for them as either an individual right or within the context of institutional, disciplinary,
or professional norms. Indeed, it appears that academic freedom can easily be deployed as a rhetorical device in service of a distinct political program if the situation requires it (see: Fish, 1994, 2001). In other words, academic freedom provides substantive protections to scholars when the viewpoints they espouse are endorsed by those holding the reins of power. In those instances, academic freedom becomes largely irrelevant since those viewpoints do not need protection because they coincide with, and do not threaten, concentrated power.

Ironically, DePaul justified Finkelstein’s tenure denial on the grounds that it posed a distinct threat to academic freedom and public discourse. DePaul’s Dean of the College of Liberal Arts and Sciences noted in his assessment of Finkelstein’s tenure application: “I see this [Finkelstein’s ‘apparent penchant of reducing an argument and oppositional views to the inevitable personal and reputation damaging attack, demeaning those with whom he disagrees’] as a very damaging threat to civil discourse in a University and in society in general. Such inflammatory polemics in no way further the civil discourse and serious intellectual inquiry that the Academy stands for to say nothing for the deeply shared DePaul University and Vincentian value of ‘personalism’—respect for the dignity of the individual” (see: “College Personnel Committee,” 2007). In his relentless questioning and deconstruction of the motives and strategies of some of Israel’s most persistent defenders (Alan Dershowitz, Daniel Goldhagen, and Elie Wiesel), Finkelstein represented a threat to “civil discourse” and “serious intellectual inquiry that the Academy stands for” (ibid.).

Scholars writing on the Israel-Palestine conflict find themselves frequently placed in the crosshairs of extremely powerful interest groups devoted to protecting Israel from criticism, due to its human rights record in dealing with the Palestinians. These groups are willing to engage in the most underhanded strategies to defame its political opponents. The pattern is clear: an extremely accomplished scholar on the conflict becomes the object of a national campaign launched by pro-Israel partisans to distract the public from the critique of Israel the scholar offers. When the strength of the scholarly record is strong and irrefutable with respect to the usual evaluative grounds, and the teaching record impeccable, the university administration has to manufacture a way to drive the faculty member out of the university without exposing itself to costly liability. This is not an easy task, although the academic structure can always accommodate (and effectively hide) politically discriminatory reasons for terminating a faculty member, making those reasons appear plausible within a supposedly objective process. So it was with Finkelstein’s tenure denial, as Finkelstein was constructed as an enemy of academic freedom instead of as someone who was denied basic academic freedom protections. Academic freedom, the freedom to pursue controversial lines of inquiry as part of one’s research, was
seemingly redefined to protect Israel’s staunchest defenders against substantive criticism of their apologetics. The redefinition of academic freedom (“defending the free inquiry of associates,” Holtschneider denial letter) to protect a powerful special interest group (apologists for Israel’s militarism, occupation of Palestinian territory, etc.), whose interests could be jeopardized by serious criticism, is unprecedented, providing a new model for containing and marginalizing progressive social thought. Finkelstein’s tenure denial presented an important test case for the real enemies of academic freedom, those seeking to make public criticism of Israel’s human rights record tantamount to a speech crime (see: D. Cole, 2003; J. Cole, 2005; Sherman, 2005). That these enemies succeeded in ensuring that DePaul would deny Finkelstein tenure and promotion should be of grave concern to critical intellectuals interested in sustaining an open debate about the historical and diplomatic record on the Israel-Palestine conflict in the US public sphere (see: Williams, 2007a). An examination of the specific aspects of the case will set the stage for a more in-depth analysis of the behind-the-scenes maneuvering and politics informing DePaul’s decision to deny Finkelstein a life-time position at the University.

The Facts of the Case

Despite a 9 in favor, 3 against vote at the departmental level, a 5 in favor, 0 against at the College level, the Dean of Liberal Arts, Charles Suchar, withheld his support of Finkelstein’s tenure application. Ultimately, Suchar claimed there was confidential information driving the administration’s decision making, in an attempt to justify his refusal to support the recommendations of two different faculty bodies (the political science department and the College Personnel Committee). After the University Board on Promotion and Tenure (DePaul’s highest level committee in the tenure and promotion process) recommended by a vote of 4 in favor, 3 opposed to deny tenure, DePaul’s President, Father Dennis Holtschneider, accepted that recommendation (see: Holtschneider, 2007).

The Board pointed to supposed shortcomings in Finkelstein’s scholarship that were identified by the three members of DePaul’s Political Science Department who had issued a minority report and voted against granting tenure, specifically citing concerns about the “accuracy of some of the evidence [Finkelstein] uses in his scholarship and the cogency of some of his arguments” (Birmingham, 2007). Citing “broader expectations and professional standards by which DePaul faculty are obliged to comport themselves as members of the academic profession and as members of the DePaul intellectual community,” “the UBPT expressed several concerns touching upon [Finkelstein’s] scholarship, specifically what they consider
the intellectual character of his work and his persona as a public intellectual” (Holtschneider, 2007).

Furthermore, the Board noted that “Criticism has been expressed for his inflammatory style and his personal attacks in his writings and intellectual debates. These concerns are relevant to [the UBPT] in the recognition that an academic’s reputation is intrinsically tied to the institution of which he or she is affiliated. It was questioned by some whether Dr. Finkelstein effectively contributes to the public discourse on sensitive social issues.” Those who questioned whether Finkelstein effectively contributes to the public discourse on sensitive social issues, of course, remain unidentified, although it is not difficult to figure who these individuals and organizations might have been (see: Dershowitz, n.d.; Plaut, 2007c). Alan Dershowitz, several Zionist watchdog organizations, including the Anti-Defamation League and American Jewish Committee, possessed a vested interest in seeing that DePaul would deny Finkelstein tenure. Finkelstein’s devastating critiques of American Zionism, US support for Israel, Israel’s human rights record, and the various absurd apologetics offered in defense of all three, were threatening to the nearly totalitarian grip of Zionist power. How often do the feelings and sensitivities of one’s political opponents become the operative and legitimate grounds upon which to deny tenure? If one’s political opponents possess sufficient political power, the rules of the game clearly are up for sale to the highest bidder.

What does one make of the fact that as Finkelstein’s case moved up through DePaul’s institutional hierarchy it was subjected to criticisms about Finkelstein’s tone, style, and etiquette, as well concerns about how DePaul’s reputation might suffer if Finkelstein were granted tenure, instead of on the substance of his scholarship? Concerns about the accuracy of the evidence Finkelstein used in his scholarship were clearly a red herring. The only logical inference to be drawn is that DePaul recognized the distinct problems that would arise if Finkelstein were to become a tenured faculty member for a nearly thirty-year career. Perhaps according to the logic of those opposing Finkelstein’s tenure bid, Finkelstein’s presence on the DePaul faculty would have undoubtedly inhibited the university’s long-term institutional growth, for example financial donations to the University, international institution building, external partnering, etcetera (Abraham, 2007). While one cannot know with certainty if threats to withhold financial contributions to DePaul were the driving motivation for DePaul’s administration decision to deny Finkelstein tenure, or if parties interested in the decision promised to give substantial financial support to the University in return for Finkelstein’s tenure denial, there can be little doubt that long-term institutional growth was at issue.’ The University Board on Promotion and Tenure may have come to its decision by considering how Finkelstein’s presence at DePaul would ultimately affect this long-term institutional growth, a consideration that DePaul was well within its legal rights to entertain. In a rarely referenced...
portion of Chapter 4 of DePaul’s Faculty Handbook, captioned as “Reappointment and Separation,” one finds the following statement: “The University reserves the right to use the widest latitude, within the bounds of academic freedom, as it determines which faculty to retain. . . .” Since academic freedom had to be respected in advancing arguments against Finkelstein’s tenurability, DePaul’s administration simply redefined the parameters of academic freedom. At the conclusion of the process in June 2007 DePaul’s President Dennis Holtschneider concluded, “Some will consider this decision in the context of academic freedom. In fact, academic freedom is alive and well at DePaul” (Grossman, 2007).

DePaul likely knew that this battle would ultimately be won on legal grounds, not ethical grounds, as it created specific arguments about Finkelstein’s unsuitability for a tenured position at DePaul because his persona and scholarship stood at odds with the Catholic institution’s Vincentian mission.

In invoking the institution’s mission (“preserving the God-given dignity of the intellectual”), emphasizing distinctive aspects of DePaul’s character (Vincentian personalism), and portraying Finkelstein as a threat to the academic freedom of others (not “defending and respecting the free inquiry of associates”), DePaul established the necessary legal grounds upon which to carry out the tenure denial. That DePaul’s Office of the General Counsel played a larger role in shaping the rationales offered to justify the outcome in Finkelstein’s tenure case, as opposed to the input of any faculty body, gives us some insight into the current political landscape within the contemporary academy (see: Schreeker, 2010). Within this environment, truth and the development of a critical perspective are very much beside the point.

The Dershowitz Factor

Finkelstein’s prospective tenure bid at DePaul became the object of Alan Dershowitz’s obsession in late 2003. Dershowitz, the Felix Frankfurter Professor of Law, at Harvard Law School, a leading civil libertarian, and one of the top defense attorneys in the United States, has long been known as a reflexive defender of Israel’s problematic human rights record and military adventurism. As soon as Finkelstein made clear his intention to release documentation demonstrating that Dershowitz’s The Case for Israel was a “hoax plagiarized from another hoax” on Democracy Now! in September 2003, Dershowitz began a personal campaign to drive Finkelstein out of the academy (see: Finkelstein, n.d.; Goodman, 2003). In 2004, Dershowitz contacted President Dennis Holtschneider, attaching a manuscript entitled “Literary McCarthyism,” arguing that DePaul should fire Finkelstein. In addition, Dershowitz contacted the chair of DePaul’s political science department, Professor Patrick Callahan as early as 2004, and again three months prior to the political science
department’s considering Finkelstein’s tenure case (see: Dershowitz, 2006). There is also strong circumstantial evidence that Dershowitz sought to contact members of DePaul’s Board of Trustees, specifically its chair, Mr. John Simon, about Finkelstein, who Dershowitz labeled “a full-time, malicious defamer” (see: Jenner & Block, n.d., 2004).

An Unsettling Pattern

Four months prior to Norman Finkelstein’s tenure denial, in February of 2007, I sought to convene an academic freedom conference at DePaul and hoped to invite some of the top academics writing on academic freedom and the Middle East, for example Jonathan Cole, Akeel Bilgrami, John Mearsheimer, Robert Jensen, and Juan Cole. Aware of the circumstances surrounding Finkelstein’s pending tenure case, I thought holding such a conference would highlight current threats to academic freedom, particularly with respect to the challenges critics of Israel face in the US academy in documenting the historical and diplomatic record on the Israel-Palestine conflict. I asked the Dean, Charles Suchar, if he would support bringing together such a distinguished group of scholars to talk about academic freedom; fully aware that Alan Dershowitz was seeking to disrupt Finkelstein’s tenure bid as it passed through the departmental and College levels (see: Finkelstein, 2007a).

In response to my request to hold such a conference at DePaul, Suchar told me that holding such a conference would be unwarranted and a distraction from ongoing tenure and promotion processes. How could the convening of a conference on academic freedom be a distraction and disruption of the ongoing tenure and promotion process unless there was an ongoing effort among members of DePaul’s administration to deny Finkelstein tenure in violation of academic freedom and due process protections? Would Suchar have deemed an academic freedom conference featuring Alan Dershowitz, Daniel Pipes, Martin Kramer, and Steven Plaut a distraction and disruption, particularly if these figures were arguing that denying Finkelstein tenure would protect academic freedom? The more perverse inference to be drawn is that it is part of the normal processes of the academy to deny tenure to someone who is an outspoken critic of Israel. Or that it is the institution’s prerogative to reject the tenure bids of controversial scholars when the stakes are high. That is clearly what was happening: Suchar certainly did not want a group of the most respected progressive academics converging on DePaul to speak on current threats to academic freedom, particularly with respect to the curtailment of academic freedom for scholars working on the Israel-Palestine conflict; just as Suchar was blocking Finkelstein’s tenure bid by countermanding two faculty bodies in his role as the key point man in a rolling administrative coup seeking to deny Finkelstein tenure.
At that time, Suchar insisted that there were no threats to academic freedom emerging on campus, noting that Dershowitz’s attempts to influence the process had been rebutted by DePaul’s Faculty Governance Council; while insisting that an academic freedom conference would represent a disruption of, and distraction from, ongoing tenure and promotion processes. How an academic conference could be a disruption and distraction to ongoing tenure and promotion processes is anyone’s guess. Three months after my exchange with Dean Suchar, DePaul found itself in the midst of one of the single biggest academic freedom controversies in the history of the US academy. In retrospect, it is quite clear that outside interference played an instrumental role in tainting Finkelstein’s tenure process, and that DePaul did not want any outside interference that might work in Finkelstein’s favor entering the “process.”

The primary and most visible outside interference against Finkelstein came in the form of Dershowitz’s dossier about Finkelstein, which arrived in an email to many DePaul faculty (see: Menetrez, 2007, 2008). However, long before he sent this dossier, Dershowitz vowed to have some hand in monitoring, if not ultimately playing a role in the final decision about Finkelstein’s tenure bid. As Dershowitz declared to the Chicago Reader in August 2005, a little over a year before Finkelstein would go up for tenure, “I will come at my own expense, and I will document the case against Finkelstein” and “I’ll demonstrate that he doesn’t meet the academic standards of the Association of American Universities” (Felshman, 2005).

On May 10, 2007, the day before Finkelstein appeared before DePaul’s University Board on Promotion and Tenure, Dershowitz spoke at Northwestern University on “Defending Israel,” claiming in that context that Finkelstein had recently attended the Holocaust denial conference in Iran. Whether or not Dershowitz met with a DePaul administrator or a member of its Board of Trustees on this date is unknown, but the timing was interesting. Dershowitz claimed that he was at Northwestern because he was looking for a college for his daughter. A little less than a month later, on June 8, DePaul’s President Reverend Dennis Holtschneider officially denied Finkelstein tenure for his ad hominem attacks against those with whom he disagreed, affirming the University Board on Promotion and Tenure’s 4-3 vote to deny tenure and promotion.

Holtschneider wrote in his June 8, 2007 letter to Finkelstein denying him tenure, “The UBPT has noted that your scholarship does not meet DePaul’s tenure standards. Moreover, on the record before me, I cannot in good faith conclude that you honor the obligations to ‘respect and defend the free inquiry of associates,’ ‘show due respect for the opinions of others,’ and ‘strive to be objective in their professional evaluation of colleagues.’” In essence, DePaul denied Finkelstein tenure along the very lines Dershowitz claimed disqualified Finkelstein for tenure nearly three years earlier. As Finkelstein noted, “He (Dershowitz) calculated that if I were denied
tenure, it would delegitimize my expose of him: how could a ‘failed academic’ (his phrase) be taken seriously?” (Finkelstein, 2008-09). Ironically, President Dennis Holtschneider noted at the conclusion of his denial letter: “I am well aware of the outside interest in this decision, and the many ways in which the university community was ‘lobbied’ both to grant and deny tenure... As much as some would like to create the impression that our process and decision have been influenced by outside interests, they are mistaken” (Holtschneider, 2007). Paradoxically, DePaul’s process and decision in the Finkelstein tenure case had clearly been influenced by outside interests.

The Question of Civility: Substantive Concern or Red Herring?

Phyllis Chessler writes a book on the new Anti-Semitism and she wants to show what a dreadful phenomenon it is. So she writes there is “a thrilling permissibility in the air, the kind of electrically charged and altered reality that acid trippers or epileptics may experience just prior to seizure. Doctored footage of fake Israeli massacres has now entered the imagination of billions of people like pornography. These ideas can never be forgotten. It is as if the political equivalent of the AIDS virus has been unleashed into the world. To be a Jew is to live dangerously on the margins, with an open, circumcised heart.” So I think it was perfectly warranted to write, “Acid trippers, epileptics, pornography, AIDS, circumcised heart. One begins to wonder whether Chessler’s magnum opus, Women and Madness, was autobiographical.


The first public evidence that Finkelstein’s tenure case was in jeopardy emerged in a memorandum written by the College of Liberal Arts and Sciences Dean, Charles Suchar, in March 2007. This memorandum relied heavily upon arguments made in a minority report by three members of DePaul’s political science department, as well as Alan Dershowitz’s publicized views on Finkelstein’s scholarship. By portraying Finkelstein as a difficult colleague, who would only become more difficult if granted tenure, the minority report authors were pivotal players in creating the necessary grounds upon which the tenure denial would be built. These senior professors in the department, one of whom was in regular contact with Dershowitz at least three years before Finkelstein went up for tenure, held a distinct ideological agenda. This agenda took shape in various arguments within the minority report about Finkelstein’s supposed shortcomings as a scholar and his lack of collegiality. Ultimately, these arguments emerged in and through the very language Suchar used to evaluate Finkelstein’s scholarship. As Suchar reported in his March 22, 2007 memo:
My reading of Dr. Finkelstein's work, especially the *Holocaust Industry*, where in one chapter alone Goldhagen, Morris, Wiesel, Kosinski and many others are collectively attacked as "hoaxters and huxters," typifies his apparent penchant of reducing an argument and oppositional views to the inevitable personal and reputation damaging attack, demeaning those with whom he disagrees. (Suchar, 2007; emphasis added)

The second chapter of Finkelstein's *The Holocaust Industry: The Exploitation of Jewish Suffering* is entitled "Hucksters, Hoaxers, and History." Neither "hoaxters and huxters" nor "hoaxers and hucksters" appear anywhere in the chapter's text. Since Suchar placed these words ("hoaxsters and huxters") in quotation marks, he is indicating that he quoted directly from the text he is referencing. However, if neither "hoaxters and huxters" nor "hoaxers and hucksters" appear anywhere in the text of the second chapter of Finkelstein's *The Holocaust Industry*, where did Suchar find the phrase "hoaxters and huxters" around which he placed quotation marks, indicating that it appears in Chapter 2 of *The Holocaust Industry*? Coincidentally, Suchar misspelled these words just as Dershowitz misspelled them in his propaganda package that was sent to Professor Patrick Callahan of DePaul's political science department, one of the three professors who wrote a minority report against Finkelstein, in December 2006. As Dershowitz noted in his September 18 e-mail to Callahan:

> Among the dozen or so writers whose careers Finkelstein has tried to destroy with the same accusations—"fraud," "huxter," "shake-down artist," "plagiarist,"—he has only ever written a full book about one other: Daniel Goldhagen. Goldhagen did a wonderful job of going point-by-point on Finkelstein's many lies and distortions. (Dershowitz, 2006: 5; emphasis added)

In addition, note that Suchar misspells "hoaxter" as "hoaxter," another curious misspelling. In the course of attacking a supposed "small but influential group of anti-Israel, antipeace, and antitrust zealots," Dershowitz spells "hoaxers" as "hoaxters" in Chapter 16 of his *The Case for Peace*:

> To date, the Chomsky-Finkelstein-Cockburn attack team has targeted at least the following writers who support Israel and seek justice for Holocaust survivors: Stuart Eizenstat, Martin Gilbert, Burt Neuborne, Yehuda Bauer, Gerald Feldman, Richard Overy, and Abba Eban. They have called these distinguished Jews "hucksters," "hoaxters," "thieves," "extortionists," and worse. The pattern of attack is always similar. (Dershowitz, 2005a: 178; emphasis added)

It should also be noted that Benny Morris, the Israeli New Historian, is not "attacked" in this chapter, as Suchar suggests. Indeed, the only reference to Morris in the entire chapter is in the following sentence: "Repudiating a book the museum
originally endorsed because it included a chapter by Benny Morris, a prominent Israeli Historian critical of Israel, Miles Lerman, the museum’s chairman avowed, ‘To put this museum on the opposite side of Israel—it’s inconceivable’ (Finkelstein, 2003: 77-78). It is troubling that Suchar would interpret Finkelstein as making the same argument with respect to Morris as he did with Goldhagen, Wiesel, and Kosinski, suggesting that the contents of Finkelstein’s five books were quite unfamiliar to Suchar.

In retrospect, it seems clear that Suchar was well aware in March of that year that DePaul would, ultimately, deny tenure to Norman Finkelstein in June of 2007, for the very reasons Alan Dershowitz, Finkelstein’s nemesis, claimed it should, that is, that Finkelstein was not a scholar, but a propagandist; that his tenure case was not about academic freedom, as the Left claimed, but instead about academic standards; that the academic standards had been lowered by those who had hired Finkelstein because his politically motivated scholarship found a sympathetic hearing among certain DePaul faculty radicals (see: Dershowitz, 2007; Plaut, 2007a,b). Suchar played a key role in Finkelstein’s tenure denial, withholding his support for Finkelstein’s application because of his “reputation-demeaning attacks” against Elie Wiesel, Alan Dershowitz, Daniel Goldhagen, and others found in Finkelstein’s The Holocaust Industry. Suchar concluded that Finkelstein’s tone was that of a mean-spirited polemicist and ideologue, stating that Finkelstein’s conduct—which included threatening to sue the three members of DePaul’s political science department who voted against Finkelstein’s tenure bid and filed a minority report alleging there were inaccuracies or misrepresentations in his scholarship—did not bode well for the University and public discourse. In brief, Finkelstein could not expose scholarly fabrications or hold accountable those seeking to deprive him of his professional livelihood without being characterized as polemical, difficult, and uncivil.

Ultimately, Suchar could not support Finkelstein, who at the time of his tenure application was the author of five books, which have been translated into 46 different languages, because Finkelstein lacked what Suchar labeled “Vincentian personalism,” which apparently necessitates respecting the God-given dignity of others and respecting a range of intellectual opinions. In other words, Suchar portrayed Finkelstein as an ideologue who was incapable of respecting the viewpoints of those with whom he disagreed. In agreement with the minority report, Suchar noted that Finkelstein’s attacks against those with whom he disagrees border on character assassination. It should be noted, however, that DePaul’s political science department in an exhaustive fourteen-page rebuttal of Dershowitz’s specific allegations against Finkelstein of character assassination and academic misconduct concluded that Dershowitz’s characterizations of Finkelstein’s scholarship were baseless. In his memorandum withholding his support for Finkelstein’s tenure bid,
Suchar did not address this rebuttal, just as he overturned the Departmental and College Personnel Committee's recommendations.

That DePaul administrators would use the name and reputation of Saint Vincent DePaul to justify the abrogation of basic academic due process to a dissenting intellectual, brought a level of irony and sadness to this case that merits analysis. To assert that someone defending Palestinian human rights in the context of an overwhelmingly pro-Israel discursive environment within the United States, at great professional cost to himself, lacks "Vincentian personalism" because of his style of engagement with those with whom he disagrees demonstrates the farcical level to which those seeking to block an open and critical debate on the Israel-Palestine conflict will stoop to defend themselves against exposure, as well as vulnerability to the Israel Lobby and its many adjuncts. As Finkelstein noted during his October 12, 2007 talk at the Academic Freedom Conference at the University of Chicago, the language of "thugs" and "hoodlums" in certain circumstances is more appropriate than the elegant and restrained language used by commissars seeking to justify state violence (Finkelstein, 2007c). Specifically, "Certain circumstances warrant incivility." In the context of explaining why incivility is necessary as part of the give and take of intellectual life, Finkelstein explained:

Young people yearn for persons in authority to speak the unvarnished truth and give expression to the moral indignation warranted by the occasion. There are moments that require breaking out of the constraints of polite discourse to sound the alarm that innocent people are being butchered while we speak due to the actions of our government. Now these sorts of incivility shouldn't be a substitute for truth.... Such a cry of the heart is also within, in my opinion, the bounds of civil discourse. I have never really understood why polite incivility, the clever put down, which the British specialize in and is a staple of academic life, should be preferred over impolite incivility... I, at any rate, see no virtue to polite civility, which can be more vicious and hurtful, and which in its cleverness and wittiness is often testament to the lack of moral seriousness... There is the case of, in my opinion, the ridiculous, or deserving of ridicule. If an academic or a public figure is a charlatan, he or she deserves to be reduced to ridicule. If there is no scholarship, but simply theater and wind belligerence (and you have demonstrated that there is no scholarship, but only theater and wind belligerence), then there is a time honored tradition for shouting that the Emperor is naked. So if Professor Elie Wiesel comes to your university, charges a lecture fee in the tens of thousands of dollars and the subject of his lecture is that "The secret of Auschwitz truth lies in silence," and he goes on to say that, "Words are kind of a horizontal approach, while silence offers you a vertical approach. You plunge into it," I think it's perfectly reasonable to ask the question, "Does Elie Wiesel parachute into his lectures?" Because this is sheer nonsense. And why shouldn't we say it?"
Clearly, Finkelstein had his exposure of Alan Dershowitz’s *The Case for Israel* in *Beyond Chutzpah: The Misuse of Anti-Semitism and the Abuse of History*, and Dershowitz’s unrelenting campaign of defamation of deceit in response to that exposure (which resulted in Finkelstein’s dismissal from DePaul) in mind when he delivered these remarks. Furthermore, DePaul’s unwillingness (perhaps inability) to withstand Dershowitz’s outside interference in Finkelstein’s tenure case, demonstrates that “theater and wind baggery” will be protected by the mainstream academic institutions if the stakes are high enough.

**The Real Stakes**

Since Finkelstein’s compelling indictments of American Zionism in books such as *The Image and Reality of the Israel-Palestine Conflict*, *The Holocaust Industry: The Exploitation of Jewish Suffering*, and *Beyond Chutzpah: The Misuse of Anti-Semitism and the Abuse of History* could not be rebutted by serious counterarguments, his ideological nemeses resorted to attacking Finkelstein’s tone, writing style, and personality, effectively shifting the terms of the debate from the Israel-Palestine conflict to issues of civility and behavior. One of the more bizarre claims offered in service of this effort was that a scholar could deter others from wanting to participate in a debate. As Suchar explained to me in the context of defining the “new” academic freedom, as well as defending DePaul’s decision to deny tenure to Finkelstein, a scholar can create a situation where he freezes others out through his scholarship. This argument was clearly fashioned to respond to Finkelstein’s exposure of Dershowitz’s *The Case for Israel*, as well as Finkelstein’s critiques of other significant defenders of Israel, as part of DePaul’s larger argument that denying Finkelstein tenure was in the best interest of protecting academic freedom and civil discourse. Academic freedom has never been constructed in this way to limit scholarly debate, prohibiting a thorough-going critique of one’s ideological enemies’ arguments because the critique itself might be wounding and hurt these ideological enemies’ feelings. Ultimately, this new definition of academic freedom absolves Israel’s defenders from having to respond to the critiques being offered, regardless of how justified, meritorious, and well-grounded these critiques might be.

By insisting that one’s ideological opponents be treated or described in a certain way by drawing upon DePaul’s Vincentian heritage, DePaul’s administration ultimately played a key card in the cultural Right’s assault on academic freedom by introducing a new surveillance mechanism into academic culture: one must treat Israel’s US apologists with the proper amount of respect and deference, or stand accused of breaching the AAUP’s statement on professional responsibility; “polariz[ing] and simplify[ing] conversations that deserve layered and subtle consideration” (“more for inflammatory effect than to critique or challenge certain
assumptions”); engaging in reputation-demeaning attacks; and representing a serious threat to public discourse. Perhaps the point was to use Finkelstein’s tenure and promotion case as not only a test case, but also to send a warning to other untenured critics of Israel. As David Klein reminds us in his “Why is Norman Finkelstein Not Allowed to Teach?,” “An unstated axiom for U.S. universities is that criticism of Israel by untenured faculty members [and perhaps even tenured faculty members] is not allowed” (Klein, 2008-09: 308). Regardless of the strength of a scholar’s publication and teaching record, s/he will face the possible loss of his academic career if s/he critically interrogates Israel’s grip over the US public sphere’s understanding of the Question of Palestine. As DePaul Professor Bill Martin noted (citing a statement of support on the Norman Finkelstein Solidarity website) in his “Urgent Need to Right Wrongs at DePaul University,” “Keep the c.v., change the subject, and Norman Finkelstein has tenure” (Martin, 2007).

**Institutional Politics**

Given that the reasons DePaul offered for denying Finkelstein tenure were nearly nonsensical, despite the various disclaimers that outside interference had nothing to do with the eventual outcome, one must look at the institutional and cultural constraints governing how the case was ultimately decided by DePaul’s decision makers, particularly at the level of the Board of Trustees. While the Board of Trustees normally has nothing to do with personnel decisions at a university, particularly with respect to tenure and promotion, Finkelstein’s case presented a highly unusual set of circumstances (see: Williams, 2007b). There were additional parties external to the university including the Anti-Defamation League, the American Jewish Committee, and the American-Israel Public Affairs Committee (AIPAC), which undoubtedly held a stake in the outcome of Finkelstein’s tenure case. As a persistent and effective critic of Israel’s policies in the occupied territories, Finkelstein challenged many of the myths AIPAC seeks to sustain as fact in the US public sphere. In addition, Finkelstein has over a twenty-year period proven to be a serious adversary of the positions put forth by AIPAC and other Zionist organizations on Israel. Given his unstinting criticism of how American Zionist organizations with strong ties to Israel have capitalized upon the Holocaust to immunize Israel from harsh international criticism, Finkelstein has relentlessly exposed individuals who have exploited the memory of those who perished during the Holocaust for financial and political gain (e.g. Finkelstein, 2003).

While DePaul worked strenuously to deny that third parties had anything to do with its decision to deny tenure to Finkelstein, the paper-thin rationales that it offered suggested precisely the opposite: that significant pressure, political and financial, were shaping the final decision. DePaul’s concern about Finkelstein’s
reputation was actually a concern about its own reputation among determined and powerful lobbies. Within the academic realm, external considerations (no matter how intense), are not supposed to influence academic decision making. This is the \textit{sine qua non} of academic freedom; without it the very basis for academic freedom is compromised and threatened. As Thomas Haskell (1996: 54) notes, "From my standpoint, no justification for academic freedom can succeed unless it provides ample resources for justifying the autonomy and self-governance of the community.” While appreciating Haskell’s insight, I would argue that the autonomy and self-governance of US academic institutions have been subverted by the protective discourse that envelopes discussion of the Israel-Palestine conflict.

\textbf{The Cultural Context}

Attacks against the academic freedom of Israel’s critics do not emerge from nowhere. These attacks gain traction within a culture that refuses to recognize the plights of the Palestinians living under Israeli occupation. This refusal to recognize the plight of the Palestinians emerges with a larger discourse of anti-Arab racism. According to Steven Salaita (2006: 13), “[Anti-Arab racism] engages in a constant dialectic with other types of racism (both American and European), as well as colonialism, capitalism, nationalism, exceptionalism, and religious fundamentalism.” The discourse of Zionism obtains its own supremacy in concert with anti-Arab racism by positing the superiority of Jews in relation to all non-Jews, particularly Palestinian Arabs; this discursive supremacy has, by small accretions of authority, grown significantly over the last century.

In his \textit{Israeli Exceptionalism: The Destabilizing Logic of Zionism}, M. Shahid Alam (2009) traces the historical roots of Zionism, arguing that a unique set of social-political conditions have provided Israel with a unique immunity in world affairs. If nothing else, DePaul’s handling of Finkelstein’s tenure case proved that the immunity Alam describes extends to the academic realm as well; Finkelstein’s scathing critiques of Israel’s apologists exposed how the ideology of philo-semitism protects those who defend Zionism against serious examination. In his \textit{The Holocaust Industry: The Exploitation of Jewish Suffering}, Finkelstein indicts those who would use the Holocaust to justify Israel’s treatment of Palestinians living under occupation, as well as those who would use Jewish suffering to extort money from European countries such as Germany and Switzerland under the cover of Holocaust reparations. In brief, Finkelstein argued that a lucrative extortion racket was being carried out in the name of needy Holocaust survivors, while in fact the money being generated was actually going to Jewish organizations such as the World Jewish Congress. Upon the publication of \textit{The Holocaust Industry}, Finkelstein promptly lost his long-term instructor position of political science at Hunter College, City
University of New York. Despite possessing an outstanding teaching record and three internationally recognized books to his credit at that time, he was let go under the pretext of a budgetary cut within the political science department. Finkelstein chose not to return to the department after a serious pay-cut was inflicted upon him. The department’s treatment of Finkelstein is part of a larger pattern, as scholars who write critically on the Israel-Palestine conflict are very often pushed out of their academic positions through various underhanded means. In explaining how parties external to the university can subtly exert pressure on departments to rid themselves of dissenting scholars. Finkelstein notes how

[s]ometimes phone calls are made, no doubt about it, but I think things work through a crystallizing of a consensus—in the sense of “this guy is more trouble than he is worth, and so it is time to let him go.” I think this is what happened at Hunter College, that yes I had an excellent teaching record, yes I had an excellent publication record, but it’s also true that “a lot of people are complaining about him and we do get all these phone calls and there are faculty members who are very uncomfortable with him because he is just not professional” and so on and so forth. Finally, a consensus crystallizes that it is time to let him go. (Apatu, 2001)

Of course, Finkelstein’s first foray into the realm of public controversy and the Israel-Palestine conflict began with his exposure of Joan Peters’ *From Time Immemorial* in 1984. Peters’ book, published to rave reviews and endorsed by some of the leading lights in the world of American Arts and Letters, including Bernard Lewis and Saul Bellow, advanced an ideologically serviceable thesis for American Zionists, who were eager to absolve themselves of any culpability in producing the Palestinian refugee problem. In his “The Fate of an Honest Intellectual” (2002), Noam Chomsky tells the story of Finkelstein’s unsuccessful attempts to publicize his findings about *From Time Immemorial* while he was a PhD student in the Middle East Studies Department at Princeton. According to Chomsky, “[Finkelstein’s] professors—this is Princeton University, supposed to be a serious place—stopped talking to him: they wouldn’t make appointments with him, they wouldn’t read his papers, he basically had to quit the program” (245).

According to Avi Shlaim (quoted in Ridgen and Rossier (film), 2009), “This was the book [*From Time Immemorial*] American Jews wanted to have,” because it supposedly proved that the Palestinian population was not driven out of what would become Israel in May 1948. Indeed, according to Peters (2001), the Palestinians had duped the world about their status as a dispossessed people and in fact they immigrated to what would become Israel just a few years before 1948, attracted by its wealth and social services. Peters claimed to have located the key demographic data to prove her point, insisting that this previously unrecognized evidence demonstrated an “exchange of populations” between Israel and Arab countries.
such as Iran, Iraq, and Jordan. According to Peters, the number of Jews departing from Palestine for Middle Eastern countries matched the number of Arabs who in-migrated to Israel. This “exchange of populations” was corrected when these Palestinians were driven out of what would become Israel and when Jews from these Middle Eastern countries came back to Israel.

Finkelstein’s exposure of Peters’ *From Time Immemorial* was eventually published in a small journal called *In These Times*, but it was completely ignored in the mainstream press and journals of intellectual opinion. As Chomsky notes in his “The Fate of an Honest Intellectual” (2002: 246), there was a deliberate attempt to suppress Finkelstein’s findings about *From Time Immemorial* and to encourage him to cease his inquiries: “Meanwhile, Finkelstein was being called in by big professors in the field who were telling him, ‘Look, call off your crusade; you drop this and we’ll take care of you, we’ll make sure you get a job,’ all this kind of stuff.” Twenty years later, in yet another ironic twist, Dershowitz would recycle some of Peters’ arguments in his 2003 book, *The Case for Israel*, which would become a focal point of critique in Finkelstein’s *Beyond Chutzpah: The Misuse of Anti-Semitism and the Abuse of History*. Dershowitz’s efforts to prevent publication of *Beyond Chutzpah* have been well documented (see Finkelstein, 2007b; Abraham, 2005a).

**The Damage to Academic Freedom**

It takes an enormous amount of academic courage to speak the truth when no one else is out there to support him. So I would say that his place in the whole history of writing history is assured, and that those who in the end are proven right triumph, and he will be among those who will have triumphed, albeit, it so seems, at great cost.

Raul Hilberg on *Democracy Now!*, May 9, 2007

Scholars who write critically about the Israeli government’s treatment of the Palestinians since 1948 face various pressures and obstacles as they broach sensitive issues about the US-Israel special relationship that many powerful interest groups have an interest in suppressing. Driving those interest groups is a fear that public awareness about the plight of the Palestinians living under Israeli occupation that could lead to a reevaluation of US public support for Israel might emerge (Pappe, 2010). As John Mearsheimer and Stephen Walt have convincingly argued, the Israel Lobby, a loose coalition of individuals and organizations, seek to control public discussion of the Israel-Palestine conflict in the United States because of the key role US taxpayer support plays in supporting Israel’s military domination of the Middle East, its continued settlement expansion in the West Bank, and the key role US support for Israel plays in fomenting anti-American resentment in the Arab world (Walt and Mearsheimer, 2008). Because of the vital stakes in maintaining
current levels of aid, those who argue that US support for Israel must end due to the persecution of the Palestinians must out of necessity be silenced as they are a direct threat to pro-Israel interests.

Because Israel’s treatment of the Palestinians is so unjustifiable, the details cannot be allowed to circulate in the public sphere, with the average citizen being prevented from understanding the relevant issues and concerns. The demonization of Muslim Arabs, as extremist and violent, solidifies Israel’s image as a beleaguered European offshoot to maintain its existence against rabid anti-Semites. Israel’s leadership and its allies in the United States realizes that key US aid is absolutely essential to Israel’s expansionist plans in the region, its larger military goals, its ethnic cleansing of the Palestinians from Eretz Israel, and its overall domination of the Middle East. The US appears to have no choice but to support Israel because of what James Petras calls the ZPC, the Zionist Power Configuration, which refers to the formal and informal networks within the US committed to promoting Israeli propaganda, silencing and smearing Israel’s critics, and engaging in extensive fundraising efforts, grassroots activism, and the overall corruption of public discourse (Petras, 2007).

The story of Zionism’s penetration of the academic institution has yet to be written, an indication perhaps of how difficult it is to document clearly identifiable instances of where either academic judgment or administrative decision-making were being directly influenced by the power of the Israel Lobby or by a university administration’s concerns about how a faculty member’s criticism of Israel could anger a particularly important constituency outside the university. While faculty are generally left to their own discretion when deciding whether to research and write about controversial issues in the public sphere, with the implicit understanding that this extramural advocacy is protected by academic freedom and their rights as private citizens, those who decide to speak out publicly and critically about Israel’s occupation of the West Bank, or its general treatment of the Palestinians since 1948, do so at their own risk; they will face a number of different obstacles regardless of whether or not one is writing as a scholar within one’s discipline or simply as a concerned citizen.

Given the contested nature of seemingly all factual claims about the conflict within the US public sphere, it becomes nearly impossible to make a confident assertion about Israel’s occupation, its territorial borders, the violation of human rights, nationalism, military aggression, or the possible illegality of military action because there are a host of watchdogs that deliberately seek to sow confusion about factual matters around which there should be relatively little controversy. That these matters are so controversial speaks to the amazing efficiency of pro-Israel advocacy within the United States, where organizations such as the Anti-Defamation League, the World Jewish Congress, American Jewish Committee, and the 51 member organizations of the Conference of Presidents of Major American Jewish
Organizations exert an unbreakable control over all public discussion about the Israel-Palestine conflict. These organizations realize that the public must remain confused about the relevant issues, most especially the Palestinians’ legitimate grievances against Israel.

The marginalization of dissenting scholars such as Norman Finkelstein is becoming less and less effective because Israel’s critics have become more effective in highlighting Israel’s indefensible behavior. Punishing those who take advantage of the holes within the cracking consensus of the sustainability of the US support for Israel, either through summarily dismissing them or through tenure denials, sends a strong message that the criteria of “fairness” and “due process” will be created to protect the powerful; as these principles are often violated in the academic sphere when the image of Israel is in question. The Question of Palestine, then, is out of bounds with respect to academic freedom protections—scholars who write critically of Israel, in fields ranging from political science to archeology, have faced defamation for conducting critical and comprehension examinations of Israeli treatment of the Palestinians in the last 62 years. This silencing is simply unacceptable to anyone committed to democratic deliberation and critical thinking. Those seeking a just resolution of the Question of Palestine must defend academic freedom as an individual right for the researcher at all costs against those who are determined to reserve it for themselves and their ideological allies.

Notes

1. As Chomsky noted in the Democracy Now! interview:

Chomsky: The whole thing is outrageous. I mean, he’s an outstanding scholar. He has produced book after book. He’s got recommendations from some of the leading scholars in the many areas in which he has worked. The faculty—the departmental committee unanimously recommended him for tenure. It’s amazing that he hasn’t had full professorship a long time ago.

Goodman: And, as you were saying, there was a huge campaign led by a Harvard law professor, Alan Dershowitz, to try in a desperate effort to defame him and vilify him, so as to prevent him from getting tenure.

Chomsky: The details of it are utterly shocking, and, as you said, it got to the point where the DePaul administration called on Harvard to put an end to this.

2. The distinction between an individual’s right to academic freedom and the institution’s right to academic freedom is amply discussed in a great deal of law review literature. In particular, see Robert Post, 2006; and Judith Butler, 2006. It’s clear that the institution’s right to decide who may teach, what may be taught, how it should be taught, and who may be admitted for study, has far more basis in law than the individual’s right to pursue innovative or controversial lines of inquiry that may upset or work around established scholarly norms. Indeed, one of the reasons DePaul may have chosen to deny Finkelstein tenure by claiming that his scholarship was contrary to DePaul’s Vincentian mission was because such a rationale would have probably been viewed as a justifiable reason for denying tenure, at least from a legal perspective. Ultimately, DePaul argued that Finkelstein posed a threat to the academic freedom of others.
3. Recent cases involving scholars critical of Zionism include Joseph Massad, Nadia Abu El-Haj, Joel Kovel, Margo Ramlal-Nankoe, Terri Ginsberg, Nicholas De Genova, Thaddeus Russell, and Kristofer Petersen-Overton.

4. See James Petras, 2007; and Petras, 2010 for a list of the key organizations seeking to shape discussion about the US Middle East policy and the Israel-Palestine conflict.

5. In his *Patriotic Correctness: Academic Freedom and Its Enemies* (2008: 115), John K. Wilson notes, "In reality, left-wing activists are rare in academia. There is an overwhelming emphasis on obscure research in academia and a strong tendency to avoid political activism."

6. The three members of DePaul’s Political Science Department who opposed Finkelstein’s tenure bid were not scholars on the Middle East or the Israel-Palestine conflict.

7. J. D. Bindenagel, DePaul’s Vice President for Community, Government, and International Affairs and a Holocaust compensation official in the Clinton administration, called University of Chicago Professor John Mearsheimer (one of the external reviewers of Finkelstein’s tenure case) in September of 2007, shortly after Finkelstein’s resignation from the University, requesting a meeting with Mearsheimer so Bindenagel could explain “DePaul’s position on the Finkelstein case.” What exactly needed explaining? That the Israel Lobby’s financial and political clout, which was brought to bear on DePaul, necessitated Finkelstein’s firing?

8. The relevant section of Chapter 4 (“Reappointment and Separation,” 2) reads as follows:

   When deciding whether or not to renew the contract of a nontenured faculty member, the University follows two general principles. DePaul is obligated to select, given available resources, faculty members who will best contribute to its distinctive goals and academic mission. Consequently, the University has the utmost latitude, within the limits of academic freedom, in determining which nontenured faculty members will be retained. The University should be left without a reasonable doubt as to the faculty member’s qualifications for tenure before it reaches a favorable decision on a reappointment to which tenure is attached. (emphasis added)

9. On DePaul’s Office of the General Counsel: In a memorandum dated June 8, 2007, Chief General Counsel, Jose Padilla, argued to Anne Bartlett, DePaul Faculty Council President, that no appeals process existed through which a tenure decision could be contested through an appeals process.

10. As Bill Williams noted in his “Commissar Two-Step at DePaul: Defamation Zionist Style” (2007b):

   In May 2004, a mere one month before fifty Jenner and Block attorneys attended a Jewish United Fund/Jewish Federation of Metropolitan Chicago Lawyer’s Division dinner in Chicago, where Alan Dershowitz delivered the keynote address on “The Case for Israel,” John Simon, a Jenner and Block partner, was elected Chair of DePaul’s Board of Trustees. In October 2004, he assumed the position of chair of the Board of Trustees after having served as a Trustee since 1990.

11. DePaul’s Faculty Governance Council sent a letter to Harvard’s leadership (Harvard Law School Dean, Elena Kagan, and its President, Derek Bok) in November 2006, requesting that Dershowitz’s outside interference be stopped, while also noting the harm that was being done to the “sanctity” of DePaul’s tenure and promotion process. The irony, of course, is that the reasons Dershowitz cited as to why Finkelstein should have been denied, very closely mirrored the actual reasons DePaul adopted to deny Finkelstein tenure.

12. Here are the details of my exchange with Dershowitz during the Q&A session at Northwestern:

   Abraham: “Professor Dershowitz, thank you for being here tonight. Tomorrow, DePaul’s University Tenure and Promotion Committee will meet to vote on Norman Finkelstein’s tenure case. You are obviously opposed to seeing Finkelstein receive the academic privilege of a tenured position. You have called his scholarship ‘One-side agit prop.’” (Dershowitz breaks in: “It is....”) Abraham: “There’s only one problem with your position: The leading scholars on the Holocaust and the Israel-Palestine conflict not only say that Finkelstein’s scholarship is accurate—davastatingly so—but have praised his work as a vital correction to current dogma and illusion.

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For example, Raul Hilberg, the leading scholar on the Nazi Holocaust, has clearly indicated that Finkelstein’s work is moving in the right direction.”

Dershowitz: “Hilberg is a scholar on the Holocaust, not on the use of the Holocaust, which Finkelstein began writing about in 1995.”

Abraham: “Avi Shlaim, professor of international relations at Oxford, has stated that Finkelstein’s work is a devastating indictment of much propaganda that passes as scholarship on the conflict.”

Dershowitz: “He’s a hard leftist, hardly a serious scholar.”

Abraham: “What about your own colleague at Harvard, Middle East scholar, Sara Roy?”

Dershowitz: “She’s a radical leftist!” I am putting DePaul University on notice! If it grants Finkelstein tenure, it will ruin its reputation as a serious university devoted to serious academic study. I guarantee you this: Finkelstein will be fired within ten years, if he receives tenure. Is it merely a coincidence that the same people who supported Ward Churchill are now supporting Finkelstein? What kind of person would include that as part of his tenure file?”

Dershowitz stated that “Finkelstein was invited to the Iranian Holocaust Denial Conference, along with another American Professor—Professor David Duke.” According to Dershowitz, “Finkelstein declined the invitation, because he got into an argument with the conference organizers. Apparently, they wouldn’t give him as much time as he wanted to speak.”


In what The Chronicle called “language similar to that used by Mr. Dershowitz,” the dean wrote, “I find the personal attacks in many of Dr. Finkelstein’s published books to border on character assassination and, in my opinion, they embody a strategy clearly aimed at destroying the reputation of many who oppose his views.”

14. Drawing on the following analogy from Henry Louis Gates’ essay, “Critical Race Theory and Freedom of Speech,” in Louis Menand’s edited collection The Future of Academic Freedom (1998), where Gates tries to show how, what would normally be considered straightforward hate speech “addressed to a black freshman at Stanford,” can be embedded in perfectly acceptable academese; Finkelstein shows us how insidious the discourse of civility can be in delivering a personally wounding insult:

Person A: Lavon, if you find yourself struggling in your classes here, you should realize it isn’t your fault. It’s simply that you are the beneficiary of a disruptive policy of affirmative action that places under-qualified, underprepared, and often undertalented black students in demanding educational environments like this one. The policy’s egalitarian aims may be well intentioned, but given the fact that aptitude tests place African-Americans almost a full standard deviation below the mean, even controlling for socioeconomic disparities, they are probably misguided. The truth is, you probably don’t belong here, and your college experience will probably be a long downhill slide.

Person B: Out of my face Jungle bunny.

As Gates notes, “Surely, there is no doubt which is likely to be more wounding and alienating to its intended audience” (146).

15. From a December 7, 2007 meeting about the status of my own formal review.

16. Professor John Mearsheimer (R. Wendell Harrison Distinguished Service Professor, University of Chicago), in his “Defense of Academic Freedom” conference talk, stated:

Almost everyone admits that significant pressure was brought to bear on DePaul to deny Finkelstein tenure. Alan Dershowitz’s intervention in this regard is the most visible example of outside interference, but he was surely not the only outsider to weigh in against Finkelstein.
DePaul’s leaders all but acknowledge the outside pressure but deny it had any effect on the final decision. Of course, what else are they going to say? They are certainly not going to admit that they caved in to pressure from the Israel lobby. But there is little doubt that they did, as there is no other plausible explanation for the top administrators’ decision to override the recommendation of the political science department and the college-wide tenure committee.

17. Here is the essence of DePaul’s position, as elaborated in the settlement statement: “Professor Finkelstein has expressed the view that he should have been granted tenure and that third parties external to the University influenced DePaul in denying tenure. That is not so. Over the past several months, there has been considerable outside interest about the tenure decision. This attention was unwelcome and inappropriate. In the end, however, it had absolutely no impact on either the process or the final outcome. Professor Finkelstein is a prolific scholar and an outstanding scholar. The University thanks him for his contributions and service.” Settlement statement available at http://newsroom.depaul.edu/NewsReleases/showNews.aspx?NID=1655 (accessed February 3, 2011). See also Goodman, 2007b. As I have demonstrated, there was plenty of inside interference, which was coordinated with outside interference, to create an insurmountable obstacle for Finkelstein to receive a fair tenure hearing.

18. For a personal example, see http://condor.depaul.edu/~mabraha5/utkmaterials.htm (accessed March 26, 2011).

19. Finkelstein left the Middle East Studies Program for the Politics Department, from which he received his PhD.


21. Throughout the 2007-08 academic year, Finkelstein was considered for a visiting professorship at California State Northridge. Despite the support of the CSU-Northridge Provost, Harry Hellenbrand, Finkelstein’s appointment was never ultimately approved. It is an open question as to the role of outside interference in President Joleen Koester’s seemingly last-minute “policy decision not to hire visiting faculty at CSUN, even if a request to do so originates at the department level” (Klein, 2008-09).

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