

In Defense of the No Action Option: Institutional Neutrality, Speaking for Oneself, and the Hazards of Corporate Political Opinions

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A talk prepared for the panel on “A House Divided: Politics, Professional Mobilization, and Academic Freedom in American Anthropology,” November 20, 2015 American Anthropological Association Meetings, Denver, Colorado.

This is the full extent of the reasoning about the No action option as it appears in the report of the Task Force on AAA Engagement on Israel-Palestine (TFIP): “The gravity of the situation in Israel/Palestine and the widespread concern over this situation among AAA members is such that the Task Force recommends unanimously against inaction.” I am moved to critically respond to that recommendation. Why? Because I see wisdom and courage in the no action option; and real value too, not the least of which is the preservation of the value of academic freedom in our own academic institutions, including the American Anthropological Association.

It was heartening to learn from the TFIP Report that Noam Chomsky and Juan Cole (both prominent critics of Israeli policies) are opposed to academic boycotts, apparently on similar academic freedom grounds; as is the American Association of University Professors. But here I speak for myself, not for others, while hoping that respect for the autonomy of what may be a minority or dissident voice will continue to be a characteristic feature of environments in which academic freedom is highly valued.

Is it appropriate or wise for a professional association such as the AAA to officially embrace any political position with respect to “the situation in Israel/Palestine” or to endorse a collective social action such as calling for a boycott of Israeli academic institutions, their leaders or their faculty? Most human beings who think about the current situation or know anything about its history feel that something must be done to resolve the political conflict between Israelis and Palestinians. And there is widespread concern over the gravity of the situation. Nevertheless, the membership of the AAA is not a homogeneous block and

political attachments, adduced causal analyses of the situation, assignments of blame, and proposed political solutions are not uniform. Even the once idealized two-State solution is no longer (or perhaps never was) a universally acclaimed ideal; some Palestinians and a portion of secular American Jews for example favor a one state solution which from the point of view of many Israelis and supporters of the State of Israel is equivalent to a no state solution, or at least a no Jewish State solution.

Many of those who agonize over the conflict are motivated by deep sympathies for one side or the other; and because of such attachments they are concerned and eager to find avenues to express their feelings of solidarity, with one side or the other. It does not follow however that it is appropriate, legitimate, right or good to express such feelings by mobilizing a majority vote of support from individual members of the AAA and then turning it into the unitary corporate voice of the institution.

So I am moved to respond to the Task Force's dismissal of the No Action option. I am moved because I believe it is unwise (and indeed unfair) to expect others to have the courage of your own political convictions; and in this instance those others are one's peers in a professional academic association or colleagues at a university who hold dissident political convictions of their own.

I am moved to respond because I believe it is unwise and corrosive of core academic values to pretend that a corporate entity such as a university or a professional association can legitimately adopt a hegemonic stance on a contentious political issue and speak on behalf of the members of the community as a whole.

I am moved to respond because when a corporate entity appropriates for itself the authority to announce what is right minded and true the personal opinions of one set of its members (those whose political opinions happen to be more widely shared at the time or place where the vote is held) get transformed into an institutional party line definitive of "political correctness"; and therein and thereby an act of violence is committed against the intellectual autonomy of those members of the institution who happen to disagree. This is especially

problematic when the corporate entity in question is a university or a professional scholarly association committed to free thought, not collective political action.

I am moved to respond because any call to arms whereby the AAA throws its institutional weight behind the political views of one subset (even a majority) of its members is a violation of certain basic principles of academic freedom, which I will identify in a moment. I am moved to respond because those principles deserve to be cherished and prized; and also defended against the impulse to enlist the brand of our scholarly professional association as a means to promote the political views favored by today's majority.

It is quite possible that the terse dismissal of the No Action Option by the AAA Task Force committee was preordained or that the option was not seriously considered. Nevertheless the TFIP Report does offer a brief justification for the rejection of the No Action option. That justification reduces to the following argument: the situation in Israel/Palestine is grave, many members of our association are deeply concerned and want to express their concern, and our association has taken corporate political positions in the past, so why not do it again?

That justification is usefully contrasted with the reasoning of a faculty committee at my own university whose members drafted a policy statement in 1967 about the relationship of the University of Chicago (in its corporate status) to petitions, student demands and even faculty votes calling for social action and the institutional endorsement of political positions, such as a condemnation of the war in Vietnam. That policy statement (written by a faculty committee chaired by Harry Kalven, Jr, a famous legal scholar of the First Amendment, and known as the Kalven Committee Report) summarized what those faculty members back in the 1960s understood to be the worthy tradition of freedom of thought at academic institutions such as the University of Chicago. The report is only three pages long and is available on-line.

<https://provost.uchicago.edu/pdfs/KalvenRprt.pdf>

The stark contrast between the recommendations of the 2015 Task Force on AAA Engagement on Israel-Palestine and the recommendations of the 1967 University of Chicago Kalven Committee Report is telling. Not only is the No Action Option favored by the faculty members on the Kalven Committee but their recommendation has been the basis for three highly visible refusals of the University of Chicago Corporation to endorse political positions or engage in collective social action. In all three cases – the war in Vietnam, apartheid in South Africa and the violence in Darfur – there was widespread student and faculty concern about the gravity of those situations. In all three cases many members of the community felt something must be done to rectify the situation. Many members of the university community organized and lobbied to enlist the Board of Trustees of the University to officially and publically take a political stand and engage in actions of one sort or another, such as divestment. And in each case those who might officially speak for the institution (the President and Board of Trustees) defended its core academic mission, pointed to the academic freedom principles identified in the Kalven Committee Report and remained committed to the No Action option, which bars the institution or corporate entity from speaking on behalf of the community as a whole, while protecting the rights of its individual members to speak for themselves, but not for others.

This is how the Kalven Committee report describes a fundamental aim of a free academic institution: “A university faithful to its mission will provide enduring challenges to social values, policies, practices, and institutions. By design and by effect, it is the institution which creates discontent with the existing social arrangements and proposes new ones. In brief, a good university, like Socrates, will be upsetting.”

In the service of that mission the report, quite crucially, points to two closely linked principles, two fundamentalisms (or what I think of as sacred values) for the academy: “institutional neutrality” and “faculty and student autonomy”. The University as an institution is cautioned against taking any collective or institutional stance on the social and political issues of the day, in part because there is no intellectually defensible process (including the process of voting and polling members of the community) “by which it can reach a collective position

without inhibiting the full freedom of dissent on which it thrives.” In other words, the university as an institution refrains from social, political and moral posturing out of respect for the autonomy of its faculty and students, and especially out of respect for those individuals in a disputatious academic community who may embrace an unpopular, minority or politically incorrect point of view.

Geoffrey Stone, a legal scholar of the First Amendment and former Provost of the University of Chicago, invoked the Kalven Committee Report (and the principles of faculty and student autonomy and institutional neutrality) to defend the University of Chicago’s embrace of the No Action Option with respect to its Darfur decision. He offered that defense despite the fact that as a student he had strong feelings of the opposite kind. (That would be during the time of student unrest on college campuses in the late 1960s when the Kalven Committee Report was written and when many of us thought we had to do something and one of the things we mistakenly thought we had to do was get our universities to condemn the war in Vietnam – we did find alternative ways to express our political views and effectively oppose the war).

Stone described the Darfur decision in the following terms: “What the Kalven Report forbids ... are decisions of the University designed expressly or symbolically to proclaim “right” moral, political, or social positions...Lawyers know all about slippery slopes. If the University divests from Darfur, then others will surely insist that the University must divest from corporations that manufacture cigarettes, perform abortions, sell arms to Israel, and pollute the environment. Of course, there are degrees of right and wrong and degrees of evil. But it is not the role of the University to take positions on such questions. Indeed, the University should no more divest on the basis of these sorts of issues than it should prohibit students and faculty from speaking freely on campus in support of tobacco subsidies, the moral legitimacy of murdering abortionists, the right of Palestinians to destroy Israel, or even the morality of genocide.”

He goes on to conclude his reflection (which appeared on the University of Chicago Law School Blog on Feb. 9, 2007) by noting: “The role of the University is not to “decide” such questions, but to create and nurture an environment in

which we may freely and openly debate them, without fearing that the University has already resolved them on our behalf.” He might just as well have said (in effect, by means of his provocative and indignation arousing examples he did say it): “In brief a good university, like Socrates, will be upsetting.” Intellectual life in such a free thinking institution may be contentious, frustrating and upsetting, but if the institution itself wishes to remain true to its central mission it won’t take sides.

On July 31, 2007 Robert Zimmer, the current President of the University of Chicago sent the following message to Ms. Sally Hunt, Secretary General of The United Kingdom’s University and College Union. “Dear Ms. Hunt, The United Kingdom’s University and College Union (UCU) congress has encouraged the UCU membership to consider a boycott of scholars based at Israeli academic institutions. Such an act would be an assault on the fundamental principles of open discourse, exchange of ideas, and free argumentation, principles that lie at the very foundation of the academy and its missions of discovery, search for understanding, and education. The University of Chicago fully supports the free flow of ideas and the free movement of scholars. We welcome scholars from all nations to the University of Chicago. We oppose any effort prompted by political views to restrict the flow of ideas and scholars. We deplore actions, such as those endorsed for consideration by the UCU congress, in which scholars purposefully exclude other scholars on the basis of nationality. I urge the U.K. University and College Union to abandon all support of this proposed boycott that violates the highest principles of the world-wide academy.”

The Task Force Report on AAA Engagement on Israel-Palestine offers the following observation about open discourse and the free flow of ideas in our own vibrant association of disputatious anthropologists: “An important aspect of the issues that the TFIP had to address is the very role of “the political” in anthropological research, analysis and practice. Some anthropologists envision anthropology as a discipline that should broadly confine itself to addressing academic research questions, where possible with an approach that transcends politics. As one such anthropologist put it to the Task Force, “anthropology should not have its own foreign policy.” Others maintain that the discipline has a

responsibility to take an “activist” role in critiquing how the powerful maintain their power and marginalize the less fortunate. Some of these latter anthropologists still see anthropological knowledge as objective, while for others claims that anthropological research can be apolitical bespeak a romanticizing of scholarship that downplays its undeniably political coefficients. For them, since Michel Foucault (1970) and Edward Said (1978), the production of knowledge can never again be thought of as autonomous of its political foundation and implications, and anthropology should deconstruct the inequities of everyday social life and anything less entails a complicity with power and oppression. The conflict between these different positions is just one contentious backdrop to debates about how the AAA should respond to calls for action on the subject it tasked the TFIP to examine.”

It would be a great irony if the Task Force members thought they had the power to finally settle that issue; or believed that the conflict over the role of politics in the AAA should be brought to an end by taking a vote on whether Michel Foucault is right.

“Complicity” is a favorite concept of the authors of the TFIP Report. So permit me to embrace that concept for a moment and conclude by suggesting that to vote in favor of the boycott resolution (indeed to vote at all about the kinds of “foreign policy” resolutions that will be put forward at the AAA Business Meeting) is to be complicit in the erasure of the very principle of institutional neutrality that makes the AAA a community of autonomous, free thinking disputatious scholars, all of whom should feel at home in our professional association whatever their moral and political convictions. And the best way for all of us to feel at home in this association is for the corporate voice of the AAA to remain silent and distant, while those who are motivated “to deconstruct the inequities of everyday social life” do so in their own name, and without the collective brand of our profession.