

[Back to Volume Six Contents](#)

## Everything Old Is New Again: Bertrand Russell and Steven Salaita

Sean M. Anderson

### Abstract

The decision by trustees of the University of Illinois to revoke a tenured position offered to Steven Salaita evokes another, long-ago controversy. In 1940, a New York court revoked the appointment of Bertrand Russell to a faculty position at the College of the City of New York, in part because of Russell's allegedly "immoral" writings. In both instances, the decision makers justified their actions by predicting harm to students if the appointees were allowed to take up their faculty positions.

Because most observers today would probably disapprove of Russell's "dehiring," I use that event as a lens through which to view the revocation of Salaita's appointment. I conclude that it is difficult, if not impossible, to simultaneously deplore Russell's firing and support Salaita's. In order to do so, one must either rely on purely legalistic distinctions or stake out a category of "hate speech" that avoids difficult problems of malleability and unpredictability. In the end, I express deep skepticism about both approaches.

## Introduction

In the summer of 2014, trustees and top administrators at the University of Illinois blocked the appointment of Steven Salaita to a tenured faculty position. They explained that their decision was a reaction to certain of Salaita's posts on the social networking website Twitter. Both inside and outside academia, the decision has had strong supporters and vocal critics.

Here, I explore the disagreement over Salaita through the lens of another high-profile case in which a faculty appointment was withdrawn in response to the candidate's public writings. In 1940, the famed logician and social critic, Bertrand Russell, was appointed to a faculty position at the College of the City of New York (CCNY). A court almost immediately revoked his appointment, citing allegedly immoral positions Russell had espoused in his books.

I suspect that Russell's firing would be almost universally condemned today, by both supporters and opponents of Salaita's firing.<sup>1</sup> For that reason, a careful, side-by-side look at the two episodes seems potentially instructive. Are there differences that could justify deploring Russell's firing and yet cheering Salaita's—not on merely legalistic grounds, but on principled ones? I am skeptical, but I invite you to judge for yourself.

## Bertrand Russell and CCNY

In February 1940, Bertrand Russell accepted an offer to join the philosophy faculty at CCNY, with his eighteen-month appointment to begin the following year, on February 1, 1941.<sup>2</sup> Russell, who was then teaching at UCLA, was a highly respected logician and philosopher of mathematics, as well as a famous and controversial peace activist and lecturer on social, political, and moral topics.<sup>3</sup> Russell's appointment was enthusiastically approved by CCNY's faculty; its president; and its governing body, the Board of Higher Education.<sup>4</sup> Russell promptly resigned his position at UCLA, in anticipation of taking up the appointment at CCNY.<sup>5</sup>

Controversy began almost immediately. The Protestant Episcopal Bishop of New York, William Manning, decried the appointment on the grounds that Russell was "a recognized propagandist against both religion and morality . . . who specifically defends adultery."<sup>6</sup> A cascade of outraged editorials, letters, and speeches followed. A Catholic newspaper called *The Tablet*, for instance, called Russell a "professor of paganism" and a "philosophical anarchist and moral nihilist."<sup>7</sup> William Randolph Hearst's *Journal* and *American* reportedly charged Russell with advocating "nationalization of women," "childbearing out of wedlock," and "children reared as pawns of a godless state."<sup>8</sup>

Soon, a woman named Jean Kay—described as a “Brooklyn housewife with no direct connection to [CCNY]”—filed a lawsuit seeking to have Russell’s faculty appointment revoked.<sup>9</sup> Kay’s suit asserted three grounds for revoking the appointment, relying on provisions of New York’s Education Law and the state’s constitution: (1) Russell was “not a [US] citizen and had not declared his intention to become a citizen”; (2) Russell’s appointment was not the result of a competitive examination; and (3) the appointment “was against public policy because of the teachings of Bertrand Russell and his immoral character.”<sup>10</sup>

The court, in the person of Justice John McGeehan, accepted all three grounds and, in a decision rife with procedural irregularities, ordered Russell’s appointment revoked.<sup>11</sup> As to the third ground—Russell’s immoral teachings and character—McGeehan asserted that he was “completely dismissing any question of Mr. Russell’s attacks upon religion” and disavowed any reliance on Russell’s opinions about “controversial measures not *malum in se* as far as the law is concerned.”<sup>12</sup> The justice also disavowed reliance on Russell’s “own personal life and conduct.”<sup>13</sup>

Instead, McGeehan claimed to base his judgment on passages from published works in which Russell opined that “university life would be better . . . if most university students had temporary childless marriages,” that unmarried couples should be free to live together without having children, and that nobody should “enter upon the serious business of a marriage intended to lead to children without having had previous sexual experience.”<sup>14</sup> McGeehan then quoted at length from provisions of New York’s penal law relating to abduction, rape, adultery, and inducement for immoral purposes, before opining that Russell’s “doctrines would tend to bring [students], and in some cases their parents and guardians, in conflict with the Penal Law.”<sup>15</sup> On the basis of these slender materials, McGeehan concluded that Russell’s appointment at CCNY could not stand.

After McGeehan’s decision, New York’s mayor, Fiorello LaGuardia, and the City Council moved to forestall any attempt to reinstate Russell, by deleting from CCNY’s budget the position to which he had been appointed; inserting into the next year’s budget a proviso barring any funds from being used “for the employment of Bertrand Russell”; and, it appears, prevailing on the corporation counsel to forgo appeals.<sup>16</sup> When members of the Board of Higher Education filed appeals through private lawyers, the higher courts summarily rebuffed them.<sup>17</sup>

An impressive lineup of academic luminaries supported Russell and decried his firing. John Dewey, Sidney Hook, Alfred North Whitehead, and Albert Einstein, for example, took Russell’s part in the controversy; Dewey edited a book roundly criticizing Russell’s firing, to which both Dewey and Hook contributed essays.<sup>18</sup> Russell, who was sixty-seven years old at the time of his appointment and firing, went on

to work for two years for the Barnes Institute of Fine Arts, then taught briefly at the Rand School in New York, before returning to his native England and a position at Trinity College, Cambridge.<sup>19</sup>

### Steven Salaita and the University of Illinois

On October 3, 2013, the University of Illinois offered Steven Salaita a position as a tenured associate professor of American Indian Studies at its Urbana-Champaign campus, to begin on January 1, 2014.<sup>20</sup> The letter communicating the offer provided that the “recommendation for [Salaita’s] appointment [was] subject to approval by the Board of Trustees of the University.”<sup>21</sup> On October 9, Salaita signed the offer letter, indicating his acceptance of the faculty position but changing the scheduled beginning date to August 16, 2014.<sup>22</sup> In the ordinary course of events, the Board of Trustees would have voted on Salaita’s appointment, along with a number of other faculty employment matters, at its meeting in September 2014—after Salaita and the other appointees had already taken up their positions at the university.<sup>23</sup>

In short order, Salaita resigned his tenured faculty position at the Virginia Polytechnic Institute and State University (Virginia Tech).<sup>24</sup> In anticipation of taking up his position at Illinois, Salaita reportedly rented out his home in Virginia and made plans to move his family to Champaign-Urbana.<sup>25</sup>

Around July 21, 2014, less than four weeks before Salaita’s appointment at Illinois was to begin, university officials began receiving complaints, from donors and others, about “tweets” Salaita had posted on the social networking website Twitter in connection with the Israeli-Palestinian conflict.<sup>26</sup> Indeed, the local newspaper obtained and made public some 280 pages of correspondence between university personnel and “alumni, donors, students, parents of students, and members of the Champaign-Urbana Jewish community,” most of whom were critical of Salaita’s appointment, and some of whom threatened to withhold financial support from the university because of it.<sup>27</sup>

To pick only a few examples, correspondents decried Salaita for expressing “hatred and bigotry” and engaging in “hate speech, incitement, and support of terrorist activity.”<sup>28</sup> They wrote that they would “feel threatened to be in a classroom, let alone on campus with Salaita,” and that Salaita would not be as effective a teacher as “people who keep their politically-charged comments to themselves.”<sup>29</sup> Many of the writers described Salaita as anti-Semitic, and some suggested that he was a supporter of the Palestinian terrorist group Hamas.<sup>30</sup>

On August 1, 2014, two senior Illinois administrators wrote to Salaita, informing him that his appointment would “not be recommended for submission to the Board of Trustees in September” and that “an affirmative Board vote approving your appointment is unlikely.”<sup>31</sup> The letter added, “We therefore will not be in a position to appoint you to the faculty of the University of Illinois at Urbana-Champaign.”<sup>32</sup> Amid

considerable controversy, both on the Urbana-Champaign campus and nationally, the university's Board of Trustees met on September 11, 2014, and voted 8–1 to reject Salaita's appointment to the faculty.<sup>33</sup>

In explaining their decision, university officials pointed to concerns about Salaita's ability to treat students fairly. For instance, the university's president, Robert Easter, said, "Professor Salaita's approach indicates he would be incapable of fostering a classroom environment where conflicting viewpoints would be given equal consideration."<sup>34</sup> Similarly, Chancellor Phyllis Wise wrote, in a message to the university community about her decision, "A Jewish student, a Palestinian student, or any student of any faith or background must feel confident that personal views can be expressed and that philosophical disagreements with a faculty member can be debated in a civil, thoughtful and mutually respectful manner."<sup>35</sup>

Salaita sued the university in two separate cases. In the first, Salaita demanded that the university turn over e-mails relating to his hiring and firing.<sup>36</sup> In the second, Salaita challenged his firing on numerous grounds, including that it breached a binding contract of employment and that it violated his First Amendment rights.<sup>37</sup>

In August 2015, the federal judge presiding over the second of those lawsuits dismissed several counts of Salaita's complaint but allowed the central claims against the university to go forward.<sup>38</sup> In particular, the judge rejected the university's argument that there was no binding contract between Salaita and the university because the offer of employment was conditioned on trustee approval.<sup>39</sup> Barring a settlement, the case seems likely to continue for some time.

### Comparing the Russell and Salaita Cases

Russell's and Salaita's firings are obviously similar in several respects. Both men were offered faculty positions at public institutions of higher education, both accepted the offers long before the appointments were scheduled to begin, and both gave up their previous faculty positions in order to accept the new appointments. Both saw their appointments blocked before their starting dates, and both firings rested on writings that were not explicitly part of the appointees' teaching duties.

More precisely, the decision makers in both firings relied on predictions, based on the professors' writings, about ill effects that students would suffer if the men were allowed to take up their appointments. In Russell's case, Justice McGeehan predicted that Russell's presence at CCNY would "tend" to cause students and their parents to transgress the criminal law. In much the same way, Illinois administrators and trustees predicted, on the basis of Salaita's Twitter posts, that he would be unable or unwilling to treat students fairly.

One superficial difference that turns out to be a similarity is that Russell's appointment was nullified by a judge, whereas Salaita's was blocked by administrators and trustees. In both cases, though, the firings came from actors outside the ordinary academic appointment process, in which the "heavy lifting" happens at the level of committees, programs, departments, and schools. The Illinois trustees' legal authority to act might be clearer than Justice McGeehan's was, but both appointments were nullified by actors without expertise in the academic subjects the men were hired to teach.

There are, to be sure, real differences between Russell's case and Salaita's. Some such differences would, if anything, make Salaita's firing seem even less justifiable than Russell's. For example, Russell's appointment was revoked ten months before it was to take effect, whereas Salaita's was blocked only a bit more than two weeks before he was scheduled to start. In addition, the letter offering Russell the CCNY position made no mention of tenure, whereas Salaita's letter said that his position would "carry indefinite tenure."<sup>40</sup> Further, Russell was fired, in part, because he was not a US citizen and because his appointment had not relied upon a competitive examination. Salaita's case presented no such alternative grounds for his firing, meaning the decision rested solely on his extramural speech.

One difference might cut the other way, at least in a legalistic sense: Salaita's appointment was expressly contingent on approval by the Board of Trustees, while Russell's had already been approved by the Board of Higher Education when the controversy began. But the university's process for approving faculty appointments required Salaita to accept the position, give up his previous position, move to Illinois, and begin teaching, all before the trustees would ever have the opportunity to act on his appointment.<sup>41</sup> For those and other reasons, the judge presiding over Salaita's lawsuit has ruled that a contract was formed despite the trustee-approval provision.<sup>42</sup> In any event, it is difficult to see why the contingent character of the appointment should matter to those concerned with whether his firing was justified, rather than with legalistic niceties. Indeed, the university's contingent offer appears to have violated the "minimum standards" for faculty employment offers promulgated by the American Association of University Professors, which require a noncontingent offer no later than May 1.<sup>43</sup>

We come, then, to the crux of the matter. Laying aside the issues of citizenship and competitive examination, Russell was fired for things he wrote and said as a public intellectual, not for anything he had actually done in the course of his teaching duties. So was Salaita. Justice McGeehan claimed, on the basis of Russell's writings, that firing Russell was necessary to prevent him from harming his prospective students. Illinois officials said the same about Salaita. In order to condemn Russell's firing and condone Salaita's, then, one must show that Salaita's tweets were meaningfully different from Russell's writings, preferably in a way that rendered the predictions about harm to Salaita's students more credible than those about harm to Russell's students.

I have included in the appendix all the tweets attributed to Salaita that I have been able to gather. Their tone was often strident, and their language was often profane. Moreover, in keeping with Twitter's limitation of 140 characters for each post, Salaita's tweets tended toward the sound bite, rather than toward nuanced analysis.

Most of Salaita's tweets from the weeks leading up to the firing were simply expressions of political opinion related to the fighting that was then occurring between the Israeli military and Palestinians. For instance, Salaita posted, "Wherever it flies, the Israeli flag is a mark of shame, a taunting symbol of aggression and oppression," and, "Republicans are such tough guys, eager to kill 4 God and country. #Israel slaps around the US of A, though, and all they do is ask for more."<sup>44</sup> Those who support Salaita's firing largely ignore those generically political tweets; instead, they focus on a handful of other posts.

First, some who approve of Salaita's firing point to tweets that negatively characterize supporters of Israel. Salaita tweeted, "Let's cut to the chase: If you're defending #Israel right now you're an awful human being," and, "I repeat: if you're defending #Israel right now, then 'hopelessly brainwashed' is your best prognosis." He also asserted that supporters of Israel, in the midst of the then-current fighting, were limited to "Zionist fanatics[,] CEOs[,] Christian Zios[,] Governments[,] and] Chickenshits." Such tweets, according to supporters of Salaita's firing, give pro-Israel students reason to doubt his fairness as a professor.<sup>45</sup>

But Russell said and wrote remarkably similar things about Christians. In his famous lecture "Why I Am Not a Christian," Russell posited a situation in which "an inexperienced girl is married to a syphilitic man," and charged the Catholic Church with saying that the young woman must neither divorce her husband nor "use birth control to prevent the birth of syphilitic children."<sup>46</sup> He then concluded, "Nobody whose natural sympathies have not been warped by dogma, or whose moral nature was not absolutely dead to all sense of suffering, could maintain that it is right and proper that that state of things should continue."<sup>47</sup>

In a similar vein, Russell also asserted that "almost every adult in a Christian community is more or less diseased nervously as a result of the taboo on sex knowledge when he or she was young,"<sup>48</sup> that "the usual Christian argument" about the existence of suffering is "only a rationalization of sadism,"<sup>49</sup> and that "the people who have held to [a core Christian belief] have been for the most part extremely wicked."<sup>50</sup>

One might quibble over whether calling members of a group "warped," "dead to all sense of suffering," "diseased," apologists for "sadism," and "extremely wicked" is better or worse than calling them "awful human being[s]" and "hopelessly brainwashed." In all honesty, though, if Salaita's comments about supporters of Israel mean he could not be a fair professor to pro-Israel students, then Russell's assertions must likewise have rendered him incapable of being fair to Christian students, and particularly Catholic ones.

By the same token, then, if it was illegitimate to fire Russell because of his writings, then it was illegitimate to fire Salaita for his tweets about supporters of Israel.

A different set of Salaita's tweets provoked objections by using the controversial terms *Zionist* and *Zionism*, as in, "Zionist uplift in America: every little Jewish boy and girl can grow up to be the leader of a murderous colonial regime," or by linking anti-Semitism to actions of the Israeli government, as in the following examples:<sup>51</sup>

The logic of "anti-Semitism" deployed by Zionists, if applied in principle, would make pretty much everybody not a sociopath "antisemitic."

By eagerly conflating Jewishness and Israel, Zionists are partly responsible when people say antisemitic shit in response to Israeli terror.

If it's "anti-Semitic" to deplore colonization, land theft, and child murder, then what choice does any person of conscience have?

Zionists: transforming "antisemitism" from something horrible into something honorable since 1948.

Surely, given a dark history of murder and other crimes against Jewish people because of their Jewishness, we all ought to be alert to the tinge of anti-Semitism. First, though, Salaita's tweets simply did not condone anti-Semitism, understood in its usual sense as hostility toward or discrimination against Jewish people. Second, even if I were wrong about the first point, it would be far from clear that Salaita's unsavory comments on a social media site justify predictions that he would be unable or unwilling to treat all students fairly, or to maintain an open environment for learning.

As to my first point, Salaita's tweets about anti-Semitism cannot sensibly be read as asserting that hatred or discrimination against Jewish people is "honorable," or the like. As a logician, Russell could have told us that Salaita's tweets on this topic asserted a simple, albeit eminently debatable, syllogism:

Major premise: All criticism of Israel is anti-Semitic (according to "Zionists," who have equated Jewishness with the State of Israel);

Minor premise: Some acts necessary to a "person of conscience" (a.k.a. some "honorable" acts) are criticisms of Israel;

Conclusion: Therefore, some acts necessary to a person of conscience (some honorable acts) are anti-Semitic (under the "Zionists'" definition).



Thus, Salaita's assertions, variously phrased, that "Zionists" had made anti-Semitism honorable quite clearly meant by anti-Semitism not antipathy toward Jewish people, but rather criticism of Israel. Equally clearly, the gist of these tweets was that the major premise—that all criticism of Israel is anti-Semitic—is wrong.

Of course, it is a political question, open to debate, whether "people of conscience" were required to criticize the particular Israeli policies and actions Salaita was referring to. It is likewise debatable whether "Zionists" have equated Jewishness with Israel, as Salaita charged. Indeed, one might argue that the latter accusation was itself anti-Semitic, in that it resonates with the historically familiar libel that says Jewish people bring hostility upon themselves. Such resonance, to be sure, might provide a perfectly reasonable basis for criticizing Salaita and calling on him to be more careful in his statements. If it is more, though, if it is a sufficient ground for whisking away his appointment to a prestigious, tenured position, then it is very difficult to see how Russell's anti-Christian statements could escape the same status.

Second, and even if I am wrong about the first point, a professor's comments outside the teaching arena might not dictate, in any simple or predictable way, the learning environment he or she will provide for students. But I want to defer further consideration of that point until after I describe two more of Salaita's posts on Twitter.

One of Salaita's tweets and one retweet of another Twitter user's post seemed to approve of, or even call for, violence. First, on June 19, 2014, a week after three Israeli youths were kidnapped in the West Bank, Salaita tweeted, "You may be too refined to say it, but I'm not: I wish all the fucking West Bank settlers would go missing." Then, in early July, Salaita retweeted a comment that read, "[Journalist] Jeffrey [G]oldberg's story should have ended at the pointy end of a shiv."

I have no interest in defending these two posts, and I know of nothing in Russell's writings or lectures that is similar. The most charitable thing that might be said of the first is that Salaita was tweeting at a time when the teenagers were missing but not yet publicly known to be dead. Thus, by "go missing," Salaita might not have meant "be murdered," but even so the most straightforward reading is that he meant "be kidnapped by enemies." At best, the tweet was callous and ugly, as was the retweet about wishing a journalist had been stabbed.

One might, then, conclude that these tweets approving of or calling for violence are enough to distinguish Russell's case and justify Salaita's firing. But before we jump to that conclusion, we should test it. I propose to do so by means of an anecdote from my own social media experiences, with one hypothetical modification.

Sometime within the past two years or so, I came across a Holocaust denier on the social networking site Facebook. (To be clear, this person is not my "friend" on Facebook, and I do not know him in real life.) The

person began by disputing the fact that six million or more Jewish people were killed in the Holocaust, in a tone that suggested anyone who believed the contrary was a gullible fool. In the course of our exchange, he also wrote scurrilous insults against Jewish people, women, and LGBT people.

I mocked and ridiculed this person. I engaged in the social media equivalent of pointing at him and laughing derisively. I was not polite; I did not engage with him in a collegial, academic tone or choose my words with scholarly care. I checked facts in a fleeting manner, if at all, and I relied on sources I would not consider sound in my academic writing. Now, let me inject the hypothetical modification: Suppose I had written, in the thick of this Facebook exchange, “You and all your Holocaust denier buddies should go jump off a cliff,” or, “I’d like to see you spout that Holocaust denial crap to a bunch of IDF [Israeli Defense Force] soldiers with loaded rifles.”

Such statements would be, like Salaita’s tweet and retweet, wishful invocations of violent harm against specific individuals and groups. It is difficult to believe, though, that such statements would have caused me to be fired, had I been, like Salaita, preparing to take up a tenured faculty position conditioned upon trustee approval. But what accounts for the difference? Is a wishful invocation of violence against a Holocaust denier, or a group of them, more acceptable than wishful invocations of violence against West Bank settlers and a journalist? For that matter, what if Russell had publicly wished that one or more of his Christian opponents might take a long walk off a short pier into shark-rich waters?

If supporters of Salaita’s firing do not think my hypothetical comments to the Holocaust denier would merit firing, and do not think Russell’s hypothetical “short pier” remark would have justified his firing, then they must account for exactly why Salaita’s comments about settlers and a journalist are different. In addressing that obligation, simple appeals to such potentially malleable concepts as *incivility* or *hate speech* will not suffice.

Some early explanations from university officials used the term *civility* as a criterion against which Salaita’s tweets should be judged.<sup>52</sup> More recently, at least some officials have backed away from that term, and other supporters of the firing have offered the term *hate speech* instead.<sup>53</sup>

But is the concept of hate speech, as deployed in this context, sufficient to provide anything like an even-handed, fairly predictable dividing line between speech that requires an academic’s firing and speech that does not? Put differently, if Salaita’s tweets—the two about violence, the ones about anti-Semitism, or any of the others—qualify as hate speech, then what are the defining characteristics that place them in that category? Does my actual ridiculing of the Holocaust denier fall into the same category? Would my hypothetical suggestion that he and his friends go and commit suicide be in that category? If not, then why not? If they would, then what other comments would qualify as hate speech sufficient for firing? Would Russell’s hypothetical remark about Christians and sharks qualify?

One possible response to at least some of these questions is to say that ridiculing, or even wishing violence upon, a Holocaust denier is not hate speech because denying the Holocaust is beyond the pale of what the hate-speech concept protects. In other words, because the Holocaust denier is himself engaging in hate speech, no response to him can amount to hate speech.

But that argument can only push the malleability problem back a step, rather than resolving it. For each person who thinks Salaita used hate speech that was not responding to any other such speech, another person will think either that the pro-Israel speakers Salaita meant to counter were themselves engaged in hate speech against Palestinians, such that he was entitled to the same defense as the speaker who counters a Holocaust denier, or that what Salaita said was not hate speech at all.

Another way of addressing the same essential questions is to ask whether the prediction used to justify Salaita's firing is more tenable than the one on which Russell's firing rested. As I mentioned above, both Justice McGeehan and the Illinois officials justified their decisions using predictions about what would befall students should the appointments be allowed to stand. McGeehan said Russell's appointment would tend to create a conflict between his students and New York's criminal laws, and the Illinois administrators and trustees said Salaita's appointment risked subjecting students to unfair treatment.

If those predictions were justified, then the firings might well have been justified as well. Put differently, what was objectionable about McGeehan's reasoning was not the premise that a professor who caused his students to commit crimes could be fired for it. What was objectionable was McGeehan's conclusion, on the basis of fragments from Russell's books, that Russell would in fact cause his students to commit crimes (would "tend" to do so). As one commentator put it, McGeehan's entire argument was "strung upon the fragile thread of tendency."<sup>54</sup>

In much the same way, it is not objectionable to posit that a professor who treated Jewish students, or pro-Israel students, unfairly should be disciplined or fired. What is objectionable is the facile inference, from a few of Salaita's tweets, that he would in fact be likely to do so.

Is that inference more justifiable than McGeehan's was? That is, can we sensibly predict Salaita's behavior toward students on the basis of his Twitter posts? I have suggested on social media that opposition to marriage equality seems invariably to be based on either sheer bigotry or a desire to impose one's religious views on others. Yet no one, I trust, would assume, on the basis of that suggestion, either that I could not fairly moderate a classroom discussion about marriage laws, or that I would punish students who disagreed with me.

If a professor actually disfavored some students on the basis of a consideration such as religion, ethnicity, or political opinion, then one could make a strong case that the professor, tenured or not, should be

unemployed. But that is a far cry from what happened in Salaita's case, in which his statements on Twitter were taken as conclusive proof either that he could not possibly be fair to all his students or that his students had such a strong basis for doubting his fairness that he could not be allowed to teach at Illinois. Notably, one or both of these conclusions seem to have prevailed despite the absence of any supporting evidence from his *actual* students at Virginia Tech—and, indeed, in the face of anecdotal evidence that Salaita was quite good at maintaining an open and even-handed learning environment.<sup>55</sup>

If those predictions break down, if they are not notably stronger than the “fragile thread of tendency” that doomed Russell's appointment, then what is left? The answer seems to be a firing based on a general sense of outrage that Salaita could have tweeted the things he did. Such outrage, though, seems in tone and substance very much like the outrage that greeted Russell's hiring at CCNY. It sounds, ultimately, like little more than the wish that Salaita, in the words of one of the people who complained to university officials about his hiring, would “keep [his] politically charged comments to [himself].”

## Conclusion

The Salaita case is strikingly similar to the Russell case in most respects. Anyone who chooses to deplore Russell's firing but to support Salaita's has only two avenues available: either seek refuge in the legalistic detail that Salaita's appointment was contingent on approval by the trustees, or try to articulate a clear, predictable boundary for *bate speech* that includes Salaita's tweets but excludes Russell's criticism of Christians. For the reasons suggested above, neither strategy carries strong prospects for success.

I do not anticipate any public change of heart from Illinois administrators or trustees, let alone a reversal of Salaita's firing. The questions his firing evokes, however, are recurring. As Russell's case illustrates, the relationship between a professor's teaching and his extramural speech can be a fraught one. Technological changes, such as the advent of social media, will only multiply the circumstances in which tensions might arise. By questioning Salaita's firing and its justifications, then, I mean to address not just this most recent incident but also those that will come next.

## Appendix

What follows is the text of all the tweets attributed to Steven Salaita that I have been able to locate, in chronological order.<sup>56</sup>

May 6, 2014: #IsraeliIndependenceEquals sustenance of the European eugenic logic made famous by Hitler.

June 11: I don't find it useful to appeal to American patriotism to oppose Zionism. It's better to appeal to basic human ethics, instead.

June 12: There's significant difference between a critical thinker and an internet novelty. People frequently confuse the latter with the former.

June 12: Twitter has led to mass confusion that narcissistic shit-stirrers are somehow authorities on anything beyond their desire for attention.

June 19: You may be too refined to say it, but I'm not: I wish all the fucking West Bank settlers would go missing.

July 2: Know what happened before the 3 Israeli teens were abducted? Israel ethnically cleansed 700k Palestinians and practiced military occupation.

July 7 (retweet from "djkillist"): Jeffrey goldberg's [sic] story should have ended at the pointy end of a shiv.

July 8: Let's cut to the chase: If you're defending #Israel right now you're an awful human being.

July 13: When #Israel slaughters innocents, people often ask, "What can I do?" There is no easy answer, but endorsing #BDS is my best suggestion.<sup>57</sup>

July 14: Will you condemn Hamas? No.

Why not? Because Hamas isn't the one incinerating children, you disingenuous prick. #Gaza  
#GazaUnderAttack

July 14: Zionist uplift in America: every little Jewish boy and girl can grow up to be the leader of a murderous colonial regime. #Gaza

July 15: The @IDFSpokesperson is a lying motherfucker.<sup>58</sup>

July 15: If you support #Palestine and the people of #Gaza, I'm following you. #Israel is so demented I have to turn to twitter for sanity.

July 16: The @IDFSpokesperson receives money to justify, conceal, and glamorize genocidal violence. Goebbels much? #Gaza #GazaUnderAttack

July 17: The logic of "anti-Semitism" deployed by Zionists, if applied in principle, would make pretty much everybody not a sociopath "antisemitic."

July 17: This is not a conflict between #Israel and "Hamas." It's a struggle by an Indigenous people against a colonial power. #Gaza #FreePalestine

July 17: I'm weary of typing the tag #Israel. That sequence of letters, to me, reads "child murder." It shall henceforth be tagged #TheEntity.

July 18: #Israel's supporters: -Zionist fanatics -CEOs -Christian Zios -Governments -Chickenshits

#Palestine's supporters: -Everyone else

#Gaza

July 18: By eagerly conflating Jewishness and Israel, Zionists are partly responsible when people say antisemitic shit in response to Israeli terror.

July 18: "If it weren't for Hamas, Israel wouldn't have to bomb children." Look, motherfucker, if it weren't for Israel there'd be no #Gaza Strip.

July 18: Remember when #Israel destroyed the USS Liberty and got away with it? Don't worry! I'm here to remind you!

July 19: Zionists, take responsibility: if your dream of an ethnocratic Israel is worth the murder of children, just fucking own it already. #Gaza

July 19: Wherever it flies, the Israeli flag is a mark of shame, a taunting symbol of aggression and oppression. #Gaza #FreePalestine

July 19: Really, @NickKristof? You blame the ASA<sup>59</sup> #BDS resolution on "Hamas"? I was part of the entire process and that word came up exactly never.

July 19: If it's "anti-Semitic" to deplore colonization, land theft, and child murder, then what choice does any person of conscience have? #Gaza

July 19: Zionists: transforming "antisemitism" from something horrible into something honorable since 1948. #Gaza #FreePalestine

July 19: Interacting with Zionists is like being the only adult in a room filled with toddlers who just got told to finish their broccoli. #Gaza

July 19: I repeat: if you're defending #Israel right now, then "hopelessly brainwashed" is your best prognosis. #Gaza #FreePalestine

July 19: In the United States, academic, corporate, or political responsibility is available merely by ignoring Israeli ethnic cleansing. #Gaza

July 19: At this point, if Netanyahu appeared on TV with a necklace made from the teeth of Palestinian children, would anybody be surprised? #Gaza

July 20: #Israel's bombardment of #Gaza provides a necessary impetus to reflect on the genocides that accompanied the formation of the United States.

July 20: Fuck you, #Israel. And while I'm at it, fuck you, too, PA, Sisi, Arab monarchs, Obama, UK, EU, Canada, US Senate, corporate media, and ISIS.<sup>60</sup>

July 20: Great. I'll now have to teach a generation of undergrads that citing the @IDFSpokesperson doesn't actually constitute "proof." #Gaza

- July 20: #Israel discovers Atlantis near Malta, will occupy entire Mediterranean while historians alter its mythical history to accommodate Zionism.
- July 20: Ever wonder what it would look like if the KKK had F-16s and access to a surplus population of entrapped minorities? See #Israel and #Gaza.
- July 21: When frustrated, I remember that, despite the cigarettes and fatty food, I have a decent chance of outliving #Israel. #Gaza #FreePalestine
- July 22: The people of Detroit, near some of the biggest lakes in the world, have no water, a problem Israeli settlers have never encountered. #Gaza
- July 22: It's useful to connect underdevelopment in American minority communities to the overdevelopment of #Israel's economy w/US tax money. #Gaza
- July 23: No wonder #Israel prefers killing Palestinians from the sky. It turns out American college kids aren't very good at ground combat. #Gaza
- July 24: Dear Outraged Right wingers: You should know that in addition to opposing Zionism, I fully support the decolonization of North America.
- July 24: Never has the courage of Palestinians and the cowardice of their occupiers been so obvious for the world to see. #48March #Gaza
- July 27: I refuse to conceptualize #Israel/#Palestine as Jewish-Arab acrimony. I am in solidarity with many Jews and in disagreement with many Arabs.
- July 31: Democrats: by all means, vote for #Hillary2016. Just don't act surprised when terrible things happen to brown people. #Gaza
- July 31: Rockets! The rockets threaten us! \*US cancels flights to #Israel because of danger from rockets\* Tunnels! The tunnels threaten us!
- July 31: Only #Israel can murder around 300 children in the span of a few weeks and insist that it is the victim. #Gaza #GazaUnderAttack
- July 31: It's quite simple, really: don't support any ideology whose practice results in dead children. #Gaza #GazaUnderAttack
- August 2: Republicans are such tough guys, eager to kill 4 God and country. #Israel slaps around the US of A, though, and all they do is ask for more.
- August 2: Rednecks need a new slogan. Instead of "kick their ass and take their gas," how about "#Gaza is a disaster, but Netanyahu is my master"?
- Date unknown: Don't be afraid to condemn #Israel. Staying silent will satisfy only those with power, who will find another way to do you dirty. #Gaza

Date unknown: If you haven't recently been called a terror-loving anti-Semite, then I'm sorry to say that your critique of #Israel is totally weak. #Gaza

Date unknown: My little boy covers his teddy bear with a blanket. All toddlers do such lovely things. Yet #Israel sees them as fit to kill. #Gaza

Date unknown: #Israel considers itself a state for Jews, not a state for its actual residents. That's why we hear about foreign fighters dying in #Gaza.

Date unknown: Zionists: take responsibility. If you support #Israel, fine, but you don't get to pretend you also support democracy or human rights. #Gaza

Date unknown: "#Hamas makes us do it!" This logic isn't new. American settlers used it frequently in slaughtering and displacing Natives. #Gaza

Date unknown: It seems the only way #Obama and #Kerry can satisfy #Israel's Cabinet is if they bludgeon Palestinian children with their own hands. #Gaza

Date unknown: It's simple: either condemn #Israel's actions or embrace your identity as someone who's okay with the wholesale slaughter of children.

*Sean Anderson is lecturer in law, University of Illinois College of Law. Thanks to Jennifer Anderson and Sara Benson for their helpful comments on drafts of this essay.*

## Notes

1. Some might quibble with the word *firing*, as applied to Russell, Salaita, or both. I use the word for convenience, rather than resorting to *nonappointment*, *unhiring*, or the like, but no part of my substantive analysis relies on it.
2. Paul Edwards, "How Bertrand Russell Was Prevented from Teaching at the College of the City of New York," in *Bertrand Russell, Why I Am Not a Christian and Other Essays on Religion and Related Subjects*, ed. Paul Edwards (New York: Simon & Schuster, 1967), 208
3. A. D. Irvine, "Bertrand Russell and Academic Freedom," *Journal of the Bertrand Russell Archives* 16 (1996): 5, 10; "Bertrand Russell: British Logician and Philosopher," *Encyclopedia Britannica*, accessed September 3, 2015, <http://www.britannica.com/EBchecked/topic/513124/Bertrand-Russell>.
4. Edwards, "How Bertrand Russell Was Prevented from Teaching," 207–08.
5. "UCLA Faculty Honored as Nobel Laureates," University of California at Los Angeles, accessed September 3, 2015, <http://www.ucla.edu/about/awards-and-honors/faculty/nobel-laureates>. Reporting that Russell resigned in February 1940.
6. Edwards, "How Bertrand Russell Was Prevented from Teaching," 209; Irvine, "Bertrand Russell and Academic Freedom," 10–11.
7. Edwards, "How Bertrand Russell Was Prevented from Teaching," 210.
8. *Ibid.*
9. Irvine, "Bertrand Russell and Academic Freedom," 12; *Kay v. Bd. of Higher Educ. of N.Y.*, 18 N.Y.S. 2d 821 (Sup. Ct. 1940).
10. *Kay*, 18 N.Y.S. 2d at 823–25.
11. *Id.* at 824, 826, 831. For a discussion of the case's unusual and accelerated procedure, see Edwards, "How Bertrand Russell Was Prevented from Teaching," 222–23.
12. *Kay*, 18 N.Y.S. 2d at 826, 830. *Malum in se* means "bad in itself"; it is usually contrasted with *malum prohibitum*, which means "bad because prohibited" by the law.



13. *Id.* at 830.
14. *Id.* at 827.
15. *Id.* at 828–31.
16. Edwards, “How Bertrand Russell Was Prevented from Teaching,” 255–56; Irvine, “Bertrand Russell and Academic Freedom,” 13.
17. Edwards, “How Bertrand Russell Was Prevented from Teaching,” 257; see 20 N.Y.S.2d 1016 (App. Div. 1940); 21 N.Y.S.2d 396 (App. Div. 1940); 29 N.E.2d 657 (N.Y. 1940).
18. The book is John Dewey and Horace M. Kallen, eds., *The Bertrand Russell Case* (New York: Viking Press, 1941). As to Whitehead, Einstein, and numerous other prominent academics (and others), see Edwards, “How Bertrand Russell Was Prevented from Teaching at the College of the City of New York,” 214–16.
19. Irvine, “Bertrand Russell and Academic Freedom,” 13–14.
20. “UI Releases Salaita Correspondence,” *News-Gazette*, August 13, 2014, <http://www.news-gazette.com/news/local/2014-08-13/ui-releases-salaita-correspondence.html>; Brian H. Ross, interim dean, University of Illinois College of Liberal Arts & Sciences, to Steven Salaita, 3 October 2013, accessed September 3, 2015, <http://www.news-gazette.com/sites/all/files/pdf/2014/08/13/14-529.Documents.pdf> (hereafter cited as Ross Ltr.).
21. Ross Ltr.
22. *Ibid.*
23. See Christine Des Garennes and Julie Wurth, “Wise Regrets Polarization over Salaita,” *News-Gazette*, September 16, 2014, <http://www.news-gazette.com/news/local/2014-09-16/wise-regrets-polarization-over-salaita.html>. The article notes that the University of Illinois’s “process . . . allows faculty to teach before their appointments are officially approved by the trustees.”
24. Mayra Cuevas, “Anti-Israel Tweets Cost Professor New Job at University of Illinois, Rep Says,” *CNN*, August 9, 2014, <http://www.cnn.com/2014/08/08/us/anti-israel-tweets-tenure/>.
25. *Ibid.*
26. Christine Des Garennes, “Salaita Prompted Donors’ Fury,” *News-Gazette*, September 2, 2014, <http://www.news-gazette.com/news/local/2014-09-02/salaita-prompted-donors-fury.html>.
27. *Ibid.* The article includes a hyperlink to a PDF document containing letters to University of Illinois chancellor Phyllis Wise about professor Steven Salaita.
28. “Letters to University of Illinois Chancellor Phyllis Wise about Professor Steven Salaita,” accessed September 3, 2015, <http://www.news-gazette.com/sites/all/files/pdf/2014/09/03/document.pdf>, 2, 4.
29. *Ibid.*, 6, 16.
30. *Ibid.*, 35.
31. “UI Releases Salaita Correspondence”; Christophe Pierre, vice president for Academic Affairs, and Phyllis M. Wise, chancellor, to Steven Salaita, 1 August 2014, accessed September 3, 2015, <http://www.news-gazette.com/sites/all/files/pdf/2014/08/13/14-529.Documents.pdf> (hereafter cited as Christophe-Wise Ltr.).
32. Christophe-Wise Ltr.
33. Christine Des Garennes and Julie Wurth, “Updated: UI Trustees Reject Salaita,” *News-Gazette*, September 11, 2014, <http://www.news-gazette.com/news/local/2014-09-11/updated-ui-trustees-reject-salaita.html>.
34. *Ibid.*
35. Phyllis M. Wise, chancellor, University of Illinois at Urbana-Champaign, e-mail message to “Everyone,” August 22, 2014, on file with author. Although Wise’s e-mail did not come right out and say it, the clear implication was that Salaita’s tweets would prevent students from feeling that specific variety of confidence.
36. Complaint, *Salaita v. Bd. of Trustees of Univ. of Ill.* (Cir. Ct. Champaign Cty., Ill., Nov. 11, 2014), <http://www.chicagotribune.com/chi-pdf-steven-salaita-lawsuit-20141117-htlmstory.html>. The university eventually released voluminous e-mails relating to Salaita and other subjects, including some that high-ranking university officials sent using personal e-mail accounts. In the wake of these disclosures, Chancellor Phyllis Wise and Provost Ilesanmi Adesida have resigned. Dawn Rhodes, “Another Official at University of Illinois Resigning,”

*Chicago Tribune*, August 24, 2015, <http://www.chicagotribune.com/news/local/breaking/ct-university-of-illinois-provost-20150824-story.html>.

37. Salaita v. Kennedy, No. 15 C 924, 2015 WL 4692961 (N.D. Ill. August 6, 2015).

38. Kennedy, 2015 WL 4692961, at \*18.

39. Kennedy, 2015 WL 4692961, at \*4-6.

40. Ross Ltr.

41. Some have suggested that Salaita could have requested a year's leave of absence from Virginia Tech, securing his position there until after the Illinois trustees approved his appointment. That course of action, however, might have been precluded by policies at one or both schools prohibiting a person from holding tenure at more than one institution simultaneously. In any event, it would have "frozen" Salaita's salary line at Virginia Tech, thereby reducing that university's flexibility.

42. See Kennedy, 2015 WL 4692961, at \*5, where the federal judge notes, "If the Board vote was truly a condition to contract formation, then the University would have the Board vote on appointments before the start of a semester and before spending money on a new professor or treating the professor as a full-fledged employee."

43. See "Statement on Recruitment and Resignation of Faculty Members" in *Policy Documents and Reports* (Baltimore: Johns Hopkins University Press, 2015). The statement says, "To permit a faculty member to give due consideration and timely notice to his or her institution . . . , an offer of appointment for the following fall . . . should not be made after May 1. The offer should be a 'firm' one, not subject to contingencies."

44. The symbol #, on Twitter, denotes a "hashtag" and is used to mark key words or topics and to categorize posts.

45. See Des Garennes and Julie Wurth, "Updated: UI Trustees Reject Salaita."

46. Bertrand Russell, "Why I Am Not a Christian," in Edwards, *Bertrand Russell Why I Am Not a Christian*, 21.

47. *Ibid.*

48. Bertrand Russell, "Has Religion Made Useful Contributions to Civilization?," in Edwards, *Bertrand Russell Why I Am Not a Christian*, 29.

49. *Ibid.*, 29–30.

50. Russell, "Why I Am Not a Christian," 20.

51. Although the term *Zionism* was adopted by those who advocated for the creation of a Jewish state, the term has become contested, with some claiming that it is now an insulting epithet. For example, see Nick Jackson, "Against the Grain: 'Zionist' Has Now Become an Insult, an Epithet for Evil," *Independent*, January 25, 2007, <http://www.independent.co.uk/news/education/higher/against-the-grain-zionist-has-now-become-an-insult-an-epithet-for-evil-433503.html>.

52. See Phyllis M. Wise, e-mail message to "Everyone."

53. See, for example, "U. of I. Right to Reject Prof's Hate Speech," *Chicago Tribune*, September 11, 2014, <http://www.chicagotribune.com/news/opinion/editorials/ct-salaita-u-of-i-professor-hate-speech-edit-0911-20140911-story.html>.

54. Walton H. Hamilton, "Trial by Ordeal, New Style," 87.

55. See Christine Des Garennes and Julie Wurth, "Who Is Steven Salaita?," *News-Gazette*, September 7, 2014, <http://www.news-gazette.com/news/local/2014-09-07/who-steven-salaita.html>. Describing Salaita's teaching evaluations and other evidence from Virginia Tech.

56. I compiled this listing from the following sources. I cannot independently verify the list's accuracy. I have removed line breaks from some tweets. Eric Owens, "America 2014: University of Illinois Professor Blames Jews for Anti-Semitism," *Daily Caller*, August 21, 2014, <http://dailycaller.com/2014/07/21/university-of-illinois-professor-blames-jews-for-anti-semitism/2/>; Mia De Graaf, "Professor 'Not Sorry' over Anti-Israel Tweets that Cost Him His Job at Top US University," *Daily Mail Online*, September 21, 2014, <http://www.dailymail.co.uk/news/article-2764443/Professor-not-sorry-anti-Israel-tweets-cost-job-US-university.html>; Elizabeth Nolan Brown, "Steven Salaita and the Tyranny of 'Hate Speech,'" *Reason.com*, September 16, 2014, <http://reason.com/archives/2014/09/16/hate-speech-steve-salaita-and-civility>; Robert Mackey, "Professor's Angry Tweets on Gaza Cost Him a Job," Open Source, *New York Times*, September 12, 2014, [http://www.nytimes.com/2014/09/13/world/middleeast/professors-angry-tweets-on-gaza-cost-him-a-job.html?\\_r=0](http://www.nytimes.com/2014/09/13/world/middleeast/professors-angry-tweets-on-gaza-cost-him-a-job.html?_r=0); Letters to University of Illinois Chancellor Phyllis Wise, 4–5, 7, 10; William A. Jacobson, "Anti-Israel

Prof. Steve Salaita Loses Job Offer at U. Illinois over Hateful Tweets," *Legal Insurrection*, August 6, 2014, <http://legalinsurrection.com/2014/08/anti-israel-prof-loses-job-offer-at-u-illinois-over-hateful-tweets/>.

57. The initialism *BDS* stands for "boycott, divestment, and sanctions" against Israel on the basis of opposition to Israeli policies and actions with respect to Palestinian people. See "Introducing the BDS Movement," BDS Movement: Freedom, Justice, Equality, accessed September 3, 2015, <http://www.bdsmovement.net/bdsintro>.

58. The @ symbol is used to link a post to the profile of another Twitter user.

59. *ASA* stands for American Studies Association.

60. *PA* presumably means Palestinian Authority. *Sisi* means Egyptian President Abdel Fattah-el-Sisi. *UK* means United Kingdom. *EU* means European Union. *ISIS* means Islamic State in Syria.