Steven Salaita, the Critical Importance of Context, and Our Professional Ethics

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ABSTRACT

Shared professional ethics are an important aspect of North American librarianship; these ethics highlight values including diversity, social responsibility, and intellectual freedom. However, these values are contested, politically charged signifiers that are often in conflict. This paper proposes an ethics of contingency for librarianship that acknowledges that our values are contextually bound and negotiated and explicitly draws attention to power. As a case study, the paper considers Steven Salaita's dismissal from the University of Illinois at Urbana-Champaign in the context of institutional oppression—a context that has been under-examined in discussions of the case within librarianship. Interrogating the issue through these lenses can help illuminate the stakes of this debate, and others like it, for our work as academic librarians.

Keywords: *critical librarianship · institutional oppression · professional ethics · Steven Salaita*

RÉSUMÉ

L'éthique professionnelle commune est un aspect important de la bibliothéconomie en Amérique du Nord; cette éthique souligne des valeurs comme la diversité, la responsabilité sociale, et la liberté intellectuelle. Cependant, ces valeurs constituent des signifiants contestés, politiquement chargés qui sont souvent en conflit. Cet article propose une « éthique de la contingence » pour une bibliothéconomie, qui reconnaît que nos valeurs sont liées de manière contextuelle et négociées et qui attire l'attention explicitement au pouvoir. Comme étude de cas, l'article étudie le licenciement de Steven Salaita de l'Université de l'Illinois à Urbana-Champaign dans le contexte de l'oppression institutionnelle—un contexte qui a été négligé dans les discussions de l'affaire au sein de la bibliothéconomie. Étudier la question sous cet angle peut aider à éclairer les enjeux de ce débat et d'autres débats semblables pour notre travail en tant que bibliothécaires universitaires.

Mots-clés : *bibliothéconomie critique · cas Salaita · éthique professionnelle · oppression institutionnelle*

IN this article, I propose an approach to professional ethics that centres on the notion of an *ethics of contingency*.¹ I go on to discuss Steven Salaita's dismissal from the University of Illinois at Urbana-Champaign (UIUC) in August of 2014 within the context of institutional oppression. I argue that this particular context is instrumental in recognizing the stakes of this debate, and others like it, for our work as academic librarians. Foregrounding contingency as a lens to think through complex situations, such as the Salaita case, can help us formulate an ethical stance through a better understanding of how our work intersects with power.

The American Library Association (ALA) considers diversity, social responsibility, and intellectual freedom to be core values of librarianship (American Library Association, 2015). Intellectual freedom is also one of the principles that underlie the *Code of Ethics* of the American Library Association (American Library Association, 2008). Similarly, the Canadian Library Association lists intellectual freedom and diversity among the organization's values (Canadian Library Association, 2013). Certainly, these two highly visible professional organizations are just two out of many. Furthermore, professional associations in and of themselves do not encompass the library profession in its entirety. However, association documents such as these signify that these principles are an important part of our understanding of librarianship as a profession. *If the values of diversity, social responsibility, and intellectual freedom are central to our profession in theory, what could it mean to enact these values in practice?*

In trying to enact these values, we face significant obstacles and are often acting against structurally ingrained and systemic power discrepancies. Moreover, we must negotiate multiple, often conflicting, understandings of what these things even are. *Diversity, social responsibility, intellectual freedom*—these are not self-evident concepts. They are contested, politically charged signifiers that are often in conflict. As Lisa Hussey points out, despite widespread discussions about diversity, the library profession has made limited progress towards this goal. This is due in part to a lack of shared understanding of what we mean by diversity, much less how it can best be achieved.

Diversity and difference are ambiguous terms that fail to address the history of discrimination and race relations in the United States and within social institutions, such as libraries, archives, and other information centers. (Hussey, 2010, p. 6)

Forthcoming work by David James Hudson furthers this line of critique by interrogating how the dominance of diversity as an umbrella discourse within the profession limits our ability to address structural racism in meaningful ways (Hudson, 2015).

Even when we are able to conceptualize these ethical commitments in concrete terms, the values themselves are not always aligned. As Kyle Shockey explains, the tension between intellectual freedom and social responsibility is “a serious and divisive issue that lies at the heart of librarianship’s professional ethics, action, and justification” (Shockey, in press). As Shockey points out, the controversy over the 2015 Banned Books Week poster, published by the ALA Office of Intellectual Freedom and critiqued by some as Islamophobic, is just one recent example of this tension (see also Caldwell-Stone, 2015; Kaye, 2015). Furthermore, the symbolic capital invested in intellectual freedom complicates efforts to make social justice more central to the profession (Shockey, in press).

How do we begin to act in accordance with the values we proclaim while simultaneously refusing to take them for granted? I argue that we need to develop a self-reflexive professional ethics that foregrounds context and does not shy away from complexity and nuance. In particular, we need more robust understandings of how our work intersects with power and how it shapes and is shaped by institutional oppression.

Towards an Ethics of Contingency

The phrase *ethics of contingency* comes from anthropologist and legal scholar Rosemary Coombe (1998) as formulated in her book, *The Cultural Life of Intellectual Properties: Authorship, Appropriation, and the Law*. In this text, Coombe identifies intellectual property as a discursive realm with the capacity to produce a wide range of social and political relations. She argues that contemporary conceptualizations of intellectual properties fail to rise to the challenge of facilitating genuinely pluralist and democratic forms of social life. (In the text, Coombe elaborates a particular conceptualization of democracy, which builds on work by Laclau, Mouffe, and other theorists. Suffice it to say here that democracy, like diversity or social responsibility, is not a self-evident but a contested term and a productive site for critique.) In order to meet that challenge, Coombe argues that we need to embrace understandings of intellectual property rooted in an ethics of contingency. She writes:

A radical democratic politics, however, will involve more than simply a libertarian celebration of regimes of freedom for appropriation. Postcolonial circumstances cut across the grain of postmodern practices and urge upon us a heightened sensitivity to differential relations and their relationship to dominant practices of othering—an ethics of contingency. (Coombe, 1998, p. 274)

That is to say, an ethical approach to intellectual property requires both attention to power dynamics and recognition of the multiplicity of contexts in which a particular intellectual property debate takes place. As Coombe illustrates,

the appropriation of corporate logos is not the same thing as the appropriation of Indigenous cultural artifacts. This is a distinction that abstract, universalist principles about what constitutes an ethical use of intellectual property fail to conceptualize.

In formulating her understanding of an ethics of contingency, Coombe incorporates the work of political theorist William Connolly. A Foucauldian, Connolly adopts a genealogical perspective, arguing that social norms are historically determined and shaped by relations of power. He contends that ethical principles abstracted from these contingent norms often obscure violence against those who find themselves outside of the norm. Instead, Connolly advocates for an ethics that embraces ambiguity and makes space for “a larger variety of identities to coexist” (Connolly, 1993, p. 367). I contend that overcoming our fear of ambiguity can also help us make sense of the professional work that we do in often fraught institutional contexts.

Connolly ends his article with a quote from Foucault, in which the latter points to the optimism inherent in this way of seeing the world. Things we experience as fixed, and often oppressive, constants are, in fact, “more arbitrary than self-evident”—a product of complex historical processes, rather than a given (p. 384). This idea that things could be different lends a sense of purpose to modes of critique that challenge us to consider the social world in its often overwhelming complexity.

Coombe’s work provides a compelling example of how an ethics that foregrounds context can inform debates about intellectual property—an example that is certainly of interest to us as librarians. This approach can also provide a framework for making sense of and reacting to a variety of other situations, including the Salaita case.

Institutional Oppression and the Salaita Case

In August 2014, Steven Salaita, poised to begin a tenured position in American Indian Studies at the University of Illinois at Urbana-Champaign, was notified by the university administration that his appointment would not be recognized. By way of explanation, university officials cited a series of tweets that Salaita posted in response to the Israeli military action in Gaza in the summer of 2014. The university administration deemed these statements to be “uncivil” and Salaita unfit to join the faculty. This event sparked a significant reaction, including on-campus demonstrations. A number of academic departments at Illinois issued formal statements about the controversy, and several took a vote of no confidence in the university administration. The case resulted in an academic boycott of the University of Illinois at Urbana-Champaign and elicited responses from a number of scholarly organizations, including the Modern Language Association (2015). In April 2015, the

Association of American University Professors (AAUP) published a report detailing the case. The report concluded that

the administration of the University of Illinois at Urbana-Champaign and the Board of Trustees of the University of Illinois, in rejecting Professor Steven Salaita's appointment without demonstrating cause, and in doing so only after the appointment had been approved and courses had been assigned to him, acted in violation of the 1940 Statement of Principles on Academic Freedom and Tenure and the university's own stated policies on the subject. (AAUP, 2015, p. 19)

This report preceded the AAUP's formal censure of the University of Illinois at Urbana-Champaign in June 2015. In January 2015, Salaita filed a wrongful termination suit against the University of Illinois. In November, that suit, along with a related lawsuit to release information under the *Freedom of Information Act*, was settled. The university will pay Salaita \$600 000, plus legal fees. Despite the settlement, the Salaita case continues to have an impact on the University of Illinois and higher education in North America (and beyond).

While neither the university library nor the Graduate School of Library and Information Science at Illinois has issued a formal statement on Salaita's appointment, the case has been the subject of discussion within the profession—much of it centred on our shared commitments to intellectual and academic freedom. At the time of writing, 237 LIS professionals have signed a letter in support of Salaita, drafted by University of Illinois alumna Sarah Roberts (2014). Similarly, students² at the Graduate School of Library and Information Science at UIUC drafted a letter of support addressed to the American Indian Studies program (“UIUC GSLIS Students in Solidarity with AIS,” n.d.) and organized an open discussion examining the relevance of the Salaita case to the information professions (“Salaita & the Information Professions,” n.d.). Librarians' responses have also addressed the impact of shifting scholarly communication practices on academic freedom debates. In a post for the Association of College & Research Libraries (ACRL) blog, Sarah Crissinger (2014) argues that to make sense of the Salaita case, we must begin to “protect and acknowledge work that looks different than ‘traditional’ scholarship.” Similarly, the 2015 ALA annual conference included discussion of the Salaita case during a panel moderated by Emily Knox and Martin Garner, titled “Should I Tweet That? Academic Freedom and Social Media” (Knox, Garner, Reichman, & Minow, 2015). The discussion, which was sponsored by the ACRL Professional Values Committee, focused on how the novel contexts of social media complicate understandings of the boundaries of academic freedom.

Clearly, this issue sits at the intersection of many important conversations that are relevant to our profession: academic freedom, scholarly communication,

the implications of higher-education funding models that rely increasingly on big donors, and others. This paper, however, examines the Salaita case in the context of institutional oppression and specifically of structural racism—a context that has been under-examined in discussions of the case within librarianship. Interrogating the issue through these lenses can help illuminate the stakes of this debate and others like it for our work as academic librarians, in ways that these other conversations cannot.

In a testimony given to the University of Illinois at Urbana-Champaign faculty senate on September 22, 2014, American Indian Studies professor Vicente Diaz reminds us that the unit did its due diligence in hiring Salaita, vetting his application in a manner appropriate to awarding tenure. By refusing to forward Salaita's appointment to the board of trustees, Chancellor Wise violated the principles of shared governance and undermined the unit's autonomy (Diaz, 2014).

Diaz, who co-chaired Salaita's hiring committee, makes the following claim in his statement:

I seriously doubt that she [Chancellor Wise] would ever have taken such an action were this a case of a hire in one of the STEM fields (science, technology, engineering and mathematics), or even in one of the traditional disciplinary departments, rather than American Indian Studies. I do believe she'd have done it to a partner Ethnic Studies unit.

Diaz's point is echoed in some reflections on the Salaita case by Kevin Hamilton, another faculty member at the University of Illinois. Hamilton argues that while other discussions are certainly relevant, the "main offenses" in this case have actually been "against racial justice, and in support of white supremacy" (Hamilton, 2014a; 2014b, p. 2). Jakeet Singh, a political theorist at Illinois State University, also interrogates this point in his discussion of the discourse of civility used to justify the UIUC administration's actions. The rhetoric of civility, Singh argues, has long been used to justify the racialized violence of colonialism. Systemic racism continues to determine whose speech is most likely to be deemed "uncivil" (Singh, 2014).

The University of Illinois administration's decision to disregard the authority of the American Indian Studies program faculty to make hiring decisions in their unit is an extension of the oppressive logics that have been a part of the university's history since its founding. A land-grant university,³ the University of Illinois—like most institutions of higher education in North America—is very much implicated in the histories of land theft and genocide of Indigenous populations that accompany settler colonialism (Hamilton, 2014a). (It also bears mentioning that Salaita's scholarship centres on settler colonialism specifically in the Palestinian context, and the precarity of pro-Palestinian speech in the academy is an additional context that informs this debate.)

Furthermore, the Salaita case is taking place on a campus where the racist Chief mascot, while officially retired, is still very much present. Meanwhile, a recently published report by an interdisciplinary research group at Illinois chronicles the presence of racial microaggressions on campus that have a negative impact on the experiences of students of colour. In that survey, 39 percent of respondents report feeling uncomfortable on campus, including in the library, because of their race, and 51 percent report experiences of stereotyping in the classroom (Harwood et al., 2015).

Although the Salaita affair is happening within the very specific institutional context of the University of Illinois, it is important to recognize the oppressive logics that underlie it as part and parcel of the academy more broadly. In order to better understand this, the work of Roderick Ferguson, a race and critical theory scholar at the University of Illinois at Chicago, provides a useful lens. In his book, *The Reorder of Things: The University and Its Pedagogies of Minority Difference*, Ferguson examines the history of the student movements in the 1960s and their subsequent incorporation into the academy in the interdisciplinary departments of ethnic and gender studies. Although these movements posed a real threat to the status quo, ultimately their incorporation into the academy helped to strengthen and (re)produce hegemonic power structures (Ferguson, 2012).

Ferguson's work builds on the conception of power developed by Foucault and other poststructuralist theorists. This understanding of power is one that imagines it as a "multiplicity of unbalanced, heterogeneous relations" (Ferguson, 2012, p. 7). Power is omnipresent because it comes from everywhere rather than emanating from a single source (such as the state). Power is not only prohibitive but also productive. It constitutes novel forms of relation to the self and others. When power relations are especially unbalanced, power becomes hegemonic, and hegemonic power is strategically invested in its own maintenance.

The incorporation of minority difference into the academy, Ferguson argues, led to the development of a new set of techniques for regulating that difference within the academy and beyond. While the representation and valorization of minority difference grew under the guise of liberal multiculturalism, much of the revolutionary potential of the student movements—to lead to a material redistribution of resources within society—was diminished. Ferguson describes the contradictions inherent in this history:

As an institution that brought together aesthetic culture and political theory's solicitation and regulation of minority difference, the multicultural and post-civil rights academy helped to produce the broader conditions for a political economy of affirmation and loss, of representation and exclusion, of redistribution and retrenchment, a political economy that would characterize relations within state and capital as well. (Ferguson, 2012, p. 207)

Ferguson specifically highlights the academy's role in producing oppressive social structures. Contrary to many commonsense articulations that represent the academy as subservient to the state and to capital, Ferguson argues that the academy plays a significant role in constituting social relations with regard to both state and capital. In fact, many of the techniques that state and capital use to regulate minority difference in the post-civil rights era have their roots in the academy (Ferguson, 2012).

Ferguson's work can help us understand the institutional context in which it is possible for the University of Illinois administration to disregard the authority of the faculty in American Indian Studies to make hiring decisions for their unit. Ethnic Studies scholars and departments are precariously positioned within the academy; the principles of academic freedom and departmental autonomy do not necessarily apply to their work if it poses a threat to the status quo. As Singh (2014) notes, while the details of Salaita's case may be unprecedented, these kinds of exclusions regularly take place within the academy. We might consider, for example, the case of Saida Grundy, a sociologist whose tweets about race and racism were the subject of controversy in May 2015 (Flaherty, 2015; Grollman, 2015).

nina de jesus' recent article in *In the Library with the Lead Pipe* provides a model for understanding how librarianship intersects with institutional oppression (de jesus, 2014). In this article, de jesus challenges the claim that libraries as institutions exist outside of or inherently challenge oppression. She argues that libraries perpetuate institutional oppression by enacting white supremacist logics grounded in slavery (and capitalism, by extension), Indigenous genocide, and Orientalism. As de jesus points out, this complicity is not simply the result of librarians failing to live up to their ideals (which she locates as originating in the Enlightenment). Rather, these oppressive logics are actually central to, and constitutive of, Enlightenment ideals.

As academic librarians, whether or not we have faculty status, our work is located within institutions. As both Ferguson and de jesus illustrate, these institutions are not only influenced by, but actively produce and reproduce, hegemonic social structures. Those familiar with the tradition of radical cataloguing know that subject headings are one site where our profession is actively negotiating hegemonic power (see Billey et al., 2014; Olson, 2002). Similarly, we negotiate power structures when we teach information literacy (see Tewel, 2015), design library systems (see Sadler & Bourg, 2015), advocate for patron privacy (see Library Freedom Project, n.d.; Carpenter, 2015), and in many other facets of library work. I contend that these negotiations continue beyond those aspects of our work that are specific to librarianship and into our engagement with the institutions where this work takes place. This includes if, and how, we choose to react to controversial events such as the Salaita case and others like it, within those institutions.

In his text, Ferguson asks scholars to reclaim the radical potential of the 1960s student movements and gain access to those “critical universes” that were closed off in the process of institutionalization. Ferguson urges us to imagine scholarly work that, while it may be located within the institution, is not of it (Ferguson, 2012). Similarly, de Jesus concludes her article by saying that libraries do have some “emancipatory potential.” Achieving that potential would require understanding how our work is complicit in institutional oppression and actively attempting to decouple that work from white supremacist and other hegemonic logics (de Jesus, 2014). If we wish to act in concert with our professed values, we must take up the difficult work of confronting institutional oppression.

Conclusion

My goal in discussing the Salaita case at the University of Illinois has been to provoke thought and reflection among academic librarians about the relevance of this event, and others like it, to our work. For me, thinking through the context of institutional oppression has been instrumental in coming to a stance that I believe is an ethical one—personally, but also professionally, given our profession’s commitment to intellectual freedom, social responsibility, and diversity: *Steven Salaita’s appointment to a tenured professorship in the American Indian Studies program at the University of Illinois should never have been rescinded.*

More broadly, I want to argue that as academic librarians we need to foreground an understanding of power in our debates about ethical questions. Context matters. This might sound like an obvious statement: of course we need to consider specific details of each unique situation. However, this consideration must concern itself not only with the immediate facts of each case but also with the social, political, and institutional contexts in which these facts are constituted. These broader power structures are precisely those that we must understand in order to take up the challenge that Ferguson and de Jesus pose to us. This is no small task; the ethical questions we face are rarely straightforward, and it is rarely the case that we can take a stance without also bearing some personal and professional risk. Furthermore, the distribution of that risk is contingent on the intersections of our various personal and professional identities. The risk of speaking out is greater for some than it is for others.

The existence of the ALA *Code of Ethics*, and other documents like it, signifies that our professional ethics are important to our conceptualization of librarianship as a profession. Our existing ethics documents (and the professional training that accompanies them) are not always capacious enough to reflect the complexity of the situations in which we seek to apply them. I find Coombe’s formulation of an ethics of

contingency useful because it acknowledges that our values are contextually bound and negotiated and explicitly draws attention to power. I interpret the idea of an ethics of contingency for librarianship as a form of praxis. Praxis, that cornerstone of the vocabulary of critical theory, is the idea that theory ought to be a lens through which to reflect on our embodied practice and that our practice ought to be a vehicle through which we embody our theories. If taking a stance that is in line with our professional ethics and core values is the goal in theory, then thinking through context is how we can achieve this goal, *always only partially*, in practice. An ethics of contingency can also be a productive lens through which to interrogate our values—to understand them as fluid and articulated, not fixed and self-evident. Importantly, this is an iterative process: critique makes space for alternative possibilities, themselves subject to critique. Ethical praxis is something to strive for, but any claim that it is something we have completely achieved should give us pause.

Of course, it would be impossible to compile a code of ethics or other document that could account for all possible scenarios in their infinite complexity, today and for the future. Perhaps our existing documents could be amended to reflect the fact that we do not work in a vacuum. Our professional activities are embedded within many overlapping relations of power and many complicated histories of oppression. These amended documents would foreground these histories and ask practitioners explicitly to consider them in their decision-making. Even more importantly, our professional training and the professional development activities we undertake need to better prepare us to understand how our work intersects with power. We must be better prepared to grapple with the many contexts in which our work takes place, so that we can begin to imagine doing our work differently.

ABOUT THE AUTHOR

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NOTES

1. This paper is an adaptation of a presentation given at the Canadian Association of Professional Academic Librarians conference held in Ottawa in June 2015. It was part of a panel, with Heidi Johnson and K. R. Roberto, titled, "Academic Freedom, Neutrality, and 'Civil' Discourse: The Case of Steven Salaita at the University of Illinois."
2. Full disclosure: I participated in these efforts.
3. In the United States, the Morrill Acts of 1862 and 1890 transferred land from the federal government to state governments for the purposes of establishing institutions of higher education. Most large public universities in the U.S., including UIUC, were founded as land-grant institutions.

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