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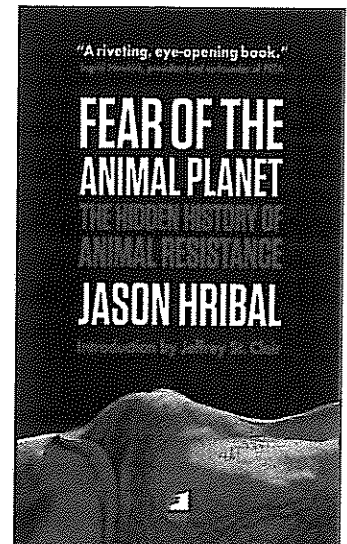
Killing Bin Laden

Dershowitz vs. Chomsky, Again

By ALLEN MENDENHALL

For an attorney, Alan Dershowitz doesn't argue very well, at least not in his recent attempt to take down Noam Chomsky for Chomsky's recent op-ed, "My Reaction to Osama bin Laden's Death." These men have a history. Dershowitz has called Chomsky a "Holocaust denier" and has suggested that Chomsky is so out-of-touch that he lives on "Planet Chomsky." Chomsky, in turn, has accused Dershowitz of launching a Jihad because of Dershowitz's seemingly unconditional support for Israel. Regardless of whether one has a dog in this fight—for the record, I don't—one can see Dershowitz's "argument" for what it is: a collection of red herrings and other fallacies cloaked in inflammatory and nationalist rhetoric. At a time when the Middle East is in turmoil—well, more turmoil than it's usually in—the last thing we need is Dershowitz's loud, self-righteous, and not-so-subtle warmongering to influence public discourse about Osama bin Laden.

The title of Dershowitz's latest spasm—I almost called it an "article"—is



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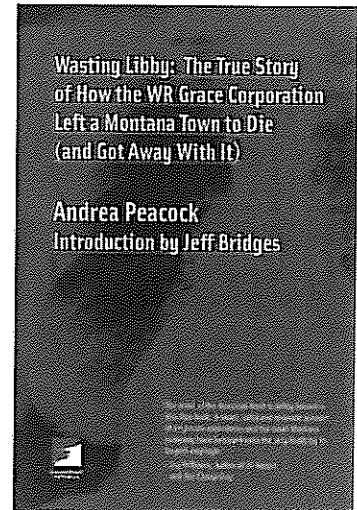
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"Bin Laden's Defender: Noam Chomsky." Provocative enough. But Dershowitz goes even further. He says that Chomsky "apparently thinks Osama bin Laden is the innocent victim of a cold-blooded murder that is worse than if George W. Bush were to be assassinated in his 'compound.'" What Chomsky really says is, "We might ask ourselves how we would be reacting if Iraqi commandos landed at George W. Bush's compound, assassinated him, and dumped his body in the Atlantic." Notice that Chomsky avoids the imperative ("ask yourselves") and carefully qualifies this sentence with "We might." The way I see it, this sentence is nothing but a variation of the Atticus Finch cliché: "You never really know a man until you stand in his shoes and walk around in them." Substitute "shoes" for Muslim "sandals" and you get the gist of Chomsky's remark. This gist is carried over into Chomsky's assertion, which Dershowitz notes passingly as if to avoid dignifying it with sustained treatment, that Bush's crimes "vastly exceed bin Laden's," an assertion that Chomsky does not elaborate on but that probably—and I emphasize probably—has to do with statistics regarding total kills by the American army as compared to total kills by Islamic terrorists.

Chomsky does call bin Laden an "unarmed victim," and after an overlong consultation with the Oxford English Dictionary, I must concede that Dershowitz has a point here, at least insofar as bin Laden doesn't seem, to this writer at least, to qualify as a "living creature killed and offered as a sacrifice to some deity or supernatural power" (although the word might mean that to those who worship at the idol of nationalism). If you're a Middle-Eastern Muslim, which I most definitely am not, you might consider bin Laden a "person who is put to death or subjected to torture by another," or who "suffers severely in body or property through cruel or oppressive treatment." For bin Laden to qualify as a "victim" under this definition, his sufferings would have to be considered along a timeline dating back to the 1980s, and not the few minutes it took to raid his compound to put a bullet into his head. By "victim," Chomsky might have meant "one who perishes or suffers in health, etc., from some enterprise or pursuit voluntarily undertaken," for it's conceivable that Chomsky would classify terrorism as a "pursuit voluntarily undertaken" and that he would cast the United States as an "enterprise." The OED suggests a weaker signification of "victim" as one "who suffers some injury, hardship, or loss, is badly treated or taken advantage of, etc." This general understanding of the word lends support to Chomsky's diction especially because it (the understanding) leaves room for much subjectivity—victimhood is in the eye of the beholder, in other words. None of these definitions implies that "victim" status is forfeited or negated if the person in question suffers or is killed as a result of retaliation. Put another way, one could victimize another and still be the victim of those he victimized. Perhaps Chomsky's word choice is not inappropriate after all. But that's not surprising, because Chomsky is only the most renowned linguist alive.

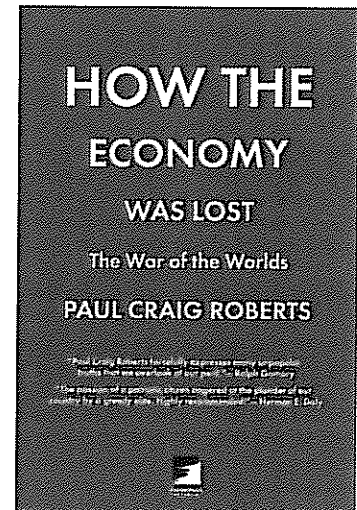
The apparently telepathic Dershowitz informs us that Chomsky "doesn't believe Bin Laden's own admission of complicity in the murder of 3,000 people on 9/11." On this score, it is worth contextualizing Chomsky's statement. First, Chomsky stresses that bin Laden was, from the beginning, merely a suspect, since Robert Mueller, head of the FBI, implied as much to reporters in April 2002. Then Chomsky suggests that little incriminating evidence has been added to the evidence available in 2002 ("Nothing serious has been provided since"), and that point leads him to address "talk of bin Laden's confession," which Chomsky provocatively likens to his own outrageous confession that he won the Boston Marathon. As if aware of the gravity of this last statement, Chomsky adds that bin Laden "boasted of what he regarded as a high achievement," which is to say that bin Laden endorsed rather than carried out the attacks. It is not my place to evaluate Chomsky's claims on their merit, for I have no access to privileged government information and probably will never know "what really happened," or better yet, "how it really happened." My aim is simply to show how Dershowitz either foolishly misconstrues Chomsky's language, or else misrepresents Chomsky with what we lawyers stupidly refer to as "willful malice" ("stupidly," I say, because one can never know but only infer the willfulness of another). At any rate, it is strange, is it not, that a professor of criminal law would conflate "truth" with "confession," given the sheer number of false confessions submitted every year, and given the sadly

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common accounts of people like Paul Ingram and John Mark Karr.

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In another moment of supernatural telepathy—seriously, why wasn't this Dershowitz working for the U.S. government when his mindreading powers could have located bin Laden much sooner and perhaps even prevented the 9/11 attacks—Dershowitz claims that Chomsky doesn't believe "the evidence gathered by the 9/11 Commission, the grand jury that indicted bin Laden, the numerous confessions and claims of responsibility by Al Qaeda operatives, and the video showing those who flew the planes in the presence of Osama Bin Laden and Ayman al-Zawahiri." More than anything, Dershowitz seems to be piling up evidence of bin Laden's ties to the 9/11 attacks in order to portray Chomsky as a conspiracy theorist. But Chomsky is not denying that 9/11 happened or that Al Qaeda was behind it. Nor is he accusing the U.S. government of complicity in the event. He's simply pleading for people to do just what Dershowitz attempts to do: provide evidence of the bin Laden-9/11 link so that bin Laden could be prosecuted as in societies that, in Chomsky's words, "profess some respect for the law" and where "suspects are apprehended and brought to trial." That should be easy enough for a professor of criminal law to understand.

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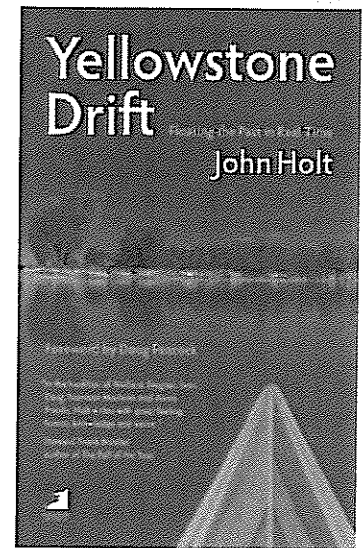
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Thomas Mountain

The red herrings in Dershowitz's spasm are many—remember that I called Dershowitz's piece a spasm, not an article—but the first of them are couched in what high school English teachers refer to as "rhetorical questions." He asks, without any logical transition, "If Bin Laden and Al Qaeda were not responsible for 9/11, who was? The United States? The Zionists? Maybe it never happened at all, as some hard left 'intellectuals' have claimed." These questions would seem to imply their answers—which would in turn imply that Chomsky blames Israel and the United States for the attacks, or perhaps denies the existence of the attacks altogether—but these questions seem only tangentially related to anything Chomsky says in his piece. (As an aside, I wonder which intellectuals deny that 9/11 happened. I can think of a few who challenge the accepted and conventional narrative of the event, but none who deny that it took place.) Perhaps Dershowitz poses these questions having in mind other comments that Chomsky has made outside the four corners of his most recent op-ed. I don't know. I do know that once Dershowitz poses them, his piece begins to degenerate into hateful mudslinging (Dershowitz gripes that "the real question is why any reasonable person pays any attention to the ignorant rants of this America-hater, Israel-basher and conspiracy theorist," referring, of course, to Chomsky) and beside-the-point, hysterical outbursts (Dershowitz says he can see why Chomsky gained fanfare among people like bin Laden, Hugo Chavez, and Fidel Castro, and Dershowitz charges Chomsky with having on several occasions made up facts and then characterized those made-up facts as undeniable truth).

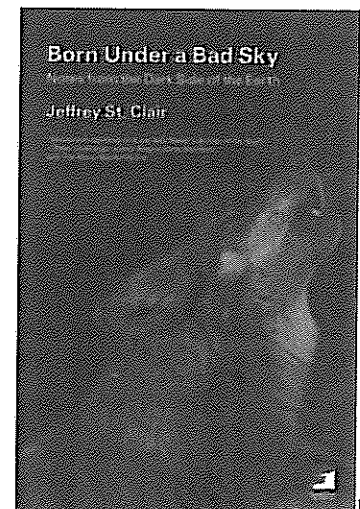
I don't know whether Dershowitz is calling for violence when he declares that the "time has come to dump Noam Chomsky into the wastebasket of history," but the visual of bodies piled high in the garbage is disturbing, and dumping bodies is certainly not the same thing as "ignoring" or "disregarding" Chomsky's claims—something a more reasonable commentator might have called for. Dershowitz never really addresses Chomsky's take-away point: that the U.S. violated international law and the sovereignty of another nation when U.S. agents, at the behest of Barack Obama, invaded Pakistani territory to carry out a political assassination. For that reason, among others, Dershowitz comes across as less interested in Chomsky's reasoning than in Chomsky as a political symbol.

Maybe Dershowitz is hung up on his past experiences and debates with Chomsky about Israel and anti-Semitism. In his spasm, Dershowitz twice criticizes Chomsky for allegedly denying the connection between Holocaust denial and anti-Semitism—Dershowitz draws his support for this claim from remarks Chomsky made about Robert Faurisson—but this criticism seems awkward in a piece responding to a piece that never mentions Israel. When Dershowitz seems to offer valid criticism (such as the criticism of Chomsky's positions on the Cambodian genocide), his positions have nothing to do with Chomsky's piece.



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Dershowitz has made a career out of defending Israel, and his name has been circulated globally for his controversial statements about Palestine. It is not surprising, then, to see such an uncritical frenzy of a response to Chomsky's article, which quotes the Nuremberg Tribunal to analogize Bush's America to Nazi Germany, and which likens the American tendency to name weapons after her victims ("Apache," "Tomahawk") to a hypothetical situation wherein the Luftwaffe names fighter planes "Jew" and "Gypsy." Chomsky's proclamation suffers from a lack of tact, to be sure, and his analogy is tenuous. But Dershowitz's invective does little to pick apart Chomsky's fallacies or to reveal them for what they are: provocations. Dershowitz's diatribe makes Chomsky's piece more convincing than it should be.

Dershowitz reveals more about his own character and temperament—and arguably of his ability to comment on events with any sort of sophistication—when he dubs Chomsky "a joke" and "a hateful crackpot," or indicts "naïve students" and "sycophantic college audiences" in general and suggests that "Planet Chomsky" is a place where academics and their students "can live their paranoid lives devoid of any contact with the reality of planet earth." I sympathize with Dershowitz in his frustration with the academy, but crowning Chomsky as an enabler or icon of all that's wrong with professor-student interaction seems whacky, since Chomsky is hardly representative of the thinking that takes place in the Ivory Tower.

I almost feel badly for Dershowitz, because I cannot help but imagine a tired man with a psychological wound made possible by both real and imagined threats over time. His argumentum ad hominem is not impressive and not very exhilarating as far as fulminations go. Bloviating to irrelevant conclusions is not the best way to establish your reputation, in my un-asked-for opinion. I could not be called a supporter of either Dershowitz or Chomsky, but in this instance, I will venture to say that Chomsky has outdone Dershowitz, not because Chomsky's piece is free of error or logically sound, but because Dershowitz quickly exhausts his credibility and exposes his spasm to be little more than nationalist nonsense laying bare the "true colors" (Dershowitz's words, not mine) of its subject. That Dershowitz's major concern is "true colors" is telling; the man cares about nationalism. His spasm reveals of himself what he claims it reveals of Chomsky: that Dershowitz has no credibility among serious people who care about truth. Dershowitz does far more to validate Chomsky's arguments than Chomsky does himself. If Dershowitz is right and Chomsky is a dishonest charlatan who cannot be trusted, then what, pray tell, do we make of Dershowitz, who has made Chomsky's arguments look only more plausible? The answer is implied in the question.

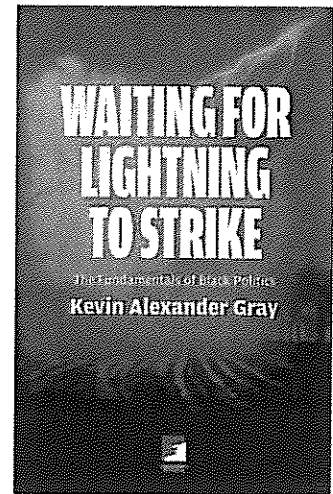
Allen Mendenhall is a writer and attorney living in Atlanta. Visit his website at AllenMendenhall.com.

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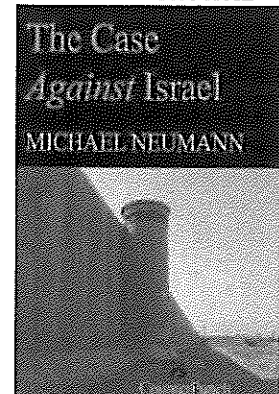


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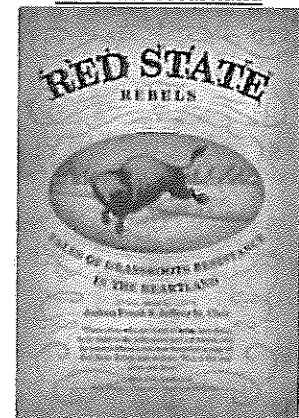
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