



UNIVERSITY COMMITTEE ON ACADEMIC FREEDOM (UCAF)
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Assembly of the Academic Senate
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June 7, 2017

**JIM CHALFANT, CHAIR
ACADEMIC SENATE**

RE: UCAF STATEMENT ON THE FREE EXCHANGE OF INFORMATION

Dear Jim,

The University Committee on Academic Freedom is given the charge to “report[] to the Assembly upon any condition within or outside the University that, in the committee's judgment, may affect the academic freedom of the University and its academic community.” The committee has viewed with growing disquiet developments on university campuses (at the University of California and elsewhere) and in the wider political realm that seem to us to threaten some of the basic principles on which the academic enterprise is founded.

In 1919 Justice Oliver Wendell Holmes, in a dissenting opinion in *Abrams vs. United States*, gave us one of the most famous and influential defenses of the principle upon which American jurisprudence related to Free Speech has come to be founded:

when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out¹

If this is true for public discourse in the nation at large, it is even more pressingly true for the enterprise of academic argument. If we are not free to examine and test every claim, every hypothesis, if we are unable to consider all objections—however farfetched they may seem—to what we believe to be true then we are no longer participating in a genuine attempt to discover the truth. As John Stuart Mill said in *On Liberty*:

even if the received opinion be not only true, but the whole truth; unless it is suffered to be, and actually is, vigorously and earnestly contested, it will, by most of those who receive it, be held in the manner of a prejudice, with little comprehension or feeling of its rational grounds.

¹ <https://www.law.cornell.edu/supremecourt/text/250/616>

These essential principles seem to us to be threatened by an emerging trend in the culture of US campuses.

In a number of high-profile incidents, speakers with views considered abhorrent by students on campus have been prevented from speaking when campus administrators felt unable to guarantee the safety of the speaker or of other members of the campus community.² The common thread to these incidents is the belief that the appropriate response to discomfiting, offensive or inconvenient arguments and opinions is to suppress them, to refuse to give them a chance to be heard. While we understand that the expression of some opinions and arguments can be deeply distressing to certain audiences, it is vital to the mission of the university as an institution dedicated to the pursuit of truth, knowledge and understanding that it allows all viewpoints and opinions—so long as they do not constitute harassment or rise to the level of incitement of illegal activity—to be expressed and considered. In practice, this means taking especial care to defend the rights of those whose opinions we do not respect, whose viewpoints we consider abhorrent, to make their views heard. It is easy to defend the rights of speakers we agree with, and too easy to forget that their rights are only secure as *rights*, rather than privileges, if speakers of whom we disapprove can also appeal to them.

We call upon all campuses in the UC system to take active steps to combat these troubling developments. We encourage them to work to educate students in the history, philosophy and legal theory of free speech, and to work with students to help them develop more productive, effective and intellectually engaged methods of response to speakers whose opinions they dislike than the exercise of the “heckler’s veto.” It is crucial that students, and other members of the campus community, understand that to acknowledge a speaker’s right to be heard by those who wish to hear her does not imply an endorsement of that speaker’s position, or prevent one from vigorously contesting it. The best response to bad ideas is to expose their flaws and to demonstrate their falsity. Holding teach-ins where faculty with relevant expertise examine and rebut the claims of the speaker, inviting outside speakers who will make countervailing arguments, the active promotion of workshops in creative public expression or innovative and theatrical forms of nonviolent protest, engaging in peaceful demonstrations which make clear that the views of the speaker are not endorsed by the wider campus community are all constructive forms of response to controversial speakers which do not undermine our collective right to freedom of speech and avoid the simple trap of giving sympathetic publicity to the very views the protestors decry.

Sincerely,

A handwritten signature in black ink, appearing to read "Hugh Roberts". The signature is fluid and cursive, with the first name "Hugh" being more prominent and the last name "Roberts" following in a similar style.

Hugh Roberts, Chair
UCAF

² See e.g., <https://www.nytimes.com/2017/02/01/us/uc-berkeley-milo-yiannopoulos-protest.html>;
<https://www.theatlantic.com/politics/archive/2017/03/middlebury-free-speech-violence/518667/>;
<https://www.nytimes.com/aponline/2017/04/14/us/ap-us-auburn-white-nationalist-.html>