

INSIDE: Thoughts on academic freedom and freedom of expression. Introduction by Mary Moran with essays by Stanley C. Brubaker, Robert Garland, Jonathan Hyslop, David Dudrick, Carolyn Hsu and Peter Balakian.



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Academic Freedom in the Classroom

Mary Moran

Professor of Anthropology and Africana and Latin American Studies
President, Colgate Chapter of the American Association of University Professors

Long, long ago, when I was young and untenured, I received a disturbing cluster of SET responses in a course called “Political Anthropology” (which happens to be my sub-field specialty within the discipline). A group of students, who had obviously conferred together beforehand, wrote that they felt they were victims of “false advertising.” They were taken aback because a number of assigned readings pertained to gender hierarchy and took a feminist theoretical perspective. Feminist theories and studies of women in politics were becoming established topics in Anthropology by this time and were central to my own scholarship, so I thought I was presenting my student with “cutting edge” material in the discipline. Nevertheless, SET comments complained that we “talked about women” much too frequently for a course in which the words “women” or “gender” did not appear in the title. The students wondered what all this had to do with politics.

Apparently I had failed over the course of the semester to convince these students that gender relations indeed encompass the “political,” although such a proposition would be taken for granted by most academics today. The mid-1980’s was a time when feminist ideas and content were not necessarily “mainstreamed” into the traditional curriculum and those courses taking such a perspective were clearly marked as “Women’s Studies.” Fortunately for me, the senior faculty in my department were extremely supportive, even

though I learned later that these same students had approached the chair to make their complaints in person. I was assured that introducing such “controversial matter” into my classes was exactly what I had been hired to do at Colgate, and that it was up to me, not the students, to decide what was “relevant to my subject.” This was how I learned, from those generous senior colleagues, about the meaning of academic freedom. While an umbrella concept for a range of free speech and expression issues, for me, academic freedom will always mean that I am trusted by my colleagues to define the intellectual space of my own classroom, and that I trust others to do the same. It means that even if I am “out ahead” of student or other popular thinking on a particular topic or current event, my colleagues will have my back. This is why I found some phrases in the recent faculty petition, referencing a 1940 AAUP statement, deeply disturbing.

I continue to believe that academic freedom is and should be one of our most cherished privileges and responsibilities as teachers and scholars. I believe it safeguards and protects our ability to change our pedagogy and our research orientations to follow new intellectual directions and push against what used to be firm disciplinary boundaries. The 2007 Report of the national AAUP Committee A on Academic Freedom and Tenure (available on the AAUP website) contextualizes and expands upon the 1940 language, noting that “We ought to learn from history that the vitality of institutions of higher learning have been damaged far more by efforts to correct abuses of freedom than by those alleged abuses.” This issue of the *Vox Facultatus* invites us to learn from this history and from the comments of our colleagues as the newly elected Task Force on Academic Freedom takes up the challenge of producing a statement rooted in our present era.

The Spirit that is Not Too Sure it is Right

Stanley C. Brubaker, Professor of Political Science

When I introduced the Petition at the February Faculty Meeting to reaffirm our principles of freedom of expression, I cautioned there is a spirit abroad that is filled with certitude, a spirit that is intolerant, suspicious, impatient, and self-righteous. It is a spirit inimical to liberty, which as I quoted Judge Learned Hand, “is the spirit that is not too sure it is right.”

From within the walls of the American academy, it is easy to spot the threat to liberty outside: it looms large; it does not mask its distemper or its contempt for the modern university; usually, it is maladroit —and even if it were sly, our antenna are finely tuned to trace its advance. Many at universities today want to affirm principles of free speech because they worry about this threat from outside; they have good reason, and I share their concern.

But I worry more about what John Etchemendy, former Provost at Stanford, describes as “the threat from within:”

a kind of intellectual intolerance, a political one-sidedness, that is the antithesis of what universities should stand for. It manifests itself in many ways: in the intellectual monocultures that have taken over certain disciplines; in the demands to disinvite speakers and outlaw groups whose views we find

offensive; in constant calls for the university itself to take political stands. We decry certain news outlets as echo chambers, while we fail to notice the echo chamber we've built around ourselves.

This threat is easily overlooked. Indeed, it is most likely to arise just when we're pretty sure of ourselves; or better put, because we are sure of ourselves and the justice of our cause. Moreover, it often doesn't seem to ask for much—only that we be nice. It speaks warmly about inclusion. Indeed, the threat at our own university, though steadily advancing for years, came to a crest bearing the title, "Colgate for All." Under this banner, on the morning of September 22, 2014, the Association of Critical Collegians (or ACC), marched on the administration building, where they were soon joined by scores of sympathetic students and faculty. For hours administrators listened as students testified. Some testified to direct and personal harassment, matters contrary to law and which should find no shelter within the academy. But more common were what has been styled a "micro-aggression." The latter are sometimes deliberate, but more often they are inadvertent. One might think the proper response would be a shrug or a sharp retort. Instead, we learned, they require a program of consciousness raising in order to detect and prevent them. Here's an illustration from one of the testifiers:

When one of my friends found out about this movement, he said, "Somehow, I think that complaining about being at one of the nicest schools in the country isn't what Martin Luther King was talking about." One of my first thoughts after hearing that was, "Good thing more people didn't hear that."

Now it was unacceptable that I was more worried about how others would be offended by that than how I myself am offended by that. And I need to change so that I am personally offended by statements like that, and so that I want to cry when I hear these stories and talk about these issues. And will I have to make an effort to change? I need to be urged to make that effort.

After 100 hours of testimony, teach-ins, and "constructive talks," the administration emerged to announce a 21 point program that would fight bias and micro-aggressions. It would do so in large measure, as this student requested, by raising the consciousness of the community and making its members more sensitive, more ready to take offense, and better equipped to take action when they hear comments such as the one invoking MLK to belittle current complaints.

The program was prefaced by a "restatement" of Colgate's mission. We were announced to be: "an inclusive institution that respects the complexity of human understanding, [that] supports a broadened perspective within a caring, humane community, and that is committed to educate students to ... respond openly and sensitively to others who are different from themselves." Now these phrases were all taken from the real Colgate mission statement. But they were cut from four different sentences, drawn from three different paragraphs, quoted out of sequence, and remixed to give us a mission statement with little to distinguish this prestigious institution of higher education from a primary or secondary school, or indeed from a

summer camp. The original was made of sterner stuff. It spoke of a “demanding, expansive, educational experience,” “challenging” students through residence in “a community that values intellectual rigor . . .” (emphases added).

Numerous policies followed in train, switching out terms like “demanding,” “challenging,” and “rigorous” in favor of “diversity,” “inclusivity,” and “caring.” Henceforth, this community would make everyone feel “welcome” (another favored word)—with zero toleration of bias. The existing bystander intervention program, designed to prevent sexual assault, would be recast to train students to detect, interrupt, and report bias; diversity training sessions would be developed for faculty and staff; teaching tables would be developed to help faculty foster diversity and fight bias in the classroom; candidates for faculty positions would be asked to describe their approach and commitment to a “diverse and inclusive educational environment;” during first-year orientation, incoming students would be taught how to conduct a “Colgate Conversation,” which involved identifying themselves in terms of sexuality, race, ethnicity, and class, and then mastering new pronouns and grammatical structures, according to which, an astute colleague pointed out, the educated student should write: “I could tell that Socrates like themselves by the way ze agreed to drink hir hemlock.”

Now, no single item I list above represents a clear breach of academic freedom or freedom of expression. But the cumulative effect has been to displace the advancement of knowledge with the advocacy of moral action; it has been to cultivate certitude and impatience. Thus, one could hardly have been surprised a year later, when “about 200 students and several professors formed a human chain in front of the Center for Women's Studies,” as reported in the Colgate Maroon-News. “The chain effectively blocked the entrance to the Center, where the administration had planned to hold the first of three brown bag luncheons to discuss the results from the Sexual Assault Campus Climate Survey that Colgate participated in last spring.” Rather than data, these students wanted narrative, and with an administration all too eager to comply, they got their opportunity—and in a safe space. Again, I quote from the Maroon-News: “More than 700 people filled the Chapel that evening, but not all were welcome guests. Before the event began, student organizers asked several known perpetrators of sexual assault to leave in an attempt to create a safer environment for the Survivors to tell their stories.” The “known perpetrators,” of course, didn’t get a chance to tell their side of the story. Nor did those of us interested in the data ever get to hear the analysis. With protests continuing, the administration decided to cancel the next two brown-bags, meekly announcing, “at this point, we have moved beyond that part of the discussion.”

Nor should one wonder that these many well-intentioned efforts at diversity and inclusion have resulted in homogeneity and exclusion, that they have had a “chilling effect” on the expression of opinion. We should not be surprised that when invited to have a “frank and open conversation” about race, gender, ethnicity, most students clam up or offer the most anodyne pronouncement. Indeed, in this new environment it is hard to keep up with what one can safely say, or even what's the right thing to say. We recently issued a statement invoking the principle of the free movement of

persons (which I strongly support), but should a refugee from tyranny enroll at Colgate, a student steeped in “Colgate Conversations” must wonder if he can ask, “Where are you from?” We have made it our mission to “respond openly and sensitively to others who are different from ourselves,” and through our Core Cultures and Identity, we learn the identity, culture, and human experience inherent in a different region of the world. But at some shifting point, we must learn to curb our enthusiasm lest we be charged with “cultural appropriation.”

A great university cannot stand on this foundation of egg shells and landmines.

I love diversity in nearly all of its manifestations – ways of life, culture, cuisine, and art – but especially I love diversity of opinion in a free flow of conversation, where ideas are ventured and tested, where arguments are found strong or wanting. In such conversations, I often learn something. But in the contemporary atmosphere of conformity, diversity at its best resembles the wonderfully appealing, but sappy Coke commercial, where people from all around the world gather on a hilltop to sing in simple harmony, “I'd like to buy the world a home, and furnish it with love,…” And at its worst, it looks like the crowd of students at Middlebury recently: marvelously diverse, united in certitude, though poorly informed, chanting from the same script in righteous rhythm: “Racist, sexist, anti-gay, Charles Murray, go away.”

Because I love diversity of opinion and that “controversy,” which the AAUP has said lies “at the heart” of academic freedom (1970 Interpretive Comment), I joined others in petitioning for a reaffirmation of principles. A sound restatement by the Task Force cannot itself hope to reverse the threat from within, but we may hope at least that it allows more voices to say, “I’m not too sure about that . . .”

Free Expression: Weighing the Good Against the Bad

Robert Garland, Roy D and Margaret B Wooster Professor of Classics

I should like to express my gratitude to the President and to the FAC for taking on the charge of producing a document that will support freedom of speech on Colgate’s campus, and to the AAUP for providing a forum for debate. I actually prefer the term “freedom of expression”, since artistic images as well as words may be subjected to curtailment, so with respect I shall use it here. I shall largely limit myself to that aspect which has tended to dominate discussion on the campus, namely whether speakers who hold values that our inimical to a majority of our community should be permitted to address it, but this is just one of many issues at stake.

Though some colleagues might argue there are more pressing issues that we as a faculty should be debating, freedom of expression goes to the heart of our academic and pedagogical enterprise, and at this moment in our history is worthy of our collective and concentrated attention. Not a trifling benefit from the proposal to reaffirm that Stanley Brubaker initiated is the fact that, irrespective of political

affiliation, the minds of the faculty are exercised in a way that is intellectually and morally challenging.

In Aeschylus' magisterial trilogy the Oresteia, Clytemnestra murders her husband Agamemnon, whereupon their son Orestes is faced with a moral dilemma that reaches the highest realm of ethical complexity. To avenge his father is a son's most sacred obligation. Yet to slay his mother is the most heinous crime imaginable. So he does what he believes is the lesser of two evils – he kills his mother and becomes temporarily insane, eventually to be acquitted in the first lawsuit ever adjudicated by Athens' democracy.

When I undertook to support the re-affirmation of Colgate's commitment to free speech, I did not think that this was a simple matter of joining the side of the angels, for this, too, is an ethically taxing issue. As any thinking person would acknowledge, there is much that can be said against freedom of expression.

Two objections, I believe, have a paramount claim upon our consideration. The most serious is that we will potentially be giving voice to those whose views are inconsistent with the values that we as an enlightened community cherish and uphold. This objection is related to the view that the role of the academy is to promote the highest standards of ethical decency. To that concern I would respond in a fashion similar to the President of the University of Chicago, who addressed us recently. It is not our business to protect our students from what is offensive, however egregious it might be. There are solid pedagogical grounds for arguing that exposure to unfashionable or reprehensible ideas can significantly contribute to the moral and intellectual development of our students, or to put it more crudely, toughen them up, since they will surely confront bigotry in the workplace and elsewhere.

The second objection is that as scholars and educators we are dedicated to stringent rules of evidence, judicious inquiry, and the eradication of intellectual and moral bias, whereas by supporting freedom of expression we are giving a platform to ideas that violate these principles. This is incontestably correct, though I would point out that we are also giving a platform to ideas that are objectionable to the establishment point of view. And that at this moment seems to me to be essential.

There are, of course, many individuals whom we would not wish to see on our campus, including those who falsify data to suit their political agenda or who espouse hatred. However, by endorsing freedom of expression we will not be giving unconditional licence to anyone to say anything on campus. The university has a legal and moral obligation to protect the community when its safety and welfare are at risk and should fulfill this obligation where necessary. So by advocating freedom of expression we will not be freed from making difficult decisions about speakers on a case by case basis in the future. And the same is true of other areas relating to freedom of expression. *Necessarium est inter nos dissentire.*

Freedom of expression is not an ideal. At best it is a principle. As Aeschylus understood so well, it is one of those issues, of which there are many in the area of ethics, where, as he would put it, right is fighting with right. But I vehemently believe that our university and our society are safer and stronger when they permit freedom of expression – even if it is ugly – than when they ban it – even with the best intentions.

Lastly, though the proposal to re-affirm freedom of speech came from the faculty, as we move forward, I hope expeditiously, I believe we should take soundings from students and staff in a unified forum.

Humboldt's Statue: A Reflection on Academic Freedom

Jonathan Hyslop

Professor of Sociology and Anthropology and Africana and Latin American Studies;
Director of Peace and Conflict Studies

Let's declare ourselves in favor of academic freedom. That seems like a self-evidently necessary thing for academics to do, and any hesitation to agree may appear as an attack on something that should, self-evidently be sacred to us. Since, at the beginning of the 19th Century, Wilhelm von Humboldt, the Prussian Minister of Education, proclaimed the values of *Lehrfreiheit* (the autonomy of teaching) and *Lernfreiheit* (the autonomy of learning) those notions have stood the modern university in good stead. In democracies they have provided the basis for the defense of the academic project against authoritarians and religious fundamentalists, and for support to colleagues in those countries in which dictatorial regimes have repressed intellectuals. The concept of academic freedom is something which is essential to the work we do, and it is also something on which almost all of us, perhaps over 99%, can agree.

I would do my utmost to support any colleague whose academic freedom was infringed. Yet I hesitate to put my hand up for a simple declaration in favor of its verities at this particular moment in historical time. Why?

Firstly, the desire to declare adherence to academic freedom is being provoked by a bogus political campaign which, far from arising to universally shared values, seeks, for political ends, to paint the contemporary American university as dominated by corrupt leftist cliques. In this story, students are brainwashed by 'cultural Marxists' and coddled by 'trigger warnings', conservative scholars are marginalized, and speakers with right wing views are driven off campus. Now I have no brief to defend all the doings of the American intellectual left, and indeed some of its manifestations do strike me, as a foreigner, as remarkably moralistic and silly. But it should be clear to anyone with actual experience of university life, that the picture of massively threatened academic freedom is a complete fantasy. It is actually driven by the politics of an insurgent anti-intellectual populism. A very few isolated incidents are taken up to produce a distorted picture. The people promoting the narrative are not the friends of the life of the mind, but those are hostile to it. There is an element of

projection in what is being said here: the people who want to shut us up, tell us that we are stopping others from speaking. To act as if this fabrication is the reality is to concede the case of these fabulists. We need to set our own agenda, not react – with all good intentions - to that of people who don't have the interests of the academy at heart.

Such an agenda of our own might for example, be focused on an issue that is surely as central to the university's existence as academic freedom, namely the pursuit of evidence-based science. Science is under a real, rather than an imaginary, assault at this very moment, with government committed to the destruction of data bases, the defunding of research, and high officials of state denigrating the expertise of scientists. There is an imperative need to universities to stand up for the value of science. If we are to have statements in defense of academic freedom – worthy but not under actual threat – let them be linked to statements in defense of science, which stands under palpable threat.

Secondly, it is not clear to my why, if the moment calls on us to make communal declarations of belief, we may need to think about the dangers of making the statement for academic freedom without situating what we are doing within an awareness of a broader context. I do not think that it is possible to talk about the social role of academics without taking note that since 20 January 2017, we have seen an orgy of militarism, nationalism, racism and official contempt for the social fate of working class people which is without precedent in a western democracy during most of our lifetimes. We have also seen clear evidence of collusion of important political actors within the world's most important democracy with the political and economic projects of a hostile authoritarian power. It is not possible to speak about one's role as an academic outside of this context.

To some extent my view here is shaped by my experience in South Africa. In 1959, the apartheid state imposed a measure called the Extension of University Education Act, an Orwellian title for a law which actually imposed racial segregation on the universities. A small number of universities, notably those of the Witwatersrand and Cape Town, which had a significant number of students of color, but were designated as white universities, firmly opposed the Act. They dedicated themselves to the principles of academic freedom. Over the next three decades, they proclaimed their position at graduations and other ceremonies, held protests and demonstrations, and very importantly tried to circumvent the regulations, zig-zagging around the bureaucracy to admit as many black students as possible. Eventually by the 1980s, the application of the law began to crumble, significant numbers of black students came into the 'white' universities and black faculty began to be appointed. Yet what is striking is that the universities that waged this fight for academic freedom did not earn great approbation for it from black South Africans. Critics argued that while the universities had insisted on their own rights to decide who should be admitted, who should teach and what should be taught, they had done so in a way which avoided dealing with the wider context of the apartheid system. The institutions appeared self-interested, rather than altruistic.

There is a lesson here. If we are to convince the wider society that the pursuit of academic teaching and research are worthy social goals, we cannot do so in a way which suggests in any way that we are unconcerned with the wider issues of social justice. What do we have to say to people in Madison who lack jobs and health insurance, to undocumented immigrants harvesting our food on the farms of New York state, to unemployed youth on the streets of Utica and Syracuse? You might of course say that academic freedom is something we can have consensus about, whereas these wider political questions are things we cannot. Yet I remember sitting through meetings in South Africa in the 1980s, arguing against people who said that the university could take positions on its own affairs but not on issues beyond its walls. That may have appeared a plausible argument to some at the time, but there it looks very threadbare in the long historical perspective.

Statements of the principles of academic freedom are good. But academic freedom cannot be uncoupled from a commitment to wider democratic values, especially at moments of crisis. At the gates of Humboldt University in Berlin, Wilhelm von Humboldt's statue looks down, to his right the proud west wing of the building, in which Planck, Einstein, Hahn, Meitner and others virtually created modern atomic science. Yet at his feet, embedded in the pavement, is a reminder of how far that great university fell from those high ideals of *Lehrfreiheit* and *Lernfreiheit*. There, metal *Stolpersteine* (stumbling stones) give the names of faculty of the university who were murdered by the fascists. All those decades of pious commitment to academic freedom availed little when the real test came. We should never put ourselves in a position where a future generation might be able to say that we were so concerned to assert our own rights as academics that we were unable to see the world in which we were living.

Freedom of Expression in the Academy: A Proposal

David Dudrick, George Carleton Jr. Professor of Philosophy;
Director, Sophomore Residential Scholars Program

The petition considered at a faculty meeting early in the spring called "Freedom of Expression at Colgate" has as its subtitle "A Reaffirmation of Principles." It is called a "reaffirmation" because each of the three statements with which it opens¹ is taken

¹Here they are, taken from the petition circulated at the February 2017 Faculty Meeting:

"Pursuit of a liberal education requires an atmosphere conducive to the full and free expression of opinion; responsive membership in the Colgate University community also requires a respectful awareness of individual and group sensibilities" (from "Campus Expression," Student Handbook, adopted in 1980).

"The professor in the classroom and in conference should, consistent with the nature of the course, encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards" (from "Students' Freedom of Expression and Inquiry," Faculty Handbook, adopted in 1974).

"Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject" (from 1940 AAUP "Statement of Principles on Academic Freedom," Faculty Handbook, adopted by the Board of Trustees in 1948).

from existing Colgate literature – these are the positions on academic freedom and freedom of expression that are right now “on the books.” By pointing this out, the drafters of the petition have done us all a service: if we agree with the statements, we can reaffirm them; if we do not, we can reject them. In what follows, I’ll say why I think we should reaffirm them.

It’s commonly accepted that academic freedom and freedom of expression are important values of the university. But why should this be so? One might think they’re important because they protect the statement of controversial opinions from punishment by administrators. But why should controversial opinions be protected? To answer that question, we need to consider the purpose of the university – it will be in their relation to this purpose that academic freedom and freedom of expression find their rightful place. So: what is the purpose of the university?

Consider first an objection to the question: “This is overly abstract and unwieldy – the university has many purposes, and its purposes are different for different people.” I want to grant that there’s something right about that objection, but also to insist that the question is a good one. For there must be some shared enterprise that characterizes our university, one to which we all are supposed to contribute, in appropriately different ways. This enterprise might in fact serve different purposes for different people, but there must be some common project, however broad and multifaceted it may be, that binds us together and justifies the existence of the university. What is that project?

Here’s my proposal: the central purpose of the university is to engage in communal practices conducive to attaining truth in different areas of inquiry, and to enable students to engage in such practices. Put more succinctly: the purpose is to allow us to seek truth together. (I hasten to add that I take beauty to be an expression of truth, so the arts have an indispensable role.) Of course, we do lots of other things: erect buildings, prepare students for employment, create communities, etc. To the extent those things are good, in my view, they are related to this purpose, either enabling it (e.g., erecting buildings), or resulting from it (e.g., students prepared for employment), or both of these (e.g., coming together in communities). The last is particularly important: because truth-seeking of the sort we do is a communal endeavor (involving local communities, as well as ones spread through space and even time), faculty and students must have a secure sense of themselves as full members of the university community to do it well.²

What does this proposal imply for academic freedom and freedom of expression? Well, with regard to teaching, our purpose is to help students engage in truth-seeking practices, with the goal of mastering at least one such set (hence our requirement of a “concentration”). A consequence is that we are to teach ways of thinking, rather than what to think. We do, of course, have knowledge to impart to students: knowledge of chemical reactions, of the distinction between grounds for and causes

² The university is thus committed by its purpose to upholding certain values, including the value of truth-seeking and of the conditions under which truth-seeking is possible. These “thin” values, and not “thick” values (e.g., frugality, or magnanimity, or sanguinity), are those guiding the university as such.

of beliefs, of the ways the Book of Job has been read through the ages. The point is simply that we tell our students what is so insofar as that is necessary for their mastering of a disciplined way of thinking, one that allows students to determine for themselves what (else) is so.

We might call this the “impartiality ideal:” that professors should, as far as possible, present material in a manner that shows minimal partiality to a particular view of that material. The idea is to avoid presenting any particular view as true, and instead to present the state of our discipline(s) with respect to the matter at hand – with an eye to presenting as diverse a set of views as possible. We should then help students to see the strengths and weaknesses of each relative to one another (via objections and responses), while being very explicit in leaving to each student which view she ought to accept. (When students in class ask, “What do you think, Professor Dudrick?” I say, “Who cares? The question is what you think and why you think it.”)

I do recognize that, at least in some cases, telling students which view one holds on a controversial issue may in fact be pedagogically useful: it allows students to see the issue as a live one and to see that truth-seeking requires taking positions – even while seeing that those who hold opposing views are reasonable in doing so. (We might call this is the “embodiment ideal.”) In most cases, however, to depart from impartiality– to present a particular view as true in a case where there are multiple reasonable positions – is to influence students in a way that serves no academic purpose.

I also acknowledge, of course, that the ideal of impartiality is one that cannot be met fully. But this is not a sufficient reason to abandon it as an ideal. If we abandoned all standards we couldn’t fully meet, we’d be left with very few standards; besides, there are methods by which to increase impartiality: e.g., one might make sure to include and present charitably views with which one happens to disagree quite strongly. (I’ve found this to be quite easy as a Christian and Nietzsche scholar!)

The warning in the 1940 AAUP statement – the one we were asked to reaffirm – appears to me to confirm the importance and centrality of the impartiality ideal, and rightly so. It asks professors not “to introduce into their teaching controversial matter which has no relation to their subject.” It’s important here to see that the warning is not against teaching controversial matters, nor is it against introducing irrelevant matters (Hamilton weather, e.g.); it is only against teaching controversial matters that are irrelevant to the subject of one’s teaching. I think that that is exactly right.

“But who determines what is controversial and irrelevant?” The statement doesn’t say, which implies that the professor herself should be making this determination. The 2007 AAUP report on the statement implies a helpful principle in its discussion of a 1934 AAUP report on the condemning the treatment of a University of Pittsburgh professor. Professor Ralph Turner was dismissed for propagandizing students in his discussions of contemporary political issues in a History class. Here’s the relevant passage from the 1934 report, cited favorably in the 2007 report:

Also at times he [Professor Turner] jumped the gap between the past and the present in order to compare and contrast the past with the present. This procedure the Committee believes was not for the purpose of commenting on present-day conditions, as some criticisms of his work implies, but rather to create in the minds of the students a consciousness of historical continuity and development. (“Academic Freedom and Tenure: University of Pittsburgh,” *Bulletin of American Association of University Professors* 21 (March 1935): 237; quoted in “Freedom in the Classroom,” *AAUP Report*, June 2007, p 24, emphasis added)

In this case, Professor Turner was using present-day examples to illuminate the subject the university commissioned him to teach, and not the other way around. That is, he was not using the subject he taught in order to make statements on present-day examples. It is notable that the sense of the 2007 AAUP report is that if Professor Turner had been doing the latter, he would have been – or at least might reasonably thought to have been – doing something that was contrary to the standards of academic freedom.

If academic freedom in the classroom is a means to helping students to engage in the truth-seeking practices characteristic of some discipline(s), then it seems we should reaffirm the view of such freedom expressed in the third statement in the petition.³ What of the first two statements?⁴ If freedom of expression is a means of engaging in truth-seeking practices for a given area, then I think we should reaffirm them as well.

The traditional argument for the importance of the free expression of ideas fits well with the view I’ve offered here: the university must protect the airing of any and all claims relevant to seeking truth in a particular area. This is so, it seems to me, to the extent that we hold to the epistemic humility characteristic of the modern university. (Those universities founded on what they take to be a special insight into the truth – e.g., religious institutions – might not endorse this epistemic limitation and so might not find the traditional arguments for free expression compelling. I take it that Colgate is not – or at least is no longer – such a university.)

Just as academic freedom in the classroom is bound by its service to the purpose of the university, so is the freedom of expression. Not just any expressions are protected, only those which are in the service of the pursuit of truth. Insults, slurs, and other speech acts that make no possible contribution to this pursuit should not be allowed. The reason is that such speech is contrary to the purpose of the university, since it may leave faculty and students less able to engage in the pursuit of truth, by destroying the security and community on which that pursuit depends.

³ See footnote 1.

⁴ See footnote 1.

Having said all this, I want to end with a (more?) provocative claim. Let's assume that what I have called the embodiment ideal is in some cases appropriate: that faculty may (and sometimes should) share with students their own views on controversial matters relevant to their subject matter. If that's so, then it's safe to assume that, to the extent that there are positions on that matter that might be categorized as (a) "liberal/ progressive" and (b) "conservative/ traditional," students will much more likely to be exposed consistently to faculty who endorse views in the (a) category rather than the (b) category. This is problematic, if we hew to the epistemic humility I mentioned above: are we so certain that views of type (b) are wrong? In cases where we are so certain, we should be prepared to say why that's so – why, that is, that our customary epistemic humility isn't appropriate. (We can, e.g., cite the extensive fossil record and clear evidence of microevolution if asked about our neglect of Young Earth Creationism.) Now, take a case in which, ex hypothesi, we are so certain. Wouldn't it be good to see views in (b) embodied? This need not lead to changes in hiring or some such – the problem might be addressed by our being particularly open to, and even seeking to foster, hearing from those who take up this underrepresented viewpoint. My claim here is that we should indeed do the latter.

To reject my claim, it seems one would have to do one of four things: (1) reject the idea that the purpose of the university is to engage in (and to help students engage in) truth-seeking practices; (2) reject the idea that considering views of category (b) serves this purpose; (3) reject the idea that embodying viewpoints under consideration sometimes serves this purpose; (4) claim that while it does serve the pursuit of truth in one respect, it harms it so badly in another as to make it not, on balance, worthwhile. I won't consider (1), since I'm not sure what else might serve as our broad, underlying project. It also seems like (2) is a nonstarter, given that such dogmatism seems unlikely to be endorsed (at least explicitly) by anyone on our faculty.⁵ (3) is more plausible: it may be that my initial position was right and that professors should not endorse views in the classroom. If we all strove for impartiality ideal, there would be no special need to fostering the airing of views that, though reasonable, are not widely held by the faculty – the reason is that such views would already have been aired in class, and have been so impartially. But not all of us hold the impartiality ideal, holding rather that embodying views is important to pedagogy. If that's so, then my controversial claim stands.

Finally, (4): is it the case that expression of some views, while it serves the pursuit of truth, has the effect of damaging the ability of members of our community to engage in that pursuit to such an extent that expression of these views shouldn't be encouraged, protected, or even allowed? I don't pretend to know the answer to this question. I do know, though, that we ought to be doing what we can to make faculty and students less susceptible to such damage, by respecting them as valued members of the community of truth-seekers. Such respect will allow the free expression of ideas in the pursuit of truth, which is the subject of the last two statements in the

⁵ Comments made in the April faculty meeting about "proto-fascists" notwithstanding.

petition, and which I take to be the hallmark and the central purpose of the university.

Trusting Professors with Academic Freedom

Carolyn Hsu, Professor of Sociology

At the February 27 Colgate Faculty Meeting, a group of professors proposed that we, as a faculty, vote to reaffirm the principles regarding academic freedom.⁶ I agreed with those who brought forth the proposal that it was right and necessary at this time to affirm strongly and loudly the centrality of academic freedom for our campus, for our work, and for our students. However, when I read the language carefully, I was troubled. At the meeting, I explained that although I am strongly in support of academic freedom for both professors and students, the language in question seem to undermine these very principles. I was not the only one. The faculty voted not to support the motion.

I was particularly concerned with the statement that we should only teach material (and evaluate students on material) "relevant to the course" rather than "controversial matter which has no relation to their subject." My immediate question was: who has the authority to make the assessment of what is "relevant," "controversial," or "has no relation to their subject"? To me, it would clearly be a breach of academic freedom if administrators were allowed decide that for professors. It would also be seriously problematic for students to have the power to make that evaluation. Nor do I feel like professors outside of my area of expertise should be allowed to make the call about my classes, any more than I should have the right to judge classes in the Department of Philosophy or Biology.

I confess that I may be particularly sensitive about this issue because I have had the experience of seeing my work censored and revised by an administrator. In 2009, I co-authored the Colgate Campus Life Study with Landon Reid and Dan Schult, which was based on a survey of the student body. Interim President Lyle Roelofs had announced that the finished report would be disseminated on campus. However, when he read the final version of the report we wrote, he became concerned with some of the results. President Roelofs took the digital file of the report, revised it himself, and disseminated his version - with our names on it. I was furious and

⁶ "Pursuit of a liberal education requires an atmosphere conducive to the full and free expression of opinion; responsive membership in the Colgate University community also requires a respectful awareness of individual and group sensibilities" (from "Campus Expression," Student Handbook, adopted in 1980).

"The professor in the classroom and in conference should, consistent with the nature of the course, encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards" (from "Students' Freedom of Expression and Inquiry," Faculty Handbook, adopted in 1974).

"Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject" (from 1940 AAUP "Statement of Principles on Academic Freedom," Faculty Handbook, adopted by the Board of Trustees in 1948)

mortified because some of his revisions violated the disciplinary norms and ethics of social science. You can understand why I feel wary of giving administrators (or anyone outside the scholarly field) the power to define what is "relevant" or "controversial."

In the aftermath of the faculty meeting, one of the professors who supported language gave me an example what he believed was teaching "controversial matter which has no relation to their subject." After the November election, an invitation went out for a teaching workshop to help professors find ways to "make peace or social justice a more central part of your Spring semester syllabi" even when "there isn't an obvious connection between the course topic and campus discussions of our current political situation." Although this professor believed that the faculty members running the workshop did not seek to bring partisan politics into the classroom for its own sake, he still thought it was an example of a violation of the tenets of academic freedom. He asked me if I would feel comfortable if a right-wing version of that teaching workshop was advertised on campus, perhaps offering to "make respect for law enforcement and ending illegal immigration a more central part of your spring semester syllabi."

This is a valid question. It is always easier to admire "out-of-the-box" teaching when it pushes an agenda that you find appealing rather than one you find distasteful. Yet I genuinely believe that if professors chose to participate in this imaginary workshop, it would be well within the academic rights of Colgate faculty to discuss these topics, and to carry out teaching these subjects to the best of their abilities. I may roll my eyes, but I would also trust my colleagues not to lose sight of their commitment to their academic duties in the process. Even if I felt that they had failed in this regard, I would believe that tenure protected their right to do so. I am not so naïve as to believe that professors would never abuse their rights, but I believe that this risk is the price of real academic freedom. My job in the classroom is to arm my students with the intellectual and critical tools to assess what they have learned in not only my class, but also other classes, so they can judge whether all of their professors' arguments are sound or just empty posturing (from whatever political perspective).

The idea that we should keep "controversial" and "irrelevant" politics out of our teaching is based on the assumption that there is a clean division between the political/social environment and the classroom environment. This assumption is false. The longer I teach, the more evidence I have that students come into the classroom not as tabula rasa, but as complicated people with insecurities, assumptions, emotions, knowledge, skills and baggage, which are rooted in larger social and political phenomena. Moreover, the insecurities, assumptions, emotions, knowledge, etc. affect their relationship with each other and with me. These preconditions act as obstacles to learning, whether I acknowledge them or not. Colgate students are (over)concerned with their classmates, and they are very worried about how they might be judged by their peers. In addition, angry, fearful, or upset students affect their classmates in the room, impacting their learning as well. If one student is upset or has strong political opinions, that makes other students nervous and suppresses their ability to engage intellectually with abandon.

Let me point out that I am not a very sensitive nor emotional person, and I do not have any natural inclination to want to deal with any of this in my classroom. In fact, in my heart of hearts, I wish I could just tell my students to get over it. But they cannot get over it just because I say so. If my students are emotionally upset, bewildered or afraid because of the sit-in happening down the hill, or because of Trump's unexpected election or because of a campus lockdown due to a false alarm, I can't will that away even if I want to. Pretending that their emotions are not an issue makes me a less effective teacher.

Instead, I need to give them the tools to handle complicated, controversial, emotionally fraught disagreements in ways that are productive, critical, rigorous, and intellectually grounded - but also sensitive, open-minded and effective. These tools will help them learn the content of my courses more effectively, and it will make them better students and citizens in general. For me, Intergroup Dialogue has been an invaluable resource in giving me pedagogical techniques to teach more effectively in this regard. If nothing else, it has made me realize that a long way to go to becoming the teacher that I would like to be.

If another professor came into my classroom, that person may very well see me asking the students to engage in activities that appear to be "not relevant to the course subject." In fact, these activities would be the result of pedagogical choices based on research as well as experience. Then again, I suspect that if I went into any other professor's classroom, I might see some things that I would question. I trust the professors at Colgate, so I would assume that these activities were actually relevant even if they did not look so to me. I hope that you trust me as well.

When the professor goes off the syllabus to address current events, I would assume that that he or she is taking advantage of what we call a "teachable moment." If I am honest, not all of my teachable moments have worked, and sometimes they ended up being "not relevant." But the ones that did work paid off enormously, and I think the calculus makes the risk worthwhile. This is how I interpreted the post election teaching workshop. Many of us were caught by surprise by the results of the presidential election and the emotions of students that followed from it. As a result, we were not able to take advantage of that potentially productive teachable moment. The workshop was a way for professors to learn how to be more effective teachers under such circumstances - not to replace our course content with irrelevant political rants, but instead to use the current political moment to teach sociology/philosophy/writing/history/chemistry/etc. more effectively. Part of that is showing our students that sociology/philosophy/biology/math/etc. teach content, skills, and habits of mind that make us good citizens of a democracy, invested in civil rights such as free speech and academic freedom.

We all know that the academy is a flawed institution, and that professors are not saints but complicated human beings with our own insecurities, assumptions, and baggage. Trusting us with academic freedom is not a perfect solution, but it is the best option we have.

Freedom of Speech in the Academy: It's Not About What It's About

Peter Balakian, Donald M. and Constance H. Rebar Professor in Humanities;
Professor of English

On March 29 University of Chicago President Robert Zimmer gave a talk at Colgate “Academic Freedom & Campus Free Speech: the Chicago Principles.” President Zimmer summarized University of Chicago statement about free speech and campus culture—a treatise issued in 2016 in response to concerns from some faculty about the climate of tolerance and inclusivity on college campuses. In summary, the principles he noted include: 1) debate should not be discouraged but encouraged no matter how difficult or uncomfortable; an emphasis of civility and good feeling should not shut down any discussion of ideas; 3) anyone has a right to protest peacefully if they are offended; 4) no protest should be disruptive or violent. Zimmer noted that the concern over these issues has emanated from a) a perception from some corners of the academy that people who disagree with more mainstream campus ideas are being silenced; b) that free expression is suspect; c) that concerns over diversity are driving this atmosphere; d) that there is a perception that fervor about certain issues breeds an intolerant sense of moral certainty; e) that student protests about campus culture problems are not properly historicized.

Zimmer’s Chicago treatise makes essential points about tolerance and intellectual diversity, and I don’t know anyone in our profession who would disagree with the general broad-brush strokes of these values. They are vital to democracy and education. But, what troubles me about The University of Chicago Principles is that they are simplistic and without context. In short, there are important, large realities that are left out.

I would suggest that free speech may not be the precise nomenclature here. And words matter. Even though President Zimmer noted that the First Amendment was not an issue for private institutions, he went on to use the words “free speech,” and “freedom of speech” continually. Free speech has become an epithet of those who are disgruntled with campus culture. It is essential to note that free speech in our culture has continued to mean that one is not harmed or incarcerated for one’s expression. Free speech affirms that we live in a public space where one can speak one’s mind without any state interference or harm. We all recall that in 1970 the neo-Nazi groups marched in Skokie Illinois.

President Zimmer ascribed some significance to certain cases in which speakers who had been invited to speak on a given campus were then disinvited because of campus protest. Some of those speakers included Laura Bush, Condoleezza Rice, and Larry Summers. Secretary Rice, for example, canceled her commencement address at Rutgers several years ago because there were protests from the Rutgers community over her foreign policy. The protest and her withdrawal strike me as not being about the suppression of free speech, but as the exercise of free speech. Secretary Rice responded to the free speech protest with her own free will.

“Free speech” has been also invoked by faculty here (very few to my knowledge) who seem to be antagonistic to new ideas that have to do with diversity. A trans-gender student wishes to be called by a different pronoun, a student who has been raped wishes to know beforehand if the subject is going to come up in class, so she or he can either leave the room, or prepare themselves to deal with it. These do not strike most of us as issues that involve free speech. The recipient of the request is not being incarcerated or harmed. In a similar context, are African American students who protest on campus because they are unhappy about the campus culture violating anyone’s free speech? The invocation of the sacred American words “free speech” in response to some of these moments, seem to be a non-sequitur.

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What the Chicago Principles leave out are the underlying realities of ethical concerns that are always in the mix of our campus and curricular life—at varying frequency levels. And, at certain moments, the frequency levels can get high. In my 37 years at Colgate, I can only recall one instance when free speech was an issue. In the mid 90s a few staff and faculty protested an exhibit of some photographs of partially naked women by Lee Friedlander in the annex of the Picker Gallery. The protest was heard clearly across campus, and this led to a constructive conversation among a large group of faculty, moderated by the Dean; and a creative solution ensued.

Most of the time ethical values underlie the organic flow of ideas and decisions in our daily work. Now and then ethical assessments regarding programing, since this is called to question here, demand more overt vetting and evaluation. The dynamics of campus life are as complex as the world we live in. First, we should acknowledge that our own campus, like most campuses, is not in an open society. We should acknowledge that everyone out there is not invited to speak his or her ideas on our campus. We should be realistic about the fact that we are—all the time—making decisions to exclude or accept a text on our syllabus or a speaker on our campus. It would seem to me that it would be an ethical responsibility to not invite a man like David Irving to our campus; he is a notorious and once popular British historian, whose denialism of the history of the Holocaust is morally repellent and intellectually inadmissible. Similarly, why should our community want to offer our privileged forum to unethical and fraudulent characters (even if they have Ph.Ds. and write books) if they traffic in the falsification of knowledge. I would suggest deniers of climate science, of tobacco medical science, of football brain-injury science, among others, should not be invited to our community. Those interested in the psychology of denialism can learn what these people say from the internet. Vetting them has nothing to do with free speech. It is only a slightly more amplified example of what we do all the time, which is make decisions about texts and language and ideas. Not to acknowledge any of this is to over simplify the complexity of our own academic culture and our work as teachers and scholars.

Secondly, there is further posturing and sloganeering with the words “free speech” because these words are used, whether consciously or not, as a way of ignoring or

dismissing the complexity of academic discourse and speech. A campus podium is a elite place where excellence is affirmed—no matter what its political point of view might be. Just as an op ed page is an elite place where excellence is affirmed no matter what its political point of view might be. Everyone who writes an op ed is not invited to be published, everyone who writes a book is not accepted by a publisher, every person who has a point of view is not welcomed on a college campus. That is a fair and an honest reflection of what our business is about. It's not a free-for-all here or anywhere else in the academy.

Ethical issues will and must be fought over; colleagues and students will disagree—at times— on where the lines should be drawn. But to pretend that process isn't happening all the time and that that process is curtailing free speech is to be in some sense—dishonest. Not to acknowledge that we live in a culture of highly scrutinized vetting and evaluation and to pretend that in doing this we violate free speech strikes me also as naïve or romantic. I don't meant to accuse well meaning educators of being dishonest, but I would call attention to the need to acknowledge complexity when the impulse to retreat into the simplistic language of free speech and academic freedom seems more expedient and even sensational. Many of my colleagues around the nation are suspect of instant free speech evocations because they suspect the slightly buried political agenda that is embedded in the self-righteous sloganeering.

2.

The phrase “political correctness” has been around since the 80s when conservatives coined it to combat social change they didn't like. Recently the phrase has been given more sanction by Trump and some of his circle. I find this phrase is often an act of sloganeering used by the conservative community in an effort to disparage the emergence of progressive ethical ideas and social change. For example, why should being respectful to certain issues of those who belong to the LGBT community engender an epithet of dismissal or disparagement? Why should African American students who voice a protest about campus culture be disparaged? The implication of the “political correctness” crowd appears at times to be: ‘I don't want to be told I have to be sensitive to the concerns of marginalized people.’ The implication appears to be: ‘I like the old power structure where white, straight (often religious) people were unambiguously dominant.’ The implication seems to be: ‘I don't want to hear African Americans complain about life on my beautiful campus. This is a good place, they should like it.’ The implication might be: ‘I refuse to acknowledge a female student's need for a trigger warning because she has had have traumatic experience with sexual violence in her life.’

These hostile reactions to evolving humane and ethical norms strike me as more authoritarian approaches to teaching and power. Professors and others who are aggrieved by student protest, trigger warning concerns, marginalized identity struggles, seem to want to hold on to an old power structure, seem to need to assert that their authority is more important than the ethical concerns of our changing times. It might be worth asking in a broad sense: if the orientation of political correctness had been allowed to prevail in previous decades would we have women, African American, and LGBTQ faculty and administrators today? And if you

extrapolate through a lens of our culture's history, you might ask: would political correctness conservatives have suggested that the abolitionist movement was simply political correctness? Or, that the Woman's suffrage movement, or the Civil Rights movement, or the LGBTQ movement—simply political correctness? One might ask then: why has the “political correctness” crowd traditionally opposed the great watershed movements of emancipation and human liberty in our history? Why have they opposed social change that involves tolerance, and inclusivity, and the broadening of democracy? Why are those “liberties” and “freedoms” so problematic to them, who love to espouse the words liberty and freedom?

Not all change is good and social and political life are a complicated mix of forces. Not everything students demand is cogent or well thought through and faculty should not be pavlovian legitimators of any present movement. Faculty have important authority and power, and faculty must use that authority with self-awareness. President Zimmer noted this and I'm sure that many of us agree that the hot currency of new ideas are often decontextualized, often without historical perspective; and here, it is faculty responsibility to educate complexly without either throwing the political correctness flag up or joining the chemistry of the moment without thoughtful dialogue with students.

If we are going to engage in a discussion about some of the ideas that President Zimmer noted, it would be more valuable to see these issues—without the flag of free speech—as being about the need for normative dialogue across the aisles of disagreement and difference. We need conversation that is rigorous and civil and dialogical. We need to be self-aware about our own ethical judgments in our institutions and the nature of our own privileged fora as a fundamental reality of the academy. The university is often a laboratory and a microcosm of the social forces shaping American society at any given time and the problems we see on our campuses are complex.

I want to close by underscoring Professor Steven Kepnes' concerns about what strike me as the more genuine threats to free speech today in our troubling political environment. The assaults by President Trump and his White House staff on science and especially climate science, the media and journalism, and on the arts and humanities has created great alarm about First Amendment freedoms. There is a sense among many in our nation that we are returning of some degree of McCarthyism. And, here the academy really does need to stand strong as a bulwark against the Trump administration's assaults on knowledge, intellectual freedom, and the sacred values of the open mind.