

Focus

THE CHRONICLE OF HIGHER EDUCATION

Free Speech on Campus, and Its Limits



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PROFESSORS, particularly those with tenure, might assume they can express themselves, within reason, without being censored by their institutions. Students suppose they have a similar freedom. But unguarded speech on social media and on campus can lead to all kinds of grief, including the loss of a tenured position. The articles in this collection show how the various constituencies on campuses sort out their conflicting values over self-expression.

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Cover illustration by Gwenda Kaczor for *The Chronicle*

OPINION

My Title IX Inquisition

By LAURA KIPNIS

CHRONICLE REVIEW
ILLUSTRATION BY
SCOTT SEYMOUR



WHEN I FIRST HEARD that students at my university had staged a protest over an essay I'd written in *The Chronicle Review* about sexual politics on campus — and that they were carrying mattresses and pillows — I was a bit nonplussed. For one thing, mattresses had become a symbol of student-on-student sexual-assault allegations, and I'd been writing about the new consensual-relations codes governing professor-student dating. Also, I'd been writing as a feminist. And I hadn't sexually assaulted anyone. The whole thing seemed symbolically incoherent.

According to our campus newspaper, the mattress-carriers were marching to the university president's office with a petition demanding "a swift, official condemnation" of my article. One student said she'd had a "very visceral reaction" to the essay; another called it "terrifying." I'd argued that the new codes infantilized students while vastly increasing the power of university administrators over all our lives, and here were students demanding to be protected by university high er-ups from the affront of someone's ideas, which seemed to prove my point.

The president announced that he'd consider the petition.

Still, I assumed that academic freedom would prevail. I also sensed the students weren't going to come off well in the court of public opinion, which proved to be the case; mocking tweets were soon pouring in. Marching against a published article wasn't a good optic — it smacked of book burning, something Americans generally oppose. Indeed, I was getting a lot of love on social media from all ends of the political spectrum, though one of the anti-PC brigade did suggest that, as a leftist, I should realize these students were my own evil spawn. (Yes, I was spending a lot more time online than I should have.)

Being protested had its gratifying side — I soon realized that my writer friends were jealous that I'd gotten marched on and they hadn't. I found myself shamelessly dropping it into conversation whenever possible. "Oh, students are marching against this thing I wrote," I'd grimace, in response to anyone's "How are you?" I briefly fantasized about running for the board of PEN, the international writers' organization devoted to protecting free expression.

Things seemed less amusing when I received an email from my university's Title IX coordinator informing me that two students had filed Title IX complaints against me on the basis of the essay and "subsequent public statements" (which turned out to be a tweet), and that the university would retain an outside investigator to handle the complaints.

I stared at the email, which was under-explanatory in the extreme. I was being charged with

retaliation, it said, though it failed to explain how an essay that mentioned no one by name could be construed as retaliatory, or how a publication fell under the province of Title IX, which, as I understood it, dealt with sexual misconduct and gender discrimination.

Title IX was enacted by Congress in 1972 to deal with gender discrimination in public education — athletics programs were the initial culprits — and all institutions receiving federal funds were required to be in compliance. Over time, court rulings established sexual harassment and assault as forms of discrimination, and in 2011 the U.S. Department of Education advised colleges to "take immediate and effective steps to end sexual harassment and sexual violence." Since then, colleges have been scrambling to show that they're doing everything they can to comply, but still, more than 100 of them are under federal investigation for violating Title IX policies.

I should pause to explain that my essay included two paragraphs about a then-ongoing situation on my campus involving a professor who was himself the subject of two sexual-harassment investigations involving two students. This professor subsequently sued university officials and one of the students for defamation, among other things. The charges had occasioned a flurry of back-and-forth lawsuits, all part of the public record, which had been my source for the two paragraphs. My point in citing this legal morass was that students' expanding sense of vulnerability, and new campus policies that fostered it, was actually impeding their educations as well as their chances of faring well in postcollegiate life, where a certain amount of resilience is required of us all.

THE email from the Title IX coordinator provided a link to information about our university's Title IX policies, which brought me to a page containing more links. Clicking around, I found information about the rights of accusers and what to do if you've been harassed, though I couldn't find much that related to me. I did learn that Title IX protects individuals who've reported sexual misconduct from retaliation — characterized as "intimidation, threats, coercion, or discrimination" — but I failed to see how I could have retaliated against anyone when it wasn't me who'd been charged with sexual misconduct in the first place.

I wrote back to the Title IX coordinator asking for clarification: When would I learn the specifics of these complaints, which, I pointed out, appeared to violate my academic freedom? And what about my rights — was I entitled to a lawyer? I received a polite response with a link to another website. No, I could not have an attorney present during the investigation, unless I'd been charged with sexual violence. I was, however, allowed to

have a “support person” from the university community there, though that person couldn’t speak. I wouldn’t be informed about the substance of the complaints until I met with the investigators.

Apparently the idea was that they’d tell me the charges, and then, while I was collecting my wits, interrogate me about them. The term “kangaroo court” came to mind. I wrote to ask for the charges in writing. The coordinator wrote back thanking me for my thoughtful questions.

What I very much wanted to know, though there was apparently no way of finding it out, was whether this was the first instance of Title IX charges filed over a publication. Was this a test case? From my vantage point, it seemed to pit a federally mandated program against my constitutional rights, though I admit my understanding of those rights was vague.

A week later I heard from the investigators. For reasons I wasn’t privy to, the university had hired an outside law firm, based in another Midwestern city an hour-and-a-half flight away, to conduct the investigation; a team of two lawyers had been appointed, and they wanted to schedule “an initial interview” the following week. They were available to fly in to meet in person — the phrase “billable hours” came to mind — or we could videoconference. The email contained more links to more Title IX websites, each of which contained more links. I had the feeling that clicking on any of them would propel me down an informational rabbit hole where I’d learn nothing yet not re-emerge for days.

I replied that I wanted to know the charges before agreeing to a meeting. They told me, cordially, that they wanted to set up a meeting during which they would inform me of the charges and pose questions. I replied, in what I hoped was a cordial tone, that I wouldn’t answer questions until I’d had time to consider the charges.

We finally agreed to schedule a Skype session in which they would inform me of the charges and I would not answer questions. I felt the flush of victory, though it was short-lived. I said I wanted to record the session; they refused but said I could take notes. The reasons for these various interdictions were never explained. I’d plummeted into an underground world of secret tribunals and capri-

cious, medieval rules, and I wasn’t supposed to tell anyone about it.

BECAUSE I strongly believe that the Title IX process should be far more transparent than it is, let me introduce some transparency by sharing the charges against me.

Both complainants were graduate students. One turned out to have nothing whatsoever to do with the essay. She was bringing charges on behalf of the university community as well as on behalf of two students I’d mentioned — not by name — because the essay had a “chilling effect” on students’ ability to report sexual misconduct. I’d also made deliberate mistakes, she charged (a few small errors that hadn’t been caught in fact-checking were later corrected by the editors), and had violated the nonretaliation provision of the faculty handbook.

The other complainant was someone I’d mentioned fleetingly (again, not by name) in connection with the professor’s lawsuits. She charged that mentioning her was retaliatory and created a hostile environment (though I’d said nothing disparaging), and that I’d omitted information I should have included about her. This seemed paradoxical — should I have written more? And is what I didn’t write really the business of Title IX? She also charged that something I’d tweeted to someone else regarding the essay had actually referred to her. (It hadn’t.)

Please pause to note that a Title IX charge can now be brought against a professor over a tweet. Also that my tweets were apparently being monitored.

Much of this remains puzzling to me, including how someone can bring charges in someone else’s name, who is allowing intellectual disagreement to be redefined as retaliation, and why a professor can’t write about a legal case that’s been nationally reported, precisely because she’s employed by the university where the events took place. Wouldn’t this mean that academic freedom doesn’t extend to academics discussing matters involving their own workplaces?

Since the investigators had refused to provide the charges in writing, and I can often barely read my own handwriting, I’d typed notes during the

Anyone with a grudge, a political agenda, or a desire for attention can easily leverage the system.

Skype session, though I'd wondered if they'd object to that, too — could they? The extent of their powers was mysterious to me. (I'd briefly considered furtively recording the session despite the ban but decided against it — I'm a law-abiding type, I realized to my chagrin.)

I made what sense I could of my wildly mistyped notes and emailed the investigators a summary, adding that I'd answer only questions related to the charges I'd been informed about. I wrote up a peevish statement asserting that the essay had been political speech, stemming from my belief, as a feminist, that women have spent the past century and a half demanding to be treated as consenting adults; now a cohort on campuses was demanding to relinquish those rights, which I believe is a disastrous move for feminism. I used the words "political" and "feminist" numerous times.

LET me interject that I don't think my university necessarily wanted to be the venue for a First Amendment face-off — indeed, the president himself had recently published an op-ed in defense of academic freedom. As I understand it, any Title IX charge that's filed has to be investigated, which effectively empowers anyone on campus to individually decide, and expand, what Title IX covers. Anyone with a grudge, a political agenda, or a desire for attention can quite easily leverage the system.

And there are a lot of grudges these days. The reality is that the more colleges devote themselves to creating "safe spaces" — that new watchword — for students, the more dangerous those campuses become for professors. It's astounding how aggressive students' assertions of vulnerability have gotten in the past few years. Emotional discomfort is regarded as equivalent to material injury, and all injuries have to be remediated.

Most academics I know — this includes feminists, progressives, minorities, and those who identify as gay or queer — now live in fear of some classroom incident spiraling into professional disaster. After the essay appeared, I was deluged with emails from professors applauding what I'd written because they were too frightened to say such things publicly themselves. My inbox became a clearinghouse for reports about student accusations and sensitivities, and the collective terror of sparking them, especially when it comes to the dreaded subject of trigger warnings, since pretty much anything might be a "trigger" to someone, given the new climate of emotional peril on campuses.

I learned that professors around the country now routinely avoid discussing subjects in classes that might raise hackles. A well-known sociologist wrote that he no longer lectures on abortion. Someone who'd written a book about incest in her own family described being confronted in class by

a student furious with her for discussing the book. A tenured professor on my campus wrote about lying awake at night worrying that some stray remark of hers might lead to student complaints, social-media campaigns, eventual job loss, and her being unable to support her child. I'd thought she was exaggerating, but that was before I learned about the Title IX complaints against me.

MY Midwestern Torquemadas were perfectly pleasant at our on-campus meeting — they'd indeed flown to town to meet in person — so pleasant that I relaxed and became overvulnerable, stupidly gratified by their interest and attentions. There I was, expounding on my views about power and feminism; soon I was delivering a mini-seminar on the work of Michel Foucault. Later, replaying the two-and-a-half-hour session in my mind, I thought, "You chump," realizing that I'd probably dug a hundred new holes for myself. They'd asked endless questions about particular sentences in the essay, the sources for my ideas and claims, and what I'd meant in that fateful tweet. They didn't record any of it, nor was there a stenographer. One of the lawyers typed notes on her laptop; they'd send me a summary of my remarks, they said, which I could correct or add to, if I chose. I found these procedures utterly mystifying.

Toward the end, I asked how the complainants could possibly know that my essay had created a "chilling effect" on campus. One of them, I was told, had provided the lawyers with the names of students and staff members who'd testify that the essay had chilled them. I, too, could supply names of witnesses to interview, if I liked.

That was our only face-to-face meeting, though there were numerous phone calls, emails, and requests for further substantiation, including copies of emails and tweets. I tried to guess what all this was costing — two lawyers flying back and forth to conduct interviews of the complainants, myself, and an expanding list of witnesses, review the sources for a 5,200-word article, adjudicate their findings, and compose a thorough report. I'm no expert on legal fees, but I was pretty sure the meter was ticking in \$10,000 increments.

I'd been asked to keep the charges confidential, but this became moot when, shortly before my campus meeting with the investigators, a graduate student published an article on a well-trafficked site excoriating me and the essay, and announcing that two students had filed Title IX retaliation complaints against me. She didn't identify her source for this information or specify her own relationship to the situation, though she seemed well versed on all the inside details; in fact, she knew more about the process than I did.

It wasn't me alone on the chopping block. She also excoriated our university's president for his op-ed essay on academic freedom, which, she

charged, was really a veiled commentary on the pending Title IX charges against me and thus subverted the process by issuing a covert advance verdict in my favor. (He'd obliquely mentioned the controversy over the essay, among other campus free-speech issues.) She didn't seem particularly concerned that she herself was subverting the process by charging that the process had been subverted, and by revealing the complaints in the first place.

She was also surprisingly unconcerned about how effectively her article demolished its own premises about the asymmetry of institutional power. If a graduate student can publicly blast her own university's president, mock his ideas, and fear no repercussions, then clearly the retaliatory power that university employment confers on anyone — from professors to presidents — is nil. Nor had my own essay exactly had a chilling effect on anyone's freedom of expression.

An academic friend and I disagreed about

What's being lost, along with job security, is the liberty to publish ideas that might go against the grain.

whether the graduate student's article would be seen as a good career move on her part (a courageous example of "punching up") or a self-wounding one ("collegiality" is still a factor considered by hiring committees; no one wants a high-drama potential colleague). He thought the former; I wasn't so sure, though we agreed that given the shifting political winds on campuses these days, it was impossible to call.

At the end of the interrogation, the investigators asked if I wanted to file my own retaliation complaint against the student who'd revealed the charges. I said that I believed all parties involved were using the process for political purposes. I declined to press charges against anyone.

They'd issue a report on their findings within 60 days, they said, though on what basis I had no idea. The standard that applied was "preponderance of evidence," they'd explained — "more like-

ly than not" as opposed to "beyond a reasonable doubt" — but that seemed pretty vague. Note that I was never actually presented with any of this evidence. Given that the investigators doubled as judge and jury, and the extralegal nature of the proceedings, I wished I'd been more ingratiating.

THE Title IX bureaucracy is expanding by the minute. A recent emailed update from my university announced new policies, programs, hires, surveys, procedures, websites, and educational initiatives devoted to sexual misconduct. What wasn't quantified is how much intellectual real estate is being grabbed in the process. It's a truism that the mission of bureaucracies is, above all, to perpetuate themselves, but with the extension of Title IX from gender discrimination into sexual misconduct has come a broadening of not just its mandate but even what constitutes sexual assault and rape.

Ambivalent sex becomes coerced sex, with charges brought months or even years after the events in question. Title IX officers now adjudicate an increasing range of murky situations involving mutual drunkenness, conflicting stories, and relationships gone wrong. They pronounce on the thorniest of philosophical and psychological issues: What is consent? What is power? Should power differentials between romantic partners be proscribed? Should eliminating power differences in relationships even be a social goal — wouldn't that risk eliminating heterosexuality itself?

Nothing I say here is meant to suggest that sexual assault on campuses isn't a problem. It is. My concern is that debatable and ultimately conservative notions about sex, gender, and power are becoming embedded in these procedures, without any public scrutiny or debate. But the climate on campuses is so accusatory and sanctimonious — so "chilling," in fact — that open conversations are practically impossible. It's only when Title IX charges lead to lawsuits and the usual veil of secrecy is lifted that any of these assumptions become open for discussion — except that simply discussing one such lawsuit brought the sledgehammer of Title IX down on me, too.

Many of the emails I received from people teaching at universities pointed out that I was in a position to take on the subjects I did in the earlier essay only because I have tenure. The idea is that once you've fought and clawed your way up the tenure ladder, the prize is academic freedom, the general premise being — particularly at research universities, like the one I'm fortunate enough to be employed at — that there's social value in fostering free intellectual inquiry. It's a value fast disappearing in the increasingly corporatized university landscape, where casual labor is the new reality. Adjuncts, instructors, part-timers — now half the profession, according to the American Associ-

ation of University Professors — simply don't have the same freedoms, practically speaking.

What's being lost, along with job security, is the liberty to publish ideas that might go against the grain or to take on risky subjects in the first place. With students increasingly regarded as customers and consumer satisfaction paramount, it's imperative to avoid creating potential classroom friction with unpopular ideas if you're on a renewable contract and wish to stay employed. Self-censorship naturally prevails. But even those with tenure fear getting caught up in some horrendous disciplinary process with ad hoc rules and outcomes; pretty much everyone now self-censors accordingly.

When it comes to campus sexual politics, however, the group most constrained from speaking — even those with tenure — is men. No male academic in his right mind would write what I did. Men have been effectively muzzled, as any number of my male correspondents attested.

I suspect that most Americans, if pushed, would go to the mat for the First Amendment, which is what academic freedom is modeled on. You can mock academic culture all you want, and I've done a fair amount of it myself, but I also believe that unconstrained intellectual debate — once the ideal of university life, now on life support — is essential to a functioning democratic society. And that should concern us all. I also find it beyond depressing to witness young women on campuses — including aspiring intellectuals! — trying to induce university powers to shield them from the umbrages of life and calling it feminism.

As of this writing, I have yet to hear the verdict on my case, though it's well past the 60-day time frame. In the meantime, new Title IX complaints have been filed against the faculty-support person who accompanied me to the session with the investigators. As a member of the Faculty Senate, whose bylaws include the protection of academic freedom — and believing the process he'd witnessed was a clear violation of academic freedom — he'd spoken in general terms about the situation at a senate meeting. Shortly thereafter, as the attorneys investigat-

ing my case informed me by phone, retaliation complaints were filed against him for speaking publicly about the matter (even though the complaints against me had already been revealed in the graduate student's article), and he could no longer act as my support person. Another team of lawyers from the same firm has been appointed to conduct a new investigation.

A week or so earlier, the investigators had phoned to let me know that a "mediated resolution" was possible in my case if I wished to pursue that option. I asked what that meant — an image of me and the complainants in a conference room hugging came to mind. I didn't like the visual. The students were willing to drop their complaints in exchange for a public apology from me, the investigators said. I tried to stifle a laugh. I asked if that was all. No, they also wanted me to agree not to write about the case.

I understand that by writing these sentences, I'm risking more retaliation complaints, though I'm unclear what penalties may be in store (I suspect it's buried somewhere in those links). But I refuse to believe that students get to dictate what professors can or can't write about, or what we're allowed to discuss at our Faculty Senate meetings. I don't believe discussing Title IX cases should be verboten in the first place — the secrecy of the process invites McCarthyist abuses and overreach.

For the record, my saying this isn't retaliation. It's intellectual disagreement. If more complaints are brought, I suppose I'll write another essay about them. To my mind, that's what freedom of expression means, and what's the good of having a freedom you're afraid to use?

Laura Kipnis is a professor in the department of radio, television, and film at Northwestern University. Her most recent book is Men: Notes From an Ongoing Investigation (Metropolitan Books, 2014).

Editor's note: Laura Kipnis has been cleared of wrongdoing in the two Title IX investigations discussed in this essay.

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Melissa Click, U. of Missouri Professor Who Riled Free-Speech Advocates, Is Fired

By STEVE KOLOWICH



MARK SCHIERBECKER, AP IMAGES

Melissa Click, an assistant professor of communication, was caught on camera in November trying to prevent a student journalist from covering a protest.

MELISSA A. CLICK, the assistant professor of communication whose actions during a student protest last fall sparked national outrage, was fired by the University of Missouri's Board of Curators on Wednesday night, system leaders announced on Thursday.

"The board respects Dr. Click's right to express her views and does not base this decision on her support for students engaged in protest or their views," read a statement announcing the decision. "However, Dr. Click was not entitled to interfere with the rights of others, to confront members of law enforcement, or to encourage potential physical intimidation against a student."

Ms. Click has in recent months become a lightning rod in state politics, with lawmakers doggedly demanding her resignation and colleagues jumping to her defense, alleging that she had not been afforded due process.

Henry C. (Hank) Foley, the Columbia campus's interim chancellor, said in a call with reporters on Thursday that the process the board had used to fire Ms.

Click was “not typical, but these are extraordinary times in our university’s history.”

A spokeswoman for Status Labs, a public-relations firm working with Ms. Click, said on Thursday that the professor had no comment on the decision.

‘SOME MUSCLE’

Ms. Click was caught on camera in November calling for “some muscle” to help remove a student journalist from a campus protest he was covering. The professor had been helping to enforce a boundary around an encampment, on the main quad, where students had gathered with members of the faculty and staff to protest racism at the university. Her actions made her an instant villain to people worried that free speech on campuses was being curtailed to create “safe spaces.”

Ms. Click apologized for her actions, but was eventually charged with assault. She pleaded not guilty and agreed to do community service to avoid prosecution. But Republican legislators in Missouri made it clear that they wanted her fired.

In January, 117 state lawmakers signed a letter calling for her termination. Ms. Click’s university colleagues countered with a letter of support for the embattled professor signed by more than 100 faculty members.

The standoff continued in February. A top state lawmaker this week threatened \$7.7 million in budget cuts for the University of Missouri system, including a \$400,000 cut for the flagship campus: the equivalent of the combined salaries of Ms. Click, her department chair, and her dean. (The student who had filmed Ms. Click at the protest asked legislators to stop using the video as a pretext for cuts.)

‘NOT JUSTIFIABLE’

The news of Ms. Click’s firing may be a step toward repairing the university’s strained relationship with the General Assembly, said State Rep. David Wood, a Republican and chairman of the Joint Committee on Education, in an interview with *The Chronicle*.

“I support their move,” said Representative Wood, who oversaw a recent committee hearing at which several legislators asked university officials about the terms of Ms. Click’s contract and what actions they were taking to respond to her actions as caught on video.

Mr. Wood said he didn’t think legislators were necessarily intent on having Ms. Click fired, but they wanted to know if the university was taking steps to make sure a similar occurrence didn’t take place in the future. “Her actions were not justifiable in any way,” said Mr. Wood.

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“Professors have a right to protest and to speak in public, but they’re going to be held to a higher standard when they’re representing the university,” he said.

In the call with reporters, the chair of the board, Pamela Q. Henrickson, said that board members were “aware” of lawmakers’ statements about Ms. Click but that they “did not take that into account.”

The board’s decision to fire Ms. Click occurred about a month after it suspended her and enlisted Bryan Cave, a law firm, to investigate the November incident. Ms. Henrickson told reporters that investigators had reviewed hundreds of documents and had interviewed more than 20 people — including Ms. Click, twice.

‘A TERRIBLE DECISION’

Faculty leaders at the university were upset by the board’s decision to take Ms. Click’s fate into its own hands. In a letter last month, the Faculty Council on the flagship campus asked the board to back off and let the university judge Ms. Click’s actions according to a procedure, spelled out in its bylaws, that was designed to “protect the rights of accused faculty while also protecting the university’s interest in identifying and responding to faculty irresponsibility.”

Faculty leaders on the university system’s other campuses this week endorsed that position. The American Association of University Professors has also weighed in, expressing concern that Ms. Click was being denied due process.

Henry F. (Hank) Reichman, a professor emeritus of history at California State University-East Bay and chairman of the AAUP’s Committee A on Academic Freedom and Tenure, said in a post on the association’s *Academe* blog that the board’s decision “makes a sham of shared governance and due process.” He said Ms. Click had “clearly been made a scapegoat, and the actions of the board and interim chancellor are shameful.”

But no one on the campus filed a complaint against the professor, Ms. Henrickson said, a step that would have triggered the university’s own procedures. “No one took the opportunity to avail themselves of that process,” she said, so the board began its own.

In a written statement on Thursday, the chair of the Columbia campus’s Faculty Council, Ben Trachtenberg, said the board had “made a terrible decision.”

“Regardless of one’s opinion of Professor Click’s behavior or fitness for duty,” he continued, “she was entitled by our rules — rules that the Board of Curators has approved — to a fair process. She didn’t get it.”

Eric Kelderman contributed to this article.



M. SPENCER GREEN, AP IMAGES

Larycia A. Hawkins is facing potential dismissal from her tenured position at Wheaton College of Illinois in a dispute over her statements about Christianity and Islam. Some faculty members say the administration's approach has been heavy-handed and has already harmed academic freedom.

College Wrestles With Controversy Over Its Response to Professor's Religious Views

By BETH MCMURTRIE

THE CASE OF Larycia A. Hawkins has raised troubling questions at Wheaton College of Illinois about theology, academic freedom, and diversity. Ms. Hawkins, who is the first and only black female tenured professor at the evangelical Christian college, says she is stunned by how a Facebook post intended to express support for Muslims led to a move by the provost, Stanton L. Jones, to force her out. That move is the latest conflict in what

she and others describe as a challenging tenure at Wheaton, where she has taught since 2007, in which her beliefs have been questioned on several occasions.

"A hermeneutic of suspicion has followed me since I began at Wheaton, and it all revolves around my evangelical fitness, and I can't explain where that comes from," she said in a telephone interview on Saturday. Raised in a Baptist church, where her grandfather was the pastor, and later

a member of an evangelical parachurch, she said she has struggled to understand why she has not seemed evangelical enough for some people in the Wheaton community. “I get evangelicalism, not from the outside but from the inside. But Wheaton has its own version. I call it evangelicalism on steroids.”

On a campus of fewer than 200 full-time faculty members, Ms. Hawkins’s case has reverberated deeply. And while many professors are reserving judgment until they know more about her situation, others plan to wear their academic regalia to class each day in solidarity with their colleague.

Wheaton, which is nondenominational, requires all faculty members to sign, and renew annually, a commitment to its Statement of Faith. Among Christian colleges, Wheaton is seen as more strict than average, but it also maintains a strong academic reputation. Some professors say they worry that Wheaton’s reputation may be at risk if professors can be punished for views that do not appear to explicitly contradict the faith statement.

“Many faculty are frustrated, confused, and angered by the rationale, the process, and the pace with the way the Dr. Hawkins case has been handled,” said Noah Toly, an associate professor of urban studies and a friend of Ms. Hawkins. “Her initial statements would have been controversial among both Muslims and Christians. But it’s not clear that they were outside the bounds of the Statement of Faith and required her to be put on leave.”

ASKED FOR EXPLANATIONS

The controversy began on December 10, when Ms. Hawkins, an associate professor of political science, posted a photograph of herself on Facebook wearing a hijab and wrote that “I stand in religious solidarity with Muslims because they, like me, a Christian, are people of the book. And as Pope Francis stated last week, we worship the same God.”

She said her action stemmed from conversations she’d had with students about how best to show solidarity with Muslims at a time when they were increasingly under attack. Among evangelicals, the question of whether Muslims and Christians worship the same God is an open, if controversial, debate. A recent poll showed that about 35 percent of evangelical Christians agree that they do, and Wheaton’s faith statement does not directly weigh in on the matter.

Mr. Jones, the provost, called Ms. Hawkins into

a meeting the week after her Facebook post and asked her to clarify her views. In a memorandum to her, which she later posted on her blog, he noted that Wheaton’s faith statement describes a distinct view of God, one that is different than that understood by Muslims.

Ms. Hawkins submitted a three-page response two days later, and said she had been told that her statement was sufficient. But in a follow-up meeting, on December 19, Mr. Jones said that he continued to have questions about her theological beliefs. The best option he put on the table, she said: Agree to a two-year open-ended series of conversations with the administration and the Board of Trustees about her theological views while her tenure was suspended. She refused. “I don’t know anyone in academia who thinks that’s an option,” she said.

“Many faculty are frustrated, confused, and angered by the rationale, the process, and the pace with the way the Dr. Hawkins case has been handled.”

Mr. Jones, responding on Sunday to emailed questions, recalled their exchange differently. “When Dr. Hawkins presented her written response, she asked immediately whether it was sufficient. I responded that outside the current context, such as in a prospective faculty member’s initial application for employment, the response would not likely cause the administration or Faculty Personnel Committee concern. But in the present context, while it was a good start for further conversation, it was not sufficient by itself. She then expressed her unwillingness to have further theological discussion.”

Because of this “impasse,” as the college described it in one of several statements posted on its website, Wheaton began termination proceedings against Ms. Hawkins last week. It earlier noted that it had “significant questions regarding the theological implications of her recent public statements.”

Ms. Hawkins said she had refused to answer further questions because there was no point in continuing the conversation: Either her written clarification and her discussions with Mr. Jones are sufficient or they aren't.

On the campus, professors say that while there have been many conversations among faculty members, this week, when classes resume, marks their first opportunity to meet as a group. Peter Walhout, a chemistry professor, said many faculty members are disturbed by how Ms. Hawkins's case

black-liberation theology. As a social scientist, she said, it is useful to trace how that theology has influenced black notions of justice and to discuss what Christians can learn from it. Others, including Mr. Toly and Mr. Green, have also discussed black-liberation theology in their work and teaching, but they were not questioned, as she was, about her views. In their meeting, Ms. Hawkins said Mr. Jones had asked if she supported Marxism.

"Nowhere in our faith statement does it suggest Marxism is outside the bounds or that drawing on Marxist theologians are out of bounds," said Mr. Toly.

Ms. Hawkins said she met again with the provost last spring after she had pushed for the inclusion of discussions of sexuality in curricular revisions, in addition to existing discussions about race, gender, and ethnicity. She said that former students have responded in alumni surveys that they did not feel Wheaton had prepared them well to enter a diverse work force.

"This is not a political agenda," she said. "This is about academic integrity, this is about accreditation."

She said that a diversity committee had endorsed her statement on the subject and that she told Mr. Jones she was offended that he would question her religious integrity. "I have no idea why I'm being singled out," she said. "Why there is a difference between Larycia Hawkins and every single other person."

Mr. Jones said he has not treated Ms. Hawkins differently. "As a matter of principle, I would not single out any one faculty member," he wrote. "We regularly speak with faculty casually and comfortably about our shared religious convictions, precisely because they are deeply held and shared convictions. We occasionally seek clarification with some faculty when questions emerge, and on some unusual occasions have a difficult conversation about statements or actions that seem in conflict with our convictions. In my view, I have not held Dr. Hawkins to a higher or different standard."

Because she is one of seven full-time black professors on the campus, about 3 percent of the faculty, the role that Ms. Hawkins's race has played in the latest controversy has come up in online conversations. In the petition, for example, some question Wheaton's support for racial diversity.

Some of Ms. Hawkins's supporters, however, say they believe Wheaton is, in fact, committed to diversity. "We pull from a very conservative student

“Regardless of how one views the complex theological and semantical issues of the ‘one God’ controversy, the faculty, I believe, are uniformly alarmed at the heavy-handed approach of the administration.”

has unfolded.

"Regardless of how one views the complex theological and semantical issues of the 'one God' controversy, the faculty, I believe, are uniformly alarmed at the heavy-handed approach of the administration," he wrote in an email.

Her colleagues describe Ms. Hawkins as deeply committed to both the college and her faith, loved by students, and tireless in her willingness to sit on committees and serve in the community. A petition to reinstate her has drawn more than 55,000 supporters. "She is the consummate liberal-arts teacher who cares for the personal and intellectual development of her students," said Gene L. Green, a professor of New Testament who attended a news conference Ms. Hawkins held last week. "So I say, What's going on here?"

HELD TO A DIFFERENT STANDARD?

To some, the answer is that Ms. Hawkins is being held to a different standard than her colleagues are. This is the fourth time she has been asked by Mr. Jones to explain how her views align with the college's faith statement.

The first such questioning occurred when she wrote her statement of faith and learning, required of all faculty members up for tenure, about

body from very conservative churches, and we work overtime to root out racism,” said Mr. Green. “To say that the administration is tone-deaf and unaware about problems of race or that they turn their head would be a wrong characterization.”

Ms. Hawkins herself praises Mr. Jones for his work in that area. “For the nine years I’ve been at Wheaton, there’s not anyone more committed to diversity in the administration,” she said. “He has thought out how to increase the number of minority faculty, including women and people of color and international scholars.”

Wheaton said in a statement last week that Ms. Hawkins’s suspension had “resulted from theological statements that seemed inconsistent with Wheaton College’s doctrinal convictions, and is in no way related to her race, gender, or commitment to wear a hijab during Advent.”

TRADITION AND DIVERSITY

Yet Ms. Hawkins and others question how welcoming Wheaton is of diverse viewpoints and styles. “All evangelical colleges have to ask what diversity means,” said Gary M. Burge, a professor of New Testament who added that he finds Ms. Hawkins’s views in keeping with the faith statement. “Genuine diversity is going to stretch the margins of what’s comfortable for us.”

Michael S. Hamilton, an associate professor of history at Seattle Pacific University who has written about Wheaton and other religious colleges, said Wheaton is often uncomfortable with people who don’t fit into its Northern, white, fundamentalist tradition. “If you don’t sit in that tradition, then you don’t fit at Wheaton. But if you don’t fit in that tradition, they will pin your nonconformity to the faith statement,” he said. “That’s what’s happening in the case of Larycia Hawkins.”

Faculty members also worry about how much external constituents’ prejudices are pressuring the administration. Time magazine excerpted an email that Mr. Jones sent to another professor, in which he described Ms. Hawkins’s Facebook statements as “innocuous” but noted that

“the media are pounding on our door asking for comments about our faculty who are endorsing Islam.”

Ms. Hawkins said that Mr. Jones had told her that hundreds of students had already withdrawn their applications. Mr. Jones said that’s not accurate. “We did, however, discuss the numerous responses the college was receiving, and that this could have negative implications for applications,” he said.

“I don’t think the administration is being racist in singling her out for her recent comments,” said Mr. Toly. “I fear that in the background of many concerns raised by external constituencies there may be systemic undercurrents of racial issues that are at play that we don’t want to acknowledge.”

Ms. Hawkins’s case may be resolved within the next month. The administration has compiled a roughly 40-page memo, she said, outlining why she should be fired, including her assertion of religious solidarity with Muslims and Jews, and that Muslims and Christians worship the same God.

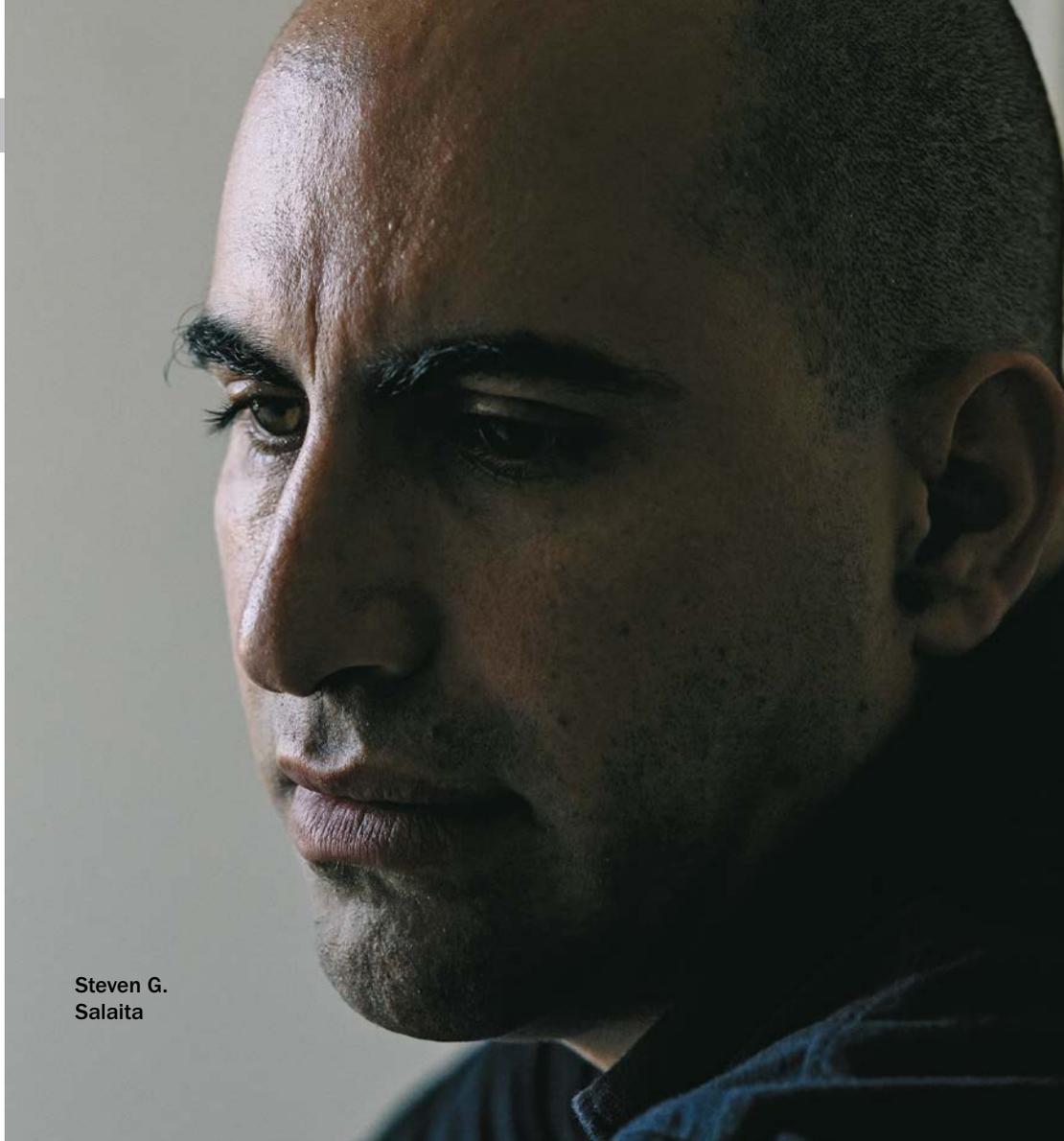
A Faculty Personnel Committee, consisting of nine tenured faculty members, will review evidence from both sides and make a recommendation to Wheaton’s president, Philip G. Ryken. His recommendation will then be forwarded to the Board of Trustees for a final decision.

More than Ms. Hawkins’s future is at stake. Professors say this case raises the question of whether the administration will allow faculty members the flexibility they thought they had to have lively debates on theological issues, and whether their social-media posts will receive the same scrutiny that Ms. Hawkins’s have. “I think our academic freedom will be compromised if she is let go,” said Mr. Green. “I think it has already been compromised.”

Ms. Hawkins agrees. “If I’m not safe at Wheaton,” she said, “no one is.”

Editor’s note: On February 6, 2016, Wheaton College and Ms. Hawkins announced in a joint statement that they had “reached a confidential agreement under which they will part ways.”

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Steven G.
Salaita

GREG KAHN FOR THE CHRONICLE

Why I Was Fired

By STEVEN SALAITA

IN AUGUST 2014, I was fired from a tenured position at the University of Illinois at Urbana-Champaign. The firing made me a free-speech darling — or the world’s most violent person since Stalin, depending on your perspective. It also sparked a debate about academic freedom, faculty governance, the Israel-Palestine conflict, and the role of social media in university life. That debate rages with no resolution in sight.

The story of my notoriety begins on July 21, 2014, when The Daily Caller ran an article about me titled “University of Illinois Professor Blames Jews for anti-Semitism.” With the brio and wisdom for which right-wing websites are known, the piece begins, “The University of Illinois at Urbana-Champaign has continued its bizarre quest to employ as many disgusting scumbags as possible by acquiring the services of Steven Salaita, a leading light in the movement among similarly obscure academics to boycott Israel.”

The article, and subsequent coverage, focused on several tweets I wrote in the summer of 2014. One tweet read: “At this point, if Netanyahu appeared on TV with a necklace made from the teeth of Palestinian children, would anybody be surprised?” In another, I wrote, “You may be too refined

to say it, but I'm not: I wish all the fucking West Bank settlers would go missing."

It has since become popular to call me uncivil. Or intemperate. Or inappropriate. Or angry. Or aggressive. It's unseemly to describe myself, but because "unseemly" is an improvement over what many people now call me — why not? I am a devoted husband and a loving father. I never talk out of turn. I deliberate for long periods before making significant decisions. As is normal for somebody born and raised in Southern Appalachia, I call everybody "sir" or "ma'am." I do not raise my voice at people. I am deeply shy and chronically deferential. That is to say, I am civil to a fault.

This exegesis on my disposition probably seems unnecessary, but it's important to distinguish between somebody's persona and his personhood, though in most cases one informs the other. This is the extent of my feelings on the matter: It is precisely because I am a loving person that I so adamantly deplore Israel's behavior.

My tweets might appear uncivil, but such a judgment can't be made in an ideological or rhetorical vacuum. Insofar as "civil" is profoundly racialized and has a long history of demanding conformity, I frequently choose incivility as a form of communication. This choice is both moral and rhetorical.

The piety and sanctimony of my critics is most evident in their hand-wringing about my use of curse words. While I am proud to share something in common with Richard Pryor, J.D. Salinger, George Carlin, S.E. Hinton, Maya Angelou, Judy Blume, and countless others who have offended the priggish, I confess to being confused as to why obscenity is such an issue to those who supposedly devote their lives to analyzing the endless nuances of public expression. Academics are usually eager to contest censorship and deconstruct vague charges of vulgarity. When it comes to defending Israel, though, anything goes. If there's no serious moral or political argument in response to criticism of Israel, then condemn the speaker for various failures of "tone" and "appropriateness." Emphasis placed on the speaker and not on Israel. A word becomes more relevant than an array of war crimes.

Even by the tendentious standards of "civility," my comments on Twitter (and elsewhere) are more defensible than the accusations used to defame me. The most deplorable acts of violence germinate in high society. Many genocides have been glorified (or planned) around dinner tables adorned with forks and knives made from actual silver, without a single inappropriate speech act having occurred.

In most conversations about my termination, Israel's war crimes go unmentioned, yet it is impossible to understand my tweets without that necessary context. My strong language — and I should

point out that much of my language is also gentle — arises in response to demonstrable acts of brutality that in a better world would raise widespread rancor. You tell me which is worse: cussing in condemnation of the murder of children or using impeccable manners to justify their murder. I no more want to be "respectable" according to the epistemologies of colonial wisdom than I want to kill innocent people with my own hands. Both are articulations of the same moral rot.

In 11 years as a faculty member, I have fielded exactly zero complaints about my pedagogy. Every peer evaluation of my instruction — the gold standard for judging teaching effectiveness — has been stellar. Student evaluations ranked higher than the mean every time I collected them. Yet people affiliated with the University of Illinois at Urbana-Champaign have impugned my ability to teach.

Students are capable of serious discussion, of formulating responses, of thinking through discomfort. They like my teaching because I refuse to infantilize them; I treat them as thinking adults. I have never disrespected a student. I have never told a student what to think. Nor have I ever shut down an opinion. I encourage students to argue with me. They take me up on the offer. I sometimes change my viewpoint as a result. My philosophy is simple: Teach them the modes and practices of critical thought and let them figure out things on their own.

The hand-wringing about students is pious, precious claptrap, a pretext to clean the stench from a rotten argument raised to validate an unjustifiable decision.

Troublesome assumptions underlie accusations about my fitness for the classroom. It is impossible to separate questions about my "civility" from broader narratives of inherent Arab violence. This sort of accusation has been used to discredit people of color (and other minorities) in academe for many decades. Administrators and the public monitor and scrutinize our actions in a manner to which our white colleagues are rarely subject. It is crucial to train us in the ways of civility lest our emotions dislodge the ethos our superiors hold so dear.

When it comes to opposing colonization, there is no need for dissimulation, which is the preferred vocabulary of the cocktail party and committee meeting. I could make a case that dissimulation is immoral. It is undoubtedly boring. When I say something, I have no desire to conceal meaning in oblique and wishy-washy diction. This is especially so when I respond to the various horrors of state violence and the depravity of those who justify it. On campus, such forthrightness is unconventional.

But no tenet of academic freedom considers failure to adhere to convention a fireable offense.

Professors are often punished for disrupting convention in informal ways, however. My case is

interesting because administrators ignored the de facto standards that regulate our behavior and exercised their power directly. This should be worrisome to any scholar who isn't a sycophant.

People with doctorates who make claims unsupported by evidence and who uncritically repeat terms like "incivility" as if it describes anything other than their own dull prejudice are the ones most unfit to teach college.

BEING called an anti-Semite is deeply unpleasant. Those who make the accusation should be responsible for providing evidence, yet it is I who has been saddled with the impossible task of disproving a negative.

The rhetorical incoherence of my critics is evident in their ever-evolving justifications for my firing. First I was anti-Semitic. Then I was uncivil. Then I was a bad teacher. Then I was too charismatic. Then I was too angry. Then I was too profane. Then I was too radical. Then I was too unpatriotic. Then I wasn't really hired. Then I was unqualified in the field of American Indian studies. Then I benefited from nepotism. Then I was a poor scholar. Then my colleagues were incompetent. Then my colleagues were deceitful. Then my colleagues were ignorant. Then the American Indian-studies program required special guidance. Then the decision to hire me was solely based on politics. Then indigenous studies was illegitimate. Then the entire damn field needed to be shut down.

Part of our charge as educators is to encourage students to find the language that will help them

Universities are lucrative spaces; nothing is lucrative without also being corrupt.

translate instinct into concrete knowledge. It's the kind of preparation we all need to survive the capitalist marketplace. While antiauthoritarianism may start as an attitude, it has infinite capacity to develop into an ethic.

Distrusting the motivation of institutions and their managers often means demotion or recrimination. But there is reason to distrust authority on campus. Universities are lucrative spaces; nothing

is lucrative without also being corrupt.

As Thomas Frank put it in an essay in *The Baffler*:

The coming of "academic capitalism" has been anticipated and praised for years; today it is here. Colleges and universities clamor greedily these days for pharmaceutical patents and ownership chunks of high-tech startups; they boast of being "entrepreneurial"; they have rationalized and outsourced countless aspects of their operations in the search for cash; they fight their workers nearly as ferociously as a 19th-century railroad baron; and the richest among them have turned their endowments into in-house hedge funds.

Frank later pinpoints the reason for campus authoritarianism:

Above all, what the masters of academia spend the loot on is themselves. In saying this, I am not referring merely to the increasing number of university presidents who take home annual "compensation" north of a million dollars. That is a waste, of course, an outrageous bit of money-burning borrowed from Wall Street in an age when we ought to be doing the opposite of borrowing from Wall Street. But what has really fueled the student's ever-growing indebtedness, as anyone with a connection to academia can tell you, is the insane proliferation of university administrators.

The numbers validate Frank's observation. Benjamin Ginsberg points out that in the past 30 years, the administrator-to-student ratio has increased while the instructor-to-student ratio has stagnated. The rise of untenured, or non-tenure-track, faculty exacerbates the problem; a significant demographic in academe lacks job security or the working conditions that allow them to maximize their pedagogical talent. Over a recent 10-year period, spending on administration outpaced spending on instruction. At American universities, there are now more administrators and their staffers than full-time faculty. In the past 10 years, administrative salaries have steadily risen while custodians and groundskeepers suffer the inevitable budget cuts — as do the students whose tuition and fees supplement this largess.

When so much money is at stake, those who raid the budget have a deep interest in maintaining the reputation of the institution. Their privilege and the condition of the brand are causally related. The brand thus predominates. Its predominance often arrives at the expense of student well-being.

Take the matter of sexual assault. Reporting rates have recently risen, but all versions of sexual assault remain woefully underreported. There are numerous reasons why a victim chooses to keep silent. One reason is that she may expect a wholly inadequate, or even hostile, response from her own university. In 2014, Columbia University fielded 28 federal complaints claiming the university had inadequately investigated reports of sexual

assault. Florida State University, with the help of the Tallahassee Police Department, orchestrated a clumsy cover-up of a rape allegation to protect the star quarterback Jameis Winston. A different

Academics are usually eager to contest censorship. When it comes to defending Israel, though, anything goes.

category of sexual assault infamously occurred at Pennsylvania State University, where the onetime defensive coordinator of the football team, Jerry Sandusky, was found to have molested various children, some of them on campus. The university's complicity is but an extreme instance of a common phenomenon.

In this era of neoliberal graft, universities barely pretend to care about the ideals upon which higher education was founded. Sure, administrators and PR flacks still prattle about dialogue and self-improvement and the life of the mind, but not even impressionable 18-year-olds believe that claptrap. They know just as well as their superiors that college is really about acquiring the mythical-but-measurable status conferred to them by a crisp sheet of cotton-bond paper.

As universities more and more resemble corporations in their governance, language, and outlook, students have become acutely brand conscious. Guardianship of the brand thus predominates and overwhelms the primacy of thought and analysis to which the academy is nominally committed. Students no longer enter into places of learning. They pay exorbitant prices to gain access to the socioeconomic capital of affiliation with the most recognizable avatars, adorned magisterially with armor and pastoral creatures and Latin phrases.

Take that most sacred element of pedagogy, critical thinking. Many faculty don't know how to do it, never mind imparting instruction in the practice to those trying to learn it. (My conception of "critical thinking" includes acting in some way on the knowledge it produces, if only in the formulation of a dynamic ethical worldview.) One of the greatest skills critical thinking provides is the abil-

ity to recognize and undermine bunk. In short, if critical thinking is to be useful, it must endow a reflexive desire to identify and understand the disguises of power.

This sort of focus is low on the list of what universities want from students, just as critical thinking is a terribly undesirable quality in the corporate world, much more damning than selfishness or sycophancy. Let us then be honest about critical thinking: On the tongues of cunning bureaucrats, it is little more than an additive to brand equity, the vainglorious pomp of smug, uptight automatons who like to use buzzwords in their PowerPoint presentations.

Critical thinking by faculty is even more undesirable. In research institutions, we are paid to generate prestige and to amass grant money; in teaching-centered colleges, we enjoy excess enrollments according to fine-tuned equations that maximize the student-teacher ratio. (In elite liberal-arts colleges, we pamper the kids with simulations of parental affection.) Critical thinking is especially harmful to adjuncts, reliant as they are for income on the munificence of well-paid bosses who cultivate a distended assemblage of expendable employees.

Nowhere in our employment contracts does it say, "Challenge the unarticulated aspirations of the institution, especially when it acts as a conduit and expression of state violence; and please try your best to support justice for those on and off campus who are impoverished by neoliberalism." If we practice critical thinking, though, it is difficult to avoid these obligations.

Because of their high-minded rhetoric, it is tempting to believe that university managers care about ethics or maybe even about justice, but most managers care about neither. The exceptions, of course, deserve our praise — just don't poke around the highly ranked schools if you want to find them. The key to a successful managerial career isn't striving to be a good person, but developing enough instinct to cheat and charm at opportune moments.

Whatever independence can be acquired in academe requires a fundamental distrust of authority, be it abstract or explicit. There never have been pure epochs of uncorrupted democracy, but increasing corporate control disturbs greater sectors of American life, particularly on campus. There has to be a better way to conduct the practices of education.

WHAT to do about injustice? I hear this question a lot since I was fired. I have no solid answer. My instinct, which I fully understand isn't actually instinctive, is simply to tell people to do what they feel comfortable doing. I'm not big on demands or injunctions. Yet I recognize that as somebody who now exists in a public

position I am summoned to analyze a set of dynamics in which I and the University of Illinois at Urbana-Champaign are embroiled. These dynamics are especially important to folks in academe who wish to pursue material commitments alongside theoretical and philosophical questions.

Graduate students and prospective graduate students are especially anxious these days. They are right to be. Decent humanities jobs are in decline. Grad-school slots have become more competitive. Any advantage is a great asset. Being deemed a troublemaker or a radical is no advantage.

Making trouble is precisely the function of the intellectual, though. And being radical is a solid antidote to boring work.

There's always been repression and recrimination in academe. Anybody with an eye toward a career as a scholar has to internalize this reality. Aspiring and established scholars should not abdicate intellectual commitments in order to please the comfortable. This would be careerism, not inquiry.

And that's the point. If we don't examine relationships of power and highlight the disjunctions of inequality, then we're not doing our jobs. (We will be according to the preferences of the managerial class, but pleasing its functionaries isn't generally the mark of an interesting thinker.) Upsetting arbiters of so-called common sense is an immanent feature of useful scholarship.

"What can/should we do?" is not a universal question. Consider that the labor of minority

scholars is already politicized. We have to publish more. It's risky to be introverted because so many white colleagues cannot tolerate a minority who doesn't pretend to like them. We have to act as diversity representative on all sorts of committees. We cannot be mediocre because our tenure and upward mobility rely on senior colleagues who reward only their own mediocrity. It's hazardous for us to show emotion because we're aware of the possibility of confirming to others our innate unreason. Adding "activist leader" to this list of tasks is a heavy undertaking. In many ways, simply deciding not to appease power is an active form of advocacy. It is the activism of survival.

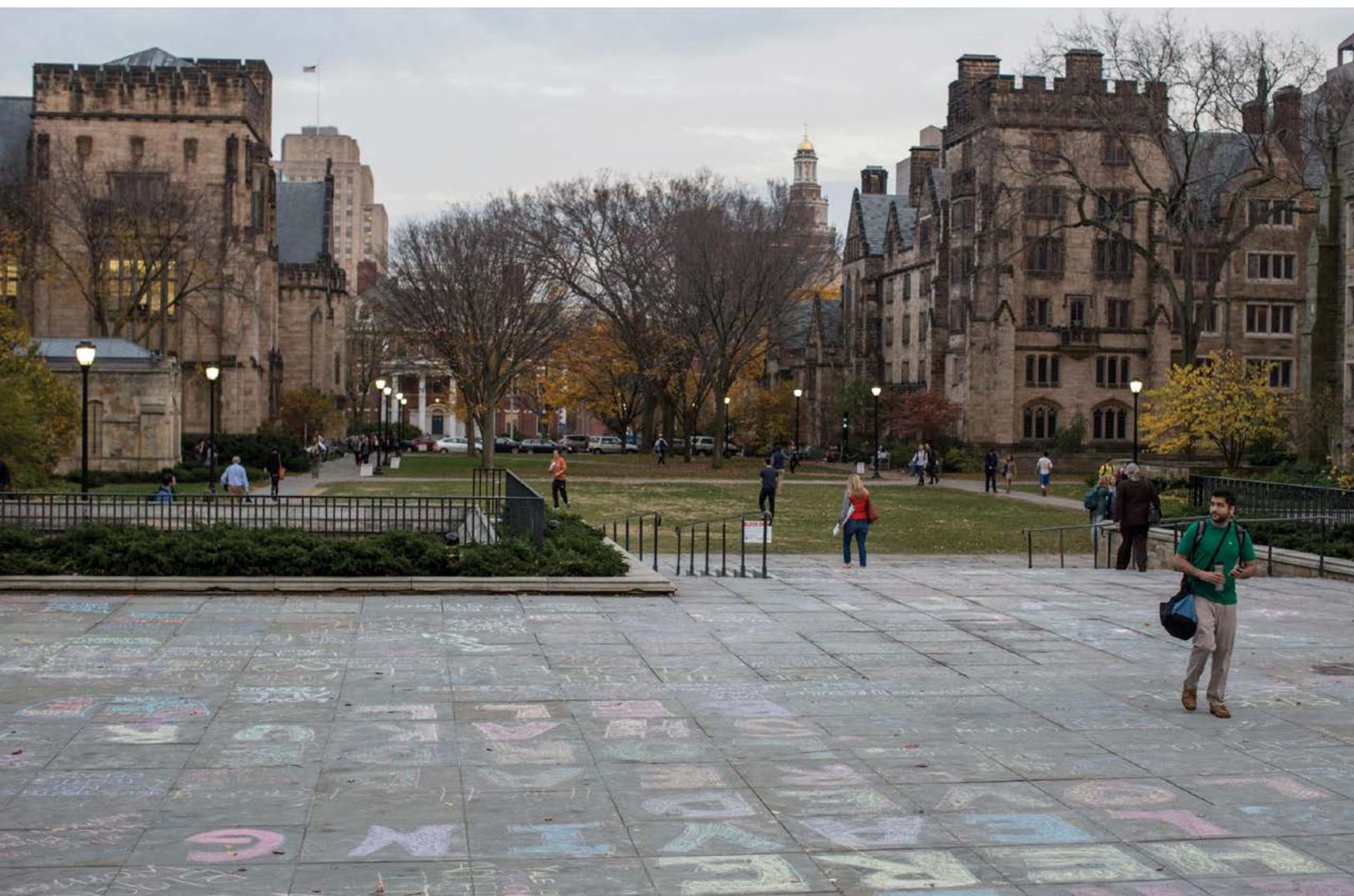
Getting fired doesn't make me an expert on anything. I'm doing my best to make sure something productive comes of it, though. My having a job changes nothing if the system that orchestrated my ouster remains intact. I am merely a symbol of the stark imperatives of the wealthy and well connected. We all are, really. Unless the system changes at a basic level, everybody is merely buying shares in a corporation with the power to dissolve our interests the moment we become an inconvenience.

*Steven Salaita holds the Edward W. Said Chair of American Studies at the American University of Beirut. This essay is adapted from his new book, *Uncivil Rites: Palestine and the Limits of Academic Freedom*, just out from Haymarket Books.*

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At Yale, Painful Rifts Emerge Over Diversity and Free Speech

By SARAH BROWN



MARK ABRAMSON FOR THE CHRONICLE

After a series of controversies, some students are complaining that university leaders have not done enough to eliminate racism from the campus. Above, students cross a quad where chalk messages express support for the protesters.

BLACK WOMEN MATTER.” “History is watching.” “I refuse to be complicit.” Dozens of messages like those were scrawled in chalk on a wide swath of stone in front of Yale University’s largest library on Thursday. By Friday evening they had begun to fade, rubbed out in places by the steady stream of students’ shoes.

But the tensions that have flared on the campus for the past week and a half seem likely to leave a more permanent mark on this elite institution, which finds itself roiled by a heated debate about race relations and free speech.

At the heart of the controversy are two emails and a Facebook post. On October 28, Yale’s Intercultural Affairs Council sent a message that urged students to reconsider wearing cultural costumes on Halloween that might offend some students.

Erika Christakis, a Yale lecturer who serves as an associate master at one of the university’s 12 residential colleges, wrote a response questioning the need to exercise “implied control” over students’ choice of garb: “Is there no room anymore for a child to be a little bit obnoxious ... a little bit inappropriate or provocative or, yes, offensive?”

Her email generated significant backlash. And a Facebook post on an unrelated matter soon added fuel to the fire. The post accused members of a Yale fraternity, Sigma Alpha Epsilon, of turning away black and Latina women from a party, saying, “White girls only.” The chapter’s leaders have denied the allegations, but the post went viral. Yale is investigating the fraternity, which had already been suspended until next fall after a campus committee found it had violated the university’s sexual-misconduct policy.

The incidents have boiled over into widespread anger among students of color here, who say that Yale officials have not sufficiently dealt with the challenges that minority students, particularly women, face in academic and social circles. They condemn university leaders for taking several days to respond publicly to the controversies, and are imploring them to do more to support racial-minority groups.

Students’ frustration reached a peak on Thursday, when two gatherings of students writing chalk messages turned into spontaneous forums with university officials. Videos posted online show dozens of students demanding answers from Jonathan Holloway, an African-American-studies professor who is the first black dean of Yale College, the university’s undergraduate division. They are also seen confronting Nicholas A. Christakis, a professor of social and natural science who is master of Silliman College, one of the residential communities; his wife wrote the email that sparked students’ ire. Students frequently raised their voices and used expletives during the encounters.

Yale’s president, Peter Salovey, and Mr. Holloway

met with about four dozen students later on Thursday. According to students who were present, Mr. Salovey told them that the university had failed them. In a message to the campus on Friday, Mr. Salovey wrote that the meeting had “left me deeply troubled” and had “caused me to realize that we must act to create at Yale greater inclusion, healing, mutual respect, and understanding.”

Mr. Holloway did not return a request for comment as of Sunday night. Mr. Salovey was not made available for an interview.

In an email to *The Chronicle*, Dr. Christakis said that he and his wife “care deeply about students” and “have spent a lifetime caring for diverse, underprivileged populations, and serving as educators.”

‘YALE, WHERE DO YOU STAND?’

The controversy that erupted here does not fall easily along racial lines. Many white students stand in solidarity with the protesting students of color. Some nonwhite students don’t agree with the heated reactions of their community.

Senior administrators, too, seem conflicted. Mr. Holloway has defended the email advocating against potentially offensive costumes, while Dr. Christakis has defended how his wife responded to that message.

On Friday, Yale’s campus featured vivid reminders of the tensions. Fliers posted on bulletin boards stressed, in capital letters, that “we stand with our sisters of color” and asked a question: “Yale, where do you stand?” Signs left hanging outside of a building after a protest asserted that “my race is not an intellectual debate” and that “this is what free speech looks like!”

Some students weren’t talking about what had happened. Others were; they sat on benches or strolled around the campus, wondering whether this was a turning point for race relations at Yale.

Jose Rodriguez, a freshman, said he had just discussed the controversy at length with a friend. Mr. Rodriguez, who is Hispanic, said he understood why some minority students were upset, but he personally couldn’t relate.

He found Yale’s campus to be safe and welcoming, which contradicts how many of his peers expect him to feel. “I feel like a lot of what has happened over the course of this week has turned into fighting, and that’s not OK,” he added.

On the other hand, Isaiah Genece, a junior, said that “people have gone through so much in all their time here, and have just never talked about it.” He said in this case he supported students’ use of strong language. “It’s absolutely crucial that people saw the raw emotion and the raw pain that came out as a result of this.”

The next step should be a constructive dialogue about the treatment of minority students on the



MARK ABRAMSON FOR THE CHRONICLE

Some students contend that Yale officials have not sufficiently dealt with the challenges that minority students, particularly women, face in academic and social circles.

campus, said Nicole A. Tinson, a second-year student in the divinity school who wrote a widely shared open letter to Yale last week. Contrary to what many observers believe, Ms. Tinson said in an interview, “students are not asking to be accepted into parties where they are not wanted.” They are asking to be respected, she said.

Around 11 p.m. on Friday, one week after the fraternity party at the center of the “white girls only” accusations, the SAE chapter’s house was quiet. And Grant Mueller, its president, wasn’t there; he was headed home to Houston.

“On Wednesday, I was walking down the sidewalk, and an African-American man spat at me and told me to check my privilege,” Mr. Mueller said in a phone interview. “After that, I thought it would be best to get off campus for a couple of days.”

There was no “white girls only” policy at the party, he said. The party was too crowded, Mr. Mueller said, so a fraternity member began turning students away. He said an African-American woman then retorted, “It’s because I’m black, isn’t it?”

The fraternity has a diverse membership, he said. Still, he stressed that “just because we’re a diverse group of people doesn’t mean something like this couldn’t happen.”

Mr. Mueller wanted his fraternity to help lead future conversations about race relations at Yale,

and said that his chapter and other Greek organizations were planning a campuswide forum that would take place this week.

SPEECH AND CONSEQUENCES

The debate at Yale also touches on common themes of free speech: Is asking some students to avoid offending others with their costumes or their words a form of censorship? No, many students say; it is simply a matter of respect.

Requesting that students consider their costume choices more thoughtfully was not asking a lot, said Dara Huggins, a junior who is president of the Yale Black Women’s Coalition. “Can you wear it? Technically, absolutely,” she said. “But that doesn’t mean you are absolved of responsibility when someone confronts you and says, Hey, that’s offensive. That doesn’t mean you get to holler, Oh, it’s free speech.”

But Mr. Rodriguez, the freshman, disagreed with how some Yale students had tried to make that point. “If somebody says something offensive to me, yeah, I’ll have a conversation about it, but I don’t see a reason to fight,” he said.

Greg Lukianoff, president of the Foundation for Individual Rights in Education, said by phone that he witnessed part of Thursday’s encounters between the students, Mr. Holloway, and Dr.

Christakis. The confrontation was “one of the most intense free-speech controversies I’ve ever seen,” said Mr. Lukianoff, who was in New Haven to speak at a conference on free speech. (About 100 students protested outside of the conference on Friday, after Mr. Lukianoff allegedly commented that “looking at the reaction to Erika Christakis’s email, you would have thought someone wiped out an entire Indian village.”)

Ms. Christakis’s concerns about policing Halloween costumes, Mr. Lukianoff said in the interview, are not uncommon. “But on campus, students treated it like Erika committed a war crime,” he said. “There were a lot of things being said that were completely dismissive of any argument about freedom of speech.”

Still, Ms. Huggins said that the exchange with Mr. Holloway, at least, was productive. “There is a lot more expected of him,” as one of the few black administrators at Yale, she said. And she appreciated how he had reacted. “He didn’t argue. He didn’t get defensive. He just listened.” Dr. Christakis, she said, “was, frankly, more aggressive.”

Ms. Huggins is among a number of students who are urging Yale’s administration to make changes, including required cultural-diversity training for all students, faculty, and staff. Attracting more minority professors to the campus is also



MARK ABRAMSON FOR THE CHRONICLE

A party at the Sigma Alpha Epsilon fraternity house is the focus of one controversy. A Facebook post that went viral alleged that black and Latina women were turned away and told “white girls only.” Fraternity leaders deny the allegation.

important, the students say. (Yale had previously announced that it would devote \$50 million toward such efforts.)

Jacqueline Goldsby, chair of the African-American-studies department, said she attended an on-campus forum last Wednesday where students of color shared “sobering accounts” of what they had experienced. Ms. Goldsby said she had left the event “deeply worried for the intellectual and personal welfare of black undergraduates at Yale.”

In his email to *The Chronicle*, Dr. Christakis wrote that “it is quite a shock to be in

the position we are facing, but we entirely understand the pain many students are expressing.”

Ms. Huggins did not think Dr. Christakis understood at all. She wanted him to resign from his administrative role. “Perhaps there is another way that he can contribute to the Yale community,” she said. But as far as serving as a residential college’s master, which involves supporting students more directly, she said, “he might not be equipped for it.”

What did she hope Yale’s senior administrators would take away from the past week? “I already told them,” she said, referring to outspoken remarks she made to Mr. Holloway and Dr. Christakis during the confrontation. “And they should remember what I said.”

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Students and faculty members at Yale U. rally to demand that the university become more inclusive.



ARNOLD GOLD, NEW HAVEN REGISTER VIA AP

When Free Speech Becomes a Political Weapon

STUDENTS AT the University of Missouri recently succeeded in pressuring the institution's president and chancellor to step down. At other campuses across the country, we are witnessing a wave of similar protests. Frequently, however, the students protesting are being misrepresented and belittled in the news media as childish and coddled. More worryingly still, they are held to be attacking freedom of speech rather than exercising it to call for institutional reform — political action of the very kind this freedom aims at protecting.

What explains this apparent paradox? In a word, propaganda. The notion of freedom of speech is being co-opted by dominant social groups, distorted to serve their interests, and used to silence those who are oppressed and marginalized. All too often, when people depict others as threats to freedom of speech, what they really mean is, "Quiet!"

Recent events at Yale are an important case in

By **KATE MANNE** and **JASON STANLEY**

point. In late October, in anticipation of Halloween, Yale's Intercultural Affairs Committee sent an email to the student body. While affirming Yale's strong commitment to freedom of speech, it suggested that students be mindful of the perspectives of minority groups when planning their costumes. "Yale is a community that values free expression as well as inclusivity," it read. "And while students, undergraduate and graduate, definitely have a right to express themselves, we would hope that people would actively avoid those circumstances that threaten our sense of community or disrespect, alienates or ridicules segments of our population based on race, nationality, religious belief or gender expression." Not a decade has passed since the last Yale student reportedly celebrated Halloween in blackface.

Some deemed the advice infantilizing and heavy-handed. On October 30, Erika Christakis, associate master of Silliman College at Yale, sent a response to this email to its student residents. She decried the "implied control" and "censure and prohibition from above" which she read into it. Quoting her husband, Nicholas Christakis, master of Silliman, she wrote "if you don't like a costume someone is wearing, look away, or tell them you are offended. Talk to each other. Free speech and the ability to tolerate offence are the hallmarks of a free and open society."

The notion of freedom of speech tends to be ambiguous. It is used to refer to both the political right it enshrines, and the ethical ideal it embodies. The former is guaranteed in this country by the First Amendment to the Constitution. Together with the 14th Amendment, this means that nobody's right to express himself or herself may be interfered with by the government. (The few exceptions to the rule — unprotected speech — include acts like falsely claiming "fire!" in a crowded theater, "fighting words," and slander.)

Of course, in order to have genuine freedom of speech, one must also be free to question, contradict, and even lampoon the assertions of others. Also protected is the right to say that someone else's choice of words was insensitive or inappropriate, or that she ought not to have spoken up in the first place. Censure is not the same thing as censorship; indeed, it could not be. The right not to be censored by the government extends to the right to censure — that is, morally condemn — the speech acts of other people.

This leads to a delicate and controversial question: To affirm the value of freedom of speech, and to keep from silencing others unethically, when may we encourage people to choose their words more carefully, or tell them they ought to have kept silent? When should we say that, although someone had the right to say what he said, his saying it was a problem? Even the most avid proponent of freedom of speech cannot avoid this issue. When

people disagree about who should say what to whom — and how — either someone has to keep mum, or someone's speech act will come in for criticism.

Perhaps Erika Christakis did not intend to weigh in on one side or the other of the culture wars. Her remarks nevertheless provoked a strong reaction from some students. This is not surprising, against the current political backdrop. Free speech has become an increasingly politicized issue at Yale and elsewhere. A few months ago, the university's William F. Buckley Jr. Program hosted the New York University social psychologist Jonathan Haidt. In his talk, Haidt invoked notions like freedom of speech and the search for truth to inveigh against "coddled" students. The obvious target was groups who have historically been oppressed and are now increasingly prone to calling attention to microaggressions. Haidt, together with Greg Lukianoff, president of the Foundation for Individual Rights in Education, has argued recently in *The Atlantic* that these students are being immature and oversensitive.

Following Christakis's email, protests erupted among students of color and their supporters. Their political activity has since been written off by many commentators as a silly tantrum thrown in response to a one-off email, rather than a reaction to chronic, structural racial injustice — such as the persistent paucity of black faculty members and administrators at Yale, the common experience of being the only black student in some classes, and being disproportionately likely to be stopped and asked for ID — or worse — by campus police officers, as students have movingly testified. An article in the *National Review* went so far as to call these students of color "defective people from defective families" — an eyebrow-raising choice of language.

The Christakis are of course not responsible for the tensions their remarks brought to the surface. Indeed, Nicholas Christakis took to Twitter to make some of the very points in defense of Silliman students which we make in this article. Nevertheless, the protesting Yale undergraduates have become pawns in the culture wars, being demonized as threats to freedom of speech, rather than political agents engaged in its exercise. It is therefore past time to lay this myth to rest, and to expose its ideological function.

CONSIDER the structure of the events at Yale. After the Intercultural Affairs Committee sent its original email, Erika Christakis opposed it — not merely its content, but the very act of their issuing it. The students then opposed her opposition — alleging that she ought not to have spoken as she did, given her position as associate master of Silliman College. And many pundits have, in turn, opposed their opposition — holding

that the students ought not to be protesting thus. So far, so similar; these speech acts are on a par not only constitutionally, but also insofar as each opposes the one aforementioned.

Given these symmetries, why the markedly different reactions? Part of it is that, when people lower down in social and institutional hierarchies criticize the speech acts of those higher up, it often reads as insubordination, defiance, or insolence. When things go the other way, it tends to read as business as usual.

Why? In a 1988 paper, the Stanford psychologist Claude Steele proposed the existence of “a self-system that explains ourselves, and the world at large, to ourselves. The purpose of these constant explanations (and rationalizations) is to maintain a phenomenal experience of the self — self-conceptions and images — as adaptively and morally adequate — that is, as competent, good, unitary, stable.” Self-affirmation theory predicts that members of groups that have benefited from practices of exclusion, and have sometimes been actively complicit (more or less unwittingly) in sustaining them, will experience a serious disruption of their sense of self when confronted by injustice.

The Yale philosopher Christopher Lebron has theorized the ways that privileged whites often subscribe to legitimizing myths in order to maintain their self-conception as good people in a racist society. Presenting oneself as a martyr to the cause of a cherished ideal like freedom of speech is one way to do that. It simultaneously serves to discredit the people calling for change — including, in this case, the resignations of the Christakis from Silliman College. (Not just on the basis of the email, but because of growing discontent with their narrow focus on freedom of speech to the exclusion of actually fostering engagement among Silliman residents. In resigning as masters, the Christakis would remain Yale faculty.)

But didn't Erika Christakis, and most though not all of her defenders, express their views in a much more reasonable tone of voice than the students protesting? Yes. But sounding reasonable can be a luxury. Such speech trusts, even presumes, that one's words will be received by a similarly reasonable, receptive, even sympathetic, audience. Oppressed people are often met with the political analogue of stonewalling. In order to be heard, they need to shout; and when they shout, they are told to lower their voices. They may be able to speak,

but have little hope of being listened to.

The Michigan State University philosopher Kristie Dotson describes this predicament as “testimonial quieting,” as the philosopher Rachel McKinnon has helped us to see. When oppressed people speak out — and up, toward those in power — their right to speak may be granted, yet their capacity to know of what they speak doubted as the result of ingrained prejudice. And the way in which they express themselves is often then made the focus of the discussion. So it is not just that these people have to raise their voices in order to be audible; it's also that, when their tone becomes the issue, their speech is essentially being heard as mere noise, disruption, commotion. Their freedom of speech is radically undercut by what is aptly known as “tone policing.”

Moreover, we often tune into the action only when people have reached a breaking point. And then we wonder why they are yelling, ignoring the history of the crescendo.

Such is the case at Yale. Black students have testified to daily experiences of chronic, structural racism. But it is not the sort of racism that is generally considered newsworthy. It is not the sort of racism that attracts the attention of a largely white audience. There are no black bodies on the pavement to focus on. The violence being done is subtler — and often, as Dotson argues, epistemic.

When a group of adults is dismissed as children, we ought to be highly suspicious that this sort of violence is at issue. The idea that oppressed and marginalized people should “grow up” has a long and ugly history. Women have frequently been dismissed using this stereotype, for instance. And the thing about children is that it is not always possible, nor even desirable, to reason with them. Sometimes they need to be given incentives, negotiated with, or managed — and, in some cases, simply quietened. Calling the student protesters “coddled” serves to excuse those touting freedom of speech as an ideal to spurn it in reality. They are trying to use the master's tools to prevent the master's house from being dismantled — or, as here, the masters themselves from being ousted.

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AP IMAGES

Members of Concerned Student 1950 protest last fall at the U. of Missouri at Columbia. After a year of widespread campus protests, Mizzou and other colleges are reworking their free-speech policies.

In a Time of Tension, Universities Craft New Free-Speech Policies

By ARIELLE MARTINEZ

If things had gone according to the administration's plans, the 24-campus City University of New York would have a new free-speech policy by now. But that didn't happen.

CUNY's Board of Trustees was to vote on a proposed policy at its June 27 meeting, but the decision has been postponed indefinitely. "It was clear from testimony at the public hearing on June 20, 2016, and other communications that there are questions and concerns about the proposed policy," the online calendar for the meeting reads. "A proposed policy will be considered by

the Board of Trustees at a later time, following additional consultation and discussion.”

The policy would, among other things, regulate the use of university property and facilities for “expressive conduct” like demonstrations and leafletting.

Supporters say the proposal would advance the university’s commitment to protecting free speech, but opponents say it contains restrictions that would inhibit demonstrations.

College campuses were the sites of highly publicized protests against racism this past year, and one survey shows that freshmen in 2015 were more likely to join protests than freshmen in any of the previous five decades. This summer, new free-speech policies are growing out of the protests, and colleges must decide what the balance between free speech and public order will look like in the coming academic year.

‘RESTRICTIONS SHOULD BE ROLLED BACK’

Frederick P. Schaffer, CUNY’s senior vice chancellor for legal affairs and general counsel, points to Black Lives Matter and the Boycott, Divestment, and Sanctions movement as contributing to his university’s proposal.

“There’s just been a number of incidents and controversies across the country that have raised questions where people have said either, ‘My free-speech rights are being violated,’ or other people have said, ‘There should be limits,’” he said.

A working group — led by Mr. Schaffer with representatives from the University Faculty Senate, the University Student Senate, and college presidents in the system — began laying the groundwork for the proposal in the fall.

But the Doctoral Students’ Council, the student government representing CUNY’s Graduate Center, has renounced the proposal and petitioned on Change.org for its dismissal.

“We are advocating for a policy that guarantees free speech and does not have any restrictions on time, place, and manner,” said Hamad Sindhi, the council’s co-chair for communications. “We denounce any efforts by the police to suppress protests.”

Mr. Schaffer has criticized the council’s stance on the proposal, saying that supporting no limits on free speech is “a point of view I don’t think is one that any university can accept. It certainly isn’t one that is accepted by First Amendment jurisprudence.”

One problem the council has with the policy is its definition of the term “prohibited conduct,” including “any behavior that adversely affects or directly threatens to negatively affect the health or safety of persons or their opportunity to enjoy the benefits of the university.”

Mr. Sindhi suspects that administrators and

law-enforcement officials would use a broad interpretation of “prohibited conduct” to crack down on free speech. He is also concerned that the proposed policy was made in response to protest movements that were led by minority students. The resulting policy is racist, he said, and the institution should focus on improving the experiences of its marginalized students.

Before the public hearing on the proposed free-speech policy, CUNY revised the proposal to take out sections that would have prohibited demonstrations in areas other than those “that have been designated by the educational units of CUNY for demonstrations.”

But Sean M. Kennedy, coordinator of advocacy and education for the CUNY Adjunct Project, which is affiliated with the Doctoral Students’ Council, argued that the revision was not enough because some prohibitions remain. “CUNY is a public institution,” he wrote in an email, “so ostensibly all of it is a public area, and demonstrations should be able to occur anywhere.”

Azhar Majeed, director of policy reform at the Foundation for Individual Right in Education, or FIRE, said his organization opposed CUNY’s initial proposal for designated demonstration areas.

The proposal “seemed to leave it up to the discretion of the individual CUNY campuses to determine where or where not students could demonstrate,” Mr. Majeed said. “We were pleased that due to student feedback, the office of the general counsel proposed to get rid of those sections, with the rest of it being acceptable.”

FIRE has no problems with the current version of the proposal, and any concerns about the wording seem to be misguided, Mr. Majeed said.

Mr. Schaffer said part of the proposal had been modeled after a statement adopted by the faculty at the University of Chicago in 2014 that has been widely regarded as one of the strongest declarations in support of free speech to come out of any college or university.

“That’s a key point that a number of student groups ... either are missing or choosing to ignore,” Mr. Schaffer said. “CUNY is joining other universities around the country who are standing firm in favor of a very, very wide — almost unlimited, but not quite — berth for freedom of expression.”

But Mr. Kennedy said that he is against the adoption of any new policy regulating free speech, adding that the administration “already tries to limit and chill protest under existing protocols.”

‘AS LIGHT A TOUCH AS POSSIBLE’

Meanwhile, the University of Missouri at Columbia is working on its own proposal for a policy concerning the use of university facilities and grounds for free speech, but the governing board will not vote on it before the fall.

The university's flagship was the site of protests of racism organized by the group Concerned Student 1950 last fall that led to the resignations of the university system's president, Timothy M. Wolfe, and the Columbia chancellor, R. Bowen Loftin. The protests also stirred national debates about First Amendment rights when demonstrators tried to block student journalists from entering their encampment.

Ben Trachtenberg, a professor of law and chair of the university's Faculty Council, and Hank Foley, the interim chancellor, started the committee that drafted the policy.

"We want to regulate free speech with as light a touch as possible but not so light a touch where people think they can say whatever they want whenever they want however they want wherever they want," Mr. Trachtenberg said. "For example, you can't protest in the ambulance bay of the hospital, no matter how important your message is."

The proposed policy would reinforce an existing ban on camping overnight on the campus — a practice used in the Concerned Student 1950 protests — and would prohibit violence, disruption of educational activities, and disruption of events for which an area of campus has already been reserved.

"Let's say you want to have a wedding on campus, and you reserve one of the fields for it," he said. "Should students be able to start a pick-up soccer game on the field and kick the ball at your head? No. If protesters are on the sidewalk next to the field and they get so loud that you can't hear the priest, should they have to leave? Maybe. It does get a little complicated."

The University of Missouri's proposed policy, like CUNY's, is modeled after the University of Chicago statement on free speech.

Mr. Trachtenberg said that although he understands the concern that critics of the CUNY policy may have about potential abuse of phrases like "prohibited conduct," interpretation will be a concern with any policy.

"As a law professor, I don't think I've ever read an unambiguous statute," he said. "That's just the limits of human language. All policy requires some ambiguity and some discretion. If a person feels as though a law-enforcement officer has violated their First Amendment right, I suppose they can

go to court, but we try to keep things from escalating to that level."

QUESTIONING FREE-SPEECH ZONES

Colleges' free-speech policies aren't just statements of ideals. They can sometimes end up landing an institution in court.

The University of Georgia revised its policies last year after the libertarian group Young Americans for Liberty said the university had banned demonstrations outside of two designated areas on its campus.

And the University of South Carolina at Columbia is facing a lawsuit from its chapters of College Libertarians and Young Americans for Liberty after a student said the university had investigated him for his role in organizing a protest of speech restrictions last fall.

Last month a federal judge ordered North Carolina State University to temporarily halt enforcement of a policy that requires a permit for solicitation on the campus after a Christian student group claimed the policy was unconstitutional.

The group, Grace Christian Life, alleged that administrators had prohibited its members from speaking and distributing literature about the group to other students.

"Students live on the campus. It's like their city," said Tyson Langhofer, a lawyer for the Alliance Defending Freedom, which is representing Grace Christian Life in the lawsuit. "They do everything there, they live there, they eat there. So we want the university to think of it like our cities. A city wouldn't have free-speech zones."

But the university said in a statement that it "has never required students to get permits to engage and talk to other students — regardless of the subject matter. The university's administrative process for handling thousands of solicitation requests each year was never intended to prohibit student conversations and has never been applied in that manner."

The judge's preliminary injunction is a temporary fix, Mr. Langhofer said, and the lawsuit's ultimate goal is for the university to permanently change its free-speech policies.

"The only permit students need," he said, "is the First Amendment."

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What Students Think About Free Speech

By ERWIN CHEMERINSKY and HOWARD GILLMAN

ALTHOUGH IT IS foolhardy to generalize about a generation of college students, their understanding and attitude about freedom of speech was strikingly different from what we, two baby-boomers, expected when we began teaching a course on free speech on college campuses to 15 freshmen at the University of California at Irvine.

In the course we studied the basic principles of freedom of speech, including its history through Supreme Court decisions addressing restrictions on speech during World War I, World War II, the McCarthy era, the civil-rights movement, and the Vietnam War. We discussed categories of speech that have been traditionally considered outside of First Amendment protection — such as incitement, fighting words, true threats, harassment, and defamation. We also looked at all of the decisions on student speech and focused a great deal of attention on recent controversies on college campuses.

At the very beginning of the course we discussed the story of the Sigma Alpha Epsilon fraternity members at the University of Oklahoma who had been videotaped chanting racist slurs aboard a bus. We had the students consider a hypothetical scenario in which one of the expelled students sues the university, claiming a violation of First Amendment rights. When asked to vote whether the student or university should win the lawsuit, our students voted unanimously in favor of the university and against free-speech rights. We concluded the course by polling them again on the same problem, and then the students split almost evenly. The difference in the discussion was remarkable; the instinctive desire to eradicate racist speech was replaced by all of the students seeing the need to strike a balance between free speech and creating a positive learning environment for all on campus.

Still, despite some evolution in their thinking,

our students were skeptical of well-established precedents for the protection of offensive or hateful speech. Why? Here's what we learned from them:

This generation has a very strong and persistent instinct to protect others against hateful, discriminatory, or intolerant speech, especially in educational settings.

This is the first generation of students to be educated, from a young age, not to bully. For as long as they can remember, their schools have organized “tolerance weeks.” Their teachers and coaches are (thankfully) less likely to mock or shame students for poor performance.

Compared to when the two of us were in middle and high school in the 1960s and '70s, there are much greater efforts to avoid making young people feel bad about themselves.

Our students often related personal stories of how bullying at school and on social media had affected people they cared about. They are deeply sensitized to the psychological harm associated with hateful or intolerant speech, and their instinct is to be protective. We realized that common descriptions of this generation of college students too often omits this sense of compassion and the admirable desire to protect their fellow students.

Additionally, arguments about the social value of freedom of speech are very abstract to today's undergraduates because they did not grow up at a time when the act of punishing speech was associated with hurting people and undermining other worthwhile values. Our students knew little about the history of free speech in the United States and had no awareness of how speech often had been directed to helping vulnerable political minorities: anti-imperialists, workers' rights advocates, and progressives in the 1910s and '20s; religious



minorities during World War II; leftists during the McCarthy era; civil-rights advocates; anti-war protesters during the Vietnam War; student free-speech advocates.

The two of us grew up during the time of civil-rights and anti-Vietnam War protests. Much of the speech that was considered important to protect was raucous and even profane. Protesters burned draft cards, flags, and bras; cities prosecuted people who wore T-shirts that expressed obscene sentiments about the draft; authors, publishers, and even comedians risked jail by pushing against historic prohibitions against indecency or obscenity. We saw firsthand how officials attempted to stifle or punish protesters by claiming that they were defending community values or responding to threats to the public peace. We also saw how stronger principles of free speech assisted the drive for desegregation, the push to end the war, and the efforts of historically marginalized people to challenge convention and express their identities in new ways. In our experience, speech that was sometimes considered offensive, or that made people uncomfortable, was a good and necessary thing for progress.

FOR today's students, the historic link between free speech and the protection of dissenters and vulnerable groups is outside their direct experience, and too distant to affect their feelings about freedom of speech. As a result, their initial instinct was to be more trusting of the government and other public institutions, including the university, to regulate speech to protect students and prevent disruptions of the educational environment.

As the course went on, our students gained a deeper understanding of the potential for the abuse of power when officials are authorized to restrict unpopular speech. However, they continued to be concerned that the court's categories of unprotected speech were not broad enough to deal with certain harms that concerned them. For example, they worried that the definition of "incitement" was not broad enough to allow the government to stop international terrorists from using the Internet to recruit converts and help those re-

cruits plan terrorist attacks.

They supported the rights of Westboro Baptist Church protesters, known for staging antigay protests at military funerals, among other spectacles, even though that speech was deeply offensive and inflicted emotional harm. But in educational settings, they wanted officials to do all they can to create a supportive learning environment. There was no support among our students for the right of a faculty member to resist a university requirement to include "trigger warnings" on syllabi. They acknowledged the right of a faculty member to criticize such a mandate, but as was the case with their K-12 teachers, they thought the main role of the faculty member was to create a nurturing learning environment, not to be confrontational. They were not used to teachers who believed that learning could take place in an environment where students were made uncomfortable, or were forced

to reflect on disturbing topics, or had their views challenged rather than always validated.

Studying free-speech law made them much more nuanced in drawing distinctions as to what speech to allow and what to punish. Some drew a distinction based on whether the hateful speech was directed to others or expressed more generally. This accounts for some of the change in votes regarding the Sigma Alpha Epsilon fraternity example. But they worried that if the university only

restricted speech that amounted to "harassment" or "true threats," there would still be too much room for exclusionary, discriminatory, or insulting speech by people on campus.

The students came to recognize that campus officials should not protect people from being made uncomfortable by the expression of strongly-held political or religious views. They agreed that campuses should not be cleansed of all controversial opinions or all expressions that some might consider offensive.

Still, they remained skeptical of the value of defending hateful or discriminatory speech that was not clearly tied to deeply held beliefs about religion or politics. Divisive ideas that were sincerely held seemed like a different thing than being mean, trying to make people feel bad, or other speech acts

The historic link between free speech and the protection of dissenters and vulnerable groups is outside the direct experience of today's students.

that seemed to have no social value worth protecting. The on-campus presence of people who had hateful or judgmental opinions — even if those opinions were expressed off campus or online — was a serious matter of concern. Our students acknowledged that one could decide to deal with this problem with more speech rather than restrictions or punishments, but they were not sure this was enough to protect their peers from psychological distress.

Finally, we realized that current debates about the appropriate boundaries of campus free speech will not be a mere replay of 1990s battles over campus “hate speech” codes.

We found what has recently been reported by the Pew Research Center to be true: Millennials are much more supportive of censoring offensive statements about minorities. They are also much less amenable to being persuaded by countervailing arguments about the need to protect hateful speech. This is not just a matter of not being exposed to pro-speech arguments or not taking them seriously. These were bright and thoughtful students at a leading research university, and they are thinking about these issues in fresh ways.

As debates continue about the appropriate boundaries of free speech on college campuses, strong free-speech advocates — and we consider ourselves in this category — cannot assume that the social benefits of broad free-speech protections

will be automatically appreciated by a generation that has not lived through decades-long struggles against censorship and punishment of protesters, dissenters, and iconoclasts. As American history has demonstrated, there is no natural or inevitable instinct to support speech that many people consider disruptive, offensive, or even countercultural. The country has a much longer history of suppressing unpopular speakers than protecting them. The pro-free-speech case needs to be made anew, and it is not the responsibility of incoming students to have already internalized the arguments.

In making the case, pro-speech advocates will not win any new friends if they are dismissive of this generation’s expectation that we care about the psychological impact that hateful and intolerant speech has on its victims. The necessity of creating supportive and nondiscriminatory learning environments must be acknowledged, and advocates will need to be explicit about how broad protections for speech — including offensive and hateful speech — can be reconciled with this commitment.

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KATHERINE STREETER FOR THE CHRONICLE

Free Expression in Peril

By GEOFFREY R. STONE

UNTIL RECENTLY, and for roughly half a century, American universities enjoyed an era of relatively robust academic freedom. In the past few years, though, that has changed. Ironically, the threat to academic freedom in the United States today comes not from government and not from the institutions themselves but from a new generation of students who do not understand the nature, the fragility, and the importance of this

principle.

Universities must educate our students to understand that academic freedom is not a law of nature. It is not something to be taken for granted. It is, rather, a hard-won acquisition in a lengthy struggle for academic integrity.

Students today seem not to understand that, until well into the 19th century, real freedom of thought was neither practiced nor professed in American universities. Before then, any freedom

of inquiry or expression in American colleges was smothered by the prevailing theory of “doctrinal moralism,” which assumed that the worth of an idea must be judged by what the institution’s leaders considered its moral value. Through the first half of the 19th century, American higher education squelched any notion of free discussion or intellectual curiosity. Indeed, as the nation moved toward the Civil War, any professor or student in the North who defended slavery, or any professor or student in the South who challenged slavery, could readily be dismissed, disciplined, or expelled.

Between 1870 and 1900, however, there was a genuine revolution in American higher education. With the battle over Darwinism, new academic goals came to be embraced. For the first time, to criticize as well as to preserve traditional moral values and understandings became an accepted function of higher education.

In 1892, William Rainey Harper, the first president of the University of Chicago, could boldly assert: “When for any reason the administration of a

distinguished institutions as Columbia University and the University of Virginia merely for “encouraging a spirit of indifference toward the war.”

Similar issues arose again, with a vengeance, during the post-World War II Red Scare. In the late 1940s and the 1950s, most universities excluded from academic life those even suspected of entertaining Communist sympathies. Yale’s president, Charles Seymour, went so far as to boast that “there will be no witch hunts at Yale, because there will be no witches. We will neither admit nor hire anyone with Communist sympathies.”

WE now face a similar set of challenges. We live today in an era of political correctness in which students themselves demand censorship, and colleges, afraid to offend those students, too often surrender academic freedom.

In recent years, student pressure thwarted speakers’ scheduled appearances at Brown University, Johns Hopkins, Williams, and elsewhere. Colorado College suspended a student for making a joke considered antifeminist and racist. William & Mary, De Paul University, and the University of Colorado all disciplined students for criticizing affirmative action, and the University of Kansas disciplined a professor for condemning the National Rifle Association.

At Wesleyan University, after the school newspaper published a student op-ed criticizing the Black Lives Matter movement, students demanded that administrators defund the paper. At Amherst College, students demanded that the administration remove posters stating that “All Lives Matter.” At Emory University, students demanded that the university punish whoever had chalked “Trump 2016” on campus sidewalks because, in the words of one, “I’m supposed to feel comfortable and safe. ... I don’t deserve to feel afraid at my school.” And at Harvard, African-American students demanded that a professor be taken to the woodshed for saying in class that he would be “lynched” if he gave a closed-book examination.

The latter is an example of a so-called “microaggression” — words or phrases that may make students feel uncomfortable or “unsafe.” Such microaggressions, whether uttered by students or faculty members, have been deemed punishable by colleges and universities across the nation. A recent survey revealed that 72 percent of current college students support disciplinary action against any student or faculty member who expresses views that they deem “racist, sexist, homophobic, or otherwise offensive.”

Another recent innovation is the much-discussed “trigger warning.” A trigger warning is a requirement that before professors assign readings or hold classes that might make some students feel uncomfortable, they must warn students that the readings or the class will deal with sensitive top-

“College students used to demand the right to free speech. Now they demand the freedom from speech they find upsetting.”

university attempts to dislodge a professor or punish a student because of his political or religious sentiments, at that moment the institution has ceased to be a university.” But, despite such sentiments, the battle for academic freedom has been a contentious and a continuing one.

For example, in the closing years of the 19th century, businessmen who had accumulated vast industrial wealth began to support universities on an unprecedented scale. But that support was not without strings, and professors who offended wealthy trustees by criticizing the ethics of their business practices were dismissed from such leading universities as Cornell and Stanford.

Then, during World War I, when patriotic zealots persecuted and even prosecuted those who questioned the wisdom or the morality of the war, universities collapsed almost completely in their defense of academic freedom. Students and professors were systematically expelled or fired at even such

ics like rape, affirmative action, abortion, murder, slavery, the Holocaust, religion, homosexuality, or immigration.

And then there's disruption: If students who disagree with a speaker's views can't get a speech canceled, they disrupt the event to silence that speaker. Too often, college administrators, fearful of seeming unsympathetic to the protesters, terminate the events because of the disruptions and then fail to discipline the disrupters for their behavior.

How did we get here? It was not long ago when college students were demanding the right to free speech. Now they demand the right to be free from speech that they find offensive or upsetting.

One often-expressed theory is that students of this generation, unlike their predecessors, are weak, fragile, and emotionally unstable. They've been raised, the argument goes, by parents who have protected, rewarded, and celebrated them in every way from the time they were infants. Therefore they've never learned to deal with challenge, defeat, uncertainty, anxiety, stress, insult, or fear. They are emotionally incapable of dealing with challenge.

But if that is so, then the proper role of a university is not to protect and pamper them but to prepare them for the difficulties of the real world. The goal should not be to shield them from discomfort, insult, and insecurity, but to enable them to be effective citizens. If their parents have, indeed, failed them, then their colleges and universities should save them from themselves.

There is, however, another possibility. It is that students, or at least some students, have always

“The core obligation of a university is to invite challenge to the accepted wisdom.”

felt this way, but until now they were too intimidated, too shy, too deferential to speak up. If so, this generation of college students deserves credit, because instead of remaining silent and oppressed, they have the courage to demand respect, equality, and safety.

I think there is an element of truth in both of these perspectives, but I am inclined to think that the former explains more than the latter.

Faced with the continuing challenges to aca-

dem freedom at American universities, the University of Chicago's president, Robert J. Zimmer, charged a faculty committee last year with the task of drafting a formal statement on freedom of expression. The goal of that committee, which I chaired, was to stake out Chicago's position on these issues. That statement has since become a model for a number of other universities. Here are some examples of its central principles.

■ “It is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.”

■ “Concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.”

■ “The University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the core functioning of the university. But these are narrow exceptions to the general principle of freedom of expression.”

■ “The university's fundamental commitment is to the principle that robust debate and deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the community, not for the university as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose.”

■ “Although members of the university are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe.”

Why should a university embrace these principles?

First, bitter experience has taught that even the ideas we hold to be most certain often turn out to be wrong. As confident as we might be in our own wisdom, certainty is different from truth. The core obligation of a university is to invite challenge to the accepted wisdom.

Second, history shows that suppression of speech breeds suppression of speech. If today I am permitted to silence those whose views I find distasteful, I have then opened the door to allow others down the road to silence me. The neutral principle, no suppression of ideas, protects us all.

Third, a central precept of free expression is the possibility of a chilling effect. That problem is especially acute today because of social media. Students and faculty members used to be willing to take controversial positions because the risks were relatively modest. After all, one could say some-

“Should students be allowed to express whatever views they want, however offensive? Yes. Absolutely.”

thing provocative, and the statement soon disappeared from view. But now, every comment you make can be circulated to the world and called up with a click by prospective employers or graduate schools or neighbors. The potential costs of speaking courageously, of taking controversial positions, of taking risks, is greater than ever. Indeed, according to a recent survey, about half of American college students now say that it is unsafe for them to express unpopular views. Many faculty members clearly share that sentiment. In this climate, it is especially important for universities to stand up for free expression.

How should this work in practice? Should students and faculty be allowed to express whatever views they want, however offensive they might be to others?

Yes. Absolutely.

Should those who disagree and who are offended be allowed to condemn that speech and those speakers in the most vehement terms? Yes. Absolutely.

Should those who are offended and who disagree be allowed to demand that the university punish those who have offended them? Yes. Absolutely.

Should the university punish those whose speech annoys, offends, and insults others? Absolutely not.

That is the core meaning of academic freedom.

Does that mean the university's hands are tied? No.

A university should educate its students about the importance of civility and mutual respect. These values should be reinforced by education and example, not by censorship.

A university should encourage disagreement, argument, and debate. It should instill in its students

and faculty members the importance of winning the day by facts, by ideas, and by persuasion, rather than by force, obstruction, or censorship. For a university to fulfill its most fundamental mission, it must be a safe space for even the most loathsome, odious, offensive, disloyal arguments. Students should be encouraged to be tough, fearless, rigorous, and effective advocates and critics.

At the same time, a university has to recognize that in our society, flawed as it is, the costs of free speech will fall most heavily on those who feel the most marginalized and unwelcome. All of us feel that way sometimes, but the individuals who bear the brunt of free speech — at least of certain types of free speech — often include racial minorities; religious minorities; women; gay men, lesbians, and transsexuals; and immigrants. Universities must be sensitive to that reality.

Although they should not attempt to “solve” this problem by censorship, universities should support students who feel vulnerable, marginalized, silenced, and demeaned. They should help them learn how to speak up, how to respond effectively, how to challenge those whose attitudes, whose words, and whose beliefs offend and appall them. The world is not a safe space, and we must enable our graduates to win the battles they'll have to fight in years to come.

But hard cases remain. As simple as it may be to state a principle, it is always much more difficult to apply it to concrete situations. So let me leave you with a few cases to ponder.

A sociology professor gives a talk on campus condemning homosexuality as immoral and calling on “normal” students to steer clear of “fags, perverts, and sexual degenerates.” What, if anything, should the chair of the sociology department do? In my judgment, this is a classic case of academic freedom. The professor is well within his rights to offer such opinions, however offensive others might find them.

A student hangs a Confederate flag, a swastika, an image of an aborted fetus, or a “Vote for Trump” sign on the door of his dorm room. What, if anything, should administrators do? The university should not pick and choose which messages to permit and which to ban. That is classic censorship. But in the context of a residence hall, where students are a bit of a captive audience, the university can have a content-neutral rule that bans all signs on dorm-room doors.

The dean of a university's law school goes on Fox News and says “Abortion is murder. We should fire any female faculty member and expel any female student who has had an abortion.” The university president is then inundated with complaints from alumni saying, in effect, “I'll never give another nickel to your damn school as long as she remains dean.” What should the president do? A dean or other administrator at a university has distinctive

responsibilities. If she engages in behavior, including expression, that renders her effectively incapable of fulfilling her administrative responsibilities, then she can be removed from her position. This is necessary to the core functioning of the institution. At the same time, though, if the dean is also a faculty member, she cannot be disciplined as a faculty member for the exercise of academic freedom.

We needn't rely solely on hypotheticals. There was the situation at DePaul University in which a student group invited a highly controversial speaker who maintains, among other things, that there is no wage gap for women, that as a gay man he can attest that one's sexual orientation is purely a matter of choice, and that white men have fewer advantages than women and African-Americans. A group of student protesters disrupted the event by shouting, ultimately causing the talk to be canceled. They maintained that their shouting was merely the exercise of free speech.

What should the university do in such circumstances? Should it permit the protest? Arrest the protesters on the spot? Allow them to protest and then punish them after the fact?

Such a disruption is not in any way an exercise of free expression. Although students can protest the event in other ways, they cannot prevent either speakers or listeners from engaging in a dialogue they wish to engage in without obstruction.

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In such circumstances, the protesters should be removed and disciplined for their behavior. (DePaul's president, the Rev. Dennis H. Holtschneider, apologized to the speaker but also criticized "speakers of his ilk" for being "more entertainers and self-serving provocateurs than the public intellectuals they purport to be.")

Or consider the incident last year at the University of Oklahoma when a group of fraternity brothers, in a private setting, chanted a racist song. Someone who was present at the time filmed the event and circulated it online. Was the university's president, David Boren, right to expel the students? In my judgment, no.

As these examples attest, there are, in fact, marginal cases. But we should not let them obscure the clarity of our commitment to academic freedom. That commitment is now seriously and dangerously under attack. It will be interesting to see whether our universities today have the courage, the integrity, and the fortitude — sometimes lacking in the past — to live up to the highest ideals of a "true" university.

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The Free-Speech Fallacy

By JASON STANLEY

ON FEBRUARY 3, Jasbir Puar presented a paper at Vassar College critiquing Israeli policy toward Palestinians. Puar, an associate professor of women and gender studies at Rutgers University, is an influential intellectual. Her 2007 book, *Terrrorist Assemblages: Homonationalism in Queer Times*, has been cited over 1,700 times, a level of impact few academics achieve in a lifetime. Puar is controversial. She is also an agenda-setting scholar: Her lecture was sponsored by eight different departments.

On February 17, *The Wall Street Journal* published an op-ed about Puar's lecture, titled "Majoring in Anti-Semitism at Vassar." It was written by Mark G. Yudof, former president of the University of California, and Ken Waltzer, professor emeritus of history at Michigan State University. The article attributes to Puar the claim that Israel allows Palestinians only the bare minimum needed to survive, and that Israel mines the organs of dead Palestinians for scientific research, evidence used to accuse her of reviving the "blood libel" against Jews. The authors conclude by urging "faculty and administrators ... to confront this wave of anti-Semitism with the primary tools at their disposal: free speech and rigorous academic inquiry. This is what a university is for, after all."

A central purpose of the university is to allow disputes about significant moral and political issues to take place in the classroom instead of on the battlefield. Free speech is essential to that mission. According to Yudof and Waltzer, it is not the policies of Israel that explain its lack of support on campus, but leftist ideology, which it urges those in positions of authority to condemn. Israel's standing on campus may be a result of leftist ideology, or it may be a response to Israeli policies (or some combination of both, or neither). It's a contentious political issue, just the sort that a commitment to free speech requires we leave to open debate.

But an institution controlled by people who condemn one of the positions in advance lacks an atmosphere conducive to open debate. Indeed, it's hard to avoid reading Yudof and Waltzer as advocating this anti-free-speech message when they write "hatred of Israel and Jews should not implicitly be characterized as merely another perspective to be debated."

Yudof's and Waltzer's rhetorical excesses ("ha-

tred of Jews," "medieval blood libel") have predictably led to a wave of violent threats against Puar, which of course strongly discourages other academics from taking similar positions in public. Their argument is presented as a defense of the ideal of free speech against a campus culture hostile to it. But its explicit recommendations and easily foreseeable effects would in fact erode that very ideal.

The article's portrayal of left-wing social justice as a threat to free speech continues a theme dating back to the fall, when nationwide campus protests calling for racial justice were represented as threats to free speech. Yet it has traditionally been left-leaning students and faculty who lead campus protests in support of social justice and free speech.

To understand this paradox, we must look to those scholars who have been central in framing recent campus debates. Well before the events of the fall, this group produced a body of work that underlies the narrative that academe suffers from a leftist ideological uniformity that conflicts with free speech. The New York University psychologist Jonathan Haidt is a key figure here. Haidt's article in *The Atlantic*, "The Coddling of the American Mind," written with Greg Lukianoff of the Foundation for Individual Rights in Education, was the most prominent summation of this view. But it follows the work of many others.

In September, the Heterodox Academy was formed. Its stated mission is to promote "viewpoint diversity" in academe as a way to encourage objectivity, free speech, and better research. In a much-discussed article published in *Brain and Behavioral Sciences*, six members of Heterodox Academy argued that a "liberal progress narrative" dominates academe. They describe it as the belief that traditional societies suffered from unjust inequality, such as exclusion of women from higher education, but were then overcome by modern, liberal democratic-welfare societies. According to this narrative, the dominance of leftist ideology results in a left-wing "moral matrix," which creates an "environment of intolerance for diversity of ideas and dissent."

Haidt, a founder of the Heterodox Academy, describes "left-leaning" institutions as "cut off" from the moral vocabulary required to defend freedom of speech, and led by social-justice concerns that chill free speech. John McWhorter, a linguist at Columbia University and Heterodox Academy

member, gives anti-racism as an example, arguing that “antiracism is now a religion.... Certain questions are not to be asked, or if asked, only politely.” The goal of the Heterodox Academy is to persuade universities to hire scholars who question this narrative, thereby restoring free speech.

WHAT, exactly, is the tension between anti-racism and free speech? If I tell you that you shouldn’t say racist things, am I really denying you the right to say those things? I told my mother the other day that she shouldn’t tell me that I am overweight. Was I challenging her freedom of speech? I tell students in my mathematical logic class they shouldn’t make certain errors. Is my class a hotbed of illiberalism? Is free speech really imperiled when activists argue that a football team shouldn’t be called “the Redskins”?

The political diversity at issue in the writings of Heterodox Academy members is the narrow spectrum between liberals and conservatives. These categories are occasionally used as if they naturally corresponded to “Democrat” and “Republican.” This bizarrely narrow view of political diversity conveniently fits into an argument to hire conservatives, but not Marxists or critical race theorists. “Liberal” and “leftist” are used interchangeably throughout their writings, as if there isn’t a feminist critique of liberalism. Where are the Marxists or feminists in economics, a discipline that is, according to Haidt, “the only social science that has some real diversity”?

In a 2014 paper published in the *Harvard Journal of Law & Public Policy*, Nicholas Quinn Rosenkranz, a Heterodox Academy member and professor of law at Georgetown University, decries liberal overrepresentation in law schools. But again, most feminists, Marxists, and critical race theorists do not identify as liberals, and law schools notoriously lack advocates of these standard leftist positions. This failing of political diversity is rendered invisible by the partisan setup of this research program.

Heterodox Academy members trumpet their narrow notion of political diversity as a boon to objectivity and better research. In 2006 Steven Pinker, a Heterodox Academy member and Harvard psychologist, lamented the lack of investigation into certain “dangerous ideas.” An example he gives: “Would damage from terrorism be reduced if the police could torture suspects in special circumstances?” But what about the absent questions he doesn’t mourn? Haidt has written off the field of anthropology on the grounds that it takes seriously the question of whether the Boycott, Divestment, and Sanctions movement against Israel is justifiable. So we need “political diversity” to seri-

ously consider whether we should employ torture, but there is no legitimate political perspective, even one which many of us reject, that could make sense of an analogy between apartheid South Africa and Israel?

In Haidt’s tweet linking Yudof’s and Waltzer’s *Wall Street Journal* op-ed, he declared Puar’s talk a threat to the safety of Jewish students, laying responsibility on the campus culture. He mentions nothing about Puar’s free-speech rights. I must confess failure to see in any of this the vaunted payoff of objectivity.

Recent campus protests were an opportunity to test out the Heterodox Academy’s specious narrative. Students have voiced opposition to racial bias. The most common complaints concern the persistent lack of faculty of color, and damaging racial stereotypes. But what does this have to do with free speech?

Students are right to be upset when they raise genuine concerns and are met with evasion. Of course, being told that merely taking seriously their concerns is a threat to free speech would be even more upsetting, though that is in fact the official position of the Heterodox Academy, whose members argue that social-justice concerns, which explicitly include, as we have seen, antiracism, are threats to free speech.

All year, the charge of imperiling free speech has been used to silence oppressed and marginalized groups and to push back against their interests. Shockingly, this misuse of free speech is defended, explicitly and repeatedly, by absurd arguments that place freedom of speech in opposition to social justice, activism, and even liberalism. Students subjected to this misshapen conception of freedom of speech would be well within their rights to resist, on grounds of basic plausibility. Or knowledge of history. The journalist A.H. Raskin, describing the Berkeley campus unrest in the 1960s, writes:

The proudly immoderate zealots ... pursue an activist creed — that only commitment can strip life of its emptiness, its absence of meaning in a great “knowledge factory” like Berkeley.

And who were these activist “zealots,” burning with a commitment to social justice? They were students advocating for open political discussion. From the vantage point of the current debate, it is ironic that they became known as the Free Speech Movement.

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Russia, Land of Free Speech

By LAURIE ESSIG



PEP MONTSERRAT FOR THE CHRONICLE REVIEW

I'M BACK IN Russia, where I can finally speak freely. Perhaps I should explain.

With the reinvigoration of Cold War rhetoric, many in America picture Russia as a bunch of homophobic politicians and church leaders stomping out all but officially sanctioned discussion. And, um, yeah — that's accurate. But as someone who has lived, worked, studied, and taught in both countries since 1984, I can tell you that it's just part of a far more complicated picture.

Recently I met another professor from the Russian university where I teach. She, too, is well versed in American and Russian academe, and we found ourselves bonding over a shared sense that it's somewhat easier to teach in Russia these days than in the United States. Both of us felt that there was less censorship in our Russian classrooms, less

fear of angering students or administrators.

This will no doubt come as a surprise to my American colleagues, one of whom asked me, "Why would you spend your sabbatical in Russia?" No matter how often I explained the reasons, she would forget and ask me again, a kind of nationalistic dementia. Here, on the other hand, most of my Russian colleagues can't imagine that there might be any censorship in the United States, where higher education is perceived as the gold standard for the free exchange of ideas.

To be clear, censorship in Russia is real, pervasive, and deeply troubling. It comes from above — for instance, the government ban on "homosexual propaganda" and an even more opaque law against offending religious sensibilities.

I was recently invited to give a talk about my

current research at a large academic conference in Moscow. I told the organizer that my recent work is about Russia's state views on homosexuality within the context of a nationalist agenda. Since such a talk would violate the ban on homosexual propaganda to minors — students under 18 would be in the audience — she asked if I would speak on older work (which I did).

Moscow's city council in August shut down a film festival known for its queer content and other ostensibly radical and controversial themes. The council based its decision, it said, on "difficult economic conditions," but it replaced the festival with a new "positive, youth-oriented one."

Moreover, state censorship spurs unofficial acts of hate, destruction, and narrow-mindedness. In Moscow, Russian Orthodox hooligans destroyed an art exhibit that they accused of "offending religious sensibilities." And in August, not far from

Russian academe becomes a free-speech bubble within an oppressive state. U.S. academe becomes a repressive bubble within a dynamic, chaotic democracy.

where I live in St. Petersburg, two men tore down a prized century-old bas-relief of Mephistopheles on a building across the street from a church under construction. A letter sent by a self-proclaimed Cossack taking responsibility for the act said the sculpture was offensive to Orthodox believers.

An old joke here is that "the laws in Russia are so strict because everyone ignores them." It's not funny, but it does get at the resistance that has long thrived here. At my Russian university, snuggled safely within the intelligentsia, people are committed to the free exchange of ideas. The reverence for saying what you mean dates back to the Soviet era.

As an undergrad and then a graduate student in Russia, I knew people who risked their freedom, even their lives to publish journals of political sat-

ire, feminist theory, or gay literature. Despite the oppressive state censorship, educated people did then what they do now: They created spaces in which they could say what they thought. In certain universities, departments, and classrooms; around someone's kitchen table; and at political gatherings in parks and cafes, no one ever forbade anyone else's speech. When speech offended or undermined the ethics of those gathered, vigorous debate ensued. And Gorbachev's Russia was not Stalin's. People were not hauled off in the middle of the night for what they said outside of the public sphere.

MEANWHILE, in America, censorship emanates from within universities. The desire for safe spaces has created a minefield of forbidden speech that students, professors, and administrators alike must navigate. It is not that these forms of censorship are meaningless or ill-intentioned. They come out of a deep and abiding sense that we owe one another respect, that structural inequalities can play out in personal interactions, and that symbolic violence is, in fact, violence. As Sara Ahmed argues in a recent essay, this impulse to control speech is an attempt to include previously excluded people in the conversation:

"Trigger warnings are assumed as being about being safe or warm or cuddled. I would describe trigger warnings as a partial and necessarily inadequate measure to enable some people to stay in the room so that 'difficult issues' can be discussed."

I respectfully disagree. In my experience, more-honest conversations happen in Russian classrooms than in American ones precisely because of the current Western intellectual climate encouraging us to avoid speech rather than engage with it. Moreover, this chilling effect falls hardest on academics low on the ladder: the ever-growing number of untenured and contract faculty members.

That has racial and gender implications, too. Tenured professors, far less vulnerable to student evaluations, are more likely to be white and male than adjuncts are. Professors from marginalized groups are more likely to receive negative student reviews. The result is that in many American classrooms, the powerless must watch what they say far more than the powerful do.

In my American classrooms, I have been asked to put trigger warnings on most of what I discuss in my courses, which are about gender, race, and sexuality and therefore full of potentially volatile images and texts. I want everyone to be part of the conversation, but I am not sure this is the answer. If I were not tenured, I just wouldn't teach about social power, because it is ugly, messy, and likely to upset people.

In my Russian classrooms, I show and talk

about whatever I think will help us dig deeper into the texts. I don't worry about what it will trigger in students. And they aren't interested in stopping me; they prize the freedom to speak their minds truthfully. That is because outside of the classroom, theirs is a highly censored world.

The other day I was teaching Talcott Parsons's theory of sex roles. I started discussing his daughter, Anne, an anthropologist and "career woman" who was hospitalized in a psychiatric unit, where she eventually killed herself. I might not have mentioned the suicide in the U.S., at least not without wincing, knowing that someone would point out that it could trigger someone in the room. But Anne Parsons's suicide, in the framework of her father's normative sociology and patriarchy, is not just part of the story; it is the point. I wanted my Russian students to know this, but I might have shielded my American students.

Perhaps that is the real difference between classrooms in America and Russia. In Russia, the common enemies of all free thinkers are the state and the church. Intellectuals of all stripes understand this and so huddle together and agree to disagree, to shout, yell, and say what they really mean.

In America, the enemy is internal and therefore more difficult to locate. Am I the enemy for not giving trigger warnings and for refusing to stop all microaggressions in my classroom? Are the enemies my students, many from marginalized groups, for demanding safer spaces? Maybe it is the administrators who make academic labor more and more precarious and thus more and more nervous? Perhaps we are all our own worst enemies.

The truth is that as long as racism, misogyny, and homophobia are entrenched in our culture,

students will be exposed to racist, sexist, and homophobic speech. That's inevitable. But the protest, too, should be inevitable. Protest does not shut down free speech; it is free speech. Calling speech out for being oppressive is part of the dialogue and a way of "staying in the room" even when you feel that you're not wanted there.

If what we disagree with is only ever said privately, and we are never given the chance to contest speech we find offensive, then our places of higher education will become far more like Russia's public sphere: an intellectual dead end.

Wouldn't that be ironic? Russian academe becomes a free-speech bubble within an oppressive state, and American academe becomes a repressive bubble within a dynamic, chaotic democracy.

It is not that speech is freer in Russia. But there is a deeper and fuller understanding that knowledge demands contestation. We can never know the world by shutting it out. You can force disagreement to move out of the open, into the little nooks and crevices left after power has cleansed all offensive speech. But you can never make the disagreement disappear.

Russian intellectuals have long understood that the ability to say what they really think is one of the few battles worth fighting. If only America's educated classes understood that. Hearing speech that is meant to exclude, speech that is racist, sexist, homophobic, is sometimes painful. But it is also necessary to the joy of discovering one's own voice.

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