

Free Speech in Peril



College—Where You Can't Say What You Think

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FREE SPEECH IN PERIL

College: Where You Can't Say What You Think

MINDING THE CAMPUS

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TK essays describing how once well-intentioned policies became corrupted by identity politics and bloated administrative staffs. The articles, like all others in this publication, were written primarily by professors and educators.

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Today's colleges and universities have mastered the art of intimidation—not only silencing students who might deviate from the current orthodoxy on campus, but also making it clear that professors risk their tenure if they don't toe the political line.

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In a powerful essay, author Charles Murray describes how protestors tried to stop him from speaking about his new book at Middlebury College, despite being invited by students. His experience was mirrored by many other conservative professors and analysts, including Heather Mac Donald and Professor Amy Wax.

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It's clear from the moment they set foot on campus that students have entered a monoculture. Everyone must believe in the same basic tenets—that if something or someone makes you "feel bad," it's evil.

INTRODUCTION



By John Leo

“If men are to be precluded from offering their sentiments on a matter, which may involve the most serious and alarming consequences that can invite the consideration of mankind, reason is of no use to us; the freedom of speech may be taken away, and dumb and silent we may be led, like sheep, to the slaughter.”

— George Washington, first U.S. president

For the past 12 years, Minding the Campus has been a small but fierce watchdog of the changes taking place in higher education. A college degree that is conferred used to mean that the person was educated in language, literature, mathematics, science, and the arts. Some students do excel in the liberal arts, but the push to ensure that all Americans get a college education has opened the doors to many who are not qualified for higher academic work yet still receive a degree.

The idea of striving for excellence and having a common culture has disappeared on most campuses for two reasons: Excellence in the liberal arts suggests embracing the original precepts of the Greek philosophers who defined Western culture as those subjects or skills considered essential for a free person to know in order to take an active part in civic life,

something that included participating in public debate, defending oneself in court, serving on juries, and importantly, serving in the military.

In an interview about his new book, *The Assault on American Excellence*,” Anthony Kroman, a professor at Yale Law School, commented on affirmative action, “This means that the extraordinarily talented young people, of every complexion and ethnic origin, who arrive on Yale’s campus each fall, are encouraged, even before they have begun to get their bearings, to think of themselves as members of a group, first, and individuals second. They are steered, by the culture of the school, toward the affinity groups that today define the balkanized terrain of college life. As a result, the value of the very opportunity that programs of affirmative action were originally meant to enhance is lost or reduced.”

Today, however, Western culture is under assault from within the very institutions originally founded to promote that culture. The reason: racial and sexual identity groups, which seem to dominate the discourse on campuses, blame white culture for what they perceive to be unfair treatment. And they act out with support from the bias teams that are hired to ensure not only fair treatment but an absence of “feeling bad” because of a book that might have been assigned, a quote that might have been cited, or simply an alternate opinion to their own that made them feel “unsafe.”

Nearly 90 percent of Pomona College students surveyed in a [Gallup-Knight Foundation poll](#) believe that the campus climate prevents them from saying something others might find offensive. The poll, conducted by Gallup for the college, reached about 35 percent of students and 65 percent of faculty. The Claremont Independent, the campus conservative paper, says the poll reported that a mere three percent of students and four percent of faculty are conservative.

Half of the students who are liberal and 75% of those who identified as very liberal supported certain speech restrictions.

One rising sophomore told the *Independent* on the condition of anonymity that “[more than being afraid of saying things that others could find offensive, I think a lot of people on campus, including myself, feel like if they say anything that goes against the surface level campus culture dogma, they could be socially shunned.”

At the outset, people thought, “It’s kids—they’ll change when they get jobs and face the real world.” But the opposite seems to be true: in their efforts to appeal to millennials and generation Y, businesses are pandering to “the kids.” Nike took the postage-stamp-sized Betsy Ross flag off the back of its sneaker because Colin Kaepernick, their spokesperson, said it represented slavery. Gillette created a “toxic masculinity” ad that made white males look like fools. Both companies lost sales but bounded back.

Are a white person's values so different from a black person's? Or an Asian's? Or a Latino's? We all want our kids to thrive, and most of us know that means getting a good, well-rounded education that could give our kids the mobility they seem to want. A friend of mine who edits The New York Times crossword puzzle once said he worried about finding clues that were shared across generations.

If we don't read some of the same books, listen to some of the same music, or hear some of the same news, we, too, can become clueless.

John Leo, author of *Two Steps Ahead of the Thought Police* and *Incorrect Thoughts* is also editor of Minding the Campus.

One

Exploiting “Diversity” as a Political Wedge



What Happened to Our Universities?

By Philip Carl Salzman, October 31, 2018

As extensively [documented](#), our universities have been swept up into a new cultural movement, the so-called “social justice” movement. [“Social justice” ideology](#) is based on the Marxist vision that the world is divided into oppressor classes and oppressed classes. Unlike classical Marxism that divides the world into a bourgeois oppressor class and a proletarian oppressed class — that is capitalists oppressing

workers — neo-Marxist “social justice” theory divides the world into gender, racial, sexual, and religious classes: male oppressors and female victims; white oppressors and people of color victims; heterosexual oppressors and gay, lesbian, transsexual, etc. etc. victims; Christian and Jewish oppressors and Muslim victims.

“Social justice” ideology leads to the rejection of oppressive institutions such as capitalism and Western Civilization. Universalistic criteria such as merit, achievement, and excellence are rejected today in universities and beyond because they allegedly disadvantage members of victim categories. Preferential measures on behalf of victims have been adopted as the overriding and primary purpose of universities today. Course topics, course substance, course references, recruitment of students, provision of special facilities and events for “victim” categories, hiring of academic and administrative staff, all are aimed to benefit members of “victim” categories and to exclude and marginalize members of “oppressor” categories.

Sociology, anthropology, political science, English, history, women’s and gender studies, black studies, social work, education, and law have all jettisoned their traditional fields of study to become “social justice” subjects, vilifying men, whites, heterosexuals, the West, capitalism, and advocating for women, people of color, gays etc., and Muslims. Now there is a full-throttle attack on the natural sciences and on STEM fields to infuse them with “victims,” whatever these “victim” preferences and abilities might be, and to turn STEM into “social justice” fields, so that there would no longer be “science,” but “feminist science” that is “socially just.”

How did all of this happen? What brought about this almost universal change in institutions of “higher learning”? It was and is, in fact, the most normal thing in the cultural world: a return to the default of a closed, moralistic worldview. Human psychology favors secure and comfortable closed, moralized cultures. In most societies throughout history, the always fragile and vulnerable set of cultural understandings were framed in absolute and unchallengeable terms, so as to bolster them, justifying them in terms of the requirements of religion, race, history, or justice.

The ancient Hebrew tribes divided people into those who followed one God, and those who worshiped idols. The Catholic Church defined good and evil in terms of its theological precepts and sent those who disagreed to hell to burn in eternity.

Following the inspiration of the Holy Inquisition, American Protestants sought out witches for extermination. Islam divided the world into Muslim worshippers of Allah, and infidels, targeting infidels for slavery, conversion, or death. The Nazis saw the world as a struggle between the pure race and the inferior races, and they sent those they considered inferior to a hell the Nazis themselves created. The Communists divided the world into those who sided with “the people,” the Communists themselves, and other “people” who were political opponents or members of oppressive classes, and other non-people were drugged in insane asylums, worked to death, starved to death, or executed. Now the default closed moral culture has been re-established in universities.

Given the normality of closed absolutist theological and moral systems, nothing is so abnormal in human history and culture as an open, self-correcting system. Among all the cultures of the world throughout history, the only two self-correcting systems known are products of the Enlightenment: science and democracy. Science and its technological offspring were slow to develop, but by the 20th century, they were central to Western society, while religion was removed from societal institutions and limited to the personal. This did not stop closed ideological movements such as Nazism and Communism from appropriating science and technology to advance their absolutist ideological goals. But with the self-destruction of Nazism and Communism, science itself has remained an open culture.

Since the eclipse of theology in the 19th century, science has been the backbone of higher education in the West. As the most successful method for understanding the world, it was taken as a model for most academic work. Throughout the 19th and 20th centuries, social studies emulated the natural sciences, as best they could, in the hope of producing valid findings.

In my own field of anthropology, social theorists adopted an [evolutionary framework](#) from Darwin’s natural science and studied the range of societies in terms of different levels of technological and cultural development. Karl Marx characterized his theory as “[scientific socialism](#).” During the first half of the 20th century, the two founders of British social anthropology, A. R. Radcliffe-Brown of Oxford and Bronislaw Malinowski of London School of Economics, authored books respectively entitled *A Natural Science of Society* (1948) and *A Scientific Theory of Culture* (1944).

As late as 1980, the influential American anthropologist Marvin Harris entitled his book, *Cultural Materialism: The Struggle for a Science of Society*. These authors and other like-minded anthropologists were motivated to search for the Truth or as accurate an approximation as our primitive methods allowed. In this scientific view, knowledge was based on Truth and adding to knowledge, and passing on knowledge was the object of higher education. The science model of scholarship followed the precept of the Scottish Enlightenment philosopher, David Hume: “A wise man proportions his belief to the evidence.”

Before I describe what happened next, you must understand that academics commonly feel that they cannot simply repeat what their teachers and the founders of their field said. To gain any attention and stature, academics, especially in the social sciences and humanities, must come up with something original to say. Furthermore, while natural scientists can express their creativity by discovering or refining a relationship between natural phenomena, social scientists and humanists do not get very far by dwelling on ethnographic or statistical or historical details. Rather, to make a splash, they must invent a new theory, a new “ism,” a new epistemology. So new theoretical arguments in the social sciences and humanities tend to come not from responding to the bulk of scientific evidence, but from professional and career considerations.

For example, in literary criticism, one generation will require understanding a literary work in terms of the social and political environment of an author, while the next demands that the text is examined only in itself, while the succeeding generation demands an understanding in terms of the author’s biography. None of this is driven by the evidence, but by the fads and fashions of academic competition.

By the 1980s, the social sciences and humanities had taken what some called “[the postmodern turn](#),” also characterized as a “paradigm shift.” This included a rejection of attempts to be objective, and, in its place, a celebration of subjectivity. Absoluteness, as in absolute truth, was rejected in favor of relativism. Academics came to say that “everyone has their own truth.” Science was rejected as a model for studies of humanity. The ideas of “data” and “evidence” were set aside in favor of “interpretation.” Scientific laws, generalizations, and “master narratives,” were rejected as unfeasible and oppressive.

Anthropology's contributions to this turn were substantial. "Cultural relativism," which had been conceptualized in the first half of the 20th century by Franz Boas and Ruth Benedict as a mental attitude to make researchers more receptive to understanding cultures other than their own, had morphed into moral relativism by the second half of the 20th century as shown by the rejection of the United Nations Universal Declaration of Human Rights by the American Anthropological Association on the grounds that it was based on Western cultural ideas.

The most influential anthropologist of the second half of the 20th century, Clifford Geertz, who was followed closely in all the social sciences and humanities, turned away from cultural anthropology as a scientific study, instead likening it to literary criticism. Perhaps Geertz was influenced in this by [deconstructionism](#), fashionable in literary studies. The main thrust of Geertz's theory was that, in ethnographic research, we interpret what we see and hear, and present that interpretation as our understanding. In the much-lauded Introduction of [The Interpretation of Cultures](#), Geertz says that "what we call our data are really our own constructions of other people's constructions of what they and their compatriots are up to." This is reflected in his famous definition of culture:

The concept of culture I espouse,...is essentially a semiotic one. Believing, with Max Weber, that man is an animal suspended in webs of significance he himself has spun, I take culture to be those webs, and the analysis of it to be therefore not an experimental science in search of law but an interpretative one in search of meaning.

With the scientific spirit rejected by the social sciences and humanities, and the idea of authoritative knowledge rejected in favor of allegedly valid subjective truths, what role can the university play? The discovery and passing on of new knowledge have, in the postmodern turn, been judged invalid. In the absence of knowledge, what then is the purpose of research and scholarship and teaching? The answer was found in turn to moralism and political activism. This drew on the critical Marxist anthropology of the 1970s and came to fruition in the most popular anthropology book of the 1980s, *Anthropology as Cultural Critique* by George E. Marcus and Michael M. J. Fischer.

In the following decades, the neo-Marxist "social justice" ideology and movement flowered. Our society is condemned in universities for being racist, sexist, homophobic, Islamophobic, and oppressive. To correct this, professors and

administrators advocate for programs benefitting the “victims of oppression,” that is, females, people of color, gays—lesbian—transsexuals, etc., and Muslims, such as preferential admission for student applicants, separate housing, eating, and support facilities, special ceremonies, and preferential hiring as professors and administrators. The disfavored “oppressors,” males, people of white, heterosexuals, and Christians are to be marginalized and sidelined, certainly not to receive any benefits or opportunities. (Asians are now honorary whites because they have worked too hard and are too successful, so they too are condemned and discriminated against.)

The rejection of Truth and of evidence has now made its way into university administrations. Disciplinary tribunals have now accepted that “everyone has their own truth,” and they accept the “truths” of the oppressed victims and dispense with “evidence” that might be presented on behalf of accused “oppressors.” This rejection of Truth and evidence has diffused far beyond universities, to businesses, funding agencies, Government Agencies, and Departments of Education, and has now made its way to the U.S. Senate in the Kavanaugh hearings. What someone did or did not do is no longer important; the only thing that is important in universities and beyond is what category someone belongs to. After all, that is the only way that “social justice” is enforced.

Loyalty Oaths, Diversity Mandates, at San Diego State



By John S. Rosenberg, November 13, 2018

Higher education has become obsessed with an intense devotion to the all-encompassing cult of “diversity,” and as usual, California is leading the way. New loyalty oaths have become so demanding that, as Heather Mac Donald has [written](#) in the *Los Angeles Times*, even Einstein probably could not be hired on a public California university campus today.

Would Einstein’s “job talk,” she asks, quoting UCLA guidelines, reflect his contributions to “equity, diversity and inclusion.” Would he have participated in “service that applies up-to-date knowledge to problems, issues and concerns” of underrepresented groups?

Take a look at [this remarkable document](#) from [J. Luke Wood](#), San Diego State University’s “Chief Diversity Officer / Associate Vice President for Faculty Diversity and Inclusion.” to all SDSU faculty.

The document announces that the Office of Faculty Diversity and Inclusion is seeking applications for many faculty positions, “including the inaugural Provost’s Chair of Faculty Diversity and Inclusion” who will serve “as a leader” of an unspecified number of new “Provost’s Professors of Equity in Education.”

What is especially noteworthy and perhaps novel here is that although these are ostensibly faculty positions, “all positions will report to the Associate Vice

President for Faculty Diversity and Inclusion,” not to any academic dean or department chair. Diversity is getting its own faculty.

The primary responsibility of these new faculty hires will be to develop practices and procedures to ensure that the SDSU faculty religiously follows the university’s “diversity and inclusion goals and are provided with capacity-building activities that can better empower all personnel to support these efforts.” Got that? A good deal of this effort will take the form of “training sessions,” some examples of which “will include unconscious and implicit bias, racial/gender microaggressions, teaching practices for underserved students, and cultural competency, and becoming a Hispanic serving institution.”

These “training sessions” will emphasize the faculty search process, such as:

- Understanding of bias in commonly employed applicant criteria
- Bias introduced through informal background research on candidates
- Bias in the messages received by candidates during interviews and on-campus visits
- Bias introduced through off-list reference checks

And my favorite:

- Common phrases and sensemaking that conveys bias (e.g., fit, likability, strong)

I’m not sure what that last one means, but “sensemaking” seems to be big at SDSU. For example, one of these new diversity professors’ responsibilities is to help departments develop diversity plans “congruent with the university’s” goals through “Collective sensemaking around areas of disproportionate impact.”

In order to see how the fervor to eradicate all traces of possible bias undermines academic freedom, imagine, if you can, what would happen if James Damore, the former senior software engineer fired from Google for writing a memo questioning efforts at gender diversity, were to apply for a position at SDSU. Observing a search committee considering his application would probably call to mind Arthur Miller’s *The Crucible*, about witchcraft in Salem.

As University of Virginia law professor Deborah Hellman [concluded](#) in a just-published paper after summarizing the Damore controversy, Damore’s unforgivable offense “lay either in (a) having certain beliefs, which he should not have had, or (b) expressing these beliefs, which he should have kept to himself.” (Hellman here is stating the views of Damore’s critics, not her own. In fact, the gist of her deeply philosophical article, “The Epistemic Commitments of Nondiscrimination,” is to take seriously and even enhance the arguments of those “pragmatists” who maintain that some views should not be held or, if held, expressed.)

In short, SDSU’s efforts to root out bias — or anything anyone might ever claim is bias, whether overt, implicit, or unconscious — is much more vigorous than anything California and other universities did during McCarthyism to root out radicals.

Universities now demand loyalty to “diversity” in both thought and deed. What Jonah Goldberg [wrote](#) in *National Review* about Damore’s firing would almost certainly apply to his predictable non-hiring at SDSU: “[t]he issue here isn’t diversity, but conformity. Everyone must agree with a very narrow dogma about not just sexual equality but the approved ways of enforcing it.” As a result, university diversity czars and their burgeoning staffs of administrative and now faculty apparatchiks now resemble nothing so much as academic equivalents of the old committees on un-American activities.

This is not the first time California universities have been obsessed with loyalty. During the McCarthy period, for example, and even for decades later, the campuses were engulfed in conflict and litigation over required loyalty oaths. Oaths were ultimately declared unconstitutional and fired faculty were eventually reinstated, but oaths requiring allegiance to the Constitution, etc., lingered. [According to Berkeley history professor David Hollinger](#), “The oaths of the McCarthy Era were embedded in a campaign against certain political opinions, while the oath people sign today has no such connection, and hence is perceived as irrelevant to contemporary issues.”

Alas, that is no longer true. The McCarthy era oaths required statements of allegiance and often denial of membership in the Communist Party, but in some respects, today’s oaths go farther by requiring not only affirmations of belief but actions to implement them.

As Northwestern law professor John McGinness has [written](#), “In the nineteenth century, Oxford and Cambridge required dons to adhere to the 39 Articles of Religion, the basic creed of Anglican Church. Today the University of California requires faculty to adhere to a new creed—diversity. The old requirement of the British colleges was at least less intrusive. One had to profess a set of beliefs but did not have to do anything to advance their social realization. But under the California policy, a prospective faculty member must advance a designated social mission to advance his or her career.”

This criticism has just been echoed by an influential academic, fomenting a Twitter tsunami of controversy. As *Inside Higher Ed* [reports](#), “‘As a dean of a major academic institution, I could not have said this. But I will now,’ Jeffrey Flier, Harvard University Distinguished Service Professor and Higginson Professor of Physiology and Medicine, tweeted Saturday. ‘Requiring such statements in applications for appointments and promotions is an affront to academic freedom, and diminishes the true value of diversity, equity of inclusion by trivializing it.’”

Flier’s critics cannot comprehend how being required to genuflect to diversity can have a negative impact on academic freedom, and their failure is a good illustration of the depth of the problem. One need not look beyond Flier’s statement that “as a dean of a major academic institution, I could not have said this.” Why not? Perhaps because if he had his fate would have been similar to former Harvard President Lawrence Summers, whose reflections on the underrepresentation of women in the higher reaches of mathematics were widely regarded as beyond the pale, and certainly not the sort of thing a Harvard president could say and keep his job.

Heather Mac Donald and others have documented the explosive growth in the bureaucracy of diversity, inclusion, etc., but San Diego State appears to be pioneering in taking diversity mania to new heights, or depths. Rather than simply hiring another few associate or assistant vice presidents, provosts, or deans of diversity or beefing up their staffs, SDSU is now hiring a slew of *professors* of diversity, regardless of their academic discipline, to ... surprise! ... promote diversity.

Campus Censorship is Leaching Into Business and the Arts

By Hans Bader, October 11, 2018

In a pointless act of censorship, CNN [removed the](#) episodes of the TV show “Parts Unknown” that featured actress Asia Argento. It did so because it learned that she had settled an unrelated lawsuit against her by actor Jimmy Bennett, who claimed she had sex with him when he was 17. This news had no bearing on the quality or accuracy of the episodes, but CNN removed them anyway. It did so even though it would have been legal in most states for Argento to have [had sex with him](#) since he was above the age of consent in those states. As Reason’s Robby Soave [notes](#):

Argento’s alleged conduct does indeed meet the definition of sexual assault simply because the age of consent in California is 18. In most other states, it’s 16 or 17. Since Bennett was 17 at the time of the encounter, it would have been legal for Argento to have sex with him in 39 of the 50 states.

This censorship, although voluntary on CNN’s part, reminds me of the Russian practice of airbrushing people out of photos if they fell out of favor. People purged by Russia’s Communist government in the 1930s would be [edited out of photos](#) after they were arrested. For example, after the arrest and execution of engineer Alexander Malchenko, “he was airbrushed out of all reproductions” of a famous photo that also featured Communist leaders.

But CNN censored the Argento episodes anyway: Episodes of Anthony Bourdain’s “Parts Unknown” that featured her were removed from CNN’s streaming service after Argento paid Bennett \$380,000 to settle his sexual-assault claim. “In light of the recent news reports about Asia Argento, CNN will discontinue airing past episodes of ‘Parts Unknown’ that included her, until further notice,” a network [spokeswoman said](#).

This idea of censoring what we read or see based on the misconduct of its author or creator is very dangerous. Many [writers](#), [actors](#), artists, and [musicians](#) have done time in prison for serious crimes. Caravaggio [was a murderer](#) and a brilliant painter.

Like book-burning, it would be cultural vandalism to throw away what they created just because of their sins.

Professors also want to censor authors who allegedly misbehaved. Law professors have suggested that law students should not even be assigned the rulings of a mildly-conservative judge who recently retired from a federal appeals court. That judge, Alex Kozinski, was one of the smartest and most respected judges on the federal bench, and his opinions were among the most frequently-cited federal appeals court decisions. He was accused by a few former clerks of sexual harassment, for allegedly doing things such as telling offensive sexual jokes or showing dirty pictures. It is not clear that what he was accused of, even if true, rose to the level of illegal sexual harassment, under court rulings such as [Skouby v. Prudential Insurance Co.](#) (1997).

But in today's politically-correct academia, just reading the rulings of a judge accused of misconduct is deemed "triggering" for fragile law students. A well-known law professor [says that](#) for the time being, he will continue to assign students to read Judge Kozinski's landmark decisions in areas such as intellectual property; but "eventually" he may search for "other opinions" by different judges that he "can substitute" for those of Judge Kozinski.

Because so many judges have behaved badly in the past, this bad logic could lead to law students being deprived of access to countless landmark court decisions. Justice William O. Douglas, the longest-serving Supreme Court justice, was a notoriously [badly-behaved judge](#). As Harvard law professor Noah Feldman recently discussed, he was one of several mid-20th Century Supreme Court Justices who [behaved atrociously](#).

As [Michael Medved](#) and [Jerome Woehrle have noted](#), Justice Douglas apparently engaged in acts that today would be considered textbook examples of sexual harassment. But he issued landmark rulings in the First Amendment, equal protection, and environmental cases. His expansive concept of standing to sue opened the courthouse door to all manner of new lawsuits, transforming the law. His opinions are required reading in law schools across America.

Will law professors stop assigning his opinions to students because of his unsavory personal life? Law professors who are [overwhelmingly left-leaning](#) have made no

move to stop assigning Justice Douglas's opinions — at least, not yet. A cynic might say this is because Douglas is an icon to some liberals: Ninth Circuit Judge Margaret McKeown, a progressive, recently [called him](#) a “legal giant” because of his liberal rulings.

But former Supreme Court clerks who ended up in academia often had a very negative opinion of Douglas's conduct. Judge Richard Posner, a former law professor and onetime law clerk to Douglas's colleague, Supreme Court Justice William Brennan, [had this to say about Douglas](#):

Apart from being a flagrant liar, Douglas was a compulsive womanizer, a heavy drinker, a terrible husband to each of his four wives, a terrible father to his two children, and a bored, distracted, uncollegial, irresponsible, and at times unethical Supreme Court justice.

My former boss, the late federal judge Larry Lydick, told me about how Justice Douglas would show up to judicial conferences and grope women — even the wives of federal judges — sometimes triggering fights with their husbands.

As Professor Feldman notes, Justice Douglas had a very [troubled personal life](#):

He was married four times, each time to progressively younger women. As the alimonies added up, he needed cash and ended up relying on secret payments from a shady businessman. People said that Douglas loved humanity and hated people. Such was his obsessive hatred of [his colleague Justice Felix] Frankfurter that he dubbed the Austrian-born Jewish justice “Der Fuhrer” — during the Holocaust. Frankfurter called Douglas “one of the two completely evil men I have ever met.”

Ironically, law students would likely regret losing access to Douglas's opinions due to their [brevity](#). While law professors tend to be fans of the liberal results reached by Douglas in most of his opinions, they are less thrilled about the quality of his reasoning. As Douglas's own former law clerk, Stephen Duke [observed](#), “Few law professors are unabashed admirers of the work of Justice Douglas. His opinions were terse” and lacking in legal argument, such as “analysis,” “extension of precedent,” or any “search for the ‘original intent’ underlying constitutional provisions.” Worse, “Douglas's opinions were often obscure in their reasoning and even their holdings. Many were drafted in twenty minutes. Some were written on

the bench during oral argument. His published opinions often read like rough drafts.”

Academic Activists Make a Published Paper Disappear

By Theodore P. Hill, October 11, 2018

In the highly controversial area of human intelligence, the ‘Greater Male Variability Hypothesis’ (GMVH) asserts that there are more idiots and more geniuses among men than among women. Darwin’s research on evolution in the nineteenth century found that, although there are many exceptions for specific traits and species, there is generally more variability in males than in females of the same species throughout the animal kingdom.

Evidence for this hypothesis is fairly robust and has been reported in species ranging from adders and sockeye salmon to wasps and orangutans, as well as humans. Multiple studies have found that boys and men are over-represented at both the high and low ends of the distributions in categories ranging from birth weight and brain structures and 60-meter dash times to reading and mathematics test scores. There are significantly more men than women, for example, among Nobel laureates, music composers, and chess champions—and also among homeless people, suicide victims, and federal prison inmates.

Darwin had also raised the question of *why* males in many species might have evolved to be more variable than females, and when I learned that the answer to his question remained elusive, I set out to look for a scientific explanation. My aim was not to prove or disprove that the hypothesis applies to human intelligence or to any other specific traits or species, but simply to discover a *logical* reason that could help explain how gender differences in variability might naturally arise in the same species.

I came up with a simple, intuitive mathematical argument based on biological and evolutionary principles and enlisted Sergei Tabachnikov, a Professor of Mathematics at Pennsylvania State University, to help me flesh out the model.

When I posted a preprint on the open-access mathematics archives in May of last year, a variability researcher at Durham University in the UK got in touch by email. He described our joint paper as “an excellent summary of the research to date in this field,” adding that “it certainly underpins my earlier work on impulsivity, aggression and general evolutionary theory and it is nice to see an actual theoretical model that can be drawn upon in discussion (which I think the literature, particularly in education, has lacked to date). I think this is a welcome addition to the field.”

So far, so good.

Once we had written up our findings, Sergei and I decided to try for publication in the *Mathematical Intelligencer*, the ‘Viewpoint’ section of which specifically welcomes articles on contentious topics. The *Intelligencer*’s editor-in-chief is Marjorie Wikler Senechal, Professor Emerita of Mathematics and the History of Science at Smith College. She liked our draft and declared herself to be untroubled by the prospect of controversy. “In principle,” she told Sergei in an email, “I am happy to stir up controversy, and few topics generate more than this one. After the Middlebury fracas, in which none of the protestors had read the book they were protesting, we could make a real contribution here by insisting that all views be heard, and providing links to them.”

Professor Senechal suggested that we might enliven our paper by mentioning Harvard President Larry Summers, who was [swiftly defenestrated in 2005](#) for saying that the GMVH might be a contributing factor to the dearth of women in physics and mathematics departments at top universities. With her editorial guidance, our paper underwent several further revisions until, on April 3, 2017, our manuscript was officially accepted for publication. The paper was typeset in India and proofread by an assistant editor who is also a mathematics professor in Kansas. It was scheduled to appear in the international journal’s first issue of 2018, with an acknowledgment of funding support to my co-author from the National Science Foundation. All normal academic procedure.

* * *

Coincidentally, at about the same time, anxiety about gender-parity erupted in Silicon Valley. The same anti-variability argument used to justify the sacking of President Summers resurfaced when Google engineer James Damore suggested that

several innate biological factors, including gender differences in variability, might help explain gender disparities in Silicon Valley hi-tech jobs. For sending out an internal memo to that effect, he too [was summarily fired](#).

No sooner had Sergei posted a preprint of our accepted article on his website than we began to encounter problems. On August 16, a representative of the Women In Mathematics (WIM) chapter in his department at Penn State contacted him to warn that the paper might be damaging to the aspirations of impressionable young women. “As a matter of principle,” she wrote, “I support people discussing controversial matters openly ... At the same time, I think it’s good to be aware of the effects.” While *she* was obviously able to debate the merits of our paper, she worried that other, presumably less sophisticated, readers “will just see someone wielding the authority of mathematics to support a very controversial, and potentially sexist, set of ideas...”

A few days later, she again contacted Sergei on behalf of WIM and invited him to attend a lunch that had been organized for a “frank and open discussion” about our paper. He would be allowed 15 minutes to describe and explain our results, and this short presentation would be followed by readings of prepared statements by WIM members and then an open discussion. “We promise to be friendly,” she announced, “but you should know in advance that many (most?) of us have strong disagreements with what you did.”

On September 4, Sergei sent me a weary email. “The scandal at our department,” he wrote, “shows no signs of receding.” At a faculty meeting the week before, the Department Head had explained that sometimes values such as academic freedom and free speech come into conflict with other values to which Penn State was committed. A female colleague had then instructed Sergei that he needed to admit and fight bias, adding that the belief that “women have a lesser chance to succeed in mathematics at the very top end is bias.” Sergei said he had spent “endless hours” talking to people who explained that the paper was “bad and harmful” and tried to convince him to “withdraw my name to restore peace at the department and to avoid losing whatever political capital I may still have.” Ominously, “analogies with scientific racism were made by some; I am afraid, we are likely to hear more of it in the future.”

The following day, I wrote to the three organizers of the WIM lunch and offered to address any concrete concerns they might have with our logic or conclusions or any other content. I explained that, since I was the paper's lead author, it was not fair that my colleague should be expected to take all the heat for our findings. I added that it would still be possible to revise our article before publication. I never received a response.

Instead, on September 8, Sergei and I were ambushed by two unexpected developments.

First, the National Science Foundation wrote to Sergei requesting that acknowledgment of NSF funding be removed from our paper with immediate effect. I was astonished. I had never before heard of the NSF requesting removal of acknowledgment of funding for any reason. On the contrary, they are usually delighted to have public recognition of their support for science.

The ostensible reason for this request was that our paper was unrelated to Sergei's funded proposal. However, a Freedom of Information request subsequently revealed that Penn State WIM administrator Diane Henderson ("Professor and Chair of the Climate and Diversity Committee") and Nate Brown ("Professor and Associate Head for Diversity and Equity") had secretly co-signed a letter to the NSF that same morning. "Our concern," they explained, "is that [this] paper appears to promote pseudoscientific ideas that are detrimental to the advancement of women in science and at odds with the values of the NSF." Unaware of this at the time, and eager to err on the side of compromise, Sergei and I agreed to remove the acknowledgment as requested. At least, we thought, the paper was still on track to be published.

But, that same day, the *Mathematical Intelligencer's* editor-in-chief Marjorie Senechal notified us that, with "deep regret," she was rescinding her previous acceptance of our paper. "Several colleagues," she wrote, had warned her that publication would provoke "extremely strong reactions" and there existed a "very real possibility that the right-wing media may pick this up and hype it internationally." For the second time in a single day, I was left flabbergasted. Working mathematicians are usually thrilled if even five people in the world read our latest article. Now some progressive faction was worried that a fairly straightforward logical argument about male variability might encourage the conservative press to actually read and cite a science paper?

In my 40 years of publishing research papers, I had never heard of the rejection of an already-accepted paper. And so I emailed Professor Senechal. She replied that she had received no criticisms on scientific grounds and that her decision to rescind was entirely about the reaction she feared our paper would elicit. By way of further explanation, Senechal even compared our paper to the Confederate statues that had recently been removed from the courthouse lawn in Lexington, Kentucky. In the interests of setting our arguments in a more responsible context, she proposed instead that Sergei and I participate in a ‘Round Table’ discussion of our hypothesis argument, the proceedings of which the *Intelligencer* would publish in lieu of our paper. Her decision, we learned, enjoyed the approval of Springer, one of the world’s leading publishers of scientific books and journals.

An editorial director of Springer Mathematics later apologized to me twice, in person, but did nothing to reverse the decision or to support us at the time.

So what in the world had happened at the *Intelligencer*? Unbeknownst to us, Amie Wilkinson, a senior professor of mathematics at the University of Chicago, had become aware of our paper and written to the journal to complain. A back-and-forth had ensued. Wilkinson then enlisted the support of her father—a psychometrician and statistician—who wrote to the *Intelligencer* at his daughter’s request to express his own misgivings, including his belief that “[t]his article oversimplifies the issues to the point of embarrassment.” Invited by Professor Senechal to participate in the proposed Round Table discussion, he declined, admitting to Senechal that “others are more expert on this than he is.” We discovered all this after he gave Senechal permission to forward his letter, inadvertently revealing Wilkinson’s involvement in the process (an indiscretion his daughter would later—incorrectly—blame on the *Intelligencer*).

I wrote polite emails directly to both Wilkinson and her father, explaining that I planned to revise the paper for resubmission elsewhere and asking for their criticisms or suggestions. (I also sent a more strongly worded, point-by-point rebuttal to her father.) Neither replied. Instead, even long after the *Intelligencer* rescinded acceptance of the paper, Wilkinson continued to trash both the journal and its editor-in-chief on social media, inciting her *Facebook* friends with the erroneous allegation that an entirely different (and more contentious) article had been accepted.

At this point, faced with career-threatening reprisals from their own departmental colleagues and the diversity committee at Penn State, as well as displeasure from the NSF, Sergei and his colleague who had done computer simulations for us withdrew their names from the research. Fortunately for me, I am now retired and rather less easily intimidated—one of the benefits of being a Vietnam combat veteran and former U.S. Army Ranger, I guess. So, I continued to revise the paper and finally [posted it on the online mathematics archives](#).

* * *

On October 13, a lifeline appeared. Igor Rivin, an editor at the widely respected online research journal, the *New York Journal of Mathematics*, got in touch with me. He had learned about the article from my erstwhile co-author, read the archived version, and asked me if I'd like to submit a newly revised draft for publication. Rivin said that Mark Steinberger, the *NYJM*'s editor-in-chief, was also very positive and that they were confident the paper could be refereed fairly quickly.

I duly submitted a new draft (this time as the sole author) and, after a very positive referee's report and a handful of supervised revisions, Steinberger wrote to confirm publication on November 6, 2017. Relieved that the ordeal was finally over, I forwarded the link to interested colleagues.

Three days later, however, the paper had vanished. And a few days after that, a completely different paper by different authors appeared at *exactly the same page of the same volume* (*NYJM* Volume 23, p 1641+) where mine had once been. As it turned out, Amie Wilkinson is married to Benson Farb, a member of the *NYJM* editorial board. Upon discovering that the journal had published my paper, Professor Farb had written a furious email to Steinberger demanding that it be deleted at once. "Rivin," he complained, "is well-known as a person with extremist views who likes to pick fights with people via inflammatory statements."

Farb's "father-in-law...a famous statistician," he went on, had "already poked many holes in the ridiculous paper." My paper was "politically charged" and "pseudoscience" and "a piece of crap" and, by encouraging the *NYJM* to accept it, Rivin had "violat[ed] a scientific duty for purely political ends."

Unaware of any of this, I wrote to Steinberger on November 14, to find out what had happened. I pointed out that if the deletion were permanent, it would leave me in an impossible position. I would not be able to republish anywhere else because I would be unable to sign a copyright form declaring that it had not already been published elsewhere. Steinberger replied later that day. Half his board, he explained unhappily, had told him that unless he pulled the article, they would all resign and “harass the journal” he had founded 25 years earlier “until it died.” Faced with the loss of his own scientific legacy, he had capitulated. “A publication in a dead journal,” he offered, “wouldn’t help you.”

* * *

Colleagues I spoke to were appalled. None of them had ever heard of a paper in any field being disappeared after formal publication. Rejected prior to publication? Of course. Retracted? Yes, but only after an investigation, the results of which would then be made public by way of explanation. But simply *disappeared*? Never. If a formally refereed and published paper can later be erased from the scientific record and replaced by a completely different article, without any discussion with the author or any announcement in the journal, what will this mean for the future of electronic journals?

Meanwhile, Professor Wilkinson had now widened her existing social media campaign against the *Intelligencer* to include attacks on the *NYJM* and its editorial staff. As recently as April of this year, she was threatening Facebook friends with ‘unfriending’ unless they severed social media ties with Rivin.

In early February, a friend and colleague suggested that I write directly to University of Chicago President Robert Zimmer to complain about the conduct of Farb and Wilkinson, both of whom are University of Chicago professors. The previous October, the conservative *New York Times* columnist Bret Stephens [had called Zimmer](#) “America’s Best University President.” The week after I wrote to Zimmer, the *Wall Street Journal* would [describe Chicago](#) as “The Free-Speech University” based upon its president’s professed commitment to the principles of free inquiry and expression. Furthermore, Professor Zimmer is a mathematician from the same department and even the same subfield as Farb and Wilkinson, the husband-wife team who had successfully suppressed my variability hypothesis research and trampled on the principles of academic liberty.

Surely, I would receive a sympathetic hearing there?

And so, I wrote directly to Professor Zimmer, mathematician to mathematician, detailing five concrete allegations against his two colleagues. When I eventually received a formal response in late April, it was a somewhat terse official letter from the vice-provost informing me that an inquiry had found no evidence of “academic fraud” and that, consequently, “the charges have been dismissed.” But I had made no allegation of academic fraud. I had alleged, “unprofessional, uncollegial, and unethical conduct damaging to my professional reputation and to the reputation of the University of Chicago.”

When I appealed the decision to the president, I received a second official letter from the vice-provost, in which he argued that Farb and Wilkinson had “exercised their academic freedom in advocating against the publication of the papers” and that their behavior had not been either “unethical or unprofessional.” A reasonable inference is that I was the one interfering in their academic freedom and not vice versa. My quarrel, the vice-provost concluded, was with the editors-in-chief who had spiked my papers, decisions for which the University of Chicago bore no responsibility. At the Free Speech University, it turns out, talk is cheap.

* * *

Over the years, there has undoubtedly been significant bias and discrimination against women in mathematics and technical fields. Unfortunately, some of that still persists, even though many of us have tried hard to help turn the tide. My own efforts have included tutoring and mentoring female undergraduates, graduating female Ph.D. students, and supporting hiring directives from deans and departmental chairs to seek out and give special consideration to female candidates. I have been invited to serve on two National Science Foundation gender and race diversity panels in Washington.

Which is to say that I understand the importance of the causes that equal opportunity activists and progressive academics are ostensibly championing. But the pursuit of greater fairness and equality cannot be allowed to interfere with dispassionate academic study. No matter how unwelcome the implications of a logical argument may be, it must be allowed to stand or fall on its merits, not its desirability or political utility. First Harvard, then Google, and now the editors-in-chief of two

esteemed scientific journals, the National Science Foundation, and the international publisher Springer have all surrendered to demands from the radical academic Left to suppress a controversial idea. Who will be the next, and for what perceived transgression? If bullying and censorship are now to be re-described as ‘advocacy’ and ‘academic freedom,’ as the Chicago administrators would have it, they will simply replace empiricism and rational discourse as the academic instruments of choice.

Educators must practice what we preach and lead by example. In this way, we can help to foster intellectual curiosity and the discovery of fresh reasoning so compelling that it causes even the most skeptical to change their minds. But this necessarily requires us to reject censorship and open ourselves to the civil discussion of sensitive topics such as gender differences, and the variability hypothesis in particular. In 2015, the University of Chicago’s Committee on Freedom of Expression summarized the importance of this principle beautifully [in a report](#) commissioned by none other than Professor Robert Zimmer:

In a word, the University’s fundamental commitment is to the principle that debate or 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.

Supporting documentation for this account [can be found here](#).

This article originally appeared in the Australian journal Quillette and is reprinted here with permission.

Why More and More Students Won’t Speak Up in Class



By Frank Furedi, January 8, 2019

After I gave a public lecture on ‘Socialization and Fear’ at a university in England, a young professor came up to me and said, “You forgot to mention the biggest fear we face as teachers – the fear that many students have of opening their mouths.”

Since this encounter, I have met numerous academics who tell me, “I can’t get them to speak in seminars.” My stock response to their predicament was to indicate that getting some undergraduates to participate in seminar discussions has always been difficult- ‘so find a way of giving them the confidence to find their voice.’

Don’t Become Judged

After reflecting on the problem of the silent seminar and discussing this problem with some undergraduates, I have concluded that the issue at stake is not simply the old problem of shyness and fear.

Many of the students I met had outgoing and lively personalities. They also produced excellent written work and expected to do well in their course work. Yet, they were hesitant about speaking in seminar discussions. They gave a variety of reasons for their silence. Some said that they did not want to be judged. Others were worried that their words might be misconstrued or misunderstood by others. Some of the undergraduates were worried about appearing to be too critical of other students. One brilliant and eloquent young woman told me that though she is prepared to air her views one to one, she never opens her mouth in seminars.

Only a couple of the students I talked to used the term “self-censor,” but it became evident from their comments that they had become unusually guarded in the way that they expressed themselves. As one second-year male undergraduate explained, “people are all too ready to savage you if you use the wrong word.” Another student confided that “sooner or later, someone will object that I offended them.”

Self-Censorship Is Safer

It seems that a significant minority of students have adopted the practice of self-censorship in universities on both sides of the Atlantic. A survey, published by the *Harvard Crimson* indicated that a significant portion of this year’s graduating class was self-censoring their opinion and not debating in public. According to the report, around two-thirds of students who were surveyed had “at some point chosen not to express an opinion in an academic setting out of fear that it would offend others.” The survey indicated that 78 percent of registered Republicans said they ‘withheld opinions in class’ compared to 59 percent of registered Democrats and 73 percent of registered Independents.

Some may argue that a reluctance to express an opinion on the ground that it might offend someone should be praised as an example of sensitive behavior. But regardless of whether it is voiced, it is through articulating an opinion and being prepared to engage in a discussion around it that students develop their ideas and acquire a measure of intellectual independence.

It is evident that it is not the fear of speaking that inhibits students at Ivy League universities to air their views. Unlike the classical fear of speaking, which has been noted since the ancient Greeks, what we see today is very different. *Glossophobia*, the fear of public speaking referred to the performance of oratory or a public presentation. In the case of twenty-first-century students who have switched off from expressing their opinion, what's at stake is not anxiety about a public presentation but simply a reluctance to converse or discuss a seminar topic.

I am not yet certain how to account for the practice of self-censoring. However, one of its drivers is a lack of clarity about what can be and what cannot be said. Uncertainty about the rules of engagement encourages anxiety about being misunderstood and provoking hostile reactions. Many students have expressed the concern that their opinions could offend some of their peers. From their standpoint, going public with their opinion constitutes a potential hassle.

Self-censorship is potentially more damaging to campus life than the formal regulation of academic life. As academics, we need to explain to ourselves and to our students the importance of open and tolerant communication. Students need to know that their refusal to speak deprives them and others of an opportunity to learn from one another. It is through the expression of an opinion that we demonstrate our willingness to take our ideas seriously, and it is through our openness to other's criticism that we create an environment hospitable to intellectual clarification.

Self-censorship also has emboldened zealous advocates of identity politics. Many of the foolish outbursts of intolerance on campuses occur because activists know that their behavior is unlikely to be criticized by their peers. Most students are far from happy with their identity on campuses, but unfortunately, instead of speaking up, they prefer to keep their opinions to themselves. Until students find their voice, the university will continue to be subjugated to the forces of intolerance.

The Growing Threat of Repressive Social Justice



By Philip Carl Salzman, September 19, 2018

Most professors and students in the social sciences, humanities, education, social work, and law, and most university officials at Canadian and American universities today have adopted a political ideology labelled “[social justice](#),” which requires redress for categories of people deemed “oppressed” for reasons of race, gender, sexual preference, ethnicity, and/or religion. For the many who hold this view, it is the highest morality, undeniable, unchallengeable.

Liberal or conservative views regarded as disagreement or opposition to “social justice” are felt by its many advocates to be racist, sexist, homophobic, Islamophobic, and bigoted, and they feel that these views should be strongly discouraged. Those expressing reservations to the prevailing ideology are not infrequently called racist, sexist, alt-right, white- or male-supremacists, and/or fascists.

“Social justice” ideology is upheld in a variety of ways detrimental to free speech and open discussion, among which are [refusing to publish](#) other views in student newspapers, [blocking invitations](#) to speakers with different views, [disrupting](#)

[speakers](#) alleged to be violating the accepted ideology, [blocking recognition and funding](#) of student groups with other views, and restricting speech in “[safe spaces](#).”

This enforced monopoly of ideas goes counter to the traditional view of universities as a “[marketplace of ideas](#)” where students had the opportunity to open their minds to a wide range of ideas, and different theories and arguments were tested against one another. The [liberal argument](#) that sound views can develop only through arguments being defended against contrary arguments is not respected in our contemporary universities.

In response to the current restriction of ideas on campuses, the Provincial Government of Ontario on 30 August 2018 [mandated](#) Ontario universities to protect free speech. Premier Doug Ford stated, “Colleges and universities should be places where students exchange different ideas and opinions in open and respectful debate. Our government made a commitment to the people of Ontario to protect free speech on campuses.”

The Government of Ontario, according to the Government guidelines, requires universities to provide a definition of free speech based on the [University of Chicago “Statement on Principles of Free Expression.”](#) Universities may not shield students from opinions with which they might disagree or find offensive. Students and student groups must be free to challenge and criticize views with which they disagree, but they must not, under pain of disciplinary punishment, interfere with the freedom of others to express their views. These principles apply to faculty, students, staff, administration, and guests, and universities are responsible for [compliance](#).

This policy appears to be more than public relations; it is armed: “Colleges and universities that do not comply with the free speech requirements may be subject to a reduction in operating grant funding. Students whose actions are contrary to the free speech policy are subject to existing campus student discipline measures. Any complaint against the institution that remains unresolved may be referred to the Ontario Ombudsman.”

Why does the Government of Ontario think that freedom of speech on Ontario campuses needs its protection? After all, freedom of speech is protected by the [Canadian Charter of Rights and Freedoms](#). However, notwithstanding the Canadian Charter, the reality of college and university campuses is that freedom of speech is out of favor, often expressly forbidden, sometimes suppressed with non-violent or violent means.

Student opinion does not support freedom of speech. My own anthropology students at McGill University, asked whether they favored human rights, as set out by the

United Nations [Universal Declaration of Human Rights](#), endorsed by almost all countries in the world, or cultural relativism, which takes the view that all cultures are equally good and valuable, and that no judgments should be made across cultural boundaries, overwhelmingly favored cultural relativism.

This is also true among [American students](#). When asked to say which was most important, 46% said free speech, while 53% said inclusion and diversity. But among female students, only 35% said free speech. Given that females now dominate universities numerically, approaching 60% of graduates, and among administrators, the disfavor of free speech among females becomes determinant. Reporting this survey, Michael Barone [concludes](#) in the National Review, “College and university campuses have been transformed over the past half-century from the zone of our society most tolerant of free speech to the zone least tolerant.”

A few of my senior seminar students complained that “you couldn’t say anything” at McGill without being rebuked and called nasty names. Part of this is the entrenched idea that no one should ever feel [offended](#). This is a major thrust of “diversity” initiatives. Even innocently intended comments or questions can be called “[micro-aggressions](#)” by hyper-sensitive females and hyper-sensitive racial and ethnic minorities. If a male student says something, anything, to a female, it can be dismissed with prejudice as “mansplaining.” Asking a student of Asian background if he or she is in sciences or engineering, is a “micro-aggression” because it reflects an ethnic stereotype. Wearing an Israel t-shirt is regarded by some Arab students as an assault.

Should a professor say anything that a student complains offends him or her, such as using the word “niggardly” or reading a quote from an author that could be construed as demeaning females, blacks, Hispanics, Muslims, etc., the “[inclusion and diversity](#)” [commissars](#) come down on him or her like a sledgehammer. The professor may be required to apologize, sent to a “[re-education](#)” [course](#), not be allowed to teach certain courses, be suspended, or terminated. [Some universities require](#) or are considering [required mandatory](#) “[social justice](#)” [training](#) for students and staff.

One diversity initiative enthusiastically adopted by many universities is instituting [racial and ethnic apartheid](#) on campus by providing separate eating facilities, dorms, and social facilities for [different racial and ethnic groups](#), such as blacks, Hispanics, East Asians, Muslims, etc., although there are no facilities designated for whites.

What is crystal clear is that universities’ beloved “diversity” does not include a diversity of opinion. Quite the contrary. Any opinion that does not conform with

“politically correct views”—and what is politically correct at universities is opinion that ranges from “progressive” to leftist to far-leftist—is blocked or disrupted. Classical liberal, moderate, and conservative groups are often neither recognized nor funded by student unions, while all leftist and ethnic groups are recognized and funded. Radical feminist, Palestinian, black, Hispanic, Muslim, and Asian groups are recognized and funded, but [men’s issues groups](#), [right to life groups](#), [pro-Israel groups](#) are not.

But it goes beyond favoritism to leftist groups. Events sponsored by student groups and even by university administrations of speakers who are disfavored by leftist student unions and groups are disrupted and closed down. There is a long list of such events in Canadian universities, such as [McMaster](#), [Concordia](#), [Alberta](#), [York](#) and a longer list in [American universities](#).

The political bias in our universities is structural. As has been documented repeatedly, the political leaning of North American professors and administrators is firmly left, far left, and extreme left. The numbers are remarkable: “[Published](#) in Econ Journal Watch last month, the study looks at faculty voter registration at 40 leading universities and finds that, out of 7,243 professors, [Democrats outnumber Republicans](#) 3,623 to 314, or by a ratio of 11 1/2 to 1.” [Other studies](#) show similar results: “Focusing specifically on social psychology academics, a 2014 study found that “[b]y 2006 ... the ratio of Democrats to Republicans had climbed to more than 11:1.” The six authors, all from different universities and members of the [Heterodox Academy](#), also said, by 2012, “that for every politically conservative social psychologist in academia there are about 14 liberal psychologists” according to [Arthur C. Brooks](#). Academy member [Steven Pinker](#) described the study as “one of the most important papers in the recent history of the social sciences.”

This structural bias is not an accident. As I have seen first hand, candidates applying for jobs are vetted subtly or overtly for their political views, and anyone not holding strong leftist views, radical feminist views, and anti-capitalist, anti-West views, is not hired. Not only must candidates hold these views, but must engage in activism on their behalf, a requirement that has now become [formalized](#) as a necessity for being hired. At UCLA, applicants for faculty posts “must document their contributions to “equity, diversity and inclusion.” For decades American universities have advantaged minority candidates for faculty posts on the basis of a motivated misreading of “affirmative action,” and Canadian universities now [favor minority candidates](#) on the basis of “diversity.” Students know that they must express leftist views in their essays, or risk getting poor grades and letters of reference. Everyone knows what is acceptable and what is not.

While there is a long Classical and Judeo-Christian philosophical tradition discussing social justice, it is the neo-Marxist version of “social justice” that has more or less become the official creed of North American universities. While orthodox marxism emphasized the class struggle between the proletarian workers and their capitalist exploiters, it has had little political success in North America because Americans and Canadians did not think of themselves as proletarians, and preferred to consider themselves middle class. Neo-Marxist [“social justice”](#) has succeeded by extending class struggle to race, gender, sexuality, and religion. “Social justice” theory divides the world into white, male, heterosexual, Christian and Jewish oppressors, versus people of color and indigenous natives, females, gays, etc., and Muslim victims.

This vision of “social justice” requires that whites, males, heterosexuals, and Christians and Jews should pay the price for their oppression. They should be marginalized and replaced by people of color, indigenous natives, women, gays, and Muslims. Note that people are no longer to be considered as individuals with particular abilities, qualities, values, and opinions, but rather to be reduced to being members of census categories, and treated as such. As well, being a member of the majority is considered proof of guilt, and only minorities are regarded as virtuous and worthy.

“Social justice” urges that only minorities should have power. That this judgment appears to contradict the basic principles of [democracy](#) does not seem to bother advocates of “social justice.” One manifestation of “social justice” theory is an enthusiasm for so-called “decolonialization,” drawing on orthodox Marxist-Leninist anti-imperialism dogma. In Canada, this means Euro- Asian- Latin- and African- Canadians surrendering to ever-increasing demands by indigenous native groups for special rights, land, and funds, as well as preferred access to the benefits of Canada’s advanced Western society, including university places and jobs.

Any verbal challenge to “social justice” ideology is severely discouraged in universities. The facts are believed to be “settled,” so no discussion of alleged “facts” is allowed. For example, one may not question the [alleged “fact”](#) that we Canadians live in a “[rape culture](#).” And one may not question the alleged “fact” that [all cultures are equally good](#) and valuable.” Or that [the West is the cause](#) of all of the problems in the world. Philosophical consideration of values and justice are tolerated as long as consistent with “social justice” ideology. Any criticism, on grounds freedom, diversity of opinion, or democratic process is rejected as far-right “hate speech,” and the critics designated as fascists.

However much the United States may be a “sea of freedom,” Canada has tended to favor order over freedom. After all, in Canada, one can be jailed for

even [threatening](#) the people who are violently attacking his person or stealing his property. Acting with force to defend oneself leads directly to [arrest and trial](#). This is particularly the case when the intruders or attackers are members of a minority.

The Canadian Charter of Rights and Freedoms itself has a “social justice” provision that waives the rights of the majority in favor of disadvantaged minorities. While provision 15-1 states that “Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability,” provision 15-2 states that 15-1 does not preclude laws or activities for the “amelioration of conditions of disadvantaged individuals or groups ... because of race, national or ethnic origin, color, religion, sex, age or mental or physical disability.”

This 15-2 provision, like every “social justice” measure, ignores the fact that giving special benefits to one category of people inevitably blocks others from those benefits, and thus undermines treating individuals fairly and justly according to their individual human rights and their merits. If a Hispanic person is hired because Hispanics are allegedly disadvantaged, then Asian or indigenous native or Haitian candidates with better qualifications are unfairly treated on racial grounds.

Our Canadian islands of repression are surrounded by a sea of freedom, but a sea tamed by the Government of Canada, which has adopted and is mandating “social justice” policies. The Minister of Science has required federal funding, for example of the Canada Research Chairs Program, to be justified by [“diverse” hiring](#). If the candidates put forward by the universities are not sufficiently “diverse,” the Government intends to withdraw funding from the offending universities. As the Minister herself says, “We must make every effort to give more people—women, Indigenous peoples, visible minorities and persons with disabilities—the chance to make their greatest contribution to research.” Note that there is no requirement at all for qualifications, and certainly none for [equal qualifications](#), nor any concern whatsoever for those individuals left out because they do not fall into a favored racial, gender, or ethnic category. Of course, by “diverse,” the Government means only racial, gender, and ethnic diversity, certainly not diversity of opinion. We have seen with summer grants that the Government intends systematically to [suppress](#) diversity of opinion.

Canada’s so-called [Human Rights Commissions](#) suppress free speech if it offends someone: “unwelcome remarks or jokes about your race, religion, sex, age, disability, etc.” are defined as “harassment,” and can be punished by the [Human Rights Tribunal](#) with orders to remain silent, and or fines. Although the Canadian Human Rights Law provision to censor opinion was amended with Section 13

deleted, provincial Human Rights Commissions maintain similar provisions. For example, the Alberta Human Rights Act [forbids public expression](#) as follows:

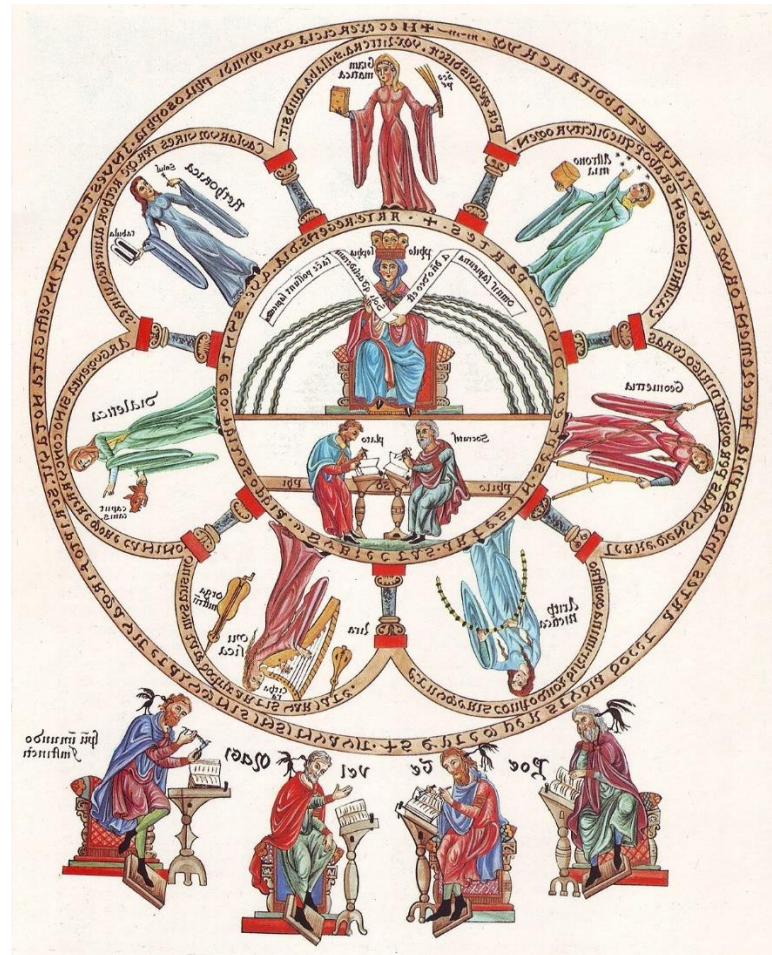
“3(1) No person shall publish, issue or display or cause to be published, issued or displayed before the public any statement, publication, notice, sign, symbol, emblem or other representation that ... (b) is likely to expose a person or a class of persons to hatred or contempt because of the race, religious beliefs, color, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or class of persons.”

So, in Canada, what the law is saying is, if you cannot say something nice, you may not say anything at all.

The opposition to free speech is not limited to universities and the Government of Canada. We must remember that universities are the founts of all of our professions: lawyers, doctors, engineers, social workers, and teachers. So those who shape our young and those who police our families are carriers of the “social justice” ideology that they learned in university. Our next legislators are mostly going to be lawyers who studied in “social justice” law schools. What is taught in universities does not stay in classrooms. As John Maynard Keynes said, “Practical men who believe themselves to be quite exempt from any intellectual influence are usually the slaves of some defunct economist. Madmen in authority, who hear voices in the air, are distilling their frenzy from some academic scribbler of a few years back.” Today neo-Marxist “social justice” ideologues have shaped and are shaping future MPs, MLAs, Ministers, Public Service bureaucrats, teachers, business leaders, and other influential Canadians.

So, who in Canada, if anyone, is willing to speak up for free speech? Very few, apparently. But the Government of Ontario has stepped up. Some worry that it is [a government](#) that is doing the right thing, although they do not seem to be very worried that most everyone else has been doing the wrong thing. It is ironic that human rights, civil rights, and constitutional rights having been promulgated to protect citizens from government overreach, today it is only governments, such as the Government of Ontario, and many [U.S. state governments](#), that appear to wish to protect those rights.

It's Time to Fight for Western Civilization



By Philip Carl Salzman, June 6, 2018

Soon after arriving at McGill University in 1968 from a year of ethnographic field research in Iran, I met an intelligent and sincere young man, an anthropology student, who told me that North American culture was the most corrupt culture in the world. I asked him where else he had been in the world, where presumably he had found less “corrupt” cultures. He said he had not been anywhere else, perhaps taking my point that he did not really have evidence for a comparative judgment.

The “counterculture” cultural revolution of the 1960s was formative and has set the tone for social criticism and condemnation ever since. Reverse ethnocentrism, rejection of one’s own people, country, or culture, has ever since been rule of the land, at least in universities and among self-appointed intellectuals and cultural critics. In the subsequent half-century, rebellious students have themselves become teachers, professors, journalists, lawyers, legislators, and judges, which means that many among our elite assume negative judgments against our heritage cultures and strive to counter and block our traditional principles and institutions.

Contributions of the West

Before exploring the criticisms that purportedly justify condemnation of the West, I would like to set out some of the contributions of the West to the world.

The European Enlightenment expanded the realm of knowledge from sacred texts and traditional understanding through the application of human senses of observation to gather new information about the world. The human senses were extended through the technological innovations of telescopes and microscopes. New working assumptions, such as “uniformitarianism,” the heuristic hypothesis that the phenomena of nature operated according to natural laws and were constant through history, contributed to the development of empirical and theoretical science, which hitherto had not existed in the modern sense. Observation and experimentation provided a new basis for scientific knowledge, stimulating technological innovation. The social corollary was that knowledge had become open to criticism and disputation, theories and hypotheses had to be tested by evidence. Contrary positions were no longer heresy, but important parts of the scientific debate.

Knowledge had become open to criticism and disputation, theories and hypotheses had to be tested by evidence.

As Ayaan Hirsi Ali describes it, “Holland was in many ways the capital of the European Enlightenment. Four hundred years ago, when European thinkers severed the hard bands of church dogma that had constrained people’s minds, Holland was the center of free thought. The Enlightenment cut European culture from its roots in old fixed ideas of magic, kingship, social hierarchy, and the domination of priests, and regrafted it onto a great strong trunk that supported the equality of each

individual, and his right to free opinions and self-rule. Here, in Leiden, was where the Enlightenment had taken hold. Here, the Dutch let each other be free.”

Science invented in the West has become universal science, adopted by individuals, countries, and cultures around the world. Yet, the West today remains the stronghold of scientific progress, as can be seen by the awarding of scientific Nobel Prizes and other indices.

During the 18th century, Western European countries, but especially England, made innovations and inventions that transformed economic production. During the first half of the 18th century, there was an agricultural revolution based on a scientific approach to cultivation and rearing livestock. Rotation of crops, drainage, and fertilization was among the elements that increased crop production by magnitudes. Selection and nutrition doubled the size of domesticated animals. At the same time, less labor was needed, and half of the agricultural workers moved off the land.

The second half of the 18th century in Western Europe saw the industrial revolution based on steam engines and factories, the initiation of mass production. Labor was provided by the agricultural workers who had left the land. But at the same time, human labor began to be replaced by machines, and products were produced with much greater efficiency. The scene was set for modern industrial societies.

These innovations and inventions were the West’s gift to the world, and they have been borrowed, adopted, and adapted by countries and cultures around the world. Scientifically-based technology has transformed production in every country around the world. For the first time in history, prosperity became possible; material goods have become widely and inexpensively available.

One consequence of the agricultural and industrial revolutions was that it was now cheaper and easier to produce things than it was to take them from other people, as had been the case throughout most of history. For example, slave labor was no longer necessary to produce a surplus, and England banned the slave trade at the beginning of the 19th century.

Blaming Capitalism

Industrial development was made possible by capitalism. The basic principle of capitalism is that part of the proceeds from sales of products, part of the profits, should be reinvested in the company. The result of this is that there is an expansionary tendency in companies; they can improve efficiency and/or the quantity of production through the resources reinvested in the company.

The largest holders of company shares today are provincial, union, and university pension funds

There is a risk, of course, for those who invest; if the company fails, they lose their investment. The other side of the coin is that those who invest in a successful company will be paid their share of the profits. While originally, most companies were privately owned, today, most large companies are publicly owned through the sale of shares in the stock market. The largest holders of company shares today are provincial, union, and university pension funds, which means that ordinary people indirectly own many public companies and receive a share of the wealth.

Citizens with Rights

Civil and human rights in state societies are inventions of the West. Individuals are no longer subjects of the ruling authority but are citizens with rights. The institutions of modern Western governments are democratic, with legislatures and many executives, and in some cases, judges elected in popular elections. As Winston Churchill said, “Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time....”

From the time of the ancient Greeks, the West has been the repository of the idea and practice of democracy. Those who wish for freedom and for self-government, look to the West as an example. The civil rights of equality before the law and of having a voice in one’s government are complemented by the human rights of free speech and conscience, freedom of religion, freedom of movement, freedom of choice in marriage, and the many other basic rights set out by the United Nations in the Universal Declaration of Human Rights.

This Universal Declaration was, however, condemned by the American Anthropological Association as not being “universal,” but being a document guided by Western values. Yes, guilty! It was Western Civilization that generated the idea and practice of “human rights.” That is something to be proud of and to celebrate. Those around the world who are deprived of their human rights know where the better places are; just follow the paths of massive migration.

Western literature, art, music and architecture have been borrowed by countries and cultures around the world. It was my pleasure to attend an excellent concert of Western classical music by the Tokyo String Quartet. Western jazz and popular music are played everywhere; many people around the world learned English from listening to popular songs. Western literature, from the Greeks on, is translated into many languages and widely read. Western art is widely appreciated, and many examples purchased by people in foreign lands. Western architectural design and architectural technology have been borrowed and applied in many distant lands.

Western universities, despite some of their current bazaar practices, overwhelmingly remain the top educational institutions in the world, as demonstrated annually by the various ranking systems.

Critique and Condemnation of the West

The West is accused by critics among its own people of many sins: imperialism, class oppression, sexism, racism, slavery, and religious intolerance.

The dominant theory today among university social sciences and humanities professors is called “postcolonial theory.” This theory is derived from Marxism-Leninism and flavored with the work of Edward Said. It argues that all the world was a peaceful and egalitarian place with people mixing beneficently and happily, until the evil imperialists from Europe—the British, French, Dutch, Spanish, and Portuguese—invaded the peaceful peoples of the world, murdering some and exploiting the remainder. Allegedly, cultural institutions of the wider world, such as castes in India and tribes in North America, the Middle East, and Africa, were invented and imposed upon luckless conquered populations to divide them so they could not resist the ruthless Western imperialists.

This make-believe postcolonial theory is based on willful blindness to the facts of history. Imperialism was a major phenomenon of world history for millennia prior

to the venturing forth of the Europeans in the 16th century: the Akkadian Empire of 2300 BC, the Hittite Empire of 1700 BC, the Babylonian Empire of 1600 BC, the Persian Empire of the 6th century BC, the Chinese Empire 221 BC to 1911, the Arab Muslim Empire 632-1258, the Mongol Empire of 1206- 1405, the Ottoman Empire 1299-1922, the Russian Empire 1721-1917, and dozens and dozens of others.

Postcolonialism exhibits a double standard: The West is condemned for its imperialism, but Asian, African, and pre-Columbian American empires are ignored.

So, the impression that post-colonialists wish to impart, that imperialism was uniquely a product of the West, that Western imperialism was uniquely evil, and that it corrupted through violence and imposition a peaceful and happy world, has no basis in historical reality. In addition to all of the earlier empires, societies outside imperial reach were often tribal societies characterized by a constant jockeying, competition, conflict, and warfare among tribes for access to resources and for honor and glory.

Postcolonialism exhibits a double standard: The West is condemned for its imperialism, but Asian, African, and pre-Columbian American (Aztec and Inka) empires are ignored. This theory also offers racism of low expectations in describing non-Western cultures and societies solely as victims, lacking in their own agency, subject only to the will of their Western conquerors. Postmodernism is false history.

The West is also condemned as a slaving society. Of course, enslavement around the world predated Western involvement in the Atlantic slave trade. It was common in virtually all ancient societies and was a centerpiece of the Arab Muslim Empire and the Ottoman Empire that succeeded it, and it continues in the Middle East today. Britain banned the slave trade in 1807 and following that during the 19th century, most other Western countries banned the slave trade and the holding of slaves.

But critics of the West do not mention the longer term and more extensive slavery elsewhere in the world. The African tribes and kingdoms that provided slaves for the Atlantic slave trade are rarely if ever, mentioned. Nor is the 1400 years of slavery in the Middle East, including slaves that are held today. While we justly find

slavery abhorrent, once again exclusively the West is condemned for an engagement with slavery that is much briefer and involves many fewer victims than other peoples who are much more culpable, and who today continue to justify the practice of enslaving other people.

Capitalism is, of course, the main target of anti-Western critics. Its sin is an unequal distribution of wealth, which violates the utopian idea of equal economic outcomes for all. This extreme idea of economic equality authorizes the condemnation of the wealthy, whether or not these people are wealthy because they have earned their income. Critics, inspired by Marxism, regard capitalism as based on class exploitation, rather than upon the efforts of individuals and the risks that they take.

Critics favor the redistribution of wealth, without considering the production of this wealth. Advocates of socialism abound in the West, yet what we know of socialism in the real world, as opposed to utopian fantasies, is the socialism of the USSR, Mao's China, Cuba, North Korea, and today's Venezuela, and the picture is one of scarcity of goods and poverty in the context of political despotism.

In fact, the capitalist countries have the highest earned standard of living in the world, and the average person with a modern house with running water, sanitation, and appliances, and multiple high horsepower vehicles has a standard of living not dreamed of by kings and queens a few hundred years ago. I would suggest it is the material abundance that allows critics of capitalism to forget the efforts and difficulty of bringing their prosperity into existence, and that allowed themselves to imagine utopian social perfection.

Critics of capitalism forget that it's their prosperity that allowed themselves to imagine utopian social perfection.

Western Civilization is also bitterly and continually condemned for patriarchy, the authority and power of men to control women. The case is presented as if the most extreme forms of patriarchy were still intact in the West today. Yet it is in the West where feminists have successfully claimed their rights, where "gender equality" is a dominant value and increasingly institutionalized. Feminists now push for female ascendancy even far beyond gender equality, as in university enrollments, which are now dominated by females, even in such professional programs like law and

medicine. But even as they condemn the West for anti-female sexism, they close their eyes to the continued and systematic oppression and violation of women in the Middle East, South and East Asia, and Africa, far beyond anything seen in the West. An encyclopedia could be filled with the oppression of women in these regions, but I will offer only one of today's little-known examples:

“Sipora, 60, was sentenced in absentia to death by public execution in 2013 by a Tehran court that convicted her of “violating Islamic rules [of the] Islamic Revolution” and “anti-regime activity.” Her crime: running an underground organization that found housing solutions for women with abusive husbands who could not obtain a divorce. Holland has refused to grant her asylum, and feminists and human rights organizations around the world are silent.

Once again, the double standard is evident, and the feminist militants close their eyes to everything but the West.

Where does the anti-West double standard come from? The refusal to criticize other societies and cultures for things that only the West is criticized for doing is the result of cultural relativism. Originating in the anthropological technique of suspending one's own values and judgments to understand other people's culture from their own point of view, cultural relativism has evolved into moral and ethnic relativism on the grounds that all values are cultural, and therefore there is no objective basis for judging customs or practices across cultural lines.

So, if our democracy is imperfect, or electors elect a candidate not loved by all, we can denounce our political system and its officials; but we dare not criticize despotic regimes elsewhere, even when they engage in genocide. Similarly, our imperfect gender equality is constantly subject to the most extreme disparagement, while even the most radical feminist dares not remark on the full-fledged subordination of women in other regions and cultures. At the same time, the cultural differences of the West over time, such as 18th century American colonial culture or 19th century Canadian culture of the British North America Act, do not stop some “presentist” critics from condemning those individuals and cultures based on 21st-century values and perspectives. When it comes to disparaging the West, apparently even cultural relativism may be set aside.

Everyone judges others by their own values. This is true of all individuals and true of all cultures. Many organizations, Western and international, apply values and

rank countries accordingly. The United Nations assesses countries according to “human development,” ranking all the regions in the world. The OECD and other groups rank economies for productivity. Other groups rank countries for corruption. Freedom House ranks countries according to their citizens’ degree of freedom. Students’ school performance is assessed, and countries are ranked; so too are universities of the world.

In this moment of identity as the highest value, the great works of Western culture are dismissed because they are the work of “dead white men.”

Western literature, art, music, and architecture are disregarded on feminist and racial grounds. In this moment of identity as the highest value, the great works of Western culture are dismissed because they are the work of “dead white men.” The value of these achievements may be angrily disregarded because, so the shouts seem to suggest, women only care what women have done or said. The few women authors, painters, and scientists are not sufficient to save Western culture in feminist eyes. So, all of Western culture must go. And while blacks can rightly claim major contributors to jazz and popular music, too much of the rest is the work of whites to be acceptable by blacks.

That the awesome accomplishments of Western scientists, philosophers, writers, and artists are dismissed on sex and racial grounds is more a commentary on those criticizing than on Western culture. These anti-Western judgments based on sex and race are deeply illiberal. The treatment of human beings as members of categories, rather than complex individuals, is inhumane and a common cause of atrocities. This is very backward thinking; I would say “tribal,” but I do not wish to disparage tribes.

Ibn Warraq, an escapee from the Islamic World, has written a book entitled *Why the West is Best*. We could continue to argue the case, but I suggest we end by considering what people around the world actually choose. Leave aside people’s words; what do their feet tell us? For centuries immigrants have flowed to the West, escaping from Asia and Africa. Those are real-life choices, often entailing great effort, discomfort, and risk. Immigrants to Canada and the U.S. in past centuries

assimilated into Western culture, striving to become Canadians and Americans. What does that tell us about whether Western Civilization is worth defending?

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Free Speech—Where Are the Adults in the Room?

By Peter H. Schuck, [October 23, 2017](#)

Almost two years have passed since the [Halloween imbroglio at Yale in 2015](#), which launched the current era of student mobilizations against speech that some students don't want to hear. Whatever their ideological stance, these protests aim to intimidate controversial speakers and those who would invite them to campus, to prevent others from hearing them, and to banish certain ideas and terms from campus discourse.

College leaders invariably denounce violence and affirm their unflagging commitment to robust speech and debate on campus. They invoke the standard tropes of a liberal education: to cultivate students' curiosity, knowledge, imagination, and critical thinking by exposing them to diverse ideas about the world. They routinely genuflect before the First Amendment's protection of academic freedom and provocative and unsettling speech. (Private institutions, while not legally bound by the First Amendment, subscribe to the same doxology).

Backing up this free-speech rhetoric is anything but free. Security is very costly. It cost Berkeley an estimated \$600,000 merely to protect one conservative speaker's visit recently, a drop in the UC system's \$7.3 billion budgetary bucket. But at smaller schools, protecting such speakers competes with scarce resources for teaching, financial aid, housing, and other essential functions.

Colleges run other serious risks when campus turbulence threatens to blight the school's reputation with its trustees, major donors, and potential applicants. Presidents who lose control may lose their jobs. Knowing this, they mollify the student groups which threaten to wreak this havoc. Having long ago abandoned the

traditional *in loco parentis* role, their power to shape student conduct is now very limited. Leftist orthodoxy in the classroom is especially prevalent on more elite campuses and in academic departments (the social sciences and humanities, for example) where almost the entire faculty is liberal. (This is evidenced not only by what they teach and assign but also by their campaign contributions). And even if some professors present a range of perspectives, students probably prefer an unvarnished version of conservatism from true believer outsiders to liberal professors struggling to appear “balanced.”

The fuel for the speech-related disorder is inexhaustible. For many students, especially conservatives, these speakers also help to correct for a perceived leftist orthodoxy in the classroom. Scoring outside anti-establishment speakers with wide name recognition, rhetorical flair, and a taste for provocation revs up student interest and magnifies the organizers’ status and recognition on campus, their ideological and militant chops, and their feelings of accomplishment. Some schools even provide student organizations with a budget to support these and other “enrichment” activities. Some politically active outside groups such as the Federalist Society and its counterparts on the left may also subsidize them.

The protesting students can almost always count on some faculty sympathizers with similar motivations as well as a desire to embarrass the equivocating, temporizing administration. At the highest-ranked schools, professors often have great bargaining power due to global reputations and frequent job offers. At lower-ranked schools, many faculty have low status, poor pay, and little job security. Their estrangement encourages solidarity with protesting and disaffected students. And [a new study from Brookings](#) suggests that intolerance of unpopular views – *and even support for violence to suppress them* – is remarkably common among today’s college students.

These incentives and conditions help explain why the adults nominally in charge often seem so feckless. More eager to pacify their protesting student and faculty critics than to protect the abstract intellectual values which they claim to revere, they equivocate. As for students, most surely oppose the extremists — but like most silent majorities, they exert less influence than their numbers might warrant.

What is to be done?

1. A counterforce consisting of trustees and major donors – the off-campus people who have invested the most in the institution and care most about its reputation and welfare should make clear to the administration that their future financial support will depend on a clear affirmation that (a) academic values and intellectual diversity are paramount; (b) academic freedom does not protect those who try to stifle other viewpoints; (c) students, faculty, and administrators who do not respect these norms do not belong there; and (d) serious sanctions will attend duly-adjudicated violations of those norms — including expulsion or long-term suspension of students who actively encouraged those violations. Similar sanctions should apply to even tenured faculty who promote them. (This last is easier said than done, of course). The public statement on freedom of expression issued by the [University of Chicago](#) in 2012 can serve as a good starting point.
2. More student riots and speech-impeding mobs are likely to end up in court. Several of the most publicized confrontations, such as the intimidation of Professor Bret Weinstein by Evergreen students who wanted him and all other Caucasians off-campus for a whites-free day, ended in settlements, in Weinstein’s case for \$500,000. Jay Weiser, associate professor of law at Baruch College, points out that the post-Civil-War anti-Klu Klux Klan laws still have power, one of them covering private conspiracies and masked conspirators (the Klan originally and presumably masked Antifa attackers now). Weiser writes:

“The statute applies most clearly to racially motivated physical attacks or efforts to exclude persons. Evergreen State is a classic case: After disrupting Mr. Weinstein’s class, students detained the college president and apparently posted photos of themselves brandishing baseball bats on [Facebook](#). Some faculty members demanded disciplinary action against Mr. Weinstein and later assembled with masked Antifa members who attacked counter-protesters.” As Weiser notes, Colleges are subject to anti-discrimination statutes such as Section 1981, an anti-KKK act that would cover student and speaker contract rights. If they accept federal funding, they are also subject to Title VI of the Civil Rights Act of 1964, and if the crowd attacked white “supremacy” or “privilege,” and if private universities act with deliberate indifference to racially motivated attacks, they may be liable to students or speakers.”

While affirming the right to protest peacefully against speakers with whom some disagree, the administration should inform the community about [various federal and state law remedies](#)(including reimbursement of attorney fees in some cases) to would-be listeners whose civil rights are violated by speech-impeding or violent protesters, especially those wearing masks or other disguises. Indeed, those in such disguises should not be admitted to such events in the first place.

3. The agencies that accredit universities require them to demonstrate, among other conditions, a commitment to academic freedom, intellectual freedom, and freedom of expression. Defenders of these values on campus can threaten to invoke dis-accreditation remedies for recurrent violations on their campuses.
4. Diversity-talk on college today's campuses is obsessed with gender, race, sexual orientation, and other constructions of identity. In excess, these obsessions degrade intellectual discourse, interpersonal civility, and campus life generally. Colleges now emphasize and promote these often divisive identities rather than fostering the civility, candor, and thicker skins necessary to sustain a robust and competitive diverse society. Colleges' highest educational priority should be intellectual, methodological, and socioeconomic diversity, not a campus peace based on a patronizing co-optation of sullen groups.

Recently, a wealthy donor offered Yale a large matching grant to promote intellectual and viewpoint diversity, especially in faculty hiring. The offer was designed to parallel Yale's \$50 million fund for identity diversity, established immediately after the Halloween incident. Yale acknowledged the need, especially in law and certain humanities departments, but declined the gift. Evidently, it has other priorities. Columbia's recently-announced \$100 million faculty diversity initiative will likely reinforce its current obsession with ethnic, race, and gender identities rather than augment them with genuinely discordant, conservative voices that might challenge their students' preconceptions.

Opposition to conservative voices is in the DNA of the radical left, inflamed by apocalyptic "Antifa" activists. The radical right's uncompromising contempt for the left is a mirror image. Colleges have a tough job in keeping these clashes on the side of the line that protects speech and promotes genuine viewpoint diversity. These measures would go a long toward holding that precious line.

Brooklyn College Stifles Pro-Israel Voices

By David Seidemann, October 20, 2017

A few weeks ago, the David Horowitz Freedom Center caused a stir at Brooklyn College by placing posters on campus labeling two of the college's professors "terrorist supporters." The college's president, Michelle Anderson, issued a statement condemning the posters as "targeted intimidation" designed to "defame and silence specific individuals," claiming those targeted were "at risk for further harassment and abuse." She further noted that "robust discourse" on public policy issues is central to the college's mission and, thus, that those in the college community have a right to express opinions in an atmosphere "free from hate.

But the charge leveled by the Freedom Center is arguably true. In 2014, both of the accused professors, Samir Chopra and Corey Robin, were arrested outside the Israeli mission in New York for protesting the Israeli bombing of Gaza. The Israeli bombing at issue was the culmination of a series of events: Hamas members kidnapped and killed three Israeli teenagers in the West Bank. During its operation to find the teens, Israel arrested a number of Hamas leaders. Hamas retaliated by launching 80 rockets from Gaza into Israel, and that prompted Israel to launch a major military operation into Gaza. The two professors were arrested protesting this operation.

By demonstrating against the Israeli bombing of Gaza, but not the rocket attacks against Israel that prompted that bombing, Professors Robin and Chopra clearly sided with the Hamas-led government in Gaza. Hamas has long been designated as a terrorist organization by both the European Union and the United States. Thus, a reasonable person could conclude that by publicly siding with Hamas, the two professors are indeed supporting terrorists.

Because the Freedom Center's accusation against the two professors is arguably true, it is not "defamatory," as President Anderson alleges. Indeed, labeling those who support the Hamas-led government as terrorists could catalyze useful discussion of the Israeli-Palestinian conflict. Among the questions to be debated are:

do rocket attacks against civilian targets in Israel constitute terrorism, and at what point does Israel's defense against these attacks become disproportionate and therefore unjustified?

Thus, the Freedom Center's posters – provocative as they were – were not defamatory, and they might promote healthy debate. As such, they fall well within the realm of constitutionally protected speech

Further, President Anderson's use of the term "hate" to describe the posters stifles the "robust discourse" she claims as central to the college's mission. Opposing the strongly held view of the head of a college isn't easy under any circumstance, but it would be especially risky in this case. Why would a student or faculty member even bother to seriously examine a college-condemned viewpoint if coming to accept its validity might get you shunned as a "hater." Simply put, President Anderson's argument is a rhetorical ruse designed to chill speech with which she disagrees.

Unfortunately, this incident is not an aberration: Brooklyn College has a history of suppressing the voices of Israel's supporters. In 2013, Brooklyn College security officers removed four pro-Israel students from a campus forum featuring opponents of Israel, claiming later to the press that "official reports" had indicated that the students were disruptive. In fact, a subsequent independent investigation proved (based on audio tapes) that there was no disruption and, thus, no justification for removing the students. The so-called official report of that disruption was based on a false account of the incident given by a college vice president. That the college apologized to the students – over a year after the event – is small compensation for stifling their voices and defaming them to the press.

The Article that Made 16,000 Ideologues Go Wild



By Peter Wood, [October 4, 2017](#)

Portland State University scholar Bruce Gilley drew a lot of attention with his August 29 article on Minding the Campus, [“Why I’m leaving the Political Science Association.”](#) A week or so later, he provoked an even greater controversy by telling readers of the *Third World Quarterly* what they don’t want to hear.

“[The Case for Colonialism](#)” was by ordinary academic standards a straightforward opinion essay: well-reasoned, well-informed, and cognizant of conflicting views. It had passed peer review and the judgment of the journal’s editor. A contemporary scholar, arguing the case in favor of a positive judgment of the history of Western colonialism, however, was clearly venturing into territory that carried the risk of adverse reaction among his peers. It wasn’t long before that reaction arrived.

Bruce Gilley happens to be the head of the National Association of Scholars' Oregon affiliate. I know him through that connection and have seen him take strong stands in defense of academic and intellectual freedom on several previous occasions.

The Onslaught

Professor Gilley's cordiality, however, proved of little avail in the weeks that followed the publication of "The Case for Colonialism." Both the article and the author came under ferocious attack. Soon the journal that published the article also came under attack. Opponents:

- Demanded that the journal retract the article.
- Insisted Bruce Gilley apologize for writing it.
- Circulated a [petition](#), drafted by Jenny Heijun Wills (associate professor of English and Director of the Critical Race Network, University of Winnipeg) and signed by 6,884 others, which begins, "We insist that you, *Third World Quarterly*, retract and apologize for the publication of Professor Bruce Gilley's appalling article..."
- Circulated another [petition](#), drafted by Maxine Horne (a dancer who has a master's degree in project management from the University of Salford in the U.K.) which garnered 10,693 signatures.
- Attacked Gilley ad hominem, in the [words](#) of Farhana Sultana (associate professor of Geography & Research Director for Environmental Conflicts and Collaborations, Program for the Advancement of Research on Conflict and Collaboration at the Maxwell School of Citizenship and Public Affairs, Syracuse University) claiming the article promotes "white supremacy," purveys "shoddy scholarship," is based on "racist or violent ideologies," and caricaturing Gilley for publishing "drivel." Sultana also co-signed Horne's petition.
- [Wished](#) for Princeton University to revoke Gilley's Ph.D.

Fifteen members of the 34-member editorial board of *Third World Quarterly* resigned in protest of its publication of Gilley's article.

A Limp Reaction from Academia

The publisher Taylor and Francis responded to the furor by issuing a document where it recounted step by step the review of Gilley's article before it was accepted for publication. The accusation that the article was not peer-reviewed or properly vetted by qualified scholars proved to be without foundation.

The Interim Provost and Vice President for Academic Affairs at Portland State University, Margaret Everett, responding to calls from recent graduates that Gilley be fired, issued a bland statement declaring, "Academic freedom is critical to the open debate and free exchange of knowledge and argument. Because of Portland State University's commitment to academic freedom, we acknowledge the right of all our faculty to explore scholarship and to speak, write, and publish a variety of viewpoints and conclusions. The university also respects the rights of others to express counterviews and to engage in vigorous and constructive debate about the faculty's work." The retiring president of the university, Wim Wiewel, likewise [declared](#) that "The bedrock principles embedded in our educational mission as a public university are to value robust debate of ideas and to protect academic freedom," but took no action to defend Gilley from the personal and professional attacks. Those attacks included death threats.

The temporizing defense of Professor Gilley as the rhetoric and threats escalated, apparently left Professor Gilley to decide that the better part of valor was to withdraw the article and mouth the apology that his critics demanded. He did so under what he calls the "onslaught," but now regrets it. He is back in the fight.

The Cork

I'm not eager to turn dissenting professors into martyrs. I understand the considerable pressures that can be brought to bear on nonconformists in academe, including those like Professor Gilley who have tenure. But there is nothing in the article either in its substance or its tone that warranted its withdrawal. Professor Gilley retracted it in the hope of quieting a destructive tempest. It didn't.

It wasn't enough for the "critics"—though calling them critics is to cheapen the term. What has emerged is a clique of radicals who are ready to resort to violence to silence views they don't like. The editor of *Third World Quarterly*, Shahid Qadir, who stood by his judgment of the value of Gilley's article, has been met with death threats from Indian nationalists. After Gilley "withdrew" it, the publisher left it

available in electronic form. That infuriates those who would like the article to disappear entirely.

Because of the controversy, “The Case for Colonialism” has surely garnered far more readers than anything else that *Third World Quarterly* has ever published, and far more readers than it would have absent the controversy. We need not lament that Professor Gilley’s views on the merits of colonialism will be buried in obscurity. The problem lies elsewhere.

It lies in the successful deployment of professional opprobrium and actual threats of murder to kill the article. That success was ultimately aimed at ensuring that other scholars who dissent from the contemporary orthodoxy of anti-colonialism will keep their mouths shut. It is further aimed at ensuring that generations of students will see no whisper of dissent from this orthodoxy in the published literature, and hear no hint of it from their instructors.

The desire of the anti-colonialist faction to reach beyond Gilley to intimidate other scholars who might pick up his thread is a backhanded acknowledgment of Gilley’s credibility and the force of his argument. Numerous scholars in the field are saying things to the effect that recognition of the positive effects of colonialism is long overdue. Such accolades are circulating widely but not—or not yet—openly. The anti-colonialist faction knows this and is desperate to keep the cork in the bottle.

Feckless College Presidents

One way the cork is kept in place is by intimidating college and university authorities. If the dean, provost, and presidents were living up to their responsibilities, they would be opening misconduct investigations in instances where faculty members have sought to intimidate, threaten, or censor views they disagree with. If academic freedom is to mean anything at all, it has to be enforced. We are in a period where college authorities frequently do nothing in the face of shout-downs of invited speakers and actual campus riots. Mizzou, Yale, Middlebury, Claremont McKenna, and Evergreen stand out in the public eye as the exemplars of such nonfeasance on the part of college presidents.

The whip of public scorn was enough to convince the presidents of Middlebury, Claremont McKenna, and Evergreen to take token actions against a handful of the

student rioters—and no action at all against the faculty members who instigated them. But the general picture remains that college authorities do as little as they possibly can to maintain public order on campus when that order is threatened or violated by progressive activists.

And they do even less when it comes to faculty activists who engage in behavior wholly at odds with academic freedom. More often than not, college presidents offer a false equivalence between the right of a faculty member to say something “controversial” and the spurious “right” of other faculty members to threaten and intimidate that person. There is no such right. In the context of higher education, disagreement must be grounded in arguments and evidence, not in menace.

The framing of these issues as matters of “controversy” is itself misleading. Academic freedom exists to give knowledgeable individuals scope to pursue the truth. It is not a license to pursue controversy for its own sake. Professor Gilley’s arguments about colonialism are presented entirely in the framework of promoting “human flourishing” and respecting “the consent of the colonized.” His essay says something unexpected—that, in some circumstances, Western colonialism was good and might still be considered a viable choice—but Gilley’s aim is morally serious and ought not to be trivialized as merely seeking after controversy.

Thus the Gilley affair is yet another reminder of the hollowness of the university’s leaders. Confronted with a straightforward example of academic thuggery, they stand perplexed, unwilling to draw a meaningful line anywhere between the legitimate expression of ideas and mob rule.

Determinations

Will the publisher Taylor and Francis give in to the threat that the editor of *Third World Quarterly* will be murdered if Gilley’s article is not made to disappear? At this writing, we don’t know. I’ll assume that the publisher will summon the courage to stand its ground.

But the academics who made such a threat deserve our outrage, and so too the numerous academics who did not themselves make the threat but who escalated the

rhetoric and the abuse to the point where the threat was but a small step further in the direction of academic thuggery.

But outrage at the follies in higher education is a devalued currency these days. Professor Gilley, in fact, has found many who support his right to publish his views, regardless of whether they agree with his points. Notably, Noam Chomsky has come to his defense. Many others see the sense of Gilley's main arguments: that Western colonialism eventuated in better conditions in many parts of the world and that anti-colonial ideology in many cases ruined newly independent nations. The record of health, education, and welfare in the Third World testifies to these theses to anyone who is not constrained by radical anti-Western beliefs to ignore the facts.

No one denies that colonialism sometimes had dire costs, including the sense of humiliation that often was inflicted on the colonized. The colonizers themselves paid a stiff price as well, not least in their unearned sense of superiority. Yet there is plainly a strong argument to be made that, on balance, the legacy of colonialism has been positive. Agree or disagree with that view; it ought to be well within the compass of ideas that can be debated in academic journals and on campus.

What then ought to be the path forward for those who truly support academic and intellectual freedom—and who want to do more than mouth the piety that these are “critical” to the university?

The answer isn't a single action but a single determination. The Gilley affair is, of course, only one of many instances in the last few years in which the progressive left has shown its willingness to bully, to censor, and sometimes physically attack those it designates as its enemies. College presidents and trustees must cease to pretend that this is a matter of competing forms of free speech. The freedom of one side to be vilified and the freedom of the other side to launch outrageous personal attacks are not moral equivalents. No university can long survive this kind of intellectual dissipation, no matter how eagerly it masks itself as protection of the weak and marginal. It has become its own form of tyranny, and the public will not long stand for it.

Public universities such as Portland State have vulnerabilities in the form of state and federal funding as well as enrollment. In time, politicians and the public will act

in default of campus authorities who do not act. And perhaps we should not forget the names of those thousands who signed the petitions. It might be a good exercise for deans and provosts who have received from academic search committee recommendations to appoint candidates for academic positions to match those names against the list of signatories. Signing such petitions, after all, is a public declaration of hostility to the very principles that the university say are “bedrock.” A candidate’s name on such a petition at least raises a question of whether such a person is to be relied on to uphold the standards of a free intellectual community.

What can be done? At the minimum, Portland State University should call on Taylor and Francis to keep the article and defend the editor, Shahid Qadir.

Napolitano and the Decline of Berkeley

By Glynn Custred, June 21, 2017

Complicity or incompetence: those two alternatives describe a good deal of policing in the Bay Area these last few years. [Peter Shrag](#) writes, “California or even the whole West Coast is in a liberal bubble in the age of Trump” and that “the Bay Area is a bubble within a bubble”—as manifested by its leaders’ politically correct deference to violent mobs from the left. Schrag notes how Oakland’s authorities have “fuss[ed] with their agenda of political correctness” while downtown businesses in the city have been repeatedly vandalized since the Occupy protests of 2011. Rioters shut the Port of Oakland, the nation’s fifth-busiest. The Oakland Police Department is notoriously undermanned, mostly to the detriment of minority neighborhoods, while the city authorities spend \$300,000 a year for a department of Race and Equity.

Schrag puts it nicely: “On April 27, when Anne Coulter was supposed to have spoken, and when militants threatened more violence, UC and Berkeley in effect confessed their role in allowing the disturbances of the prior months.”

Their delay in doing their duty, however, is going to cost California taxpayers half a million dollars to reimburse neighboring police agencies. Alameda County Sheriff

Gregory Ahern estimated the cost to his department at about \$80,000, a sum he expects the University of California to pay. UC, at the time of this writing, does not have an official estimate of the total cost. It says it is working with other agencies for eventual reimbursement.

This, however, is only one manifestation of the way the University of California mismanages its affairs. Another was uncovered two days before the April 27 demonstration, with the release of a state audit of the finances of the UC president's office.

The University of California, Berkeley denies free speech to selected individuals and groups by deferring to left-wing terror tactics. As a corollary, the university administration has encouraged lawlessness that endangers both individuals and public property. Furthermore, by permitting the metastasizing politicization of the university, the University has both violated its fiduciary responsibility to the taxpaying citizens of California and betrayed its mission as an institution of higher education.

To put the violation of fiscal responsibility in perspective, let's go back to a case at UC Davis in 2011. Students staged a sit-down protest on campus to protest a hike in fees.

When the campus police ordered them to move, they refused to do so. Instead of carrying the protestors away, as has been done in the past, one officer used pepper spray to disperse the crowd. A recording of the incident went viral over the internet, which caused an image problem for the university. To counter the negative effects, Chancellor Linda Katchi used public money to hire a Maryland public relations firm to help scrub the internet of references to the protest.

This, by itself, raised ethical questions. An investigation conducted by Melinda Haag, former United States Attorney for San Francisco, uncovered further irregularities, which led UC President [Janet Napolitano](#) to describe the chancellor's administration as "deeply flawed." It showed "poor judgment," she said, and "violated multiple university policies, misled, even lied to, superiors, the public, and the media."

Katchi offered her resignation, which Napolitano immediately accepted.

At the same time as the free speech and violence issues erupted, a series of audits had uncovered poor judgment in Napolitano's own office. In 2017, Assemblymen Phil Ting (D-San Francisco, chairman of the Assembly Budget Committee) and Kevin McCarty (D-Sacramento) called for another audit, this time over concerns about increased university spending and rising tuition and fees. Elaine Howle conducted the audit and released it two days before the scheduled demonstration in Martin Luther King Jr. Park. The audit showed that Janet Napolitano's office used poor judgment and had violated ethical standards. It had also misled the public, the media, and her superiors at the UC Board of Regents. The investigation further revealed mismanagement, waste, and a cover-up. State legislators proclaimed their ire in a two-hour grilling of Napolitano.

A Slush Fund Discovered

While the UC system struggled with a \$150 million deficit, Napolitano's office had spent lavishly on perks such as expensive parties. It had also increased spending on cell phones, iPads, and other such devices. Her administration also paid its bloated staff higher salaries than those of their counterparts in the California State University system and the state government. At the same time, Napolitano's office had been calling for yet another hike in tuition and fees—which had doubled since 2006-2007. Moreover, the president's office had amassed a hidden slush fund of \$175 million.

California Lieutenant Governor [Gavin Newsom](#), who also sits on the UC Board of Regents, had said that Trump's threat to withhold federal funds from the university "is asinine" and "showed zero awareness of the real-world," and that to do so "would only create more innocent victims [the students] and more Trump carnage." But, then, what had Napolitano and her administration done to students when they spent lavishly and hid money for their own use while raising student tuitions and fees? Newsom, of course, deplored the situation uncovered by the audit, saying that it was "outrageous." But what else could he say?

He also treated Napolitano with deference, blaming the situation not on her but on the faceless bureaucracy. "I remain a supporter of Janet's and her office," he concluded. "I still believe in her." He was still confident, he said, that she "has the political skills to smooth things over with the legislature. The fact that she hasn't

doesn't mean that she won't and can't." Newsom found a (nameless) scapegoat while closing party ranks in defense of his fellow Democrat.

Even more serious than hidden funds, excessive salaries and extravagant perks the [auditor concluded](#) that the "Office of the President intentionally interfered with our audit process," which prevented "us from drawing valid conclusions." The auditor had sent confidential surveys to each of the UC campuses to learn more about the system's finances and expenditures, and to determine if there was any duplicate spending. Napolitano's office appeared to have tampered with the results.

Republican Assemblyman [Dante Acosta](#) said, "Often, where there's smoke there's fire. Here I think we might have a mushroom cloud." And indeed, there was, for emails reported by the San Francisco Chronicle revealed that administrators at UC Santa Cruz, UC San Diego, and UC Irvine had removed statements critical of Napolitano and her staff at the direction of Napolitano's office. Furthermore, her office had arranged a system-wide conference call to coordinate responses among campuses, when the surveys were supposed to have been independent and confidential.

'Outrageous Tampering'

Howle said that this "tampering was outrageous and unbelievable," while Ting compared Napolitano's office's actions to those of a professor who "magically ... changes the grade [of a failing student] and passes the student." When some lawmakers at the hearing asked Howle about the possibility of criminal violations, she replied that she didn't know, because she wasn't an attorney, but that in her seventeen years as an auditor she hadn't seen "interference of this kind." Ting, along with other Democratic Assembly members, plans to introduce a bill in the Legislature to create penalties for obstructing the state's auditor. Some Republican legislators have called for a subpoena of documents from the president's office, while Democrats want stricter controls over how state money is spent by the university.

Democratic Speaker of the Assembly [Anthony Rendon](#) told the Los Angeles Times that he is "frustrated with the lack of communication coming out of the office of the president." Governor Jerry Brown said that the state would withhold \$50 million dollars from the university until it reduces its spending, and Democratic

Assemblywoman [Sharon Quirk-Silva](#) called on Napolitano to resign, saying, “President Napolitano no longer engenders the public trust required to perform her duties.” An ironic echo of what Napolitano herself had demanded of UC Davis Chancellor Katchi.

[Assemblyman Ting](#) also said that “the fact that the president already tampered with a state audit is very serious,” and that the Board of Regents should look into the matter. Assemblyman Acosta said of the regents that he is “a little shocked at how out of touch they have been,” for it is their duty to oversee the operations of the sprawling UC system. But Monaca Lozano, chair of the Board of Regents, like Lieutenant Governor Newsom, [defended Napolitano](#). Lozano said that she stands with the president, who has harnessed the university’s size and brainpower to take on “great social challenges.” Lozano did not elaborate on what that means, or on why educational and financial challenges seem to take second place in Napolitano’s administration. Lozano instead said that “we have confidence in [the president’s] leadership,” and called Napolitano “a capable and effective leader.”

What will happen now? Napolitano will probably continue in office. Dan Schnur, a former Republican strategist, now at the Annenberg School of Communication at the University of Southern California, told the East Bay News Group that it is understandable why people would want to avoid open conflict with Napolitano. “She might be wounded at the moment,” he said, but “she’s going to recover, and she probably has a long memory, so there’s not much incentive for anyone to get in her dog house.”

In the light of all this uncomfortable publicity, the Board of Regents agreed to hire an outside consultant to investigate interference in the audit. This issue is too big for them to ignore—although they continue to disregard the decline in UC student performance and the increasing politicization of the university.

The Role of the Regents

The University of California holds a prominent and privileged place within the three-tiered system of public higher education in California, a system of mass higher education that has been described as a model for the world. At its base are community colleges that are conveniently located and affordable, offering courses required for the first two years for the bachelor’s degree, as well as technical and

vocational courses of study. The next level is the California State University (CSU) system, which offers bachelor's and master's degrees in the liberal arts, the sciences, business, teacher training, nursing, engineering, and other technical specialties. At the pinnacle of the pyramid is the University of California, which offers degrees from the BA to the Ph.D., as well as degrees in law and medicine. UC also carries on high-level scientific research on its ten campuses, as well as in the three laboratories that it supervises.

In 1879 the legislature made UC an autonomous branch of the California government, "equal and coordinate with the legislature, the judiciary, and the executive," to be overseen by a Board of Regents whose members are appointed from among the citizens of the state. The board of regents thus functions within the state government in a manner similar to that of the boards of directors of business corporations. The Board's autonomy was intended to insulate the university from the control of politicians. It is obvious from the results of the state audit that the board has failed to exercise either its fiduciary duty to the taxpayers of California or its obligations to its students.

As State Senator Cathleen Galgiani (D-Stockton) said, the Board has been "tone deaf" in its approval of decisions by the administration, such as when it raised the pay of its staff while cutting student services and raising tuition. As a remedy, she has proposed a constitutional amendment that would change the status of UC, and bring it more in line with the relationship that exists between the legislature and the CSU.

The only objection to such a measure is the one that led California to grant UC autonomy in 1879: weaken the university's autonomy, and it will become vulnerable to political meddling. Yet, as demonstrated at length in the National Association of Scholars' (NAS) report [Crisis in Competence \(CIC\): the Corrupting Effect of Political Activism in the University of California](#) (2012), the university has already become steadily politicized: not by meddling politicians, but by its own faculty and administrators.

CIC's lead author was John Ellis, a former dean of Graduate Studies and Research at UC Santa Cruz, and then president of the California Association of Scholars, the California state affiliate of the National Association of Scholars. CIC notes the fall in measurable skills among students, along with reduced study-hours by students

and reduced academic expectations by the faculty. CIC stated that as the public becomes increasingly aware of that slippage, it will recognize that college increasingly lacks the capacity to improve reading, writing, or reasoning skills much less to provide the general knowledge necessary for success. Adding insult to injury, this collapse of UC's academic quality has been accompanied by ever-rising tuition.

CIC then states that the collapse of college education in California has come about in large part because of politicized teaching, which has led to a shift in instruction from *how* to think to *what* to think. The report extensively substantiates that claim and recommends that the University of California take a different direction in its teaching. The report was addressed to the UC Board of Regents, the body responsible for the quality and the reputation of the university.

Rather than placing the points made in the report on the agenda for discussion, Ellis says that the regents were evasive, “ducking and weaving” to avoid the evidence, acting not as watchdogs in the interest of the university and the public, but rather as lapdogs of the administration that they are supposed to oversee. The regents can't avoid addressing their failure with respect to financial problems and the way the administration has deceived them, but they can and will dance away from the question of politicization and its effects on the educational quality and the reputation of the institution for which they are responsible.

UC's ideological conformity, appeasement of leftist violence, bloated administration, left-leaning faculties, political correctness, censorship, and self-serving administration are all connected to one another as part of a general decline of higher education at the University of California. But UC is not alone. As [Stephen Hayward](#) puts it, UC is just “a microcosm of an American higher education archipelago of ideological intolerance and detachment from reality,” in which the university “can't control its spending and won't control its kooks.”

The Ideal and the Real

Robert Gordon Sproul, after whom the UC Berkeley administration building and the plaza are named, was the president of the University of California from 1930 to 1958. During that time, the university transformed itself from a regional university to a nationally respected institution of higher education. UC then exemplified the ideal of what a first-rate university should be. Since the 1960s, however, UC and its

peers across the country have abandoned that ideal. Universities today, says [Victor Davis Hanson](#), are Potemkin villages: “their spires, quads and ivy-covered walls are facades” that mask a crisis not only of free speech but also of university finance, plummeting test scores, grade inflation, and student debt. UC is scarcely worth attending anymore.

1. R. Reno, editor of *First Things*, [writes](#), “American elite universities today are cold, soulless places” because “they’re run for two purposes, both of which treat students as means, not ends in themselves.” One of those purposes is to “provide legitimacy to the American ruling class,” and the second is to “promote the greater wealth and glory of the university itself.” At one time the best American universities were quite explicitly for the social elite. During a brief meritocratic interlude, these universities sought out and welcomed the most qualified students, regardless of their background. After the 1960s, the elite universities returned to group consciousness in the form of affirmative action admissions—a policy designed to legitimate the university on the grounds of “social justice.”

Elite universities continue some meritocratic recruitment; if they didn’t, they couldn’t maintain their status as premier academic institutions. They also continue to serve America’s elite, recruiting their less stellar children via the rubric of legacy admissions. The extension of meritocratic recruitment to foreign students now helps these universities to brand themselves for the global marketplace. Publicly funded universities also often give preferences to out-of-state and foreign students, since they pay higher tuitions than in-state students.

The problem with racial and ethnic preferences, however, is that far too many minorities have been brought up in conditions where education is not emphasized and where schools are poor, thus putting promising minority students at a disadvantage in the faster-paced elite institutions. Thomas Sowell coined the term “mismatch” for such policies, policies which assert the social virtue of the university at the expense of students. Professor of law and economics at UCLA Richard H. Sander and legal journalist Stuart Taylor Jr. conducted [a study](#) that showed that mismatch indeed very often works in that way.

Reno says that admissions, therefore, serve the university’s purpose, not necessarily that of students and the public, by ensuring that “the establishment’s power remains

legitimate,” and that the elite university itself remains “super-eminent”—and well-funded. Universities, he says, are thus on a trajectory to “becoming rigid, mechanical and artificial communities dominated by rent-seeking faculty, populated by alienated students, and governed by administrators,” and thus unable to “attract loyalty” or to “create a culture for the future.”

Student alienation manifests itself in several ways. One is when the doctrine of permanent victimhood and identity politics (which the university promulgates) leaves many minority students seething with resentment rather than focused on the advantages that American society offers. This doctrine orients minority students towards divisive race-based identities rather than towards a unifying identity as Americans. Since these alienated students know quite well that university administrations will yield to their demands because of their privileged position within the institution, many have banded together in organizations determined to impose their will on compliant institutions.

Takeover at UC Santa Cruz

The latest example at UC took place this April at UC Santa Cruz. There, the African Black Student Alliance (ABSA), a racially defined organization, occupied the administration building, while accusing the university of fostering “a hostile climate.” The protesters locked the doors and plastered the windows with posters, saying that they would disrupt university administration until their demands were met. Those demands centered on segregated campus housing and ABSA-designed mandatory propaganda sessions for all incoming students. Chancellor George Blumenthal was willing to negotiate. He was afraid, however, to go near the occupied administration building. Instead, he met with ten representatives of the group in another building, where he submitted to all ABSA’s demands.

Press interviews of students revealed other forms of alienation. Some who supported the protesters identified with their cause, saying that the climate on campus was indeed hostile, no matter what the administration, faculty, and students did to make them feel welcome. And some white students who agreed in principle with diversity ideology were puzzled by the fact that certain groups wanted further special treatment when so much is already being done for them.

In sum, universities have become institutions run by the administration for the administration's own purposes, much as corporations are run by their managers and boards of directors, while the politicization of the faculty and the resultant student alienation remain unaddressed. The high costs of college education and rising student debt also remain unaddressed. With every passing day, the taxpayers of California are given further reason to doubt the value of a UC college education—for which they pay so dearly.

The long march of the authoritarian left has succeeded in capturing the institutions of higher learning, and they have imposed their anti-liberal and anti-intellectual agenda upon institutions that once supported a free marketplace of ideas. Illiberal administrations and boards of directors disregard the missions of the institutions they are charged with governing. These institutions are financed by student tuitions and fees, by donations from alumni, businesses, and philanthropic organizations, and by taxes, government subsidies, and tax-funded grants. Perhaps it is time to rethink our unquestioned support of institutions that are failing to fulfill their missions in so many ways.

Excerpted with permission from the author and the site of the [National Association of Scholars](#).

Universities, Free Speech and the Rise of the Spit-Viper Left

By Russell K. Nieli, May 24, 2017

Free speech on campuses has come on hard times. By now, we are all too familiar with the litany: invited speakers disinvited, talks by honored guests disrupted by shouting protesters, vandalism and riots forcing the cancellation of events, campus security announcing it cannot guarantee public safety.

The disruptions and attacks come almost entirely from an emergent *Spit-Viper Left* (as I call it), drawn from a motley collection of campus grievance groups that are angry, uninformed, anti-intellectual and uniformly illiberal in their attitudes and beliefs. They may describe themselves as feminists, defenders of civil rights, or

advocates for sexual minorities, but they are very different from the older, and more tolerant versions of such advocacy groups, and far removed from any manner of liberalism by their authoritarian ways and intemperate rage.

Whatever else may be among the concerns of this newly emergent Left, furthering its cause through rational discussion isn't one of them. The 60s-era radical Todd Gitlin, distraught at this transformation of the campus Left, suggests it may subconsciously feel that reason and argument are no longer on its side. Free speech, a fruitful exchange of ideas, mutual intellectual enrichment — these are *not* its *modus operandi*. And those among the most illiberal segments of the Left on college campuses often attract to their protests even more radical and more illiberal supporters from beyond the university, who bring with them a love of violence, confrontation and disruption. Mayhem can be exhilarating for some people — especially young males — and outside anarchists and nihilists come to join in the fun.

It is important to realize just how far this newly emergent Left has strayed from the American Left of the immediate post-WWII decades. During the Cold War, it was often Social Democrats and other anti-Communist leftists who were leaders in the struggle to defend free speech, whether on college campuses or within the broader society.

People like NYU philosopher Sidney Hook, Supreme Court Justice William O. Douglas, *Village Voice* columnist Nat Hentoff, Harvard historian Arthur Schlesinger Jr., Yale chaplain William Sloane Coffin, former First Lady Eleanor Roosevelt, University of North Carolina President Frank Graham, and perennial American Socialist Party presidential candidate Norman Thomas were in the forefront of those defending a very broad understanding of free speech in America and its central importance to a vibrant, well-functioning democracy.

Together with influential organizations like the American Civil Liberties Union and the Americans for Democratic Action, these left-leaning defenders of free speech proclaimed in unison the ideal attributed to Voltaire: “I may not agree with what you say, but I will defend to the death your right to say it.”

Stalinists and other Communists, of course, never bought into such an ideal, but in the post-war decades, especially after Khrushchev's famous 1956 Secret Speech

denouncing the crimes of the Stalinist era, old-line Communists in America became increasingly marginalized, not least among the democratic Left. This attitude carried over to the beginnings of the New Left, which in its founding Port Huron Statement praised American universities as “the only mainstream institution that is open to participation by individuals of nearly any viewpoint.”

The New Left first came to national attention in 1964 with a largely peaceful demonstration by students in Berkeley, California, as part of a Free Speech Movement challenging the university to live up to the free speech ideals it proclaimed.

In the Cold-War years, it was usually members of the anti-Communist Right who sought to restrict the range of speakers permitted on college campuses. William F. Buckley, Jr., the founder of *National Review* and America’s leading conservative intellectual, considered it one of his great early achievements when he successfully convinced Yale University (his alma mater) to rescind a previous invitation to a prominent Communist to speak on the Yale campus. Dis-inviting invited guests didn’t start in the current century or with the Left.

The opposition to free speech on campus by the anti-communist Right, however, was hardly comparable in its scope or impact to the broad-based assault on free speech that we see today launched by the Radical Left. The anti-communist Right during the Cold War sought almost exclusively to deny hardcore Communists the right to speak — those seen by almost all Americans as not only odious but as traitors giving aid and comfort to America’s implacable enemies.

Aside from the views of pro-Soviet Communists, there were few views expressed on college campuses during the Cold War years that the Right sought to ban. Controversial speakers routinely came on campus with little opposition from organizations of the Right. There were no campus riots, the shouting down of lecturers, threats of violence, bomb scares and false fire alarms, strong-arm scuffles, acts of vandalism and arson — tactics that have become common among the Radical Left today.

And the targets of such assaults by the Radical Left are typically not those holding intolerant or extremist views like Klansmen or neo-Nazis, but often people of great

moderation, decency, and an eagerness to engage those holding opposing views with sympathetic understanding and reasoned argument.

When people like Condoleezza Rice, Christine Lagarde, Charles Murray, Suzanne Venker, Ben Shapiro, Ayaan Hirsi Ali, Heather Mac Donald and others like them are forbidden to speak on various college campuses — or their invitations to speak suddenly withdrawn — we know we are in a big-time crisis far removed from the minor-league opposition to free speech on college campuses that existed in the 1950s and 1960s.

Elsewhere I have referred to the Spit-Viper Left as “snowflake Jacobins and crybaby fascists.” This designation was intended to draw attention to the fact that those who comprise the Radical Left on college campuses today — many of whom were brought up in excessively protective and indulgent parental households — manage to combine an overly sensitive and thin-skinned temperament unable to tolerate criticism, with an anti-liberal ideology and fascist-like authoritarianism. And these Black-shirted snowflakes gain the support of at least small numbers of radical faculty members — and the cowardly indulgence of many college presidents.

Most troubling is the fact that there seems to be a significant number of people outside the academy who are not themselves radicals or leftists but who agree with the Radical Left that those espousing offensive viewpoints ought not to be permitted to speak on college campuses.

A recent poll (April 27-30, 2017) by the firm of Morning Consult found an alarming number of Americans who support an extreme speech-restrictive viewpoint. The following was one of the questions asked of a representative national sample: “Universities should not allow guest speakers to appear on campus if the guest’s words are considered to be hateful or offensive by some.”

If you scratched your head and asked, “Who could possibly agree with such a broadly proscriptive statement?” you are not well attuned to public opinion today. A very significant minority of Americans believe that only speakers should be invited to college campuses whose message does not seriously offend anyone and is not considered by anyone to be hateful.

The poll showed that support for such an “offense-takers veto” differs considerably by demographic groups. Women were much more likely than men to support the “don’t allow offensive speakers” position (36 percent vs. 23 percent), Blacks more likely than Whites (43 percent vs. 28 percent), and Democrats more likely than Republicans (41 percent versus 28 percent).

When gender and political categories are combined, the statistics looked particularly grim: Close to half (47 percent) of female Democrats agreed that offense-giving speakers should not be allowed to speak on college campuses versus only 18 percent of male Republicans. When one considers that females as both students and administrators often outnumber males on many college campuses, that at Ivy League and other elite institutions students identifying as Democrats often far outnumber those identifying as Republicans, and that many of the most politically engaged students are drawn from departments like Sociology, Women’s Studies, and Comparative Literature that are dominated by female Democrats, one gets a sense of the fragility of any free speech consensus on American campuses today.

Why should we worry about free speech on college campuses? How important is free speech on or off-campus? These are perennial questions that need to be addressed now more than ever. I’ll just say briefly that for answers we could hardly do better than turning to the defense of open discussion and free speech in John Stuart Mill’s classic *On Liberty*, or to the defense of the university as the place where people of different backgrounds can come together and share their differing perspectives found in Ralph Mannheim’s long-neglected *Ideology and Utopia*. A brief word about each.

Mill starts out with the sensible claim that on many issues of public controversy, truth is often not monopolized by any one side. While the human mind tends toward simplicity and one-sidedness, the fullness of truth, Mill believed, usually requires the interweaving of the partial truths contained in varying and often conflicting positions. Free speech and a vigorous confrontation with viewpoints differing from one’s own are indispensable to realizing this goal. Common opinions, Mill says, “are often true, but seldom or never the whole truth. They are part of the truth, sometimes a greater, sometimes a smaller part, but exaggerated, distorted, and disjointed from the truth by which they ought to be accompanied and limited.” “In the human mind,” he goes on, “one-sidedness has always been the rule, and many-sidedness the exception.”

The only way that anyone — even the wisest and smartest — can ever come to know the truth on complex issues of morality and public policy is to listen attentively to the best presentations of the various opinions held on these subjects and then weld together whatever insights can be gained from a fair-minded assessment of each. “No wise man ever acquired his wisdom in any mode but this,” Mill writes, “nor is it in the nature of human intellect to become wise in any other manner.” Such a process, of course, requires open, vigorous, and often contentious debate.

Even if an expressed opinion has no truth in it whatever, it can serve an important function in the truth-seeking process, Mill explains, in that its refutation requires understanding why it is not true and why an alternative view is better. Above all, disapproved opinions must not be prohibited if the goal is to know the truth and to know why it is true, and to know why competing views are not true or not the whole truth. “The peculiar evil of silencing the expression of an opinion,” Mill writes, “is that it is robbing the human race — those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.”

Mill’s defense of freedom of thought and freedom of expression in *On Liberty* is still the most eloquent and intelligent treatment of its subject in the English language. It should be on every college reading list for entering freshmen.

Mannheim has a view similar to Mill’s regarding the complexity of truth in the area of controversial political issues, and he shares with Mill the belief in the natural one-sidedness and parochialism of the human mind. And like Mill, he believes that the only way that this limitation can be overcome is by bringing together people representing contrasting viewpoints and integrating the truth within each into a more comprehensive whole.

“It has become incontrovertibly clear today,” Mannheim writes, “that all knowledge which is either political or which involves a world-view, is inevitably partisan. All points of view in politics are but partial points of view because historical totality is always too comprehensive to be grasped by any one of the individual points of view which emerges out of it.” He continues: “The fragmentary character of all

knowledge is clearly recognizable. But this implies the possibility of an integration of many mutually complementary points of view into a comprehensive whole.”

Mannheim believed that this integration process would be easiest to achieve by university-educated intellectuals who would attend institutions where they could receive a similar educational experience that would enable them to share with one another their varying perspective viewpoints. The unifying bond of such educational institutions would be the shared conviction that all could learn from one another and that a vigorous exchange of contending ideas would enrich everyone’s understanding.

Today the central ideas of both Mannheim and Mill could be used to defend some kind of university focus on “diversity” in its faculty and student body though it would be a very different kind of diversity than what is currently understood by that term in most of today’s institutions of higher learning. The most important kind of diversity for Mannheim and Mill was ideological or viewpoint diversity, especially in regard to politics, economics, morality, and religion. The fact that on many of these subjects contemporary American universities are often among the *least* diverse institutions in American life would clearly be seen by them as a tragic failure.

The systematic silencing of voices challenging the Left, and even within the Left a narrowing of permissible opinions to those of angry, anti-intellectual grievance groups, is a betrayal of a central mission of a university education. We have allowed the barbarians to destroy what should be one of the citadels of our civilization. That, at least, would be the judgment of the older liberal defenders of universities and free speech like Mannheim and Mill. The Spit-Viper Left has spread its venom far and wide and paralyzed the work of one of the few institutions democracies rely upon for their sustained vibrancy and good health. There remains for us — whether liberal, conservative, libertarian, or social democrat — the work of reconstruction.

A Judge Catches Notre Dame Acting Badly in a Title IX Case

By KC Johnson, May 11, 2017

Notre Dame stands to lose a Title IX case in an unusual flurry of kangaroo court blunders. It “investigated” the case and came away only with the female’s hostile emails, none of her loving ones (knowing that many emails were missing). When the male contemplated suicide, Notre Dame interpreted those thoughts as “dating violence,” and the male was denied a lawyer on the grounds that the procedure was “educational” and not “punitive.” The “non-punitive” action cost him a lot of tuition money, banned him from taking two finals and got him expelled.

A narrow judgment in a broad, well-reasoned ruling came from Judge Philip Simon in a due process lawsuit filed by the accused student at Notre Dame. The ruling ([which you can read here](#)) was a reminder that in virtually all due process lawsuits, a fair-minded judge can find ample reasons to rule against the university.

A narrow judgment in a broad, well-reasoned ruling came from Judge Philip Simon in a due process lawsuit filed by an accused student at Notre Dame. The ruling ([which you can read here](#)) was a reminder that in virtually all due process lawsuits, a fair-minded judge can find ample reasons to rule against the university involved.

The specifics of the case were a little different from most due process cases. The couple had been in an ongoing relationship, for about a year. The male student (who I’ll call JD) suffered from depression in summer 2016, and this past fall, the accusing student (who I’ll call AS) decided to break things off after JD started sending her text talking about how he might commit suicide. She also reported JD to the Notre Dame Title IX office, which concluded that the texts constituted “dating violence,” since they purportedly manipulated AS.

The accusing student then indicated a desire not to move forward with any allegations and reconciled with JD, only to change her mind again and reinstitute charges. Notre Dame immediately issued a no-contact order between JD and AS, to

which JD responded by deleting AS’s contact information, and all of the duo’s texts, from his phone. AS, on the other hand, retained their full-text message history.

Notre Dame conducted an “investigation,” but for all practical purposes, AS was the university’s investigator—she turned over text messages from her cache, but only ones that made JD look bad. As Judge Simon explained, Notre Dame had no idea that—after AS first went to the Title IX office—AS identified as Jane by the judge:

Told him to “Come overrrrrr.” [*Id.*] He proposed that they “take a nap,” and she responded that “I’M SO PUMPED.” [*Id.* (emphasis in original).] The following week, on November 7th, Jane asked John if he could sleepover. Jane then implored John to “Come to champaign” (sic), which seems to have been a reference to him meeting her in Champaign, Illinois. She also offered to meet him in Chicago. [*Id.*] Jane then asked John to come over that day because “she was having a really bad week already and I just wanna cuddle.” The following day they planned to get together again. Jane asked John “where you at (sic)” and he responded that he would “be there in 15 minutes.” Jane’s response demonstrated that she was happy to be seeing him. She said “yayyy.” The next day they planned to meet up again at Chipotle around the noon hour. And then later that night they must have planned another get-together because Jane told John that she was coming “to pick him up.” A week later, on November 15, Jane told John to “sleep overrrrrrrrrrrr.” She later had a change of mind and canceled because she needed to study and he responded that that was no problem. John told her that he loved her and Jane responded that “I LOVE YOU TOO.” [emphasis in the original.]

Incredibly, Notre Dame never asked AS to turn over all text messages (which only came to light as part of the litigation). According to the complaint, Notre Dame also ignored copious exculpatory information, including a videotape of AS saying, “I want to fuck up his [JD’s] reputation; I want to make sure he never has a girlfriend . . . here or anywhere . . . and I want him never to be able to have a social life.”

At this stage of the lawsuit, JD asked for very narrow relief—that Notre Dame allows him to take his two remaining final exams and give him grades for those courses. Simon granted that request. But the judge’s ruling also indicated grave concerns with three aspects of Notre Dame’s investigation, and his wording suggests this lawsuit could be very difficult for the university to win. He focused on three principal issues:

(1) **Evidence.** “The University’s investigation might have been arbitrary and capricious,” Simon noted, “for failing to obtain and review the entire context of the couple’s texting history.” Indeed, he added, “the text messages that . . . were not available to the Hearing Panel—text messages showing sleepovers, naps together, invitations to go on trips, and lunch dates—strongly suggest that Jane did not feel threatened or intimidated by John.” In some ways, Notre Dame’s conduct was more egregious than that of the foundational text-message case (Amherst), since here, the university *knew* that a text message history existed, and still didn’t ask for the whole file. AS conceded in a filing to the court. Her attorney, meanwhile, bizarrely claimed that the lawsuit had left her in threat of “physical” harm.

(2) **Procedure.** Simon criticized multiple aspects of Notre Dame’s procedure. He noted that the university essentially allowed AS to introduce character evidence but denied JD the same right, seemingly lest the accuser is traumatized. He questioned the university’s denial of direct cross-examination; Notre Dame instead used a “stilted method” of requiring JD to submit questions to the panel, which he hoped they would ask, not allowing “for immediate follow-up questions based on a witness’s answers, and stifling [his] presentation of his defense to the allegations.”

(3) **Purpose.** Judge Simon appeared baffled by the university’s decision (typical in these circumstances) to deny the accused student a lawyer. And he made clear he didn’t like the university’s response. When asked “why an attorney is not allowed to participate in the hearing, especially given what is at stake—potential dismissal from school and the forfeiture of large sums of tuition money—[Mr. \[Ryan\] Willerton](#), the Director of the Office of Community Standards and a member of the Hearing Panel, told me it’s because he views this as an ‘educational’ process for the student, not a punitive one. This testimony is not credible. Being thrown out of school, not being permitted to graduate, and forfeiting a semester’s worth of tuition is ‘punishment’ in any reasonable sense of that term.”

This statement was a remarkable denunciation of the kangaroo court structure evident at most universities in sexual assault cases. While Simon termed his comments “conjectural,” it’s hard to see how his mind would be changed on these points, since the facts of Notre Dame’s procedures and text messages already have been established.

Will Notre Dame take from this rhetoric a need to settle? And, more broadly, will other judges learn from this impressively reasoned opinion?

Shouting Down Speakers—an Organized Campus Business

By Walter Olson, April 10, 2017

Last week a mob of chanting students prevented author Heather Mac Donald from speaking at Claremont McKenna College. After the students prevented entrance to the assembly hall, Mac Donald managed to give her talk by remote livestream for a while, until police cut her short out of concern for security; students had discovered her whereabouts and blocked all exits to the building. A noted author on a wide range of subjects (and former colleague of mine at the Manhattan Institute), Mac Donald has drawn particular ire of late by defending police departments against claims of racism brought by the Black Lives Matter movement.

Will the Colleges Even Try to Cope?

The campus attacks on speech are getting bolder and more organized, aren't they? The night before Claremont, Mac Donald's speech at UCLA had been disrupted, though with less physical obstruction. At Middlebury College last month, the assault on the American Enterprise Institute's Charles Murray came near to injuring him and did injure faculty member Allison Stanger. Nor are conservatives the only targets: last month Princeton philosopher Peter Singer was shouted down at the University of Victoria, in Canada, by disabled-rights activists accusing him of "able-ism."

Having long ago tired of hearing apologies for such attacks on speech, I'm also tired of efforts to dismiss them as scattered incidents blown out of proportion. "You keep talking about six or eight episodes, but there are thousands of campuses." Think of all the books we *aren't* burning!

In Britain, where "no-platforming" has been going on for some years, they're franker about these things: of course, it's an organized movement with goals. Early

on the distinction began to blur between urging campus officials to disinvite someone, and physically preventing them from speaking once invited. By now it is accepted that the goal of no-platforming is to stop hated figures from speaking not just on campus but to audiences more broadly — before public assemblies, on broadcast media, you name it.

They Won't Even Debate Free Speech

Rather than equivocating on the question of whether their adversaries should be free to be heard in public debate, student activists will now just flatly say no, they shouldn't. (This is beginning to [happen in America too](#).) And once “direct action” against wrongheaded speakers comes to be accepted, the terrible trio of institutional risk aversion, security expenses, and insurance considerations tends to do most of the rest of the practical work in disposing of targeted speakers.

At Claremont, as at some other campuses in comparable episodes, there has been bold talk of consequences. “Blocking access to buildings violates College policy,” announced Claremont McKenna president Hiram Chodosh. “CMC students who are found to have violated policies will be held accountable.”

Well, that's good. But if the script runs as before, his comment will stand in retrospect as the peak of any tough administrative response by the institution.

The working partnership between college administrators and security personnel, while successful in this instance at preventing injuries, will not turn out to have been optimally structured to gather the evidence needed for either criminal charges (should any be pressed) or college disciplinary action.

The College Censors Have Lawyers

The in-house process of investigation and discipline will be slow, while the national spotlight moves on. Affluent parents will hire lawyers to minimize consequences. The wider campus community of faculty and administrators, assuming it was privately on board with a hard line to begin with, will wobble. Time is on the disrupters' side.

What's particularly notable is that the Claremont action was planned in large part openly, on Facebook and other social media posts with visibility levels set to "public." "Bring your comrades, because we're shutting this down," declared a Facebook event shared not only among students but by officially supported campus organizations like Pitzer Advocates for Survivors of Sexual Assault. (Pitzer is one of the five Claremont colleges.)

A training session for "accomplices" to the action was announced for the Scripps Student Union (Scripps is another of the five) [with the advice](#), "For white accomplices: Please keep in mind that your role at this protest, aside from acting in solidarity with POC students at the 5Cs, particularly Black students, is to serve as a buffer between students of color and the police. That means if the police come, it is imperative that you stay at the protest with fellow accomplices and engage with cops, should it come to that."

Training sessions for disrupters and allies are an important element of direct action, and they usually follow formulas closely informed by lawyerly knowledge of how to skirt the line of later-provable illegality. (Just because persons showed up in response to a call to "shut down" a speaker, can you prove they're an unlawful assembly?) With the players prepared ahead of time, lucrative counter-claims can also be generated should police or authorities respond with too much force or the wrong kind of it or with the wrong timing.

Even if it doesn't come to that, the university may find it difficult to establish precisely which students were responsible for what — and in this context, unlike that of a Title IX trial, federal agencies will not be in the background pushing for the use of standards more favorable to guilt-finding. Video evidence, if it exists, will be scantier than one might wish; reportedly angry demonstrators rushed student journalists from the conservative Claremont Independent whom they saw trying to videotape the events.

Why Not Ban Direct-Action Training?

If the will and the staying power were there, universities could fight back. Given advance word of an attempt to shut down speech, as they had in this case, they could make sure experienced videographers were there under university sponsorship to document what happened for the sake of both guilty and innocent. They could

declare direct-action training (including for “accomplices”) contrary to university policy and deny meeting space to it. They could note as evidence students’ social-media promotion of calls for disruption, and strip university funding and official recognition from groups that openly promote such actions.

Failing such will, this is not going to stop with Mac Donald, Murray, Singer, or whoever is the next target after that, or the next, or the next.

Punishing College Sports Teams

By Maggie Gallagher, February 26, 2017

NYU social psychologist Jonathan Haidt argues we are witnessing an internal war over what in fact is a university’s core sacred value: is it truth? Or social justice? If it is the search for truth, free speech is essential. If it’s social justice, then the rising campus yen for censorship and silencing one’s opponents can be rationalized. So the academy is rapidly becoming the most dangerous place to speak in America.

Consider, for example, just one new phenomenon: the decision by college administrators to punish sports teams for the lewd speech of some individual members. Progressive elites once fought and destroyed sanctions on obscenity in the wider culture, re-defining naked dancing, along with visual and written pornography, as protected speech.

Yet Harvard’s entire men’s soccer team season was canceled last November because the men [wrote a “scouting report”](#) containing racy comments about the female soccer members, evaluating their sexual attractiveness. Men who did not speak were punished along with those who did, in order to create a new culture of peer pressure to punish those who spoke lewdly about women. At least at Harvard, there was some semblance that the “report” was [an unofficial team tradition](#).

Just a week or so later, Columbia University suspended an entire male wrestling team because some members sent lewd and racist offensive group message texts to one another. It suspended the team, not after an investigation of the team’s involvement but before, banning them from participating in at least one meet, before ultimately deciding only to discipline those who had actually participated in the

group messaging. (It does appear those merely receiving the message may also have been punished).

Whether complaining in crude language Columbia women are too unwilling to sleep with athletes subjects one to the same disciplinary procedures as speaking of some African-Americans as “nigs” was unfortunately not made clear by the university, at least according to media reports. Racist comments are clearly more serious than off-color ones, many of which are merely examples of randy young males being themselves.

Columbia’s wrestling coach, Zach Tanelli, [said in a statement](#): “Not only do we demand that the harmful and offensive language end; we want Columbia wrestling to be a part of the solution toward cultural competency and systemic change.”

In a context in which women are encouraged to explore their sexuality loudly and openly and to accept no judgment, the current message colleges are sending students is not so much that civilization requires self-discipline with regard to sex as that male sexuality is uniquely deserving of punishment because it grosses out young women.

The persistent ethically incoherent attacks on masculinity, and the sense of unfairness in the application of freedom of sexual expression, are bound to continue to alienate young men from a culture of achievement—one of the academy’s and the culture’s biggest diversity problem—[men who don’t work](#).

Punishing private communications as if they were public acts (including hacked private conversations) and punishing whole teams rather than the individuals, refusing to name exactly what expressions of sexual interest are now forbidden, punishing sexual expressions heard by almost every teenager on television and over the internet every day, —all these are extraordinary violations of norms of due process, creating a sexual culture that does not so much point male to female in a culture of civilized courtship as uniquely disparage male sexuality for not being female.

And here’s the really strange thing: students are demanding it, applauding it protesting for adult regulation of their student lives on the grounds that exposure to ideas that disturb them is a mental health hazard.

Harvard's women athletes after initially brushing it off eventually signed a joint letter reported they are "appalled that female athletes who are told to feel empowered and proud of their abilities are so regularly reduced to a physical appearance."

"We are going to punish people who make lewd comments about women," Mariel Klein, president of Harvard Crimson approvingly told ESPN.

Even the team suspension did not satisfy the lust for punishing such terrible offenders: "Certainly possible...it's very possible that this practice would fall under sexual harassment so the Title IX office will be investigating that and that would include individual player," Klein told ESPN.

Once legitimate concerns about sexual harassment or rape are now being channeled into disciplining private expressions of sexual interest (or concerns about women's lack of interest) from male students—and with enough intensity that it overrides ordinary concerns about the due process rights. Social justice trumps individual justice.

This is an extraordinary regression by elites. Group punishment is the hallmark of traditional societies because it is quite effective. (Families were once punished for the transgression of any individual member in order to force the group to discipline its own members). It took a profound commitment that justice requires punishing the wrongdoer, not related friends and relatives, to override the obvious utility of group punishment.

Amherst College recently punished sports team members both as a group and as individuals too for online comments. The whole cross-country team was forced to forego two meets, with individuals separately punished by the loss of three meets or more—up to the total loss of eligibility for the rest of their enrollment in the school.

Why this regression to ancient means of social control? Are students so much more fragile today than they were 5 years ago 10 years, 15 years ago?

Some believe that is true. One real possibility is that rates of mental illness are rising. A wave of new data indicates that college mental health centers are receiving a new influx of requests for help from students. At Boston University for example,

“Behavioral Medicine clinicians report that the number of students in crisis coming in for help has increased sharply—from 647 in the 2014–2015 academic year to 906 last year.”

A 2014 Penn State study found anxiety has surpassed depression as the leading mental health issue college students report. The American College Health Association’s 2015 National College Health Assessment survey reported that almost 16 % of college students had been diagnosed with or treated for anxiety. Almost 22 percent said anxiety in the last 12 months and almost 22 percent said anxiety had cost them a grade on an exam or project or lead them to receive an incomplete or drop a course, up from about 18 percent in 2008.

Some blame helicopter parenting. Others look to social media.

“We have all become less able to tolerate ambiguity and the unknown due to the incredible technological advances we have seen,” says Carrie Landa, director of [Behavioral Medicine](#) at [Student Health Services](#). “Immediacy is sometimes the antidote to anxiety: having to wait for anything—a text, an exam grade, ‘How am I going to do?’—all create anticipatory anxiety. Unfortunately, there are many things in life that aren’t quickly resolved, and waiting is necessary.”

Technology is clearly playing a role in blurring the line between public and private, and in making students feel vulnerable to criticism. Rates of young people’s mental health generally are not showing sharp increases. A review of mental health among adolescents and young adults between 2000 and 2012 published in the [Journal of Adolescent Health](#) concluded, “Mental health indicators changed little, except for a decrease in unhealthy methods of weight loss.”

If general increases in mental illness were responsible for the flooding increase in request for counseling services, we should see some increase at least in students entering college with mental health issues. Instead, a [2015 study of college students](#) found that while the growth in the number of students seeking services at counseling centers (plus 30 percent) was more than five times the rate of increase in enrollment, “prevalence rates for prior mental health treatment have remained quite stable over the past five years,” albeit at high levels. “Although these rates are high and should be of concern, the stability of these indices suggest that the rates of prior

treatment are not changing and therefore unlikely to be the cause of the increased demand for services.”

Instability in family life, economic problems, a sexual culture where young people experience frequent romantic loss (a risk factor for depression [especially for women](#)), reduced religious participation and a declining sense of a common culture may all contribute to relatively high rates of mental illness among youth culture.

But something specific is happening on college campuses that is driving a huge increase of request by students for mental health services.

Haidt has pointed to a paper by scholars Bradley Campbell and Jason Manning describing how a culture of dignity is “now giving way to a *new culture of victimhood*, in which people are encouraged to respond to even the slightest unintentional offense, as in honor culture. But they must not obtain redress on their own; they must appeal for help to powerful others or administrative bodies, to whom they must make the case that they have been victimized.” The existence of the increasingly varied administrative bodies designed to resolve interpersonal conflicts is part of what creates this culture.

Frank Furedi, a sociologist at the University of Kent, UK, also identifies a massive cultural shift on campus as the culprit. But unlike Haidt, he sees the academy adopting a broader elite parental cultural value of “safety” as one of its highest moral ideals. “During recent decades, the parenting culture dominant in Western societies has found it increasingly difficult to encourage young people to take risks and develop the practices associated with independence and freedom. ...[T]he reversion to a paternalistic regime of higher education is underpinned by the prevailing mood in which safety has been transformed into a moral value.”

“We have all become less able to tolerate ambiguity and the unknown due to the incredible technological advances we have seen,” says Carrie Landa, director of Boston University’s [Behavioral Medicine](#) at [Student Health Services](#).

“Immediacy is sometimes the antidote to anxiety: having to wait for anything—a text, an exam grade, ‘How am I going to do?’—all create anticipatory anxiety. Unfortunately, there are many things in life that aren’t quickly resolved, and waiting is necessary.”

Technology is clearly playing a role in blurring the line between public and private, and in making students feel vulnerable to criticism (if you take away porn and mean comments, the internet would shrink in sheer volume).

Rates of young people's mental health generally are not showing sharp increases. A review of mental health among adolescents and young adults between 2000 and 2012 published in the [Journal of Adolescent Health](#) concluded, "Mental health indicators changed little, except for a decrease in unhealthy methods of weight loss." A study of [self-reported health](#) among adolescents in 32 Western countries found that youngsters in the United States (like most other countries) were no more likely to report problems in 2010 than in 2002.

Thus the helicopter parenting of minor children has led to the infantilization of young adults who are presumed to be able neither to endure nor to resolve disagreements prompted by emotional conflicts. It is a strange and potent combination of a culture of learned helplessness, where students are persistently directed both to experience troubling speech and other interpersonal interactions as intensely, painfully disabling, and therefore to seek the assistance of authority figures from counselors to administrators to protect themselves from emotional pain they cannot handle on their own.

So powerful does being offended by offensive speech make students feel that they (or occasionally their professor) manufacture offensive speech hoaxes in order to trigger a satisfying response to their concerns from those in power. (This [College Fix list](#) from 2014 predates the latest wave from anti-Trump hoaxers purporting to represent his followers' views, for example, [here](#).)

Campus life is producing and reinforcing students who feel exceptionally helpless, easily hurt, who rely on angry accusations and tearful breakdowns to motivate adult authorities to help them, without whom they are helpless to achieve. Surely many or most of these students will recover their capacity to cope when they enter a world where authority figures do not so richly encourage their learned emotional helplessness.

U of Oregon Violates Free Speech in Costume Punishment



By John Leo, December 27, 2016

The University of Oregon [suspended](#) a tenured professor for wearing blackface at an off-campus Halloween party, and now is considering additional punishment.

The university admits the professor had no ill intent (reports suggest that she wore it in a strange attempt to honor a black physician, by dressing up as the title character in a black doctor’s memoir, “[Black Man in a White Coat](#)”). But it claims — falsely — that this off-campus expression of racial insensitivity on a single occasion constituted illegal racial harassment under federal law (Title VI of the Civil Rights Act). In punishing the professor, it has violated the First Amendment.

As law professor Josh Blackman [notes](#), the controversy began after “[Nancy Shurtz](#), a tenured professor at the University of Oregon Law School, wore blackface to a Halloween party” as part of a costume that “also included a white lab coat and stethoscope.” In response, “Shurtz was [suspended](#) with pay, pending an investigation. That investigation came to a close on November 30.”

The University of Oregon’s investigation concluded that Shurtz had created a hostile environment through this mere act, even though constitutional experts such as UCLA law professor Eugene Volokh had [observed](#) weeks earlier that the professor’s off-campus expression was protected by the First Amendment under court rulings such as [Iota Xi v. George Mason Univ.](#) (4th Cir. 1993), which ruled that even a mocking portrayal of blacks by students using blackface was protected by the First Amendment. Moreover, the Fourth Circuit Court of Appeals had ruled in *Berger v. Battaglia* (1985) that public employees have a First Amendment right to perform publicly in blackface while not on duty.

On December 23, [notes](#) Professor Blackman, “the Provost of the University of Oregon released a [statement](#), along with a redacted [version](#) of the investigative report,” claiming that “Shurtz can be disciplined consistent with the First Amendment and principles of academic freedom. Here is the Provost’s summary:

Though the report recognizes that Professor Shurtz did not demonstrate ill intent in her choice of costume, it concludes that her actions had a negative impact on the university’s learning environment and constituted harassment under the UO’s antidiscrimination policies. Furthermore, the report finds that under applicable legal precedent, the violation and its resulting impact on students in the law school and university outweighed free speech protections provided under the Constitution and our school’s academic freedom policies.

The report’s findings of “harassment” are nonsense. Courts have ruled that far more offensive behavior does not rise to the level of illegal racial harassment, such as occasionally overhearing or witnessing the use of the N-word by co-workers. (*See Bolden v. PRC*, 43 F.3d 545 (10th Cir. 1994) and *Witt v. Roadway Express*, 136 F.3d 1424 (10th Cir. 1998)).

Bias Response Teams—Not Gone Yet

By Nathan Harden, December 18, 2016

At Emory University, when someone had the nerve to write “Trump 2016” in chalk on some sidewalks and steps, a wave of “fear” struck the campus, according to the university president. He made it clear that “Trump’s platform and his values undermine Emory’s values of diversity and inclusivity.” He also said that any student found guilty of chalking up that dreaded name would “go through the conduct violation process.”

Welcome to the new hyper-bias. On the modern campus, it’s an inflatable concept that can include a recommendation to vote Republican.

We were once told to worry about hate crimes—a recognized legal category. Then the focus turned to hate speech and microaggressions—not crimes, really, but at least plausibly offensive incidents. Now we are told to guard against ambiguous and seemingly innocuous incidents, such as a trio of Wisconsin students who dressed as the three blind mice for Halloween and [were accused of mocking the disabled](#).

Buoyed by the belief that the university exists to protect them from words that upset them, students and even professors now fight against unwanted speech with righteous fervor. “Bias” has evolved into a quasi-religious concept that lurks in the hearts of unsuspecting students—like a demonic force—that must be exorcized by the Orthodox priests of the liberal academic order.

Who are the inquisitors of this order? Enter the “Bias Response Team,” or, in some cases, the “Bias Awareness Response Team.” They walk the halls of the modern university, monitoring speech, reviewing anonymous complaints at closed-door hearings, painting scarlet Bs on people’s foreheads. The free exchange of ideas—a principle that was once sacred to the very idea of the university—has been replaced by the new sacred principle of the safe space.

They’ve even developed a cute acronym for these inquisitions. BRT’s or BART’s have become a standard part of the vast academic administrative apparatus. More than one hundred U.S. campuses have some version of it on campus. In some cases,

they're dubbed BIRT's or even BERT's or BHERT's. (The 'H' stands for hate.) But, alas, a committee by any other name smells just as Orwellian.

One thing these diversely acronymized bias response teams have in common is a kind of air of self-evident righteousness. A belief that words ought to be closely policed. There is a sense of moral urgency and faith that precludes all questioning. *Don't you believe in tolerance, openness, and inclusiveness? How dare you speak of stifling speech!*

Nevertheless, some universities have begun to break faith. While these kinds of anti-bias teams remain prevalent, more than one campus has disbanded BART concerned that the constant fear of being reported to the university administration as a "biased person" by anyone who happens not to like what you say in the classroom could, maybe, possibly—there is a chance—lead to a stifling of free speech.

The University of Northern Colorado announced that it would terminate BART [back in September](#) with the president, Kay Norton, explaining that the bias team had "sometimes made people feel we were telling them what they should and should not say." What she didn't detail in the statement were the hundreds of posters [the bias team had put up](#) around campus warning students not to use controversial terms or phrases such as "illegal immigrant" or "all lives matter."

Even worse, two professors received visits from the school's bias response team after they asked students to consider an opposing viewpoint as part of a class assignment. Some students in their classes [had complained](#) that the assignment constituted bias. In August, officials at the University of Iowa put their plans to launch a bias team on hold, [citing](#) the controversy at Northern Colorado.

In an [essay in *The New Republic*](#), professors Jeffrey Snyder and Amna Khalid of Carleton College cataloged a long list of troubling incidents involving bias response teams. They included professors being pressured to resign, students dragged in for questioning and punishment, and episode after episode of students anonymously reporting "bias" when a professor or student simply said or did something they didn't like. The result of all this has been to exalt the status of the tattletale and to give one self-entitled student power to threaten and silence, by proxy, any person who crosses his will. The BART became a weapon for the brat.

Little wonder that even many conventionally liberal academics have begun to join conservatives to say enough is enough.

Ironically, none of these universities appear at all interested in taking steps to correct the most glaring bias of all—the hiring bias against conservative and Republican-voting faculty candidates. According to [one study](#), only 14% of U.S. professors identify as Republican. The ratio is even more skewed at the nation’s most elite institutions. In 2012, for example, 96% of Ivy League faculty political donations went to Obama. (Mitt Romney, presumably, divided the remaining 4% with Jill Stein.)

The humanities and social sciences, where political issues are more likely to emerge in class discussion than in sciences or technical disciplines, are laughably bereft of diversity. [Only 2%](#) of American English professors identify as Republican. Two percent! Among social scientists, [there are three times as many self-identified Marxists as there are Republicans](#)—a figure so ridiculous it caused even *The New York Times*’ Nick Kristof to cry foul.

It’s a shame these anti-bias teams were not conceived to look into university hiring practices. And it’s no wonder students get confused and begin to think they are victims of bias whenever they encounter a differing political opinion. They go nearly all the way through college without ever hearing one.

What the Feds Have Done to Colleges and Schools

By Hans Bader, November 1, 2016

The Obama administration has repeatedly violated civil liberties on campus. The Education Department’s Office for Civil Rights (OCR) has been the chief culprit, but the Department of Justice has played a role too. They have attacked free speech, demanding that school officials censor politically-incorrect speech. They have also pressured colleges to stack the deck against students accused of sexual harassment or assault by denying them the right to due process. The Obama administration has violated the Constitutional guarantee of equal protection by [demanding](#) racial quotas

in school discipline and turning a [blind eye](#) to campus racial violence against whites. It also has shown contempt for religious freedom and the due process rights of colleges themselves.

1. The Attack on Free Speech

The Obama administration has [told colleges](#) investigated under Title IX — such as the [University of Montana](#) — to classify [all](#) “unwelcome” sexual conduct or speech as “sexual harassment.” It did so even though this [violates free speech](#), and even though courts have never defined sexual harassment that broadly. In 2013, a political appointee in the Obama Justice Department and an official in the Education Department’s Office for Civil Rights (OCR) demanded that the [University of Montana](#) impose a sweeping campus speech code treating all “unwelcome” speech about sexual issues as “sexual harassment,” even if only a hypersensitive person would have objected (like a student offended by a classmate or professor discussing how AIDS is transmitted).

Education writers like Joanne Jacobs [pointed out that](#) this definition of sexual harassment would effectively brand every student a sexual harasser (like a student asking another student out on a date). It also would ban jokes, cartoons, and discussions that only the most sensitive people find offensive, at a huge cost to free speech.

The Obama administration’s letter to the University of Montana claimed that sexual speech need not even create a “hostile environment” to be harassment. But a federal appeals court rejected that argument in *DeJohn v. Temple University* (2008). It ruled that a college harassment policy violates the First Amendment if it defines as sexual harassment speech that does not “objectively” create a “hostile environment.” Even if it does create a hostile environment, the sexual speech still “may be protected” by the First Amendment if it discusses political or social issues.

In September 2016, an OCR attorney encouraged unwarranted sexual harassment complaints based on constitutionally-protected speech in yet another way. She [told Frostburg State University](#) that its sexual harassment policy was wrong to determine whether the conduct was harassment based on the “perspective of a reasonable person.”

This opened the door to sexual harassment complaints by hypersensitive students who seek to silence discussion of sexual issues by classmates. Under broad campus “harassment” codes, students have [been investigated](#) or punished merely for expressing commonplace opinions about sexual and racial issues, such as criticizing feminism or affirmative action.

As Reason Magazine [noted](#), in rejecting the reasonable person standard, the OCR official was “effectively saying that colleges should base their decisions on the perspective of an *unreasonable* person.” That flouted Supreme Court rulings, which the Daily Caller [notes](#) have long applied “a reasonable person standard to decide whether sexual harassment occurred.” For example, in 2001, the Supreme Court [overturned](#) a ruling against the Clark County School District, ruling that a “reasonable person” could not “have believed that [a] single incident” of offensive remarks amounted to harassment.

The Obama administration has also told grade schools to violate the free-speech rights of their students. In an October 26, 2010 “Dear Colleague” [letter](#) to the nation’s school boards about bullying, the Office for Civil Rights rewrote the legal definition of sexual harassment to reach [homophobia](#) and offensive speech outside of school.

It [claimed that](#) “harassment does not have to . . . involve repeated incidents” to be illegal under Title IX, but rather need only be “severe, pervasive, or persistent” enough to detract from a student’s educational benefits or activities. It also targeted speech outside of school, claiming that harassment includes speech, such as “graphic and written statements” on the “Internet” and elsewhere.

Disturbingly, it also suggested that speech could violate Title IX even if it was not “aimed at a specific target.” Banning academic speech not aimed at the complainant creates enormous free-speech problems.

A federal appeals court relied on the First Amendment in [dismissing a racial harassment lawsuit](#) by a university’s Hispanic employees against a white professor over his recurrent [racially-charged anti-immigration emails](#). In its ruling in *Rodriguez v. Maricopa County Community College* (2010), the court noted that the messages were not “directed at particular individuals” but rather [aimed](#) at “the college community” as a whole.

OCR's attempt to restrict off-campus speech also went well beyond its jurisdiction under Title IX. Courts have held that Title IX does not hold schools liable for even serious off-campus misconduct in decisions like *Roe v. Saint Louis University* (2014), which rejected a lawsuit over an alleged student-on-student rape.

OCR's pressure on colleges to regulate off-campus conduct and speech led to a [speech-chilling investigation](#) of Professor Laura Kipnis that lasted for months. She was [investigated](#) under Title IX for her essay in the Chronicle of Higher Education, "[Sexual Paranoia Strikes Academe](#)" (which hypersensitive students claimed offended them and constituted sexual harassment) and her subsequent statements defending herself on Twitter (which the students claimed constituted "retaliation" in violation of Title IX, even though she did not identify them by name).

OCR's sweeping definition of "sexual harassment" is at odds with the Supreme Court's decision in *Davis v. Monroe County Board of Education* (1999), which held that to be illegal under Title IX, sexual harassment must be "so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided by the school."

Furthermore, the Supreme Court explained that the requirement of both severity *and* pervasiveness means that a lawsuit [cannot](#) be based solely on a "single instance" of "severe" peer harassment — contrary to OCR's "Dear Colleague" letter about bullying, which claimed harassment does not have to "involve repeated incidents" to violate Title IX.

The Obama administration expects colleges to students' lives, even off-campus. It has told colleges to investigate students for sexual harassment or assault [even when](#) their allegedly victimized partner [does not want any](#) investigation. It instructed the University of Virginia to investigate further even when the accused has [already admitted guilt](#) (even though that could needlessly force a victim to relive her trauma) and even in "cases in which students chose not to file a formal complaint" or even to pursue an "informal resolution process."

2. Due Process Undermined

The Administration has also [stacked the deck](#) against people accused of sexual harassment or assault in campus disciplinary proceedings. For example, in Title IX

investigations, it has required that colleges impose “[interim measures](#)” against accused students [before](#) they ever receive a hearing on the charge against them, measures that can include expulsion from a dorm and classes shared with the accuser. It perversely faulted Michigan State for not [investigating a false complaint](#) fast enough, even though the complainant didn’t want a college investigation at all, and it suggested the University might have to offer the false accuser academic “[remedies.](#)”

In its April 4, 2011, Dear Colleague [letter](#) to the nation’s colleges, OCR instructed to colleges to [restrict cross-examination](#), even though the Supreme Court has declared that cross-examination is the “greatest legal engine ever invented for the discovery of truth.” It also [ordered](#) colleges to abolish the clear-and-convincing standard of evidence that was once the norm in college discipline, recommending instead the far weaker “preponderance of evidence standard (50.001 percent certainty).

OCR also has recently required some investigated colleges (such as [Harvard](#) and [SUNY](#)) to conduct “individual complaint reviews” for all allegations in past academic years to see if the college “took steps” against harassment in each case. That creates the risk of students being investigated all over again for an offense the college previously found them not guilty of, much like double jeopardy.

3. The Attack on Equal Protection

The Obama Justice and Education Departments have pressured [school districts](#) to adopt [racial quotas in-school suspensions](#), falsely claiming that it generally violates Title VI of the Civil Rights Act to suspend black students at a higher rate than whites. Such racial quotas have [led](#) to [increased violence](#) and [disorder](#) in some large urban school districts.

This pressure flouts federal court rulings. A federal appeals court [ruled](#) in *People Who Care v. Rockford Board of Education* (1997) that schools cannot use racial quotas in discipline, striking down a rule that forbade a “school district to refer a higher percentage of minority students than of white students for discipline.”

[Yet](#), “Hillary Clinton has called for Education Department’s Office for Civil Rights to crack down on school districts that discipline higher percentages of black students

and has advocated further increasing OCR's budget to increase its muscle over school districts."

Contrary to the assumption of Clinton and the Obama administration, school officials are [not racist](#) against black students: black students' higher suspension rates [simply](#) reflect [higher rates](#) of misbehavior among blacks.

As [Katherine Kersten wrote](#) months ago in the Minneapolis Star-Tribune, black students'

discipline rate is higher than other students' because, on average, they misbehave more. In fact, a [major 2014 study](#) in the Journal of Criminal Justice found that the racial gap in suspensions is "completely accounted for by a measure of the prior problem behavior of the student." That problem behavior can manifest itself in other ways. Nationally, for example, young black males between the ages of 14 and 17 commit homicide at 10 times the rate of whites and Hispanics of the same ages combined.

The Obama administration has also turned a blind eye to racial discrimination and harassment committed against white students on campus. One example is when minority students at Berkeley [racially harassed whites](#), prevented them from studying, and blocked the access of white students to key areas of campus while letting minority students through. Berkeley's administration did nothing, even though it was all caught on videotape, witnessed by nearby campus police, and reported on by Fox News, the Washington Times, and Reason Magazine.

The Obama administration likewise [did nothing](#), even though the White House has weighed in on far more trivial campus racial controversies that offended minorities (such as [praising](#) protests against Halloween costumes minority students considered "cultural appropriation," and [praising](#) the expulsion of white Oklahoma students for a disgusting racist chant that law professors [said](#) was constitutionally-protected speech, but which the college president said was "racial harassment" of minorities who learned about it later). It did nothing, even though the Obama Education Department had investigated colleges for sexual harassment based on press reports, even when the purported victim did not complain to the Education Department, and [did not even want](#) a Title IX investigation. It ignores such racial discrimination,

even though federal courts have ruled that civil rights laws [forbid racial harassment](#) and violence aimed at whites based on their race.

4. The Attack on Colleges' Own Religious Freedom and Due Process Rights

The Obama administration has selectively applied regulations in ways that destroy trade schools and for-profit colleges. For example, it [forced the shutdown](#) of ITT Tech, which had successfully operated for 50 years, displacing 40,000 students in the process. Even the liberal Washington Post, which has not endorsed a Republican for President since 1952, viewed this as a violation of due process. As the Post [put it](#),

“What is so troubling about the department’s aggressive move — which experts presciently called a death sentence — is that not a single allegation of wrongdoing has been proven against the school. Maybe the government is right about ITT’s weaknesses, but its unilateral action without any semblance of due process is simply wrong. ‘[Inappropriate and unconstitutional](#),’ said ITT officials. Such unfairness sadly is a hallmark of the Obama administration policy toward higher education’s for-profit sector.”

Meanwhile, the Administration continues to subsidize and provide financial aid to low-quality colleges that have far lower [graduation rates and salaries](#) for graduating students than ITT.

The Obama administration has also refused to respect the statutory and constitutional rights of religious schools and colleges. For example, on June 21, it rejected a “right of conscience” complaint by religious orders and schools who objected to the State of California’s requirement that their health insurance plans include coverage for elective abortions. In so doing, it thumbed its nose at the Weldon Amendment, which Congress passed to prevent just such coercion.

That provision withholds federal funds from states that require health care entities to “provide, pay for, provide coverage of, or refer for abortions.” As lawyers for the Alliance Defending Freedom noted, the Obama administration’s action allowed California to regulate illegally the healthcare coverage of even priests and nuns, and allowed California to get away with a “blatant violation of the law.”

What Diversity Officers All Believe



By John Leo, September 7, 2016

Those of you who wonder what diversity officials do all day must listen to Sheree Marlowe, the new chief diversity officer at Clark University. During first-year orientation, a baffled and tense fresh person asked if she could sing along with a carful of other white people when a song containing the N-word filled the air. “No,” said Marlowe, who applies diversity ethics for groups off-campus as well as on.

Marlowe had other nuggets of advice: don’t ask an Asian student for help with your homework and don’t ask a black student if he plays basketball because these acts evoke stereotypes of Asian intellectual competence and black athleticism. Also, never use the term “you guys” when addressing a group, because it could imply you are leaving out women.

There's more: Marlowe thinks careless statements such as, "Everyone can succeed in this society if they work hard enough" are not just micro-aggressions but also micro-invalidations because they suggest that race plays a minor role in life's outcomes.

This advice came in [a New York Times article](#) yesterday by reporter Stephanie Saul, which added this concern about racism negatively affecting college attendance:

"Fresh on the minds of university officials are last year's highly publicized episodes involving racist taunts at the University of Missouri in Columbia — which appear to have contributed to a precipitous [decline in enrollment](#) there this fall."

This is an odd way of putting it since we recall only two incidents of racist taunts (and one mysterious swastika) reported before the Mizzou protests, one from a passing car and thus probably not a good barometer of campus racial attitudes.

Most people think applications to the campus are down not because of the two or three incidents in or near a campus of 35,000 students, but because of the turbulent protests and the way they were handled — the abrupt resignation of the university president and chancellor, a hunger strike, the temporary paralysis of the campus and the now famous Melissa Click attempt to bar a photographer from covering events for the school paper.

Reporter Saul adds a dark interpretation of resistance to the diversity tsunami: "Some graduates have curtailed [donations](#) and students have suggested that diversity training smacks of some sort of communist [re-education](#) program.

The backlash was exemplified recently in a widely publicized [letter](#) sent to incoming freshmen at the University of Chicago by the dean of students, John Ellison. The letter clearly rejected the need for "trigger warnings" and "safe spaces" for an adult student body that should be capable of hearing ideas and concepts contrary to their own.

A communist re-education program, quickly linked to the University of Chicago free-speech letter? Probably not. You would almost think that some reporters can't resist adding their opinions to stories.

Why Colleges Don't Have Fair Hearings on Sexual Assault

By KC Johnson, August 8, 2016

Some politicians and media outlets seem to believe that college and university campuses are beset by a culture that is indifferent to rape and that the procedures for investigating and adjudicating claims of sexual assault are so one-sided as to constitute gender discrimination against female accusers. In reality, schools for decades have denied meaningful due process to students accused of sexual assault, and mandates from the U.S. Department of Education have only made the problem worse.

Far from condoning criminal activity, American college administrations are so concerned with ideology, federal funding, and public perceptions that they punish innocent students. Examples from four elite institutions—Yale, Amherst, the University of North Carolina, and Occidental College—reveal unfair procedures that come close to presuming guilt and severely restrict the opportunity for accused students not only to defend themselves but even to prove their innocence. The problem continues to grow worse, and there is as yet no sign of a return to due process in campus tribunals.

KEY POINTS

1. An April 4, 2011, U.S. Department of Education Office for Civil Rights document dramatically reinterpreted the sexual assault case procedures required for colleges to comply with Title IX.
2. Threatening the withholding of federal funds, the OCR ordered all colleges to adjudicate sexual assault complaints utilizing the preponderance-of-evidence (50.01 percent) standard rather than the stricter beyond-a-reasonable-doubt standard.
3. When coupled with the preexisting denial of due process in most institutions' disciplinary proceedings, the new standard makes it too easy to "convict" the accused.

4. The OCR also ruled that colleges that allowed appeals in the disciplinary process must allow accusers to appeal a not-guilty finding, something that would not happen in the criminal system because of prohibitions on double jeopardy.
5. Even before the issuance of the new OCR document, many schools denied meaningful due process to students accused of sexual assault, and so-called reforms since 2011 have only made the problem worse.

On April 4, 2011, the U.S. Department of Education's Office for Civil Rights (OCR) released a document dramatically reinterpreting Title IX, the federal law that prohibits gender discrimination in colleges and universities that receive federal funds. The document issued by the OCR was a "Dear Colleague" letter, an allegedly informal agency guidance that Department of Education officials claimed did not need to follow notice-and-comment rulemaking pursuant to the Administrative Procedure Act.

The "Dear Colleague" letter specified the procedures that the OCR believed colleges and universities should follow in sexual assault cases in order to comply with Title IX. Although two Department of Education officials have publicly noted that the letter does not have the force of law, this concession does not change its practical effect, which is to coerce universities into compliance. Moreover, each change in Title IX requirements found in the letter increases the likelihood of a guilty finding in a campus sexual assault case.

The Myth: Institutional Negligence

Since 2011, efforts by the Administration to bring universities into compliance with the new mandates have attracted widespread support from politicians and the media. President Barack Obama convened a White House summit on the topic, Vice President Joseph Biden oversaw a task force, and the OCR issued further "guidance" in the form of a 45-page question-and-answer document that also acted as an informal set of rules. In the Senate, Kirsten Gillibrand (D-NY) and Claire McCaskill (D-MO) have been the most outspoken supporters of this policy.

Both The New York Times and The Washington Post have published news articles portraying campuses as hotbeds of violent crime, with female students allegedly facing the risk of extremely high rates of sexual assault. The Times alone has run

more than 20 articles on the topic since 2012, and the Post featured a multi-part series in 2015 based on a poll contending that one in five college women are sexually assaulted—a total it reached in part by redefining sexual assault to include such things as sex “coerced...through verbal...promises.”

At the heart of this campaign is a belief—sincerely held in some instances—that college and university campuses are beset by a “rape culture,” in which the procedures for investigating and adjudicating sexual assault claims are so one-sided as to constitute gender discrimination against female accusers. Only unprecedented federal intervention, according to this theory, can promote justice.

The Reality: American Colleges Railroad the Innocent

For those who have spent any time on campus in the past two decades, this argument seems counterintuitive. The contemporary academy is extraordinarily sensitive to real and perceived discrimination on issues of gender (as well as race and ethnicity). Faculties are increasingly dominated by race/class/gender pedagogy in the humanities and some of the social sciences, and there has been an explosion in the number of administrators responsible for dealing with student life and diversity issues.

Given these facts, it is difficult to see how the academy’s environment could be considered so indifferent to rape as to necessitate unprecedented federal intervention. The on-campus responses to the two highest-profile university rape claims of the past decade—the Duke University lacrosse case of 2006 and the University of Virginia allegations outlined in Rolling Stone in 2014—suggest that, far from being indifferent to rape, the campus environment tends to presume guilt even when faced with non-credible rape allegations.

Nevertheless, the Obama Administration issued new guidelines in 2011, directing colleges and universities to change the procedures they use to evaluate sexual assault allegations. These changes have the effect of dramatically increasing the likelihood that an accused student will be found guilty. Threatening the possible withholding of federal funds, the “Dear Colleague” letter:

- Considered it a violation of Title IX to do anything but adjudicate sexual assault complaints utilizing the preponderance-of-evidence (50.01 percent)

standard, in effect ordering colleges to change their procedures. When coupled with the preexisting denial of due process in most institutions' disciplinary proceedings—a denial of meaningful legal representation, the lack of mandatory discovery of evidence uncovered by the college, and the inability of colleges to require testimony under oath—the new standard makes it much easier to “convict” an accused student.

- Stated that colleges that allowed appeals in the disciplinary process (which means virtually all of them) must allow accusers to appeal a not-guilty finding, imposing a type of double-jeopardy principle for students accused of sexual assault.
- Chastised colleges for taking too long to investigate and adjudicate complaints, with the Obama Administration suggesting a 60-day cap on the entire process.
- Discouraged colleges from allowing accused students to cross-examine their accusers even in cases in which the accuser is the only witness in a disciplinary hearing that could end with the accused being found responsible for committing sexual assault.

The “Dear Colleague” letter imposed a nationwide set of standards, and then-OCR head Russlynn Ali also made clear that the office would welcome the filing of gender discrimination claims by students against their own schools. On May 1, 2014, in a highly unusual move, the OCR revealed the identities of the colleges and universities under investigation (currently more than 200) but refused to “disclose any case-specific facts or details about the institutions under investigation.” The OCR’s inconsistent approach to transparency has left the public with the impression of widespread problems justifying a panicked federal response without the opportunity to evaluate the credibility of these complaints.

In response to the OCR’s guidance, several new campus groups addressing the issue of rape have encouraged self-described “survivors” to file Title IX complaints. The two most prominent, SurvJustice and Know Your IX, have opposed anything approximating fair procedures for college students accused of offenses—while effectively downplaying the idea of requiring colleges to turn sexual assault adjudications over to the courts. Know Your IX cofounder Dana Bolger explained why to The New York Times. The “college disciplinary system,” she argued, is superior to a “criminal justice system [that] notoriously fails rape survivors,” since “police disbelieve victims, prosecutors refuse to take on the majority of cases

because they lack witnesses, the standard of proof is impossibly high and juries buy into the rape myths that saturate our society and acquit perpetrators.”

Although sexual assault obviously should not be tolerated and accusations of rape should be treated seriously, it is simply not true that American colleges are systematically turning a blind eye to such violence. The proliferation of activist groups on the side of “victims” suggests, if anything, an extreme desire to use the threat of severe sanctions to change cultural norms.

Case Study #1: Yale University

The first major Obama-era Title IX complaint came from Yale University. In October 2010, pledges to the Delta Kappa Epsilon fraternity shouted something crude, albeit not illegal. The resulting public backlash led to apologies from the fraternity members, suspension by the national fraternity of the local chapter’s ability to secure pledges, and abandonment of the university’s traditional free-speech absolutism to punish some of the students. The Yale Executive Committee declared that the statements “had threatened and intimidated others, in violation of the Undergraduate Regulations of Yale College as they pertain to ‘harassment, coercion or intimidation’ and ‘imperiling the integrity and values of the University community.’”

The fraternity’s spectacle was crass and violated norms of basic decency, but The Atlantic’s Caitlin Flanagan observed that it also could be seen as an “obvious reaction” to the oppressive atmosphere of political correctness on campus. In Flanagan’s opinion, referencing the leader of the 1964 Free Speech Movement at the University of California:

[The] closest you’re going to get to Mario Savio—sick at heart about the operation of the machine and willing to throw himself upon its gears and levers—is less the campus president of Human Rights Watch than the moron over at Phi Sigma Kappa who plans the Colonial Bros and Nava-Hos mixer.

Despite apologies from the fraternity members and condemnation from the Yale administration, campus activists addressing the issue of rape seized on the incident to file a Title IX complaint against Yale. The administration quickly settled. In a voluntary resolution agreement with the OCR, the university agreed to hire various

Title IX bureaucrats and to rework its campus sexual assault policy. That policy “encompass[es] broad ranges of behavior,” since the definition of sexual assault employed by Yale is “more expansive” than the one that is used by the federal government or local law enforcement. The university has never explained why it chose to redefine a term—sexual assault—commonly understood in both the law and culture, but in a 2013 document, it did provide examples of the sort of behavior that could lead the school to brand a student guilty of engaging in “nonconsensual sex.”

Yale then set up a two-tier system to handle rape allegations. Formal claims would be handled by a newly created University-Wide Committee on Sexual Assault (UWC). The UWC process begins with an allegedly “impartial fact-finder” (whose employment comes through the university Title IX office, which has a repeat relationship with and is often attuned to the views of the regulators) who gathers “documents and conduct[s] interviews as necessary to reach a thorough understanding of the facts and circumstances surrounding the allegations of the complaint.” The investigator’s report serves as the evidentiary basis for the five-person committee that decides the fate of the accused student.

The accused student cannot call relevant witnesses unless he can prove to the panel in advance that he “can offer potentially relevant information that was not conveyed to the fact-finder.” In the rare cases in which a campus accuser also goes to the police, Yale’s disciplinary panel may—but is not required to—consider the evidence from an actual law enforcement investigation.

Finding the truth is all but incidental to Yale’s procedure. Lest the accuser is retraumatized (regarding an event that, at the time of the hearing, Yale has not established to have occurred), the accused student not only cannot cross-examine the accuser but also has no right to be in the same room as she gives her testimony. The most input Yale allows the accused student is the submission of written questions for the panel to ask the accuser—if the panel chooses to do so. In essence, the accused student is found responsible for committing sexual assault if three of the five committee members find it more likely than not that a violation has been shown (usually, that the accuser’s version of events is more credible than the accused’s).

These “formal” hearings are a paragon of due process when compared to the second avenue for Yale accusers to present their complaints. Under an “informal” process,

which Yale used in about a dozen cases in 2011–2012, the accused student has no right to present evidence of his innocence; indeed, in at least one case, the accused student was not even informed about the specifics of the allegations against him.

Yale Deputy Provost Stephanie Spangler justified this procedure by explaining that the university’s “goal is to achieve a resolution that is desired by the [accuser] and acceptable to the [accused].” Further, one goal of the university process is to help accusers “regain their sense of well-being.”

It is impossible to know what goes on behind closed doors, and perhaps the only real protection for a student accused through the informal process is a promise that the process will remain confidential. But in at least one high-profile case—that of former Yale quarterback Patrick Witt—an unknown party leaked the existence of a complaint first to the Rhodes Trust (Witt was under consideration for a Rhodes Scholarship) and then to The New York Times, which produced a front-page story that failed to describe the guilt-presuming procedures under which he was charged. There was no indication that Yale ever investigated, much less punished, the person or persons who broke the university’s rules and shared the information about Witt’s case. When he wrote about the experience several years later, Witt recounted that Yale’s policy “almost ruined my life.”

Witt was the first of many accused students victimized by Yale’s new policies. For at least a year, the university’s definition of sexual misconduct was so broad as to include “emotional or economic abuse” by “roommates.” In one instance, a student was found not guilty but was nonetheless punished by the university, which ordered him to take “sexual consent training,” and on several occasions, Yale undertook investigations based on anonymous complaints, raising concerns that the new Title IX process could be used for revenge or ideological targeting.

Among the faculty, an unknown male professor was subjected to a sexual harassment complaint from a female colleague. Yale investigated by speaking to the accusing professor and to the department chairman—but never informing the accused professor that charges had been filed against him, thereby robbing him of an opportunity to defend himself. The inquiry ended with the department chairman formally monitoring the male professor for an indefinite period. This incident produced scant public dissent among the faculty.

As occurred with the fraternity pledge incident at Yale, a single event triggered Amherst's explosion of Title IX activism. In October 2012, a former student named Angie Epifano penned a lengthy recollection of her experience as a self-described survivor of sexual assault. In May 2011, she wrote, a student acquaintance raped her. She did not report the incident to police, nor did she want the case adjudicated by a campus tribunal: "No thank you, I could barely handle seeing him from the opposite end of campus; I knew I couldn't handle that level of negativity."

Epifano alleged shocking treatment from Amherst administrators. She claimed that the college's sexual assault counselor, Gretchen Krull, told her not to report the crime and instead advised her to "forgive and forget." Soon thereafter, an Amherst dean, concerned about the student's mental health, denied her request to study abroad in Africa. The dean allegedly informed her that "Africa is quite traumatizing, what with those horrible third-world conditions: disease...huts...lions!"

A campus administration committed to the truth might have asked some hard questions about Epifano's veracity. On a campus already known for its political correctness, for an unidentified dean to have made disparaging remarks about Africa seems extraordinarily unlikely.

On October 18, 2012, Amherst President Carolyn "Biddy" Martin uncritically accepted Epifano's presentation of events as "horrifying" and promised "consequences," either with "procedures or [with] personnel." Within a few days, Gretchen Krull had resigned, with some speculating that she had been made a scapegoat. Martin then appointed an eight-person committee to develop a new sexual assault adjudication procedure. A professor of women's and gender studies chaired the panel, whose only other faculty member specialized in African-American literary and cultural studies; a campus activist addressing the issue of rape, Liya Richtman, represented student views.

Future Know Your IX cofounder Dana Bolger, an Amherst student, hoped that the policy change would create a new culture on campus, since "we have all, at some time, in some way—through our jokes, our questions, our arguments—silenced a survivor" and "at some time, in some way, exerted our respective privileges—male, white, heterosexual, misgendered, able-bodied—to silence our peers." The idea that 21st century Amherst College is dominated by white, heterosexual, male privilege suggests an unusual interpretation of reality. The type of guidelines developed in

this ideological mess was unlikely to treat any accused student fairly, but it remained unclear whether Amherst's new policy was so one-sided as to prevent even an innocent student from defending himself.

For several months, despite the claims of activists that Amherst was a campus awash in sexual assaults, no cases were filed to test the new system's scope. Then, in late 2013, Amherst got its first post-Epifano claim.

In a column published in June 2015, Washington Post blogger Radley Balko wondered why so many high-profile campus rape allegations have proved to be unfounded. He offered several reasons, including the following:

It may be that activists deliberately seek out and champion the ambiguous cases to demonstrate their commitment to the cause. This is pretty common among ideologues. (I see it often among my fellow libertarians.) You show your bona fides by taking a hard line even on those issues, incidents, and scenarios that scream out for subtlety. You see this in some of the reform proposals put forth by anti-campus rape activists, such as laws requiring explicit consent before each progression of sexual activity or in staking out absurd positions such as "drunk sex is always rape."

Balko could have been describing the Amherst case, which arose out of an incident on February 2012. Following an apparently consensual sexual encounter with another student, the female accuser apparently had a change of heart. She also eventually fell in with a new group of friends: many of the campus activists addressing the issue of rape who were energized by the Epifano essay. By fall 2012—inspired, she wrote, by Epifano's article—she published an essay at AC Voice, a webzine for which several in the group wrote. The female accuser now reinterpreted the incident of the previous semester as a sexual assault in spite of the fact that most of the accuser's anger appeared to be directed not at her alleged assaulter, but instead at a "former friend" who had treated her contemptuously after discovering who the accused man was.

The female student waited for another year before filing a sexual assault claim at Amherst, and the investigation and adjudication of the case showcased the unfairness of the college's new policy—which, to be clear, is typical of how most schools now handle the issue. A hired investigator spent a day on campus interviewing witnesses; when asked whether she had any text messages or e-mails

about the incident, the accuser said that she had none. During the hearing, the accuser admitted that she had texted after the incident, but none of the panelists asked her to explain why she had told the investigator otherwise. To corroborate her assault claim, the accuser said that she had invited someone over to her room after the incident to talk and comfort her. None of the panelists asked the identity of this mystery witness, who had not been interviewed by Amherst's investigator.

Moreover, the accused student could not raise these questions effectively: Prohibited from having a lawyer by his side in the hearing, he was required under Amherst's new rules to submit written questions for the accuser before the hearing. As legal blogger Scott Greenfield has noted:

Submitting questions isn't a particularly effective way to confront an accusation. Questions beget answers, and answers beget more questions. Putting aside whether [the accused student] is adept at formulating incisive questions, no one can effectively confront an accuser without hearing her answers and following up.

The accuser said that she had consented but in the middle of the process had revoked that consent; the accused student said that he was too drunk to recall anything that happened. This portrayal of events was enough for the panel to find the accused student responsible. Amherst promptly expelled him.

The accused student hired a lawyer who subsequently uncovered considerable evidence undercutting the accuser's credibility, including post-incident text messages (which the accuser had implied to Amherst's investigator did not exist). Any fair investigation, of course, would have discovered this at the time. Amherst's response? The accused student had failed to uncover this information within seven days of the disciplinary hearing, so he was now out of luck.

The student filed a federal lawsuit, which remains pending. In that lawsuit, Amherst has contended that the process worked as the college intended in this case.

Case Study #3: University of North Carolina at Chapel Hill

While Amherst was finding an innocent student responsible for rape, another incident occurred at the University of North Carolina at Chapel Hill (UNC). Inspired

by the activities at Amherst and Yale and in constant contact with the accusers there, she later told *The New York Times*, a student named Andrea Pino stepped forward.

Pino claimed that in March 2012, another UNC student raped her at an off-campus party. (Because she has admitted that she had never seen the man before that evening and never saw him again, she left it unclear as to how she concluded that her attacker attended UNC.) Pino elected not to report the alleged assault to police, nor did she file a complaint through the university because, she later said, unnamed other students doubted that it would do any good. Instead, Pino went to a UNC academic employee about her plight, and this person allegedly told her she was lazy.

The identity of the unnamed figure who made the “lazy” remark has shifted depending on the reporter interviewing Pino. According to *Inside Higher Ed*’s Allie Grasgreen, Pino said that “an academic adviser told her she was lazy when her experience impacted her performance in the classroom.” *ESPNW*’s Allison Glock, on the other hand, quoted Pino as saying that “when I explained to a professor what was happening and how it was affecting my grades, I was told I was lazy, and it was suggested that maybe I couldn’t handle Carolina.”

Neither Grasgreen, who identified the “lazy” comment as coming from an academic adviser nor Glock, who quoted Pino as attributing the remark to a professor in one of her courses, appears to have reached out to the unnamed academic adviser/professor for comment on whether Pino’s story was actually true. Nor did the documentary filmmakers responsible for *The Hunting Ground*, which presented Pino’s tale uncritically. Again, it is very unlikely that a UNC professor or academic adviser, having been informed by a student that someone had raped her, would respond by calling the student lazy.

As Pino was portraying herself as victimized by a gender-hostile administration, UNC was actually revising its policies to make it easier for students like Pino to see their alleged attackers found guilty. In 2012, the university removed sexual assault cases from the jurisdiction of its Student Honor Court and turned them over to a special new panel that handled only allegations of sexual assault, claiming that students could not be sufficiently trained to handle such cases fairly. Given the timing, however, this decision appears more likely to have been motivated by a desire to accommodate the OCR’s “Dear Colleague” letter, since the move allowed UNC to shift its burden of proof in sexual assault cases (and only in sexual assault

cases) from the Honor Court's standard of beyond a reasonable doubt to a preponderance of the evidence, something required by the letter.

Melinda Manning, an assistant dean of students, rejoiced at the abandonment of a policy that discouraged "victims" from coming forward. Summarizing the dean's views after an interview, Inside Higher Ed's Allie Grasgreen reported Manning's view that the earlier system discouraged reporting by "requiring victims to be judged by a roomful of peers." Of course, a university disciplinary system judges the accused students, not the accusers, and administrators should know better. Manning resigned the following year, claiming that unnamed UNC administrators had pressured her to underreport rape claims; the university fired back with a document claiming that Manning had underreported filings. The ex-dean joined several accusers in filing a Title IX complaint against UNC. As with all such documents, the OCR declined to make the filing public, and contemporaneous press reports suggested alternatively that it was damning or frivolous.

In any event, UNC spent nearly \$200,000 on a consultant to rework its Title IX mechanisms and hired seven new staff employees to deal with the matter at an annual cost of around \$500,000 before unveiling yet another new sexual assault procedure, this one even less friendly to the rights of the accused than the preceding one. By this point, North Carolina had passed a law requiring colleges to permit students accused of disciplinary offenses to have access to a lawyer. (North Dakota is the only other state to have such a law.) An investigator, hired and overseen by the Title IX office, is not compelled to share his or her evidence with the accused; he or she must only produce a draft of his or her report, effectively precluding the accused from offering exculpatory material during the process. Only under limited circumstances can the accused student introduce new evidence at the hearing.

The accused student's attorney can examine a draft of the investigator's report, but only by coming to UNC and promising not to photograph or copy the report. Once the hearing begins, the accused student's lawyer, as dictated by state law, may attend it but may not cross-examine the accuser; he or she may only submit questions to the hearing chairman, who can ask the questions, modify them, or simply move on. The hearing procedures guarantee neither that the lawyer can even see the accuser as she gives her answers nor that he or she can cross-examine other witnesses.

The new procedures maintained the lower preponderance-of-evidence standard, but even though the OCR is silent on the issue of unanimous findings, UNC now allows a student to be, in essence, found responsible for committing sexual assault based on a two-to-one vote of the disciplinary panel. The guidelines do not explain why the university followed this course.

Even after a student graduates, he can still be sanctioned by UNC. The school allows the filing of anonymous reports of sexual assault to “help give university administrators a better picture of the number of assaults that are occurring within the university student community.” The policy’s wording suggests that the university simply assumes that the assault has occurred, based solely on the anonymous filing. UNC’s policy also has no equivalent of a statute of limitations, a deficiency that allows for the filing of complaints years after the alleged event even when both the accuser and the accused are no longer students at the school. Among elite universities, only Harvard has such an open-ended policy, which raises the question of whether a university could use a years-after-the-fact sexual assault claim to revoke a degree.

Case Study #4: Occidental College

On the West Coast, the most aggressive Title IX activism has been at Occidental College. As at UNC, Yale, and Amherst, Occidental appeared to have a disciplinary structure that denied meaningful due process to the accused. Well before “affirmative consent” laws were enacted in California, Occidental policy maintained that a student who obtained such consent could nonetheless be deemed a rapist. Many have criticized so-called affirmative consent policies as unrealistic and damaging. The college’s sexual assault policy denied the accused student a right to counsel in the proceedings while informing him that terms like “innocence” and “burdens of proof” were “not applicable.” A healthy majority of the undergraduates—currently 56 percent, with 57 percent in the most recently admitted class—are women, and 50 percent of the college’s professors are women.

Nonetheless, according to a small group of campus activists, the school turned a blind eye to sexual assault on campus. In 2013, a handful of self-described survivors, joined by faculty members Danielle Dirks and Caroline Heldman, formed a group called the Oxy Sexual Assault Coalition, or OSAC, which denounced the “yes-might-not-mean-yes” policy as insufficiently protective of accusers. The group

adopted a tagline of “because rape is a crime”—even as Dirks (speaking, she said, “as a criminologist”) announced that she had “given up on the criminal justice system.”

OSAC had a preference for adjudicating sexual assaults through college tribunals, even though these assaults would usually be felony offenses in the criminal courts. As explained by Dirks, “College campuses, which are supposed to be the bastions of cutting-edge knowledge and a chance to shape the rest of the country, actually can do right.” Celebrity attorney Gloria Allred involved herself, representing several Occidental students who filed Title IX complaints against the college, which quickly settled.

The college attracted national attention after expelling a student for rape—despite a police report concluding that no rape had occurred and despite text messages from the accuser checking on whether the accused student had a condom and telling a friend, “I’m going to have sex now.”¹ Occidental reached this decision by contending that while both students were intoxicated, the female student’s drunkenness rendered her unable to consent to intercourse that her own text messages showed she had initiated.

By comparison, even Yale’s “expansive definition of sexual assault” appears to exclude the kind of behavior that Occidental deemed rape. Yale’s guidelines cite an instance of the parties’ “send[ing] a few texts” discussing their plans for intercourse and then confirming those plans once they arrived in the bedroom as an example of “consensual sex.”

In an essay for the Harvard Law Review, Harvard Law professor Janet Halley criticized the “pressure on schools to hold students responsible for serious harm even when—precisely when—there can be no certainty about who is to blame for it. Such calls are core to every witch hunt.” In 2013, the number of reported sexual assaults at Occidental increased from 10 (in 2012) to 60. This figure meant that Occidental alone, with a female enrollment of just over 1,100, accounted for 40 percent of the total increase in reported sexual assaults at all of California’s four-year public and private colleges and universities. As attorney Mark Hathaway has noted, Occidental’s rate of reported sexual assaults in 2013 was 16 times higher than that of the next 10 California colleges and universities combined. It could be, of

course, that this Los Angeles liberal arts campus is a statistical anomaly and that it really is very dangerous, but such an interpretation seems very unlikely.

Conclusion

Campus activists addressing the issue of rape have assiduously conveyed the impression that such institutions as Yale University, Amherst College, the University of North Carolina, and Occidental College are led by administrators who ignore widespread criminality. Sexual assaults on college campuses do occur and are a serious issue, but justice requires procedures that afford due process both to accusers and to the accused. Yet even before the OCR's "Dear Colleague" letter, many schools denied meaningful due process to students accused of sexual assault, and so-called reforms since 2011 have only made the problem worse.

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Progressive Policing of Speech Moves Off-Campus

By Wendy Kaminer, July 19, 2016

"Hate speech is excluded from protection," CNN anchor Chris Cuomo [tweeted](#) last year, echoing a dangerously common misconception. "Hate speech isn't free speech," people say, assuming they have a right not to hear whatever they consider hateful language and ideas. Government officials sometimes share this view: The Mayor of West Hollywood [confirmed](#) to Eugene Volokh that she would not issue a special events permit for a Donald Trump rally so long as he trafficked in hate, contrary to the "values and ideals" of the West Hollywood community

But you don't have to indulge in allegedly hateful speech to violate questionable local laws: In Washington D.C., an employer who fails to call a transgender employee by the employee's preferred pronouns, including "ze," "zir," or "they," may be liable for harassment, as [Hans Bader explains](#). The New York City Commission on Human Rights has issued similar mandates, applying broadly to employers, landlords and businesses, meaning that customers and tenants, as well as

employees, have a “human right” to regulate ordinary speech used in ordinary commercial transactions.

“(P)eople can basically force us — on pain of massive legal liability — to say what they want us to say, whether or not we want to endorse the political message associated with that term, and whether or not we think it’s a lie,” Volokh [laments](#). “We have to use the person’s ‘preferred . . . pronoun and title,’ whatever those preferences might be. Some people could say they prefer ‘glugga’ just as well as saying ‘ze’.”

Progressive speech policing has moved off campus, in a trend as alarming as it is unsurprising. College and university speech codes conflating allegedly offensive speech and discriminatory conduct [date back](#) a quarter century. They partly reflect hostility toward unwelcome speech spawned by popular therapies of the 1980’s that equated verbal and physical abuse and by the feminist anti-porn movement, which equated pornography with rape and declared misogynist speech a civil rights violation.

By now, generations of students have been taught that unwelcome speech isn’t speech but discriminatory “verbal conduct;” these days, it’s even condemned as violence. (When I quoted the word “nigger” instead of referencing it by an initial during a panel on free speech while discussing *Huck Finn*, I was accused of committing an act of racial violence.) Who decides when speech is not speech but abusive or violent conduct? The offended listeners — if the listeners belong to disadvantaged groups. Their subjective reactions are the standard by which the right to speak is judged.

Again, this ideology dates back decades. So, the first wave of students to imbibe its lessons is entering middle age. Some have remained in academia, as faculty and administrators, partners in campus censorship. Others have assumed influential positions in the wider world, including the federal bureaucracy.

Under the direction of Catherine Lhamon, Amherst, ‘93, Yale Law, ‘96, the federal Education Department’s Office for Civil Rights has continued [conflating](#) sexual harassment (including speech) and sexual misconduct, while depriving accused students of due process rights in campus disciplinary proceedings.

The Justice Department’s Civil Rights Division, led by Vanita Gupta, Yale, ‘96, NYU Law, 2001, recently issued a remarkable [order](#) to the University of New Mexico (a public institution) requiring it to violate the First Amendment by investigating instances of “unwelcome conduct of a sexual nature,” including the proverbial, “verbal conduct,” as harassment whether or not they “cause a hostile environment or are quid pro quo.” As the Foundation for Individual Rights in Education (FIRE) observes, the university is required to investigate “all speech of a sexual nature that someone subjectively finds unwelcome, even if that speech is protected by the First Amendment.”

Censors Coming from ACLU Staff

It’s worth noting that both Llhamon and Gupta are former ACLU staff attorneys. (Gupta, who has an impressive record on criminal justice reform, was Deputy Legal Director in the national office.) Whatever values they absorbed at the ACLU did not, it seems, include a firm commitment to free speech (or, in Llhamon’s case, due process). Indeed, one measure of censorship’s embrace by progressives outside academia is the national ACLU’s relative silence in the face of the free speech crisis on and off campus.

Some state affiliates remain pockets of free speech advocacy, and (following early [missteps](#)) the national office has mounted strong challenges to security state abuses. But as Harvey Silverglate sadly [observes](#), “*The national ACLU Board and Staff are nowhere to be seen in the increasingly difficult battle to protect First Amendment freedom of expression rights. This is especially so in areas where the ACLU, more and more, pursues a political or social agenda.*”

That agenda, and the equation of allegedly hateful speech — as defined by aggrieved listeners — with discriminatory conduct practically sanctifies the heckler’s veto. And it too is gaining acceptance off campus. In a thoughtful exchange at [reason.com](#), Black Lives Matter organizer [DeRay McKesson](#) argues that the heckler’s veto is an exercise in free speech, worthy of protection. In this

view, the loudest voices win, I guess. “They always do,” hecklers might respond.

The Limits of Heckling

I don't share this vision of free speech, although I understand it. If you believe the dominant discourse in your community systematically ignores your values and concerns, you may consider shouting it down your only option. But free speech can't merely mean the right to say what people don't mind hearing. And heckling doesn't always, or often, stop at shouting, especially when metaphors about the "violence of the word" are taken literally, thus rationalizing violence in response to words.

Right-wing provocateur Milos Yiannopoulos was not just shouted down but assaulted during an appearance at DePaul University. As [reason.com](#) observed, students justified their violent actions by declaring that Yiannoloupos "spreads hate and violence."

[In its most extreme and virulent form](#), the heckler's veto devolves into an assassin's veto, and even that has evoked some measure of understanding from grown-up elites, who should surely know better. When PEN bestowed its 2015 Freedom of Expression Courage Award on the surviving staff at Charlie Hedbo, hundreds of PEN members protested. After issuing relatively perfunctory condemnations of murder, over 200 eminent writers sharply criticized Charlie Hedbo for satirizing disadvantaged, vulnerable groups of people.

"To the section of the French population that is already marginalized, embattled, and victimized, a population that is shaped by the legacy of France's various colonial enterprises, and that contains a large percentage of devout Muslims, Charlie Hedbo's cartoons of the Prophet must be seen as being intended to cause further humiliation and suffering."

Cartoonist Gary Trudeau [joined](#) in this excoriation of Charlie Hedbo's murdered satirists: "By punching downward, by attacking a powerless, disenfranchised minority with crude, vulgar drawings closer to graffiti than cartoons, *Charlie* wandered into the realm of hate speech, which in France is only illegal if it directly incites violence. Well, voila—the 7 million copies that were published following the killings did exactly that, triggering violent protests across the Muslim world, including one in Niger, in which ten people died."

These statements accusing Charlie Hedbo of verbal abuse and blaming it for the violent acts of an offended audience, read like excerpts from a college newspaper

column justifying shout-downs or assaults on a presumptively hateful speaker. They make clear that outside academia, some accomplished adults will join undergraduates in framing free speech as a potential source of oppression — a privilege or weapon used by the powerful to “silence” the relatively powerless.

Not surprisingly, corporate speech rights, on the increase, generate increasing concern. The political speech and associational rights of non-profit as well as business corporations are primary targets of progressive wrath (despite the fact that incorporated advocacy groups give voice to millions of ordinary people.) So are the rights of corporate “[climate deniers](#)” and associates. But, as the Charlie Hedbo protests showed, any individual or publication that speaks “offensively” from a perceived position of power is suspect.

Words are weapons, progressive censors argue, and they’re right, however inadvertently. Words are weapons; that’s why we protect them. Speech is the ideal weapon of non-violent political combat, most essential to the relatively powerless. Virtually every movement for social change has relied on politically weaponized speech, including today’s student protest and civil rights movements. Progressives might agree if only elites would engage in some unilateral disarmament. “Power and prestige are elements that must be recognized in considering almost any form of discourse, including satire,” PEN’s Charlie Hedbo protesters insisted. “The inequities between the person holding the pen and the subject fixed on paper by that pen cannot, and must not, be ignored.”

Of course, progressives are not alone in supporting censorship. It is a non-partisan vice, evident today in across the aisle support for security state speech surveillance. The nation has also endured authoritarian assaults on dissent emanating primarily from the right, notably during 20th-century red scares, which had particularly chilling effects in academia. Current conservative governors in [Wisconsin](#) and [North Carolina](#) have mounted controversial political attacks on state university systems, while the emerging Republican platform condemns pornography (whatever that is) as a “public menace” and calls for theocratic alignment of law with “God-given, natural rights” (as defined, I suppose, by Republicans.) I’ve focused on contemporary left-wing censorship partly because it’s increasingly influential and partly because censorship is now embedded in the progressive ethos, as an essential weapon against inequality.

PEN's protesters called for self-censorship, but demonizing speakers who fail to censor themselves effectively excuses and encourages their censorship by the state. (Gary Trudeau, for one, apparently approves of French laws criminalizing whatever authorities deem hate speech.) Students who protest offensive or presumptively traumatizing "verbal conduct" are indeed exercising their own speech rights, as they claim.

But in insisting that those rights require administrators to censor other people's speech, they're not exercising rights so much as seeking anti-democratic power. Progressive policymakers pledge allegiance to constitutional values and rights while defining harassment broadly, according to the unpredictable, subjective reactions of any listeners labeled disadvantaged.

Old-fashioned liberals and civil libertarians do strongly contest this view of censorship as a civil right, but they seem a dwindling, aging minority — unlikely architects of the future. In providing constitutional protection to allegedly hateful speech, the U.S. is an outlier among Western nations. You have to wonder how long it will remain one.

Four Well-Known Universities With No Integrity

By KC Johnson, May 30, 2016

In a [Commentary essay earlier this spring](#), I argued that universities' response to the 2015-2016 campus protests could be seen, in part, through the lens of faculty and administrators sharing the protesters' diversity-obsessed goals, if not agreeing with them on tactics. A recent protest from Dartmouth confirmed the point.

Sometimes, campus speech issues are complicated. [This one wasn't](#). The Dartmouth College Republicans, following college rules, requested access to a bulletin board, where they posted items with the theme of "Blue Lives Matter." The move coincided with National Police Week.

In response, “Black Lives Matter” protesters tore down the Republicans’ posters, put up posters that reflected their political viewpoints, and “occupied” the area around the bulletin board to prevent the College Republicans from re-posting their original material. The College Republicans went to the administration throughout the day to ask for assistance in replacing their posters but were rebuffed. The administration, apparently fearful of confronting the students engaged in a heckler’s veto, informed the Republicans they’d have to wait a day; when the building was shut down in the overnight hours, the hecklers’ posters would be removed. Dartmouth administrators followed up with a statement forcefully condemning the removal of the posters—but without any indication of punishment. Nor was there any indication of Dartmouth devoting additional resources to free speech. This type of non-effect would have been inconceivable if the “Blue Lives Matter” students had torn down the “Black Lives Matter” students’ poster.

The student activists remained defiant. In an [open letter](#), they remarked, “We acknowledge that many of you are concerned about the question of free speech. However, one hundred students’ disapproval for ‘Blue Lives Matter’ does not constitute a disregard for free speech, nor does it condemn policemen who have died in the line of duty. What it does constitute is a concern for anti-blackness on this campus and nationwide.”

Again: the student protesters took down posters with which they disagreed, and, on a bulletin board temporarily designated to the College Republicans, put up posters that reflected the protesters’ point of view. If that doesn’t “constitute a disregard for free speech,” it’s hard to imagine what could.

Missouri

The campus that triggered the fall protests was the University of Missouri, where the highest-profile defender of the protests, ex-Professor Melissa (“muscle”) Click was back in the news last week. The AAUP [produced a report](#) faulting the University of Missouri for its slipshod procedure in firing Click. I agree.

But then the AAUP offered the following conclusion: “[W]e doubt whether Professor Click’s actions, even when viewed in the most unfavorable light, were directly and substantially related to her professional fitness as a teacher or researcher.” This statement is astonishing. Recall, again, the context: on the campus

quad—a public area of the university—Click [called for “muscle” against a University of Missouri student](#). How could such conduct possibly not be directly related to her position as a teacher? And, again, imagine the unlikelihood of the AAUP in reaching this conclusion if the facts had been reversed—if, say, a white male professor, an advisor of the Mizzou Republicans, had called for “muscle” against a black student journalist.

Rutgers

One of the most perceptive analyses of the fall 2015 protests came from Robert Tracinski. [Writing in *The Federalist*](#), Tracinski observed, “The more you read through the students’ demands, the more they look curiously like a full-employment program for the faculty who just happen to be egging on these naive youngsters.” The demands, he noted, read “less like a manifesto of student revolutionaries, and more like a particularly aggressive salary negotiation. But this is not about higher pay for all faculty members. Notice in the middle the emphasis on “specialty positions,” we are defined as “faculty who work on critical issues related to social justice.” So it’s a special sinecure for those with the correct political agenda.”

Tracinski’s observations came to mind when [reading a *Chronicle* piece](#) earlier this month involving a tenure case at Rutgers. The basics: Rutgers denied tenure to an African-American professor of communications, Jennifer Warren. Warren came up for tenure without a book. And her teaching evaluations had recently declined. According to the article, Warren seems to have blamed both developments on the guidance she received from her department. But on paper, it hardly seems outrageous to see a quality research institution like Rutgers deny tenure to a professor without a book, and with falling evaluations in the classroom.

Nonetheless, the tenure denial triggered protests, holding signs with such sayings as “RU for Black Tenure.” (Imagine the outrage if students carried signs demanding “RU for White Tenure.”) And then, according to the *Chronicle*, “Several days after the students’ rally, Ms. Warren received good news: She had won her grievance hearing and would have another shot at tenure, in the spring of 2017.”

The article supplies no additional information regarding the contents of Warren’s grievance, or the substance of the appeals decision. This incomplete record leaves two options: (1) Warren’s department committed an unspecified major procedural

error, and it fortunately was caught in a university appellate process. (2) After denying tenure to someone whose scholarly and teaching credentials the university had deemed insufficient, Rutgers reversed itself to appease the protesters. The statement from the head of the Rutgers faculty union didn't inspire confidence: "Students are driven to involvement," said he, "in a sense of desperation because they're seeing that percentage go down in a microcosm. What they see in Jennifer Warren's case is the black-faculty percentage falling instead of rising."

That might well be true. But a decline in the percentage of black faculty doesn't constitute a procedural violation.

Amherst

The New York Times has been all but hermetically sealed, ideologically, in covering campus events in recent years. Its [one-sided approach to due process and campus sexual assault](#) has matched its fawning, uncritical coverage of the 2015-2016 campus protests.

But even against that standard, a [recent column from Frank Bruni stood out](#). It offered the administration of Amherst's Bidy Martin as a model for other schools to follow in the quest for student diversity. That would be the same Bidy Martin whose administration has presided over what is likely the most egregious sexual assault trial since the issuance of the Dear Colleague letter, and who proposed a new campus speech code modeled on the anti-due process approach Amherst has used for sexual assault. The idea that Amherst would be the model for anything is absurd.

Yet none of these controversies are mentioned by Bruni. He even gives column space to Martin to allow her to suggest her administration isn't obsessed with only the usual types of campus diversity: "The college's president told me that one of her current passions is to admit more military veterans, who bring to the campus abilities, experiences and outlooks that other students don't possess."

How many veterans has Amherst admitted in the past three years? Bruni can't find the space to reveal the total.

TWO

Rejecting the First Amendment



The Liberal-Conservative Dance on Campus Free Speech

By Benjamin R. Cohen, July 18, 2018

Courtney Lawton became the central figure of an hour-long [episode](#) of *This American Life* by making a few derogatory comments on an activist from Turning Point USA, a campus conservative group.

Last August, UNL undergraduate Kaitlyn Mullen set up a table with literature and fliers, in the middle of the University of Nebraska campus at Lincoln. Passing by Mullen's table, Courtney Lawton, a Ph.D. student, became incensed at the presence

of an activist from Turning Point, an organization she regarded as fascist and McCarthyist.

In the past, Turning Point has sparked controversy with their professor “watchlist.” Turning Point compiles the watchlist as a catalog of professors that Turning Point believes misuse their position to propagandize students and/or discriminate against conservatives. Critics see Turning Point’s watchlist as an effort to bully professors for their political and scholarly views.

When she first walked past Mullen’s table, Courtney Lawton looked at Caitlyn Mullen and said: “hi, flashy barbie.” Mullen ignored her. Lawton went to her office and returned with a handmade sign reading, “just say no to neo-fascism.”

Upon returning with her sign, Lawton stood in front of Mullen’s table [chanting](#), “neo-fascist Becky, right here,” “wants to destroy public schools, public universities,” “hates DACA kids.” Lawton was joined by professor Amanda Gailey, who stood silently with a sign, reading, “Turning Point, please put me on your watchlist.”

Flustered by the chanting, Caitlyn Mullen packed up her things and left but not before making a video of the protest. This footage, of a professor and graduate student bullying a twenty-year-old undergraduate, went viral. Outraged Nebraska state legislators demanded that Lawton is punished, at the very least removed from her position as a Teaching Assistant.

At first, the University censured Lawton but did not remove her from the classroom. Under pressure from angry Republican state legislators, the university relieved her of teaching duties for the fall semester. However, when Lawton’s name appeared in the spring course catalog, Republican lawmakers successfully pressured the school into removing her for the spring semester.

Republican legislators saw Courtney Lawton’s protest as much more sinister than the UNL administrators did. They believed Lawton, and other instructors abused their position to push their political views, punish conservative students, and suppress conservative political activity on campus. These legislators would go on to sponsor “free-speech,” legislation, requiring the University of Nebraska to adopt a campus free-speech policy. That policy would protect the ability of students and

faculty to “assemble and engage in a spontaneous expressive activity as long as such activity is not unlawful and does not materially and substantially disrupt the functioning of the campus.”

Courtney Lawton, through a friend, submitted a prepared statement opposing the bill. In Lawton’s view, the bill was an extension of the legislators’ earlier efforts to have her removed from the classroom. Ironically, the organization that helped craft the bill, FIRE, also came to Lawton’s defense, [urging](#) the University to reinstate her.

FIRE, short for “The Foundation for Individual Rights in Education, is firmly non-partisan, though some on the left have criticized the organization due to their relationship with powerful conservative donors.

Yale Lecturer Jim Sleeper wrote a series of opinion pieces attacking FIRE for its role in the controversy surrounding Yale faculty members Nicholas and Erika Christakis. Erika Christakis sparked controversy with an [email](#) to students questioning the need for official guidelines on Halloween costumes, writing, “Which is my point. I don’t, actually, trust myself to foist my Halloweenish standards and motives on others. I can’t defend them anymore than you could defend yours.”

By making their lives extremely unpleasant, aggressive student protesters drove the Christakis to resign their positions on the Yale faculty. Partially due to FIRE’s coverage, the protests became national news. Sleeper [argued](#) that FIRE’s coverage of these events had a chilling effect on-campus speech, by exposing individual protesters to national scrutiny.

While Sleeper correctly notes that the Christakis were not fired, they resigned following an organized campaign of harassment intended to have them removed as “Masters” of Silliman College, a residential unit at Yale. FIRE’s involvement consisted of urging Yale not to acquiesce to the demands of the protesters.

Whatever progressives may think of FIRE or conservatives, both number among the few consistent defenders of the free speech of campus progressives. When Drexel placed far-left professor George Ciccariello-Maher on administrative leave following a series of inflammatory [tweets](#), both FIRE and National Review came to his [defense](#).

Further, it's unreasonable to expect conservatives to defend a version of campus free speech that includes George Ciccariello-Maher but excludes Erika Christakis. Conservatives cannot be expected to support the free-speech rights of people like Courtney Lawton when left-wing protesters are allowed to exercise a heckler's veto over conservative speech.

Sleeper may be correct that FIRE receives considerable funding from conservative donors, but without that funding, would FIRE be able to defend the next campus progressive who insults the military, or offends conservative Christians? Whether Sleeper likes it or not, conservative defenders of free speech, including some of FIRE's donors, are indispensable allies for progressives who care about free speech on campus.

A Tide Flowing Toward Free Speech on Campus

By Peter Wood, July 16, 2018

Freedom of expression is making a comeback.

That might not be immediately obvious in the age of disinvitations, shout-downs, trigger warnings, speech codes, "bias response teams," and the other components of leftist suppression of ideas and speech on campus. Nor if we look beyond campus to the assaults on public officials, the doxing of individuals who get crosswise with leftists, and the smear campaigns aimed at figures such as the new Supreme Court nominee.

We may have taken a collective pause from tearing down statues that represent America's past, but the librarians are busy demoting figures such as Laura Ingalls Wilder for the sin of having written in the idiom of her time.

Yet freedom of expression is indeed making a comeback. The Supreme Court gets some of the credit. It [laid low the California law](#) that required crisis pregnancy centers to advertise abortions. The Court ruled this was "compelled speech" and

violated the First Amendment right to free speech. The Supreme Court's decision in the [Janus case](#) followed similar logic. Workers were being forced, against their will, to pay for speech they disagreed with.

But it is not just the Supreme Court. State legislatures across the country have been debating and sometimes passing legislation aimed at bolstering the rights of students to express their views. Two different forms of model legislation are on offer, one proposed by the Goldwater Institute, and one by the American Legislative Exchange Council. The Goldwater approach has more bite, but both put state-level public authority on the side of free expression and against the combination of hecklers' veto and administrative appeasement that have characterized most of higher education for the last few years.

FIRE (the Foundation for Individual Rights in Education) has sustained its winning streak against colleges and universities that impede free speech. In February, Senator [Orrin Hatch](#) introduced a bill, the "Free Expression in Education Act" that would prohibit so-called "free-speech zones" that tuck students who have something to say into remote locations at tightly constrained hours. [The University of Massachusetts at Amherst](#) just agreed to abolish its "free-speech zones" in response to a lawsuit brought by Young Americans for Liberty."

And high on the list of positive developments is the decision by the Wisconsin Supreme Court in the case of [McAdams vs. Marquette University](#). Marquette had fired McAdams from his tenured position because on his blog; he had criticized a young woman who was both a graduate student and an instructor in an ethics course. Marquette put enormous effort into fabricating a reason why McAdam's legitimate use of his academic freedom wasn't legitimate after all. The university's defense came down to the claim that there was an unwritten Jesuit principle that faculty members can never publicly criticize graduate students. A lower court had blessed this baloney, but the Wisconsin Supreme Court hauled that finding to [the judicial trash dump](#):

The undisputed facts show that the University breached its contract with Dr. McAdams when it suspended him for engaging in activity protected by the contract's guarantee of academic freedom. Therefore, we reverse the circuit court and remand this cause with instructions to enter judgment in favor of Dr. McAdams, conduct further proceedings to determine damages (which shall include back pay),

and order the University to immediately reinstate Dr. McAdams with unimpaired rank, tenure, compensation, and benefits, as required by § 307.09 of the University's Statutes on Faculty Appointment, Promotion and Tenure (the "Faculty Statutes").

This was a state-level case, but the McAdams decision will weigh on courts and college administrators far beyond Wisconsin. [Inside Higher Ed](#) observed that the court, "broke with a long judicial tradition of deferring to colleges and universities on tenured personnel matters." Exactly. The message of the decision to college administrators is: *When you commit yourselves to "academic freedom" in your faculty contracts, you don't get to make up an exception when a conservative faculty member gets on your nerves.* When similar cases arise in other states, it is a certainty that the judges will read and carefully consider the Wisconsin Supreme Court decision. So will potential plaintiffs.

We have also seen outbreaks of common sense on other free speech issues. Last year an undergraduate student at the [University of Nebraska at Lincoln](#), Kaitlyn Mullen, was harassed by a graduate student/instructor named Courtney Lawton, who called her "neo-fascist Becky." Lawton was upset that Mullen was passing out information about the student group Turning Point USA. The incident was caught on [video](#), and the public reaction against Lawton was strong. The university eventually barred Lawton from teaching. The AAUP, naturally, has [censured](#) the university for its action but there seems to be broad public approval for its defense of Kaitlyn Mullen's right to peaceful self-expression.

These examples don't add up to a sudden revocation of all the illiberal suppression of free speech in America or in American higher education. The campus left, in particular, is fiercely determined to forestall any expression of views that run counter to its preferred narratives, and to punish those who disobey. Shout downs are a blend of forestalling and punishing. The tactics used against [Charles Murray at Middlebury College](#) and [Heather Mac Donald at Claremont College](#), to cite two of the most famous instances, were aimed at preventing speech but also at humiliating the speakers. The spirit of such disruption is theatrical anger in service of what the protester takes to be righteous indignation.

Those feelings are not going to evaporate like the morning dew. They have become ingrained among the protesters. And yet the protesters are losing the dark glamour they enjoyed when shouting-down, taking over, and spitting outrage seemed

somehow authentic and cool. The protesters seemed for a while to be immune to all the rules because leftist administrators just couldn't bring themselves to impose serious consequences for lawlessness in the name of "social justice." But something has changed.

The moral authority of the campus left is starting to dwindle. We see that in the sudden emergence of the "walk away" movement. A gay New York hairdresser, Brandon Straka, has given the movement its [manifesto in a YouTube video](#). Straka denounced what he calls "liberalism" as "tyrannical groupthink," and [described it](#) this way: "For years now, I have watched as the left has devolved into intolerant, inflexible, illogical, hateful, misguided, ill-informed, UnAmerican, hypocritical, menacing, callous, ignorant, narrow-minded, and at times blatantly fascistic behavior, and rhetoric." It is a system, he says, that allows a mob "to suppress free speech, create false narratives, and then apathetically steamroll over the truth."

I can think of any number of conservatives who could say (and have said) much the same thing, though perhaps focusing more precisely on the progressive social justice zealots, rather than liberalism per se. But Brandon Straka brings to the message the burn of a [Carolina Reaper](#) chili pepper.

Straka's sense of betrayal turned down a notch or two was also on display at the recent Heterodox Academy "Open Mind" conference, where 25 of 28 speakers came from the liberal left to voice their complaints about the left's suppression of free speech on campus. As Heterodox Academy head Jonathan Haidt observed at the end of the conference, "This is everybody's issue now. It's all professors' issue. It's all administrators' issue. It's all students' issues." Liberal faculty members who have been burned by the far left—think of Laura Kipnis, Alice Dreger, and Bret Weinstein—have begun to speak out forcefully.

The American left has plainly begun to register the changing climate. The best evidence of that was the front-page story in *The New York Times* titled, "[How Conservatives Weaponized the First Amendment](#)," by Adam Liptak. Liptak's main focus is the growing body of Supreme Court decisions based on First Amendment principles that defend the use of free speech by non-progressives. He observes, "Some liberals now say that free speech disproportionately protects the powerful and the status quo."

Well, yes. That's what many on the left are now saying in their Marcusean moment. Free speech and intellectual tolerance can, in fact, be used in support of traditional values, and the affluent do have the same First Amendment rights as anyone else. The theory—if that isn't too dignified a word for the leftist ideology that lies behind all the recent thuggery—is that the “marginalized” have a right to silence those who enjoy all the “power” and “privilege,” so the hell with free speech.

The Times isn't alone in sounding the alarm that Americans may no longer be willing to play along with this pretense. Liptak cites a gaggle of law professors and activists who see the coming trouble. [Even the ACLU](#) has decided to back away from its once spirited defense of First Amendment freedoms and to focus instead on progressive interpretations of “social justice.” Former ACLU board member [Wendy Kaminer has denounced](#) that betrayal—which is further evidence of the divisions on the left.

What this all means is that a cultural shift is on its way. The curtain has not yet come down on the campus anti-free speech craziness, but if you look up, you can see it dropping. And few of us in the audience are asking for an encore.

Princeton Takes a Stand for Free Speech on Campus

By Russell K. Nieli, June 20, 2018

Much of the news regarding free speech on campus is enough to make anyone despair. Year after year, more people and ideas are muzzled.

But some very heartening news of late comes from Princeton. Due largely to a new book promoting free speech by Princeton University political scientist Keith Whittington and the unusual support and campus-wide promotion of the book by Princeton's president Chris Eisgruber, Princeton is now in the forefront of those American colleges and universities that have said “stop” to the onslaught of thuggish campus militants intent on shutting down free speech. This latest

development comes on the heels of several other very positive developments on the free-speech front at Princeton.

Three years ago, in April of 2015, the governing board of the faculty at Princeton adopted the main body of what has come to be known as the Chicago Principles of free speech and free expression. Originally drawn up by a committee of the University of Chicago chaired by law professor Geoffrey R. Stone, these principles condemned the suppression of views no matter how “offensive, unwise, immoral, or wrong-headed [they may appear] by some or even by most members of the University community.”

Princeton’s version of the Chicago Principles was proposed by mathematics professor Sergiu Klainerman and 60 faculty members of diverse political persuasions. Klainerman grew up in Communist-ruled Romania and observed first-hand how tyrannical power can be used to stifle important criticism and debate. He saw American colleges and universities being threatened by the same sort of intolerant forces that had ruled his homeland, and along with several other Princeton faculty members, was determined to halt the menacing developments he was witnessing in America.

Here is part of the statement adopted at the 2015 faculty meeting:

Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, 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 members of our community. ... 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.

The statement adopted by the Princeton faculty was strongly worded and consistent with the civil libertarian ideals once so forcefully defended by organizations like the American Civil Liberties Union (like other institutions with a substantial left-of-center clientele, the once august ACLU seems to have lost its zeal to defend speech which many of its members find troubling or offensive). It is for the individual members of the university community themselves, and not for the university as a collective institution, the faculty statement declared, to make judgments as to

whether particular speech is immoral, unwise or wrong-headed. And if negative judgments of this kind are made by individuals, the offending speech must not be suppressed. Rather, the critics and opponents of such speech are called upon to “openly and vigorously [contest] the ideas they oppose.” It is an essential part of the university’s educational mission, the statement concludes, to foster the ability of members of the university community “to engage in such debate and deliberation in an effective and responsible manner.”

This spring Princeton reinforced the ideals behind the 2015 statement by adopting Professor Whittington’s *Speak Freely* as the freshmen pre-read sent free to all incoming first-year students who are expected to discuss it when they arrive at Princeton in September.

With his high-profile sponsorship of a book on free speech by an unabashed civil libertarian, Princeton’s president joins with people like Geoffrey Stone and Purdue University president Mitch Daniels in assuming national leadership in a movement to reaffirm the commitment of American institutions of higher learning to the highest ideals of free discussion, open debate, and the civilized exchange of conflicting viewpoints.

II

Keith Whittington is clearly alarmed at the changing attitudes towards free inquiry and freedom of expression on so many colleges and university campuses today.

“The generation raised in the years since the fall of the Berlin Wall,” Whittington writes, “is shockingly indifferent to liberal democratic values.”

He references surveys documenting this change. “The current crisis of free speech on college campuses,” Whittington declares, “is both a symptom and cause of a larger threat to the maintenance of liberal democracy itself.”

Some colleges and universities in the U.S. he believes, are in danger of becoming shells of their former selves, “mere facades that camouflage a campus culture that has rejected liberal tolerance and free inquiry in favor of dogma and indoctrination.” *Speak Freely* is Whittington’s carefully reasoned protest against this trend, and despite the sustained passion that ultimately drives it, the book never

exceeds the bounds of cool rationality, fundamental decency towards opponents, and informed common-sense. A provocateur Whittington is not.

Whittington describes himself at the beginning of his study as harboring an “inner Texas” populism (he grew up in Texas and did his undergraduate work at the University of Texas at Austin) which is at variance with the leftward movement that seems to have captured so many American universities at an ever-accelerating pace since the late 1960s. By the standards of American public opinion outside the universities, his views on most public policy issues, including free speech on university campuses, would probably be considered mainstream – perhaps moderately center-right.

But his views clearly clash with those of much of the powerful campus Left as it manifests itself among both leftist students and radical faculty. To use the expression popular in the Cold War struggle against Marxist-Leninism, *Speak Freely* is a book that tries to recapture a Vital Center.

Whittington is a keen student of John Stuart Mill and adopts Mill’s basic understanding of the importance of open discussion and debate as the only way to arrive at truth in most areas of inquiry. And the single-minded and enduring pursuit of truth, he believes, together with its dissemination to students, is the *raison d’être* for modern research universities like Berkeley and Princeton. Such a conception of a university, with the priority given to discovery and free-wheeling debate, is relatively modern, Whittington acknowledges, having first been developed and perfected in the 19th century by the large state universities in Germany.

This conception, he explains, was eagerly accepted by an influential group of academic reformers in America in the early years of the 20th century, who wanted to move beyond what they saw as an excessive devotion to inculcating accepted dogmas, rather than exploring the world in its many dimensions in the spirit of discovery and a quest for truth. According to the prescriptions of the reformers, he explains, “the core value of the modern American university would be free inquiry, not indoctrination.”

With such views, one might think Whittington is an unrelenting foe of the demand for “safe-spaces” where members of various demographic and theme groups on

campus can be sheltered from what they take to be deeply offensive ideas voiced in their presence. Whittington, however, offers qualified support for at least some types of restricted-membership groups where the members share commonalities of experience and beliefs that give them a sense of comfort and security. “There is nothing wrong with students and faculty wanting the ability to disengage from intellectual battles and seek refuge among like-minded friends and colleagues,” Whittington writes.

“When students call for hospitable spaces for racial minorities, religious minorities, sexual identity minorities, and women, we should recognize the value that such space can provide,” he explains. “The call for affinity housing or a single-sex lounge,” he continues, “should be no more troubling than the presence of a fraternity, political club, or Jewish center on campus.”

Students of all descriptions, Whittington believes, “deserve to have a place of respite from the stresses of university life, or indeed daily life.” It would be an emotionally exhausting environment; he adds, “if it were not possible to break bread with other members of the community without being forced into argument.” He warns, however, that while the nurturing of “thick bonds of solidarity with like-minded fellows” may be an important aspect of college life for many, it must never be allowed to become “the primary orientation of the university as a whole.” That orientation must look forward to drawing people out of their comfort zone – out of their “safe spaces of thick fellowship” — to confront others with different ideas, perspectives, and understandings of the world in ways that will enrich the intellectual experience of all involved.

Comfort zones of thick fellowship must never be encouraged to turn into permanent isolating ghettos in which students are sheltered from the value of intellectual challenges and enlivening exchange of ideas. Such isolation, Whittington believes, would be a betrayal of the university’s “core mission of exposing students to the wide range of perspectives to be found in the world around them.”

III

Speak Freely goes into great detail about the obligations of institutions of higher learning to protect free speech and free expression against those who would obstruct or prohibit it. It provides a wealth of factual material about the many ways that open

discussion and the communication of controversial ideas have been thwarted by activist students, partisan or cowardly administrators, and both trustees and wealthy outside donors with unusual influence on institutional policies. Since the overwhelming majority of college faculty, administrators, and in some cases students nowadays lean politically to the left, it is not surprising that most of the examples of thwarted free-speech found in Whittington's book are of ideas and viewpoints anathema to leftist sensibilities.

Under the guise of prohibiting "hate speech," Whittington writes, administrators and students have shut down speakers "who want to advocate for Donald Trump, contend that immigration should be restricted, criticize the Black Lives Matter movement and its policy proposals, argue against progressive sexual mores, or posit that those accused of sexual assault on campus should be given a fair hearing."

Whittington offers an elaborate treatment of the anti-hate-speech movement. In terms of American constitutional law, Whittington points out, "hate speech" is not one of the narrow categories of speech that is unprotected by the First Amendment (like physical threats, harassment, or "fighting words"). State-run universities are thus constitutionally obligated to protect most of what is often labeled "hate speech." Americans, Whittington writes, "are not allowed to threaten each other with impunity, but they are free to express hatred toward one another."

Unlike state-run institutions, however, private colleges and universities have greater freedom to restrict free-speech as they don't trigger the "state action" requirement for constitutional protections under the 14th Amendment. So private institutions are legally allowed under most circumstances to prohibit or restrict what they deem to be "hate speech." But the experience on campuses with hate-speech prohibitions has not been an encouraging one, Whittington observes.

"The label of 'hate speech,'" he writes, "has always covered a vague and disparate set of offenses, opening the door to selective and abusive enforcement against controversial speakers and ideas at the whim of campus officials." The anti-hate-speech movement, he says, was from its beginnings a movement aimed at suppressing disfavored arguments and ideas — one's typically anathema to the campus Left. It never embraced the idea of viewpoint neutrality or the marketplace of ideas.

“The idea that a hate speech exception would be applied strictly and stay limited flies in the face of our historical experience,” Whittington writes. “Once an official has been empowered to suppress speech, it is inevitable that good speech will be suppressed along with the bad, that the tools forged to punish worthless speech will be used to silence valuable speech as well.” Whittington rejects the idea, held it seems by many defenders of hate speech restrictions on campus, that “some ideas are too dangerous and enticing to be contemplated.”

While civility and mutual respect should be encouraged, such concerns should not be allowed to shut down speakers who espouse unpopular or even hateful ideas. “We gain the most for good ideas,” Whittington writes, “if we demonstrate why bad ideas are mistaken” and persuade people to that view, rather than censoring such ideas or prohibiting speakers from espousing them.

Whittington acknowledges that some campus speakers – he specifically mentions in this context the “Dangerous Faggot” Milo Yiannopoulos — are professional provocateurs, and should not be encouraged to speak on college campuses. They generate more heat than light, more visceral reaction than rational reflection. Such provocateurs, Whittington says, are “parasitic” on the free speech ideals Americans defend. Nevertheless, once invited, it does not speak well for a campus’s commitment to the open exchange of differing viewpoints if such speakers are shouted down, disinvited, or otherwise prohibited from speaking. Broad commitments to the free speech ideal sometimes require, Whittington believes, tolerance of some speech that may have little value. But students should always be free to hear what campus speakers have to say and make up their own minds as to whether what they hear is valuable or to be taken seriously.

It is for the protection of the willing hearers on campus, more than for the rights or interests of the invited speakers, Whittington believes that colleges and universities have a special obligation to protect campus speakers from those who would try to prevent the willing hearers from hearing the message the speaker has to convey. Colleges and universities have an obligation, he believes, to provide the necessary security to invited speakers and to punish students or others who would try to disrupt their talks or prevent interested parties from listening to them.

Whittington describes the disgraceful treatment of Charles Murray at Middlebury College in the spring of 2017 where a mob of student protesters not only made it

impossible for Murray to deliver his prepared remarks on socio-economic polarization in America, but assaulted Allison Stanger, the Middlebury political science professor who invited Murray, and who as a result of the assault suffered a serious concussion and brain trauma that took months to heal.

Although Whittington doesn't mention it, what the Middlebury mob revealed was the development in America of what the present writer has characterized elsewhere as a Spit-Viper Left, well represented by groups like Antifa, that far from being anti-fascist have taken over the *modus operandi* of the Italian Black Shirts and German Brown Shirts in the heyday of European Fascism. Only a Vital Center energized to do combat with the same dedication and power displayed by the free-speech-hating groups can our campuses remain true to the free-speech ideals that America at its best has long defended. *Speaking Freely* makes a major contribution to this effort. And because of people like Sergiu Klainerman, Chris Eisgruber, Robert P. George, Cornel West, and dozens of free-speech supporting Princeton faculty, Princeton University of late has shown its mettle in standing up to the bullying of the Spit-Viper Left and saying Enough!

IV

I have just one major criticism of Whittington's book, and it deals mainly with its lack of clarity in terms of distinguishing those educational institutions to which the proposed free-speech ideals he champions clearly apply, and those to which applying them is not so clear. What Whittington says in defense of open discussion and debate, and the importance of maximum latitude for dissenting and even deeply offensive viewpoints is clearly applicable to modern, secular, research universities — and those liberal arts colleges patterned after them.

Institutions whose faculty members are highly trained specialists, working at the frontiers of knowledge in various fields to expand what we know and to convey that knowledge to students, are the main target of his book. He acknowledges that some colleges and universities do not fit this description and that the free-speech ideals he examines and defends so exhaustively may not apply to them. But he mentions such exceptions and the rationale for them only in a few places and the reader can easily get the impression that all American colleges and universities should adopt the kind of free-speech regime recommended by the Chicago Principles.

But should Brigham Young, Yeshiva University, Calvin College, the California Baptist University, Oral Roberts University, Liberty University, Bob Jones University, and the Franciscan University of Steubenville really try to pattern themselves after institutions like the University of Chicago, Amherst, or Brown? Whittington would – and does — say no, but he says it in so few places and in such a highly concessional tone that it is easy to forget that the American college and university scene, unlike that in, say, contemporary Germany (where all universities are state institutions) is a smorgasbord of diversity in which one size does not fit all.

At one point, Whittington mentions that until the latter part of the 19th century most American colleges and universities, rather than being research institutions, were devoted to imparting “received wisdom” to their students, and the faculty was expected “to adhere to approved doctrine.” These institutions, he remarks, “were expected to be producers of doctrinally reliable preachers and finishing schools for the sons of the wealthy (and those who aspired to join their class).” But this is a distorted and demeaning way of characterizing the earliest colleges and universities in America and fails to recognize their true achievements.

Surely it is an inaccurate way of describing Princeton in the time of the presidency of someone like John Witherspoon (1768-1794) when Princeton was called the College of New Jersey. At that time all nine colonial colleges were headed by ordained Christian ministers, and the purpose of each was to turn out educated Christian gentlemen who would assume positions of leadership in the expanding new country as Christian lawyers, ministers, journalists, and statesmen.

The college president typically taught the senior-year course in applied Christian ethics, which was often seen as the crown of four years of education patterned in many ways after the medieval *trivium* and *quadrivium* (grammar, rhetoric, and logic; arithmetic, geometry, music, and astronomy). Primary aim of such education was not simply the imparting of knowledge and reasoning skills – important though these objectives were – but that of cultivating high morals, good character, a thorough understanding of the Bible and the Christian religion, and a life dedicated to, as Harvard College proclaimed in its original motto, *Veritas Christo et Ecclesiae* (Truth, Christ, and Church).

One could hardly imagine a more serious purpose for colleges or universities than that undertaken by those in America from the earliest colonial era up to the

immediate post-Civil War period. Princeton University retained its strong religious orientation, including compulsory daily chapel service for all its students, until the 1950s. American colleges and universities in an earlier period may not have achieved the high moral and religious goals they set for themselves, but in no time before the very late 19th and early 20th century could they be described as finishing schools for social climbers. Research universities they were not, but they had a purpose and a mission as noble and demanding as any modern, research-oriented college or university today.

And in America today there are increasing numbers of institutions that are convinced that the undergraduate instruction in most American colleges and universities is aimless and disorienting and seek to provide for their students the kind of religious-oriented liberal arts education that was once provided by the early Christian-oriented colleges in the time of James Madison and John Witherspoon.

Such institutions do not seek to be morally or religiously neutral and often contain in their mission statements the stated goal of turning out high-minded Christian, Jewish, or Mormon men and women, and creating a campus environment where students and faculty dedicated to such ideals can thrive. These institutions cannot thrive on the kind of principles that are so central to the running of a great research institution like the University of Chicago.

It may be a minor yet important criticism of Whittington's otherwise outstanding book, to mention a need to stress, more than Whittington does, the pluralist nature of the American university and college system, and the impossibility of applying a one-size-fits-all paradigm of academic freedom, free speech, and value-neutrality among the administrators, faculty, and students who choose to be part of institutions with a clearly defined religious mission. We might distinguish here Millian Institutions (patterned after John Stuart Mill's *On Liberty*) from Newman Institutions (patterned after John Henry Newman's *The Idea of a University*). America surely has room for both. Although Whittington realizes this truth, his book needs to proclaim it more clearly.

Stung by Charlottesville Riot, UVA Limits Free Speech

By John S. Rosenberg, May 3, 2018

Charlottesville is still recovering — or trying to recover — from the chaos of last August when the city and its centerpiece, the University of Virginia, were “invaded,” as people here say, by extreme right-wing demonstrators, who were attacked by extreme left-wing Antifa counter-demonstrators.

Evidence of the continuing fallout from the August clashes abound. Here are a few examples from just the past week or so.

The law library at the University of Virginia was just closed to “outsiders” because Jason Kessler, a notorious local right-winger, and organizer of August’s “Unite the Right” invasion, attempted to use it to prepare his defense in a lawsuit. “While Jason Kessler purportedly did little except visit the institution’s law library to study for a civil case for which he is standing trial,” *Inside Higher Ed* [reports](#), “just his presence triggered angst among students and professors.”

The next day, “in an emotional town hall,” according to the *Charlottesville Daily Progress*, “students said Kessler’s presence brought back some of the same feelings of fear, isolation, and anger that they experienced on August 11 and 12 ... [and] School of Law Dean Risa Goluboff expressed her empathy for the students. ‘I’m sorry,’ she said. ‘I’m angry, too.’”

The law library, usually open to the public except for exam periods, is now at least temporarily restricted to those with University identification, and a group of students and faculty demanded that the university bar Kessler from campus. As *C-Ville*, a local progressive free weekly, put it, “Kessler Alert: UVA law library hits the books in search of ban.” In addition, according to the *Daily Progress*, the university “is also considering changes to its free speech policy,” restricting speeches, rallies, pamphlet distribution, etc., “to certain times and places on Grounds” (the UVA term for campus).

The University initially refused to bar access to Kessler because, well, he hadn’t broken any laws or university rules, but it has now done so. The *Daily Progress* [reports](#) that a No Trespass warning was issued “after multiple reports from students that Kessler threatened them, targeted them through cyber-bullying and cyber-harassment and targeted them based on protected characteristics.”

Kessler is accused of making anti-Semitic comments to some students on his last visit and in general of being a very bad person who organized the August invasion of very bad people.

Not content with barring Kessler from University grounds, law professor Anne Coughlin and law student Rebecca Kimmel, the *Daily Progress* [reports](#), have been urging the prosecution of Kessler and his colleagues, claiming the torches they carried in their August 11 demonstration violated “Virginia Code 18.2-423.01, a successor to a previous cross-burning law, makes it illegal to burn an object in a public place with the intent to intimidate or to make someone fear for their safety or life.”

Coughlin spoke at a “candlelight vigil” on [race issues in 2003](#), then roiling the campus. On that occasion she mentioned her reluctance to speak, fearing that whites would think she was blowing issues out of proportion and blacks would think she, as a white person, was the wrong person to speak. “My fears are produced by racism,” Coughlin said. “My fear has made me an ignorant person.”

Given her current campaign to prosecute torch-bearing protestors, perhaps an enterprising reporter should ask her whether the candles at that 2003 vigil would have run afoul of the statute she now wants to be enforced. We all might agree that there is a world of difference between tiki-torch carrying Klan-sympathizing protestors and candlelight vigilers, but should we trust prosecutors now and in the future — including a possible “deplorable,” i.e., a Trump-supporting prosecutor — to share our certainty?

Moreover, so far as I am aware, Coughlin has launched no similar effort to have the mask-wearing Antifa counter-demonstrators prosecuted under [§ 18.2-422](#) of the Virginia code, another anti-Klan holdover that makes it “unlawful for any person over 16 years of age to, with the intent to conceal his identity, wear any mask, hood or other device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer.”

Meanwhile, in a counter-intuitive, man-bites-dog shocker, black students and their dean opposed and managed to cancel a public visual and performance arts exploration of the role of slaves in building the University. Why? Because *C-Ville* [reports](#), the proposed art “reopens slavery’s wounds.”

Maurice Apprey, Dean of the Office of African-American Affairs and three deans in his office then wrote a letter to Pat Lampkin, UVA vice president and chief student affairs officer, asserting that “the pretext of the entire project was clearly offensive.... We shudder,” they wrote, “at the thought of having to explain to concerned parents, students and alumni that our black and non-black students are being asked to play roles of humiliation; namely, the enslaved and slave-owning.”

One wonders what Dean Apprey, his deanlets, and the censorious black students think of what is no doubt presented in history classes at UVA, not to mention the work the University’s own [Commission on Slavery and the University](#). When did reminding people of slavery become a bad thing?

Monitoring Social Media

One effect of “Charlottesville” (the event) is a new big brother-like emphasis on monitoring, and on occasion censoring, Facebook, Twitter, etc., for signs of impending unrest. As [Engadget](#) has reported, “[Google](#) and [GoDaddy](#) aren’t the only internet companies dumping racists in light of the violence in Charlottesville. The team behind the gaming chat app [Discord](#) has [shut down](#) both accounts ‘associated with the events in Charlottesville’ and the [altright.com](#) chat server.”

Now, the Charlottesville *Daily Progress* [reports](#), the University of Virginia itself has taken on the role of Big Brother, contracting with a private firm to scan social media messages and alert police when certain keywords such as “kill,” “die,” or “shoot” are used. When an alert arrives, according to UVA police officer Beth Davis, the social media post is examined using “a checklist of warning signs. We look at the whole context of the post,” she said.

The *Cavalier Daily*, the student newspaper, [reports](#) that “students and faculty raise questions over UVA’s social media monitoring efforts.” According to [Siva Vaidhyanathan](#), Robertson Professor of Modern Media Studies and director of the [Center for Media and Citizenship](#), “this whole practice is silly.” It is ineffective, he points out, since “you have to hope the person has location services on and is willing to share location.” Moreover, he adds, “most radical people do not publicly post their plans or actions on social media accounts such as Twitter or Instagram, but rather post on platforms such as [Discord](#), an anonymous gaming platform.”

“The problem with August 11 and 12,” according to Vaidhyanathan, was that actual human beings watching activity on Discord alerted the University that there was an impending invasion, and the University did not take that seriously.” Of course, now that Discord has banned racists from participating, the professor’s preferred solution would no longer work. That’s one problem with driving unpopular expression underground: it’s no longer visible.

There is a bigger problem, however, than the inefficiency of the method UVA has chosen to monitor social media. In 2016 Doug Muir, an adjunct lecturer in UVA’s Darden School of Business was forced to take a leave of absence because of a Facebook post comparing Black Lives Matter to the Klan. He was responding to a campus lecture by BLM co-founder Alicia Garza, someone not known for the temperance of her speech.

What is relevant here is not Mr. Muir’s opinion — abandoned under pressure from University leaders — but the responses of those leaders at the University of Virginia to his original expression of it on Facebook. “Mr. Muir’s comment was entirely inappropriate,” the Dean of Engineering and Applied Science [declared](#). “UVA Engineering does not condone actions that undermine our values, dedication to diversity and educational mission.” The School of Engineering, I noted, “apparently regards a Facebook post as an ‘action,’ not speech, and it deems only ‘appropriate’ speech and speech that does not challenge ‘diversity’ worthy of protection.”

A statement from UVA Provost Tom Katsouleas was even more striking. Muir’s post, the Provost asserted, “is inconsistent with the University of Virginia’s values and with its commitment to the principles of academic freedom.... [S]tatements such as Mr. Muir’s do not foster intellectual exploration, nor do they encourage the voices of others.”

At a [Symposium on Free Speech on Campus](#) sponsored by the Thomas Jefferson Center for the Protection of Free Speech, University President Teresa Sullivan praised her provost and deans for their statements “defending academic freedom.” During the question period, I responded to President Sullivan, noting that in the Muir affair a UVA lecturer had been hounded from his classroom, even if for only a short while, by what amounted to a heckler’s veto and that it was sad UVA’s officials sided with the hecklers.” (Comment begins at 59.25 of [this video](#) of the symposium posted below.)

One does not have to be a privacy purist to be concerned about university presidents, provosts, and deans who regard social media posts as “action,” who limit academic freedom protections to faculty statements they deem constructive, and who harangue and discipline faculty members for posting opinions that are “inappropriate” or, even worse, “inconsistent with the University’s values.” When these leaders then proceed to hire an outside watchdog to monitor faculty and student postings on social media while patting themselves on their backs for protecting academic freedom, they become caricatures of the proverbial fox guarding the chicken coop.

A New Tactic to Undermine Free Speech?

By John Leo, April 29, 2018

“The anarchic left” may be adopting a new tactic to stifle free speech on campus: rather than direct shout-downs of speakers they oppose, thus risking arrest and punishment, they may be turning to persistent heckling, says Peter Wood, President of the [National Association of Scholars](#). On April 18, the conservative activist group Turning Point USA and the Bruin College Republicans co-hosted an event at UCLA under the title, “Exposing Leftist Lies & Progressive Propaganda.” The two-hour event was interrupted roughly 150 times by heckling, and UCLA allowed protesters the use of high-decibel speakers just outside the hall to add to the chaos.

A witness to the event wrote that the night “was literally a national script for the ‘new’ shout-down. The protesters showed step-by-step how to take control of any event, by demonstrating to everyone that they are in control. They derailed most of the speaker’s points and diverted much of the argument to their preferred topics. They took up a major fraction of the allotted time yelling and screaming their points while experiencing no negative consequences. By ignoring the actual arguments and information given, the protester attained total victory. They achieved their goals: all fun, no pain. The two deans paced the aisles, looking nervous and confused. For a while they played ‘whack-a-mole,’ but soon the crowd saw that the deans’ declarations about protecting ‘free speech’ were utterly meaningless.

Did the Right ‘Weaponize’ Free Speech?

By Peter Wood, January 14, 2018

Joan Scott, professor emerita in the School of Social Science at Princeton, has been arguing that the great threat on academic freedom comes not from the smothering blanket of political correctness or the violence-laced actions of left-wing protesters, but from the anti-intellectual right.

Scott’s interview in the *Chronicle of Higher Education*, “[How the Right Weaponized Free Speech](#),” her article, “[On Free Speech and Academic Freedom](#),” in the AAUP’s *Journal of Academic Freedom*; and her extended conversation with Bill Moyers “[Academic Freedom in the Age of Trump](#),” and her upcoming AAUP chat on Facebook Live on January 26, “Faculty Under Attack,” all focus on the same theme. [Stanley Kurtz replied](#) to her *Chronicle* piece, which included a dramatically distorted account of the model legislation on academic freedom promoted by the Goldwater Institute. And I published a [comment on Scott’s conversation](#) with Moyers, in which she leveled some implausible accusations at conservatives.

No, Not Milo or Spencer

Scott is not such an eminence that her aggressive dismissal of conservative views is likely to sway many people. But her emeritus position at the Institute for Advanced Study gives her social standing above the ordinary crowd of progressives expressing their contempt for those who disagree. Scott is a feminist historian who came to prominence through books such as *Gender and the Politics of History* (1988); *The Fantasy of Feminist History* (2011); and *Sex and Secularism* (2017). She has a long and deep association with the AAUP, having served as chair of its Committee on Academic Freedom and Tenure. Her interest in academic freedom is thus nothing new.

Professor Scott believes that academic freedom is under assault from an anti-intellectual right that hates academics because it fears “excellence, difference, and

culture.” Conservatives have some sharp criticisms of the way universities are handling themselves these days, but none that I know of have expressed disapproval of “excellence,” hold “difference” in disapprobation, or quake on encountering “culture.” Indeed, conservatives are more often accused of elitism, precisely because they consider the pursuit of excellence the *sine qua non* of higher education. They uphold distinctions (“difference”) that the left prefers to flatten. And they are the standard-bearers of traditional culture.

Scott’s Diffuse Anxiety

How could Scott have gone so wrong? There are, of course, anti-intellectual people everywhere in the political spectrum. If you choose to make some angry fool the emblem of all the views you disagree with, however, you will certainly miss the most important ideas espoused by the other side. Scott goes far wide of the mark when she invokes people such as Richard Spencer and Milo Yiannopoulos to characterize conservatives. She does better in invoking David Horowitz, but calling him someone “on the front lines of the anti-intellectual movement for years” is a smear. Horowitz is an agile thinker, a graceful writer, and a tireless defender of academic standards. He has been, to be sure, a pugnacious combatant in the culture wars as well, but “anti-intellectual?” Not hardly.

Scott singles out others by name as well for opprobrium: Betsy DeVos, Charles Murray, and Robert P. George among them. These three are exponents of very different ideas. Lumping them as part of a right-wing anti-intellectual movement suggests that Scott has allowed herself to be carried away by her partisanship. Something like that seems to have happened as well in her characterizations of the Goldwater model legislation that is being considered in several states. Scott seems to think the legislation would impose restrictions on what professors teach. As Kurtz pointed out in his rebuttal, the legislation does nothing of the kind. It calls for public universities to be “content-neutral” when setting rules for public expression of views. There should be one set of rules that applies equally to all sides.

Scott’s excesses illuminate the self-understanding of the progressive professoriate, which needs to believe it faces a [mad brute](#) in order to fire up its martial vigor. The images she conjures, however, have no relation to the reality of America in 2018.

Academic Freedom as Fig Leaf

In the America of 2017, left-wing mobs, some composed entirely of college students, used force to silence dissent. Progressive thugs have kept Milo Yiannopoulos from speaking at Berkeley, Charles Murray from speaking at Middlebury, Heather Mac Donald at Claremont McKenna—and just this last October, Black Lives Matter prevented Claire Guthrie Gastañaga, executive director of the Virginia chapter of the American Civil Liberties Union, from speaking at William and Mary. At Evergreen College in Washington state, left-wing students with sticks and baseball bats patrolled the campus with impunity.

The Evergreen case represents the extremist end (so far) of these extremities: mob rule pure and simple, condoned by a cowering college president. But progressive student-led shout-downs and disruptions occurred at more than two dozen colleges and universities last year. The few instances on record of disruptions by right-wing agitators, such as the attempt to [shout down California Attorney General Xavier Becerra at Whittier College](#), were carried out by activists from outside the university.

The asymmetry of disruptions originating on the left and the right is not a matter of perception. It is a well-attested fact. Scott is engaged in a kind of revisionist history to assert otherwise.

College administrations and faculty have responded to this nationwide surge of violence at best with a slap on the wrist, and more frequently with statements that endorse the goals of the student mobs even as they officially disapprove of the means.

The administration and faculty presumably prefer the means promoted by Joan Scott: to use “academic freedom” as a fig leaf to peacefully exclude all dissenting views from campus. Student voices in the classroom; dissenting academics in articles and textbooks; dissenting would-be faculty up for hire or tenure; student organizations; students who escape a carefully delimited “free speech zone”; students who intrude into a “safe space”; students deemed by the voluntary thought police of a “Bias Response Team” to have said something offensive; invited speakers—all can be excluded by peaceful means, since academic freedom isn’t the same thing as freedom of speech.

But on this point, Scott’s argument draws on an important truth. Academic freedom and free speech are not the same things. Academic freedom is a self-created doctrine within higher education. What we usually mean by “free speech” are the expressive rights guaranteed by the First Amendment. In that sense, “academic freedom” is always up for grabs. It can be reinterpreted to suit any college or university that wants to go to the trouble of saying what it means *now*. So those who want to make of “academic freedom” a covenant to respect only politically correct opinions can indeed do so.

What Hillary Might Have Done

But, of course, there is a cost to Scott’s approach: it means forfeiting the respect of the general public to whom “academic freedom” connotes broad respect for differences of opinion, not revolutionary ardor for a single set of views.

America’s campuses have been turning into an ever-stricter archipelago of tyranny for a generation and more. The election of President Trump has served as an occasion for further demands to restrict freedom on campus—but there would have been something else if Clinton had been elected president. The only likely difference in that alternate history is that the Department of Education in a Clinton administration would have whole-heartedly supported the imposition of progressive conformity on campus.

Professor Scott feels that President Trump’s election brought her “diffuse anxiety; a sense of fear in response to an indeterminate threat; dread about what would come next, as day after day more draconian measures were announced.” Except for ideologues and the henchmen of the progressive left, every student, teacher, and administrator on campus has felt that way for decades. Professor Scott has spent her entire professional life in academia and never heard that anxious silence—or, I fear, considered how she has contributed to it.

That silence and that fear are what makes up the American university in 2018. The NAS will gladly continue to work with any ally to end that silence and that fear, and thereby to restore academic freedom. If Professor Scott truly wishes to defend academic freedom, she will join us.

Disrupting Campus Speakers Is Not Just A Free-Speech Problem

By Peter Wood, October 26, 2017

From kneeling football players to campus shout-downs to professors and a president Tweeting out malignancies, America now has a new problem.

Taken out of its Christian context, to witness is to make an emphatic assertion to someone else who doesn't share your view that your view is right. That assertion, moreover, doesn't aim to persuade by reasoning, logic, or evidence, or even by quiet confidence. It is, rather, an assertion of will that draws on a sense of external power.

The shouters-down of Charles Murray or Heather Mac Donald were, for sure, invoking a different external power that might best be called "Social Justice." To them, Social Justice authorizes shout-downs, mob actions, and beatings as acts of piety that display "not the wisdom of men" but the power of the movement.

Will to Power

I introduce this idea as a new way to think about the breakdown in free expression in our society. We usually talk about that breakdown as a crisis of free speech: a matter of Constitutional rights and the sudden loss of respect for letting the other guy have his say. That's true as far as it goes. Both ordinary civility and the special decorum we used to expect in public events have taken some hard knocks.

But every violation of free speech and every departure from civility is also an expression of a kind of piety. Superficially these outbursts are expressions of animus against "fascists," "white supremacists," and the like.

Those labels are so misapplied as to be nothing more than incantations in which a revulsive name is fixed on a designated target. "Hey hey, ho ho, Charles Murray has got to go," has no substance except as witness. By repeating it in unison, a crowd expresses its will-to-power.

The Rudeness of the Right

On college campuses, the rudeness has appeared mostly among members of the progressive left who have lately adopted tactics such as [shouting down speakers](#) they don't like, [invading classrooms](#), and [barging uninvited](#) into private meetings. But rudeness is bipartisan. And to make the phenomenon of political witnessing clear, it helps to consider examples of conservatives doing it. For example, populist supporters of President Trump recently attempted to shout down a talk by the California Attorney General, a Democrat, at [Whittier College](#).

The “You lie!” moment of nearly a decade ago stands as the outburst that defined the American political right's temptation with rowdiness. “You lie!” is what Joe Wilson (R—SC) yelled out during a September 9, 2009, address by President Obama to a joint session of Congress. Wilson, as it happened, apologized and was rebuked by the House, but he left a benchmark. Such things aren't forgotten. As recently as April 2017, Wilson was assailed by angry Democrats at a town hall in his home state, [chanting](#) in derision, “You Lie.”

Wilson's outburst, which came during the early days of the Tea Party movement, pointed in a confrontational direction that, as it happened, the Tea Party movement did not take. Rowdiness, rudeness, and confrontation proved alien to the spirit of those protesters. But their suppression by the IRS and other instruments of President Obama's government boomeranged. The campaign rallies for Donald Trump were much more boisterous and the rhetoric more bloody-minded. “You lie!” seems tame in comparison to what followed.

The Weirdness of the Left

The rudeness of the right has become an object of contemplation for many on the left. *Contemplation* at least for some intellectual doyens. More often, voices of protest on the right are simply denounced as racist, white supremacist, or neo-Nazi, or attributed to the crudity of “populism.” But it is important to pay attention to liberal and leftist thinkers when they try to go beyond this.

Bill Moyers, a reliable register of orthodox progressive opinion, has just published a conversation with [Joan Scott](#), a historian and gender theorist, and professor emeritus at the Institute for Advanced Study in Princeton. In “[Academic Freedom in the Age](#)

[of Trump](#),” Moyers and Scott see the problem entirely through the lens of “attacks on the Academy” from right-wing conservatives, a group [outnumbered in the Northeast by 28 to 1](#), where presidents, policies, and primetime television news comes from. In Scott’s view, these conservatives are in the grips of an anti-intellectual “bloodlust.” It is aimed at “supposed tenured ‘radicals’” and is meant to undermine “free thought” and “critical thinking.”

Scott occasionally argues points that are important and valid. Like her, I have long argued that free speech and academic freedom are profoundly different. Scott quotes Stanley Fish:

“Freedom of speech is not an academic value. Accuracy of speech is an academic value; completeness of speech is an academic value; relevance of speech is an academic value. Each of these is directly related to the goal of academic inquiry: getting a matter of fact right.”

Fish’s term, “accuracy of speech,” is his work-around for the straightforward word “truth.” Fish is a kind of post-modernist (he says “pragmatist”) who rejects the concept of truth, but we can meet him (and Scott) on the close-by summit of “accuracy.”

The Saga of Mattress Girl

The shout-downs, speech codes, bullying of conservative students, efforts to intimidate faculty members who defy the edicts of political correctness, are all breakdowns in civility. The governing principles of intellectual exchange collapse as the rancor rises. But these events are also eruptions of ego. They display a particular kind of self-assertion that merges the individual into a collective will. This isn’t always immediately apparent. [Mattress Girl](#), Emma Sulkowicz, lugging her mattress around the Columbia University campus for a year to protest how the university handled her rape accusation against a fellow student would seem outwardly to be engaged in a completely individualized spectacle—and one that didn’t touch the freedom of anyone else’s expressive rights.

But in fact, Mattress Girl’s spectacle depended entirely on the active collaboration of the Columbia University community, which implicitly and often explicitly supported her vilification of the student she accused of rape, Paul Nungesser. The

student newspaper and fellow students made Sulkowicz's campaign into a collaborative enterprise aimed at shaming Nungesser, who in the end was exonerated and who successfully sued the university for its treatment of him.

So, the individual act of witness may look like a personal statement, but it rides like a surfboard on a wave of collective resentment. The many egos of the protesters joined in a chorus of derision and deviation from this group will be harshly punished. But as in other romantic movements, behind this collective conformity lurks a great deal of individual torment.

Clouds Above, Rocks Below

Moyers and Scott provide a genteel version of this kind of *witness*. They write with the assurance that their attacks on conservatives will meet the smiling approval of their in-group because, after all, they are testifying to the validity of a set of beliefs. They do so in a thoughtful, discursive manner that is not intended to outrage anyone or draw special attention to themselves. As someone who is not part of their intended audience, I do find some of their confident assertions false to the point of outrageousness, but my outrage is stilled by the realization that Moyers and Scott are denizens of an imaginary place, a cloud continent, remote from the actual world.

The students, on the other hand, pose a problem that deserves very serious attention. They are doing their part—consciously and deliberately—to destroy a civilization. Ultimately, they won't succeed. Civilization has resources beyond their understanding. But in the short term, as in a generation or two, they will do a lot of damage.

Reedies Against Racism

Consider Reed College, where a [slow-motion protest](#) under the name Reedies Against Racism is waging war on the college's core humanities course, Humanities 110, "Greece and the Ancient Mediterranean." The students seem to have gained the [upper hand](#) in their attack on Reed's only required freshman course. Classes have been canceled; a day-long [boycott was launched](#); a Black Lives Matter group presented the president of the college with a [list of demands](#), and President John Kroger capitulated to many of them. The humanities course in question has been a cornerstone of a Reed education since 1943 and is the successor to a requirement

that goes back to the college's founding in 1908. The problem, in the eyes of Reedies Against Racism, is that a course on Ancient Greece is by definition a course on Western civilization. It is thus ethnocentric and "racist."

I don't know whether the course at Reed will survive, but the will to oppose the protesters seems weak. The Reed alumni magazine quoted one of the student critics:

Hum 110 should include a history of the Western canon as racist and anti-black; Hum 110 lecturers should restructure delivery and analysis of content, in an understanding that the texts are not familiar with everyone and their backgrounds. Or made non-mandatory given options of other Hum courses with books outside of the Western canon.

Options for "compromise" like this amount to an evisceration of the course in favor of contemporary identity politics and grievance theatre. The alumni magazine, however, frames the debate entirely according to the protesters' premises:

The protest has ignited a respectful but passionate campus debate over the scope and structure of the course and whether it represents a vision of intellectual life in which all students feel included. At a deeper level, the debate is about race, power, culture, and the nature of education itself.

The debate is really about whether Reed students will learn something about the deep history of western civilization or instead be immersed in something else.

Reed College, of course, has a well-earned reputation for its leftist leanings. Remarkably, Humanities 110 survived the general purge of Western Civilization courses in American higher education. A few years ago, the National Association of Scholars published a study, *The Vanishing West*, which tracked the dismantling of this course at elite colleges and universities from 1963 to 2010. At the beginning of that range, a two-semester Western Civilization requirement was almost universally required, and it provided the backbone of general education. By 2010, they were all gone, except for fragments here and there.

The Reedies Against Racism movement is about ending a very old legacy—not the legacy of racism, but the legacy of learning how Western civilization invented itself. When I say the iconoclastic movement on campus today will do a lot of damage,

this is the damage I expect: loss of historical depth, subordination of knowledge of the past to the political preoccupations of the present; and the ever-inflating assertions of group grievance and grievance-based personal identity. Who has the courage to tell the Reedies Against Racism that their complaint is trivial and that they should get over themselves? I suspect it won't be President Kroger.

Saying Rude Things

Students protesting to prevent Charles Murray from speaking, or Heather Mac Donald, do plenty of damage. But students organizing to silence Homer, Herodotus, and Thucydides may well be the greater threat. Their efforts, extending back to the culture wars of the 1980s, have already stripped American higher education of much of its coherence as well as its ability to teach students about the hard-won nature of our freedom. That ignorance is part of what licenses today's eruptions of protest against "privilege," racism, and the like. The targets of the protest are not wholly imaginary, but they are wrongly imagined. The protesters often say they are fighting "structures of oppression" when they are really witnessing against their own exile and confusion.

Attempts to silence speakers or forestall speech are the most conspicuous part of the crisis in free speech, but they are not the heart of the matter. Every effort to talk over someone else ("You lie!") is also an effort to say something in its own right. It is the *saying* of rude, outrageous, and provocative things that is the essence of the crisis.

As a culture, we are accustoming ourselves to interruption. We've invented justifications for this: an ethic of interruption. The interruptions are more than just shouting down or talking over. They are also the interruptions of civility and thought that could be achieved all on one's own with a Tweet or some act of solitary protest. The intention in such cases is to interrupt and arrest the flow of things. To demand attention to oneself by means of peculiar pronouncements is part of the new cultural warfare.

Protecting Academic Freedom Through All the Campus Smoke

By Peter Wood, October 18, 2017

Once many years ago, I spoke to an Army recruiter who tried to convince me that I would learn many valuable skills in the military, including how to jump from helicopters. I was puzzled. How exactly was learning to jump from a helicopter a valuable skill? He explained that I could then qualify for a career as a flame jumper fighting wildfires.

I passed up that career in favor of the far more practical training in social anthropology. But sometimes it seems I still ended up in the business of jumping into burning terrain. Attempting to make sense of the claims and counterclaims in the debates over free speech strikes me as something like [smoke-jumping](#). The destination is often obscure, the heat is intense, and the goal keeps changing.

I have good friends in Santa Rosa and don't mean my metaphor to diminish the awful reality of the devastating California fires. But the image has some purpose. Here, there, and then suddenly over there on a distant ridge, the wildfires burst to life. So too the assaults on intellectual freedom.

I have been working on a larger project in which I attempt to reframe many of the current controversies about free speech by looking at the psychological and anthropological aspects of verbal defiance and transgression. As part of that project, I have been looking over recent examples and attempting to draw distinctions between what we should, perhaps with gritted teeth, accept as provocative speech that still must be tolerated, and speech that "crosses the line" into what should not be tolerated. Not everyone will agree with the lines I've drawn. It is easiest, of course, to draw fire from those who profess a doctrine of "no lines." But as an anthropologist, I know that "no lines" is a fiction. All societies have them. The real questions are *Where are they drawn? Who draws them? How are they maintained?*

Heckling Democrats at Whittier

On October 5, Whittier College in California hosted an event titled, "A Conversation with the Attorney General," which was intended to be an hour-long Q & A session with California Attorney General Xavier Becerra. The event, open to the public, had been organized by Ian Calderon, a Democrat and majority leader of the California State Assembly. Becerra has been in the news for his public

opposition to President Trump's positions on Deferred Action for Childhood Arrivals (DACA) which deals with the legal standing of the approximately 800,000 individuals in the United States who arrived here illegally as children.

The Q & A session took an unexpected turn. About a dozen pro-Trump hecklers showed up and attempted to shout down Becerra and the other speakers. They didn't succeed in derailing the event, but they impeded it. This is apparently [not the first time](#) that pro-Trump protesters have disrupted events put on by elected officials, but it is, as far as I know, the first time it has happened as part of an organized campus event. A key figure and possibly the organizer of the Whittier protest is Arthur Schaper, who has publicly boasted of his role in disrupting other public events involving Democratic speakers. [FIRE](#), which reported the Whittier incident, quotes Schaper as saying:

“I am prepared to be an uncivil civilian, and I don't care who's offended. Civility, accommodation, and playing nice with Republican and Democratically elected officials is over. ... Making America great again is not about placating and pleasing everyone, but standing up for what is right, even if it means disrupting a few tea parties.”

Stanley Kurtz, writing at [National Review Online](#), responded to the FIRE report and the accompanying video of the protest with distress. Kurtz noted that many have warned that the “leftist campus disruptors” were endangering their own rights by creating a precedent that right-wing activists could copy. That's exactly what happened at Whittier on October 5. A small consolation is that the protesters included few if any students. This was a mob of partisans from off-campus. That doesn't absolve the college for its failure to maintain order, but it means that the eventuality of heckling from both political extremes among students hasn't yet materialized.

Lest there be any ambiguity about this, the National Association of Scholars strongly condemns the shout-down of Attorney General Becerra at Whittier College. The actions of Mr. Schaper and others in his group are an assault on academic freedom, the integrity of higher education, and the civility on which our republic depends.

Diatribes at Drexel

On the morning of October 2, Drexel University professor of political science George Ciccariello-Maher offered in a series of [tweets](#) his explanation for the mass shootings in Las Vegas on October 1. According to Ciccariello-Maher, the underlying cause was “the narrative of white victimization” and “Trumpism.” “White people and men are told that they are entitled to everything,” the professor wrote. “This is what happens when they don’t get what they want.”

Police have still not determined the motive of the Las Vegas shooter, but there is no evidence of any sort that substantiates Professor Ciccariello-Maher’s assertions about a link to Trump or to white identitarianism. Public reaction to his Tweets was swift and full of condemnation. On October 9, Drexel University put Ciccariello-Maher on paid administrative leave. The *New York Daily News* reported Drexel’s explanation:

“Due to a growing number of threats directed at Professor George Ciccariello-Maher, and increased concerns about both his safety and the safety of Drexel’s community, after careful consideration, the University has decided to place Professor Ciccariello-Maher on administrative leave,” the university said in a statement.”

The [AAUP declared](#) this a “unilateral suspension” and said it was “at odds with normative academic procedures.” Theodore Kupfer, writing in *National Review*, headlined an account of the affair, “No, George Ciccariello-Maher Doesn’t Believe in Academic Freedom. But He Still Deserves It.” Kupfer describes Ciccariello-Maher as “the angry white man with a violent fantasy,” to wit, armed communist revolution everywhere. But, says Kupfer, “he is not a criminal. And the Drexel administrators have made a mistake.” He says Ciccariello-Maher’s words are “obnoxious, easily refuted and deserving of mockery,” but not of suspension.

Again, lest there be any ambiguity about the National Association of Scholars’ position, it is the same in spirit as Mr. Kupfer’s. Drexel University shamed itself by appointing and eventually tenuring someone of Professor Ciccariello-Maher’s low quality of mind and ideological zealotry. But appoint and tenure him it did, and that has the consequence of protecting him from adverse administrative actions based on the content of his views. Drexel University’s claim to have suspended him to protect his safety and that of the campus is transparently a pretext.

The National Association of Scholars does not uphold an absolute version of “free speech” or “academic freedom.” Neither exists as a free-floating right. We value free speech as an instrument to promote political debate and good republican government. We value academic freedom as indispensable to the pursuit of truth within the academy. Both concepts can be and often are abused by those who disavow political debate according to civilized norms and the pursuit of truth as the organizing purpose of the university. On the evidence, Ciccariello-Maher is among the abusers, but that doesn’t absolve the university of its obligation to live up to its own commitments.

What, then, can a university do about professors or students who radically undercut the spirit of academic freedom while claiming its protection? (The spirit of academic freedom is the pursuit of truth or the gaining of new knowledge. Acts that are intended to distract, mislead, or purvey un-truths are outside that spirit.) Ciccariello-Maher’s intemperate accusations in an essay in *The Washington Post*, “[Conservatives Are the Real Campus Thought Police Squashing Academic Freedom](#)” provide an extended example of this malicious use of speech. The university is not, however, without resources to deal fairly with those in the academic community who intentionally undermine the principles of respect for truth, civility, and what might be called scholarly temperance.

What might those resources be? Criticism. Judicious distancing. In extreme cases, a university may choose to buy a faculty member out of his contract. If a faculty member persistently misuses university resources, his access can be curtailed. No rule or law says that a university must assist a faculty member in spreading falsehoods.

Professors Targeted by Progressives

The National Association of Scholars is, of course, better known for defending academics who have come under attack for promoting ideas that run against the grain of the domineering campus left. We have recently, for example, defended [Dennis Gouws](#), a professor of English at Springfield College, whose research and teaching interests on “men in literature” have brought down the wrath of his college’s feminists, including his department chair and his provost. We have defended [Amy Wax](#), professor of law at the University of Pennsylvania, who along with Larry Alexander of the University of San Diego School of Law, published

an [op-ed](#) in which they extolled mid-twentieth century America for upholding the value of marriage, hard work, obeying the law, patriotism, neighborliness, civic-mindedness, charity, clean language, steering clear of addictive substances, and respect for authority. Professor Wax was excoriated by many of her fellow law professors at Penn and by her dean. And we defended [Bruce Gilley](#), professor of political science at Portland State University, after his publication of an essay, “The Case for Colonialism,” unleashed an international torrent of abuse against him, including death threats.

We will continue to defend individuals against such abuses, and not all those individuals are or will be “conservatives.” In general, we are drawn to cases where faculty members have made legitimate use of their academic freedom to pursue substantive research on important topics but who have met with ferocious attacks as a result. Gouws, Wax, and Gilley didn’t land in hot water because of outrageous tweets. They presented reasoned arguments and defended those arguments with genuine scholarship. My use of the word “legitimate” here will no doubt bring libertarians up short. What could possibly be illegitimate when it comes to speech? I part ways with libertarians on this. There may be no illegitimate speech in the public square, but higher education is and always has been about the search for truth, and speech that impedes that search—such as scientific papers based on fraudulent data—is illegitimate. Illegitimacy can and does take other forms as well. Using academic freedom as a tool of political propaganda is illegitimate.

Tweeting Murderous Thoughts

The behavior of Ciccariello-Maher is but one example of a new kind of abuse of academic freedom. After James T. Hodgkinson shot and wounded a Republican congressman at a baseball field in Arlington, Virginia, Trinity University professor Johnny Eric Williams adopted the hashtag #LetThemFuckingDie. It was a reference to anonymous blogger’s call on emergency medical personnel to leave white victims of shootings to bleed to death. Professor Williams expanded his opinion with other vitriolic and racist declarations. Trinity College briefly suspended him but followed that with a ringing declaration that he had acted within the bounds of academic freedom. My colleague Dion Pierre and I [wrote](#) about the Williams case offering our assessment that Williams’ call for negligent homicide really did cross the line. Our verdict: not a protected case of academic freedom.

On August 23, Michael Isaacson, an adjunct member of the faculty of the department of criminal justice at John Jay College, tweeted “Some of y’all might think it sucks being an anti-fascist teacher at John Jay College, but I think it’s a privilege to teach future dead cops.” National media, including Tucker Carlson on Fox News, picked up the story, as did the Patrolmen’s Benevolent Association. Under pressure, John Jay College suspended Isaacson, but the president of John Jay, Karol Mason, justified the suspension as a response to “threats” to the faculty and concern for the “safety” of students.

David Gordon, a CUNY professor, speaking on behalf of the National Association of Scholars’ New York Affiliate, [posted](#) to the NAS website a statement criticizing the basis of President Mason’s decision. Gordon and his colleagues wrote that Isaacson “had acted in a disrespectful and unprofessional way,” but that Mason’s rationale for suspending him created a precedent for suspending any professor who became “the center of controversy.”

These three cases—Ciccariello-Maher, Williams, and Isaacson—are by no means isolated. They are just examples of the growing phenomenon of faculty radicals across a spectrum of issues who tweet or employ some other social media to pronounce views that they hope will shock and offend. If their statements grab the attention of critics, they may be in for a season of abusive emails, and if the provocation is strong enough, they may face temporary suspension or firing. They can almost always, however, count on the AAUP and some other organizations such as FIRE to defend their pronouncements as legitimate exercises of academic freedom.

I have been willing to engage these matters on a case-by-case basis, but I am always looking for the principles that govern all of them. “Extra-mural utterance,” as the AAUP named it in its foundational 1915 *Statement of Principles*, has plainly become one of the most vexed areas within the realm of “academic freedom.” What people have a First Amendment right to say is not the same as what they have a privilege to say within the community of scholars. The AAUP itself has long lost this distinction, and it sees no need to ground the exercise of academic freedom as conditioned on the pursuit of truth. Partly that is because the AAUP has politicized itself, but it is also because so many of its members have absorbed postmodernist doubts about whether there is such a thing “truth,” or at least a truth that can be disentangled from the welter of subjectivities and opinions that make up so much of

human experience. So we are left to wander. The extra-mural utterance is where we wander into the outrages of Ciccariello-Maher, Williams, and Isaacson, and the paradox that those who purposely subvert the ideals of intellectual freedom are also those who often most eager to claim the protections offered by those ideals.

Marcuse without Marcusians

In speaking of shout-downs and other forms of mob censorship, we are used to observers describing these as part of a crisis in free speech. Americans have plainly grown less tolerant of the expression of views they dislike. We indeed have an epidemic of college students who are ready to suppress opinions they disagree with and even facts that are in discord with their favored views. And while college campuses are the center of this epidemic, it has now spread to other milieu.

Observers have explained this hostility to free speech in various ways. Among those explanations is the view that we have a generation so coddled in its upbringing that it feels “unsafe” when it hears a view it disagrees with. Other branches of explanation emphasize the intensification of political and cultural polarization; the rise of Black Lives Matter as a radical rejection of some of the deep premises of our liberal republic; the prevalence of identity politics; and the porousness of American education to the ideas and attitudes of those who are profoundly hostile to our traditions of civil exchange in the public space.

All of these explanations have merit, and most of them have become familiar as cultural commentators continue to wrestle with the problem of college students, who should know better, mobilizing to prevent invited speakers from having their say. The problem doesn’t stop, however, with shout-downs, speech codes, bias-reporting systems, and the wide assortment of formal and informal techniques aimed at ensuring conformity to prevailing progressive opinions. It doesn’t stop there because, first, it has spread to other cultural domains: Facebook, the National Football League, and the mainstream media, among them. And it doesn’t stop there, second, because the New Censoriousness has been ready for some time to jump the divide between the political left and right, as it did at Whittier College.

The left has championed the tactic of suppressing the free speech of those it classifies as enemies, and it has developed a small set of concepts that provide a rationalization. “Free speech,” according to those who bother to explain themselves,

is an illusion promoted by the “privileged” few who have to power to enforce their opinions on everyone else. Genuine free speech, according to this view, is the freedom of oppressed minorities to dissent, and genuine dissent includes the right to impede the ability of the privileged few to speak at all. The concept of “hate speech” is added to this critique of “privilege,” because the views of the privileged are said to express deep hatred of the despised minorities. Whatever meager regard still might be granted to “free speech” in the traditional sense, the principle of uninterrupted expression cannot be permitted to extend to allowing the expression of “hate.” Such speech is psychologically damaging to the vulnerable minorities it is directed against, who experience “hate speech” as “violence.” And such speech also subtly reinforces the unjust power structure of the United States by reinforcing “white supremacy,” “patriarchy,” and other forms of unjust privilege.

Most of this ideology was laid out by Herbert Marcuse and his acolytes in the 1960s but left to ripen like a very old vintage whiskey for a couple of generations. The radical fringe of the American political scene never forgot the Marcusian idea that “real tolerance” consists of silencing those you disagree with and imposing your own revolutionary creed on everyone else. This is the “liberation” offered by Marcuse that simmers at the bottom of much of today’s anti-free speech rhetoric, although plainly the vast majority of students who have imbibed this poison have no idea where it came from or what totalitarian purposes it is meant to serve.

The Marcusian “theory” of why free speech should be suppressed is repugnant. At bottom, it is just another attempt to recruit unwary individuals to the murderous vision of the Soviet system of mass murder and rule by an ersatz revolutionary clique. The Twentieth Century provided as much evidence of the horror of Marxist utopianism as we should ever need. But, of course, the proponents of such views always contrive to find a difference between what happened the last time (or the two hundred times before that) and what will happen next time. Without such wishful thinking, Venezuela would still be one of Latin America’s most prosperous nations, rather than a place where ordinary people are [barbecuing their pet cats](#) to stay alive.

To mentioning the Marxist premises of the current anti-free speech movement is, of course, to invite a certain kind of derision. While some campus radicals are avowedly Marxists, most are not, and more importantly, the Marxist premises of the anti-free-speechers are generally invisible to their champions. They think this is all new. Their naiveté was on display in 2016 when Bernie Sanders was winning

campus support for his candidacy for president. There seemed no glimmer of understanding of the regimes which Senator Sanders admires and from which he still draws inspiration.

Repugnance as a Starting point

The view that prevails among today's radicalized faculty members and students is not a hard-core Marxist formulation but a tissue of glib rationalizations about "privilege" and "power." The great text of the moment isn't *The Communist Manifesto* but Ta Nahisi Coates' *Between the World and Me*. Coates is in fact even more of a materialist than Marx. He believes the United States exists as a conspiracy to control "black bodies," and he means this with utter literalness: bodies as physical objects.

To express repugnance towards such views is plainly not an argument, as such. A good argument, however, might find its orientation in repugnance. Repugnance at the beheading of the innocent and the use of rape as a tool of terror might be good starting points to find compelling arguments against radical Islamist doctrines that justify such things. Likewise, repugnance at mob action against speakers on campus might be a good starting point for why we need arguments that favor traditional liberal tolerance for the expression of unpopular views.

Having led up to the need for such an argument, however, I will leave off for now. Others, of course, have already developed such arguments, including the framers of the U.S. Constitution and philosophers such as John Stuart Mill. The real work lies in defending their ideas against the various assaults of postmodernism, radical feminism, and other ideologies that aim to undermine the foundations of our liberal republic.

The troubling events at Whittier College show that the principles of free expression have abusers across the political spectrum. Some of those abuses may be of the sort we need to tolerate in light of a greater good, but we must always remain ready to see the difference between merely scabrous language and actual incitements to violence. Those differences won't necessarily be self-apparent. One thing that links the misbehavior at Whittier and all the other colleges and universities I have written about here is the fecklessness of the academic administrators, who either do not know how to control crowds or how to respond to individual faculty members who

make irresponsible use of their academic freedoms. We need better administrators, not least ones who have some sense not to appoint to their faculties in the first-place individuals who have no respect for the guiding principles of their institutions.

Charlottesville—One Poison, Two Bottles

By Peter Wood, August 17, 2017

Alt-Right, Alt-Left, “both sides,” white supremacists, Antifa, CEO resignations: America is having a moment. Tempers are flaring, and statues are falling. President Trump and the press are in an angry stand-off.

The death of a young woman, Heather Heyer, in the midst of protests and counter-protests in Charlottesville, Virginia, and the injuries to 19 others at the hands of a driver who used his car to plow other cars into a crowd, reminded some of us of another shocking burst of violence: the May 4, 1970 [Kent State shootings](#), when members of the National Guard opened fire on unarmed students, killing four. Protests against the Vietnam War, some of them violent, were a familiar part of the news during those years, but the wanton killing of protesters was new, and it changed things.

I don’t know that Heather Heyer’s death, apparently at the hands of a 20-year-old neo-Nazi, James Alex Fields, Jr., will have the long reverberations of Kent State, but the mainstream press is trying very hard to give the whole Charlottesville debacle that kind of watershed significance.

From the Cooper Union to Charlottesville

I’d like to pull back a little and consider some of the pieces, especially those that connect to higher education. The higher education connection isn’t incidental. Colleges and universities have often been the stages for those who seek to make large declarations about America, and especially about race. Think of Lincoln’s Cooper Union speech in February 1860, in which he laid out his opposition to slavery as consonant with the ideals of the Founding Fathers.

The ghost of Lincoln is surely somewhere in the background of the Charlottesville riot. [Richard Spencer](#) and his white supremacist friends held their “Unite the Right” rally at Lee Park, on Saturday, August 12, ostensibly to protest the planned relocation of the large statue of Robert E. Lee. The struggle over slavery that led to the secession of eleven states, including Virginia, April 17, 1861, led to Lee’s fateful decision to turn down Lincoln’s offer of command of the Union Army in favor of serving the Confederacy. History has given Lee a generally kind assessment despite that decision. The esteem in which he is held by many who have no sympathy with the Southern cause rests on the way he met defeat. He spared the United States from what could have been decades of further hostility by counseling his supporters to lay down their arms.

What does a nation do with a figure of great historical importance who lent his weight to a bad cause? We are still, all these years later, wrestling with that question. It deserves a patient and thoughtful answer, but it has become entangled with demagoguery on both the right and the left.

The statue of Lee in Charlottesville was first seized as a symbol by the identitarian left, who made it an emblem of racial oppression. Spencer and his Alt-Right supporters then charged in, happy to endorse the conceit that Lee should stand for white privilege. The planned “Unite the Right” rally was meant to inflame the left and to summon counter-protesters. Violence was expected and welcomed on *both sides*—though to say that now invites the silly accusation that the term grants “moral equivalence.” No, it just registers the reality: both sides in this confrontation believe violence is a legitimate tool in pursuing their political ends.

UVA

On Friday night the Alt-Right protesters staged a torch-lit march on campus from the steps of the Rotunda across Thomas Jefferson’s “Academical Village,” the very center of the university. UVA president Teresa Sullivan understood the connections and put out a statement through the university’s newsletter, *UVA Today*, “[In Aftermath of Violence, Sullivan Reflects On Challenging Weekend.](#)”

In part, Sullivan said: “The University is about freedom of speech, but free speech is not the same as violence. We strongly condemn this kind of abhorrent and

intimidating behavior whose purpose is only to create fear and cause divisions in the community.”

Indeed, free speech is not the same as violence, and my colleagues and I at the National Association of Scholars applaud the spirit of Sullivan’s statement.

How Higher Ed Contributed

The provocations of the Alt-Right protesters and the tragic consequences of their Saturday rally, however, cannot be wholly isolated from the stream of events in American higher education in the last few years. The Alt-Right didn’t spring out of thin air. Moreover, the use of mass intimidation wasn’t unknown on college campuses—including UVA. The deterioration of the ideal of free speech has been accelerating, and the feebleness of college authorities, when confronted with outrageous tactics by protesters, is now practically established as standard operating procedure.

UVA didn’t invite this compound catastrophe, but it wasn’t entirely an innocent on-looker either.

Charlottesville’s City Council voted 3-2 in February to move the equestrian statue of Robert E. Lee from the city’s central square. The Council’s vote followed a report last year from a Blue Ribbon Commission on Race, Memorials and Public Spaces. Voices of the UVA community played a significant part in the acrimonious debate over the statue. For example, the *Richmond Times-Dispatch* quoted UVA Religious Studies professor [Jalane Schmidt](#), comparing President Trump’s refugee policy to defenders of the Lee statue as evidence of an “empathy gap.” The monument, in Schmidt’s view, “enshrined” in Charlottesville “leading white citizens’ contempt for black humanity.”

Schmidt’s opinions in this matter voice what has become a very familiar line of historical interpretation, one shared with a fair number of people in the UVA community. But for the sake of clarity, I’ll stick with Schmidt’s views in particular. Was putting a statue of Robert E. Lee in a public park really an act of “contempt for black humanity?” I suspect that an examination of the records of Charlottesville from 1919 to 1924 would not offer much evidence that a public display of “contempt” was part of the motive. A commodities trader named Paul McIntire

commissioned the statue in 1917 from sculptor Henry Shrady, who died before finishing it. The job was completed by Leo Lentelli. McIntire purchased the site for Lee Park and donated the monument to both the City of Charlottesville and the University of Virginia.

History Lesson

Shrady was picked for the commission after America's most eminent sculptor, Daniel Chester French, declined it but recommended Shrady, who was completing the massive monument to Grant in Washington, D.C. and had previously executed the equestrian statue of George Washington in Brooklyn. Shrady's successor on the Lee statue, Leo Lentelli, was born in Italy in 1879 and immigrated to the U.S. in 1903. Lentelli had numerous other public commissions including decorations for the San Francisco Public Library, the Sixteenth Street Bridge in Pittsburgh, and the Steinway Piano Building in New York City. He is best known for "The Savior with Sixteen Angels" at the Cathedral of St. John the Divine in New York.

All these are details I've culled from a 1997 [application](#) to the National Register of Historic Places to register the Lee monument. It makes for interesting reading, not least because twenty years ago the thought that the Lee monument was an instrument of racial oppression seemed completely absent from anyone's mind. Shrady, a native of New York who spent 19 years creating a monument honoring Ulysses S. Grant, and Lentelli, a twentieth-century immigrant from Italy who liked to sculpt angels, seem unlikely to have harbored nostalgia for the antebellum South or animus against "black humanity."

Paul McIntire, the philanthropist who started out as a coffee trader, was a lover of art and music who lavished gifts on the University of Virginia, which he had attended for a single semester. He endowed a chair in fine arts and contributed the funds to create a Department of Music and Department of Art. These acts, of course, do not preclude his being a closet racist who wanted a statue of Robert E. Lee to cast a shadow of contempt over the black residents of Charlottesville—but it is hard to see any evidence of that. When Professor Jalene Schmidt leveled that accusation against Charlottesville's "leading white citizens," she must have been thinking of someone else. Or was she making a wild surmise based on nothing but the projection of today's intensified racial resentments onto the past?

Racial Reductionism

It is a tricky question to ask because those with a mind to do so can easily read into it a denial of the legal regime of racial discrimination of the Jim Crow South and the broader culture of racism. Recognizing the history of American racism without succumbing to the temptation to read racism into the fabric of everything seems to be a challenge for many Americans today. It is especially a challenge for many academics who are drawn to a kind of racial reductionism.

Who are these racial reductionists? Some of them are the self-styled denizens of the Alt-Right. And some are supporters of Black Lives Matter and kindred groups. For an extreme racial reductionist, think of Ta-Nehisi Coates, whose best-selling book, *Between the World and Me*, is a primer on how to blame white racism for anything and everything that a black American might find dissatisfying in life.

In Charlottesville last Saturday, we saw the collision of partisans of these two forms of reductionism. There may well have been individuals among the protesters who held more complicated and historically nuanced views of America, but they were not driving the Alt-Right provocateurs or the counter-protesters, both of whom were in the grip of their oppositional manias. Racial reductionists are not necessarily violent and not necessarily apologists for violence. But both sides clearly have attracted thuggish followers. Antifa protesters carrying baseball bats and two-by-fours are not showing up to celebrate the legacy of Gandhi.

The Alt-Right is, to be sure, a pernicious reactionary movement. It has a tiny national following—perhaps not much more than a few thousand. Only a few hundred showed up in Charlottesville. But the movement has achieved massive news coverage by its theatrics and the eagerness of the media to play it up as a supposed reflection of President Trump’s base of support. The counter-protesters are also a pernicious reactionary movement who have seized a poisonous sideshow as somehow exemplifying part of the American mainstream.

The Poison Is Spreading

The Wall Street Journal has commendably called out the “deeper ailment” as “[The Poison of Identity Politics](#).”

That poison is spreading. Spencer's group [plans rallies](#) at Texas A&M and the University of Florida. But the leftist version of the poison has entered the bloodstream of American higher education and is to be found almost everywhere. Mark Lilla's recent *Wall Street Journal* op-ed "[The Liberal Crack-Up](#)" is an excellent historical account of how the Democratic Party trapped itself in obsessions over grievance-based accounts of personal identity. What was lost, says Lilla, was "the hard and unglamorous task of persuading people very different from themselves to join a common effort."

Protesting and counter-protesting are seldom tactics aimed at "persuading" anyone. They are aimed at displaying to a larger audience of supposed on-lookers the power of the protesters. It is the power to bring excited people together to shout and to act in unison, to threaten violence, and at times to commit it. The campus left has been very busy at enacting these kinds of theatrics over the last several years at Mizzou, Yale, Berkeley, Middlebury, Claremont McKenna, and Evergreen, to mention only the most prominent examples.

Which brings me back to the University of Virginia, which was a pioneer of sorts in the invention of the insta-riot as a form of political communication. On November 20, 2014, not long after *Rolling Stone* published its false story about a rape at the UVA Phi Kappa Psi fraternity house, five masked women and two men [vandalized](#) the building. This followed [vociferous protests](#) culminating in a "Take Back the Party: End Rape Now" rally, which drew hundreds of participants. President Sullivan then suspended all the fraternities until January 9, 2015. An imaginary crime elevated to an ardent belief turned UVA into a place where the victim mythology triumphed over any concern for the truth.

Surely that wasn't lost on Richard Spencer when he went in search of a venue that would be susceptible to his provocations.

Jefferson's University

Thus, it may be worth taking a further look at what Sullivan said after this weekend's tragic turn of events: "The University is about freedom of speech, but free speech is not the same as violence. We strongly condemn this kind of abhorrent and intimidating behavior whose purpose is only to create fear and cause divisions in the community."

“The University is about freedom of speech” might sound right on first hearing, but it is not how Jefferson would have put it. *Freedom of speech* is a means to an end, but not the purpose of the university. What is? Jefferson explains:

To form the statesmen, legislators, and judges, on whom public prosperity and individual happiness are so much to depend; To expound the principles and structure of government, ...and a sound spirit of legislation, which...shall leave us free to do whatever does not violate the equal rights of another; to harmonize and promote the interests of agriculture, manufactures and commerce...; to develop the reasoning faculties of our youth, enlarge their minds, cultivate their morals, and instill into them the precepts of virtue and order; to enlighten them with mathematical and physical sciences, which advance the arts and administer to the health, the subsistence and comforts of human life; and, generally, to form them to habits of reflection and correct action, rendering them examples of virtue to others and of happiness within themselves. These are the objects of that higher grade of education, the benefits and blessings of which the Legislature now propose to provide for the good and ornament of their country.

To accomplish these goals, freedom of speech is an important tool. Those who pick up the tool only to employ it as a club to beat others are, however, outside the bounds of the “academical” community. Sullivan hasn’t been an especially good steward of that principle. Her condemning the Alt-Right for “abhorrent and intimidating behavior whose purpose is only to create fear and cause divisions in the community” is all to the good. But it would be helpful if she showed some glimmer of understanding that these nasty (and sometimes murderous) extremists are the mirror image of other nasty (and often violent) extremists on the other side.

A university is properly a place where there is no place for those who disdain the rule of law, the dictates of civility, and the need for peaceful argument. Inviting identity politics to take root and then complaining that the vine is bearing its predictable fruit is a failure of presidential leadership. And that’s true of all kinds of presidents.

Colleges Promote Censorship and Undermine Free Speech

By Daphne Patai, July 9, 2017

In *Brave New World*, Aldous Huxley writes: “There isn’t any need for a civilized man to bear anything that’s seriously unpleasant.” In his sanitized future, general happiness and social stability are achieved not via threats of legal action but rather through perfect genetic and behavioral engineering, endless indoctrination, anodyne feel-good phrases and drugs, and organized outlets for intense emotion and lust. “That is the secret of happiness and virtue—liking what you’ve *got* to do,” explains Huxley’s Director of Hatcheries (where test-tube babies are produced).

Alas, we’re not there yet, hence the recourse to crude legal instruments backed up by moral grandstanding is still essential. Given the pesky First Amendment, however, thus far valid in contemporary America despite ever more frequent attacks, not just any claim to hurt feelings can be used to shut down others’ speech. Learning which words are most effective in preventing the expression of views and comments we don’t like is, therefore, a crucial step if one wants to be successful in ushering in the utopian future.

In more legalistic terms, offending words and gestures can be said to deprive college women of the right to equal education, thus constituting illegal discrimination. That is the language of Title IX of the Education Amendments of 1972, prohibiting discrimination on the basis of sex in educational programs that receive federal funds. Expanded over the years to include such categories as “hostile environment harassment,” Title IX turned out to be a godsend to those determined to go through life free of unpleasant words, vulgar jokes, suggestive glances, and, as has become clear, ideas and viewpoints they dislike. In today’s academy, insisting that one feels unsafe or threatened is a routine and usually effective opening move in attempts at controlling others’ words and attitudes.

A recent example: A student group called Feminists United has filed a Title IX lawsuit against the University of Mary Washington, alleging that by declining to ban access to Yik Yak, the school failed to protect them from disagreeable posts on the

anonymous app. The requisite linguistic expertise was on full display, with the suit referring to the “overtly and/or sexist/threatening” anonymous messages on Yik Yak, which allegedly created a “hostile environment” for the group.

True, there are slight glitches in the group’s charges. The Supreme Court standard (established in the 1999 case *Davis v. Monroe County Board of Education*) stipulated that harassment becomes discriminatory conduct for which schools are liable only when it is “so severe, pervasive, and objectively offensive that it effectively bars the victim’s access to an educational opportunity or benefit.”

Susan Kruth, staff attorney at the indefatigable Foundation for Individual Rights in Education (FIRE), a non-partisan organization defending the First Amendment on American campuses, has explained why the university in the Yik Yak case did nothing wrong.:

Universities should respond to true threats and to serious allegations of sexual harassment, and they can provide non-punitive resources to people who encounter offensive speech. But to the extent that remarks are merely sexist or offensive, a public university must recognize that such language is [protected under the First Amendment](#) and decline to take unlawful steps to censor it. Throughout their complaint, the plaintiffs conflate alleged threats and a pattern of conduct that they claim deprived them of educational benefits with remarks or behavior that made them uncomfortable.

In commenting on the lawsuit recently, another FIRE staffer, Communications Manager Daniel Burnett, cited the [2003 Supreme Court case *Virginia v. Black*](#), which defined “true threats”—valid exceptions to the First Amendment—as “those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.”

However, because courts have regarded intimidation as a type of true threat, it becomes advantageous for complainants to assert that they indeed were placed in fear of bodily harm or death. These magic words then set in motion a series of potentially draconian consequences, with the alleged perpetrator usually denied due process as schools, trying to save themselves from lawsuits or perhaps joining in with current campus orthodoxies, cave into complainants in short order. Ironically,

it is only when sued by those charged with such offenses that universities are likely to rediscover the beauties of First Amendment protections.

A further irony of the current campus climate is that it is not speakers who incite the audience to violence but rather outraged students who threaten speakers and their supporters with violence. Yet universities are acting as if this potential for violence is a reason to prevent unpopular views from being heard – a perfect example of the power of a “heckler’s veto” to silence speakers in an arena where free and full discussion ought to be promoted: the university.

The result is that campus speech censors have a positive incentive to overreact. They become agitated, claiming they feel unsafe, and threaten violence—in response to which administrators and even campus police rapidly capitulate. And in the downward spiral that has been played out on numerous campuses over many years now, students ironically demonstrate ever greater physical and verbal aggression as they insist on their discomfort, vulnerability, and fear.

FIRE’s Susan Kruth has highlighted the role of the Office of Civil Rights (OCR), charged with enforcing Title IX, in promoting a redefinition of sexual harassment and sexual assault so broad and vague that it covers mere “speech or conduct of a sexual nature,” which in practice means [whatever anyone finds offensive](#). The low standards encouraged by the OCR, in conjunction with colleges’ natural aversion to lawsuits, have resulted in the campus environment by now familiar to us all, even though these low standards would never carry the day in a court of law.

Apart from the unconstitutionality of such broad definitions, it is well worth asking whether we really want to live in a society where you can’t even make a sexual allusion or tell a joke, where any thoughtless, critical, or offensive comment—not to mention an unpopular viewpoint—can be construed as harassment. According to many would-be censors, the answer is yes, provided it’s the other guy whose speech is to be curtailed, never mine.

One has to marvel at the touching innocence of so many American students. Lacking experience of what it’s like to live in a society in which some speech is prohibited ostensibly for the greater good, they apparently have little imagination of what such a society would entail. It seems not to occur to them (or to their faculty

and administrative abettors) that the very vagueness of what could cause offense means more words will need to be avoided, just to be on the safe side. Yet numerous accounts exist of all the countries around the globe where speech is or has been curtailed by the state and its institutions, with frightening and violent consequences.

It's an old observation, but nonetheless routinely ignored by campus vigilantes. More than twenty years ago, for example, FEMISA, an electronic list devoted to feminism, gender, and international relations, was discussing kicking out some men who posted comments women on the list didn't like. I was among the very few who argued on that list for the importance of free speech, which—in that particular context—meant tolerating the messages of male contributors whose words were making them unpopular.

Excluding those whose views we did not like, I said, would soon enough lead to instituting censorship, public humiliation, shunning, ganging-up-on, etc., so as to protect the feelings and views of the rest. I contended that even men thought to express obnoxious views should not be struck from the list, and that intolerance of ideas we dislike can quickly move into the prohibitory mode as if the people with whom we disagree had no right to speak freely. This was a dangerous turn, as I knew then and have had confirmed numerous times since.

Kate Zhou, a political science professor originally from China, sent a long message to FEMISA supporting my position and explaining her own:

I am a feminist from China. For many years, sexist language was banned by the Chinese state (at least in the urban public sphere). Urban Chinese women were very much “free” from sexist verbal attacks. Many women, including myself, were willing to give up freedom for some degree of protection and security. When everyone lost the freedom to speak, women's independent voice was also gone. When women's voices were silenced, women suffered.

Yes, we did not have to be bothered by sexist language and pornography. But we could not complain that we had to line up two or three hours for basic food. We had to take less interesting work because we had to take care of the family. It was not politically correct to complain about the double burden.

Is it clear to feminists that there has been no feminist movement in those countries that practice state censorship? My experience in China seems to suggest that women are often victims of any kind of censorship. As a feminist, I believe that women have the ability and power to defend their interests if given a chance. We should welcome complex and diversified debates. Difficult and complex debates help to train us. If we try to shut someone up because we dislike what he has to say, we just confirm our weakness and sexism. [\[Kate Zhou, May 5, 1995\]](#).

Not surprisingly, FEMISA did not heed this sound advice. Instead, after more comments from argumentative men –who in some cases merely pointed out that women routinely posted hateful language about men, while men’s objections and rejoinders were treated as intolerable flames–the list owners barred various men from posting and moved the entire list onto “moderated” status, the better to control its discussions.

A similar case affected me directly. For nothing more than disagreeing with the predominant views on certain subjects on the Women’s Studies E-mail List (WMST-L), I (unlike virtually all the other 5,000 subscribers to that list) was placed on “moderated” status for ten years, so that no message of mine could be posted without first being vetted by the list’s overseers. The result was, of course, as intended: Not eager to waste my time, I participated ever less on the list, to the point that my contributions decreased to almost zero. Why should anyone on the list have to be upset by divergent viewpoints?

Now, however, entire institutions do this dirty work for fragile feminists and others demanding protection from the verbal slings and arrows of people who dare voice dissenting views. The state and its apparatuses must, of course, keep its grubby hands off our bodies, but please, please, let it control words, gestures, even thoughts.

We’ve come a long way, baby.

DePaul—The Worst University for Free Speech?

By Jonathan Cohen, [April 17, 2017](#)

In February, the Foundation for Individual Rights in Education ([FIRE](#)) named DePaul University as one of the worst 10 universities for the protection of free speech. It was not the first time that DePaul has been on FIRE's [radar](#). Most recently DePaul University was in the news for actions which have blocked conservative speakers and limited the ability of the College Republicans and the conservative student group Young Americans for Freedom (YAF) to get their message out to the DePaul campus.

No Milo, No Shapiro

Over the summer DePaul denied permission for the conservative students to host a talk by Milo Yiannopoulos, the controversial Breitbart editor whose talk the previous spring at DePaul had been closed down by protesters. Permission to invite Ben Shapiro to give a talk in the fall was also denied, in this case, because of fears of disruptive protests.

At the start of the school year, the school administration required the DePaul Socialists to spend about \$360 for security personnel because it featured a talk about Marxism. According to the administrators, the topic was controversial. A request to put up a poster advertising the College Republicans featuring the slogan [Unborn Lives Matter](#) was denied permission by the university which claimed it was an attack on the Black Lives Matter movement. In November at a talk by Christina Sommers, the conservative students arranged for Shapiro to attempt to join Sommers at the event. When he was blocked by campus police from joining the event, there was a prearranged walk out and reassembly at a nearby off-campus venue where Shapiro could be heard.

Fear of Chalkings

The latest round of conflicts started in April 2016, when conservative DePaul students [chalked](#) pro-Trump slogans around campus, including “Build the Wall,” “Blue Lives Matter,” “Stand with Israel,” “Abortion is Murder” and “Trump 16.” The following morning the chalkings had all been cleaned off, and the administration banned further chalkings on the grounds that they could threaten DePaul’s status as a tax-exempt 501 (3C) institution. In response, the conservative students arranged an on-campus [talk](#) by the Breitbart writer Milo Yiannopoulos that was ended by rowdy protesters who wrested away his microphone and refused to let the event continue.

Administrators had forced the conservative students to pay a considerable fee for security. As the event unfolded, not only did the DePaul security not intervene to halt the disruption, but the university administration instructed police not to interfere. So conservative students had been forced to pay a lot of money for a security force that in essence, participated in the cancellation of the event.

The protesting students used the social media response as the central point of their protest over the president’s handling of the issue. First, as reported by the school newspaper, he was widely criticized at a meeting with angry students. Later, at a meeting with faculty, he was viciously assailed by a group of activist professors, many of whom called for him to resign. Somehow, in the space of a few days, the student disrupters had gone from aggressors to victims and the conservative students had gone from victims to victimizers.

‘Too Conservative’

These events have not occurred in a vacuum. I recently retired from DePaul after 27 years, and I can say without hesitation that DePaul has a nasty habit of suppressing views which are considered “too conservative.” The university president disingenuously says that DePaul only forbids speech that is intended to wound.

There is an activist core of faculty and administrators who believe that the purpose of education is to instill a set of liberal talking points in its students. This is done through its hiring practices, both academic and administrative, its curriculum development, its regulation of student groups, and when pushed, through the outright suppression of contrary views.

The university president is quoted above in the school newspaper saying “As we experienced last spring, it’s not difficult to agree that there is a difference between a thoughtful discussion about immigration and a profane remark about Mexicans scrawled in the quad, or between a panel on racial climate and a noose — a powerful symbol of violence and hatred — outside a residence hall. In both recent cases, the first, we encourage; the second, we abhor.” With all due respect, this quote is a perfect example of a straw man argument. No group was asking permission to chalk up the sidewalk with bigoted slogans or place nooses in residence halls. What has been banned is Ben Shapiro who expresses conservative positions and a poster that borrowed its phrasing from the slogan “Black Lives Matter” to express opposition to abortion.

The recent events didn’t happen in a vacuum. DePaul has a long history of using its resources to promote one-sided positions on gun control, the Iraq War, American foreign policy, the Arab/Israeli conflict, gay rights, immigration, crime and police accountability. At times it has shown hostility towards students and faculty who run afoul of the prevailing campus orthodoxies. What has made DePaul stand out is there is no pretense of objectivity. There is an influential body of faculty and administrators who believe the core mission of the university is to promote what could be summed up as “The Progressive Agenda.” While they claim to be promoting dialogue on issues such as race and gender, the easy use of terms such as racist, homophobic, transphobic, Islamophobic, sexist, and ableist guarantee that there will never be an honest discussion of such issues.

DePaul’s free speech controversies over the years cannot be extracted from the political climate that has been promulgated as part of its mission.

An Urban Mission

I started teaching at DePaul in 1987, and though initially I heard comments about an urban mission, the school seemed basically normal. This began to change in 1990 with the acceptance of a several million dollar Lilly Foundation grant to develop programs in multiculturalism. In the fall of 1990, a series of workshops were held, mostly around themes of identity.

In June 1994, then President of DePaul Jack Minogue authorized the creation of a large task force (The Multiculturalism Committee or MIC) made up of faculty,

administrators, and students, to make recommendations on how DePaul could start to infuse multiculturalism into all of its activities. On February 7, 1995, Minogue sent out a memo to the entire university community with the report of the MIC and a statement pledging the university to work to implement its recommendations.

The recommendations began with a discussion of how to define multiculturalism, including the reports working definition:

Multiculturalism is an approach and praxis that seeks to eliminate prejudice and bias of any type, conscious or unconscious, individual or institutional, which serves as a barrier to the survival and self-determination of individuals and communities. For example, a multicultural approach to scholarship and teaching is one which gives priority to the inclusion of those communities and cultures which have been historically disenfranchised, oppressed or excluded; seeks to equalize unequal power relations between groups, and strives to lessen the disparity between the privileged and those less privileged. Reaffirming their humanity and cultures as creators of knowledge and makers of history, these communities then redefine power relations and as such forge the transformation of knowing and place.

Uprooting Prejudice

The report describe the committee's task as "not to impose a new orthodoxy, but to uproot the traditions of prejudice, exclusion, bias, racism, classism, ageism and homophobia, embedded in the academy as a whole and within our respective fields, in part by advancing an agenda that is by definition constant and critical."

An extensive set of recommendations followed that segmented into General recommendations, faculty subcommittee recommendations, student subcommittee recommendations, and staff subcommittee recommendations. The various subcommittee recommendations were further segmented into very specific timelines for implementations. There were, for example, a total of 35 recommendations from the student subcommittee, 25 for the first year alone.

Among the first year recommendation for faculty was the proposal to enhance opportunities for faculty needing protection (i.e., women, racial, ethnic and religious groups; non-heterosexuals and the physically disabled) to participate on committees with authority to affect change in the institution or to advance to positions of

leadership on specific committees; and include for participation those perceived as aggressive and/or radical.

The student recommendations for the first year included the demand that the student newspaper be used as a forum for making the DePaul community aware of issues facing students regarding multiculturalism, increase student aid and scholarship money for minority students, and add a question on the instructor/class evaluation form to inquire regarding the sensitivity of the instructor and the extent to which the course attempts to address multiculturalism. Among the 25 recommendations, the most Orwellian were to “offer financial incentives to the diverse populations through a mandatory, universal, ongoing and continuous program of training workshops and retreats which are sensitive to the different levels of awareness of university employees (faculty, staff, and students) and provide an opportunity for growth and development.

25 Recommendations

In his memo, essentially accepting the recommendations, President Minogue said, “The university is deeply indebted to the members and leadership of the Implementation Committee for their fine and timely work on bringing previous initiatives and work on multiculturalism and diversity within the DePaul community, as well as recommending new initiatives.” The faculty as a whole either approved of the recommendations or basically ignored them. A charitable assessment is that they were simply a way forward to make the university a more tolerant and inclusive place. A more cynical and probably mere realistic view is that the report was a recipe for dividing up the benefits that could be extorted from the university and distributed among a collection of “underrepresented” subgroups claiming various degrees of victim status.

To be fair, not everyone liked the recommendations. A guest column by two students in the student newspaper in March 1996 asked, “Is it just us or have others noticed DePaul’s secret agenda to divide us, masked as multiculturalism?” Their complaint was summed up by the statement “Multiculturalism is what an ideal world would be; tolerant of all people. DePaul’s version is exactly the opposite. It divides students into separate groups and magnifies their differences.”

The MIC report is a blueprint for how the culture of political correctness would come to dominate the handling of conflicts that involved questions about free speech. Almost all the PC insanity that has exploded on college campuses in the past couple of years-safe spaces, micro-aggressions, speech codes, diversity bureaucrats, freshman orientation indoctrination, diversity training- can be found in embryonic form in this document. Almost immediately, clashes with students over free speech started occurring.

In the spring of 1995, the school newspaper the DePaulia reported on an arrest at a dance sponsored by Housecall, a DePaul student organization sponsored by Multicultural Student Affairs that published a quarterly magazine centered on African American issues. According to the police, the dance had been advertised on at least 16 area campuses as a “booty call.” The trouble started when two groups got into a conflict. Police were called, and two people were arrested. The DePaulia story quoted the police report that said when police arrived, they “learned there were several fights, and the crowd refused to leave.” Once again relying on the police report, the DePaulia article stated “after the reporting officers began to disperse the crowd, another fight ensued, and officers ‘observed several M/Bs [male blacks] throwing chairs and trash into the crowd.’”

In reaction to the story in the DePaulia, the Association of Black Students (ABS) demanded an apology from the student newspaper. The next edition of the paper covered the black students’ version of the event and published an editorial in which the newspaper stated, “We empathize with the people who were offended or felt that the article damaged the reputation of Housecall, as this was not our intent.” This response by the DePaulia did not satisfy some students who took it upon themselves to destroy the entire press run of the newspaper.

Punishing the School Newspaper

A letter that appeared in the paper the following week reported that the President of the university, Jack Minogue, stood and watched them do it and did nothing to stop them. The ABS then staged a sit-in in the DePaulia office. In a reversal of reality, the administration temporarily suspended publication of the newspaper, blamed the event on the staff of the DePaulia, punished the paper by forcing the staff to abandon their office in Lincoln Park and make do with facilities at the inconveniently located downtown campus, accept a faculty advisor for the following

year, submit to diversity training and agree to publish an issue entirely devoted to diversity. The ABS students were given amnesty for their actions, letters were sent to faculty asking them to forgive any missed work by the sit-in participants, and an administrative position was created for a director of diversity with a salary of around \$70,000 per year.

In the aftermath of these events, there were numerous columns and editorials in the local newspapers criticizing DePaul for refusing to stand up for the freedom of the press. At DePaul, such criticism was muted, and for many who are still around, it is pointed to as a great step forward in the school's mission of promoting inclusivity and social justice.

Over the next few years, a new liberal studies program included a menu of freshman seminars, a sophomore course in multiculturalism, a junior year experiential learning requirement and a senior year capstone course in the student's major that would weave together the various threads of the program. Many of the first-year courses had themes of social justice. Of the first twenty freshman seminars in the program, I counted thirteen that were related to themes of race, gender or some other form of oppression

I volunteered to be on a committee that set guidelines and referred course proposals for the sophomore seminar in multiculturalism. In an email to the dean offering my services, I told him I was concerned that critics of multiculturalism such as Shelby Steele and Christina Sommers would not be considered for the classes. I was told that my services would not be needed. At the time, I was chair of the math department, and as such, I attended the monthly meeting of chairs and program directors run by the dean. In a discussion of how we award transfer credits, I asked what courses would be accepted as transfer credit for the sophomore seminar. The dean exploded and screamed at me "you're the chair of the committee, you decide." In retrospect, I should have simply immediately walked out; but I sat there, and the meeting proceeded without getting an answer to my question. The point was made that questioning the appropriateness of the school's social justice agenda would not be taken kindly.

The political climate at DePaul would be on full display following the events of 9/11. In the wake of the attacks on the Twin Towers, the Pentagon and United 93, the DePaul administration reacted by sending a series of emails to the entire DePaul

community warning about blaming Muslims for the attacks. In language that referred to the internment of the Japanese after Pearl Harbor, it reserved its concern for the possibility that someone might make an insulting remark to one of the DePaul students of Arab background.

On 9/13, two days after the destruction of the Trade Center, the political science department held a forum that advertised itself as getting to the deeper meaning of the events. What actually occurred at the forum was one faculty member after another getting up to denounce American foreign policy as the cause of the attacks. The forum was attended by a large crowd including many of the college's administrators who applauded loudly as the newly appointed visiting professor of political science, Norman Finkelstein, said that "difficult as it was, it was important to empathize with the hijackers" and "Americans care only about their consumer products." I eventually stood up and yelled, "God Bless America, Goddamn DePaul" and walked out.

Three years later, at a student activity fair at the start of the school year, an adjunct professor at the school for New Learning, Tom Klocek, got into an argument with a group of students from the Students for Justice in Palestine (SJP). They were handing out leaflets claiming that Rachel Corrie had been deliberately murdered by an Israeli bulldozer when she lay down in front of it to prevent it from destroying tunnels used to smuggle terrorists into Israel. To put the event in context, one week before this event, there had been several horrifying terrorist attacks including the slaughter of 350 school children in Beslan, the blowing up of two Russian airplanes in midflight and a bomb placed on the Moscow subway. In response, El Arabiya published a statement decrying Muslim violence against others that included the widely quoted statement "that while not all Muslims are terrorists, it is extremely painful that almost all terrorists are Muslim."

Upon encountering the SJP leaflet, Klocek got into an argument with the students about who was responsible for the violence in Israel. In response to the students comparing actions of the IDF to those of Nazi Germany, Klocek quoted the comment from Al Arabiya. Further arguing ensued, Student Affairs was alerted, and Tom made a gesture of flicking his thumb under his chin and left. The students complained that their ethnicity and religion had been insulted and Tom was suspended with pay for the rest of the quarter and a letter was sent to the DePaul community mentioning that there had been a couple of incidents of DePaul not

living up to its values. I wondered what that was about until an article was published in the DePaulia describing the incident and its aftermath. A week later the dean of the School for New Learning, published a letter in the DePaulia apologizing to the students for the incident.

One year later the DePaul Cultural Center, an entity created as part of the response to the MIC recommendations, sponsored a two-day event that featured Ward Churchill lecturing to students about diversity. The DePaul Conservative Alliance (DCA) was upset about the school spending a good deal of money to bring in Churchill for an official DePaul administratively sponsored activity to educate students. They confronted the director of the center rather aggressively about their choice of speaker. They also got a letter from the governor of Colorado suggesting that Ward Churchill was not an appropriate person for the school to sponsor. The DePaul Conservative Alliance put up posters with some of Churchill's quotes, and they were removed by Student Affairs who claimed that they violated a school policy against propaganda (no such policy ever existed). The DCA was banned from the workshop with Churchill.

In the winter quarter of 2016, the DCA staged an affirmative action bake sale in which they set up a table in the student center and sold cookies with different prices that were determined by whether the students were male or female, white or black, an obvious satire of affirmative action. This was done by a women's liberation group in the 1970s to protest unequal pay for women. This bake sale was shut down by Student Affairs, and the DCA was banned from using university facilities for a year because they had not informed Student Affairs of the political nature of their event.

Shortly afterward, DePaul was hit by an apparent [hate crime hoax](#) in which the campus was vandalized by racial and anti-Semitic graffiti that included a comment that it was "brought to you by the College Republicans." It was generally assumed that the graffiti was a hoax, an attempt to frame the College Republicans, perhaps in response to the bake sale.

As a result of these events, FIRE picked out DePaul as one of the worst violators of free speech among all universities and colleges in the US. DePaul received two separate awards for being among the most politically correct institutions. Its

president, Dennis Holtschneider, was named as the second-worst college president for protecting free speech rights.

During spring quarter, 2008, a group of conservative students brought a speaker from the citizen border patrol group, the Minutemen, to campus. In response to widespread criticism of the impending talk, the school administration imposed a \$2500 fee for security at the event. In addition, they changed the location three times, banned media from attending and capped the audience at 200. At the event, a large crowd of protesters paraded outside, including one with a sign calling one of the student organizers a fascist.

In the fall of 2008, Natan Sharansky was invited to speak on campus. The sponsors of the group were asked to provide a copy of his speech in advance, which they did not do. However, the administration insisted that they are shown a copy of the introductory remarks to be made by a student speaker. Later on in the year, during the spring quarter, 2009, the announcement of a speaker from Israel to talk about rocket attacks on southern Israel included a plan to display an unarmed Qassam rocket to help illustrate what the Jewish state was up against. This prompted a letter to the DePaul faculty from nine student groups asking them to prevent the use of the rocket as a prop. Nine student groups on the left argued that the weapon would be dangerous both physically and emotionally even though it would not actually have been armed. Secondly, they argued that it would support the Israeli side of the Arab/Israeli conflict without input from the Palestinian side.

In January 2013 Kristopher Del Campo and other pro-life students received permission from the university to erect a pro-life display featuring 500 flags. The flags representing aborted babies were displayed on an open area central to the DePaul campus. A group of students from a gender studies class vandalized the flags, throwing many of them into a trash basket.

The university's public safety department investigated and identified 13 students who confessed to the crime and admitted that their actions were inappropriate. Those names were then published online. Del Campo was then [charged](#) by the university for releasing the names and found guilty by the university on two counts – “Disorderly, Violent, Intimidating or Dangerous Behavior to Self or Others” and “Judicial Process Compliance.” Once again, a way was found to turn the

conservative student victims into oppressors and the offending pro-choice students into victims.

The Free Speech Task Force

In response to the controversy around the Klocek matter and the bake sale, DePaul created a free speech task force to try to reconcile the need to preserve a community that allows for vigorous uncensored speech and the demands of some to prevent speech that they deem offensive. The committee came up with a proposal that was a vigorous defense of free speech. Unfortunately, a subcommittee of the Presidents Diversity Council (PDC) claimed that they were the ones who decided speech policy and managed to intimidate the task force into rescinding its proposal. One of the task force members, a student Nick Hahn, published two articles in Frontpage Magazine, [here](#) and [here](#) that described what happened to the task force's proposal. As a result, hysteria followed in which Nick Hahn was denounced for violating confidentiality, the PDC subcommittee members declared they felt unsafe and threatened, Nick was kicked off the task force and the whole attempt to guarantee free speech rights was abandoned. In the recent DePaul discussions about the Milo incident, there are numerous references to the free speech task force, all from the perspective of the people who sabotaged it.

As regards the current controversies at DePaul over free speech, the administration is sponsoring an ongoing series of discussions on the issue of race and free speech. Some of its recent efforts can be seen [here](#) and [here](#). The school has also assembled a group to look at considering university policy regulating speech. Needless to say, some of the biggest opponents of free speech are now on this new task force.

DePaul's Political Climate

In light of the numerous times DePaul has been on the radar of FIRE, an obvious question to ask is why. Was there something unique about DePaul's culture that made it particularly prone to attacks on free speech? DePaul is a Catholic school with a student body that comes from backgrounds that are not particularly liberal. Chicago is firmly in the camp of the Democratic Party but Chicago Democrats are not especially left-wing. Is DePaul more politically left than other colleges and universities? Clearly, it is overwhelmingly liberal but no more so than hundreds of other schools.

Many schools recently have had their fair share of attacks on free speech. In many cases, the administrative weakness has wittingly or unwittingly enabled disruption of talks given by conservative speakers and in some cases led to infringement on the political rights of conservative student groups. In most cases administrators have operated out of a kind of cowardice, believing that the disrupters are best off appeased rather than confronted. DePaul is different because much of the political bias is coming from the administration itself.

What struck me as unique about DePaul is that the administration made no effort to conceal its political biases. Rather, it reveled in them. In its public relations, it displayed great pride in producing public intellectuals, faculty who contributed their views to local media or gave talks in the community. Invariably, while such activity was described as using expertise to contribute public service, it was generally representative of a strong liberal agenda. In its hiring practices, there was an emphasis on hiring women and minorities as well as a preference for those whose research agendas contained the buzz words of gender, race, and class. In addition, the school was very proud of its choice of very liberal graduation speakers because they helped advance the university's mission.

There was a tremendous push to promote multiculturalism. Money was allocated to create a variety of programs and centers that were identity oriented. The administrative staff was hired to support agendas associated with identity. This sounds relatively benign. Minority cultures make up part of the United States. In some ways, we are a nation of minority subcultures. But at DePaul, multiculturalism was always centered on grievance.

There is a problem with this approach. It becomes difficult to criticize minorities. From this point of view, their grievances are real, particularly historically, and so people don't really have the right to comment on them unless their comments reinforce an appropriate narrative. When conservative students confronted the director of the Cultural Center about spending a lot of money to bring in Ward Churchill to educate DePaul students about diversity, they were deemed bigots. When they staged a protest of affirmative action, they were told they were racist. When pro-life students on the fortieth anniversary of *Roe v. Wade* put up flags to protest all the abortions since the Supreme Court decision, they must have been anti-women. Hence, after students outraged by the flag display vandalized their protest, a

way was found to make the pro-life students the villains rather than those who destroyed their flags.

Tracing events at DePaul all the way back to the Lilly Foundation grant and the recommendations of the Multicultural Implementation Committee in the mid-90s, one can see the conflict between the administration and its conservative students as driven by a political agenda. It is a view that sees the world as separated into protected classes and their oppressors. Over the years, the school has developed rules regarding various forms of harassment. These guidelines are codes which essentially say that in conflicts between a member of a protected class and its opposite, favor the member of the protected class.

When the university administrators say they are banning Milo from speaking on campus because he is a provocateur who strives to wound rather than persuade, they are being disingenuous. They banned Ben Shapiro as well as Milo. Though Holtschneider acknowledged that the differences with Shapiro were basically political rather than his style, he was banned anyway because they were afraid of more disruptions. The bottom line is that speech codes, anti-harassment rules and regulations concerning speakers are about political repression. Conservative students understand this very well.

The Campus Left Discovers Free Speech

By Mark Zunac, February 21, 2017

The data are beginning to bear out the popular theory that free speech on campus is in steady decline.

A study commissioned by the [William F. Buckley Center](#) at Yale found that 51% of college students favor speech codes to regulate speech for both faculty and students. Relatedly, a [Pew poll](#) found that a full 40% of American millennials feel that the government should be able to take measures preventing speech that is offensive to minority groups.

It is against this backdrop that pockets of the left have found a reason to fight for free speech—to resist conservative efforts to ban “whiteness,” and “white privilege” studies and other classes likely to produce group resentment. An example is the now-dead [HB 2120](#), a bill by two Arizona Republicans calling for the prohibition of any curricular activities that promote resentment of particular groups, or in any way “advocate solidarity or isolation based on ethnicity, race, religion, gender, or social class.” The catalysts were events like the University of Arizona’s annual “privilege walk” and a course called “Whiteness and Race Theory.” The bill, in essence, sought to rein in those courses and campus events that use diversity as a cudgel in today’s culture wars.

What seems to distinguish it from other recent reform efforts being undertaken by [a handful of states](#) is its active identification of unscrupulous, if not outright discriminatory, academic programming. Advocating group solidarity or isolation could conceivably be said to violate standards of inclusive excellence or cross-cultural dialogue, two mainstays of the progressive administration of higher education. Within that rhetorical framework is the rationale for many state legislators who feel that such concepts militate against free and open discourse by marginalizing certain viewpoints and establishing protected classes of students.

The states that have modeled their reforms on statements like the [University of Chicago’s Stone Report](#) and the draft legislation proposed by the [Goldwater Institute](#) have, quite rightly, identified speech as a negative liberty, not to be infringed upon by arbitrary and exasperatingly fluid terms of discourse. Thus, these legislative efforts have taken aim at such things as “safe spaces,” speaker dis-invitations, and active, repeated disruptions of those exercising the right of speech. The reasons are clear. As Tennessee’s [Student Free Speech Protection Act](#) plainly states, “In recent years, state institutions of higher education have abdicated their responsibility to uphold free speech principles.”

However, Arizona’s HB 2120 seems to be ironically somewhat congenial to a culture in which students are deterred from taking political chances or saying virtually anything that could be construed as a personal affront or an inducement to emotional discomfort. Despite its placement athwart the identity studies paradigm, the bill could still be said to validate a commitment to the creation of a safe and inclusive learning environment. Such thinking is not wholly irregular. It simply

applies the idea that speech which targets individuals for their membership in a particular identity group is divisive and thereby subject to regulation.

What connects the two competing legislative tasks is an acknowledgment that the rancor and division on campuses can be perpetuated rather than mitigated by diversity regimes that are sustained by narratives of victimization. Likewise, they both presuppose a correlation between the campus's multicultural ethos and the student's manufactured right to be protected from certain forms of speech. The logic of this fundamental freedom has been inverted and exploited, and the notion that First Amendment protections can be circumscribed for identitarian reasons has become intuitive.

And so, HB 2120 might, in fact, be interpreted as taking aim more broadly at institutionalized political activism. As such, it has its detractors, many of whom have unfurled the banner of free speech. Criticisms of Arizona's bill, not unpredictably, are consistent with those of speech protection acts elsewhere, and they are not necessarily wrong. They are just late and unevenly applied.

Consider, for example, the AAUP's [Academe Blog](#), which, while opposing the Goldwater Institute's model, expresses concern that "it uses legislation rather than persuasion to accomplish its goals." Similarly, its [response](#) to Tennessee's bill claims an attack on free speech and complains that the legislation "imposes bizarre and burdensome regulations that administrators will struggle to understand and implement." While the AAUP has been fairly consistent in its [skepticism of federal and state intervention](#) into the affairs of higher education, a more overtly partisan campus constituency might make the false distinction between the legislative efforts in question and things like Title IX-related "Dear Colleague" letters.

Thus, the responses to HB 2120 are instructive. While local and somewhat obscure, the bill has garnered the attention of some students and faculty who are aghast at the prospect of any challenges to their role as arbiters of protected speech.

An opinion piece in the *Daily Wildcat*, the University of Arizona's student newspaper, is titled "[HB2120: The Next Step in Ending Education as We Know It.](#)"

Indeed, education as we have come to know it is a social justice crusade, interested as much in promoting a left-wing, globalist counter-culture as it is discovering truth

through inquiry. That this model might be imperiled by such legislation is surely something that more than a few observers could live with, for better or for worse.

Nevertheless, the inscription of censorship within this curricular model seems lost on those inured to its orthodoxies. A columnist for the *State Press* at Arizona State University argues without irony that the bill targets both “diversity and individuality.” That view is reinforced by LaDawn Haglund, associate professor of Justice and Social Inquiry at ASU, who claims the bill “ignore[s] the very foundation of American society.”

The outrage is not confined, however, to the state of Arizona. A columnist for the *Indiana Daily Student* finds the bill “sickening” and urges readers to “come together as a nation and realize that freedoms of speech and expression trump anyone’s feelings.” That theme was echoed at my campus, where the student newspaper devoted two editorials to the topic. One wrote that “There should never be a reason to silence other individuals to push a political agenda,” while another, also relating symptoms of physical illness, complained that “we are being strangled by more rules and regulation that are simply unnecessary.”

Amen to all that. If the idea of speech deregulation catches on, perhaps we can add to the list “free speech zones” as well as those codes discouraging the utterance of such verbal haymakers as “ugly,” “you guys,” “illegal alien,” and, you guessed it, “political correctness.”

Unfortunately, students take many cues from the social justice reprogramming they are now vigorously defending. Lee Bebout, an English professor at Arizona State who teaches a course on whiteness, is afraid of “nonexperts” making decisions over what can and cannot be taught in today’s campus.

The criticism is a fair one, but when it comes to the type of courses targeted by HB 2120, we are all experts. Critical race theory suffuses nearly all of the disciplines within the humanities and, most nefariously, general education classes that can be taught as anything, by anyone. Given the ideological makeup of today’s professoriate, one need not wonder why those courses tend to be more James Baldwin than James Burnham.

The grave threat to free speech did not begin with HB 2120 or sundry speech protection acts. The Berkeley riots are just the most recent illustration, but that behavior is enabled by a culture that safeguards against many forms of speech that administrators are all too eager to label “hateful.” It is a baldly political move, and the theory of inclusiveness has been weaponized to cleanse campuses of politically unorthodox thought.

Examples are not hard to find, but interested students might look to Title IX inquisitions against Northwestern feminist professor [Laura Kipnis](#) or of Kentucky journalism professor [Buck Ryan](#), who was disciplined for singing “California Girls” in front of female students on a trip abroad. [Bias Response Teams](#) have materialized as a way to enforce administrative speech codes, and [conservative student organizations](#) can be bullied and harassed while merely attempting to conduct their business.

It would seem that in the case of HB 2120 and [similar bills materializing elsewhere](#), what students have found most frightening is not that speech can be constrained, but that it might not always be constrained by their progressive ideological handlers.

On the campus, free speech is selective, and it is afforded proportionately to students on the basis of their level of grievance. Peter Wood, in *The Architecture of Intellectual Freedom*, refers to this phenomenon as a compensatory privilege, and it would seem that in the age of Trump, Diversicrats are digging in their heels.

I am in no position to comment on the merits of legislation aimed at restricting university curricula. As a matter of principle, I am generally opposed to it. It is not, after all, a partisan issue. Both Joe Cohn of the [Foundation for Individual Rights in Education](#) and Katherine Timpf at *National Review* have argued cogently against HB 2120 for the damage it would do to academic freedom. This places reasonably concerned parties in good company.

However, anyone experiencing end-of-days deliria over the bill might do well to consider how it is that we arrived at this point. The multicultural program demands obeisance to its dogmas, even at the expense of thought and, yes, free speech. It has led to the still-isolated legislative efforts that students are now so threatened by, even as they sit idly in the face of [vandalism](#), [hate-crime hoaxes](#), and [mindless hysteria](#).

The suppression of speech on college campuses is very real, it is menacing, and it continues unabated. To those just joining the chorus against its excesses, welcome to the club.

Free Speech at Berkeley Once Again

By John Leo

Judith Butler and a dozen other Berkeley professors urgently wanted Milo Yiannopoulos and his “Dangerous Faggot” tour banned from the campus, but University of California Chancellor Nicholas Dirks delivered a strong free-speech explanation of why he won’t cancel the speech and can’t.’’ In an open letter, he said, “From a legal perspective, the U.S. Constitution prohibits UC Berkeley as a public institution from banning expression based on its content or viewpoints, even when those viewpoints are hateful or discriminatory.”

He also rejected the argument that Yiannopoulos, an unusually sharp-tongued apostle of the far-right, regularly engaged in so many “insulting behaviors” during his speeches that he should not be protected under free-speech principles. This was quite a good performance from Chancellor Dirks, singular only because ringing defenses of free expression are currently so rare on our campuses.

Dirks also argued that the speaker’s values “are at odds with the values of our campus.” Many of us will disagree with that (including the whole diversity juggernaut and its detractors, I would think).

Another noteworthy point: sponsors of the talk, the Berkeley Republicans, will pay a basic security fee for protection against disruption, but they won’t pay the jacked-up fee normally imposed on conservatives because of threats from demonstrators of the left. Charging conservatives a lot of money to cope with trouble from the left is a form of heckler’s veto, and it’s good to see that Berkeley is beyond that.

Was Fordham Right to Ban a Pro-Palestinian Club?

By Jonathan Marks, January 29, 2017

Fordham University [did](#) what no other university administration has done to date. It rejected a student request, which had been accepted by the student government, giving official club status to Students for Justice in Palestine.

Students for Justice in Palestine (SJP) [has well over 100 chapters](#) on U.S. campuses. SJP has led campus efforts, greatly intensified since the 2005 launch of the Boycott, Divestment, Sanctions (BDS) movement, to teach college students that Israel should be treated as a pariah state, on the order of apartheid-era South Africa.

Chapters operate independently, but I know of none that does not support BDS, and I would, therefore, be nauseated if a chapter were to spring up on my own campus. I have written over fifty pieces that explain, among other things, how BDS disingenuously calls itself a nonviolent movement, even though it [cheers on violence](#), too often [crosses the line](#) into overt anti-Semitism, and, most relevant to college campuses, effaces the line between [activist propagandizing](#) and scholarship within the academic wing of BDS. When Fordham Dean of Students [Keith Eldredge says](#) that the goals of SJP “run contrary to the mission and values of the University,” I’m with him.

So why do I oppose Fordham’s decision to reject SJP?

If the facts [asserted](#) by Fordham’s critics are true—Fordham has not quibbled with them—Fordham has lent credence to the largely delusional proposition that there is, as BDS proponents often [assert](#), a “Palestine exception to free speech.” In fact, pro-Palestinian and anti-Israeli speakers are ubiquitous on college campuses, but if you were looking for a textbook case of a “Palestine exception,” Fordham has provided it and thereby hurt the fight against BDS.

The review process for forming the club dragged on for over a year while campus officials, among other things, consulted Jewish faculty members, ensured that the

Jewish Student Organization had a chance to weigh in, and seriously entertained the possibility that, merely by conferring official club status on SJP, Fordham might run afoul of Governor Andrew Cuomo’s executive order directing state agencies not to do business with BDS-supporting organizations.

Having denied SJP, Fordham then ran a series of posthoc justifications up the flagpole, at least some of which [alarmed](#) such advocates of free speech and academic freedom as FIRE, the Foundation for Individual Rights in Education, and the National Coalition against Censorship. Fordham claimed that SJP was polarizing, that its “sole purpose was advocating political goals of a specific group,” that it directed itself “against a particular country” and, most plausibly, as I said, that SJP’s goals contradict the mission of the university.

Finally, and this new justification was the main emphasis of Fordham’s most recent [statement](#), “Chapters [of SJP] have engaged in behavior,” such as disrupting speakers, “on other college campuses that would violate this University’s code of conduct.” Unfortunately, Fordham’s dilatory response to SJP’s request for club status, and the scattered rationalizations that followed Fordham’s decision raise the suspicion that Fordham engaged in viewpoint discrimination.

Fordham is a private university, and so it’s possible, though by no means guaranteed, that it can get away with viewpoint discrimination. But First Amendment jurisprudence would probably be on SJP’s side if Fordham were a public institution. In *Rosenberger v. Rector and Visitors of UVA* (1995), which concerned the denial of subsidies for publications that “primarily [promote] or [manifest] a particular belie[f] in or about a deity or an ultimate reality,” the Supreme Court [ruled](#) against the University of Virginia.

The “government may not regulate speech based on its substantive content or the message it conveys,” the Court explained, and “when the government targets not subject matter, but particular views, the violation of the First Amendment is all the more blatant.” In *Healey v. James* (1972), the Court ruled that Central Connecticut State College, facing a climate considerably more charged than the climate Fordham faces today, could not deny Student for a Democratic Society (SDS) club status merely because the national SDS organization had engaged in materially and substantively disruptive activities.

To repeat, Fordham is not an arm of the government, so its actions do not raise the kinds of First Amendment concerns that the actions of public universities raise. However, both of the cases I reference offer reasons for protecting speech, especially zealously on our campuses. In *Healey*, the court says that “the college classroom, with its surrounding environs, is peculiarly the ‘*marketplace of ideas.*’” In *Rosenberger*, the Court says that the danger of chilling thought and expression is “especially real in the University setting, where the State acts against a background and tradition of thought and experiment that is at the center of our intellectual and philosophic tradition.”

That is, the Supreme Court has suggested on more than one occasion that colleges should be more, not less, concerned than other institutions with the rights protected by the First Amendment. It would be a shame if Fordham, which in its own mission and policy statements repeatedly, if not consistently, stresses its dedication to freedom of thought and speech, its tolerance of dissent, and its dedication to academic freedom, were to look at the Supreme Court’s staunch defense of freedom at our public universities and say: “we’re private and demand less!”

Let me end by returning to Fordham’s best argument, that its very mission of supporting freedom of inquiry compels it to reject bodies like SJP, which in its dedication to academic boycotts and its seeming desire to turn universities into propaganda arms of BDS, contravenes that mission. Must a college and university, which surely considers its mission relevant to its hiring and programming decisions, confer club status, and thereby money and privileges, on a group that will make fulfilling that mission more difficult?

I think that the answer is yes. Colleges and universities that choose to adopt the standards of academic freedom have adopted a version of the view that the unexamined life is not worth living, a view distinguished from other views by its built-in insistence on testing itself. A Socratic university does not fulfill its mission by funding the purchase of books by Plato but not by the anti-Socratic Nietzsche, or by providing meeting space for skeptics but not for believers. The Socratic university fulfills its mission, instead, by fostering a conversation in which all views, including the university’s own, are scrutinized. I have sympathy for students who are not very attached to the First Amendment.

After all, when they look around them, there is not that much evidence that the truth emerges from a marketplace of ideas. But I have less sympathy for universities, which have every opportunity to make a case for the satisfactions of a life guided by reason, yet seem to have so little confidence that students might come to agree that such a life has more appeal than consuming propaganda at a rally. I have no illusions, as a long-time teacher, that it is easy to educate students in this way, but to fail to do so is to fail in the most important respect. Fordham's move against the SJP reflects not confidence in its mission, but a profound lack of confidence in it.

Ruined by the Beach Boys and Other Title IX Disasters

By Anne Hendershott, December 21, 2016

In the latest expansion of the intent of Title IX, a University of Kentucky Professor drew punishment this month, partly, he says, because he was found to have engaged in “sexual misconduct” by singing a Beach Boys song at a university gathering in China last year. The professor, Buck Ryan, who directs the University's Scripps Howard First Amendment Center, claimed in [an op-ed published in the *Lexington Herald Leader*](#) that “under Administrative Regulation 6:1, Discrimination and Harassment, University of Kentucky's Title IX coordinator ruled that the song, “California Girls,” with names of Chinese universities and cities inserted for the event, included ‘language of a sexual nature’ and was offensive.”

Although there were no student complaints—essentially no victims—the professor who has three decades of college teaching experience, was refused due process—as is the case for most accused males in Title IX cases—and has been stripped of a prestigious award worth thousands of dollars.

A heavily redacted letter, released by the university, says that no charge of having sexual relations is involved in the case against Ryan, but leaves the impression that Ryan did something major. On December 20, an op-ed in the Louisville Courier-Journal by University PR man Jay Blanton said the Beach Boys song was not the key factor in the case and that Ryan had engaged in “inappropriate touching” and “language of a sexual nature.” Still, no formal hearing, no clearly stated charges and

no on-the-record complaining witnesses, but a heavy financial loss and damage to Ryan's reputation.

In comments to the university senate Monday, Ryan said, "UK has weaponized its Title IX office and made the legal office its enforcer. It's time the faculty stands up to the bully." Ryan added that the Chinese students at the event, none of whom were contacted by the university, "found the charges against me mortifying and wanted to defend me. They were looking to clear their names, too."

Since its passage in 1972, Title IX has been expanded from its original intent to end discrimination on the basis of sex in schools that receive federal funding, to include regulations promulgated in the name of preventing a hostile environment for women—broadly defined as "any unwelcome conduct of a sexual nature." Today, any unwelcome comment to a female student from a male student, faculty or staff member is grounds for a Title IX investigation—with Title IX coordinators empowered to act as police, judge and jury in allegations of sexual harassment ranging from offensive speech to claims of rape.

Harvard canceled the men's soccer team season because team members sent emails to each other rating women on their physical attractiveness. Columbia University followed suit by [canceling the wrestling season](#) after "misogynistic and homophobic" text messages were found to have been sent by members of the team.

This was never the intent of Title IX. While Presidents Reagan and Bush enforced the original intent of Title IX, the overreach of the law began in 1996 with an ominous "Dear Colleague" letter sent from President Clinton's Education Secretary to all college and university administrators. Warning that colleges that did not 'equalize the participation' of males and females in athletics, would lose federal funding, the Clinton administration mandated that if the schools could not produce enough female athletes, they would have to cut male athletes—and male athletic programs—until the participation rates of both sexes were exactly the same.

That was just the beginning. While the George W. Bush administration did not expand Title IX, it did nothing to curb the abuses. And, once the Obama administration took power, the Title IX industry that had been created was so confident in its ability to manipulate gender politics on campuses throughout the country, that a whole new set of "Dear Colleague" letters began to arrive on campus

in 2011. Enlisting the U. S. Education Department's Office for Civil Rights to handle all complaints in very specific ways, the "Dear Colleague" letters required colleges to be responsible for harassment and assault that occurs off-campus as well as on-campus.

The Obama administration also allowed a lower standard of evidence to "prove" the guilt of the accused. A "preponderance of evidence" standard replaced a "guilt beyond a reasonable doubt" standard. And, as in the University of Kentucky case, there are no protections for the academic freedom of professors and the free expression of any male student, professor or staff member on or off-campus. There is no right to due process no right to an attorney for the accused—and sometimes, no appeal process allowed.

President Obama's overreach has caused an explosion of cases. Even Brett Sokolow, who in 2014 as director of the Association of Title IX Administrators, acknowledged in a newsletter to members that in their efforts to enforce Title IX, "they are running afoul of Title IX." Claiming that colleges are getting it "completely wrong," Sokolow advised campuses that "every drunken sexual hook up is not a punishable offense."

Sokolow knows that colleges and universities have implemented Title IX so poorly that the Office of Civil Rights is currently investigating more than 200 institutions following complaints that the colleges and universities have mishandled sexual misconduct cases. In just the past few months, lawsuits were filed by students claiming "unfair treatment" at Albany Medical College, the College of St. Benedict and St. John's University, Shenandoah University, the University Cincinnati and the University of Maryland.

This follows high-profile lawsuits at Occidental College, Columbia University and the University of Tennessee. Several of these lawsuits have been successful in vindicating the male student and actually holding college administrators accountable. Earlier this year, an Ohio federal judge allowed an Ohio State University student's due process claims to survive a motion to dismiss, holding that the campus Title IX training at the Ohio State University may have "biased Title IX panel members," allowing the plaintiff to proceed against OSU's Title IX Coordinator.

In October, the Office for Civil Rights found that Wesley College in Delaware violated the Title IX rights of a male student who was accused of sexual assault—citing unfair treatment. And, a federal appeals court revived a lawsuit by a Columbia University male student who alleged that the university had subjected him to sex discrimination during its investigation of a sexual assault report against him.

For the unjustly accused, the ability to bring these lawsuits are themselves a victory because they reveal that colleges and universities have not been complying with their own procedures. In most cases, accused students are not given due process – they are denied a chance to respond to allegations, they are not informed of their options for resolving the complaints, they are not given copies of the incident report or other evidence against them before the hearing, they are not allowed to call witnesses on their behalf, and they are often denied legal representation.

Last year in [a case at the University of California](#), San Diego, Superior Court Judge Joel M. Pressman found that the accused student was impermissibly prevented from fully confronting and cross-examining his accuser and that there was insufficient evidence to back the university’s findings that the male student had forced the accuser into sexual activity without her consent. Ordering UC San Diego to drop its finding against the male student, the judge quipped that “When I finished reading all the briefs in this case, my comment was [Where’s the kangaroo?](#)”

These campus tribunals are indeed kangaroo courts. A forthcoming book (January 24) [The Campus Rape Frenzy](#), by KC Johnson and Stuart Taylor, draws upon data from two dozen of the hundreds of cases since 2010 in which innocent students have been branded as sex criminals and expelled or otherwise punished by their colleges. It shows why all of us are harmed when universities abandon the pursuit of the truth—and “accommodate the passions of the mob.”

For those of us who are concerned about free speech and equal protection for all students, the selection of Education Secretary, Betsy DeVos is encouraging. But, Secretary DeVos will be battling an entrenched anti-male campus culture, and the *Chronicle of Higher Education* has already published a warning that: “Trump Administration May Back Away from Title IX, but Campuses Won’t.”

Taking on the sexual assault industry that has been built upon the backs of innocent male students will be difficult, but President-elect Trump—no stranger to false

allegations himself—has already shown a willingness to speak for those who have been silenced.

Does Free Speech Matter at UVa?

By John S. Rosenberg, October 9, 2016

An adjunct lecturer at the University of Virginia was [forced to](#) take a leave of absence because his criticism of Black Lives Matter in a Facebook post was “inappropriate” and “inconsistent with the University of Virginia’s values.” The lecturer, Douglas Muir, had been teaching at the university’s Darden School of Business and the School of Engineering and Applied Science.

Muir’s Facebook post, now deleted but [quoted](#) by the *Cavalier Daily*, asserted that “Black lives matter is the biggest racist organization [sic] since the Klan [sic]. Are you kidding me. Disgusting!!!” Muir was responding to comments about a lecture given by Black Lives Matter co-founder Alicia Garza.

Undermines Our Values

Muir’s statement is obviously provocative (not to mention poorly spelled), and his rapid resignation suggests that the University of Virginia’s vaunted dedication to free speech and “inclusion” does not extend to provocative posts on social media.

“While free speech and open discussion are fundamental principles of our nation and the University,” a late Friday [statement](#) from the Dean of Engineering and Applied Science declared, “Mr. Muir’s comment was entirely inappropriate. UVA Engineering does not condone actions that undermine our values, dedication to diversity, and educational mission.” The School of Engineering apparently regards a Facebook post as an “action,” not speech, and it deems only “appropriate” speech and speech that does not challenge “diversity” worthy of protection.

A [statement](#) from UVa Provost Tom Katsouleas was even more smarmy: Muir’s comment “is inconsistent with the University of Virginia’s values and with its commitment to the principles of academic freedom.... This position in no way squelches academic freedom, which welcomes dissent and encourages the voices of

others whose perspectives may differ from ours — thereby adding new insights to our own. But statements such as Mr. Muir’s do not foster intellectual exploration, nor do they encourage the voices of others.”

What about Alicia Garza?

The fundamental question, in short, is not whether Black Lives Matter is or is not like the Klan. It is whether provosts and deans should be in the business of awarding or withholding UVa’s imprimatur of approval on highly charged political speech and empowered to decide which points of view are legitimate and which are “inappropriate” or “inconsistent with the University of Virginia’s values” or “do not foster intellectual exploration.”

But even if speech is to be monitored and regulated, that cannot be done in a discriminatory manner. In dismissing Mr. Muir because of his criticism of Black Lives Matter, however, UVa seems to be clearly engaged in content-based discrimination, since not only does it not ban but in fact welcomes speech that is equally if not more offensive.

Consider, for example, the typical invective of Alicia Garza, the co-founder of Black Lives Matter whose recent appearance provoked Muir’s rant. For example, responding to Donald Trump’s acceptance speech at the Republican convention this summer, Garza [stated](#) that “[t]he terrifying vision that Donald J. Trump is putting forward casts him alongside some of the worst fascists in history.... Trump is proposing a new, dark age where police have carte blanche authority to terrorize our communities.”

Garza is obviously fond of comparing Trump to Hitler because she [does so repeatedly](#). And her target is not simply Trump — whom her friend and co-founder of Black Lives Matter Patrisse Cullors [calls](#) “a terrorist” — but also Trump’s supporters. “There’s millions of people backing a fascist ideologue,” [Garza told Bloomberg News](#), anticipating by a month BLM supporter Hillary Clinton’s “basket of deplorables” description of the same voters.

In a similar vein, no doubt intended to “foster intellectual exploration” and “encourage the voices of others,” Garza [responded](#) in *The Guardian* to those fascists who insist that all lives matter by declaring that “[b]y and large, I’m starting to feel

like, if somebody doesn't want to f***ing understand — excuse my language — if somebody can't see the contradiction of saying all lives matter ... then they're just willfully being ignorant, and an a****le. If a movement can be judged by its heroes, what does it say about Black Lives Matter that Garza [proudly asserts](#) that she uses Assata Shakur's "powerful [demand](#) in my organizing work"? Here's a description of Shakur, originally known as Joanne Chesimard, from the [FBI Most Wanted List](#):

“On May 2, 1973, Chesimard, who was part of a revolutionary extremist organization known as the Black Liberation Army, and two accomplices were stopped for a motor vehicle violation on the New Jersey Turnpike by two troopers with the New Jersey State Police. At the time, Chesimard was wanted for her involvement in several felonies, including bank robbery. Chesimard and her accomplices opened fire on the troopers. One trooper was wounded, and the other was shot and killed execution-style at point-blank range.”

Chesimard was convicted of first-degree murder, but in 1979 she escaped from prison and fled to Cuba. Despite pressure to do so, President Obama [refused to demand](#) the return of Chesimard as part of his opening relations with Cuba, a decision [supported by Hillary Clinton](#).

My point, it should go without saying, is not that Alicia Garza should be barred from speaking at University events, although I do think it odd that UVa's Office of Diversity and Equity [invited her to be keynote speaker](#) at a community celebration of Martin Luther King last winter (canceled because of a scheduling conflict). Rather, it is the question of whether university administrators should be empowered to decide whether comparing the Black Lives Matter movement to the Klan is really beyond the pale of legitimate debate and discourse.

If BLM's critics are not allowed to compare it to the Klan, what of its supporters? What, for example, will the protectors of UVa's values do when celebrated *Selma* director Ava DuVernay's new film about the incarceration of blacks, *13th*, is shown in Charlottesville and predictably elicits some faculty gushing? According to the *New York Post*, it “wowed audiences at the New York Film Festival and looks like a leading Oscar contender,” no doubt in part because of its “[e]quating Donald Trump supporters with Deep South Lynch mobs.” Could a UVa faculty member now make that equation?

Is There Free Speech at UVa?

In any event, if UVa's Provost and Deans insist that a Lecturer's personal comments on social media must not be inconsistent with the University's values, why are they not concerned that an official University invitation to Garza to be a keynote speaker at a University event might lead some observers to infer endorsement of her extreme views? Would they dismiss any untenured faculty members who posted or tweeted some of the things Garza says all the time?

No doubt the now problematic standing of free speech at "Mr. Jefferson's University" will be subject of some discussion at a long-scheduled [Symposium on Free Speech on Campus](#) in Charlottesville on October 13-14 sponsored by the Thomas Jefferson Center for the Protection of Free Speech. How embarrassing, not to mention ironic, if in the coming year would earn one of the Jefferson Center's noted and notorious [Muzzle Awards](#).

Brown's President Says She Values Free Speech, But...

By John Leo, September 6, 2016

Christina Paxson, president of Brown University, published a ringing endorsement of free speech on campus yesterday [in *The Washington Post*](#). The op-ed said, "Freedom of expression is an essential component of academic freedom, which protects the ability of universities to fulfill their core mission of advancing knowledge."

That's nice. What the article didn't say is that Brown has long been an unusually censorship-minded institution and that a short documentary, released in July, is making the rounds saying so. According to the Web site the [College Fix](#), the documentary (see below), by Brown graduate Rob Montz, says, "the university is plagued by administrators who shelter students from controversial ideas and faculty who are too cowed to publicly defend free speech."

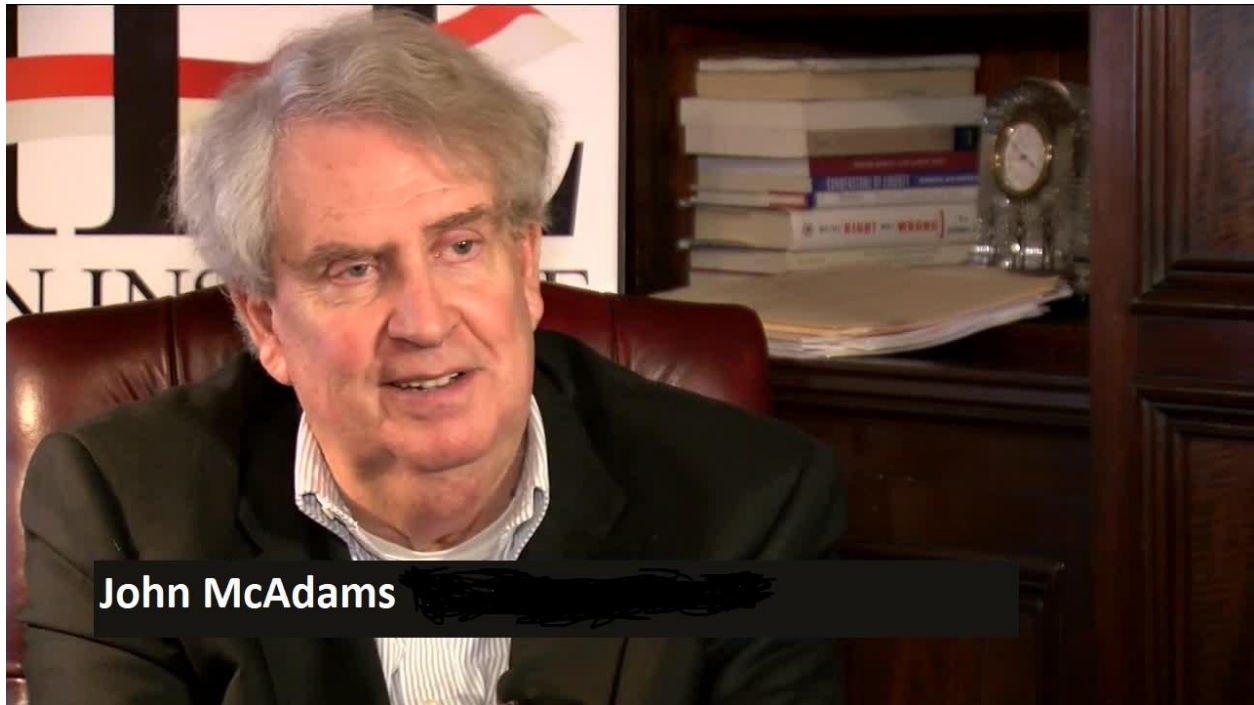
Also, *The Brown Herald*, the student newspaper, scrubbed two columns from its site on the grounds that they were hurtful and inaccurate. One took on the campus anti “white-privilege” movement, “The Whiteness of Cows;” the other argued that Columbus Day should be celebrated for the infusion of European values, culture, and technology, even if Columbus himself is not regarded as admirable. A Daily Beast article on the subject, [“Freedom of Speech? Not at Brown University,”](#) noted that “the Brown administration appeared unconcerned by the attempt to censor freedom of speech.”

When Christina Sommers spoke at Brown, arguing that “Rape Culture”—systemic social and political support for rape—does not exist, Paxson scheduled or (allowed the scheduling of) a feminist rape lecture at the exact time Sommers was to speak, presumably to draw away attendees.

Brown also made the news in 2013 when angry Brown students shut down a scheduled speech by then-New York City Police Commissioner Ray Kelly on the grounds that the city’s stop-and-frisk policy was racist. Despite ample indications that students would try to shut Kelly down, the Paxson administration supplied only one security guard for the event. If Paxson really valued free speech, there was an obvious way to demonstrate it: She could have re-invited Kelly and supplied enough campus cops to handle the yahoos. But she didn’t.

THREE

Silencing Conservatives



Professor John McAdams ‘1’ . . . Marquette University ‘0’

By Anne Hendershott, July 9, 2018

Marquette University has been trying to get rid of John McAdams, a conservative gadfly, for nearly four years. In October 2014, they came close to making that happen.

When Cheryl Abbate, a grad student in philosophy, was teaching a course about John Rawls and asked students for examples of current events to which Rawlsian philosophy could be applied, “one student rightly suggested that the ban on gay

marriage would violate Rawls’s Equal Liberty Principle” Abbate wrote on her blog (*Thoughts from a Vegan Feminist Philosopher*). “I wrote it on the board and noted that this was the correct way to apply Rawls’s principle to a ban on gay marriage and then moved on to more nuanced examples.”

Well, maybe not. According to [The Atlantic](#), Abbate did not move on. Rather, she added that “if anyone did not agree that gay marriage was an example of something that fits the Rawls’ Equal Liberty Principle, they should see her after class.” Such conversations had to be held in secret so as not to offend others. Abbate made it clear that the classroom was not a “safe space” for dissent on the value of same-sex marriage—even though Marquette is a Catholic university that is supposed to support Catholic teachings on the sanctity of marriage as a union between one man and one woman.

One Catholic student in the class decided to pursue this further with Abbate after class—secretly audio recording the exchange. According to the transcript of the conversation, the student told Abbate that he did not agree with same-sex marriage: “So, when you completely dismiss an entire argument based off of your personal views, it sets a precedent for the classroom that ‘oh my God, this is so wrong; you can’t agree with this, you’re a horrible person if you agree with this.’” Abbate responded: “Ok, there are some opinions that are not appropriate, that are harmful, such as racist opinions, sexist opinions, and quite honestly, do you know if anyone in the class is homosexual? And don’t you think it would be offensive to them if you were to raise your hand and challenge this?”

When the student replied that “If I choose to challenge this, it’s my right as an American citizen,” Abbate responded: “Well actually you don’t have a right in this class...to make homophobic comments, racist comments, sexist comments...This is about restricting rights and liberties of individuals...If you don’t like that you are more than free to drop this class.”

The perplexed student attempted to find support for his views from the Chair of the Philosophy Department, Nancy Snow. He then went to his advisor, Professor McAdams who attempted to contact Abbate. She did not respond, and so McAdams chose to blog about the incident after listening to the student’s audiotape of his encounter with Abbate. After publishing his blog, McAdams claims to have been “accosted by Nancy Snow” who accused him of “picking on graduate students

(Abbate).” McAdams claims that Snow told him that [“your student is lying,”](#) to which McAdams responded: “We have the audio, Nancy.”

Reversing a lower-court decision, the Wisconsin Supreme Court ruled in the case of *McAdams vs. Marquette* that the Jesuit University violated professor John McAdams’s free-speech rights and its own contractual obligations when it suspended him for writing a blog post in 2014.

Because of his blog post, McAdams was relieved of his teaching and other faculty duties. He was later stripped of his tenure. In a December 6, 2014 letter to McAdams, Dean Richard C. Holz of Marquette’s Klinger College of Arts and Sciences wrote: “The University is continuing to review your conduct and during this period—and until further notice—you are relieved of all teaching duties and other faculty activities, including but not limited to advising, committee work, faculty meetings and any activity that would involve your interaction with Marquette students, faculty, and staff.” Holz was critical that although McAdams did not reveal the name of the student, he did reveal the name of the Professor in the class, and this was a violation of the graduate student’s rights.

McAdams has protested that the graduate student had full-authority in charge of her ethics class. She was not a teaching assistant – she had full authority to award grades to students—putting her in the role of a faculty member. She was not functioning as a graduate student in her capacity as the identified faculty member for that ethics course. On December 17, 2014, Marquette released a statement on its suspension of McAdams publicly insinuating that the professor had violated Marquette’s harassment policy through his blog.

The American Association of University Professors sent a letter to Marquette objecting to the treatment of McAdams, but although McAdams received support from students on campus, there was little faculty support. It is likely that McAdams had made himself unpopular among the progressive faculty members on campus because of his willingness to expose what he sees as campus corruption. In 2011, he blogged about the search for a new Dean in the College of Arts and Sciences at Marquette that resulted in the hiring, and then not hiring, of Jodi O’Brien, a self-described “sexuality scholar” who openly denigrated Catholic teachings on marriage in her publications.

O'Brien said she had been recruited by several senior leaders (including Philosophy Professor Nancy Snow) to lead the College of Arts and Sciences. Professor McAdams blogged that Marquette had sent a representative to Seattle to encourage O'Brien to apply for the dean's position—confirming his belief that she was “[pushed by some faculty](#) and administrators adding the right kind of diversity to the school.”

Marquette has been ordered to restore Professor McAdams immediately with his full rank, tenure, compensation, and benefits. Marquette is also required to provide back pay from December 2014 when he was first suspended.

In a misguided attempt to protect students from any comments or opinions that may hurt their feelings, many professors have created “safe spaces” in their classrooms—controlling all conversations to ensure that no one is ever offended. Marquette University attempted to provide a “safe space” that is free from Catholic teaching on marriage. But where does that leave faithful Catholic students at Marquette? Is there a safe space for them? This student was invited to drop the class and was called a “liar” by the Chair of the Philosophy Department.

It is likely that he was not the only student who was offended by Abbate's dismissal of counter-arguments to Rawlsian support for same-sex marriage. It is likely that other faithful Catholic students were offended in that 2014 class. But, at Marquette, it seems clear that the rights of Catholic students who are faithful to Catholic teachings on marriage are secondary to the rights of progressive professors who feel validated in their support for same-sex marriage.

Evergreen State Gets an 'F' in Lessons Learned

By John Leo, May 23, 2018

When Branch Rickey picked Jackie Robinson to integrate major league baseball, Ford Frick, president of the National League, turned out to be an unexpected hero. Four Dodgers demanded to be traded and a group of St. Louis Cardinals said they would go on strike rather than take the field against Jackie. Frick crushed the rising rebellion with a blunt ultimatum: "I do not care if half the league strikes. Those who do will encounter swift retribution. All will be suspended even if it wrecks the National League for five years." The rebellion collapsed.

Contrast Frick's courage with the conventional tame responses by American college presidents when radical students tell them what to do. During the melee at Middlebury, president Laurie Patton made brave noises but apparently imposed quiet slaps on the wrists, though a professor had been injured.

At Mizzou, president Tim Wolf, near tears, simply quit without taking any useful action at all. At Yale, in a pointless debate about Halloween costumes, president Peter Salovey, after a sedate and reasonable professor was encircled, cursed out and threatened ("we know where you live"), took no relevant action. The two professors involved, noticing that Yale had no principles it was willing to defend, quit.

And today Evergreen State, having failed to protect two white professors last year when radicals ordered all whites off campus for a "Day of Absence," is paying the price for its folly, including president George Bridges' unwillingness to handle increasingly aggressive protests.

Why Was Professor Amy Wax Punished?

John S. Rosenberg, April 5, 2018

Nearly 10 years ago, Penn law professor Amy Wax wrote an excellent book, [Race, Wrongs, and Remedies: Group Justice in the 21st Century](#). Last summer she co-authored a *Philadelphia Inquirer* op-ed arguing that all cultures are not equal. It [provoked](#) a [virtual implosion](#) at Penn and beyond. Now she's done it again, becoming a larger and stronger voice for sanity simply by stating facts that have caused large numbers of Penn law deans, colleagues, and students to erupt.

In a March 21 [video interview](#) with Brown University economist Glenn Loury, Wax stated that she didn't think she'd ever seen black law students in the top of their class because they had been admitted with lower qualifications than their peers. This time, after the [predictable response from progressive sources](#), Wax was "[barred from teaching](#)" her required first-year course. She replied in an incisive *Wall Street Journal* op-ed, and the controversy, with an emphasis on Penn's cravenness, was ably summarized by Heather Mac Donald [here](#).

It should no longer be surprising that progressives want to ban or silence views that make them uncomfortable, but it is nevertheless striking that in this case, Professor Wax's offense consisted of nothing more than stating, in effect, that her personal observations confirmed the findings of Richard Sander's and Stuart Taylor's "magisterial" (from [my review](#) on *Minding The Campus*) [Mismatch: How Affirmative Action Hurts Students It's Intended to Help, and Why Universities Won't Admit It](#).

Two-thirds of Black Students in Bottom 15%

Sander's empirical analyses, summarized [here](#), found, for example, that "two-thirds of black [law] students end up in that bottom 15%" of their classes and that that "the median black student at all of the schools using substantial racial preferences had an LGPA that placed her within only the sixth percentile of the white students. In other words, 94 percent of whites were getting better grades than the median black.

Conversely, only about 10 percent of all black students were making it into the top half of their classes.”

Incidentally, or perhaps not so incidentally, Sander’s initial publication of his findings, “Systematic Analysis of Affirmative Action in American Law Schools,” *57 Stanford Law Review* 367 (2004), had first been submitted to the *University of Pennsylvania Law Review*. “Within a couple weeks, they got in touch with news that the piece had been accepted for publication,” Sander reported in *Mismatch*. “But a few days later a very embarrassed editor called back. Word about the article had spread to the entire Law Review membership, and a battle had erupted over whether UPLR should be associated with something so controversial. The membership had eventually voted to rescind the offer.”

Law Review Refuses to Run Article

One suspects that the “battle that erupted” among the membership of the Penn law review may have been related to the fact that the UPLR had adopted an affirmative action appointment procedure. As [described](#) by *The New York Times*, “the key to the new system seems to be keeping secret newly established numerical goals, so that law students will not be able to determine who is an affirmative action appointment.”

Law School Dean Ted Ruger [asserted](#) that “the Law Review does not have a diversity mandate,” but, of course, that does not mean or even claim, it does not have an affirmative action selection procedure. In a similar fashion Dean Ruger has claimed that Wax’s statements are false, but he has not released any data to refute her. In any event, nothing seems to have improved at Penn law since its shameful treatment of Sander in 2004.

Although the spectacle of snowflake students, professors, and deans responding with shock and awe to controversial ideas is all too familiar, there are implications of this latest Wax contretemps that should raise troubling new concerns. Since Professor Wax’s offense is that her personal observations tended to confirm Professor Sander’s analysis, does it follow that Sander’s work should not be assigned to *any* class Penn students are required to take?

“Oh, no, that’s not the same!” Penn’s skittish deans and sensitive students might insist since work critical of Sander could also be assigned to assure “inclusiveness” etc. But in that case, wouldn’t a professor suggesting, implying, or — heaven forbid — stating that she agrees with Sander also make those objecting Penn students and their enablers feel uncomfortable and “unwelcome”?

The attack on Wax makes clear that the defense of racial preferences requires not only discrimination based on race — that has long been clear — but protecting students from being exposed to unwelcome evidence and suppressing unpopular expression and, perhaps ultimately, even subversive thoughts.

Why a Penn Professor Was Vilified for Telling the Truth About Race

By Peter Wood, March 15, 2018

Professor Amy Wax at the University of Pennsylvania Law School is once again the target of students and faculty members who have ginned up a racial grievance against her. The issue is that she said something that is apparently true that her critics would rather remain unsaid. The immediate consequence is that Penn Law Dean Ted Ruger has stripped Wax of her teaching assignment in the mandatory First Year curriculum.

What Wax said, essentially, is that black graduate students at Penn Law do less well academically than other students.

Probably what lies behind Wax’s observation is that the Law School admits black students at a lower threshold of academic qualifications than it admits white and Asian students. That’s a guess, based on a lot of circumstantial evidence. The University of Pennsylvania is a private university and does not make available a racial breakdown of its admissions standards. Across the country, battles rage to get even public law schools to acknowledge the extent of the racial preferences they use to bolster the numbers of black enrollees.

Richard Sander and Stuart Taylor, Jr.'s book *Mismatch: How Affirmative Action Hurts Students It's Intended to Help and Why Universities Won't Admit It* (2012) remains the definitive statement of the problem. (The National Association of Scholars is not a bystander on this issue. We just filed an amicus brief in *Sander v. State Bar*, an appeal currently pending in California.)

To understand why Wax's simple observation would occasion such heated attacks against her, we must keep in mind the furious effort of will by proponents of racial preferences to deny the realities of the situation.

Cadmus and Company

Racial preferences in college admission are the dragon's teeth.

In Greek mythology, when the hero [Cadmus](#) kills the dragon that guards Ares' spring, he plants the creature's teeth, and up spring ferocious and fully-armed warriors. This odd bit of agriculture isn't a freak occurrence. The hero [Jason](#) also plants a set of dragon's teeth and likewise harvests a bunch of ill-tempered warriors. Dragon's teeth is a handy image for what happens when we think we solve one big problem—an unfriendly dragon—but end up creating a collection of even worse problems.

When we deny that racial preferences result in classes in which many of the black students are less qualified and less capable than other students, we are sowing dragon's teeth. The teeth come back as social justice warriors.

The warriors may silence the messenger, but that can't extinguish the truth. In 2005, *The New York Times* [published the results of a study](#) that appeared in The Stanford Law Review that concluded, "Affirmative action actually depresses the number of black lawyers, because many black students end up attending law schools that are too difficult for them, and perform badly.... Once at law school, the average black student gets lower grades than white students: 52 percent of black students are in the bottom 10th of their first-year law school classes, while only 8 percent are in the top half. And the grades of black students drop slightly in relative terms from the first year of law school to the third."

Round One

Professor Amy Wax stirred up [controversy](#) last August when she co-authored a newspaper op-ed in which she praised “bourgeois values.” She meant things like hard work and getting married before having children.

Some Penn Law School students and faculty members at the time judged Wax’s thoughts to be racially hurtful and demanded that Wax be punished. They lost that round. Wax had done nothing beyond the scope of her academic freedom, and she held her ground.

Round Two

But her enemies are now back with a new plan to punish her—a plan that has been adopted in part by Dean Ruger.

In September, a few weeks after the famous “bourgeois values” op-ed article, Professor Wax mentioned in a lecture to first-year law students that she had never “seen a black student graduate in the top quarter of the [Penn Law School] class and rarely, rarely in the top half.”

Having discovered a video of this lecture, her critics drafted a [petition](#) addressed to Dean Ruger. The petitioners call Wax’s remarks “disparaging, false and deeply offensive claims.” They also assert that her broad statement (Wax mentioned no individuals) was a “clear violation” of “Penn Law’s anonymous grading policy.” And they called on Dean Ruger to “dispel the lies” in Wax’s statement; “Permanently remove Professor Wax from teaching 1Ls” (the mandatory first-year law course she has been teaching); “Permanently remove Professor Wax’s appointments to the Clerkship Committee, and any other committees that involve leading and directing the law school”; and take all these actions “publicly.”

Dean Ruger accordingly [declared](#) publicly that Wax’s statements are false. He wrote:

It is imperative for me as dean to state that these claims are false: black students have graduated in the top of the class at Penn Law, and the Law Review does not have a diversity mandate. Rather, its editors are selected based on a competitive process. And contrary to any suggestion otherwise, black students at Penn Law are

extremely successful, both inside and outside the classroom, in the job market, and in their careers.

On its face, Dean Ruger's statement seems to mean that Professor Wax got it wrong. But we shouldn't forget that this is lawyer language, and it has built into it some curiously slippery clauses. Dean Ruger doesn't actually say that Wax's claims are false. He just says that "it is imperative" that he says they are false. The imperative is that he has a bunch of angry students demanding that he say so, regardless of accuracy. By golly, Dean Ruger is a man who lives up the imperatives, which may not include telling the truth.

As of this writing, no one—not the dean, and not the petitioners—has come forward with any evidence that Professor Wax's comment was inaccurate. It presumably wouldn't be hard to check whether any black students had graduated in the top quarter of their Penn Law School classes. I don't suppose Professor Wax to be error-proof. But if there are one or several such graduates to be found, where are they?

Dean Ruger gave the protesters two more of their demands: he took Wax's first-year course away from her, and he conducted his actions in public by issuing them as a widely distributed "[message](#)."

Frenzy

The accuracy of Wax's observation has been challenged, but by means of indignation and sheer assertion, not evidence. If it happens that evidence of overlooked students in that top quarter does emerge, it is likely to be the sort of exception that proves the rule. Clearly, no substantial number of black students are in this quartile. If there were, Wax's statement would be laughed at rather than made the gravamen of an accusation.

Up from the ground in which the dragon's teeth of racial preferences were buried have sprung the armed warriors desperate to defend racial preferences. These warriors want Professor Wax [silenced, ostracized, and exiled](#). They may seem to have achieved a good portion of what they wanted, but I wouldn't count on that as a long-term victory for their cause, or as a moment for Dean Ruger to bask in their approbation.

Professor Wax, who serves on the board of the National Association of Scholars, knows how to defend herself. The spectacle of students and faculty-driven to a kind of frenzy by the mention of facts deemed unmentionable is not likely to redound to the reputation of Penn's Law School.

The public at large will understand the main point: Admit lower quality applicants to an institution of higher education, and the individuals so admitted will, on the whole, perform more poorly than those who are admitted according to higher standards. It is a hard truth. We have imposed taboos in higher education against talking about it, but that doesn't change the reality. The taboo merely fuels the rage of those who have invested themselves in keeping up the illusion.

Some New and Narrow Versions of Academic Freedom

By Peter Wood, May 22, 2017

The right to breathe is not generally understood as the right to choke others. The right to move freely is not widely understood as the right to slip into your neighbor's house in the middle of the night unannounced. The right to listen to Neil Diamond's greatest hits is not universally interpreted as the right to make other people listen to "[Sweet Caroline](#)."

And yet these days more than a few people have decided that "academic freedom" guarantees your right to silence other people who are attempting to express views you disagree with.

This sounds like a joke, but it has been put forward in earnest by many student protesters in the last few years. I first heard the "I'm-exercising-my-academic-freedom-to-shut-you-up" rationale in connection with the Black Lives Matter protesters who invaded the Berry-Baker Library at Dartmouth in November 2015. But it has since become the common currency of lawless protesters, whether at Berkeley, Middlebury, or Claremont-McKenna.

Perhaps the [open letter](#) from Pomona College students to President David Oxtoby demanding that he “take action against the *Claremont Independent* editorial staff for its continual perpetuation of hate speech, anti-Blackness, and intimidation toward students of marginalized backgrounds,” is the perfection of this conceit. The Pomona students decided that “free speech” has become “a tool appropriated by hegemonic institutions.”

Campus Life Not Like a Baseball Game

Actually, on that last point, they are right. Colleges and universities are “hegemonic institutions.” I don’t know if those students understand their own catchphrases, but translated into plain English, this simply means that colleges impose broad control over their community of faculty members and students. They have rules above and beyond the rules of the surrounding society. If you go to a baseball game, you are free to boo the other team and scream at the umpire if you think he made a bad call. On campus—at least in principle—you must listen quietly when someone argues a point you disagree with, and if the moderator in a debate makes what you think is a bad call, your only legitimate option is to explain why you think it is wrong.

Those rules are part of what we mean by “academic freedom.” Clearly, academic freedom is not the natural way people behave towards each other. It is an artificial thing, a “social construct,” as we say these days. And because it is artificial, it only works in special circumstances where people agree to forego their right to boo the other team, shout imprecations at the umpire, or move beyond words to the kind of hard buffets that [put professors of political science in the hospital](#).

Three cheers for institutional hegemony, without which no would have academic freedom. “*Good times never seemed so good,*” [Sweet Caroline](#).

But how is it that good old Hegemony U has found itself so incompetent in upholding its most basic rules of the road? Observers have offered some pretty persuasive answers to why Middlebury President Laurie Patton has been so feckless; why UC Berkley Chancellor Nicholas Dirks displayed the steadfastness of a saloon

door; and why Claremont McKenna President Hiram Chodosh has risen to the occasion with the moral dignity of a [fidget spinner](#).

The answers include the continuing descent into postmodern insouciance, where no encompassing principle presides; the swarming animosities of identity politics, which have stung all the beekeepers into submission; and the progressive left's willingness to kick away the ladder of free speech by which it climbed to dominance, lest anyone else try that ascent.

Up for Grabs for a Century

I have one small addendum to that list of explanations for why our defenders of academic freedom went out to lunch and never came back. I suspect that some of them got confused by the menu. “Academic freedom,” an artificial thing, a “social construct,” isn't amenable to scientific precision. It isn't Mars or Jupiter, sitting in the heavens as a definite planet. It is more like Pluto or one those other trans-Neptunian objects with strange names, such as the dwarf planet [Haumea](#): detectable but not settled into any plain definition.

Because “academic freedom” isn't one, definite thing, it has been up for grabs for over a century. The grabbing began in 1915, when the newly formed American Association of University Professors offered its “Statement of Principles,” that in twenty-some pages of stately syntax and high-minded declaration laid out a commanding vision of the intellectual rights of America's university faculty. The 1915 AAUP statement didn't settle anything. For the next 25 years, the AAUP and college presidents went on wrangling, with numerous summits and unsatisfactory attempts to reach

For the next 25 years, the AAUP and college presidents went on wrangling, with numerous summits and unsatisfactory attempts to reach an agreement. In 1940, they did, at last, reach an agreement of sorts and issued a much shorter and—in many ways—less satisfactory statement. The 1940 AAUP Statement remains in force at the vast majority of American colleges and universities as their basic position on academic freedom. But having discovered the fluidity of the idea, the academic world could not stop with just two statements.

There are in fact now many thousands of statements, interpretations, codicils, redactions, and expostulations about academic freedom. The World Catalog lists nearly 100,000 books on the topic. “*Look at the night and it don’t seem so lonely,*” Sweet Caroline.

My colleague David Randall and I have undertaken the task of providing a little bit of order to this chaos. We have just posted a chart that offers an easy comparison of what we take to be the top ten authoritative treatments of academic freedom. It gives the reader the opportunity to see at a glance which definitions are rooted in the pursuit of truth, which ones connect tenure, and which ones call for sanctions against violators, and so on through 25 categories. It is a work in progress if we are still allowed to talk about progress in the post-modern anti-hegemonic hegemony.

I offer this in part as a service to Presidents Paton and Chodosh and Chancellor Dirks. They can now pick the definition that best lends itself to doing nothing while their students riot or imposing “sanctions” on violators that have the permanence of a Snapchat message. “[Charting Academic Freedom: 102 Years of Debate](#)” may also, however, prove to be of some value to others who have found little clarity in the swirl of conflicting claims about academic freedom.

Explore, and find the most compelling definition and sing in your best imitation of Neil Diamond, “*How can I hurt when I’m holding you,*” Sweet Caroline. Well, you can and will, but you will still be better off knowing that some definitions of academic freedom are a lot better than others, at least if you care about creating a civilized place for learning.

The Professor Who Faced Title IX Charges for Writing an Essay

By Cathy Young, May 9, 2017

It is not too early to say that *Unwanted Advances: Sexual Paranoia Comes to Campus* by Laura Kipnis, professor of film studies at Northwestern University, will be one of the most important books of 2017. Kipnis gained some notoriety two years

ago when she was hauled before her school’s Title IX investigators on a complaint of creating a sexually hostile environment because of an essay she wrote criticizing the campus sex panic, with a focus on the case of Peter Ludlow, a Northwestern professor brought down by accusations of sexual misconduct toward an undergraduate and later also a graduate student. (See [Minding the Campus coverage](#) of the case.)

Now, Kipnis tackles the same subject in a book that takes an unsparing look at the current campus climate, from the witch-hunts to the trigger warnings. And she does so from a liberal feminist point of view—one of the things that exasperates her most about this new climate is the infantilization of women, reduced to eternal helpless prey—that makes it difficult to dismiss her as a backlash peddler. Even the devoutly feminist *New York Times* opinion writer Jill Filipovic, who assailed as misogynistic another book on the subject, *Campus Rape Frenzy* by K.C. Johnson and Stuart Taylor, [described](#) *Unwanted Advances* in the same double review as “persuasive and valuable” if “maddening.”

CATHY YOUNG: So, the genesis of the book is that you wrote the essay for *The Chronicle of Higher Education* about the then-ongoing Peter Ludlow case at Northwestern and the excesses of Title IX and what you called the “sexual paranoia” on campus—and then *you* got hit with a Title IX complaint.

LAURA KIPNIS: I was writing about this increasing climate of sexual paranoia, and I knew about the Peter Ludlow case. But I didn’t know anything about Title IX until I got this letter saying that there was a Title IX complaint against *me*.

CATHY YOUNG: So at the time you were writing your essay, did it ever occur to you that you could be the subject of a complaint?

LAURA KIPNIS (laughs): Oh gosh, no. I don’t think it would have occurred to anyone that you could be the subject of a Title IX complaint for writing an essay. When I got the letter, I was immediately curious—was this the first time someone had applied Title IX to an essay. But of course, there’s no way to know that, because it’s not public and there’s no centralized database of cases. We’re starting to hear more as these cases hit civil courts. They’re popping up every day and they’re new variations on the theme, which is really capricious prosecutions of people on strange grounds.

CATHY YOUNG: Did you find any other cases in which someone was targeted for a Title IX complaint based simply on something they wrote?

LAURA KIPNIS: I did have a case—sometimes, you’re not clear, is it precisely a Title IX case. I had a case of a professor of intellectual history [where] a student complained about his assignments on gender. Sometimes these complaints go through various administrative offices, and I’m not sure they’re precisely Title IX. One of the problems in writing about this stuff is, you don’t always know—you know what somebody told you. You don’t have the documents; you don’t have the whole picture. So I’m not sure, off the top of my head, if I know of another case where it was simply speech. But sometimes speech would get brought into these cases—like, a poet who was asked, why are you teaching poems with sexual content, that sort of thing.

CATHY YOUNG: Did you have any concern that you could get in trouble again because of the book?

LAURA KIPNIS: Oh yes, definitely. I think I could be subject to some of the same charges of retaliation [against Ludlow’s accusers]. Although, since I was already found innocent on the retaliation charges, it would be difficult to bring those charges again. But they could.

CATHY YOUNG: What has the overall reaction been to your book? Are there reactions that have surprised you, pleasantly or unpleasantly?

LAURA KIPNIS: I’m obviously pleased that the reviews have been so overwhelmingly positive. The first review from an explicitly feminist site also just came out—*Broadly*—which was a subtle and positive reading of the book. What’s most surprised me is that I expected a lot of discussion—and a lot of pushback—in the feminist media and blogosphere and I haven’t seen that. You tend to see what’s posted as people usually tweet things once they’re up, though there may be things I’ve missed.

Maybe the pushback is to come. What’s been great is that even reviewers who say they’re to some degree irked by the book—the two *New York Times* reviewers—have been honest enough to say that it’s also persuasive and “necessary.”

CATHY YOUNG: This climate of what you call sexual paranoia today—in the 1990s, there was, as I’m sure you know, a lot of debate about the sexual climate on campus, about sexual assault, sexual harassment. Then this discussion more or less dropped off the radar and lay dormant for a number of years, and now it’s back. Do you see a difference between the way this issue played out in the nineties, as compared to today? Did you pay attention to it in the nineties?

LAURA KIPNIS: Oh yes, particularly to the anti-porn feminist contingent, [Andrea] Dworkin and [Catharine] MacKinnon. I think that is a lot of the difference—[in the 1990s] a lot of the energy and mobilization had to do with pornography under their auspices, and I think the same impulses are persisting now, but without pornography. I think most students—that I encounter, anyway—think that porn is benign, but this issue of campus rape culture is having such an ascendant moment now. I think the impulses are the same.

CATHY YOUNG: Is there a difference in the level of support from students? Obviously, anti-rape activism on campus existed then, but it seems that there’s a much larger percentage of the student body that is swept up in this today. Is that your impression as well?

LAURA KIPNIS: That’s what’s so hard to gauge. It’s not like we have data on this. There’s a lot of attention being paid to rape culture activism, and maybe in some ways, it’s seen to dovetail [with] or have the same kind of constituencies as, Black Lives Matter and the racial justice movements, whereas I think they’re politically different sorts of movements. But I don’t know how much support there is on campus! My own students—I should backtrack and say, the students who marched against me during that campus protest and the students who brought a complaint against me, these were not *my* students; these were students I didn’t even know.

My own students—they have social concerns, but I don’t think, for the most part, they’re activists. What percentage of students [on my campus] would say they’re in support? I don’t know. There are a lot of students who feel like they need to be on the right side of the issue. So there are people—say, people in student government—it’s a [big] concern to them to make sure that they’re known to be on the right side of the issue. And even frat presidents make all those public statements to indicate that they’re on the right side of the issue, that they support survivors, that they take sexual assault very seriously.

CATHY YOUNG: How did your students react to the charges against you? Were you allowed to discuss the case with them?

LAURA KIPNIS: Yeah, sure. No one would have disallowed it, it's just—my own students didn't bring it up, so it's not like I would have devoted a class to talking about my own situation.

CATHY YOUNG: Were they aware of what was going on?

LAURA KIPNIS: Oh, yeah. My students—they're sort of sweet. I actually did say to some students that I knew—we were talking in a casual way, and I said, "How come nobody ever brought up the fact that there has been this protest march against me?" They treat me with some irony, and one of them said, "Oh, Laura, we *knew* about it." But nobody said anything! (*laughs*) Maybe they thought it would be impolite.

CATHY YOUNG: Some polls show that there's a lot more support among students today, compared to ten or twenty years ago, for the idea that you shouldn't express things that are hurtful to someone else—that offensive speech which triggers someone or causes them emotional damage should be regulated. Is that something you're seeing? Do you think there is a troubling level of support for censorship, in that sense, on campuses?

LAURA KIPNIS: I'm probably a frustrating interviewee because I have a hard time generalizing. (*laughs*) I don't know. Is there a general level of support for something? I haven't seen any polls on this. With my own students, they are very much individuals. I think because of the kind of education they've had, they're very attentive to issues about minorities, about discrimination, about social justice, about using language that would make minority people feel stigmatized—any kind of minorities. I remember a discussion recently in a class where somebody used the word...

I remember a discussion recently in a class where somebody used the word... (*pauses*) What was it? It was some synonym for... maybe somebody said "mentally handicapped," and somebody said, "I don't like that term." Or maybe it was some other term, and he preferred "emotionally handicapped" or "intellectually handicapped." You have things like that crop up, where somebody thinks someone

else's language is problematic. So yes, I have seen that happen in my classes. Certainly on things like gender, sexual orientation. At the same time, I think they're very open-minded to the difference, which I think is an upside.

CATHY YOUNG: Speaking of campus speech, your appearance at Wellesley caused quite a controversy, with some professors publicly stating that speakers like you are harmful and shouldn't be invited. Do you have any further campus appearances planned? Obviously, you're not Ann Coulter, but are you concerned about protests getting out of hand?

LAURA KIPNIS: I'm going to the University of Oregon and Simon Fraser University at the beginning of May, but not expecting trouble. I'm obviously not as deliberately incendiary as someone like Coulter or Milo [Yiannopoulos], who clearly want to provoke a reaction and are invited for that purpose. So I'd be surprised if anything like that arose, especially since so many of the reviews have made persuasive arguments on behalf of the book.

CATHY YOUNG: Moving on to sexual misconduct, there's been a lot of debate about whether Title IX is a good way to handle accusations of sexual assault on campus, or should we be channeling those complaints into the justice system and try to refer them as much as possible to the police for a real investigation. Where do you come down on that? Do you think the Title IX system just needs reform so that it doesn't run roughshod over the rights of the accused the way it has recently, or do you think that we should be working toward deemphasizing it as much as possible and try to work within the actual justice system?

LAURA KIPNIS: The problem is, both sides are a mess. The obvious thing to say is that the campus system has been a kind of overcorrection in response to the feeling, and the actuality, that the justice system and the police have overlooked rape and sexual assault too much, and that it was too difficult for students who'd been assaulted to work their way through that system. The problem is that the on-campus system seems to be very unprocedural. They obviously don't have the rules of evidence that you would want to see, but they also don't have real fact-finding capabilities.

When a Title IX officer on campus does an investigation, she or he doesn't have subpoena power, that kind of thing, and is free to ignore evidence that they want to

ignore. I'm not a policy person; I'm a cultural critic. I was in a discussion the other night with Seamus Khan, who's at Columbia and he's a sociologist who works on these issues. So I said I thought, if you're talking about rape, forcible sexual assault, these should be handled by the police—because, for one thing, to expel somebody is not sufficient punishment for assault. And he made the point, which is a good point, that one reason to avoid that system is that it's often been very unfair to minorities, we know the situation of black men in the criminal justice system. So either way that you come down, there are huge problems.

CATHY YOUNG: Obviously, a lot of the cases that you're discussing don't rise to the level of criminal sexual assault, but they may involve one student behaving badly toward another. Do you think there is a place for some sort of campus system that could handle non-criminal but damaging conduct within the community, without necessarily labeling it as rape?

LAURA KIPNIS: I think that's a really interesting idea. Because I do think campuses are communities, and the idea of some sort of community judgment or community standards where grievances are brought forward and heard—it's a really interesting idea. Because the fact is that there is a lot of shitty sexual behavior that goes on, and the majority of it is by men toward women, and anybody who thinks that's not the case I think has their eyes closed. So, I'm very much in favor of emphasizing an educational approach to this, and especially educating women in how to get themselves out of situations that aren't going well, out of situations that don't feel good.

I really do think, the more students I talk to, that there are a lot of women having sex in ways that are either physically uncomfortable or emotionally injurious or some combination, or things have happened that they didn't want to have happened, people are drunk out of their minds. And honestly, having some drunken guy on top of you who outweighs you by 80 lbs. may not be the world's best experience. So, I think all that should be talked about more openly, in ways that stress education over-regulation.

CATHY YOUNG: So, in a way, this whole debate over “is this rape or is it not rape” is taking us in the wrong direction, isn't it?

LAURA KIPNIS: I would have to say, and maybe I'm a bit old-fashioned on this point—I think the dividing line is the use of physical force to [make someone] have sex, and I do think that's a criminal matter.

CATHY YOUNG: Or if we're talking about someone who is not just intoxicated but physically incapacitated, to the extent that they are unable to remove themselves from the situation.

LAURA KIPNIS: Absolutely true. But then you get into questions that are complicated—how drunk is too drunk to consent, the fact that people can be in a blackout state and seem conscious. I think people are trying to draw hard and fast lines, and Title IX investigators are in that position of making pronouncements in fuzzy situations.

CATHY YOUNG: One of the things that the 2011 “Dear Colleague” letter [from the Department of Education’s Office of Civil Rights] did with regard to sexual assault on campus, besides requiring a lower standard of proof for Title IX complaints, was to prohibit mediation in such cases. Yet it seems that in many of those gray-area situations—for instance, where someone felt pressured into sex but didn’t feel able to speak up—mediation would be a much better way to go. What’s your opinion on that?

LAURA KIPNIS: It seems like a strange mistake, and I don’t understand it at all. Some of these measures really push in the direction of policing and turning campuses into increasingly carceral atmospheres—where mediation I think would make much more sense, and would also be educational as opposed to punitive.

CATHY YOUNG: You mentioned before that there’s a lot of bad behavior going on sexually on campuses and most of it is by men toward women, and it includes women feeling pressured into things they don’t really want. To play devil’s advocate: do you think the way we see this is also partly rooted in very traditional ideas about sex being something men get from women? For instance, if it’s a guy having sex with a woman he wouldn’t have had sex with when he was sober, it’s difficult for people to see him as a victim, even if he feels bad about it the next day. There are studies where almost as many young men as women will say that at some point they went along with a sexual situation they didn’t want, but it’s not part of our cultural language to see these men as having been done wrong.

LAURA KIPNIS: My sense is that there are a lot of contradictory ideas or subjectivities floating around when it comes to gender and sex. I have the sense there are a lot of women students who have three or four different positions on it at once: on the one hand, they want to have sex like the guys, and this could be meaningless, and they'll be the aggressors in the situation, and then they'll ditch the guy, and that's all fine, and then that kind of competes with this other position of feeling you have been wronged and that sort of thing.

I also do think there is a lot of gender traditionalism that comes out—I say this in the book—when people drink. The more people drink, you get the sense that men become more aggressive and women become more passive, partly because they're just more incapacitated by alcohol. So it may be that there are guys who have sex in circumstances when they didn't want to, I'm sure that's completely true. I do think that men—maybe this is stereotyping, but men are the ones who are more willing to force a situation, to pressure somebody, to coerce, to plead, to persuade. Maybe women have other tactics that they use—that we use to get sex from a reluctant guy. But the problem is, you've got this gender traditionalism in the mix with this supposed gender neutrality—we're all equal here, and girls and guys are all on an equal playing field.

CATHY YOUNG: Still, in some of the situations you discuss in your book—including the one with Ludlow, especially his relationship with the graduate student—the women are very aggressive at times, and may even be in a quasi-dominant position. So isn't it a lot more complicated?

LAURA KIPNIS: With the grad student, I feel on firm ground saying that, because I read their text messages and emails. I definitely think that was more in love and she had more power in the relationship, partly because she had another [boyfriend]. That's not something that gets taken into consideration in these proceedings.

CATHY YOUNG: You also mentioned this one case in which the woman sued [claiming she was too drunk to consent], and there was evidence that she had made aggressive sexual advances toward the accused and his friend—

LAURA KIPNIS: Yes, in Colorado.

CATHY YOUNG: And she did get a disciplinary finding against her, because the other man, the friend, made a complaint about her making non-consensual advances toward him.

LAURA KIPNIS: Yes, but that's a case where she got an \$800,000 settlement also.

CATHY YOUNG: And the accused man, in that case, another grad student, was expelled?

LAURA KIPNIS: Yes, he was.

CATHY YOUNG: That was another interesting example that seemed to go against a pattern of intoxicated women being more passive—she was anything but.

LAURA KIPNIS: That's true—good point.

CATHY YOUNG: Are you familiar with the Amherst case where they were both drunk, but he didn't remember anything, and her text messages showed that she made advances toward him? It seems that in a lot of cases, this is very complicated.

LAURA KIPNIS: I like the position that you take on it—in some ways, I agree with you, in other ways, I'm trying to balance all of this out. But I like that that's what you stress—female agency.

CATHY YOUNG: A number of social conservatives, such as Wendy Shalit in *A Defense of Modesty*, have argued that the real problem is that we have been chasing a utopian idea of equality instead of recognizing that traditional norms served women best by assuming that they will not have sex in casual situations. Their argument is that those norms empowered women to say no [without having to justify it]. Do you think there is anything to this argument? Should we be more sensitive to traditional notions of sex differences, or go forward to more equality?

LAURA KIPNIS: I don't find Shalit's argument compelling at all. I don't know where to even start with this. (*laughs*) The version of feminism I would subscribe to looks at historical structures as opposed to inborn [gender differences]. Maybe propensities are inborn, but I also think that these are social structures, and if you're a feminist you want to push toward ones that allow for women and men to have

equal lives and equal versions of autonomy and equality in personal lives. This idea of gender traditionalism as something to [aspire to]—this could not be more inimical to what I think.

CATHY YOUNG: Well, the argument some would make—in the book, you referred to an incident your mother had in which a professor was literally chasing her around the desk, and she was batting him away, and you were saying it’s ironic that a woman in that pre-feminist era seemed to be more assertive in fending off unwanted male advances than many women seem to be in our feminist age. And this is where some would argue that partly, in that era, it was presumed that women would reject male advances; there was a social framework in which women were supported in say no or even slapping a man in the face if he was sexually aggressive.

LAURA KIPNIS: Oh, come on—there were also women getting raped, there wasn’t access to birth control. There has certainly been a tremendous amount of progress on the gender front. It’s not like you want to look backward with nostalgia at the good old days when professors were chasing women around [the desk]. I don’t, anyway.

CATHY YOUNG: One area that you didn’t really get into in the book is that there’s a racial angle to a number of these campus cases—minority men who are accused of sexually assaulting white women, and some of these accusations definitely have questionable circumstances. Do you find it odd that at a time when there is so much sensitivity to minority issues, and especially to the issue of minority men being mistreated by the police, there doesn’t seem to be much awareness of that in the progressive community on campus?

LAURA KIPNIS: I’ve heard that there are some student groups that are aware of that. There was some kind of conference—a student conference at Brown, I believe, a couple of years ago, and it was under the auspices of “fight the carceral versions of Title IX.” The term “carceral feminism,” I think, gets brought up by people—and I think it is feminists on the left, who call themselves leftists—who are trying to make that issue be known.

CATHY YOUNG: Do you see the situation [with regard to Title IX] changing at all under the Trump administration?

LAURA KIPNIS: I think everyone is waiting to see what [Betsy] DeVos and these new people in the OCR are going to do. I can only think that they're going to dial back on the "Dear Colleague" letters. But the question is what that means on the ground because these infrastructures are already so much in place, and with the student activists there is so much pressure to keep the adjudication machinery going—the Department of Education might dial back, and it still might not change on campus. I think what will change [the situation] is these cases moving through the civil courts, and some of the decisions that are coming down are really, I think, forcing campuses to review the due process issues. It does seem like it's all heading for some kind of clash. When we all assumed that [Hillary] Clinton was going to be President, that's what I assumed—that this would end up, perhaps, in the Supreme Court, over the constitutional issues that are raised by Title IX. At this point, I don't know—I don't think anyone is really predicting.

CATHY YOUNG: Perhaps the flip side of this is that the cultural left—for lack of a better word—has been incredibly energized by Donald Trump's election. Could this lead to more pressure from campus activists? In the current atmosphere where so many people feel there is a "war on women" coming from Washington, do you think there is going to be more of a backlash against anything that's seen as rolling back protections for women?

LAURA KIPNIS: That's a good point; I hadn't really thought about it, but it makes sense to me. [But] like I said, I think that with more and more of these cases hitting the courts, I think that will achieve some kind of turnaround. Maybe Congress will also subject this to congressional review at some point.

CATHY YOUNG: With your book among others, do you think we will see more pushback in the liberal and progressive community against some of the overreach—not only on Title IX but on "safe spaces," with regard to both sex and speech?

LAURA KIPNIS: I think there will be rethinking, particularly as more information gets out. I think the issue is that, in terms of Title IX, the information isn't out there because it's all confidential. The book by [K.C.] Johnson and [Stuart] Taylor, I think, puts more information out there. I wish it had had a different title—*Campus Rape Frenzy* seemed to be appealing toward a certain crowd, toward right-wing or anti-feminist sensibilities. [But] it was really thoroughly researched, far better than my book on explicating the tangled history of Title IX.

I do think that people who consider themselves liberals are concerned, certainly, about speech issues. Any classic liberal is concerned about speech [and] due process issues, for sure.

CATHY YOUNG: As far as getting more information out there, do you think the confidentiality rules for Title IX cases should be relaxed?

LAURA KIPNIS: Yes, absolutely. I don't see a reason for it, particularly since these cases are hitting civil courts and a lot of them under "Doe" directives, where it's "Jane Doe" and other pseudonyms in the cases. There should be far more transparency than there is. That doesn't mean people's names have to be used. But I do think that, as I exposed some of this information because these documents were not, as far as I understood it, confidential—I think just people reading about how these decisions are made and how preponderance is achieved has been shocking for some people, who thought this was all a fair process.

CATHY YOUNG: That was one of the fascinating things in your book—you shed a lot of light on what exactly goes on with the preponderance standard, where it seems to be a matter of, as you put it, either guesswork or caprice.

One final question: at one point, there was an active group called Feminists for Free Expression, which did a great deal to counteract the Dworkin-MacKinnon anti-porn feminism. Is there a need for a group, either feminist or more broadly progressive, in opposition to some of the speech and sex regulations that we're seeing now?

LAURA KIPNIS: I would love that. You know, my sense is that there are a lot of people who are afraid to say what they really think. People have said that to me personally and in emails. They want to be seen as being on the right side of these issues. But the more people speak out about the bizarre experiences that they've had, the sort that I've had, and talk about what's going on behind closed doors—maybe more people will come forward, and such a group would be a possibility.

Self-Censorship Is Easy to Learn, Particularly in Dormitories

By John Leo, May 1, 2017

William Deresiewicz is an essayist and author of two books, *Excellent Sheep, the Miseducation of the American Elite* and *A Jane Austen Education: How Six Novels Taught Me about Love, Friendship, and the Things That Really Matter*. He was born in Englewood, N.J. in 1964, graduated from Columbia, taught at Scripps and Yale and now is a full-time writer living in Portland, Oregon. He is a contributor to *The Nation* and *The New Republic*.

John: You wrote a recent article on political correctness in *The American Scholar*, which drew an unusually high amount of traffic and focused on the persistent attempt to suppress the expression of unwelcome beliefs and ideas.

Bill: The high-profile disinvitations of conservative speakers are probably the best example of PC. But much more pervasive is the constant policing of what everybody says on campus. Mainly the policing of peers by other peers. What they say, things they wear, the language they use. My students understood that there was always something new that they weren't supposed to say, but they often didn't find out what it was until after they said it.

John: You said that self-censorship is an easy thing to learn, particularly in dormitories.

Bill: Yes. Self-censorship sets in very quickly once you've been censored. And in the hothouse environment of a college campus where people are living in close quarters and very invested in the good opinion of their peers, it can be very intense. What's missing is the core purpose of a liberal education, inquiry into the fundamental human questions, undertaken through rational argument, not the "ustalk" of PC consensus.

John: And then rather quickly in the article, you come to the conclusion that selective private colleges have in effect become religious schools. Explain.

Bill: I think one of the central ways this phenomenon can be understood is that those schools, in particular, are enforcing a certain ideology which has many of the characteristics of religion. And I mean I think it's a useful way to understand it. I think it's also an intentionally provocative way because part of that ideology part of

that religion is itself to be anti-religious to be militantly secular and very hostile to religion and especially to Christianity.

John: Explain that dogma. I was just going to say you list some aspects of the dogma of this religion.

Bill: I mean obviously there's a strong emphasis on identity categories and identity politics, particularly the categories of race, gender, and sexuality. There is also as I said the secularism itself and I think the last element I lift is environmentalism. Now I should say, I mean some of these things are things that I share. I mean, I believe that environmental concerns are extremely urgent. The problem is how it gets translated into a dogma rather than what should happen in college, which is that people have genuine arguments and you might actually change your mind about things.

John: You say students seldom disagree with one another anymore in class. Why is that?

Bill: As one student said, we all have more or less the same set of opinions, so there isn't that much to disagree about. Obviously, another aspect is this enforcement of a consensus so that if you do disagree, you're often very reluctant to say so. And then I think that there's a general sort of generational attitude that it's really important to be nice and not confrontational and to support everybody. And you know disagreement, and certainly, the argument is seen as a form of aggression rather than disagreement.

John: And you say where there's dogma there's going to be heresy. Right?

Bill: Yeah. I mean one aspect of seeing these places as religious communities or religious institutions is how they deal with dissent. When I say that there's going to be heresy, I mean that that disagreement will be perceived not as a minority opinion but an impermissible and morally offensive opinion.

John: Right. And you say any challenge to the hegemony of identity politics will get you branded as a racist. As in don't talk to that guy, he's a racist.

Bill: Right. And again, I'm using a certain amount of hyperbole. But I've heard over and over again from students themselves that this has happened to them, or it's happened to people that they know.

John: Talk about virtue. You mention there's a sense that not only is the truth possessed but that the group or the religion is in full possession of virtue— we don't just have perfect wisdom we embody it with perfect innocence. How does that work?

Bill: Well, I mean again and let me also say that this is hardly something that's confined to the left or to college campuses. I mean we certainly see this on the right. But I'm specifically concerned that it's happening in colleges. And college is where it should not be happening.

So what I'm talking about is the very clearly embodied attitude, that we don't need to argue about a large range of fundamental issues because we already know the right answer. But also, that because these tend to be social issues like identity, because we possess the right answer we are morally superior to those who disagree, and that's why we are entitled to have content for them, to silence them, even to demonize them.

John: And you also say I'm jumping a little bit here that there is less interest in a critical mentality and learning about how to live a good life and how to develop and what you should do in life there's less emphasis on that.

Bill: And what I'm talking about is the core purpose of a college education is to debate, to debate within yourself, what is true and good. So instead of debating, the questions that political correctness regards as settled are precisely the questions that college should open up to debate. And again for everybody, not just for people on the left but also for people on the right.

John: And the people who are unapproved or demonized on campus are conservatives, religious students, particularly Christians, students identified as Zionists, athletes and white males in general. Right?

Bill: Broadly speaking, that's correct.

John: How did that come to be. Why is the white male a demonized figure?

Bill: Well I mean this sort of grows out of a lot of the thought on the left for decades and it's implicit in the premises of identity politics. It's the idea that we live in a society that's dominated by white racial supremacy and male gender domination. I actually agree with those premises. I do think we live in a society where there is still great systemic racism and great systemic sexism, and I think it's foolish to deny that. The problem is what you do with that. I think one of the unfortunate things that political correctness does, especially in college campuses does, is that it stigmatizes individual white people and individual males and especially white men, especially straight white men. As if they were responsible for the systemic situation and that somehow by treating them as lesser, it would actually help the systemic situation. This is revenge. This is confusing equality with revenge, but equality is not revenge.

John: And you say that race, sex, and gender are the dominant categories, of course, but what happens to class? In your opinion, class has not really been considered, right?

Bill: So what I go on to say here, I mean we can talk about everything we just talked about and the development of a kind of religion on the left, but in the second half of the piece I connect this to things I've written about with higher education before. Which is that what this really is about especially at elite college campuses is concealing the role of class, because class is the one identity category that we never talk about— not in society in general and not in a system of political correctness in particular.

But it is the purpose of elite colleges to reproduce class. They mainly enroll affluent students. And the purpose of affluent families sending their kids to those schools is to make sure that their kids remain affluent, so we're reproducing the class. But obviously, if you are a liberal, if you're a progressive, that would cause enormous cognitive dissonance. You would be embodying the thing that you're pretending to fight — inequality. So political correctness provides a cover, and it enables you to say you're actually morally virtuous because you're against racism and you're against sexism and unable to conceal the fact that all that may be true, but you are embodying classism.

John: I just wanted to say the politically correct culture, in lumping all whites together loses all nuance. You lose the Appalachian whites and other struggling whites who may have voted for Trump in rebellion against this regime.

Bill: That's exactly right. Even before we get to working-class whites, as a Jewish person, I resent being lumped together with all of the white people because of my historical exposure; my personal experience is not the same as every white person. But you were talking about this other thing. So there's a whole missing class on elite college campuses. The college campuses have, and I think admirably made an effort to include historically marginalized groups, people of color. I think that's good. But then they can point to the socioeconomic distribution of their student bodies and say look, you know 10, 15, 20 percent of our students come from lower-income groups. Which isn't very many anyway but, fine, it's better than nothing. But the vast majority of those are non-white.

So 40 percent of America, which is the white working class, is essentially excluded from elite college campuses. You know, here or there you'll meet someone from that background and they tend to feel extremely alienated. Because that class is absent from the campus, it's possible to pretend they don't exist. Which I think was the huge liberal mistake in 2016, or it's possible to demonize them which was the other liberal mistake in 2016, they can be dismissed, they're deplorable, whatever. So I think that there are real social and political implications of raising an elite in complete ignorance of this huge chunk of the country.

John: Your theme seemed to shift a little bit. Your theme that on the whole, the PC-infected people don't study to learn about the human condition or to find their place in the world. Since they have a sense that they have all the truth they need. Is that fair? I mean I interviewed Harvey Mansfield last year, and he said something very similar about the kids at Harvard. He said they don't think there's anything more for them to learn. Which I thought was surprising then, but now it seems to make more sense in light of your views.

Bill: I think that that's absolutely right. I mean listen, let's differentiate. They're there to learn certain chosen and specialized body of knowledge I don't think they would ever say that there are more to learn about biology or economics or English literature if that's what they're studying. But that's sort of the technocratic education. That's education to become an expert. That's kind of said over again on

one side. The side that I'm talking about that I imagine Mansfield was talking about is sort of self-knowledge is sort of social wisdom for lack of a better word. It's moral knowledge. The sense that your own exploration about what a good person and a good society are has more room to go. I think that's what's not being, let me say, listen, I don't think that's anything new about being eighteen. I mean, I was like that when I was eighteen. What's new is that the colleges aren't doing anything to disrupt it, for a variety of reasons some of which we haven't really talked about.

John: If you were to project reform, what would it consist of? What should we do about the condition we are in?

Bill: There are so many things. Partly because as we've been saying these things are rooted in some pretty broad problems. But you know, what I say in is that if we're going to talk about campus speech, I think the rule of thumb should be the First Amendment. OK, so no speech codes. No disinviting speakers. If it's permitted by the First Amendment, it should be permitted on campus. And if it bothers people, that's part of what free speech means. It means tolerating the speech of others even and especially when it bothers you.

Beyond that, I certainly think that we need admissions policies that give preferential advantage not just to marginalize racial groups but also to class. I think we need class-based affirmative action in addition to or instead of race-based affirmative action. And then more broadly, and this is sort of what my last book, *Excellent Sheep*, was about. We've entrusted the training of our elites to a set of private institutions that will have their own interests that they will serve first. That training should involve broader leadership.

Instead, what we really set out to do in the 1960s and did all the way through the 1970s was have great, free public higher education. And if you look back at the colleges that each of the major party presidential candidates went to since Harry Truman in 1948, and for the first few decades after the war, almost all of them went to public universities. A few of them, like Truman, didn't go to college at all. Since '88 they've all gone. Almost all of them have gone to private, basically Ivy League or equivalent colleges and graduate school.

This is a problem, but it's a problem essentially created by the tax revolt. You know we decided that we weren't going to pay for other people's kids to get a good

education. So you only end up screwing yourself, because you're going to have kids someday too. And you're going to want them to be able to go, not take out \$50,000 in loans to go to college or not have to go to a public university that's desperately underfunded.

John: Say something if you will about the leadership at the colleges. I run this site on the universities. We have a lot of articles on Yale, and we watch it pretty carefully. They run kangaroo courts, let the feminists expand the definition of sexual assault and investigate a professor without telling him and for some reason, have a major disruption over Halloween costumes—just amazing that a major university could behave that way. Do you know about that?

Bill. Yeah. Sure.

John: Well I thought what you said about the students being in the saddle all these days was what made me think about Yale right away because one of the students really abused the Christakises — husband and wife professors — threatened them, cursed them, and got no penalty at all for that, no suspension, no expulsion. Whereas the two Christakises were driven off-campus. That sort of made me think of your comment that the kids are in the saddle now and the teachers are teaching with their tails between their legs.

Bill: That's absolutely right. Take the Middlebury incident where their teacher was assaulted. I haven't been following the aftermath carefully, but I don't think anyone was expelled or maybe even suspended over that.

John: They said something would happen. They always say that. They said that at Berkeley. "Just you wait and see what we do." That sort of thing and then there's often a special commission that reports just the day before Christmas. I don't think anybody's been expelled anywhere. And the current routine is not to make any arrests, so nobody gets punished that way. So what do you think about that system?

Bill: Well, here's what I think about it because I dealt with it as a professor, at Yale and elsewhere. But it's not specifically about what we're talking about — abusing teachers. But for instance, when students plagiarized they were never properly punished. And I remember one case where a student (it was the most cut and dried

version of plagiarism you could possibly imagine). And when I reported it to the Dean, I said promise me that this time there'll be consequences.

And of course, in the end, there were no consequences. These schools have come to treat their students as customers. They will almost never throw a student out, no matter what they do. They don't want students to feel like they're not going to graduate. Graduation rates are also a part of the U.S. News & World Report statistics.

No one's ever going to flunk out at this point. Not going to happen. Even just giving students an F in one class is more or less impossible. And that's the process. Once you've done that and once it's become clear to students that they can basically get away with anything

John: Back up a little bit. It seems to me that in your analysis, you're really saying that the kids at the elite colleges are not really getting an education. Are you saying that?

Bill: Well. Yeah. I've said that.

John: Well, then that's a serious problem. If you can't get a good education at Yale, Harvard or Princeton, where are you going to get it? And if something is that radically wrong, what should we do about it?

Bill: Well, again let's say a couple of things. First of all, if we're talking about education in a narrow sense and a technocratic sense, I would not say that that's not true. I mean they certainly are producing very well qualified scientists and blah blah blah. So that's not what I'm saying. I'm talking about education of a different kind. Outside of the sciences, it's often very difficult to really have an intellectually rigorous education. There are some schools still do it.

Reed College in Portland is one of those schools. There are other schools that I can name. It's rare. It tends to be bad for business. But listen, I'm not sure that American society cares that much. People go to college to get credentialed. If it's a prestigious college, they want a leg up. They want to be injected into the elite at high speed. These colleges still serve those purposes. I don't think people care whether someone's getting a rigorous education. Sometimes employers will

complain, and employers have complained in surveys and studies that relatively few people they hire are really equipped to do the kind of thinking that they want them to be able to do.

John: But aside from the scientists, who have to deal with ideas and technical training, a lot of kids just float through the four years and then do nothing. Manhattan Institute, where I was for several years, got drawn into concern about education because employers in New York City couldn't even hire kids for drudge work out of college. They just couldn't function at all. So the quality problem stretches from top to bottom of the spectrum of brains.

Bill: It certainly isn't a problem just at the fancy expensive schools. I don't think that our public universities or third-tier schools are necessarily doing a good job either.

John: I wanted to ask you one or two questions about the earlier book *Excellent Sheep*, out in 2014. You were saying in effect that we have been churning out blinkered overachievers and conformists.

Bill: Yeah. Again there are exceptions, but I mean, that's right.

John: If you were doing that book again, how would you change it? Is there anything different that you would put it in now?

Bill: No, because I mean I've been thinking and writing, speaking, listening, reading about this for years before I wrote the book. Since then, I would say the main thing that I've learned is just how widespread the things I described are. I mean, I was talking about elite private and even elite public colleges. Say a hundred, hundred fifty institutions in the United States. Now it's a broader trend.

What I've discovered is that a lot of what I'm talking about is true at many colleges in other countries and in K through 12 education as well. That is sort of a systemic problem. I blame the admissions process, still a big culprit. But really I think it's about the way our ideas globally about education and what it's for have changed. And if we see education simply as being in the business of producing workers for the job market, this is where we're going to get. I mean it may be paradoxical because as you said, we're not even doing a good job doing that.

I think it's because we've set the terms so narrowly that we think that if we have kids solving equations 5 hours a day from the time they're 6 years old we're somehow going to produce good engineers. That's not how it works. You need to produce a human being, and a human being is also going to be the best worker because there are going to be able to think for themselves. But we have you know we've tried to make education as efficient as possible. It's like if a Martian were asked to design education that didn't really know anything about actual human beings. So you try to leave out all the parts that supposedly aren't necessary, but they are necessary.

And ironically, you know we're doing a lot of this because we feel the heat from our East Asian and South Asian competitors. They seem to be doing a better job. But actually, those very countries are looking at us and saying how can we become innovative? How can we move up the value chain so that we're not just assembling products that are designed in California? And their answer has been we need our students to get more liberal arts. We need to be able to think flexibly and creatively. But we're going in the opposite direction because we somehow think that those things are frills.

John: OK. Let me switch back to the earlier discussion. Isn't there a long-term price to pay when you allow a culture to dominate the elite institutions and maybe even some of the publics based on racial antagonism toward whites. And sometimes Jews too because the BDS stuff has really gotten out of control. Don't we pay a price letting that go on and not doing anything about it?

Bill: To me, the left just paid an unbelievably large price for this last year. I mean I'm not saying this is solely responsible for the election of Donald Trump. But you saw in Hillary Clinton in her campaign in the Democratic Party establishment the consequences of exactly what we're talking about. People who really do think that the Democratic elite is out of touch not just with the people who voted for Trump, they're out of touch with a lot of people who voted for them.

Among the elites are a lot of people completely ignorant of anybody who isn't exactly like them, and they can't understand how anybody could have a different opinion once you've explained things to them clearly enough. And I think it's because their whole life their whole training their whole education has been in this

bubble of other liberal elites whether it's at the colleges or before that at the private schools or the wealthy suburban public school.

John: But I'm thinking in terms of the whole of American culture.. All my friends say don't worry about these kids that are shouting down speakers once they get out in the real world, they'll learn. What if the real world is like these kids, grown-up? Maybe they can carry the adult world with them. What if there's a huge lobby for the Supreme Court to find a big hole in the first amendment for hate speech.

Bill: Yes. I mean whether we're actually going modify the First Amendment, I'm skeptical. I would say that we already see it in the culture at large. We see it in those parts of culture that are dominated by liberals. We see it in Hollywood. We see it in the conversation the liberal media. Listen, I don't think conservatives have anything to feel smug or complacent about with respect to this because I think they enforce norms just as ruthlessly on their side.

But obviously, we're all suffering from the fact that American society has largely been divided into two mutually hostile religions. Each of which is self-contained in this way. So yeah, I mean I think we're paying that price. I don't think left political correctness is solely responsible for it, but I certainly think it bears a lot of the blame.

John: Last question: Do you have any ideas for reform or to obliterate or at least dent this tendency of partisanship and the antagonism behind the PC ?

Bill: Well, I mean you asked me before about what colleges can do in terms of admitting more white working-class students, changing their own attitude about speech on campus, about how they treat their students as customers. I think the larger sort of polarization in American culture is going to be very difficult to address.

And I don't think that there are easy solutions. I think that we need to I think probably on each side the left within itself and the right within itself we need to change the norms. And like I said in *The American Scholar* piece, radical feminists are attacking other radical feminists. So I think in general we need to listen even within our own camps as a way to start to begin to listen to each other. But the way you begin to listen to other people is by starting with a recognition that you don't

know everything and that you aren't the most moral person in the world and we seem to be so addicted to moral superiority. I mean I think there's some truth to the idea that this is America's sort of Puritan nature coming out again. You know, everyone is a member of a tiny group of the elect.

John: Good. Thanks very much for your time, Bill.

Colleges Still Lack Integrity on Canceled Speeches

By John Leo, April 24, 2017

At Middlebury, where Charles Murray was prevented from speaking about the disintegrating white working class, college president Laurie Patton made some appropriate comments on the need for free speech. But her remarks seemed slightly out of focus, as if the crisis revolved around discord between two groups of students, not basic freedom of expression, and that the job of Middlebury was to help guide disputing factions into getting along.

In a March 4 statement to the campus, Patton wrote: “The protests and confrontations in response to Charles Murray’s appearance laid bare deep divisions in our community. The campus feels different than it did before. It will take time and much effort to come together, and what the future ultimately looks like may not be anyone’s ideal—at least not for a while. We have much to discuss—our differences on the question of free speech and on the role of protest being two of the most pressing examples.”

This is verbal dithering. Free speech is not a “question” for discussion. It’s an essential need for any college or university. Without free expression, a college or university becomes a seminary for the dominant campus faction. Or as liberal scholar Robert Reich, puts it, “colleges become playpens.” Patton calls for everyone to submit community-building ideas for consideration. Compare Patton’s meandering comments to this focused one from a column by John Daniel Davidson of *The Federalist*:

“Our college students have come to this impasse in large part because their parents, high school teachers, college professors, and school officials have all failed them. They have not only refused to instill in them a reverence for the First Amendment, but they have also taught them to despise the Constitution and the Bill of Rights, the very things that protect their right to protest. In so doing, they have turned them into the thing they claim to despise most: fascists.”

Note that 65 of Middlebury’s professors signed a statement strongly backing free speech. Good. But that’s just one-fifth of the faculty; 240 didn’t sign. Nationally, faculties have not been a factor in supporting free speech. As in most issues of college decline, they have been quiet onlookers. Meanwhile, a few people on the left dream of a hate-speech exception to the First Amendment, or think the exception has already been made. Former Vermont Gov. Howard Dean tweeted on April 20, “Hate speech is not protected by the First Amendment.” He is quite wrong.

Another concern is the endless delay. Patton warned that sorting out the facts of the March 2 shout-down of Murray would take time. Nine weeks later, with classes at Middlebury ending in mid-May, many are concerned about the administration running out the clock without suspending or expelling any of the perpetrators.

Since February 1, when violent and masked demonstrators, canceled Milo Yiannopoulos at Berkeley, starting fires, tossing Molotov cocktails, beating people in the crowd and giving at least two people concussions, we count ten campus speeches or events disrupted or canceled on campuses. The responses by the colleges and universities have been meek with little taste for standing up to the visiting thugs.

When Yiannopoulos attempted to speak at Berkeley, police stayed inside a building and made no attempt to take control while the riot proceeded outside. Primary administrators (Patton at Middlebury, Chancellor Nicolas Dirks at Berkeley) have let us know at length what they think of Murray and Yiannopoulos. But nobody cares what their opinions are, just that they will act responsibly to keep the peace and let free expression proceed.

Meeting no resistance, violent agitators are likely to push further each time, though the end of the school year may postpone increasingly disastrous behavior. But college administrations will have to change and defend their campuses. That will

mean a willingness to make arrests, to expel anyone showing up for a campus talk in a mask, to film the disruptions, and to make decisions on penalties before months of delay have passed.

The disruptions and violence aren't going to fade without some show of resistance. Keep in mind that the University of Missouri, after offering no resistance to Ferguson-related riots on campus, had to close four of its dormitories because many fewer students cared to attend a university that couldn't keep the peace.

The University of California, Berkeley, after canceling Anne Coulter's scheduled speech and hearing that she was determined to deliver it on April 27, announced that she would have to deliver it on May 2, a dead time on the academic calendar. This is gamesmanship, showing only the university's disdain for the speaker. Having flubbed the Yiannopoulos speech, the university plays games with the Coulter talk. When will the colleges and universities act with basic integrity?

The Real Defense of Charles Murray: Truth, Not Free Speech

By Robert Weissberg, March 27, 2017

The Middlebury College incident in which Charles Murray was forcefully prevented from speaking about *Coming Apart* has generated a mini-industry of [brilliant](#) responses on behalf of academic freedom. Unfortunately, at least from my perspective, these high-sounding admonitions are misdirected and paradoxically give comfort to disruptors. Murray's champions uniformly embrace the classic let-a-thousand-flowers-bloom, anti-censorship argument so vital to a democracy. Surely a noble sentiment, but it is content-free and herein lies the problem.

Murray's lecture should have been defended on substantive grounds: he is a highly qualified expert who has something important to say, and those who shouted him down represent the forces of darkness. The Middlebury fiasco was more than just a generic attack on free speech, though it was certainly that; it was the triumph of the barbarians—the town folk with torches marching up to Dr. Frankenstein's castle— who substitute feelings for

science as a method to discover truth. That this anti-science assault occurred at a *college* only compounds the harm.

To be sure, there is nothing wrong with the venerable argument that free speech, save some special exceptions, should be tolerated even if views expressed are noxious, factually incorrect, and hateful or makes people uncomfortable. This [Hyde Park Speaker' Corner](#) crackpot defense would certainly apply to Middlebury if the college invited, say, somebody promoting astrology.

But, this all-encompassing defense hardly applies to Charles Murray. He is not a crank needing a safe space or extra-legal protection; his books and articles are models of social science analysis making major scholarly contributions and as such his presence need not be justified by some catch-all free speech protection. Yes, not everybody accepts his methods and conclusion, but to intimate that he should be lumped together with soapbox orators preaching the likes of creationism is a grievous mistake and, to boot, a personal insult.

Unfortunately, this generic approach is the safe path taken by Murray's academic supporters—we should permit him to speak just as we might allow a wacko creationist to present his evidence. It is, indeed, an alluring and 100% safe defense: embrace the First Amendment and escape any suspicion that one might actually agree with his “racist” views. All gain, no pain for these apostles of intellectual freedom.

Those going to bat for Murray should have directly confronted the accusation that Murray is an incompetent who traffics in pseudo-scientific racism, classism and all the rest. Don't retreat to a web-based safe space and quote from J. S. Mill's *On Liberty* yet one more time; one should have been there to expose the disruptors (especially Middlebury faculty joining the fray) for what they are—ill-informed enemies of science, albeit of the social science variety.

This science-based defense hardly entails embracing Murray's contentious conclusion. Rather, it calls for Murray's arguments to be tried in the court of science, not affirmed or rejected by whether somebody, somewhere is offended. Defenders should have confronted the shouters and asked for a show of hands-on how many protestors members have actually read *The Bell Curve* or *any* science-based rejoinder?

Similarly, how many of these noisy social justice warriors can briefly summarize the core argument of *Coming Apart*? Here's a trick question: what does *Coming Apart* say about African Americans? (Answer: nothing, it's only about whites). I suspect that even a few simple questions would expose the protestor as anti-knowledge airheads.

Better yet, stand tall and let it be known that you are not intimidated by masked disruptors and their snowflake auxiliaries. Openly ask for reaction to *The Bell Curve*'s most controversial data (p. 279) that African Americans, on average, have IQ's 15 points lower than whites. This gap explains numerous educational and economic outcomes, including the failure of myriad government-imposed, well-funded measures to close the academic gap between blacks and whites. In other words, do not concede the science to those silencing Murray. The real cranks are the ones in the black masks and [students with signs](#) saying, "No Eugenics" (Murray has never advocated eugenics). Protestors, not Murray, need an unrestricted Hyde Park Speakers' Corner soapbox to explain why IQ tests are meaningless, why there is no such thing as "intelligence" or why spending trillions more will surely cure poverty.

Going one step further, the post-incident reaction should skip the empty rhetoric about needing yet more free speech protection. How about demanding that Middlebury require all liberal arts majors take one course in scientific methodology? In this "Science for Snowflakes," students will learn that science moves forward via [falsification](#) and shouting "racist" is not falsification. This would certainly be an improvement over a compulsory course celebrating multiculturalism (and I can only imagine the give and take when those learning about scientific methods enroll in fantasy-filled PC courses).

Sad to say, a substantive defense of Murray—his so-called noxious, arguments rest on solid science and can only be rejected scientifically—is unlikely to be offered on today's PC-dominated campuses, at least in public though, I suspect, some Middlebury faculty and even a few students will agree in private with the doors locked, the shades pulled and only among trusted colleagues. In fact, the very idea of an objective, scientifically verifiable truth regarding racial differences might be deemed "too controversial" to discuss.

If this event proves anything, it demonstrates that the Left now dominates the campus, and speaking the truth on contemporary taboo topics is career-ending; offering up a day late, dollar short celebration of the marketplace of ideas is not about to upend this control.

The power to silence those who believe in science has been metastasizing for decades. Those seeking a professorial career, at least in the humanities and social sciences, have long been socialized to accept that saying anything "disrespectful" about certain minorities and women is professional suicide no matter how strong the evidence and endless qualifications. And, with so many safe research topics available, it makes perfect sense to drink the Kool-Aid and insist that $2+2=5$.

In the final analysis, Murray's "talk" given electronically from a secure location was highly educational to those contemplating intellectual honesty, though not in the way Murray

intended. The real bad news is not the silencing of Murray (he will convey his ideas elsewhere); it is the example given to younger academics.

They will see that if they should, even accidentally, stray over the academy's [invisible fence](#), dozens of fellow professors will write brilliant defenses of intellectual freedom on their behalf on countless websites. To recall a saying when growing up in NYC during the early '50s: that and ten cents will get you a ride on the subway (today it would be \$2.75).

Crime But No Punishment at Middlebury?

By John Leo, March 17, 2017

Two weeks have passed since a student mob shouted down visiting lecturer Charles Murray at Middlebury College, injured a professor, and jumped up and down on Murray's car. But college President Laurie Patton still hasn't acted to deal with any of the perpetrators. The action necessary was laid out clearly and forcefully by Rod Dreher in *The American Conservative*: "[Middlebury College is on trial now](#). Its administration will either forthrightly defend liberal democratic norms, or it will capitulate. There is no middle ground. "

The normal and disappointing college procedure in cases like this is to wait several weeks, issue a vague statement on free speech and a mild and nonspecific penalty that lets the issue slide. The announcement is customarily issued quietly around 5 p.m. Friday of a long holiday weekend. We note that Good Friday and Easter are coming up.

Possible Criminal Charges

In fact, before Murray rose and tried to speak, Bob Burger, a college VP and head of PR for Middlebury, did announce penalties—including suspension—for shouting down a speaker, but video shows he did so in an amusing way, as noted by Peter Wood, president of the National Association of Scholars, *writing in The Federalist*. Burger omitted one point from Middlebury's rules that would soon seem applicable: "Disruption may also result in arrest and criminal charges such as disorderly conduct or trespass."

By the time Murray arrived on campus, Middlebury was in an explosive state. Disdain rose to hatred. Much of that atmosphere was the work of 450 Middlebury alumni who asked that the speaker be disallowed, and some 70 professors who protested the lecture and called

Murray a “discredited ideologue paid by the American Enterprise Institute to promote public policies targeting people of color, women and the poor.”

This was an unusually tawdry account of Murray’s long career, including his 2012 book on the collapse of much white American culture, *Coming Apart*, which might have explained the rise of Donald Trump to Middlebury students had they read some of the book or listened to Murray’s speech instead of shutting it down.

“Both groups cued the anger of undergrads, few of whom had read Murray or even heard of *The Bell Curve*. Laurie Patton, president of Middlebury, under pressure to endorse free speech while identifying with the crowd’s anti-Murray emotions, accomplished both goals in much the same way that Lee Bollinger did when [Iranian President Mahmoud Ahmadinejad](#) spoke at Columbia University in 2007. Bollinger introduced the leader and excoriated him for “exhibit[ing] all the signs of a petty and cruel dictator.”

Patton said of Murray in her introduction:” I would regret it terribly if my presence here today, which is an expression of support I give to all students who are genuinely seeking to engage in a very tough public sphere, is read to be something which it is not: an endorsement of Mr. Murray’s research and writings. I will state here that I profoundly disagree with many of Mr. Murray’s views.” Though Patton had put out an advance statement on free expression, Peter Wood pointed out that her 6-minute introduction of Murray contained no clear mention of the need for free speech.

As Wood observed, Patton positioned herself almost [identically](#) to how Chancellor Nicholas Dirks at UC Berkeley had positioned himself before the Milo Yiannopoulos event and riot, emphasizing his extreme dislike of the speaker’s views and his temperate allegiance to free speech.

The anger and hatred by alumni and some faculty may have affected students who apparently knew little or nothing about Murray, beyond the awareness that liberals in good standing are expected to detest him. Many of the protesters dismissed the speaker as “anti-gay,” perhaps because it fit the rhyme scheme of a popular left-wing chant, though Murray has not written anything anti-gay and has come out for same-sex marriage.

What ‘The Bell Curve’ Said

Peter Wood offered this brief account of the argument in “The Bell Curve”:

*The book has very little to say about race. But it argues that a considerable portion of intelligence—40 to 80 percent—is heritable, and it also argues that intelligence tests are generally reliable. Those ideas irritate people who have a deep investment in three beliefs: extreme human plasticity; the social origins of inequality; and the possibility of engineering our institutions to create complete social justice.

*Murray's 1994 argument that intelligence is mostly fixed at birth runs afoul of the hope or the belief that children who have significant intellectual deficits can overcome them with the right kinds of teaching.

*Murray's argument can be interpreted to mean that social and economic inequality are rooted mostly in biological inheritance—though Murray never says this, and to the contrary has often argued for social changes that have nothing to do with biological inheritance.

*Murray is broadly on the side of pragmatic steps to ameliorate social ills and is skeptical of utopian proposals.

*Murray has written many books since "The Bell Curve," but for many on the left, it is still 1994, and they still have not read the original book, let alone Murray's more recent work, including his 2012 best-seller "Coming Apart: The State of White America, 1960-2010." Any familiarity with that book—a sustained lament for "The Selective Collapse of American Community," as he titles one chapter—would render it impossible to sustain the cartoon image of Murray as a racist bigot who wants to keep in place the inequities of American life. Murray has ably [answered](#) these kinds of attacks before, not that any of his opponents truly care about the accuracy of their accusations.

*It testifies to the shallowness of elite liberal arts education today—and not just Middlebury—that significant numbers of students and faculty members can repeat the old slurs against Murray. And not just repeat them but intoxicate themselves with hatred towards a man whose ideas they know only third- or fourth-hand through individuals who have a strong ideological motive to distort them.

The welcome-and-disparage maneuver is not enough, President Patton. Uphold standards and deal with the perps.

Charles Murray on Why He Was Silenced at Middlebury



By Charles Murray, March 6, 2017

A few months ago, AEI's student group at Middlebury College invited me to speak on the themes of *Coming Apart* and how they relate to the recent presidential election. Professor Allison Stanger of the Political Science Department agreed to serve as moderator of the Q&A and to ask the first three questions herself.

About a week before the event, plans for protests began to emerge, encouraged by several faculty members. Their logic was that since I am a racist, a white supremacist, a white nationalist, a pseudoscientist whose work has been discredited, a sexist, a eugenicist, and (this is a new one) anti-gay, I did not deserve a platform for my hate speech, and hence it was appropriate to keep me from speaking.

Middlebury College

Last Wednesday, the day before the lecture was to occur, I got an email from Bill Burger, Vice President for Communications at Middlebury. The size and potential ferocity of the planned protests had escalated. We agreed to meet at the Middlebury Inn an hour before the lecture so that we could go over a contingency plan: In the

event that the protesters in the lecture hall did not cease and desist after a reasonable period, Professor Stanger and I would repair to a room near the lecture hall where a video studio had been set up that would enable us to live-stream the lecture and take questions via Twitter.

Here's how it played out

The lecture hall was at capacity, somewhere around 400. There were lots of signs with lots of slogans (see the list of allegations above), liberally sprinkled with the f-word. A brave member of the AEI student group, Ivan Valladares, gave an eloquent description of what the group was about. Middlebury's president, Laurie Patton, gave a statement about the importance of free speech even though she disagrees with much of my work. A second brave member of the AEI club, Alexander Khan, introduced me. All this was accompanied by occasional catcalls and outbursts, but not enough to keep the speakers from getting through their material. Then I went onstage, got halfway through my first sentence, and the uproar began.

First came a shouted recitation in unison of what I am told is a piece by James Baldwin. I couldn't follow the words. That took a few minutes. Then came the chanting. The protesters had prepared several couplets that they chanted in rotations—"hey, hey, ho, ho, white supremacy has to go," and the like.

It was very loud and stayed loud. It's hard for me to estimate, but perhaps half the audience were protesters and half had come to hear the lecture.

I stood at the podium. I didn't make any attempt to speak—no point in it—but I did make eye contact with students. I remember one in particular, from whom I couldn't look away for a long time. She reminded me of my daughter Anna (Middlebury '07)—partly physically, but also in her sweet earnestness. She looked at me reproachfully and a little defiantly, her mouth moving in whatever the current chant was. I'm probably projecting, but I imagined her to be a student who wasn't particularly political but had learned that this guy Murray was truly evil. So she found herself in the unfamiliar position of activist, not really enjoying it, but doing her civic duty.

The others.... Wow. Some were just having a snarky good time as college undergrads have been known to do, dancing in the aisle to the rhythm of the chants. But many looked like they had come straight out of casting for a film of brownshirt

rallies. In some cases, I can only describe their eyes as crazed and their expressions as snarls. Melodramatic, I know. But that's what they looked like.

This went on for about twenty minutes. My mindset at that point was to wait them out if it took until midnight (which, I was later to realize, probably wouldn't have been long enough). But finally, Bill Burger came on stage and decided, correctly, that the people who had come to hear the lecture deserved a chance to do so. Professor Stanger and I were led out of the hall to the improvised studio.

I started to give an abbreviated version of my standard *Coming Apart* lecture, speaking into the camera. Then there was the sound of shouting outside, followed by loud banging on the wall of the building. Professor Stanger and I were equipped with lavalier microphones, which are highly directional. The cameraman-cum-sound-technician indicated that we could continue to speak, and the noise from outside would not drown us out. Then a fire alarm went off, which was harder to compete with. And so it went through the lecture and during my back and forth conversation with Professor Stanger—a conversation so interesting that minutes sometimes went by while I debated some point with her and completely forgot about the din. But the din never stopped.

We finished around 6:45 and prepared to leave the building to attend a campus dinner with a dozen students and some faculty members. Allison, Bill, and I (by this point, I saw both of them as dear friends and still do) were accompanied by two large and capable security guards. (As I write, I still don't have their names. My gratitude to them is profound.) We walked out the door and into the middle of a mob. I have read that they numbered about twenty. It seemed like a lot more than that to me, maybe fifty or so, but I was not in a position to get a good count. I registered that several of them were wearing ski masks. That was disquieting.

I had expected that they would shout expletives at us but no more. So, I was nonplussed when I realized that a big man with a sign was standing right in front of us and wasn't going to let us pass. I instinctively thought we'll go around him. But that wasn't possible. We'd just get blocked by the others who were joining him. So we walked straight into him, one of our security guys pushed him aside, and that's the way it went from then on: Allison and Bill each holding one of my elbows, the three of us plowing ahead, the security guys clearing our way, and lots of pushing and shoving from all sides.

I didn't see it happen, but someone grabbed Allison's hair just as someone else shoved her from another direction, damaging muscles, tendons, and fascia in her neck. I was stumbling because of the shoving. If it hadn't been for Allison and Bill keeping hold of me, and the security guards pulling people off me, I would have been pushed to the ground. That much is sure. What would have happened after that I don't know, but I do recall thinking that being on the ground was a really bad idea, and I should try really hard to avoid that. Unlike Allison, I wasn't actually hurt at all.

The three of us got to the car, with the security guards keeping protesters away while we closed and locked the doors. Then we found that the evening wasn't over. So many protesters surrounded the car, banging on the sides and the windows and rocking the car, climbing onto the hood, that Bill had to inch forward lest he runs over them. At the time, I wouldn't have objected. Bill must have a longer time horizon than I do.

Much of the meaning of the Middlebury affair depends on what Middlebury does next.

Extricating ourselves took a few blocks and several minutes. When we had done so and were finally satisfied that no cars were tailing us, we drove to the dinner venue. Allison and I went in and started chatting with the gathered students and faculty members. Suddenly Bill reappeared and said abruptly, "We're leaving. Now." The protesters had discovered where the dinner was being held and were on their way. So, it was the three of us in the car again.

Long story short, we ended up at a lovely restaurant several miles out of Middlebury, where our dinner companions eventually rejoined us. I had many interesting conversations with students and faculty over the course of the pleasant evening that followed. In the silver-lining category, the original venue was on campus and would have provided us with all the iced tea we could drink. The lovely restaurant had a full bar.

* * *

Much of the meaning of the Middlebury affair depends on what Middlebury does next. So far, Middlebury's stance has been exemplary. The administration agreed to host the event. President Patton did not cancel it even after a major protest became

inevitable. She appeared at the event, further signaling Middlebury's commitment to academic freedom. The administration arranged an ingenious Plan B that enabled me to present my ideas and discuss them with Professor Stanger even though the crowd had prevented me from speaking in the lecture hall. I wish that every college in the country had the backbone and determination that Middlebury exhibited.

Both Bill Burger, who made the initial remarks in the lecture hall, and President Patton spelled out Middlebury's code of conduct and warned that violations could have consequences up to and including expulsion. Those warnings were ignored wholesale. Now what?

I sympathize with the difficulty of President Patton's task. We're talking about violations that involve a few hundred students, ranging from ones that call for a serious tutelary response (e.g., for the sweetly earnest young woman) to ones calling for permanent expulsion (for the students who participated in the mob as we exited), to criminal prosecution (at the very least, for those who injured Professor Stanger). The evidence will range from excellent to ambiguous to none. I will urge only that the inability to appropriately punish *all* of the guilty must not prevent appropriate punishment in cases where the evidence is clear.

Absent an adequate disciplinary response, I fear that the Middlebury episode could become an inflection point. In the twenty-three years since [*The Bell Curve*](#) was published, I have had considerable experience with campus protests. Until last Thursday, all of the ones involving me have been as carefully scripted as kabuki: The college administration meets with the organizers of the protest and ground rules are agreed upon. The protesters have so many minutes to do such and such. It is agreed that after the allotted time, they will leave or desist. These negotiated agreements have always worked. At least a couple of dozen times, I have been able to give my lecture to an attentive (or at least quiet) audience despite an organized protest.

If this becomes the new normal, the number of colleges willing to let themselves in for an experience like Middlebury's will plunge to near zero. Academia is already largely sequestered in an ideological bubble, but at least it's translucent. That bubble will become opaque.

Middlebury tried to negotiate such an agreement with the protesters, but, for the first

time in my experience, the protesters would not accept any time limits. If this becomes the new normal, the number of colleges willing to let themselves in for an experience like Middlebury's will plunge to near zero. Academia is already largely sequestered in an ideological bubble, but at least it's translucent. That bubble will become opaque.

Worse yet, the intellectual thugs will take over many campuses. In the mid-1990s, I could count on students who had wanted to listen to start yelling at the protesters after a certain point, "Sit down and shut up, we want to hear what he has to say." That kind of pushback had an effect. It reminded the protesters that they were a minority. I am assured by people at Middlebury that their protesters are a minority as well. But they are a minority that has intimidated the majority. The people in the audience who wanted to hear me speak were completely cowed. That cannot be allowed to stand. A campus where a majority of students are fearful of speaking openly because they know a minority will jump on them is no longer an intellectually free campus in any meaningful sense.

A college's faculty is the obvious resource for keeping the bubble translucent and the intellectual thugs from taking over. A faculty that is overwhelmingly on the side of free intellectual exchange, stipulating only that it is conducted with logic, evidence, and civility, can easily lead each new freshman class to understand that's how academia operates. If faculty members routinely condemn intellectual thuggery, the majority of students who also oppose it will feel entitled to say "sit down and shut up, we want to hear what he has to say" when protesters try to shut down intellectual exchange.

That leads me to two critical questions for which I have no empirical answers: What is the percentage of tenured faculty on American campuses who are still unambiguously on the side of free intellectual exchange? What is the percentage of them who are willing to express that position openly? I am confident that the answer to the first question is still far greater than fifty percent. But what about the answer to the second question? My reading of events on campuses over the last few years is that a minority of faculty are cowing a majority in the same way that a minority of students are cowing the majority.

The people in the audience who wanted to hear me speak were completely cowed. That cannot be allowed to stand.

I'm sure the pattern differs by geography and type of institution. But my impression is that the problem at elite colleges and universities is extremely widespread. In such colleges, events such as the Middlebury episode will further empower the minorities and make the majorities still more timorous.

That's why the penalties imposed on the protesters need to be many and severe if last Thursday is not to become an inflection point. But let's be realistic: The pressure to refrain from suspending and expelling large numbers of students will be intense. Parents will bombard the administration with explanations of why their little darlings are special people whose hearts were in the right place. Faculty and media on the left will urge that no one inside the lecture hall is penalized because shouting down awful people like me is morally appropriate. The administration has to recognize that severe sanctions will make the college less attractive to many prospective applicants.

My best guess is that Middlebury's response will fall short of what I think is needed: A forceful statement to students that breaking the code of conduct is too costly to repeat. But even the response I prefer won't generalize. A tough response will be met with widespread criticism. Students in other colleges will have no good reason to think their administration will follow Middlebury's example.

And so I'm pessimistic. I say that realizing that I am probably the most unqualified person to analyze the larger meanings of last week's events at Middlebury. It will take some time for me to be dispassionate. If you promise to bear that in mind, I will say what I'm thinking and rely on you to discount it appropriately: What happened last Thursday has the potential to be a disaster for American liberal education.

FOUR

Indoctrinating the Students



SJW's Are Changing America Word by Word

By Philip Carl Salzman, May 21, 2019

It is not news that “social justice” ideology, supported by its pillars of “diversity,” “inclusion,” and “equality of results,” has [replaced](#) liberal democratic culture in our government, university, and business offices. Instead of being treated as individuals, people are treated according to the racial, gender, sexual preference, and ethnic categories that they belong to. Instead of being assessed by their potential, achievements, and merit, people are now assessed based on the census categories to which they are assigned and the statistical “representation” of category members.

Instead of receiving opportunities that they have earned, today they receive opportunities [according to the census categories](#) to which they belong. Instead of being judged on their individual characteristics, people are judged according to whether they belong to [“oppressor” or “victim”](#) census categories. Instead of participating in an open competition, white people and members of successful minorities are [excluded](#) in order to make places for underperforming minorities.

Flipping Old Bigotries

Old illiberal bigotries, in which women and people of color were demeaned, have not been removed, they have simply been [flipped and applied](#) to men and white people, demeaning and vilifying them as women and people of color were demeaned previously. Is the new bigotry more righteous than the old?

How did this revolutionary change in Western culture come about? We did not vote for it; we did not sign on. This was a stealth revolution, camouflaged as a quest for civil liberties and civil rights. Its tactics consist of semantic tricks, redefining reality by twisting the meaning of words. Here are some examples:

Feminists have repeatedly claimed that their goal was “gender equality,” but they have never acted to advance gender equality. They have lobbied remorselessly for special preferences, benefits, and privileges [for women](#), at the expense of men, for example, preferred admittances to university, preferred hiring, fellowships designated for females, gender appointments to boards, and designated gender places in legislatures.

Women are now highly overrepresented in universities, but never have feminists criticized female overrepresentation and called for equality for males. And notwithstanding that overrepresentation, the [demands](#) for more women university admittances and hiring, particularly in the STEM fields, are as shrill as ever. In short, “gender equality” for feminists is now unlimited benefits for females at the expense of males.

A New Meaning for ‘Equality’

Perhaps the most remarkable innovation was the feminist rejection of the common meaning of “equality,” which is treating everyone the same, and its replacement

with the newly invented criterion “represented at least to the level of its percentage of the general population.” On this basis, the population of any group or organization should always be at least 50 percent female. African Americans must always be at least 13 percent of the group, Hispanics 18 percent, East Asians 5.6 percent, and other smaller groups must be represented by at least a token representation. “Diversity” thus came to be a value in its own right, without need for justification.

This new definition of equality disregards the liberal principle of treating people as individuals and replaces individuals with gross census categories of race (black, white, yellow, red), sex (female, male, trans), sexual preference (hetero, homo, bi), religion (Christian, Muslim, Hindu, Jewish), and ethnicity (German, Italian, Irish, British, Chinese, Japanese, Indian, Native American, Pacific Islander, etc.).

Academic sociologists have done much to reduce individuals to census categories, and to explain society and various economic, educational, and occupational outcomes on this basis. The fact that they have [reified abstract categories](#) into real objects, emphasizing high-level generalizations, violates the rejection of reductionism, reification, and overgeneralization as unwarranted intellectual errors by other social science disciplines, such as anthropology. But activists advocating for one group or other have latched onto alleged category level “rights,” such as “equal representation.”

If representation of a racial, gender, sexual preference, etc. group is below their percentage of the general population, “social justice” theory concludes that is must be due to prejudice and discrimination, that is racism, sexism, heteronormalism, and bigotry. Other possible [explanations](#), no matter how likely, or how supported by evidence, are not considered.

In another brilliant stroke, “racism” was [redefined](#), from the conventional definition of treating people according to their purported “race,” to the combination of treating people according to their race, and having the power to enforce that treatment. In other words, racism was redefined as bigotry plus power. In this way, only the allegedly powerful could be considered “racist.”

So, no matter how much some members of certain categories, such as the Nation of Islam or Black Lives Matter, hate whites and demean them, members of the

“underrepresented” victim categories cannot be accused of being racist, according to this new “social justice” definition.

In America, by this definition, only whites can be racist. For example, according to an [apologist](#), the anti-white rants of Sarah Jeong of the *New York Times* are “used satirically and hyperbolically to emphasize how white people continue to benefit (even unknowingly) from their skin color,” so are to be regarded as satire rather than racism.

Color Blind Means ‘Racist’

Further, it is regarded as “racist” in the “social justice” view to deny category representation according to gender, race, etc. So, to advocate “color blind” hiring policies [is racist](#).

“Merit,” “achievement,” and “excellence” are now deemed offensive ideas by feminists and social justice advocates because these ideas interfere with the distribution of benefits and privileges based on gender and race. There are two ways in which these ideas are dealt with: One is to redefine “excellence” as “diversity,” as various university committees have done. The other is to proclaim “merit” as a [racist and white male supremacist idea](#). This clears the way for university admissions and jobs, jobs in business and industry, promotions, funding, and awards to be distributed according to gender, race, sexual preference, etc.

Feminist epistemology reduces knowledge to the subjectivity of one’s “position” in society. “Objectivity is the name men have given to [their subjectivity](#).” This is a striking contradiction to the traditional understanding of the term. The Oxford English Dictionary defines “objectivity” as opposed to *subjective* in the modern sense: That is or belongs to what is presented to consciousness, as opposed to the consciousness itself; that is, the object of perception or thought, as distinct from the perceiving or thinking subject; hence, that is, or has the character of being, a ‘thing’ external the mind; real.

Generally, the attempt to present an objective view involves the presentation of evidence, evidence that is independent of the ideas and preferences of the observer. But objectivity has been dismissed by feminists, because they believe that they already know all of the correct answers, which are that women are powerful and

strong, but always oppressed and discriminated against by men. Nothing further is needed: “Feminism has revealed much more [for me](#) about the nature of humanity than science has ever ‘objectively’ put forth.” The feminist conclusion is that feminist ideology is more valid than objectivity, and that “social justice” subjectivity is a valid “truth.”

All values other than racial and gender “equality” are deemed by “social justice” advocates part of a white male conspiracy to hold down victims of white male oppression. Individuality, freedom, and character are all tricks to uphold white male supremacy. So too, according to an [NYU professor](#), is “civility,” calls for which “are just a power play by those who feel that white supremacy is under threat.”

Feminists have defined North American culture as a “rape culture.” They argue that men are taught to rape, encouraged to rape, and rewarded for raping. The idea of “rape culture” is necessary for feminists because they say that all identities and actions are socially constructed. It is also convenient to scare females back into the arms of feminist “sisters.” In fact, “rape culture” is entirely a [feminist fabrication](#), because, in North American culture, men are not taught to rape, are not encouraged to rape, and are punished severely for rape. Rapes do take place, but so do holdups, car accidents, skiing deaths, but not because we have a holdup culture, car accident culture, or skiing death culture.

In common usage, rape means the sexual penetration of an unwilling person. But to [increase](#) the appearance of rape, and thus scare females into believing that they are always being victimized by men, feminists have redefined rape — first as sexual relations whenever the woman has had too much to drink, and, secondly, any consensual sexual relations that the female later regrets.

This is a feminist double standard, because drunk men, unlike drunk women, are held accountable for their actions, and any male regrets about a sexual encounter carry no recognized blame for the female partner. Only through portraying men as dangerous evil exploiters, partly through distorting the meaning of words, can feminists ensure sisterhood solidarity among females.

When antisemitic statements are made by “social justice” activists, they are sometimes criticized by others. But when Muslim activists make antisemitic statements and are criticized, the critics are denounced as “Islamophobes,” criticism

being redefined as “Islamophobia.” For “social justice” activists, Muslims are a [protected minority](#) whose acts are not open to scrutiny, and who must be protected at all costs. On the other hand, Jews and Christians are regarded as legitimate targets for “social justice” advocates and activists.

“Violence” in common usage is a physical attack, in which the attacker uses physical force to constrain or injure the victim. No longer. Now, we have “educational violence.” “Violence” has now been expanded to include the presenting of views that do not support one’s personal views, or that one finds uncomfortable or uncongenial. As one [Middlebury student](#) put it, we are “students who have had to deal with educational violence oftentimes perpetrated by white male faculty.”

The last example is “safe,” a word that in common usage means avoiding harm, danger, or injury, usually of a physical nature. But “social justice” university students now claim to be “unsafe” if ideas with which they do not agree are expressed. Thus “[safe spaces](#)” must be provided so that their identity and ideological sensibilities do not suffer. This is the [foundation](#) of the [war](#) against [free speech](#) on [campuses](#).

Among common strategies for transforming society are elections, legislation, armed rebellion, terrorism, and [undermining the culture](#). It is this latter strategy that special interest groups—feminists, racial minorities, and LGBT minorities—have pursued, in the hope of influencing public opinion and generating legislation in their favor. This stealth transformation of culture has involved redefining words and concepts to advance the special interests of these activists. Through disingenuous semantic manipulation, these special interests have succeeded in pushing the aside basic human rights and civil liberties of the majority and unfavored minorities. al

Isn’t it time for the victims of special minority interests to resist and take a stand for their own rapidly disappearing human rights? Shouldn’t each of us have the right to be treated as an individual rather than as a category member; the right to speak our minds rather than be silenced because some say that anything they disagree with is “hate speech”; the freedom to hear different points of view rather than suffer mob censorship; the right to equal access to admissions, funding, jobs, and benefits rather than be advantaged or disadvantaged by category; the right of freedom of movement, presence, and association rather than face barriers by “social justice”

apartheid of racial, gender, sexual preference dorms, dining, and ceremonies; in sum, the right not to be a victim of “social justice” impositions?

The Looming Danger for Dissident Professors



By Samuel J. Abrams, April 3, 2019

Dissenting from the powerful progressive currents on our nation’s campuses can be very dangerous. Those who challenge the orthodox norms find little support among faculty, students, and administrators and can be severely punished socially and professionally.

[As I wrote here last week](#), students know that asking certain questions or holding particular public views can result in being bullied; many students across the ideological spectrum live in fear of being on the wrong side of a liberal mob.

Students are not alone here. It is also the case the professors – even those with tenure – are deeply concerned with being labeled a dissident as viewpoints that are not part of the progressive wave or do not publicly comply with liberal norms that dominate the discourse are not welcome. As such, many professors are now afraid to speak their minds as the professional and personal consequences to them can be severe.

Negative Reactions Hem in Professors

In 2017, I asked a [national sample](#) of faculty and administrators, “How often, if at all, have you avoided expressing a particular point of view on an issue because you expected a negative reaction from other students or faculty?” Two-thirds of conservative professors stated that they simply avoided sharing their opinions because of fear of negative reactions compared to just one-third of liberals. This significant difference is strong evidence that viewpoint diversity is being silenced. [Conservative](#) professors – an [endangered minority on campus](#) – are well aware of the possible ramifications of sharing their views and fear professional [repercussions](#) for disagreeing with their liberal faculty and administrative colleagues.

Although Sarah Lawrence is proud of its [extremely liberal bent](#), it turns out that I had a target on my back on my first day of teaching. I was told by various colleagues shortly after joining the community that I was a “diversity hire” because I was not an extreme progressive but an empirical social scientist who cares about facts and empirics and [leans to the right](#). I could feel the derision and suspicion almost immediately from my colleagues, and relations deteriorated over time because I failed to virtue signal strongly enough to many. Working on the Sarah Lawrence campus began to feel like some uncomfortable high-school movie with powerful cliques and groups and me as the outcast. I would walk on campus and pass groups of faculty who would turn away as my views were regularly marginalized or ignored in various faculty and administrative settings.

It became unambiguously clear in 2018 that I became a persona non grata at the College after I wrote in *The New York Times* that I was concerned about [the ideological imbalance of extracurricular programming](#) at both Sarah Lawrence and around the country.

With that op-ed, virtually all of my social and professional relationships with other faculty and various leaders at the College disappeared. My colleagues essentially [abandoned me and any defense of free speech](#); they wanted my views to disappear. The College president [seemed taken aback](#) despite my known work on viewpoint diversity, and a [hostile and dangerous](#) environment was allowed to develop around my family and me.

Bizarre Web Pages

I could feel the contempt everywhere. I was no longer asked to participate in alumni and public events; my writings and press mentions were not being promoted on the college's newsfeed, the few friendly colleagues that I had ceased communicating with me; I was excluded from college professional and social gatherings in which I had earlier taken part or had particular expertise and should have been invited; numerous emails went unanswered that were directly related to work; and faculty whom I barely knew posted nasty slanderous material online or [created bizarre web pages](#) about me.

In fact, even before my op-ed appeared and explicitly becoming an outcast, Sarah Lawrence College paid only lip service to me and the idea of intellectual and viewpoint diversity.

Early in 2018, the [College featured me](#) in its magazine and highlighted my work on viewpoint diversity and the fact that my students – who are mostly liberal – attended a Trump rally so that they could see opposing views and escape their bubble. Moreover, I had regularly been talking about needing more viewpoint diversity campus, I often taught courses called “Polarization” and “[Community and Civility](#),” and my students even met with leading free speech advocates such as Jonathan Haidt. So it came as a total surprise when the president launched an initiative called “[Difference in Dialogue](#)” this academic year which was intended to be a “reflection of our commitment to diversity and inclusive excellence.” However, the president never directly contacted me for any real feedback or asked me to have a hand in planning any of the events.

Sarah Lawrence is a small school, and if the school and its president were genuinely interested in real intellectual diversity, I would have been contacted, but I was not.

Pushing for Viewpoint Diversity

In short, my story reveals that questioning prevailing orthodoxies is professionally dangerous, and it is clear that Sarah Lawrence College – [students](#), faculty, and administration – wanted little to do with me once my ideas and intellectual questions came to the forefront and challenged the progressive monoculture. My future at Sarah Lawrence College will be a challenge, but I intend to push for real viewpoint diversity and will demand that the College actually live up to its stated history and [storied past](#) in support of freedom of expression.

I share all of this because the same 2017 national aforementioned faculty survey shows that 90% of professors agree with the idea that, “university life requires that people with diverse viewpoints and perspectives encounter each other in an environment where they feel free to speak up and challenge each other.”

While these stated values are laudable and are often espoused across higher education, they are not truly protected or exemplified for if they were, faculty and administrators would have stood up in support of my right to academic freedom and they simply did not. The punishing of dissident professors must stop.

Jonathan Haidt: People Are Horrified by What’s Going on in the Universities

By John Leo, February 3, 2016

On January 11, John Leo, editor of “Minding the Campus,” interviewed social psychologist Jonathan Haidt, one of the editors of the five-month-old site, “Heterodox Academy,” and perhaps the most prominent academic pushing hard for more intellectual diversity on our campuses. Haidt, 52, who specializes in the psychology of morality and the moral emotions, is Professor of Ethical Leadership at NYU’s Stern School of Business and author, most recently, of [The Righteous Mind: Why Good People are Divided by Politics and Religion](#) (2012).

JOHN LEO: You set off a national conversation in San Antonio five years ago by asking psychologists at an academic convention to raise their hands to show whether they self-identified as conservatives or liberals.

JONATHAN HAIDT: I was invited by the president of the Society for Personality and Social Psychology to give a talk on the future of Social Psychology. As I was finishing writing [The Righteous Mind](#), I was getting more and more concerned about how moral communities bind themselves together in ways that block open-minded thinking. I began to see the social sciences as tribal moral communities, becoming ever more committed to social justice, and ever less hospitable to dissenting views. I wanted to know if there was any political diversity in social psychology. So I asked for a show of hands. I knew it would be very lopsided. But I had no idea how much so. Roughly 80% of the thousand or so in the room self-identified as “liberal or left of center,” 2% (I counted exactly 20 hands) identified as “centrist or moderate,” 1% (12 hands) identified as libertarian, and, rounding to the nearest integer, zero percent (3 hands) identified as “conservative.”

JOHN LEO: You and your colleagues at your new site, [Heterodox Academy](#), have made a lot of progress in alerting people to the problem that the campuses are pretty much bastions of the left. What kind of research did that prompt?

JONATHAN HAIDT: There have been a few studies since my talk about measuring the degree of ideological diversity. My request for a show of hands was partly a rhetorical trick. We know that there were people in the audience who didn’t dare or didn’t want to raise their hands. Two social psychologists – [Yoel Inbar and Joris Lammers](#) short did a more formal survey. And they found that while there is some diversity if you look at *economic* conservatism, there’s none if you look at views on social issues. But all that matters is social. That’s where all the persecution happens. They found just 3-5 percent said they were right of center on social issues.

JOHN LEO: Have you gone into the reasons why?

JONATHAN HAIDT: Oh, yes. After the talk, I was contacted by a few social psychologists who were interested in the topic. None of them is actually conservative. We looked into a bunch of reasons. And the biggest single reason is probably self-selection. We know that liberals and conservatives have slightly different personalities on average. We know that people with a left-leaning brain are attracted to the arts, to foreign travel, to variety and diversity. So we acknowledge that if there was no discrimination at all, the field would still lean left. And that’s perfectly fine with us. We don’t give a damn about exact proportional representation. What we care about is institutionalized disconfirmation – that is, when someone says something, other people should be out there saying, “Is that

really true? Let me try to disprove it.” That is now much less likely to happen if the thing said is politically pleasing to the left.

JOHN LEO: But what about the argument that things are really tough for conservatives in academe now? After they get through college, they have to find a mentor in graduate school, keep swimming upstream and try to get hired somewhere by a department head who’s looking for another leftist. And conservatives can run into cruel and aggressive people in academe.

JONATHAN HAIDT: Yes. That’s correct.

JOHN LEO: To many of us, it looks like a monoculture.

JONATHAN HAIDT: Yes. It is certainly a monoculture. The academic world in the humanities is a monoculture. The academic world in the social sciences is a monoculture – except in economics, which is the only social science that has some real diversity. Anthropology and sociology are the worst — those fields seem to be really hostile and rejecting toward people who aren’t devoted to social justice.

JOHN LEO: And why would they be hostile?

JONATHAN HAIDT: You have to look at the degree to which a field has a culture of activism. Anthropology is a very activist field. They fight for the rights of oppressed people, as they see it. My field, social psychology, has some activism in it, but it’s not the dominant strain. Most of us, we really are thinking all day long about what control condition wasn’t run. My field really is oriented towards research. Now a lot of us are doing research on racism and prejudice. It’s the biggest single area of the field. But I’ve never felt that social psychology is first and foremost about changing the world, rather than understanding it. So my field is certainly still fixable. I think that if we can just get some more viewpoint diversity in it, it will solve the bias problem.

JOHN LEO: Oh, that shows up on your site, “Heterodox Academy.” It’s had a big impact during the time you’ve been open. Why is that, and how did you do it?

JONATHAN HAIDT: We started the site back when we knew that our [big review paper](#) would be coming out. Five of my colleagues and I wrote this review paper, beginning after my talk in 2011. It took us a while to get it published. Paul Bloom at Yale was the editor at Behavioral and Brain Sciences. He thought that it was an important paper. So we knew that it was coming out in September. And we thought, we don’t just want a little bit of attention, and then it’ll go away. We want to keep

up the pressure. And, along the way, we were contacted by people in other fields — a grad student in Sociology, Chris Martin, who now runs the blog, a professor of law at Georgetown, Nick Rosenkranz — both these guys had written about the absence of diversity in their own fields. And one day last summer, I was having lunch with Nick here in New York. And we thought why don't we get people together who are concerned about this and make a site? And Nick thought of the name, "Heterodox Academy." I loved it. I thought it was just perfect

JOHN LEO: It says what it stands for.

JONATHAN HAIDT: Yes. We had no idea that the universities were about to commit suicide. We had no idea that they were going to blow up just a few weeks after we launched the site. So we launched in September. I wrote a post about our big review paper in social psychology. And we got a lot of attention in the first week or two. Then it died down. And then we get the Missouri fiasco, the Yale fiasco, the Amherst fiasco, the Brown fiasco. You get place after place where protesters are making demands of college presidents, and college presidents roll over and give in.

JOHN LEO: So you got a lot of attention.

JONATHAN HAIDT: Since Halloween, especially. Look, I graduated from Yale in '85. Yale is very devoted to social justice. It's very devoted to affirmative action. Now no place is perfect. But it's probably among the best places in the country. And to have protesters saying it's such a thoroughly racist place that it needs a total reformation — they call the protest group "Next Yale"— they demand "Next Yale"!

JOHN LEO: Everybody saw that.

JONATHAN HAIDT: And these were not requests. This was not a discussion. This was framed as an ultimatum given to the president — and they gave him I think six days to respond, or else. And I am just so horrified that the president of Yale, Peter Salovey, responded by the deadline. And when he responded, he did not say, on the one hand, the protesters have good points; on the other hand, we also need to guarantee free speech; and, by the way, it's not appropriate to scream obscenities at professors.

JOHN LEO: Or the threat to one professor: "We know where you live"?

JONATHAN HAIDT: I didn't even know about that. The president was supposed to be the grown-up in the room. He was supposed to show some wisdom, some

balance, and some strength. And so we've seen, basically, what can really only be called Maoist moral bullying – as we saw it very clearly at Claremont McKenna. The video is really chilling—the students surrounding this nice woman who was trying to help them, and reducing her to tears. As we've seen more and more of this, I've begun calling it, “the Yale problem,” referring to the way that left-leaning institutions are now cut off from any moral vocabulary that they could use to resist the forces of illiberalism. As far as I'm concerned, “Next Yale” can go find its own “Next Alumni.” I don't plan to give to Yale ever again unless it reverses course.

JOHN LEO; How did they cut themselves off?

JONATHAN HAIDT: They're so devoted to social justice, and they have accepted the rule that you can never, ever blame victims, so if a group of victims makes demands, you cannot argue back. You must accept the demands.

JOHN LEO: Michael Kinsley once referred sardonically to one unhappy student as “another oppressed black from Harvard.”

JONATHAN HAIDT: Did you see that website, The Demands.org? Lots of people know how ill-conceived the demands are and what would happen if our universities all set out at the same time to reach 10 or 15 percent black faculty.

JOHN LEO: Are you a Democrat?

JONATHAN HAIDT: No, not anymore. Now I'm non-partisan. I was a Democrat my whole life, and I got into political psychology because I really disliked George W. Bush. And I thought the Democrats kept blowing it. I mean, in 2000, 2004, they blew it. And I really wanted to help the Democrats.

JOHN LEO: So you voted for Obama.

JONATHAN HAIDT: Twice. I no longer consider myself a Democrat today. But let me be clear that I am absolutely horrified by today's Republican Party – both in the presidential primaries and in Congress. If they nominate Trump or Cruz, I'll vote for the Democrat, whoever it is.

JOHN LEO: To get back to the lopsided faculties – what are the chances of cracking anthropology or sociology?

JONATHAN HAIDT: Anthro is completely lost. I mean, it's really militant activists. They've taken the first step towards censoring Israel. They're not going to

have anything to do with Israeli scholars anymore. So it's now – it's the seventh victim group. For many years now, there have been six sacred groups. You know, the big three are African-Americans, women, and LGBT. That's where most of the action is. Then there are three other groups: Latinos, Native Americans.

JOHN LEO: You have to say Latinx now.

JONATHAN HAIDT: I do not intend to say that. Latinos, Native Americans, and people with disabilities. So those are the six that have been there for a while. But now we have a seventh—Muslims. Something like 70 or 75 percent of America is now in a protected group. This is a disaster for social science because social science is really hard to begin with. And now you have to try to explain social problems without saying anything that casts any blame on any member of a protected group. And not just moral blame, but causal blame. None of these groups can have done anything that led to their victimization or marginalization.

JOHN LEO: No. Never.

JONATHAN HAIDT: There used to be this old game show when I was a kid called “Beat the Clock.” And you had to throw three oranges through a basketball hoop. Okay, that doesn't look so hard. But now you have to do it blindfolded. Oh, now you have to do it on a skateboard. And with your right hand behind your back. Okay. Now go ahead and do it. And that's what social science is becoming.

JOHN LEO: Well, but there's always a possibility of truth and accuracy. I mean, why is the professoriate so...

JONATHAN HAIDT: Spineless? Nowadays, a mob can coalesce out of nowhere. And so we're more afraid of our students than we are of our peers. It is still possible for professors to say what they think over lunch; in private conversations they can talk. But the list of things we can say in the classroom is growing shorter and shorter.

JOHN LEO: This sounds like the Good Germans.

JONATHAN HAIDT: Yes. Exactly. It is. It's really scary that values other than truth have become sacred. And what I keep trying to say – this comes right out of my book *The Righteous Mind* – is that you can't have two sacred values. Because what do you do when they conflict? And in the academy now, if truth conflicts with social justice, truth gets thrown under the bus.

JOHN LEO: Talk about *The Righteous Mind* a bit. How did you develop this system of three moral foundations among liberals, versus [six or eight for conservatives](#)?

JONATHAN HAIDT In graduate school, I was very interested both in evolutionary psychology, which seemed obviously true, that we evolved and our brains evolved; and in cultural psychology, which seemed obviously true – that morality varies across cultures. One of my advisors was Alan Fiske, an anthropologist. And my post-doc advisor was Richard Shweder, another anthropologist. And they both had developed accounts of exactly how morality varies. And they were both brilliant accounts, but they didn't quite square with each other. And so I, I tried to step back and build up a case from evolutionary thinking – what are likely to be the taste buds of the moral sense? Things like reciprocity, hierarchy, group loyalty. So the theory grew out of ideas from Richard Shweder, in particular, and then it's been developed with my colleagues at YourMorals.org.

JOHN LEO: When conservatives read this, they're going to say, gee, we have more moral foundations than they do. Is there an advantage in having more?

JONATHAN HAIDT: Well, it certainly isn't a game where more is necessarily better. One of my conservative friends argues that having one moral foundation is dangerous because you're much more likely to develop a kind of mania about it. And, since the Halloween eruption at Yale, I now think much more that he's right. That if you make anything sacred and, in this case, if you make care for the vulnerable your sacred value, and that becomes more important than anything else, you're liable to trample all the other values. So I do think there's a danger to having a one-foundation morality

JOHN LEO: So how did you assemble the team you have at “Heterodox Academy”?

JONATHAN HAIDT: It started with lunch—myself and Nick Rosenkranz. And then I right away emailed an introduction of Nick to the various other people I'd come across, especially my five co-authors on the BBS paper. And that was the core. And then we just talked about, like, okay; who's in political science? Well, there's, you know, some guys who were just writing a book about the experience of conservatives in the academy. Let's invite them. So we just used our network of people we know. We're up to about 25 people now. We don't actually know how many conservatives are in the group. We know it's less than half.

JOHN LEO: What about libertarians?

JONATHAN HAIDT: I think we'll have more libertarians. When you find diversity in the academy, it tends to be libertarians. You rarely find social conservatives. And so I'm thinking of doing a survey of our members. Because I think we ought to know. Paul Krugman recently referred to our site and described us as "outraged conservatives." I looked back through all the essays we published and failed to find outrage. Krugman just assumed outrage because we think there should be more diversity in the academy.

JOHN LEO: What happens to the academy now? You used the word "die." Is it dead or dying? Most academics think it's just aflutter. They seem to have no idea that something important happened at Yale.

JONATHAN HAIDT: The big thing that really worries me – the reason why I think things are going to get much, much worse – is that one of the causal factors here is the change in child-rearing that happened in America in the 1980s. With the rise in crime, amplified by the rise of cable TV, we saw much more protective, fearful parenting. Children since the 1980s have been raised very differently—protected as fragile. The key psychological idea, which should be mentioned in everything written about this, is Nassim Taleb's concept of [anti-fragility](#).

JOHN LEO: What's the theory?

JONATHAN HAIDT: That children are anti-fragile. Bone is anti-fragile. If you treat it gently, it will get brittle and break. Bone actually needs to get banged around to toughen up. And so do children. I'm not saying they need to be spanked or beaten, but they need to have a lot of unsupervised time, to get in over their heads and get themselves out. And that greatly decreased in the 1980s. Anxiety, fragility, and psychological weakness have skyrocketed in the last 15-20 years. So, I think millennials come to college with much thinner skins. And therefore, until that changes, I think we're going to keep seeing these demands to never hear anything offensive.

JOHN LEO Like micro-aggression, trigger warnings, safe spaces and different forms of censorship for anything that bothers them?

JONATHAN HAIDT: Yes, that's right. Even much of the gender gap in STEM fields appear to result from differences of enjoyment—boys and girls are not very different in ability, but they're hugely different in what they enjoy doing. Anyone who has a son and a daughter knows that. But if you even just try to say this, it will be regarded as so hurtful, so offensive. You can get in big trouble for it. And that's what actually showed up in the article I have online where I gave a talk at a school

on the West Coast, and a student was insisting that there's such massive institutional sexism, and she pointed to the STEM fields as evidence of sexism....

JOHN LEO: Is this [the talk you gave](#) at a high school you called "Centerville"?

JONATHAN HAIDT: Yes, "Centerville High." That's right. That's exactly what this was about.

JOHN LEO: Where the girl stood up after your talk and said, "So you think rape is OK?"

JONATHAN HAIDT: Yes, that's right. It's this Marcusian rhetorical trick. You don't engage the person's arguments. You say things that discredit them as a racist or a sexist.

JOHN LEO: How do they learn that? The young don't read Herbert Marcuse.

JONATHAN HAIDT: I don't know whether they get it from one another in junior high school or whether they're learning it in diversity training classes. I don't know whether they're modeling it from their professors. I do believe it's in place by the time they arrive in college. And colleges are teaching this. Now, some colleges are much, much worse than others. We know from various things we've read and posted on our site, that liberal arts colleges – especially the women's schools – are by far the worst.

JOHN LEO: Women's schools are worse?

JONATHAN HAIDT: Nobody should send their child to a women's school anymore. And that's especially true if you're progressive. The last thing you want is for your progressive daughter to be raised in this bullying monoculture, and to become a self-righteous bully herself.

JOHN LEO: Well, that's one of the things I learned from your site. I kept debating with friends whether the closed mind, all the PC and the yen for censorship were there before they arrive at freshman orientation. But I did not see it written about until Heterodox Academy came along.

JONATHAN HAIDT: I wouldn't say the game is over by the time they reach college. I would just say, they're, they're already enculturated. But that doesn't mean they can't change. Kids are very malleable. Kids are anti-fragile. I would say there's some research suggesting that by the time you're thirty, your frontal

cortex is set. So after thirty, I don't think you can change. But at eighteen, I think you still can. So my hope is that universities will be forced to declare their sacred value. I hope we can split them off into different kinds of institutions—you know, Brown and Amherst can devote themselves to social justice. Chicago is my main hope. The University of Chicago might be able to devote itself to truth. They already have this fantastic [statement on free speech](#), making very clear that it is not the job of the university to take sides in any of these matters. The university simply provides a platform.

JOHN LEO: Yes, that's just one university, though.

JONATHAN HAIDT: But that's fine. As long as you have an alternate model, then other universities can copy it. But more importantly, is this – here's the one reason for hope – almost all Americans are disgusted by what's happened to the universities.

JOHN LEO: You mean the micro-aggression, the trigger warnings, and the censorship?

JONATHAN HAIDT: Yeah. The craziness on campus. Almost everybody says, you know, shut up, grow up, stop complaining. And this is even true for people on the left. And so, there's a gigantic market of parents who don't want to send their kids to Yale and Brown and Amherst, and they want to send them someplace where they won't be coddled. And so my hope is that if there are some prestigious alternatives where their kids actually could learn how to survive hearing things they don't like, and that market forces will lead a stampede to less coddling schools.

JOHN LEO: But what about the craving for elite credentials, no matter how bad the school really is. A lot of parents will send their kids anywhere, to the mouth of hell, if they can get a Yale degree.

JONATHAN HAIDT: Yeah. Well, look, Chicago's pretty darn good. Chicago's a very prestigious school. I don't know what Ivy could join them.

JOHN LEO: Well, Columbia still has the Great Books course.

JONATHAN HAIDT: Columbia is very PC. Columbia's not, going to be it. So, another reason for hope is that more and more progressive professors and presidents are being attacked. And each time they're attacked, they usually feel quite bitter. And at some point we're going to get a college president who has been attacked in this way who sticks his or her neck out and says, enough is enough; I'm standing up

to this. I also hope and expect that alumni will begin resisting. That's something we're going to do at "Heterodox Academy." We're going to try to organize alumni and trustees.

Because the presidents can't stand up to the protesters unless there is extraordinary pressure on them from the other side.

JOHN LEO: After the Duke fiasco, I made a point of looking into the alumni reaction. Resistance at Duke fizzled out very quickly. Stuart Taylor, Jr., co-author of *Until Proven Innocent*, the classic study of the Duke disaster, predicted that Brodhead would never get another term as president of Duke, or any other college. Not so. Despite the mess he made of things, they gave him a big, new contract. The forces upholding dereliction and folly are very strong.

JONATHAN HAIDT: Yeah. Duke was one outrageous case. This, "The Yale Problem," is a much more existential threat to the whole system. It's very hard to organize alumni for collective action. But if there's a widespread sense of revulsion out there, then I think it might be more possible. You asked, how has "Heterodox Academy" been able to be so successful so quickly? And the basic answer is, we're pushing on open doors. Most people are horrified by what's going on. And when we ask people to join or support us, they say, yes. If we can find an easy way to organize alumni and get them to put their donations in escrow, or otherwise stop giving to schools that don't commit to free speech and free inquiry, we may begin to see schools move away from illiberalism and return to their traditional role as institutions organized to pursue truth.

How 'Social Justice' Undermines True Diversity

By Philip Carl Salzman, March 25, 2019

While one kind of diversity is mandated by our [governments](#), [educational](#) and [scientific agencies](#), [colleges and universities](#), and industries, three other kinds of diversity are forbidden.

The mandated diversity is defined in "social justice" ideology as the diversities of race, gender, sexuality, economic class, and ethnicity. "Social justice" is alleged to be equal representation of participants according to representation in the general

population, distinguished according to census categories: gender (male, female, trans); race (black, white, Asian, indigenous native, other); sexuality (homosexual, heterosexual, bisexual, etc.); ethnicity and religion (Christians, Jews, Hindus, Muslims, Sikhs, etc.); class (homeless, working, middle, upper); and disability (able, differently able). The argument is that “social justice” requires diversity, and thus the presence in every group or organization all varieties of race, sexuality, gender, class, ethnicity, and disability.

This idea behind this is the neo-Marxist class theory that members of some categories—men, whites, Christians, heterosexuals, middle and upper class, abled—use their power to oppress members of other categories—females, people of color, homosexuals, Muslims, the workers and homeless, and the disabled—who are deemed to be the “victims” of the oppressors. If members of some categories are “underrepresented” in prestigious fields and organizations, the “social justice” explanation is that they have been held down and marginalized by their oppressors.

This is the famous “structural racism” and “structural sexism” that sociologists and “social justice” advocates are constantly invoking. The invention of “diversity” as our most important value is a “social justice” strategy to “raise” the underrepresented and ensure their presence in all fields and organizations. An unhappy corollary of the championing of “victim” categories, is the denunciation of “oppressor” categories, thus generating increasing popular anti-white, anti-male, anti-heterosexual, anti-Christian and anti-Jewish campaigns.

Individual diversity

The “social justice” definition of justice in terms of collective categories rejects the individual as the subject of justice. In “social justice” theory, individuals are reduced to the general categories in which he or belongs, or to which he or she is assigned. What is most important about people is which categories they fall into. Above all, each person is defined by his or her race, genders, ethnicity, sexuality, ethnicity, and disability.

What is forbidden is the diversity of individuals beyond census categories. One is no longer allowed to consider qualities beyond gender, racial, etc. categories. This seems peculiar because it implies that all people in a given category are the same, for example, that all females are the same, interchangeable, that all people of color

are interchangeably the same, etc., and this is absurd. “Social justice” advocates, for whom collective categories are the most important consideration, deny the importance of individual differences.

But everyone knows that individual people differ from one another in many qualities that have nothing to do with gender, race, sexuality, ethnicity, etc. For example, rationality, the ability to think through issues and problems, to consider in a disinterested fashion the available evidence, and to draw conclusions based on careful consideration of logic and evidence. Some people in every category are more rational, and others are less rational. Another quality is responsibility, an individual’s capacity to undertake needed tasks and to accomplish them as required. A third quality is character, which includes steadiness of emotions, accounting for ideals and rules, and treating other people as one would wish to be treated.

It would be absurd to say that all members of the categories women, men, whites, people of color, Christians, Sikhs, wealthy or workers had the same level of rationality, responsibility, or character. Yet “social justice” measures ignore these individual qualities, advancing only the importance of identity categories. In saying that people should be admitted or hired or appointed or promoted according to general census categories, “social justice” advocates disregard competence, the ability to carry out the assigned tasks, to do the job correctly. Terms that traditionally have been used to refer to competence, such as “merit” and “excellence” are now dismissed as white male supremacism, racism, sexism, homophobia, and Islamophobia. Today, people are admitted to universities, to law schools, medical schools, engineering schools, hired as professors or administrators, nominated as members of Parliament, appointed ministers of the government, because of their “victim” census category, not because of competence.

One of the things that this means—other than that we are hoping that our accountant, doctor, and airline pilot were promoted on the basis of more than “victim” status—is that individuals who are more competent, who are more rational, steady, and responsible, are excluded from government, industry, and education. Candidates with better credentials—whether grades, exam scores, awards, testimonials, publications, prizes, etc.—are rejected in favor of individuals with weaker credentials who are members of “victim” categories. Is not rejecting men because they are men reverse sexism, whites because of their color reverse racism,

heterosexuals because they are not homosexuals bigotry? The alleged “social justice” for some is clearly injustice for others.

Collective Diversity

The only diversity recognized among collective categories by “social justice” ideology is those with the power to provide themselves advantages, the “oppressors,” and those without power who are oppressed and marginalized by those with power, the “victims.” No other distinctions between categories are allowed, lest a distinction is used invidiously against a “victim” category.

Yet while distributions of characteristics of members of categories overlap on most if not all characteristics, central tendencies, and extreme tails will vary. Here are some examples:

In both female and male categories, some individuals are aggressive, but males on average and at the extreme tails are more aggressive than females. Pointing to male aggression is part of the “social justice” narrative; but speaking about [female aggression](#), and the high level of [domestic violence by females](#), is forbidden. Because “social justice” advocates view females as “victims,” only the “oppressor” males can be seen to be aggressive.

Some men and some women are interested in people, and some men and some women are interested in things. But many more men than women are [interested in things](#), and this is reflected by the heavy predominance of females in the social sciences, humanities, education, and social work, and the major [predominance of males](#) in engineering, the natural sciences, and mathematics.

The differential distribution of males and females in fields of study is due to their different preferences and choices, rather than to discrimination against females, as feminists and other “social justice” advocates have falsely claimed. Although female applicants are favored in STEM fields, they prefer not to enter them. The more a society exhibits gender equality, the more [this is true](#).

Although both Asians and Jews have a long history of suffering bigotry and discrimination, Asian American and Jewish Americans are highly [overrepresented](#) in academia and other professions. This is not because they are “privileged,” as

“social justice” theory proclaims, or because there has been discrimination in their favor. Rather, it is because members of these categories are highly motivated to pursue education and because they have performed at a high level.

Members of other categories, particularly Hispanic Americans and African Americans, have proven [less successful](#) in education, in spite of vigorous efforts on the part of educational institutions, associations, and governments to increase their participation. Far from being discriminated against in higher education, these minorities have, for decades, been favored.

Today, following “social justice” logic, Hispanic Americans and African Americans are admitted and hired with credentials vastly lower than those of Asian Americans, while white male Christian applicants, i.e., members of the majority, with the same scores as Hispanics and African Americans, are [not admitted or hired](#).

Recognition and discussion of the differences between groups are forbidden. This is a kind of diversity that must be silenced. We love “social justice” diversity, but we hate substantive differences between different categories, and may not refer to them.

Open Debate?

However, unpopular diversity among individuals and among categories of individuals are in “social justice” ideology, nothing is more forbidden than diversity of opinion. For “social justice” advocates, the precepts of “social justice” ideology are not open to question. Open discussion and debate of “social justice” ideology is forbidden. Anyone who questions “social justice” precepts is dismissed as a “racist,” “sexist,” “transphobe,” “Islamophobe,” in short, a “deplorable.” Classical liberal views such as preferences for “color-blind” treatment of people, or statements such as “all lives matter” are deemed racist by “social justice” advocates. Other classical liberal views such as basing assessment, admission, and hiring on merit are rejected by “social justice” advocates as “white supremacy.”

The enforcement of “social justice” ideology and practice have been put in the hands of “inclusion and diversity” offices and officers, now the fastest-growing component of colleges and universities. “Inclusion and diversity” commissars can invoke a range of punishments on deviants from “social justice” right-think, including black marks on employees’ records, to “re-education courses,” to refusal

to promote, to outright [dismissal](#). But these “social justice” officials do not have to do all of the work, because they are aided by feminist, race-based, sexuality-based student and professor militia groups who engage in surveillance of all activities, and who mobilize at a hint of deviation. “Social justice” agencies have learned much from the totalitarian communist societies.

Here are a few of the deviations from “social justice” ideology that results in attack and punishment:

Discussing the biological basis of sex, which contradicts the “social justice” fantasy that someone is whatever sex they say they are. Likewise, exploration of the [biological differences](#) of males and females is forbidden and results in an attack by feminist groups and in institutional sanctions. But when social rather than biological influences on another “social justice” sacred cow are explored, for example, the impact of peer pressure on transgenderism, “social justice” advocates go apoplectic, and demand [censorship](#).

Wave four feminism’s desperate plea for female solidarity on the basis of a pervasive (if imaginary) “[rape culture](#)” may not be questioned. And we are forbidden to discuss the many cases of [false rape accusations](#). Rather, we must “[believe women](#).”

It is forbidden to say that traditional middle-class values are the key to success in society and to a successful society. Those who have said this are [denounced](#) as racists, and punishments visited upon them.

Advocates of free speech are called “alt-right” and “fascists,” and university students have claimed the right to shut down speakers to deviate from “social justice” ideology through disruption or violence. University administrations have de facto granted students [these rights](#).

“Social justice” policies of racial and gender admissions and hiring may not be challenged by those advocating merit-based personnel decisions, which are [rejected](#) by “social justice” and race advocates as “white supremacy” and “male supremacy.” No one is allowed to question the validity and desirability of “[multiculturalism](#),” and the corollary [assertion](#) that “all cultures are equally good and beneficial.”

In all of these examples, facts do not matter; evidence does not matter; truth does not matter — only politically correct “social justice” ideology matters.

Conclusion

Illiberal “social justice” ideology advocates only one, narrow kind of “diversity”: the diversity of gross gender, racial, sexual, ethnic, and religious categories. But it rejects the more meaningful types of diversity, those advocated by classical liberals: the diversity of individuals; the diversity among categories, which is often a diversity of culture; and diversity of thought, belief, and opinion. “Social justice” ideology is thus more similar to totalitarian communist ideology than to classical liberal philosophy.

How Diversity Hijacked History 101 and All the Humanities

By Mark Bauerlein, March 5, 2019

It is getting awfully hard to be a humanities professor. Or rather, it’s getting hard to be a humanities professor and still maintain the heady confidence in the fields that the faculty had 20 years ago. The daily grind of teaching, research, and service haven’t much changed, especially for tenured professors who aren’t touched by the steady increase of adjunct teachers in their departments. But to remember the atmosphere of the 80s and 90s is to experience the loss of prestige, the decline of energy keenly.

Back then, Queer Theory and Gender Studies were new and exciting, taking up ever more oxygen in the journals and presses, conferences and hiring committees. Postcolonialism was, too, a species of political critique that had all the conceptual sophistication of deconstruction and thus avoided the crudities of what was termed “vulgar Marxism.”

Enrollments were holding fairly steady, and the popular press now and then paid attention to what the stars were saying. If the humanities weren’t still hot, *Lingua*

Franca, the cool magazine of the 90s, wouldn't have paid so much attention to them, nor would the culture warriors on the right.

Where are the humanities now?

When we review the fields today, the main story isn't anything conceptual such as a new theory; nor is it political, such as the liberal bias of the curriculum. Nor is it a notable event such as a major conference, or even a scandal (notwithstanding instances of misbehavior such as the Avital Ronell affair or the grievance studies hoax).

It is, instead, the progressive shrinking of the disciplines. Enrollments are sliding; programs are disappearing. I don't even want to link to any reports showing waning numbers such as the stunning fact reported by the Modern Language Association that 650 programs in foreign languages have been cut in the last few years. With results like that, who cares what a prof at Columbia says about intersectionality, or that the students at Yale took down a picture of Shakespeare?

The only real news is which program is going to disappear next. The hard question is why the cuts are happening.

That makes [a recent commentary](#) at insidehighered.com worthy of notice. It bears a promising title: "Shrinking liberal arts programs raise alarm bells among faculty." The author, Reshmi Dutt-Ballerstadt, an English professor at Linfield College in Oregon, is the author of a book on postcolonialism and the editor of a forthcoming volume on free speech and academic freedom. Her topic is, precisely, cuts administrators have made to liberal arts programs in recent years, which she terms "a death sentence" in the second paragraph.

But then comes this in the very next sentence:

It is a simultaneous devaluation of the many underrepresented, first-generation and social justice-oriented faculty (who were hired as a result of various diversity initiatives) who teach in disciplines such as foreign languages, women's and gender studies, area studies, critical race, and global studies, etc.

That's an interesting turn. Not only does it say explicitly that the faculty victims of these cuts disproportionately come from under-represented groups, some of whom were hired precisely to bring more diversity to the school. It says implicitly that the liberal arts have a social justice mission.

Here is how Professor Dutt-Ballerstadt clarifies that mission:

A liberal arts education provides a much-needed interdisciplinary framework for understanding the various modalities of human interactions, social justice issues, racial, class and gendered politics, and the impact of geopolitical-economic forces locally, nationally and globally.

Very well, that is now the predominant sense of the liberal arts fields. Race, gender, politics, social justice—not Shakespeare, Jane Austen, Waterloo, *Das Rheingold*, logical positivism, *On Liberty*. Those materials may be found in liberal arts courses, to be sure, but studying them in themselves is not the goal of the pedagogy. The goal, instead, is to understand social and political relations.

The president of the Modern Language Association is Judith Butler, who specializes in gender theory and whose humanistic feel for language may be measured by the clotted, clunky prose she writes. Her *humanitas* is limited, but that's no stumbling block. Scholars and teachers are valued more for their ability to rehearse a theoretico-political interpretation of a text (which can be just about anything) than for their erudition or connoisseurship or aesthetic discernment. It is more important for a job candidate to show she can cite Butler properly than it is for her to explain why *Moby-Dick* is a great book.

I hope you see the problem. The reason we have a humanities crisis in the first place is that undergraduates aren't enrolling in humanities classes in sufficient numbers. They're going elsewhere, to business, psychology, and STEM.

And why is that? Because students come to the humanities for inspiration. They are guys who like Hemingway and "The Love Song of J. Alfred Prufrock," girls who love impressionism and Mozart and Virginia Woolf. For at least some of them, the social justice approach turns them off. They want to look at Monet's lilies, not consider the "male gaze." They are struck by Ivan Karamazov's atheist crisis, not by

class relations and the peasantry. The bare humanity and soaring rhetoric of Frederick Douglass hit them more than his blackness.

Current humanities professors regard those loves as mystifications, or as denials of the realities of race, sex, class, and empire. The freshmen and sophomores who enroll in their classes thus find that their inspirations are suspect and unwanted. They are told that their passions need to be politicized. The descriptions of the fields quoted above can only appear to them unappealing. Only those 19-year-olds who already share the leftist vision want to hear more of it, and they aren't enough to keep enrollments healthy.

What can the humanities professor do? Her training through graduate school has primed her to think in just these identitarian, progressive terms. It's what got her a job and will ensure her promotions. We have a heavy indoctrination coming from above, while at the same time a steady estrangement from below, on the part of the undergraduates.

Professor Dutt-Ballerstadt doesn't mention slipping enrollments in her discussion because she can't. It blunts her blame-finding purpose. The fact that undergraduates are walking away from their classrooms prevents the professors from blaming mercenary administrators, conservative politicians and columnists, a money-mad culture, the high cost of college, and other preferred causes of the decline. Liberals don't like to criticize the young. It makes them start to sound conservative.

It also touches deeply upon their identity as teachers. They are supposed to be instructing the young in the ways of the world. That means, in their eyes, teaching them the realities of -isms and phobias and how they afflict certain groups. The professors believe fervently in the moral goodness of their instruction—indeed, in the necessity of it, if we are going to create a more just world. And the undergrads don't want it!

And so, the slide continues. No wonder there is so much unhappiness in the humanities ranks. The fields can't align their outlook with the constituency toward which they aim it. They can't say to their brethren, "We have to drop the identity fixations." Their colleagues won't like that. It would be like math professors being told to drop statistics. But they can't keep telling 19-year-olds, "You've got to lose

this naïve identification with Elizabeth Bennet and the Invisible Man – we need more critical thinking – there are power relations to register – you must learn different ‘modalities.’” And so, fewer kids will show up next semester.

As older professors who were trained before identity obsessions took over (before 1990, roughly) leave the field and retire, the hijacking of the disciplines will continue. So will the enrollment trends until we hit bottom, perhaps, five to ten percent of the undergraduate population who believe it worth their while to major in one of the identity-centric fields. The humanities will reach the point of classics by the mid-20th century—a boutique field.

This is what our best and brightest have wrought. I remember graduate school in the 1980s when literary theory was a campus-wide topic of discussion. We heard about all these brilliant minds pushing forward, some of them barely past the Ph.D. Everything was cutting edge and radical and transgressive and transformative. How fatuous it all looks now.

The identitarians won. They seized the levers of personnel and publication. They rose to the highest ranks. They spoke of themselves as a revolutionary cadre. Well, they were. And they managed to injure the fields, which may be beyond repair since the people who oversaw the decline still run the operation.

The old English department and History department and the rest were elitist and white and male and Eurocentric. No more. They had to be changed, and they were. Now they’re intersectional in one way or another. And a lot less influential and admired.

Diversity Requirement at UCLA Threatens Academic Freedom



By Robert Shibley, February 25, 2019

A recent [article in Real Clear Investigations](#) reported on a decision by the University of California, Los Angeles to require all professors applying for a tenure-track position — as well as any seeking promotion — to submit an “Equity, Diversity, and Inclusion” statement as part of their portfolio.

[Guidance](#) from UCLA’s Office of Equity, Diversity, and Inclusion is intended to explain what this requirement means and why UCLA determined that these statements must accompany the evidence of teaching, research, and service that traditionally go into such decisions at every university in America. Unfortunately, the guidance is cause for alarm and has the potential to seriously threaten academic freedom at UCLA.

UCLA’s FAQ-formatted guidance begins with the question, “Should equity, diversity, and inclusion figure into faculty hiring and promotion?” Its answer, of course, is yes, and it cites the university’s Academic Personnel Manual, [Section 210-1-d](#), which states that “[c]ontributions in all areas of faculty achievement that promote equal opportunity and diversity should be given due recognition in the academic personnel process, and they should be evaluated and credited in the same way as other faculty achievements.”

Indeed, the guidance cites this language throughout as justification for the new mandatory statements. Yet the language cited dates back [at least to 2015](#), and substantially similar statements about how candidates' work in this area should count for hiring and promotion date [as far back as 2005](#). These statements weren't mandatory then, so why are they now? Even today, the manual itself does not actually specify that candidates must have done work to promote "equity, diversity, and inclusion" — it merely says that if candidates have done that work, it must be counted in their favor.

One needn't be a [rocket scientist](#) to see the distinct difference between counting "equity, diversity, and inclusion" work in a candidate's favor and mandating all candidates to provide evidence of this work with their application. It's one thing to tell candidates that their work in the areas of equity, diversity, and inclusion will be credited to them and make sure these do not go unrecognized by departments. It's entirely another to indicate to candidates that their mandatory EDI statement is going to be awfully lacking if they happen to spend too much time pursuing teaching, research, and service goals that may be both worthy and excellent, but which simply don't move the needle in the direction of equity, diversity, or inclusion. Or to set up a process where faculty interviewers can't help but hold this against them.

Speaking of which, what does UCLA mean by equity, diversity, and inclusion? For those who might suspect that these terms are politically loaded, UCLA offers little if any evidence to the contrary. While the definitions provided are not themselves explicitly partisan, one searches in vain for an example of work toward these goals that includes activity with which people on the left side of the political spectrum would be uncomfortable, either in the guidance itself, in a [document](#) from the Office of the President to which it refers, or in the [example EDI statements](#) supplied to give candidates an idea of what the university is seeking. If you doubt this is likely to be used as an ideological screening tool, imagine UCLA replacing "equity, diversity, and inclusion" with "capitalism, freedom, and patriotism," and providing examples that happen not to include any activities or opinions that would make mainstream Republicans uncomfortable, and see if your opinion changes. Such an idea is [hardly far-fetched](#), and of course such tests are wrong no matter whose ideology happens to be in the ascendant.

Anticipating objections on ideological grounds, the guidance explicitly professes to tackle the questions of whether this new requirement violates California's [Proposition 209](#) banning certain kinds of discrimination or preferential treatment by state entities (it says it doesn't), and whether it will violate academic freedom (it says it won't and adds that political tests in hiring or promotion are [banned in UC Regents bylaws](#)). Given the nature of such disputes and our current political culture, of course, these assurances are unlikely to do much to convince those wary of the new requirement that their fears are baseless, and it's reasonable to expect that most of the controversy over the requirement will fall along the predictable political lines.

Even those without much interest in current culture-war disputes have reason to be concerned about the effect of this requirement on academic freedom. In its [1915 Declaration of Principles on Academic Freedom and Academic Tenure](#), the American Association of University Professors wrote the following:

[I]t is highly needful, in the interest of society at large, that what purport to be the conclusions of men trained for, and dedicated to, the quest for truth, shall in fact be the conclusions of such men, and not echoes of the opinions of the lay public, or of the individuals who endow or manage universities. To the degree that professional scholars, in the formation and promulgation of their opinions, are, or by the character of their tenure appear to be, subject to any motive other than their own scientific conscience and a desire for the respect of their fellow experts, to that degree the university teaching profession is corrupted; its proper influence upon public opinion is diminished and vitiated; and society at large fails to get from its scholars, in an unadulterated form, the peculiar and necessary service which it is the office of the professional scholar to furnish.

UCLA's diversity statement requirement contradicts this principle.

First, look at who is demanding that faculty members, both current and prospective, dedicate a substantial part of their efforts to activities that look good on an EDI statement. It's not the faculty members themselves. It's not even the faculty at large. No, it's the UCLA administration and the Office of Equity, Diversity, and Inclusion — in other words, “the individuals who manage universities.”

Second, even by 1915 it was obvious to the professoriate that the credibility of their work, which is based on their reputation for expertise in their fields, would be fatally compromised if people could merely dismiss their purportedly academic conclusions by pointing out that ideology, or the fear of losing jobs or opportunities

because of political disagreement, was what was driving their academic endeavors. Yet that is precisely what UCLA has now mandated must happen. If faculty members want to have a satisfactory EDI statement, they'd better turn some of their academic endeavors toward "equity, diversity, and inclusion," however UCLA administrators define such terms, regardless of their own "scientific conscience" and/or "desire for the respect of their fellow experts."

Last year, the Pew Research Center [released a poll](#) indicating that the percentage of Republican-leaning respondents who thought that colleges and universities had a positive effect on the way things are going in the country had dropped to 36 percent in 2017, with 58 percent saying they had a negative effect. This was a dramatic drop from just two years before, in which 54 percent said colleges had a positive effect and only 37 percent said it was negative.

Whatever your political sentiments, colleges and universities will most certainly suffer if they can no longer claim a broad, cross-partisan base of support. Avoiding policies that are both politically divisive and destructive to academic freedom is a necessary condition to rebuild confidence that higher education is a net positive, and worthy of the billions of tuition, taxpayer, and philanthropic dollars it receives every year. By relying on broad, subjective, and ideologically-loaded terms to influence hiring decisions, UCLA is headed in the opposite direction.

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When Radical Ideologies Corrupt Universities

By Allen Farrington , [June 4, 2019](#)

I keep being invited to talk about free speech on college campuses and every time I'm invited I make the same point: that this isn't about free speech and this is only tangentially about college campuses. This is about a breakdown in the basic logic of civilization, and it's spreading. College campuses may be the first dramatic battle, but of course, this is going to find its way into the courts; it's already found its way into the tech sector. It's going to find its way to the highest level of governance if we

aren't careful, and it actually does jeopardize the ability of civilization to continue to function.

~Bret Weinstein

[Mike Nayna's documentary](#) on the Evergreen State College Affair, from which I transcribed the above quote from Bret Weinstein, is a riveting watch. No matter how closely you followed the debacle at the time, there is really no substitute for this fascinating glimpse behind the scenes. Evergreen academics can be seen meekly and repeatedly submitting to ideological manipulation and on a number of occasions terrified senior faculty offer transparently insincere professions of faith in the hope of evading the vengeful fury of their mindlessly sloganeering student tormentors. The barely contained thirst for violence as the means to an end is palpable. It is sobering to imagine oneself confronted with such an uprising, and if Weinstein is right, then this alarming phenomenon may be about to spill out of the university campuses to which it has hitherto been largely confined.

This problem has already taken root in academia in the UK. *Quillette* editor-in-chief Claire Lehmann [recently wrote](#) about the un-personing of Noah Carl, whose crime was proposing that controversial research should not be suppressed, even though he had not engaged in any himself. "Imagine what would happen," Lehmann invites us to wonder, "if the behavior of St Edmund's College become a new norm." It is now creeping into corporate and government life too.

Premchand Brian, a friend of mine from Singapore, was until recently studying for a Ph.D. in neuroscience at the University of Edinburgh. By his own account, he joined the UoE's Black and Minority Ethnic Liberation Group but was ejected within a couple of months for wrong-think. "I said that 'cultural appropriation' is an invalid concept," he told me, "because 1) nobody can own a culture, 2) even if 'stolen' the original owners still have it, and 3) cultural exchange was historically important in human progress and still helps combat bigotry. I was told my ideas were 'triggering,' 'offensive,' and 'making people of color feel 'unsafe,' so I was told to retract them. I refused and got kicked out."

I asked him if there was a meaningful distinction to be made between the Students' Union and the university's academics. "No," he replied. "Anyway, I've given up and returned to the East where at least politics mostly revolves around national identity rather than endless purity tests, progressive stacks, and false accusations

from ‘marginalized’ people.” About the Students’ Union, he added, “for the sake of rational dialogue, you should investigate their claims too before making a judgment. But you can’t because they are racially segregated and do not allow white people to attend their meetings.” This appears [to be illegal](#), but nobody seems to care.

My Bulgarian girlfriend passed behind me while I was watching the Evergreen documentary and glimpsed a representative scene featuring students being loud, obnoxious, and ignorant. “See?” she remarked sardonically. “This is what happens when Western parents don’t teach their kids to respect authority.” Bulgarians and most Eastern Europeans for that matter are good value on this sort of thing because they have a culturally ingrained hypersensitivity to anything that smells remotely like communism. Critics will object that modern social justice politics are not real communism—the doctrinal chain from Marxism-Leninism to today’s intersectional activists was corrupted by French postmodernists (who rejected the meta-narratives of Adorno and Marcuse), and subsequently infused with an American emphasis on race, sex, and sexual identity as determinants of marginalization at the expense of class.

The beauty of my friend’s situation, and that of the unfortunate souls who appear in Nayna’s documentary, is that marginalized status doesn’t actually seem to matter at all; “marginalization” tumbles out as part of a cacophony of jargon intended to intimidate, at first intellectually, and then, physically, if required. This is exactly the kind of ideological coercion for which Bulgarians have no tolerance: the chain of citations is immaterial if the behavior is identical. Their society was destroyed by totalitarian tendencies, albeit dressed in different academese. And this isn’t an academic panel discussion; at Evergreen, gangs of thugs prowled the campus with baseball bats in search of thought criminals.

These radical ideologies are empowering, but not in the inspiring way that this term is usually used. This power corrupts and, more importantly, it attracts the easily corrupted. Concurrently, a similar corrupting process seems to have occurred in academia, which has ballooned into an administrative morass, the primary purpose of which is to accrue rent-seeking profit, as predicted by [Parkinson’s Law](#). Parkinson’s Law holds that a task will take as long as the time allotted to complete it. It seems to be a kind of social equilibrium theorem applicable to any complex organization. Normally such organizations would simply collapse under the weight of their own bureaucratic inefficiency, but academia is different. It will never be

allowed to collapse because *education is a right*. And what kind of monster could possibly be against education? And so the administrative bloat continues, unabated. If we are to address this problem and rescue education, we first need to distinguish between what I will call the classical and modern variants. Classical education involves the acquisition of culturally and scientifically useful knowledge and fostering an ability to think critically to further understanding. Modern education, on the other hand, is accreditation by an officially sanctioned seminary.

Defenders of “education,” who more often than not have a stake in the present racket prescribed by the modern definition, like to pretend that they are part of a system upholding the classical definition. At Evergreen, this was obviously false—critical thinking was subordinate to dogma, and Bret Weinstein was hounded from his job for having the temerity to defend it. The university was conceived to provide scholars with a secure redoubt in which to conduct their studies, which would be partly funded by letting willing students pick up a thing or two by being in close proximity. This was a very sensible proposition in the 1300s but is looking like a fantasy today. There are no safe spaces for scholars, and students can mimic proximity to scholars for the cost of an Internet connection. *Willing* students can get 20 or 30 separate undergraduate degrees’ worth of (classically defined) education from MIT OpenCourseWare alone. But many just want a piece of paper that says they are an adequately socialized member of society, approved of by the cultural elite.

Peter Thiel has given a uniquely scathing critique of the insanity of this system. He questions whether higher education, as an economic exchange, represents much of an investment anymore—the student defers gratification to reap higher rewards in the future, or the student enjoys a four-year party as a consumption good. Thiel says he originally thought of higher education as consumption masquerading as an investment, but now thinks of it as an even crazier combination of concepts: as insurance against failure in life in general, and as a kind of [Veblen good](#) that is priced uncompetitively so as to confer status on those who can afford it. This produces a ridiculous situation in which insurance is desirable, not because something disastrous is prudently insured against, but because the disaster would be the ignominy of failing to purchase insurance in the first place. It is effectively a Ponzi scheme. No wonder Thiel calls college administrators subprime mortgage brokers. They get a cut on selling pieces of paper that are only as valuable as we all pretend they are.

This bizarre economic dynamic, coupled with Parkinson's Law, coupled again with a slow-motion ideological coup, has landed us with the following picture of higher education: students are required to enslave themselves economically to the cultural elite as a toll to gain admittance. The vulnerability in the interim is then exploited to manipulate social signaling and behavior: if you don't play along, your life will be ruined. But since academia is considered a bottleneck for success, those who don't enter the raffle forfeit this leverage and are rewarded with dismal prospects.

The only people truly immune from all this are the actual elites, whose children are predominantly upper-class liberal whites. They receive all the same social assurances without giving up any leverage, and price out any remotely similar opportunity for the less fortunate to whom they ceaselessly and guiltily pledge their ostentatious support and solidarity. Higher education has become a transfer of wealth from the future earnings of the aspirational lower and middle classes to a metastasizing administrative parasite, which funds the permanence of the cultural elite by wielding its leverage over anybody foolish enough to dissent.

We need to stop wringing our hands over how to save academia and acknowledge that its disease is terminal. This need not be cause for solemnity; it can inspire celebration. It would allow us to shift our energies away from the abject failure of modern education and to refocus on breathing new life into the classical alternative. The social implications could be enormous—the lower and middle classes could be spared economic and cultural enslavement to the elite, leading not only to greater opportunity, equality, and worthwhile diversity but frankly to greater happiness and fulfillment in life.

So, how do we do this? It is very early days, but the key is to avoid the impression of attacking education itself. To employ some Thielian technobabble, we need to *debottleneck the vertical*; that is, recreate institutions that route around the modern variant of education so that it can expire peacefully—or, at least, shrink enormously—without dragging us all down with it. Aside from perhaps doctors and engineers, we need to stop pretending that the pieces of paper on which degrees are printed have value so that nobody can be tricked into buying them in the first place. Initiatives like the [Thiel Fellowship](#), which awards \$100k each to 20 of the most gifted pupils to do something more constructive than higher education, are a good start, but by design will not scale. Austen Allred's [Lambda School](#) is a promising next step, and I encourage all readers to acquaint themselves with it. The arXiv is a

premier effort to use the power of the Internet to maintain a classical system of education while routing around academia, as is Khan Academy, Udemy, Coursera and many more. But we needn't empty all our hope into a techno-utopianism. The most important change will likely come from corporate employers, who can have an enormous impact in two ways.

Firstly, they can channel more funding into academic research. This might first need to be passed off as "profit-enhancing" to adjacent disciplines or justified with other weasel-wording to satisfy the predominant school of free-market absolutism. But in the longer run, there are real opportunities to encourage such commitments on the basis of Corporate Social Responsibility, or even corporate prestige. It is not a mystery that some of the greatest scientific work of the twentieth century was funded by AT&T at Bell Labs, and Xerox at Xerox PARC. There were no administrators forcing them to write twenty-page reports explaining why Unix would advance social justice. The mystery is rather why this stopped, and the answer is, more or less, "shareholder value-ism," which was entirely an invention of academia and entirely in service to the cultural elite.

Secondly, they can end the demand for useless pieces of paper, in the pursuit of which aspirational lower- and middle-class kids economically enslave themselves. There are very early signs of this catching on: in 2015, Ernst & Young [announced](#) that it would no longer consider degrees or even high school level certification when considering applications. Good for them. Alternatively, corporate employers could offer to give students from low-income families a salary right out of high school—enough to materially assist them, but lower than a regular entry-level white-collar salary because it would be conditional on the student completing part-time STEM education financed by the employer. The educational course may be of the student's choosing and need not be directly related to the job. But they will nonetheless receive an accredited educational certificate upon completion, as well as three to four years of apprenticeship in which they will learn skills valuable to the corporate world and help their families. A scheme like this would also help to nurture a modicum of personal responsibility and respect that are mostly absent from, if not discouraged by, the college alternative. Equally, the employer will be presented with a candidate for full-time employment who is far more qualified than any college graduate and almost certainly will not introduce any destructive ideological viruses into the workplace.

These few thoughts are my own. But I am encouraged to see similar ideas sprouting across different domains. Whether preventing a breakdown in the basic logic of civilization, or giving underprivileged kids a better chance in life, or promoting the availability of education as it was classically understood, we need to start preparing for life after academia.

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Why Are So Many Campus Feminists Anti-Male?

By Warren Farrell, May 7, 2018

In 1970, I was elected to the Board of Directors of the National Organization for Women in New York City. This quickly triggered invitations to speaking on campuses throughout the U.S.—from Yale to Harvard to Stanford. Each engagement led to an average of three more.

However, after starting hundreds of men’s and women’s groups — one of which was joined by John Lennon — I began integrating the life experiences of college men into my talks. I soon invited my entire audiences of college men and women to “walk a mile in each other’s moccasins”—the men in “men’s beauty contests” to experience the beauty contest of everyday life in which every woman participates; and then the women to take a few of the many risks of sexual rejection the guys typically experience.

The feminist groups that sponsored me loved male beauty contests. My invitation for the women to risk the sexual rejection experienced by men was more complex: first, the college women found it much harder than they anticipated—but 70% or so could get up the nerve to take risks. Second, the ones who couldn’t get up the nerve had an emotional experience of the type of rejection men typically experience. And third, the feminist leaders on campus who were my usual sponsors—and had just been cheering during the men’s beauty contest that the men were “finally getting it”—suddenly either held back or left the theater once I asked the women to “walk a mile in the men’s moccasins.”

It was then—in the early seventies—that I began to experience that the campus feminists wanted men to understand women but had no interest in understanding men. I saw the handwriting on the wall: if I were to persist in my journey from ideology to compassion, I'd be forfeiting a very rewarding career. I cannot say the decision was easy—income, awards, media were all at stake. But I did decide to persist. And sure enough, my speaking engagements on campus went from more than I could handle to the following experience at the University of Toronto in 2012.

A campus association at the University of Toronto (called Canadian Association for Equality, or CAFE), heard that I was working (with John Gray) on a book to be called *The Boy Crisis*. They had heard that my findings went deeper than boys throughout the developed world dropping out of school more than girls, but that they were also experiencing problems with mental health (e.g., mass shootings; depression; suicide); physical health (e.g., obesity; sperm count), and future economic productivity.

The book wouldn't be published until March 2018, so no one had read it. Nevertheless, the feminists on and off-campus, catalyzed by the Socialist Workers Party, organized a campaign to vigilantly rip down all the posters that were used to publicize my talk—usually moments after they were put up. And the night of the talk, they formed a human blockade of the entrance doors that you can [witness in the](#) video below.

When the campus police were unsuccessful distinguishing between, “protest yes, blockade no,” the Toronto city police had to be called in.

The feminists accused the police of being violent; fortunately, the video was available to offer evidence of the police restraint even as the feminists cursed them and gave them the finger. And that was before I had given any speech anywhere on *The Boy Crisis*. Shortly after, I gave a [TEDx talk](#) that gives you a sense of what I was, in fact, saying.

In the seven weeks since the publication of *The Boy Crisis*, my brief interview for Libertarian Matt Kibbe's Free the People on Facebook on fatherlessness and mass shootings quickly went viral with more than 22 million views in five weeks. I have been asked by liberal and conservative organizations to speak on the causes and solutions to the boy crisis.

Although I dig deep into solutions that can be employed in high schools and colleges, *not a single college in the U.S. or Canada has asked me to speak on their campus*. Rather than becoming men by finding their voices while in college, they will be told on campus that they have white male privilege; that saying what they feel is “mansplaining”; that anything they feel should be repressed, not expressed.

The Boy Crisis outlines ten causes of the global crisis facing our sons. Some of them—such as environmental toxins—are aligned with liberal perspectives. But I discovered the primary cause of the boy crisis to be minimal or no father involvement. The conservative media was fascinated with the hard data that reinforced their understanding of the importance of the intact family and dad-style boundary enforcement that leads to the postponed gratification boys (and girls) need in order to achieve. However, the impact of conservative media led to no outreach from college campuses.

On the liberal end, college campuses would potentially be reached by *The Atlantic* and *CBS Sunday Morning*, both of which carefully considered coverage of *The Boy Crisis*, only to suddenly drop their interest.

Readers of *Minding the Campus* already know how liberals, the champions of free speech on campus, have become the champions of censored speech. How the champions of female progress are now the champions of mixed signals: “I am woman, I am strong,” versus “I am offended, I’ve been wronged.”

Does the solution include an evolutionary shift in the male-female tango? Yes. But let’s do it with respect for women. When females are encouraged to speak up, and males are told to shut up, that does not generate respect for women.

And let’s do it without undermining feminist progress toward female equality. When both sexes get drunk and have consensual sex, if the drinking erases her accountability, but not his, that undermines the responsibilities that accompany equality. When due process is eliminated to protect only women, that also undermines the responsibilities that accompany equality.

When boys know they want sex more, and girls want it less, increasing boys’ chances from the outset of being rejected, and then boys learn to risk sexual rejection by expectation while our daughters risk it by option, we prepare our sons

for more risk-taking than our daughters. That does not prepare our daughters to be equal risk-takers in business or life.

In aggregate, advancing a narrative of victim power ultimately leaves girls and women protected, but powerless. Yes, the over-protected are more loved; but the over-protected are less respected. The next evolutionary step we need in the male-female tango is equal accountability, equal respect, equal listening to both sexes, and equally loving both sexes.

Until we do, we'll be preparing more boys like Royce Mann for the next freshman classes. The brilliant 14-year-old Royce Mann won a [poetry slam that went viral](#) by articulating the shame he feels at becoming a man—at becoming “mostly an attacker.” The shame Royce has already absorbed will be reinforced when he learns that anything he feels should be repressed, not expressed. When the feelings of boys, already repressed, are further repressed, boys can become depressed. And our sons find themselves, male privilege and all, committing suicide with five times the frequency of their female campus colleagues.

Whenever only one sex wins, both sexes lose.

Eight Ideas Forbidden on Campus

By John Leo, September 22, 2017

Heather MacDonald, writing in [The Wall St. Journal](#), says there is a new list of forbidden ideas that can't be mentioned on the modern college campus. [Scott](#)

[Johnson at Power Line](#) cites the same list but says that even thinking the guilty thoughts puts you at risk of saying them out loud, and they must not be said.

These dangerous thoughts by two law professors, Amy Wax of the University of Pennsylvania Law School and Larry Alexander of San Diego University Law School, were published in the Philadelphia Inquirer in [an August op-ed](#), “Paying the Price for the Breakdown of the Country’s Bourgeois Culture.”

Please remove small children and all heart patients from the room so we can print the unmentionables list. Ready? Brace yourselves—here it comes:

- Get married before you have children and strive to stay married for their sake.
- Get the education you need for gainful employment, work hard, and avoid idleness.
- Go the extra mile for your employer or client.
- Be a patriot, ready to serve the country.
- Be neighborly, civic-minded, and charitable.
- Avoid coarse language in public.
- Be respectful of authority.
- Eschew substance abuse and crime.

Alert readers will note that this is essentially a list of ordinary middle-class behaviors in the generation or so that preceded the cultural revolution of the '60s, a point that many surveys and studies have made since.

Scott Johnson points out that Charles Murray, who cannot be heard on many campuses without massive police protection, made much the same point in his book, *Coming Apart: The State of White America, 1960-2010*. Murray urged what he calls “the new upper class” to drop its condescending non-judgmentalism: “Married, educated people who work hard and conscientiously raise their kids shouldn’t hesitate to voice their disapproval of those who defy these norms. When it comes to marriage and the work ethic, the new upper class must start preaching what it practices.”

But it is not what the campus left wants to hear. Half of the University of Pennsylvania Law faculty denounced the Wax-Alexander column without bothering to make any arguments against it.

“University of San Diego Law President Stephen] Ferruolo’s schoolwide letter was one of the worst examples,” writes Mac Donald. “The dean simply announced that Mr. Alexander’s “views” were not “representative of the views of our law school community” and suggested that they were insensitive to “many students” who feel “vulnerable, marginalized or fearful that they are not welcomed.” He did not raise any specific objections to Mr. Alexander’s arguments or even reveal what the arguments were.” USD Law faculty member Thomas A. Smith, who blogs under the title “The Right Coast” suggested that the dean should resign as a result of his content-free reaction to the column.

In *The Federalist*, George W. Dent, Jr, noted that several academics at the University of Pennsylvania chose not to debate Wax and Alexander but to ignore what they said and, instead, to vilify them for things they did not say. The critiques are stunning in their dishonesty.

“Penn Law Dean Ted Ruger [responded](#) in a column that tied the Wax-Alexander item to the events in Charlottesville. This was ethically troubling since it associates a Nazi rally with a totally unrelated social analysis. Much worse, however, he said, “I reject emphatically any claim that a single cultural tradition is better than all others.”

“Wax and Alexander made no such claim. What they said is, ‘All cultures are not equal.’ That statement seems not only defensible but axiomatic; would anyone claim that China during the Cultural Revolution is morally equal to China today? If all cultures are equal, then nothing we do can make our culture either better or worse. Is that what Dean Ruger believes?

Yes, Campus Indoctrination is Real

By Peter Wood, August 7, 2017

Robert Maranto and Mathew Woessner are not alone. They are two political scientists who assure us that leftist domination of the faculty does not mean that college students are coming away from their campuses indoctrinated in progressive ideology. Maranto and Woessner's latest version of this argument was published in *The Chronicle of Higher Education* as "[*Why Conservative Fears of Campus Indoctrination Are Overblown.*](#)"

Their basic point is that students are "not ideologically pliable." Their evidence for that comes from survey research that shows "relatively minor" shifts in student political attitudes over four years, with "the typical student" becoming "slightly more progressive on social issues while becoming slightly more conservative on economic issues."

I don't doubt the integrity of their research or that of other social scientists who have gone looking for measurable evidence of such changes in student attitudes. In fact, for several decades, social scientists have been looking at this question and for the most part coming up with answers similar to that of Maranto and Woessner.

But they, like many others, are profoundly mistaken. Their conclusions follow their research, but that research inevitably focuses on certain kinds of data, which unfortunately do not get to the heart of the problem.

In their *Chronicle* article, Maranto and Woessner reference [*The Still Divided Academy*](#), a book published in 2011, which includes an analysis of "Students' Political Values" based on the 1999 North American Academic Study Survey (NAASS). That eighteen-year-old data means something, but does it mean that today's college students are barely touched by the forces of campus indoctrination?

In the 1999 survey, 45 percent of college students said they did not believe homosexuality is "an acceptable lifestyle." The survey did, however, pick up a shift of seven percentage points in favor of acceptance of homosexuality by the senior year: a shift the authors interpreted as the students moving towards the views of their professors and administrators. The NAASS study has not been repeated, but we do have the annual survey conducted by the Higher Education Research Institute (HERI) at UCLA, which includes some relevant data. The HERI survey of [college](#)

[freshmen in 2015](#), for example, found 81.1 percent of freshmen at all baccalaureate institutions endorsed gay marriage.

That dramatic shift, from 45 percent opposed to homosexuality “as a lifestyle” to more than 80 percent favoring gay marriage, tells us nothing about whether colleges indoctrinate students. These were freshmen surveyed in 2015—mostly innocent about their professors’ attitudes. But the shift testifies to the need for caution in relying on 1999 figures to decipher today’s trends. It also testifies to the astonishingly rapid transformation of American youth during this period.

We don’t have very good grounds for thinking that college students today respond to the social and political cues of campus life in the way they did a generation ago. In fact, the opposite. The most recent [HERI data](#) from fall 2016 found “the fall 2016 entering cohort — of first-time, full-time college students — has the distinction of being the most polarized in the 51-year history of the Freshman Survey.” The year before, the HERI surveyors found that a third of the freshmen (33.5 percent) self-identified as liberal or “far-left”—the highest percentage since 1973, the height of the Watergate scandal.

Anyone who has taught freshmen knows that their self-labeling is not necessarily the best indication of their political orientation. The 2015 HERI data yielded some other clues about the leftward orientation of these freshmen. A record 8.5 percent of these students said there was a very good chance they would participate in “student protests while in college,” i.e., they were ready to protest before they could possibly have any cause to do so.

HERI also found a record number (74.6 percent) of freshmen who said that “helping others in difficulty” was very important or essential to them. An orientation towards helping others sounds very good in the abstract, but that figure might also signal the degree to which activism aimed at advancing progressive ideas of “social justice” had become a baseline social attitude for late Millennials entering college.

The HERI data is full of other material that suggests that today’s entering college students bring with them dramatically different attitudes than the freshmen of yesteryear. Anyone interested in the sociology of college students will find it eye-opening. But HERI doesn’t resolve the question of whether or how much four years of college education changes students’ political and social attitudes.

That question has actually been a research topic for many years, perhaps best codified by Ernest T. Pascarella and Patrick T. Terenzini in a series of massive volumes, *How College Affects Students*. I have relied on Ernest T. Pascarella and Patrick T. Terenzini's *Volume 2: A Third Decade of Research*, published in 2005, but there is 2016 edition with new editors, *How College Affects Students: 21st Century Evidence that Higher Education Works, Volume 3*. Pascarella and Terenzini, synthesizing the work of numerous other scholars, reach some interesting conclusions for students in the 1990s:

- “Freshmen-to-senior year shifts in political identification were associated with the peer, and faculty environments of the institutions attended.”
- The shifts “were more than mere reflections of changes occurring in the larger society.”
- The shifts were not simply “artifacts” of the attitudes students brought with them to college, and they couldn't be explained as part of “normal, maturational processes.”

As often happens when social science researchers roll up their sleeves and dig deep into a problem, these researchers discovered the obvious. Of course, “peer and faculty environments” shape students. If anyone continues to doubt that, I recommend *What Does Bowdoin Teach? How A Contemporary Liberal Arts College Shapes Students* (2013), the top-to-bottom ethnography that my colleague Michael Toscano and I wrote about the “peer and faculty environment” at one of the nation's top-rated liberal arts colleges.

What that study showed more than anything is that Bowdoin's left-wing bias was all pervasive. It wasn't conveyed just by a few dozen hard-core leftist faculty members, though they did their part. It was embedded in the curriculum as a whole, residence life, extra-curricular activities, pronouncements from the college president, self-declared college crises, invited speakers, student awards, and more. And just as important, that bias was made to seem normal by the absence or near absence of alternative views. It doesn't feel like “bias” if you are surrounded with people who all agree. The courses not offered, the professors not appointed, the speakers not invited, the student clubs that are not formed: the *nots* are the real key to campus bias, especially because they are usually invisible to the students.

At one Bowdoin event, a student stood up and half-in-resentment, half-in-perplexity, challenged me: “We have everything we could possibly want at Bowdoin. What’s missing?” He had absolutely no clue as to what ideas and opinions existed outside the “Bowdoin bubble.”

In such an environment, even those who call themselves dissenters tend to absorb the premises of the prevailing view. They will quibble about details and typically fail to realize how much they have conformed to the campus Zeitgeist. At Bowdoin, we found “conservative” students who were wholly taken in by the premises of multiculturalism and diversity and perfectly supportive of efforts to muzzle free speech.

Rendering Much of the World Invisible

This is where Maranto and Woessner go most wrong. “Indoctrination”—if that is the right word—is not mainly about the domination of academic fields by leftist professors. That happens, and it is part of the problem. But the larger problem is a campus culture that renders much of the world invisible.

That is not to say the college students today are blankly unaware that a great many Americans hold views at odds with their own. They know Donald Trump was elected President and that many millions of Americans voted for him. And progressive ideology provides a whole gallery of stock villains with which to picture the oppressors and those who are not yet “woke.” The Alt-Right, the cis-gendered privileged, the one-percenters, and so on are the cartoons that take the place of any need to understand conservative ideas.

This doesn’t make every college student an incipient leftist. Probably the most common political orientation among college students is soft libertarianism that tolerates anything that doesn’t get in the way of the student’s preferred social activities. These students have no fondness for the hard left radicals with their Bias Response Teams, Title IX tribunals, protests, and occupations, but neither do they have much interest in putting up a fight. The soft libertarians seldom give a thought about the longer-term consequences of the left’s initiatives, and they are entirely satisfied with the consumerist curriculum they have been offered.

To my way of thinking, this libertarian silent majority on campus has created the condition in which a radicalized minority can exert its tyranny. College administrators don't worry about the leave-me-alone crowd. But they are ever eager to placate Mattress Girl, Black Lives Matter, and the students who want to run Charles Murray into the Vermont forest.

So, pace Maranto and Woessner, no, *conservative fears of campus indoctrination are not overblown*. Sometimes conservatives over-simplify their case by focusing too much on the wild declarations of extremist professors or the exclusion of conservative faculty members. But taken all in all, contemporary American higher education does indoctrinate students in progressive ideology. And it does it so well that most of the graduates don't even realize it.

Do Free Speech Students Outnumber the Snowflakes?

By KC Johnson, May 9, 2017

As Middlebury initiated what appears to be token punishments (single-term probation) for the students who disrupted the Charles Murray talk, the college's student government (which has yet to condemn the disruptors in any way) [passed a resolution](#) demanding that Middlebury cease all punishment of students under the current college disciplinary code, lest they "contribute to psychological trauma for marginalized students held accountable for disruption." The vote continued a disturbing pattern of the majority of the Middlebury student body (the measure passed 10-3) seeming to endorse, or at least excuse, the actions of the mob. For a sense of the demonstrators' hostility to free speech in their own words, listen to [this New York Times podcast](#) from Monday.

Countering this news, however, came a recent poll from Yale. Sponsored by the William F. Buckley, Jr. program, the poll found that by a more than 4-to-1 margin, Yale students opposed speech codes; and by a 16-to-1 margin, students endorsed bringing in intellectually diverse speakers, as opposed to forbidding "people from speaking on campus who have controversial views and opinions on issues like politics, race, religion or gender." While some caveats exist (the pollster, McLaughlin, has a [bad track record](#); and asking the second question in a different way—stressing the purported harm speakers pose to students—might have yielded a less promising result), this result is encouraging.

It also matters, from a policy angle. If, in fact, the Middlebury student government represents the majority viewpoint among most students, then little chance exists for meaningful dialogue on campus, absent very aggressive intervention, likely from trustees and perhaps even from legislators. If, on the other hand, anti-civil liberties activists represent only a minority, then colleges and universities should do more to facilitate events where the more passive (silenced?) minority of students can exchange ideas. Administrators, in particular, could do more, at relatively little cost—perhaps by adopting the University of Chicago principles, perhaps by encouraging faculty to do more to facilitate a broader array of voices speaking on campus.

Along these lines, it might be useful to share a recent experience of mine at Lafayette College. Early in the term, a newly-formed campus organization, the Mill Series, asked me to give a talk on due process and campus sexual assault. It quickly became clear things might not go well; the social media response among campus seemed fairly unfavorable, and the date of the talk had to be changed twice to avoid further inflaming campus constituencies. But the talk wound up going very well. (I'll link to the video when available [on my twitter feed](#).) Turnout was robust. Some questions were supportive of my thesis; some were skeptical, a few highly skeptical. But all of the questions were well-informed and responded to the actual content of the talk, rather than what the students might have thought I would say when the talk started. A couple of students even noted in the Q+A session, which wound up going several hours, that they had anticipated a somewhat different talk, seemingly because of the hostile pre-talk social media content.

So why did this talk not generate a disturbing response, like Charles Murray's at Middlebury or Heather Mac Donald's at Claremont McKenna? First, the organizers—Professor Brandon Van Dyck and Lafayette student Abdul Manan—actively engaged with campus critics before the talk. (Because the Mill Series has no sponsorship, they were volunteering their effort.) Obviously, this type of pre-talk engagement placed an unfair burden on their time, and shouldn't be a requirement of any talk organizer, but their willingness to be proactive clearly defused a good deal of the tension before I came.

Second, the Lafayette students themselves already had been engaged with the issue of speech on campus. Earlier this semester, the student government had [appointed an ad hoc committee](#) to look into whether Lafayette heard from a sufficient variety

of speakers. While many of the students who attended my talk (it was an ideologically diverse group) seemed critical of the committee's work, none questioned the general principle that hearing from people with different views formed an important part of a quality liberal arts education. In a concrete way, the students' behavior seemed to confirm the findings of the Yale poll.

For understandable reasons, protests like those at Claremont McKenna and Middlebury attract media attention. But to the extent disruptive students can be isolated rather than accommodated, colleges should do so.

How a University Moved from Diversity to Indoctrination

By Daphne Patai, December 11, 2016

Academe these days is full of code words. Diversity is one of the most popular and has increasingly become an article of faith at American colleges. Its usefulness depends on ambiguity. While the public and media may believe it means openness to previously excluded students and studies, the reality is that "diversity" is a brazen attempt at thought control, rapidly moving toward the center of undergraduate education through the mechanism of General Education requirements.

At the University of Massachusetts Amherst, professors who want their courses approved for General Education diversity credit must meet new guidelines borrowed from the most ideological part of the university, the School of Education. At UMass, as at many other universities, Social Justice Education (SJE) has for years been a key part of the School of Ed, offering not only a concentration but also a Master's and a Ph.D.

The language of SJE makes clear that it is driven by narrow political aims, which pervade all aspects of the program. With a constant emphasis on intervention and advocacy in schools and communities on behalf of social justice (never clearly defined), the [SJE website](#) makes plain its fundamental concerns, which include: "Prejudice and discrimination, the dynamics of power and privilege, and intersecting systems of oppression," "Theories and practices of social change;

resistance and empowerment; liberation and social justice movements,” and “Sociocultural and historical contexts for, and dynamics within and among the specific manifestations of oppression (adultism, religious oppression, ableism, classism, ethnocentrism, heterosexism, racism, sexism, transgender oppression) in educational and other social systems.”

In his book *Diversity: The Invention of a Concept* (2003), Peter Wood describes how “diversity arose as a countercultural critique of American society that depicted social relations as based on hierarchy and oppression of disprivileged groups.” This “diversity ideology,” rooted in a Marxist view of America as a system of oppression, had been brewing for generations but only gained real traction in the 1980s.

“For it was then,” he writes, “that the Left, at last, found a combination of political leverage, economic opportunity and cultural advantage to institutionalize much of its anti-American program. *Diversity* was the key to that three-part success” (his emphasis).”

But until recently, the emphasis on diversity as the chosen path to “social justice” was not built into the university’s “social and cultural diversity” Gen Ed requirement. Now it is. And as I argue here, it is an exercise in compelled speech, unworthy of higher education, and unconstitutional in a public institution.

A fairly loose definition of what diversity courses should entail had existed for about three decades. Designed to combat “ethnocentric stereotypes” and open students to the wider world of “pluralistic perspectives,” the old diversity requirements contained a single prescriptive phrase (my emphasis):

Courses satisfying this requirement shall reach beyond the perspectives of mainstream American culture and the Western tradition.

The old guidelines then shifted from shall to may:

They may focus on the peoples of Africa, Asia, Latin America, or the Middle East; the descendants of those peoples living in North America; other minorities in Western industrial societies; and Native Americans. Since sensitivity to social and cultural diversity is advanced by an understanding of the dynamics of power in

modern societies, courses that focus on the differential life experiences of women outside the mainstream of American culture, minorities outside the mainstream of American culture, and the poor also come within the scope of this requirement.

True, the phrase regarding “the dynamics of power,” hinting at the old Marxist framework with a touch of Foucault thrown in, seemed designed to predetermine the content of such courses to some extent. But the list of groups (women, minorities, and the poor) with “differential life experiences” was merely, as the last part of the above paragraph made clear, a possible focus—not a necessary one, and certainly nothing like the obligatory listing of numerous supposedly marginalized identities that abound today.

What, then, changed? In the spring of 2016, faculty began to realize that the General Education Council had proposed a little-publicized new delineation of the required diversity courses. As before, undergraduates would be required to take two courses carrying the Diversity designation, one national, the other international, but the details had passed through an ideological transformation.

Normally, significant changes to the curriculum would have to go through the Faculty Senate, but the Gen Ed Council had by-passed this step by claiming (when challenged) that the changes in the two required diversity courses involved “only language,” hence did not need Faculty Senate approval.

Most faculty, as usual, were busy with other things and did not react. Some people, however, were alarmed. Harvey Silverglate, civil liberties attorney and co-founder of FIRE (the Foundation for Individual Rights in Education) and I wrote a piece about the new requirement, pointing out the ways in which it went well beyond the existing guidelines. We argued that not content with existing policies that restricted speech, the university was mounting an effort to compel certain kinds of speech and political attitudes in courses hoping to gain Gen Ed Council approval toward fulfilling the diversity requirement. As we wrote:

Using politically fashionable jargon, the three new gen-ed guidelines for diversity courses stipulate not merely, as before, geographic and cultural breadth but the specific attitudes and beliefs that must animate certain areas of teaching (or indoctrination, depending upon your point of view). Faculty members must embrace “knowledge, pluralistic perspectives, and engagement beyond mainstream

traditions,” by focusing on “unequal access to resources that derive from race and ethnicity, national origins, language, socioeconomic class, gender and sexual orientation, religion, age, and ability.”

The second mandated guideline encompasses “cultural, social and structural dynamics” that shape human experience and produce inequality, while the third specifies “exploration of self and others” so as to recognize inequalities and injustices. The clearly stated goal, not left to the imagination, is “to engage with others to create change toward social justice.”

This phrase encapsulates the shift from educating students to be able to think and analyze for themselves to the vastly different effort to indoctrinate students into administrators’ and professors’ belief system, which is assumed to be the only worthwhile, good and moral one from which, therefore, no one dares dissent.

All of this should cause concern at a public university that is bound by constitutional norms. The First Amendment’s protection of free speech has two aspects. The more widely known one prohibits the law from censoring officially disfavored and unpopular speech. But the other equally important and complementary aspect of this liberty enjoins the government from compelling speech and belief.

In a society where students have long been granted the right to refuse, for example, to recite a biblical passage or even the Pledge of Allegiance in public schools, college students are now required to genuflect before the banner of diversity, inclusion and social justice. It’s insufficient for students to refrain from uttering offensive or “wrong” words and ideas. They must increasingly be [trained to mimic their professors and affirmatively utter the “right” ones.](#)

The new guidelines, in other words, explicitly spelled out a commitment to social justice, understood in a particular way, reflecting precisely the political vision already familiar to us from Social Justice Education programs, rooted in Left politics that have dominated academic circles for some time now.

But whereas these politics used to be confined to certain (mostly identity-based) academic programs, along with Schools of Ed and Social Work, the new requirements aim to subject the entire university and every student in it to current academic dogma. The revision names identity groups repeatedly, uses all the current

code words, talks over and over again about inequality, marginalization, power dynamics, and the need to combat all these.

Hardly a minor revision, this is a complete delineation of the changes in academe in the past few decades. At a time when the university persistently reiterates its commitment to social justice, diversity, inclusion, and equity, the undergraduate curriculum is undergoing Gleichschaltung, i.e., everything is being brought into alignment with the prevailing political orthodoxy.

A further chapter in this story of ideological policing unfolded in late 2016. Not satisfied with the changes quietly incorporated into the Gen Ed diversity requirement earlier in 2016, the Gen Ed Council once again initiated a change that it evidently hoped most faculty would not notice. This time, it proposed a third required diversity course, mandated for all incoming students, who apparently needed this training in identity politics in order to proceed with their education.

Members of the Gen Ed Council were explicitly told to give a copy of the new proposal only to those who requested it. Thus, barely a week before the item was to come up at a Faculty Senate meeting on November 10, faculty members not on the council began to hear about the new proposal.

This time, however, a number of faculty members noticed. At the November 10th meeting of the Faculty Senate, about fifteen people rose to speak about the proposal, almost all of them first expressing their support for "diversity" before going on to criticize the new course in its particulars. However, it was not the obvious politicization of the requirement that troubled them but rather the practical consequences for individual majors and courses. Some parts of the university objected that by adding a third diversity requirement, other courses would be crowded out, as students would have less time and fewer credits available for other purposes.

Some faculty members objected that space for this new course was to be created by eliminating the requirement for an interdisciplinary course. Still, others were unhappy at the way in which their own courses on foreign cultures would be excluded by the new focus on power differentials, marginalization, and so on. One professor, for example, objected that his course on medieval Japanese culture would no longer count for "diversity" credit, and argued that while it makes sense for the

U.S. diversity requirement to stress race, class, and gender, the non-western courses should be held to a different standard. Another complained that his course on Kant, Marx, Weber, Nietzsche, and Freud certainly should still be relevant for diversity credit, as it has been for thirty years.

A few people argued that the new requirement didn't go far enough, since it assumed faculty and graduate students already knew how to teach to these concerns, whereas, it was argued, they would need special training in order to truly embrace the new anti-oppression pedagogy. No one, however, objected to the politicization of the curriculum in itself.

Most intriguing, however, was the apparently forgotten fact that the additional third diversity course proposal did not alter what had already become the obligatory language of diversity courses. Yes, the new proposal requires that this course is taken by all incoming undergraduates, and it intensifies the politicized language somewhat, but it is not different in kind from the rewritten diversity guidelines quietly introduced last spring.

The real difference in kind, in other words, was already a *fait accompli*, the result of the shift that was set in place in the spring of 2016. And by not having a discussion of the consequences of those changes last spring and just incorporating the new language *de facto* on the Gen Ed website, the Gen Ed Council had successfully precluded a critical discussion among the faculty of a substantive ideological shift.

People who complained in November 2016 because their old diversity courses would no longer count for diversity credits should have objected last spring, not six months later. But they were given no opportunity to do so. Whereas blatant social justice courses could have been included in the past (nothing excluded them), the assumption that diversity means "social justice" in a very particular way (based upon identity politics and the division of the world into powerful and powerless) is now mandatory, as the new guidelines make clear.

Thus, the Gen Ed Council was successful in bypassing faculty input and imposing explicit School of Ed social justice perspectives upon the entire university. Harvey Silverglate and I were absolutely right to call attention to this as a new requirement for faculty obeisance to essentially political perspectives, quite different from the vaguer older guidelines – which presumably is precisely why some of our

colleagues were so adamant about promoting this change and hoped most faculty wouldn't notice.

My criticisms of the new proposal (distributed in early November 2016 to the 70 colleagues in my department, none of whom commented to me about it, as well as to the Faculty Senate) included these points:

A. The first three of the five aims listed in the proposal narrow the range of perspectives to be welcomed in such courses. The aims presuppose and also reinforce a particular political perspective that faculty must adopt if their courses are to be approved for Gen Ed diversity credit. The aims taken from the proposal are in italics, below. After each of these aims, my own comments appear in brackets.

1. *Appreciate, value, and respect diverse social, cultural, and political perspectives.* [This aim hints at a postmodernist relativism, one that has been the subject of much debate and is far from a generally accepted truth. In fact, however, the subsequent aims make clear that only particular political and cultural perspectives are sought. Viewpoint diversity is definitely not on the agenda.]
2. *Demonstrate an understanding of and critically analyze how the legacies of marginalization, prejudice, and discrimination impact current power relations and the life circumstances of people often marginalized by society because of race, ethnicity, language, religion, class, ability, sexuality, and gender.* [Presupposes a particular view of the origins of marginalization, its continuing force, and the causes of social problems. This aim is rooted in current identity politics, which is often used as a shield or a bludgeon, depending on who is speaking to whom and with what objective.]
3. *Critically analyze their own perspectives and identities, develop an awareness of implicit biases, and understand how these perspectives and biases have been shaped by power relations within social and institutional contexts.* [Is it only one's own perspectives, identities, and biases that are to be critically examined, not those of others? Is it necessarily "power" relations – mentioned also in aim # 2—that explains everything? Again, this highly contentious perspective with its very specific conceptual framework is being presented as the necessarily correct one, to be reflected in these courses.]

B. The academic year at Umass has already been reduced to 26 weeks of actual classes, 3-credit Gen Ed courses have become 4-credit courses without an increase in class time, and in many instances work requirements have decreased as professors adapt to students' sense of what preparation (ever less) they are willing to do outside of class.

Students still need 120 credits to graduate with a Bachelor's degree and, of these, two courses are already part of the new diversity requirement, circulated last spring and containing much the same language as the new proposal. This third required diversity course would mean that a total of 12 credits out of 120 (i.e., 10% of the students' overall credit hours) will be devoted to "diversity" issues understood in the narrow way the proposal makes clear. This is a disservice to our students who have only a few precious years as undergraduates and entire worlds to explore.

C. For those who specifically teach foreign languages, literature, and cultures, the proposal tells us we must stress oppression, marginalization, and power relations as if studying other cultures and languages is of little value unless it is primarily about those issues. This seems like an odd marginalization (to use that very term) of entire areas of expertise.

The themes named, while of interest, hardly tell us all we need to know about the world. Furthermore, they undermine the work that many of us do, and that is not subsumed by these particular political preoccupations. It is a serious redesigning of the university's role and mission to impose such a narrow perspective on what is understood by "diversity." If "diversity" indeed now means a ceaseless focus on oppression, marginalization, and power, it is being used as a code word.

And it is demeaning to those of us who have labored long and hard to actually acquire some expertise in a "diverse" culture – and who see the study of cultures around the world as something other than an opportunity for political posturing. It is far harder to learn a foreign language and its cultural contexts than to acquire or pass on to students a few attitudes about particular groups (divided into such broad categories as the powerful and powerless), the very thing we supposedly were trying to overcome.

D. For those wishing to see where in the university these ideas are already institutionalized, the School of Education's [Social Justice Education agenda](#), which

offer a concentration, a Master's, and a Ph.D., provides a complete articulation of a political program using the precise language found in our new Gen Ed diversity proposals. Nationwide, in Schools of Education and in certain identity-based programs, these aims have predominated for some time. What is happening now, with the reconceptualization of the Gen Ed diversity requirement, is the spread of these avowed commitments to the entire university.

E. The narrow perspective envisioned is made clear again on p. 5 of the proposal, which states as a goal: “Diminish the perpetuation of discrimination and oppression.” Hubris, or political passions, should not lead us to think that if we can just regulate the content of education thoroughly, we will bring about “social justice.”

I conclude that we hardly know what “social justice” is, let alone how it may best be attained. Indeed, the very term has been used in ways that might alarm today's social justice warriors (if only they knew some history, such as that of the populist priest Father Coughlin, the anti-capitalist, anti-communist, anti-Semitic founder of the National Union for Social Justice in 1934 and of the paper *Social Justice* two years later, who became an apologist for Nazism and an Axis propagandist). The entire history of the twentieth century, to stick just with recent times, tells us how dangerous a path the belief in the single-minded pursuit of “social justice” is.

The university may have a social mission to enhance diversity, equity, and inclusion, even in the name of “social justice” (which Jonah Goldberg notes is currently merely a stand-in for “goodness”), but that is quite different from adopting these words as an educational mission. In addition, these terms have by now become an orthodoxy, constantly reiterated by administrators whose numbers and dedication to these issues keep expanding while the quality of liberal arts education—and above all its “diversity” — has patently declined.

Even if the new required Gen Ed course does not get adopted, by not contesting the redefinition of “diversity” that is now an avowed goal, faculty have abdicated their responsibilities, contributing to the further debasement of higher education.

Times change; orthodoxies shift. The intentional embrace of political activism in education is a dangerous precedent. Has everyone forgotten the East German

professors who were first obliged to adhere to Marxism-Leninism and then, when the Wall fell, were fired for having done so?

We should be wary of turning our courses into vehicles for propagandizing particular political views, however popular those views may be at this moment.

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This e-Book is the work of Minding the Campus contributors, many of whom are tenured professors at America's top colleges and universities. Others have retired from academe, but know what may have started as well-intentioned education policies have become weapons in the new culture wars, where speaking freely can get you in a heap of trouble.

The courageous writers who contribute to MTC are the real stars of this book. You may not agree with all of them, but in aggregate, their body of work is a red flag for higher education and the country. Here they are, along with the organizations that allow us to reproduce their content, with a huge thank you from John Leo, editor of Minding the Campus:

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