

Academic freedom under fire

Today, a half century after the 1954 House Un-American Activities Committee held congressional hearings on communists in American universities, faculty members are witnessing once again a rising tide of anti-intellectualism and threats to academic freedom.¹ They are increasingly apprehensive about the influence of external politics on university decision making. The attacks on professors like Joseph Massad, Thomas Butler, Rashid Khalidi, Ward Churchill, and Edward Said, coupled with other actions taken by the federal government in the name of national security, suggest that we may well be headed for another era of intolerance and repression.

The United States paid a heavy price when the leaders of its research universities failed in the 1950s to defend the leader of the Manhattan Project J. Robert Oppenheimer; the double Nobel Prize chemist Linus Pauling; and the China

expert Owen Lattimore. But a wave of repression in American universities today is apt to have even more dramatic consequences for the nation than the repression of the Cold War.

Compared to today, universities during the McCarthy period were relatively small institutions that were not much dependent on government contracts and grants. In the early 1950s, Columbia University's annual budget was substantially less than \$50 million. Its annual budget is now roughly \$2.4 billion, and more than a quarter of this comes from the federal government, leaving research universities like it ever more vulnerable to political manipulation and control.

Universities today are also more deeply embedded in the broader society than ever before. They are linked to industry, business, and government in multiple ways. Their links to the larger society inevitably lead to public criticism of the university when faculty members or students express ideas or behave in ways that some in the public find repugnant.

Can the leaders and the tenured faculty of our great research universities rise to the challenge of rebutting such criticism? Can we do better at defending academic freedom than our predecessors did in the 1950s?

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1 Many colleagues have provided useful comments on earlier drafts of this essay. I received particularly helpful comments from Akeel Bilgrami, David Cohen, Joanna L. Cole, Susanna Cole, Tom Goldstein, Eric Foner, James Miller, Richard Shweder, and Geoffrey Stone.

To do so, we must convince the public that a failure to defend dissenting voices on the campus places at risk the greatest engine for the creation of new ideas and scientific innovation the world has ever known. We must explain that one can never know the true worth of an idea unless one is free to examine it. We must explain that such freedom of inquiry is a key to innovation and progress over the long term in the sciences as well as the humanities. Above all, we must show that a threat to academic freedom poses a threat as well to the welfare and prosperity of the nation.

The preeminence of American universities is an established fact. It was recently reaffirmed in a 2004 study conducted in China at Shanghai Jiao Tong University that evaluated five hundred of the world's universities. The United States has 80 percent of the world's twenty most distinguished research universities and about 70 percent of the top fifty. We lead the world in the production of new knowledge and its transmission to undergraduate, doctoral, and postdoctoral students. Since the 1930s, the United States has dominated the receipt of Nobel Prizes, capturing roughly 60 percent of these awards.

Our universities are the envy of the world, in part because the systems of higher education in many other countries – China is a good example – do not allow their faculty and students the extensive freedom of inquiry that is the hallmark of the American system. As a consequence, our universities attract students from all over the world who either remain in this country as highly skilled members of our society or return home to become leaders in their own countries and ambassadors for the United States. The advanced graduates of the American research university populate

the world's great industrial laboratories, its high-tech incubator companies, and its leading professions. Many of the emerging industries on which the nation depends to create new jobs and maintain its leading role in the world economy grow out of discoveries made at the American research university.² The laser, the MRI, the algorithm for Google searches, the Global Positioning System, the fundamental discoveries leading to biotechnology, the emerging uses of nanoscience, the methods of surveying public opinion, even Viagra – all these discoveries and thousands of other inventions and medical miracles were created by scholars working in the American research university.

Unfortunately, most leaders of higher education have done a poor job of educating the public about the essential values of the American research university. They have also failed to make the case for the research university as the incubator of new ideas and discoveries. As a consequence, when a professor comes under attack for the content of his or her ideas, the public has little understanding of why the leader of a research university, if he or she is to uphold the core principle of academic freedom, *must* come to the professor's defense.

Attacks on academics follow a clear pattern: A professor is singled out for criticism. This is followed by media coverage that carries the allegations to larger audiences. The coverage is often cursory and sometimes distorted. Some citizens conclude that the university har-

2 The role of industry is, of course, critical as well, but most of the great industrial laboratories are highly dependent on these same research universities for PhDs who join these companies. So universities have both a direct and an indirect influence on the production of innovation.

bors extremists who subvert our national ideals. Pressed by irate constituents, political leaders and alumni demand that the university sanction or fire the professor. This is an all-too-familiar story in our nation's history.

The recent attack on Professor Joseph Massad of Columbia University offers a perfect example of how this process unfolds. The drama began with a group called the David Project, which was launched in 2002 "in response to the growing ideological assault on Israel." The Project subsequently produced a one-sided twenty-five-minute film, "Columbia Unbecoming," in which former students accused Professor Massad of inappropriate behavior in his elective course, "Palestinian and Israeli Politics and Societies." One former student alleged on camera that Massad used "racial stereotypes" and "intimidation tactics . . . in order to push a distinct ideological line on the curriculum"; another asserted that Massad had crossed the line "between vigorous debate and discussion, and hate."³

The David Project distributed this film to the media, and one-sided stories soon began to appear in conservative publications such as *The New York Sun*. This triggered follow-up stories in *The New York Times*, *The Chronicle of Higher Education*, and other local, national, and international news outlets. One, appearing in the November 21, 2004, Sunday edition of *The New York Daily News*, bore the headline "HATE 101."

Not every story about Massad was this crude. A correspondent for *The Jewish Week*, for example, interviewed an Israeli student at Columbia who strongly defended Massad. "The class was an incredible experience," this student re-

ported. "It wasn't fun to be the only Israeli in class, but I never felt intimidated. Passionate, emotional, but not intimidated."

Unfortunately, these nuanced accounts could not compete with strident headlines about hate. At one point, Congressman Anthony D. Weiner, a New York Democrat, asked Columbia President Lee Bollinger to fire the untenured Professor Massad as a way of demonstrating Columbia's commitment to tolerance. The irony was seemingly lost on Mr. Weiner, who had the audacity to write, "By publicly rebuking anti-Semitic events on campus and terminating Professor Massad, Columbia would make a brave statement in support of tolerance and academic freedom."

Weiner's Orwellian ploy – of calling intolerance "tolerance" – must be seen in a broader context. There is a growing effort to pressure universities to monitor classroom discussion, create speech codes, and, more generally, enable disgruntled students to savage professors who express ideas they find disagreeable. There is an effort to transmogrify speech that some people find offensive into a type of action that is punishable.

There is of course no place in the American research university classroom for physical intimidation, physical assault, or violations of the personal space of students. There is no place for faculty members to use their positions of authority to coerce and cow students into conforming to their own point of view. No university will protect a professor's use of a string of epithets directed toward a particular student in a gratuitous manner that is unrelated to the substance of the course. There are workplace rules in place at universities that govern and control such forms of behavior. And there must be, by law, mecha-

³ The film has been shown in at least four or five different versions; its content is continually changing.

nisms for students or others at the university to lodge complaints against professors who violate these rules. This basic commitment to civility and professional responsibility is part of the code of conduct at Columbia and at every other major American research university.⁴

But the codes that place limits on conduct must *never* be directed at the content of ideas – however offensive they may be to students, faculty, alumni, benefactors, or politicians.

Critics of the university, such as those affiliated with the David Project, tend to blur the distinction between speech and action. They accuse professors of inappropriate action and intimidation when they are actually trying to attack the content of their ideas. They also tend to expropriate key terms in the liberal lexicon, as if they were the only true champions of freedom and diversity on college campuses.

Consider Students for Academic Freedom (SAF), an organization launched by veteran conservative activists. The group's very name implies a commitment to a core liberal value, just as the group's tactics promise to empower aggrieved students. Currently, the SAF is encouraging students nationwide to organize and lobby university leaders, alumni, and members of state legislatures to adopt a "student bill of rights."

But SAF's language and tactics are misleading. Under the banner of seeking balance and diversity in the classroom,

⁴ "Academic freedom implies that all officers of instruction are entitled to freedom in the classroom in discussing their subjects: that they are entitled to freedom in research and in the publication of its results; and that they may not be penalized by the University for expression of opinion or associations in their private civic capacity; *but they should bear in mind the special obligations arising from their position in the academic community* [italics added]." From *The Faculty Handbook*, Columbia University, 2000, 184.

these students are trying to limit discussion of ideas with which they disagree. They want students to become judges, if not final arbiters, of faculty competence. They have supported the campaign against Massad at Columbia, and have urged students to report "unfair grading, one-sided lectures, and stacked reading lists" as an abuse of student rights.

While I was provost at Columbia there were many efforts by outside groups to influence university policy and to silence specific members of the faculty. Repeated efforts were made to defame and discredit the renowned literary critic and Palestinian advocate Edward Said. External groups tried, but failed, to have Columbia deny an appointment to an eminent Middle East historian, Rashid Khalidi. Sixty-two members of Congress wrote to Columbia calling on us to fire Nicholas de Genova, a professor of anthropology, after he made inflammatory remarks at an antiwar teach-in prior to the most recent Iraq War – even though his remarks were immediately criticized at the same teach-in by other Columbia faculty members.

Even when nobody loses his or her job, these assaults take a toll. As Professor Massad explains on his website, "With this campaign against me going into its fourth year, I chose under the duress of coercion and intimidation not to teach my course ['Palestinian and Israeli Politics and Societies'] this year."

Most of the recent attacks on university professors have been leveled against social scientists and humanists. Many critics of the university seem to believe that sanctioning one group of professors will have no effect on those in other disciplines. This is dangerously naive, both in principle and in practice.

The stakes are high. The destruction of university systems has historically been caused by the imposition of external

political ideology on the conduct of scholarly and scientific research. Defense of faculty members in the humanities and social sciences from external political pressure protects *all* members of the university community.

History suggests that the natural sciences, too, can be infected by political pressures to conform to ideological beliefs. German universities still have not recovered from the catastrophe of 1933 when Hitler began to dismantle German science and technology by purging those researchers who did 'Jewish science.' Japanese universities were damaged immeasurably in the 1930s by the purging of dissident intellectuals. Soviet biology never fully recovered from the imposition of Lysenkoism into the biological sciences.

Today, political pressure to include 'creationism' and theories of 'intelligent design' as alternatives to Darwinian evolution in the secondary school science curriculum has already led to a purging of Darwin's theory from the science curriculum in at least thirteen states. The National Academies of Sciences and the Union of Concerned Scientists have cataloged many examples of Bush administration interference with research and education. Consider just a few examples: Foreign students and scholars from 'suspect' nations are harassed and even denied entry into the United States without a scintilla of evidence that they are security risks. American professors are prevented from working with gifted foreign scientists and students. Open scholarly communication is impeded by policies designed to isolate nations supporting terrorism; library and computer records are searched; political litmus tests are used by the Bush administration to decide who will serve on scientific advisory committees; and scientific reports whose content is inconsistent with the Bush administration's ideology have

been altered. Even though the National Institutes of Health supported the research, some members of Congress almost succeeded in rescinding funding for projects on HIV/AIDS. Another recent bill, House Resolution 3077, almost succeeded in mandating direct government oversight of university 'area studies' programs (the bill passed the House but died in the Senate).

These attacks should be related to still other threats to scientific inquiry. The USA PATRIOT Act and the Bioterrorism Defense Act have, for example, led to the criminal prosecution of Dr. Thomas Butler, one of the nation's leading experts on plague bacteria. Butler faced a fifteen-count indictment for violating the Patriot Act's provision requiring reporting on the use and transport of specific biological agents and toxins that in principle could be used by bioterrorists. Butler was acquitted of all charges related to the Patriot Act, except for a minor one – his failure to obtain a transport permit for moving the bacteria from Tanzania to his Texas laboratory, as he had done for the past twenty years. However, while investigating Butler's work with plague bacteria, the FBI combed over everything in his lab at Texas Tech University, reviewed all of his accounts, and added on fifty-four counts of tax evasion, theft, and fraud unrelated to the Patriot Act. His conviction was based on the add-on counts. The upshot of all of this was that he lost his medical license, was fired from his job, and now, if he loses his appeal, faces up to nine years in jail.

In another case, Attorney General John Ashcroft publicly targeted Dr. Steven J. Hatfill of Louisiana State University as "a person of interest" in the anthrax scare that followed 9/11. Although Hatfill has never been charged with any crime, LSU fired him because of the accusation and intervention of the

Justice Department. Other faculty members at other institutions have suffered through unannounced and intimidating visits from the FBI to their homes or campus offices.

These crude efforts to enforce the Patriot Act have already had some serious consequences. Robert C. Richardson, whose work on liquid helium earned him a Nobel Prize in Physics, has described the atrophy of bioterrorism research at Cornell:

The Patriot Act, which was passed after 9/11, has a section in it to control who can work on “select agents,” pathogens that might be developed as bioweapons. At Cornell [before 9/11], we had something like 76 faculty members who had projects on lethal pathogens and something like 38 working specifically on select agents. There were stringent regulations for control of the pathogens – certain categories of foreign nationals who were not allowed to handle them, be in a room with them or even be aware of research results. So what is the situation now? We went from 38 people who could work on select agents to 2. We’ve got a lot less people working on interventions to vaccinate against smallpox, West Nile virus, anthrax and any of 30 other scourges.⁵

Is our national security enhanced when the government turns our best immunology and biodefense laboratories into ghost towns?

In an atmosphere of growing fear and intimidation, we would be wise not to dismiss these attacks on the American research university as mere aberrations. Indeed, universities are fragile institutions, and they have historically caved in

⁵ Quoted in Claudia Dreifus, “The Chilling of American Science: A Conversation with Robert C. Richardson,” *The New York Times*, July 6, 2004, D2.

to external political pressure at key moments – as they did during the Red Scares that followed the two world wars.⁶

Periodically, often during times of national fear, political leaders and ideologues on the Right and the Left have silenced dissent and pressured universities to abandon their most fundamental values of free and open inquiry. Most university leaders and faculty members fell easily into line during the First Red Scare of 1919 – 1921 and during the reign of Joseph McCarthy. As historians Ellen Schrecker and Sigmund Diamond have shown, presidents and trustees of research universities often publicly espoused civil liberties, academic freedom, and free inquiry while privately collaborating with the FBI to purge faculty members accused of holding seditious political views.⁷

Some university leaders underestimated the gravity of the threat and bowed to wealthy benefactors who threatened to withdraw their support. Others dismissed professors out of fear of bad publicity. Still others supported these purges because they believed in them. For example, Cornell President E. E. Day maintained that “a man who belongs to the Communist Party and who follows the party line is thereby disqualified from participating in a free, honest inquiry after truth, and from belonging on a university faculty devoted to the search for

⁶ For an exceptionally fine discussion of these failures, see Geoffrey Stone, *Perilous Times: Free Speech in Wartime From the Sedition Act of 1798 to the War on Terrorism* (New York: W. W. Norton, 2004).

⁷ Reviewing the now available archival material at Harvard University, Robert N. Bellah has confirmed the accounts of Diamond and Schrecker. Bellah reports his findings in “McCarthyism at Harvard,” letter to *The New York Review of Books*, February 10, 2005, 42 – 43.

truth.” Yale President Charles Seymour proclaimed, “There will be no witch hunts at Yale because there will be no witches. We do not intend to hire Communists.”

Robert Maynard Hutchins, chancellor of the University of Chicago, was one of the few great heroes during those perilous times. In 1949, testifying before a state commission investigating communists on campus, he boldly argued for tolerance:

The danger to our institutions is not from the tiny minority who do not believe in them. It is from those who would mistakenly repress the free spirit upon which those institutions are built. . . . The policy of repression of ideas cannot work and has never worked. The alternative is the long, difficult road of education.

On another occasion, Hutchins observed that the problem with witch-hunts was “not how many professors would be fired for their beliefs, but how many think they *might* be. The entire teaching profession is intimidated.”

Hutchins’s boss, Laird Bell, chairman of the University of Chicago’s Board of Trustees, was equally outspoken: “To be great,” he declared,

a university must adhere to principle. It cannot shift with the winds of passing public opinion. . . . It must rely for its support upon a relatively small number of people who understand the important contributions it makes to the welfare of the community and the improvement of mankind: upon those who understand that academic freedom is important not because of its benefits to professors but because of its benefits to all of us.

What, then, are the defining principles that guide the work of the university? As scholars and scientists, we place a

premium on openness, rigor, fairness, originality, and skepticism. We are part of an international community of scholars and scientists whose ideas transcend international borders. We collaborate and exchange ideas with Iraqis, Russians, Iranians, Chinese, and Israelis without considering politics or nationality. We hold that members of our community must always be free to dissent – to pursue and express new and even radical ideas in an environment of unfettered freedom.

By the same token, proponents of new ideas and their critics must be free to disagree. And this is especially true in the classroom, in which faculty and students must be free to explore and develop their ideas in robust and uninhibited debate. By encouraging independent thinking, no matter how preposterous or outrageous, the university promotes trust, creativity, collaboration, and innovation.

The goal is to establish an environment in which it is possible for the inquisitive mind to flourish. In contrast to private enterprise, the university places the welfare of the community above individual gain. The coin of the academic realm is the recognition that professors and students receive based on the quality of their contributions to the creation, transmission, and understanding of knowledge. The university is a meritocracy. Ideally, quality of mind expressed through teaching, research, and learning is rewarded without regard to race, religion, nationality, or gender.

This does not mean, of course, that real merit is always rewarded: like any complex institution, the modern university does not always function as it is meant to. But it is simply ridiculous to perpetuate the myth that research universities are rogue institutions that operate in an uncontrolled environment.

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Most of them are probably more accountable for their products and for their financial transactions than most large American corporations.⁸

Universities are evaluating themselves from dawn to dusk. State and regional accrediting agencies are continually reviewing the academic quality of university programs and faculties. Federal funding agencies conduct extensive peer reviews of grant applications that evaluate the quality of applicants' prior work, the quality of the proposals submitted, and the potential value of the work when completed; they use site visits to review elaborate proposals before funding large centers or university institutes. Obsessed with knowledge about their reputation and quality, research universities use ad hoc or standing committees of experts to evaluate the quality of the curriculum, the quality of the faculty, and the quality of departments and schools. The scientific and scholarly papers and monographs of faculty members are peer reviewed before they are accepted for publication and are assessed in terms of the potential impact of this work on the field. The results of course evaluations by undergraduate and graduate students are part of the 'teaching portfolios' that are used in deciding on the promotion and tenure of junior faculty members. Finally, there is accountability

⁸ I'm not focusing here on financial accountability. In fact, universities have many ways of reviewing and accounting for their financial transactions. Fund accounting at universities allows auditors to review every research grant or contract in minute detail. Full-time federal auditors are fixtures at universities. Major accounting firms audit the books of the universities on an annual basis. Bonds floated by universities to finance construction projects are brought to market only after bond-rating agencies evaluate the credit worthiness of the university and rate the bonds. The ratings depend almost as much on qualitative factors of the quality of university schools and departments as on financial ratios and other indicators.

for personal conduct: students and colleagues can file grievances of discrimination with deans, department chairs, ombuds officers, the university senate, and the EEOC, among other outlets for claims of inappropriate behavior.

The governing role played by peers makes universities different from most other American institutions. The research university was founded on the idea that professors should regulate their own affairs. This aspiration has never been fully realized. But it is plainly evident in the tradition that those who oversee the core academic work of the university – the president, the provost, the deans, and the department chairs – are themselves distinguished scholars and teachers who are respected members of the faculty. Moreover, university leaders govern by persuasive and delegated authority, not by the exercise of power.

Another essential feature of the American research university is that no one speaks 'for' the university – not even its official leaders. While the president and the provost and the board of trustees have the responsibility and the authority to formulate and carry out university policies, the essence of a university lies in its multiplicity of voices: those of its faculty, its students, its researchers, its staff. Presidents and provosts are often asked questions of the following kind: "What is the university's position on the writings, or remarks, or actions of Professor X?"

In fact, there is no 'university position' on such matters. The university does not decide which ideas are good and bad, which are right and wrong. That is up for constant debate, deliberation, and discourse among the faculty and students. For the university to take such positions would stifle academic freedom and alienate those whose views differ from those of the institution's leaders. The

responsibility of these leaders is not to decide whose ideas are best, but to create an environment in which all ideas may be explored and tested.

First and foremost, the American research university is designed to be unsettling. Was this not Socrates' purpose as well? Because it is committed to the creation of *new* knowledge and the intellectual growth of its students, the university must nurture the expression of novel and sometimes startling ideas and opinions. Lionel Trilling, the preeminent literary critic, wrote in *Beyond Culture* about the contentious nature of the literature sometimes taught at the university:

Any historian of literature of the modern age will take virtually for granted the adversary intention, the actual subversive intention, that characterizes modern writing – he will perceive its clear purpose of detaching the reader from habits of thought and feeling that the larger culture imposes, of giving him a ground and a vantage point from which to judge and condemn, and perhaps revise, the culture that has produced him.

Whether in 1965, when this was published and Trilling taught at Columbia, or today, the mission of the American research university is to encourage faculty and students to challenge prevailing values, policies, beliefs, and institutions. That is why the university will always have – and must welcome – dissenting voices and radical critics.

Researchers at America's universities do not generally investigate questions for which there are 'right' or ready answers – answers at the back of a book. The goal of academic discourse is not merely to convey information, but to provoke, to stimulate ideas, and to teach students to *think* and provide them with the intellectual and analytical tools that

will enable them to think *well*. Great teachers challenge their students' and colleagues' biases and presuppositions. They present unsettling ideas and dare others to rebut them and to defend their own beliefs in a coherent and principled manner. The American research university pushes and pulls at the walls of orthodoxy and rejects politically correct thinking. In this process, students and professors may sometimes feel intimidated, overwhelmed, and confused. But it is by working through this process that they learn to think better and more clearly *for themselves*.

Unsettling by nature, the university culture is also highly conservative. It demands evidence before accepting novel challenges to existing theories and methods. The university ought to be viewed in terms of a fundamental interdependence between the liberality of its intellectual life and the conservatism of its methodological demands. Because the university encourages discussion of even the most radical ideas, it must set its standards at a high level. We permit almost any idea to be put forward – but only because we demand arguments and evidence to back up the ideas we debate and because we set the bar of proof at such a high level.

These two components – tolerance for unsettling ideas and insistence on rigorous skepticism about all ideas – create an essential tension at the heart of the American research university. It will not thrive without *both* components operating effectively and simultaneously.

Here we must acknowledge an area where the university today faces a real and difficult problem with the mechanisms it uses to evaluate the work of its scholars. For the threats to free inquiry do not come only from government policies, from local or national politicians, from external lobbying groups, or from

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lazy journalism. Some of the most subtle threats come from within the academy itself.

For example, an unspoken but widespread aversion to airing topics that are politically sensitive in various fields sometimes limits debates that ought to take place. The growth of knowledge is greatly inhibited when methodological thresholds for evidence are relaxed, and claims to truth are advanced on the basis of shoddy evidence, or on the basis of supposedly possessing privileged insight simply as a result of one's race, gender, religion, or ethnicity.

Most scholars and scientists at leading universities would more than likely exercise their right to remain silent before placing on the table for debate any number of controversial ideas: for example, the idea that differences in educational performance between different racial groups are not a result of discrimination; that occupational differentiation by gender may be a good thing; that dietary cholesterol above and beyond genetic predispositions has only a minimal effect on coronary heart deaths; that the children of crack cocaine mothers will nevertheless experience normal cognitive development; or, until recently, that prions, as well as bacteria or viruses, can cause disease.

I have suggested that we entertain radical and even offensive ideas at universities because we simultaneously embrace rigorous standards in determining the adequacy of truth claims. But if scholarly skepticism is sometimes compromised by a lack of courage or an intolerance for competing points of view, then the primary mechanisms by which universities ensure the quality of research will not always reliably function. To complicate matters, different disciplines have evolved somewhat differently in institutionalizing mechanisms to ensure

that rigorous standards exist to evaluate ideas and the results of research.

Biologists may broadly agree that advocates of creationism are simply in error and that the theory they defend is unworthy of serious scientific debate, while social scientists are more likely, for example, to disagree about the scholarly merits of theories that stress the influence of socialization rather than innate abilities on individual achievement. As new areas of research and inquiry appear in the modern university and begin to dominate their disciplines, the definition of acceptable research questions may well change, as may definitions of what is acceptable methodology, acceptable evidence, acceptable standards of proof, and also acceptable peer reviewers (who in turn will judge whether a given scholar's methodology and use of evidence is acceptable). As a statistician might put it, whoever owns the 'null hypothesis' often determines what is taken for fact.

When skepticism falters or fails, does the academic community, even in the longer run for which it is built, have the mechanisms to correct its errors?

This has to be an open question. Currently, there is broader agreement about the appropriate corrective mechanisms in the natural sciences than in the humanities and social sciences, although in periods of what Thomas Kuhn called revolutionary rather than normal science, we often also find sharp disagreements within natural science over standards of proof and truth claims. It is the very possibility of ongoing disagreement, however, that is a primary justification for protecting and promoting freedom of thought. John Stuart Mill put it this way:

Truth, in the great practical concerns of life, is so much a question of the reconciling and combining of opposites, that very few have minds sufficiently capacious and

impartial to make adjustment with an approach to correctness, and it has to be made by the rough process of a struggle between combatants fighting under hostile banners.⁹

Moreover, as Mill well knew, it is more important to tolerate an occasional error in the current appraisal of conflicting ideas than to risk compromising free expression. For in the long run, it is unfettered freedom of inquiry that ensures innovation, intellectual progress, and the continued growth of knowledge.

I have defended the right of academic freedom within the community of scholars. But what, if any, right to freedom of expression does a student have as against his or her professor? The rise of groups like Students for Academic Freedom raises this important question.

Students clearly have the right – indeed, the obligation – to enter the general debate within the university community. They have the right to express their ideas forcefully in the classroom, and to argue against their professor's views. I've made the point that professors in the classroom must never discriminate against students on the basis of their ascribed characteristics – simply on the basis of who they are in terms of their race, ethnicity, religion, or gender.

At the same time, there is a clear differentiation of roles between professors and students. We expect professors, not students, to offer their own best judgment on competing truth claims. A student may argue for creationism or intelligent design; but that does not oblige his or her biology professor to take his or her views seriously as a rival to the evolutionary accounts favored by virtually all contemporary biologists. Similarly, a

professor of Jewish history is under no obligation to take seriously the arguments of a student who denies the Holocaust.

What, then, about a student who says he or she is being discriminated against by Professor Massad of Columbia, because Massad declares the student's position on the 1982 Shatila massacres in Lebanon to be factually erroneous. Is that student therefore entitled to level formal charges against Massad?

If we are going to allow the biology professor and the Jewish historian a right to offer their best judgment on competing truth claims, and because of those judgments to take some students more seriously than others, then don't we also have to grant this right to Joseph Massad?

In any case, we should remember that the proper goal of higher education is enlightenment – not some abstract ideal of 'balance.' Indeed, those who demand balance on some issues never demand it on others. The University of Chicago's school of economics is admired widely for its accomplishments. Must Chicago seek balance by forcing its economics department to hire scholars with contrasting points of view?

Occasionally, students have to do the hard work of seeking alternative points of view across institutional boundaries. They cannot always expect 'balance' to be delivered in neat packages. It is the professor's pedagogical role that grants him or her the authority and the right to judge which scientific theories or historical facts are presented in the classroom. We cannot deny the asymmetry in these roles. If we do, we fail to understand a legitimate goal of higher education: to impart knowledge to those who lack it. Of course, one can question the competence of a professor – that happens routinely in a good university. But the evalu-

9 John Stuart Mill, *On Liberty* (Cambridge: Cambridge University Press, 1989), 49.

ation of that competence must be, and is, left to the professor's peers – not to students, and surely not to trustees, regents, congressmen, advocacy groups, or members of the press.

Over the past seventy-five years, the Supreme Court has expanded greatly the protection of free speech. Today, prevailing First Amendment doctrine holds that the government cannot restrict speech because of its content, and that only forms of “low value” speech, such as “fighting words,” libel, commercial advertising, or obscenity, can be regulated. Universities cannot act outside the law,¹⁰ but they can – and should – try to expand still further the limits placed on free expression, when those constraints hamper inquiry and debate.

Expression in the classroom requires virtually absolute protection. Absent such protection, professors will hesitate to discuss sensitive topics out of fear of retribution, suspension, dismissal, or litigation.

The university cannot and should not attempt to decide what ideas or perspectives are appropriate for the classroom. For one student, a professor's ideas may represent repugnant stereotypes or efforts at intimidation; for another, the same ideas may represent profound challenges to ostensibly settled issues. For example, a professor's discussion of our culture's bias against female circumcision may seem to one student an affront to what is self-evidently a basic human right; but to another student, it may seem a provocative illustration of cultural imperialism, raising serious moral questions that ought to be put on the table for debate. Are we to take seriously those who would have us sanction the

10 Here I'm putting aside the distinction between public and private universities.

professor for raising this subject in a seminar? And if we did, who would be cast in the role of the ‘Grand Inquisitor’?

The broadest possible protection of freedom of expression is of a piece with another important aspect of the academy. We have understood for some time now that the university is not a place where we exclusively house or train the kind of scientist or scholar who advises the prince – those who currently control the government. There are members of the faculty who sometimes voluntarily give advice to the prince – and there may even be academic programs (such as Russian studies during the Cold War) that exist in part to inform government policy – but it is not the point or the rationale of universities to furnish such advice, nor to have the thematic pursuits of inquiry in the university shaped by the interests of the prince. That is why universities will often find in their midst those who air the most radical critiques of the prince and his interests. Were we to silence or even to inhibit such people, we would not only be undermining free inquiry, we would also gradually reinforce the countervailing power of conformism.

Despite the commitment of the American research university to freedom of thought, the natural tendency of professors and students, as we have seen, is to avoid expressing views that may offend others. But the responsibility of the university is to combat this tendency and to encourage, rather than squelch, free-wheeling inquiry. The university must do everything it can to combat the coercive demand for political litmus tests from the Right and the Left, and the pressure to conform with established academic paradigms.

By affording virtually absolute protection to classroom debate, the university

encourages the sort of open inquiry for which universities exist. Those members of the university community who are willing to take on prevailing beliefs and ideologies – be they the pieties of the academic Left or the marching orders of the politicians currently in power – need to know that the university will defend them unconditionally if they are attacked for the content of their ideas.

The defense of academic freedom is never easy.

It is understandable that university leaders will react to outside attacks with caution. There is always a risk that taking a public position on a controversial matter may alienate potential donors or offend one of the modern university's many and varied constituencies. In response to negative publicity, it is entirely natural for presidents and provosts – and for trustees and regents – to work feverishly 'to get this incident behind us' and to reach for an accommodation that calms the critics and makes the problem go away.

However, to act on such understandable impulses would be a grievous mistake. There are few matters on which universities must stand on absolute principle. Academic freedom is one of them. If we fail to defend this core value, then we jeopardize the global preeminence of our universities in the production and transmission of new knowledge in the sciences, in the arts, indeed in every field of inquiry. Whenever academic freedom is under fire, we must rise to its defense with courage – and without compromise.

For freedom of inquiry is our reason for being.

– March 16, 2005