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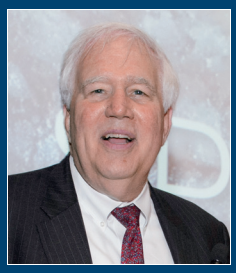
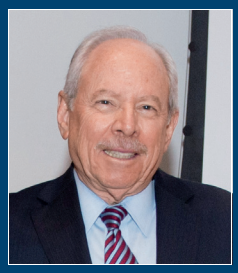
On Free Speech and Academic Freedom

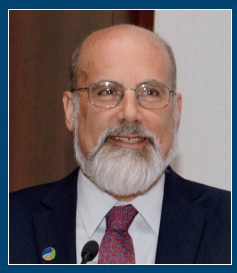
Joan W. Scott

A Reading and Discussion of the Play *Paradise*

Rebecca Saxe, Paula T. Hammond, and Saba Valadkhan







Communicating Science in an Age of Disbelief in Experts

Richard A. Meserve, Mary Sue Coleman, Alan I. Leshner, Joe Palca, and Matthew P. Scott

ALSO:

On Free Speech and Academic Freedom

On April 6, 2017, the American Academy of Arts and Sciences presented the Talcott Parsons Prize to **Joan W. Scott**. Professor Scott gave the following remarks on receiving the prize.

Joan W. Scott

Joan W. Scott is Professor Emerita in the School of Social Science at the Institute for Advanced Study. She was elected a Fellow of the American Academy of Arts and Sciences in 2008.

I was ten years old when my father was suspended from his job as a high school social studies teacher. Two years later, he was fired for insubordination and conduct unbecoming a teacher because he refused to cooperate with an investigation into purported communist infiltration in the New York City public schools. His defense was eloquent.

> I have been a teacher for fifteen years, a proud American teacher. I have tried all those years to inspire my youngsters with a deep devotion for the American way of life, our Constitution, and Bill of Rights. Hundreds of my youngsters fought in WWII and I know their understanding of the need to fight for their country was inspired by my teaching and the Bill of Rights. . . . From that teaching our youngsters got the feeling that we are living in a country where nobody has a right to ask what are your beliefs, how you worship God, what you read. As a teacher and a believer in those fundamental principles, it seems to me that it would be a betrayal of everything I have been teaching to cooperate with the committee in an investigation of a man's opinions, political beliefs, and private views.[1]

Free speech makes no distinction about quality; academic freedom does.

At the time, I took it all in stride – we were expected to be proud of the principled stand my father had taken. But looking back, I can see that I was also afraid. Our family life was rendered uncertain by his firing and not only because he no longer had a job. In fact, it was not so much economic insecurity that I felt, but a sense of foreboding: FBI agents showing up at the door, friends whose fathers were in jail, Joseph McCarthy's voice leering, insinuating, angry – the sounds that to a child conveyed dangerous, unreasoning hatred.

That was some sixty-five years ago. I thought all of it was long passed, a stage in my history – in American history – we had all survived and that even some of its most ardent supporters had repudiated. So, I was unprepared for the power of my reaction to the election of Donald Trump: 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. It was, in some sense, the return of the repressed and not only for me, but for the country as a whole.

Looking for insight, I turned (not for the first time) to Richard Hofstadter's *Anti-Intellectualism in American Life*, a reflection on the experience of the 1950s, published from the critical distance of 1963. In the book's first chapter, Hofstadter comments on "the national disrespect for mind" that characterized the era. "Primarily it was McCarthyism which aroused the fear that the critical mind was at a ruinous discount in this country. Of course, intellectuals were not the only targets of McCarthy's constant detonations – he was after bigger game – but intellectuals were in the line of fire, and it seemed to give special rejoicing to his followers when they were hit."[2] Hofstadter went on to argue that the experience of the fifties was not new, but a recurrent aspect of American identity with "a long historical background. An examination of this background suggests that regard for intellectuals in the United States has not moved steadily downward . . . but is subject to cyclical fluctuations."[3] In a conversation with my son Tony, he characterized these fluctuations as the escape of the American id from the confines of its reasonable containment. The return of the repressed with a vengeance!

The American id has been let loose again, this time by Donald Trump and, as in the McCarthy period, intellectuals are only one of his targets. But targets we are. It's not only the president's preference for alternative facts that challenge evidence-based argument, but direct attacks by him and others on scientists who work on climate change or who challenge drug company claims about the safety of their products.

It's also an apparent distrust of and dislike for writers, artists, journalists, and professors. Secretary of Education Betsy DeVos tells college students that "the fight against the education establishment extends to you, too. The faculty, from adjunct professors to deans, tell you what to do, what to say, and, more ominously, what to think."[4] We are, in her view, dangerous agents of thought control, purveying our ideology to the detriment of free thought. A "Professor Watchlist," established by the conservative organization Turning-Point USA, publishes online the "names of professors that advance a radical agenda in lecture halls." An Arizona legislator introduces a bill that would prohibit state institutions from offering any class or activity that promotes "division, resentment or social justice toward a race, gender, religion, political affiliation, social class or other class of people."[5] The bill failed, but it is a sign of the times. (Arizona has already banned the teaching of ethnic studies in grades K–12.)[6] In Arkansas, another bill seeks to prohibit any writing by or about Howard Zinn from inclusion in the school curriculum.[7] In Iowa, a state senator introduces a bill to use political party affiliation as a test for faculty appointments. "A person shall not be hired as a . . . member of the faculty . . . if the person's political party affiliation . . . would cause the percentage of faculty belonging to one political party to exceed by ten percent the percentage of faculty belonging to the other party."[8] A Republican Party operative in Michigan reveals his darker side in a tweet recalling the Kent State shootings of students protesting the Vietnam War and recommends similar treatment for today's demonstrators: "Violent protestors who shut down free speech? Time for another Kent State perhaps. One bullet stops a lot of thuggery."[9] *The New York Times* cites a report by the Anti-Defamation League noting that since January white supremacists have stepped up recruiting on campuses in over thirty states.[10] Their anti-Semitic, anti-Muslim leaflets have caused concern, but also – as in the case of speeches by the likes of white nationalist Richard Spencer or the disgraced Breitbart provocateur Milo Yiannopoulos – they have raised the question of what counts as free speech.

Academic freedom – the right of teachers to teach as they choose, without outside interference – is, I am arguing, the key to the exercise of free speech.

These days, free speech is the mantra of the right, their weapon in the new culture war. Their invocation of free speech has collapsed an important distinction between the First Amendment right of free speech that we all enjoy and the principle of Academic Freedom that refers to teachers and the knowledge they produce and convey. The right's reference to free speech sweeps away the guarantees of academic freedom, dismissing as so many violations of the constitution the thoughtful, critical articulation of ideas, the demonstration of proof based on rigorous examination of evidence, the distinction between true and false, between careful and sloppy work, the exercise of reasoned judgment. Their free speech means the right to one's opinion, however unfounded, however ungrounded, and it extends to every venue, every institution. The Goldwater Institute's model legislation, the "Campus Free Speech Act," has been taken up in Tennessee, North Dakota, and by the National Association of Scholars. It calls on professors to present both sides of an issue in the classroom in order to protect the student right of free speech. A teacher, in this view, has the right to regulate speech, "provided that [he or she] regulates the speech in a viewpoint- and content-neutral manner."[11] In effect, students are allowed to say anything they want, removing intellectual authority from the professor. Here is the vice president of the College Republicans at the University of Tennessee supporting a bill to protect student free speech: "Students are often intimidated by the academic elite in the classroom. Tennessee is a conservative state, we will not allow out of touch professors with no real world experience to intimidate eighteen-year-olds."[12] The National Association of Scholars has proposed new ways to evaluate the "academic elite." Among their recommendations is the elimination of peer review and its replacement by "experts . . . who are of genuinely independent minds."[13] It's hard not to see in these recommendations a more veiled version of the political party test proposed by the Iowa legislator.

The century-old notion of academic freedom insists on the expertise of scholars and the importance of that expertise for advancing "the common good."

There's a kind of blood lust evident in these charges, an attempt to reign in serious intellectual work, critical thinking, scientific inquiry. I don't want to deny problems on "our" side, the moralism that is apparent in some courses and some student activism, the calls for "trigger warnings," the insistence on the authority of their experi-

ences by those whose minority status has silenced or marginalized them – who look to "safe spaces" as a way to gain traction in an otherwise hostile or neglectful institutional and social environment, who erupt in protests that are sometimes ill-considered violations of the rights they need to respect and protect. But these don't seem to me to explain the ferocity of the anti-intellectualism we are witnessing, the desire to impugn our motives and disparage our work, to do away with what power academics are supposed to have. If Tony's reference to the unleashed id is right, we are the superego who would spoil the fun, who endanger its unruly pursuits. We keep asking questions, they already have their answers. We have to be gotten rid of if they are to enjoy their power to its fullest – because that power depends on reversing advances to equality that have been made and undermining the institutions of democracy: the constitution, the citizenry, the courts, and the schools. These are the institutions of government that, arguably, provide the ground rules for the conflict and diversity that James Madison understood to be the permanent condition of the republic. In his view of it, regulation was the guarantee of democracy.

That may be why freedom is the principle invoked so forcefully on the right these days – freedom in the sense of the absence of any restraint. From this perspective, the bad boys can say anything they want, however vile and hateful: Yiannopoulos, Spencer, Charles Murray, Donald Trump. The worse the better, for it confirms their masculine prowess, their ability to subvert the presumed moralism of those they designate "eggheads" and "snowflakes" – female-identified prudes who, in a certain stereotypical rendering of mothers, wives, and girlfriends, are the killjoys who seek to reign in the aggressive, unfettered sexuality that is the mark of manly power. Intellectuals and liberals (the terms are often taken to be synonymous) are portrayed as enemies of this freedom. "Inside every liberal is a totalitarian screaming to get out," warns David Horowitz, who has been on the frontlines of the anti-intellectual movement for years.[14] The strategy of the alt-right these days is to provoke situations that can be used to demonstrate the truth of Horowitz's claim. By collapsing the distinction between free speech and academic freedom, they deny the authority of knowledge and of the teacher who purveys it. I think Danielle Allen fell right into their trap when she compared Charles Murray's experience at Middlebury a few weeks ago with that of the Little Rock Nine, the black high school students who had to be protected from violent crowds by the National Guard as they sought to integrate Central High School in Arkansas in 1957. In her rendering of it, the proponent of racist false science becomes, surprisingly, the defender of "the intellectual life of democracies." Like the Little Rock Nine, who defied racists and "tried, simply, to go to school," she concludes, "Murray and his hosts were also trying, simply, to keep school open. In this moment, they, too, were heroes."[15]

Critical thinking is precisely not a program of neutrality, not tolerance of all opinion, not an endorsement of the idea that anything goes. It is about how one brings knowledge to bear on criticism; it is a procedure, a method that shapes and disciplines thought.

Middlebury, I would submit, was not about "the intellectual life of democracies" – that goes on in schools and forums where tests of truth and evidence apply. It *was* about the violation of an individual's right of free speech, where no such standards are applied. The confusion between these two – between academic freedom and free speech – was evident in the call for respect for individuals with different points of view issued by the unlikely duo of Harvard's Cornel West and Princeton's Robert George.[16] As they insist on the importance of respecting free speech, their paper also concedes what should be refused: the conflation between the individual's right to express his opinions and criticism – lack of respect even – of the opinions themselves. They assume a necessary parity between different sides of the debates about discrimination, equality, and justice, as well as about what counts as scientific evidence and the validity of certain forms of political protest. The issue of the authority of knowledge is denied in their call for neutrality, as is the unequal distribution of social power; it is as if everything is of the same quality in the marketplace of ideas.

Free speech makes no distinction about quality; academic freedom does. Are all opinions equally valid in a university classroom? Does creationism trump science in the biology curriculum if half the students believe in it? Do both sides carry equal weight in the training of future scientists? Are professors being "ideological" when they refuse to accept biblical accounts as scientific evidence? What then becomes

of certified professorial expertise? Does the university have a responsibility to uphold standards of truth-seeking outside the classroom as well as inside it? When does an invitation imply endorsement of a speaker's views? What is the difference between a climate denier and a Holocaust denier? Is the exchange of ideas really impeded by passionate debate, even angry exclamations? Ought the right of free speech be restricted to polite and civil exposition? Is righteous anger unreasonable in the face of racial, economic, religious, or sexual discrimination? Is there really no difference between the structures of discrimination experienced by African-Americans and the criticism of those structures leveled against whites? Are both worthy of being deemed racist, as the conservative student newspaper at Pitzer College claimed last week?[17] Does "all lives matter" carry the same critical commentary as "black lives matter?" What has it meant historically for those marginalized by or excluded from majority conversations and institutions to protest their treatment? The historian William Chase tells us that the students participating in the sit-ins that launched the Civil Rights movement were deemed "uncivil" by their segregationist critics. Sometimes it requires extraordinary actions to make one's voice heard in a conversation that routinely ignores it. Incivility, even today, is most often a charge made against protestors on the left, while the hate speech of those on the right looks for – and finds – protection in the right of free speech.

Although there are differences between reactions to student protest and the more general defamation of the life of the mind that targets faculty, there are also connections between them. These have to do with the status of criticism or critique in the national conversation. It was in defense of the university's role as the crucible of critique that the doctrine of academic freedom was formulated in the United States over a century ago. When John Dewey and his colleagues founded the American Association of University Professors in 1915 they articulated a vision of academia that was at once immune to powerful economic and political interests and that promised to serve those interests, however indirectly, by producing new knowledge "for the common good." The university was defined as "an inviolable refuge from [the] tyranny of [public opinion] . . . an intellectual experiment station, where new ideas may germinate and where their fruit, though distasteful to the community as a whole, may be allowed to ripen."[18] Scientific and social progress depended on the nonconformity protected, indeed fostered, by the university. The "well-being" of the place came from its ability to support critical thinkers, those who would challenge prevailing orthodoxy and stir students to think differently, to become "more self-critical," hence more likely to bring about change. The role of professors was to be, in the words of one university president, "a contagious center of intellectual enthusiasm." He went on: "It is better for students to think about heresies than not to think at all; better for them to climb new trails and stumble over error if need be, than to ride forever in upholstered ease on the overcrowded highway."[19]

The century-old notion of academic freedom insists on the expertise of scholars and the importance of that expertise for advancing "the common good." The same notion of the relationship between knowledge and the common good inspired the founding in 1780 of the American Academy of Arts and Sciences. "The Arts and Sciences," the Academy's Charter of Incorporation reads, "are necessary to the wealth, peace, independence and happiness of a people." "From its beginnings," its current history notes, "the Academy has engaged in the critical questions of the day. It has brought together the nation's and the world's most distinguished citizens to address social and intellectual issues of common concern and above all, to develop ways to translate knowledge into action."[20]

The Academy's mandate, like the principle of academic freedom, to be sure, is full of so-called elitist implications – intellectuals in general, the faculty in particular – that are corporate, self-regulating (disciplined) bodies whose training to produce new knowledge guarantees a certain autonomy and a share in the governance of the university and the regard of the nation. In this view, the faculty is capable of inspiring, inculcating, and judging student mastery of subjects being taught. Student free speech is appropriately limited in the university classroom, subject to the disciplinary tutelage of the professor in charge – a professor who has been subjected to and certified by a disciplined formation of his or her own. This does not mean silent acquiescence in the face of indoctrination, far from it. It does mean learning how to evaluate things

If the production of knowledge was understood to be vital for the progress of the nation and the guarantee of "the wealth, peace, independence and happiness of [the] people," then intellectualism is our best answer to anti-intellectualism.

critically, how to question orthodoxy and challenge it from a position of knowledge rather than one of unexamined belief. This training in the rigors of critical thought is not without its difficulties, and it is more often characterized by strong differences and contentious argument than it is by consensus and singular conclusions. But this is what makes it the preparation required for the exercise – inside and outside the classroom – of free speech. Academic freedom – the right of teachers to teach as they choose, without outside interference – is, I am arguing, the key to the exercise of free speech. Free speech not as the expression of the unruly id, but as the voice given to reasoned argument. That voice can be angry, insistent, condemnatory; there is no contradiction between reason and outrage.

That is why exhorting students to respect the ideas of individuals with whom they disagree is not the solution to their purported misbehavior: we can respect the rights of free speech without having to respect the ideas being uttered. Critical thinking is precisely not a program of neutrality, not tolerance of all opinion, not an endorsement of the idea that anything goes. It is about how one brings knowledge to bear on criticism; it is a procedure, a method that shapes and disciplines thought. This kind of critical thinking has been discouraged in university classrooms in recent years; it has been severely compromised as the mission of the university, replaced by an emphasis on vocational preparation, on the comfort and security of students, on the avoidance of controversy lest students, parents, trustees, legislators, and donors find offense. Its absence in the university curriculum has produced some of the problems we now face.

The pursuit of knowledge is not an elitist activity, but a practice vital for the exercise of democracy and the promotion of the common good. Those values – knowledge, democracy, and the common good – seem to me worth reasserting, even in the face of their corruption and neglect.

The lack of training in critical thinking extends beyond subject matter in courses to strategic planning for political action. If students haven't learned how to analyze texts and historical arguments, they won't be able to bring critical thinking to political engagements; they will tend to act more impulsively, venting their rage rather than directing it to considered strategic ends. They will underestimate the power of the opposition to discredit their aims along with their actions. They will end up – as in the Middlebury case – the bad guys, while the racism of Charles Murray they were legitimately protesting is eclipsed by his first amendment martyrdom.

I know it's unfashionable to look to the past for answers to the present; unrealistic not to pragmatically accept the corporate neoliberal university as a *fait accompli*. But I want to end this talk by suggesting that there is some value in conserving the principles that inaugurated our democracy and that informed the articulation of the mission of the colleges and universities of this country. If the production of knowledge was understood to be vital for the progress of the nation and the guarantee of "the wealth, peace, independence and happiness of [the] people," then intellectualism is our best answer to anti-intellectualism. Not the watering down of ideas or the search for popular consensus, not the notion that all ideas are worthy of respect, but the more difficult task of honing our critical capabilities, cultivating them in our students, and insisting on their value even in the face of ridicule, harassment, and repression.

In 1954, Leslie Fiedler described McCarthyism as a "psychological disorder compounded of the sour dregs of populism [and] the fear of excellence, difference and culture."[21] It's time, I think, to reassert the authority of knowledge in the face of the Trump administration's attempt to elevate mediocrity to a heroic virtue. The pursuit of knowledge is not an elitist activity, but a practice vital for the exercise of democracy and the promotion of the common good. Those values – knowledge, democracy, and the common good – seem to me worth reasserting, even in the face of their corruption and neglect. The university was once considered the crucible of those values; its mission has been severely compromised over the course of the last twenty or thirty years. Still we have no choice but to hold on to that vision and to find ways to reanimate it, so that it can inspire our thinking in the difficult days that lie ahead. ■

To view or listen to the presentation, visit https://www.amacad.org/freespeech.

ENDNOTES

1. *The New York Times,* October 2, 1948.

2. Richard Hofstadter, *Anti-Intellectualism in American Life* (New York: Knopf, 1963), 3.

3. Ibid., 6.

4. http://www.cnn.com/videos/politics/2017/02/23/cpac-betsy-devos-entire-remarks-sot.cnn.

5. http://www.theblaze.com/news/2017/01/08/arizona-lawmaker-introduces-bill-to-ban-taxpayer-funds-for-social-justice-classes/.

6. https://academeblog.org/2017/01/14/will-promoting-social-justice-be-illegal-in-arizona-universities/.

7. http://projectcensored.org/arkansas-legislator-pushes-ban-books-historian-howard-zinns-public-schools/.

8. https://www.insidehighered.com/quicktakes/2017/02/21/iowa-bill-would-force-partisan-balance-hiring.

9. https://academeblog.org/2017/02/10/the-answer-to-campus-unrest-another-kent-state/.

10. Tamara Best, "White Supremacists Step Up Recruiting on Campus in Over 30 States, Report Says," *The New York Times,* March 7, 2017.

11. http://goldwaterinstitute.org/en/work/topics/constitutional-rights/free-speech/campus-free-speech-a-legislative-proposal.

12. https://academeblog.org/2017/02/12/the-tennessee-legislatures-attack.

13. https://academeblog.org/2017/02/23/the-dangerous-nas-proposals-for-the-higher-education-act.

14. https://www.frontpagemag.com/fpm/190684/inside-every-liberal-totalitarian-screaming-get-daniel-greenfield.

15. Danielle Allen, "Why Middlebury's Violent Response to Charles Murray Reminded me of the Little Rock Nine," *The Washington Post,* March 7, 2017.

16. http://jmp.princeton.edu/statement, March 17, 2017.

17. https://www.insidehighered.com/print/news/2017/03/15/pitzer-students.

18. American Association of University Professors, "General Report of the Committee on Academic Freedom and Tenure," *Bulletin of the AAUP* 1 (1) (December 1915): 32.

19. Ibid., 36.

20. https://www.amacad.org/content/about.

21. Leslie Fielder, *An End to Innocence: Essays on Culture and Politics* (New York: Stein and Day, 1972), 87.