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How the Right Weaponized Free Speech



Katherine Streeter for The Chronicle

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I was 10 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 15 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 World War II, 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 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 belief, and private views."

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 65 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." Hofstadter went on to argue that the experience of the '50s 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."

My son, Tony, 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 support the Affordable Care Act. It's also an apparent distrust of and dislike for 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." We are, in her view, dangerous agents of thought control, purveying our ideology to the detriment of free thought.

"Professor Watchlist," established by the conservative organization Turning Point USA, publishes online the names of professors that it describes as advancing "a radical agenda in lecture halls." Two Arizona legislators introduce 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." The bill failed, but it is a sign of the times. (Arizona has already banned the teaching of ethnic studies in grades K-12.) In Arkansas, a bill seeks to prohibit any writing by or about Howard Zinn from school curricula. In Iowa, a state senator introduced 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 the faculty belonging to the other political party." The Anti-Defamation League notes that since January, white supremacists have stepped up recruiting on campuses in more than 30 states. Anti-Semitic and anti-Muslim leaflets have caused concern, but also — as in the case of speeches by the likes of Richard Spencer and Milo Yiannopoulos — they have raised the question of what counts as free speech.

These days, free speech is the mantra of the right, its weapon in the new culture war. The 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. To the right, free speech means an entitlement to express 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 several states 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 students' right of free speech. Professors, in this view, have the right to regulate speech, provided that they do so in a "viewpoint- and content-neutral" manner. 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 18-year-olds." The National Association of Scholars has proposed new ways to evaluate the "academic elite." Among its recommendations is the elimination of peer review and its replacement by experts "who are of genuinely independent minds." It's hard not to see in these recommendations a more veiled version of the political-party test proposed in Iowa.

There's a kind of blood lust evident in those charges, an attempt to rein in serious intellectual work, critical thinking, scientific inquiry. I don't want to deny the existence of real problems on our campuses: the moralism that is apparent in some courses and some student activism, the calls for trigger warnings, the insistence on the authority of their experiences by those whose minority status has silenced or marginalized them, and who look to "safe spaces" as a way to gain traction in an otherwise hostile or neglectful environment or erupt in protests that are sometimes ill-considered violations of the rights they need to respect and protect. But none of that explains 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. We keep asking questions, they already have their answers. We have to be silenced if they are to enjoy their power to its fullest — because that power depends on reversing advances in equality and undermining the institutions of democracy: the Constitution, the citizenry, the courts, and the schools. Those are the institutions that, arguably, provide the ground rules for the conflict and diversity that are the permanent condition of the republic.

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. 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 rein in the aggressive, unfettered sexuality that is the mark of manly power.

Intellectuals, liberals, and progressives (the terms are often taken to be synonymous) are portrayed as the enemies of freedom. "Inside every progressive is a totalitarian screaming to get out," warns David Horowitz, who has been on the front lines of the anti-intellectual movement for years. The strategy of the extreme right these days is to provoke situations that can be used to demonstrate Horowitz's claim. By collapsing the distinction between free speech and academic freedom, the right denies the authority of knowledge and of the professor who purveys it.

Danielle Allen, a university professor at Harvard, fell right into their trap when she compared Charles Murray's experience at Middlebury College in March with that of the Little Rock Nine, the black high-school students in Arkansas who had to be protected from violent crowds by the National Guard as they sought to integrate Central High School in 1957. In a column for *The Washington Post*, Allen rendered the proponent of racist false science as a 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."

What happened at Middlebury was not about "the intellectual life of democracies" — that goes on in classrooms and forums where tests of truth and evidence apply. It *was* about the violation of an individual's right of free speech, in which no such standards are applied.

The confusion between these two — between academic freedom and free speech — is also evident in the statement issued by the unlikely duo of Cornel West and Robert P. George. Insisting on the importance of respecting free speech, they concede what should be refused: the conflation between an 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 debates about discrimination, equality, and justice, as well as about what counts as scientific evidence and about the validity of certain forms of political protest. 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 distinctions as to quality; academic freedom does. Are all opinions equally valid in a university classroom? Are professors being "ideological" when they refuse to accept the Bible 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? Is the exchange of ideas really impeded by passionate debate, even angry exclamations? Should 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? Does "all lives matter" carry the same critical commentary as "black lives matter?" What does it mean historically for those groups marginalized by or excluded from majority conversations and institutions to protest their treatment?

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 protesters 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 the reaction to student protest and the more general defamation of the life of the mind that takes aim at faculty members, 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 academe that was at once immune to powerful economic and political interests and also 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." Scientific and social progress depended on the nonconformity that is 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."

The century-old notion of academic freedom insists on the expertise of scholars and the importance of that expertise for advancing "the common good." That principle is full of so-called elitist implications. It views the faculty as capable of inspiring, inculcating, and judging students' mastery of subjects being taught. Students' free speech is appropriately limited in the 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 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 by consensus. But that is what makes it the preparation required for the exercise — inside and outside the classroom — of free speech. Academic freedom — the right of professors to teach as they choose, without outside interference — is the key to the exercise of free speech: not as an expression of the unruly id, but as a 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 right 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.

That 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.

This is the result of the introduction into university management of a corporate mentality — one that defines students as clients (paying customers) and that measures the value of a university education in terms of the salary earned upon graduation by its students. Administrators increasingly turn to risk consultants to figure out how to avoid the costs of legal challenges from disaffected "customers"; they bow to the demands of donors with political agendas (for example, the enormous power of donors who support Israel's current policies and seek to prevent any criticism of them); and they accommodate (by necessity) state and federal laws that may violate their mission.

Consider the warning to University of Houston faculty members in 2015, after the passage of a law permitting concealed weapons on campus. If a class discussion threatened to become heated, new guidelines suggested, it might be better to change the subject, to "not go there." The problem is also evident in the tendency of administrators to punish the extramural speech of left-wing faculty members when it is attacked by right-wing bloggers. Students learn that the free expression of ideas is not always protected; indeed, that silence is a wiser choice. The university as a place for critical thinking, for difficult dialogue and frank, open debate, has been damaged.

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 the bad guys, while Milo Yiannopoulos or Richard Spencer bask in their First Amendment martyrdom.

It's unfashionable to look to the past for answers to the present; unrealistic not to accept the corporate neoliberal university as a fait accompli. But there is value in conserving the principles that inaugurated our democracy and that informed the founding missions of the colleges and universities of this country. If the production of knowledge was understood to be vital to the progress of the nation, 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." 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, the common good — are worth reasserting, despite their corruption and neglect. The university was once considered the crucible of those values; its mission has been diminished over the course of the past 20 or 30 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.

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