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*On U.S.  
Campuses,*

# FREE INQUIRY IS TAKING A BEATING

**C**olleges are the second-favorite charitable cause in the U.S. (after religious organizations). So donors have major opportunities to influence what happens in higher education.

*In a freewheeling session at The Philanthropy Roundtable's 2016 November annual meeting, two of the most piercing observers of college life today—Jonathan Haidt and Greg Lukianoff—updated attendees on the latest trends on campus. They discussed the new threats to open inquiry and intellectual freedom at colleges and universities, and the sources of the latest violations of independent thought.*

*They also talked about solutions—and the power of private givers to promote intellectual diversity, free expression, and competition of ideas within the institutions educating the next generation of Americans.*

*Jonathan Haidt is a social psychologist at New York University and author of *The Righteous Mind: Why Good People**

Donors may be the best hope  
for making colleges  
less one-sided and censorious

*are Divided by Politics and Religion. Greg Lukianoff is a constitutional lawyer and president and CEO of the Foundation for Individual Rights in Education (FIRE).*

## **GREG LUKIANOFF**

Freedom of expression is under serious threat on campuses, and has been for some time. You may have heard of the phenomenon of free speech zones at colleges. These are tiny areas, such as a 20-foot-wide gazebo, which students are told are the only places they can exercise their free speech rights. About a fifth of universities maintain such restrictions.

Take one of California's public universities where we recently became involved—Cal Poly Pomona. We sued to protect a student who was not only told that he had to get permission two weeks in

advance to use the campus free speech zone, but also that he had to wear a badge saying that he'd been granted the right to engage in free speech at Cal Poly Pomona.

Then there are the speech codes that now exist on most campuses. We rate them, at [thefire.org](http://thefire.org), using a green, yellow, or red light system. Red light colleges have codes that are very bad for free speech, yellow has some problematic codes, and we give green lights to schools that have no policies that threaten free speech. Sadly, very few universities earn green lights. Red light codes are generally laughably unconstitutional codes, and would be thrown out of any court if someone was willing to

*We represented a student who was told that he had to get advance permission to use the tiny campus "free speech zone," and wear a badge saying that he'd been granted the right to engage in free speech.*

invest time and money to challenge them. The code promulgated by the University of Connecticut, for instance, banned the use of "derogatory names, inconsiderate jokes, and inappropriately directed laughter." Be careful where you laugh. Though ruled unconstitutional, knockoffs popped up at other schools as well, most recently at Drexel University, where it took more legal intervention on behalf of students to get it suspended.

Why are college administrators trampling on free expression? One reason is federal overreach. The U.S. Department of Education under the Obama administration has made things much worse. It provided a new definition of harassment that is completely stripped of the safeguards the U.S. Supreme Court had earlier put in place to protect freedom of speech. Instead of a standard of harassment being a pattern of discriminatory behavior that is "severe, persistent, and pervasive," the Department of Education bureaucrats decided to define harassment as *any unwelcome verbal conduct or speech*. And the department explicitly got rid

of the longstanding "reasonable person" standard, meaning that anyone who subjectively experienced "unwelcome" speech has been harassed.

That opens the door to miscarriages of justice like the case of Laura Kipnis. A feminist professor at Northwestern University, she wrote an article for the *Chronicle of Higher Education* saying that Title IX has become too expansive and is patronizing to women. She mentioned (without names) a sexual harassment claim then underway at Northwestern. And for writing this article—engaging in free speech in the country's most popular higher-education journal—she was charged with violating Title IX and officially investigated.

She was not allowed to know who was accusing her or what the charges were. She was not allowed to write anything down in her hearing, or have a lawyer present. After a few months of inquisition, she decided to write about her Kafkaesque experience in the *Chronicle of Higher Education*. Only after this unwanted publicity did the university halt the investigation.

This problem is not limited to sexual harassment cases. In most jurisdictions, the federal proscribing of unwelcome speech is automatically expanded to other categories. At the University of Montana, for instance, the ban included unwelcome political opinions. If any speech you subjectively choose not to welcome counts as harassment, there is literally nothing that is safe to say on campuses.

One reason so many people are concerned about free speech on campus today is the rise of what Jon Haidt and I call "vindictive protectiveness." For most of my career, students who were minorities, poor, not the usual age, or otherwise untraditional were our best allies in protecting freedom of speech. But that's changed. Now we have this concept of microaggressions being used against minorities. For example, at UCLA and several other California public universities, microaggressions include statements like: "America is a land of opportunity," "America is a melting pot," and "I believe the most qualified person should get the job."

At the University of New Hampshire, administrators decided that "Arab" was an inherently offensive word, and that the politically correct terminology is "Western Asian, Northern African people." It reminds me of a moment on "The Office" when Michael Scott asked one of his employees, "How do you self-identify?" and Oscar says, "Well, I'm Mexican." And Michael Scott goes, "Ooooh, is there a less offensive way to refer to you?" Which is of

course the most offensive thing you could possibly say.

This past year, someone at Emory University wrote in chalk on a sidewalk, “Trump 2016.” Some students on campus responded that they feared for their physical safety as a result of this slogan written in chalk. The university president immediately said that whoever chalked the slogan would be punished. Thankfully after the national media noticed the overreaction the president quickly changed his tune and said he supported free speech.

Of course, controversies over things like Halloween costumes and speakers being blocked from presenting on campus have been problems for years. FIRE got involved in a Halloween-costume controversy back in 2010, when the director of public safety at Syracuse University announced that students wearing offensive costumes would be stopped and asked to disrobe.

Disinviting speakers from campuses in response to protests is a longstanding method of keeping conservatives off campuses. We keep a database of these disinvitation attempts at FIRE. But around 2014, prominent liberals like IMF director Christine Lagarde and Cal Berkeley chancellor Robert Birgeneau also began to be blocked for alleged violations of liberal orthodoxy. That got more people thinking. Are we actually at the point where people who are considered political or intellectual blasphemers are not allowed on campus? That’s terrible for the marketplace of ideas.

There’s something called pluralistic ignorance, where essentially everyone thinks that everybody agrees on certain issues, but when you survey people individually, it actually turns out that the group is more intellectually diverse. But the illusion makes people feel they have to conform. We’re having a breakdown in production of interesting new ideas today, partially because of this perception that 99 percent of people agree, so I better not go beyond the pale and be controversial.



A concerted effort to sanitize the public sphere has resulted in a situation where people are only talking to folks who they already agree with. We’re polarizing, and becoming more certain of what we believe, without good reason. And this can lead to isolation of different groups, because people are afraid to talk across lines of difference.

Sometimes critics will say I’m just protecting hate speech. It’s easy to overwhelm this with counterexamples. One of the best known cases in FIRE history is from Indiana University-Purdue University Indianapolis, where a student was accused of racial harassment because he was reading a book called *Notre Dame vs. the Klan*. Even though the book was about a KKK march on Notre Dame that was thwarted, he was chastised because the book had the word “Klan” on the cover, which made some people uncomfortable.

These kinds of cases are one reason we're now getting more professors coming to us at FIRE. They are scared of their students right now. They realize how easy it has become to say the "wrong" thing.

Students and professors were asked in a 2010 study if they think it's safe to hold unpopular points of view on campus. Only about 17 percent of professors strongly agreed with the statement that it is safe to hold unpopular views on campus. Researchers discovered that the longer students are on campus, the more they fear openly expressing themselves, and the more they censor themselves. And that information was collected back in 2010—a comparative golden age for free speech on campus.

One of the most recent campus surveys I know of was conducted at Yale. It asked students, "Is Yale a welcoming environment for conservative opinions?" Three quarters of all students said no, it is not.

#### JONATHAN HAIDT

I'll add a story from this week to Greg's pile. At many top schools in America, the president felt obligated to send out a letter about the national election. Some letters were partisan—explicitly stating that a trauma or tragedy has just happened. Others tried not to be clearly identified as being on one side.

The president of UVA did what presidents of UVA always do, which is quote Thomas Jefferson. He has words of wisdom about everything. So Teresa Sullivan quoted Jefferson's confidence in the ability of young Americans to deal with complex and difficult challenges. And what happens? Four hundred faculty members and students write a letter asking her to stop quoting Jefferson. The inclusion of Jefferson quotations undermines any message of unity, equality, and civility, they said, because Jefferson owned slaves.

Telling the president of UVA to stop quoting Jefferson would have been unimaginable until a year or two ago.

There are increasingly two visions of the purpose of a university. One holds that the point of a university is to understand the world. I believe American universities rose to the top, globally, because they instantiated John Stuart Mill's insight that "He who knows only his own side of the case knows little of that." We don't really absorb something deeply until we are challenged. People point out things we didn't think of, and we have to defend our arguments. Criticism makes us all wiser. The university is an institution in which the way we engage with each other brings us closer to truth.

There's another view, though, captured in a currently popular saying

that paraphrases Karl Marx: "The point is not merely to understand the world, but to change it." This is a very different way of thinking about what a university is up to. When I arrived at Yale in 1981, *veritas* was written in stone above Phelps Gate. We were told, "This is an institution committed to truth." But since the 1990s, increasing numbers of universities seem to be chiseling out "truth" and inserting "change." And not just any kind of change, but social justice in particular.

The aims of social justice are laudable. But when any goal becomes a passionate goal shared by a group, it is likely to interfere with the pursuit of truth.

There is a basic finding in social psychology called motivated reasoning. If I want to believe proposition X, I search for supporting evidence. If



I find some, I can stop thinking. On the other hand, if there's something I don't want to believe, my inclination will be to search for disconfirming evidence. We're terrible at saying, "Reason: go out and bring back all the evidence on both sides, and then we'll weigh it up." That is very hard for most of us.

For example, in one classic study, students come into the psychology lab and are given an article that looks like it's from a scientific journal. It seems to show that caffeine consumption is associated with breast cancer. And then they're told, "Critique the article. Evaluate it. What do you think of the research?"

Who do you think finds lots of flaws in that research study? Coffee drinkers! But not just any coffee drinkers. Female coffee drinkers are the most critical. They are asking, "Must I believe it, and thus perhaps change my behavior in difficult ways?" And so they find lots of flaws with the study. Everybody else, facing no motivational threat, just says, "Oh, okay, I guess caffeine causes breast cancer. I didn't know that."

Scholars are the same as these students. All of us engage in motivated reasoning, and few of us believe we are biased. Is there an institutional fix for this? Yes there is: Make sure that people don't all share the same motivations and biases, then let them challenge each other.

That used to work for politically charged topics, but it doesn't anymore—because campuses have become far more homogeneous since the 1990s. As recently as 1995, around 40 percent of faculty identified on the left, and around 20 percent on the right. Two to one, across the entire university, although it was higher in the humanities and social sciences. But even three or four to one is okay with me; that's enough to be pretty confident that somebody in the room holds a contrary bias.

But between 1996 and 2011, as the Greatest Generation left the stage and the Baby Boomers took over leadership, the left-right ratio swelled to five to one, and in the humanities and social sciences it went far higher. In my field—psychology—it is now around 17 to one, according to a study

published in September. This has potentially existential implications for the universities. Can they still do their job when on some of the most important and hotly debated questions of our time, there is nobody on campus to challenge the dominant position?

This means that whatever views are politically orthodox among the professoriate are likely to be embraced by the students. Many of these views will be strongly held but only weakly supported—because, as Mill warned, people who never get challenged don't examine their views deeply, or learn to defend them when challenged.

Students are at risk of becoming intellectually fragile because their core beliefs have rarely been challenged. And that's why it's threatening if a speaker like Christina Hoff Sommers comes to campus, or, God forbid, Milo Yiannopoulos. For many students, it's not enough to just avoid such presentations. It's deeply threatening to them that such people are even allowed to speak.

In real life, children learn by falling down, scraping their knees, and getting back up. We can't learn to navigate complex arguments in social and intellectual

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life without sometimes falling. To develop and become strong intellectually, people need to be exposed to a great variety of ideas, including ideas that are wrong. They need to learn how to argue against things. If they're not exposed to a variety of ideas, they will find all new ideas threatening.

There's a widespread human desire to live in moral communities that cohere. We're moral creatures, and we want everything about our community to reflect our values. The genius of liberal societies is to say no to that—to say that there is room for a variety of values; we can and must find ways of living together despite our differences.

Group loyalty is a deep part of human nature; it's very valuable in war and sports, but it is destructive to reasoning. If scholars and scientists are expected to express group loyalty, then there are certain kinds of thinking that are betrayals. If a professor investigates questions that nobody wants investigated, that's a betrayal. If a professor finds



results that are unsettling, that's a betrayal. Some findings must not be published. Some ideas must be attacked rather than evaluated.

In the hope of counteracting this, a number of other professors and I created a site called Heterodox Academy. It's the opposite of the Orthodox Academy. We're from all over the place politically, but we all agree we need more viewpoint diversity on campus. We started with 25 professors, and now have over 300.

The project I'm most excited about is what we call the Heterodox Academy Viewpoint Diversity Reading List.

Recently we came out with the first edition of the Heterodox Academy Guide to Colleges. If you're sending your kids to school, you probably consulted the *U.S. News* list of colleges, where you can read summaries of class size, endowments, those kinds of things. If you want your kid exposed to a diversity of ideas, you can go to [HeterodoxAcademy.org](http://HeterodoxAcademy.org) to find out where to send him or her. We rank the top 150 schools. We take the rating from FIRE on speech codes, the Intercollegiate Studies Institute's rating on how welcoming places are to conservatives. We look at news events that indicate an openness to debate, versus a commitment to orthodoxy.

Thanks to the work of Greg and his colleagues at FIRE, the trend on speech codes is actually in the right direction. But when you look at the social norms and the moral views that are being enforced on campus, the trend is worrying. Four or five years ago, almost nobody had heard of a microaggression or a trigger warning.

But then they started spreading. It was only in late 2015 when most of the country was exposed to these concepts, after the wave of campus protests. The underlying trends, though, have been building for years. The gradual political purification of the faculty. The rising polarization of the country. People hating the other side far more than they did 10 or 20 years ago. Social media bathing citizens in rivers of outrage.

The helicopter parenting that became the norm in the 1990s also has something to do with our problem. More than prior generations, many of today's college students were sheltered by parents and other adults from risks, challenges, and social jostling. They were always under adult supervision. Younger millennials were taught that the proper thing to do when someone says something that offends you is to call in an authority. This creates a state of moral dependency. Many young people didn't get enough practice in working things out for themselves.

That is not an environment conducive to free speech and open inquiry. If there is always the risk that things you say could trigger a complaint to a legal authority—perhaps even an anonymous complaint—then everyone begins walking on eggshells. Students, and even faculty, become less daring, less provocative, less honest. Education doesn't work if everyone is playing it safe.

#### **LUKIANOFF**

Tenure is supposed to protect professors and empower them to speak out. I've actually been really disappointed that very few professors have used their tenure protections to act boldly in defense of important principles on campus. Perhaps one reason is because in the past two years, even tenure hasn't been enough to protect the free speech rights of professors. Marquette University is in the process of firing a professor for writing a blog post about students who were told they couldn't debate same-sex marriage, because that would be "homophobic." The professor asked, how can it be forbidden at Marquette University, a Catholic institution, to discuss and debate ideas that are official positions of the Catholic

faith? He's currently fighting for his job. So even tenure won't necessarily protect professors against the censures of political correctness.

And then there's the reality that the vast majority of college instructors don't have tenure anyway. When I looked at this a couple of years ago, 79 percent of professors were not on a tenure track. They're adjuncts like me. And they are very worried about being fired over very small things.

A lot of times administrators won't even tell you why you weren't rehired. If you're in that situation and it's pretty clear that it relates to your speech, by all means contact FIRE. We do win those cases sometimes. But it's hard to fight back when the university won't even explain why you were let go, as is too often the case. I think there's cause for seeking some kind of solution to this. I'd like to see all professors, regardless of tenure, get seven-year contracts promising academic freedom and free speech.

There is another thing that could help lower the temperature. As I mentioned earlier, under President Obama, the U.S. Department of Education put heavy pressure on colleges to expand, ease, and encourage the filing of harassment complaints and litigation without normal protections of due process. This federal pressure has been an engine that makes everything crazier on campuses. Hopefully the Trump administration is going to recalibrate that.

I have no illusions that the activists I know in places like San Francisco and Stanford are going to become more moderate—quite the opposite. Many social justice activists are going to double down on these race and gender sensitivity issues. For them, the election results are a call to man the barricades.

#### HAIDT

I agree. Since passions drive reasoning for all of us, the 2016 presidential election results are going to push many people to extremes. There is going to be a lot more polarization. On campus, this will mean a lot more pressure on university presidents to implement policies that will further chill speech, such as hotlines encouraging students to report even a "microaggression," and "bias response teams," which are bureaucratic innovations that act as investigators, create a case number, contact the alleged perpetrator—leaving everyone tense and inclined to self-censor and speak only safe conventional banalities.

Alumni and donors can be extremely important in balancing other forces and encouraging colleges to

stand up for free inquiry. As far as I can tell, alumni are strongly against these movements toward "safety culture." Whether they are on the right or the left, the older generation believes strongly in free speech. If alumni would mention their concerns about these issues to college presidents, administrators, and development officers, and mention it often, I think it would go a long way toward addressing the problem. University presidents face strong political forces from many constituencies. They have a very difficult job to do. I don't envy them. But some of them might actually need some counterpressure before they can effectively stand up to the illiberal forces growing stronger on so many campuses.

#### LUKIANOFF

FIRE is very happy to help.

Some time ago we were contacted by a hundred-dollar donor to a major university. We kept his name confidential, but wrote to his university saying, "One of your donors doesn't like the fact that you have a red light from FIRE. You should make reforms."

The university freaked out. It got rid of all of its restrictive speech codes right away. Dumping your codes is not enough by itself, but it's a crucial step in the right direction.

We thought, "They must be assuming this is much more than a hundred-dollar donor we're talking about!" We weren't going to tell them that, of course.

I've watched many good results come out of even small-dollar donors writing an angry alumni e-mail. So speak up. Don't just hand over checks without checking to see if your alma mater is good on freedom of speech. **P**

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