

## Invigorating the Classroom

By Ernst Benjamin

In a lengthy two-part, online essay titled “Politicizing the Classroom,” Peter Wood, president of the National Association of Scholars, argues that the AAUP’s recent report *Ensuring Academic Freedom in Politically Controversial Academic Personnel Decisions* is an effort to politicize the university.<sup>1</sup> He advocates, as if it were an alternative, that the university focus on improving the quality of student learning. I disagree with his critique, and particularly his contrived assumption that advocacy and learning are contradictory.

After all, the arguments he puts forth, which certainly advocate his particular perspective, would be entirely appropriate in a course on higher education or professional ethics. As would be, I believe, the rejoinder that follows. We publish our reports for comment because we

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<sup>1</sup> Wood, Peter. 2011. “Politicizing the Classroom: Part One.” *Chronicle of Higher Education*, February 22. <http://chronicle.com/blogs/innovations/politicizing-the-classroom-part-one/28657>. Accessed April 22, 2011.

understand that debate may serve to clarify our respective points of view, improve our mutual understanding, and assist help readers or students to improve on both of us and formulate their own conclusions. That is why the freedom to advocate and debate diverse views invigorates the classroom and is as integral to the university as are dispassionate discourse and analysis.

Nonetheless, the fundamental AAUP principle on which Wood and I agree is too important to overlook on the way to engaging in the mixed pleasures of intellectual combat: "All academic personnel decisions, including new appointments and renewals of appointments, should rest on considerations that demonstrably pertain to the effective performance of the academic's professional responsibilities."

We may be able to further resolve our disagreements if I emphasize what had seemed to me quite obvious. The AAUP statement plainly recommends that faculty members be evaluated on the basis of the quality of their professional work as actually manifest in their teaching, scholarship, and service. There is no necessary link between specific political or social views, collegiality, or advocacy, on the one hand, and the quality of research, instruction, or service, on the other.

Faculty members who do poor teaching, bad research, or inadequate service, whether or not it stems from their views or advocacy or lack of collegiality, can and should receive negative evaluations based on the evidence of their unsatisfactory professional performance.

But who is to do the evaluation? From its inception in 1915, the AAUP has urged that faculty members are best qualified to conduct the evaluation of their colleagues. We have, however, long since accommodated student teaching evaluation and we have always accepted, as we do in the report, that the academic administration and the governing board have the last word in contested cases except where a board agrees in a collective bargaining agreement to accept binding arbitration. What we opposed from the beginning was the direct intervention of the public into the evaluation process.

Note, we did not and do not challenge anyone's right to criticize a university or its faculty members. What we urge is that these external critiques not intrude directly in the careful

evaluation of faculty professional conduct by their academic peers through orderly, established procedures.

We do so primarily because we believe that other teachers and scholars are best prepared to conduct an informed professional evaluation. We also believe that academics are best qualified to distinguish the politicized critiques that Wood himself rejects, at least when they are internal to the university, from valid professional critiques. Where, however, faculty peers fail to act professionally, the academic administration may properly overrule the faculty recommendation, as it may in other cases of discrimination.

The authors of our 1915 *Declaration*, whom we quote frequently in the report, placed this issue at the center of their statement. It was they who stressed (in defense of conservative ideas under attack by radical populists) “the dangers connected with the existence in a democracy of an overwhelming and concentrated public opinion” (1915 *Declaration*, 297). Anyone familiar with political thought knows that this statement echoes James Madison, Alexis de Tocqueville, and John Stuart Mill.

Yet Wood chooses this issue on which to unleash the sort of rhetoric that he criticizes: He suggests that the AAUP seeks to defend the “liberal” (his evaluative term) university from the “ignorant mob” (his hyperbolic term).

In the report we were careful to cite the 1915 *Declaration*’s defense of the university not only as an “intellectual experiment station” but equally as “the conservator of all genuine elements of value in the past life and thought of mankind which are not in the fashion of the moment.” My draft labeled these two contributions of the university as “liberal” and “conservative” but my colleagues demurred. Not unreasonably, since conservatives also support research, and liberals, who include after all a great proportion of university historians and English professors, may certainly value the past. But perhaps we needed to spell it out, in however qualified a manner, if only to avoid unnecessary diversions.

The authors of the *Declaration* made a further argument that goes to the heart of our disagreement: “Classroom . . . utterances ought always to be considered privileged

communications. Utterances in the classroom ought not to be supposed to be utterances for the public at large. They are often designed to provoke opposition or arouse debate” (299).

This reminds me of a statement by Eugene Genovese, a prominent member of the National Association of Scholars. In his attack on political correctness, Professor Genovese wrote: “Any professor who, subject to the restraints of common sense and common decency, does not seize every opportunity to offend the sensibilities of his students is insulting and cheating them, and is no college professor at all.”<sup>2</sup>

This is too sweeping a statement, of course, since many effective teachers and good students prefer a more dispassionate approach. But the essential point is that, though pedagogies and learning modes vary, both adversarial and dispassionate approaches are legitimately and effectively employed in innumerable classrooms.

Genovese’s statement reminded me to wonder what has happened to the conservative critique of political correctness. Responding to our assertion that expression of value judgments in the classroom should not be the basis of professional evaluation, Wood writes: “Are we to suppose that the AAUP would be happy to apply this principle to those whose ‘value judgments’ are in character racist, anti-Semitic, or misogynist and who express these views openly in class?”

Happy, no. But we do defend such disagreeable speech. Our 1994 *Statement on Freedom of Expression and Campus Speech Codes* declares: “An institution of higher learning fails to fulfill its mission if it asserts the power to proscribe ideas—and racial or ethnic slurs, sexist epithets, or homophobic insults, almost always express ideas, however repugnant.”

This is not a license for abuse. Students have a right to respond or protest, to drop the course, to write highly negative evaluations, or in the case of genuine harassment to file and pursue complaints. Colleagues engaged in the evaluation of the faculty member need to take these student responses into account and weigh their merits. Where there is found to be a

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<sup>2</sup> Genovese, Eugene G. 1992. “Heresy Yes—Sensitivity No.” In *Beyond P.C.*, edited by Patricia Aufderheide (St. Paul, MN: Graywolf), 230–32.

pattern of poor evaluations or student dropouts, or evidence of harassment, negative professional evaluations appropriately follow.

But the use of ugly words, epithets, or slurs is not in itself an appropriate ground for negative sanctions because it so easily leads to objections to teaching *Huckleberry Finn*, *The Merchant of Venice*, or *The Taming of the Shrew*, not to mention many recent essays and works of literature. Similarly, if as Wood notes, a teacher mumbles, is incoherent, rants, or otherwise fails to communicate effectively, students and colleagues may and probably will negatively evaluate the quality of instruction, based not on the manner but on the consequent ineffective instruction.

Speaking very softly sometimes gets more attention than speaking very loudly. The issue, once again, is not the manner of expression in itself, but whether it is, or is not, in specific instances, effective in promoting student learning.

Perhaps our most troubling disagreement relates to the concept of political intrusion. Wood insists that despite our statements to the contrary, we are really only concerned with external attacks and not internal suppression. He acknowledges that we mention several times that political intrusion may occur entirely within the university, but he argues that the idea “is merely glanced at.” In fact, it is definitional.

The second sentence of the first paragraph in section 2, in which we define political intrusion, reads: “Even though political intrusion involves differences of opinion regarding extra-university societal controversies, it may nonetheless arise from within as well as from without the university, and with little public notice.” We then warn against both self-censorship and politicized collegial evaluation. Here we warn, as Wood notes, that negative personnel decisions “by liberal academics [with regard] to a conservative academic, or the reverse if based upon disagreement with the applicant’s views[,] . . . constitutes political intrusion.” In this definitional paragraph, we actually spend more words on internal political intrusion than external political intrusion.

Wood tries to bolster his argument with an out-of-context quotation of our statement that “this report on politically controversial decisions focuses only on those academic disputes involving the intrusion of *external* political, social, or economic concerns” (his emphasis). But, this is a statement about the nature of the concerns, not the sources of political intrusion. It follows a sentence that reads: “The distinction between routine professional disagreements within the academic disciplines and larger social or political differences is sometimes difficult to make.” Then, to complete the context, following the sentence cited by Wood, we wrote: “Thus this report does not address disagreements over university funding or support for particular academic programs”(8).

Lest there be any remaining doubt, I’ll say it again: Politically based criticism of faculty views is legitimate whether it arises in or out of the university; but politically based evaluation of faculty professional performance is wrong regardless of whether it arises in or out of the university. So, contrary to Wood’s assertion that a supposed double standard is the “central folly” of the report, there simply is no double standard expressed or intended.

Nor is there, as he implies through the citation of various specific cases, a double standard based on political views. As the report notes, the AAUP defended professor Michael Levin, whose university accused him of denigrating the intelligence of African Americans, and it gave similar support to Linda Gottfredson when her university tried to prevent her from receiving a grant from the allegedly racist Pioneer Fund. Both cases also rebut Wood’s assertion, discussed above, that the AAUP shies away from faculty members accused of racism.

Nor would we deny the right of a faculty member or a student such as Julea Ward to express allegedly homophobic beliefs. Although we strongly support student academic freedom and coauthored the widely accepted statement on student rights, we do not undertake to assist or represent individual students. So I will focus only on the example of Kenneth Howell.

In order to find fault with AAUP President Cary Nelson’s express support for the reinstatement of Kenneth Howell, who was accused of homophobia, Wood complains that Nelson acted on the “mistaken assumption” that Howell advocated his views when he was

“just teaching his subject.” One might have supposed that the AAUP’s defense of a faculty member accused of advocating homophobic views would show greater evenhandedness rather than less, but Wood is intent on advocating against advocacy.

Unfortunately for his argument, the Catholic website *Sancte Pater* (2010) contains the following exchange:

Howell said he was presenting the idea that the Catholic moral teachings are based on natural moral law, and the Catholic understanding of what that means.

“My responsibility on teaching a class on Catholicism is to teach what the Catholic Church teaches,” Howell said. “I have always made it very, very clear to my students they are never required to believe what I’m teaching and they’ll never be judged on that.”

He also said he’s open with students about his own beliefs.

“I tell my students I am a practicing Catholic, so I believe the things I’m teaching,” he said. “*It’s not a violation of academic freedom to advocate a position, if one does it as an appeal on rational grounds and it’s pertinent to the subject*” [my emphasis].

Cary Nelson, . . . president of the American Association of University Professors, agreed. He said while many professors choose not to share their beliefs with students, they are free to do so and to advocate for a particular position.

“We think there is great value in faculty members arguing in a well-articulated way,” Nelson said. “What you absolutely cannot do is require students to share your opinions. You have to offer students the opportunity to freely disagree, and there can be no penalty for disagreeing.”<sup>3</sup>

Well said, Professors Howell and Nelson. We will continue to defend the right of the self-declared classroom advocate Howell to express views with which we strongly disagree. Will Peter Wood?

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<sup>3</sup> *Sancte Pater*. 2010. “Instructor of Catholicism (Kenneth Howell) at the University of Illinois Claims Loss of Job Violates Academic Freedom.” *Sancte Pater*, July 9. <http://www.sanctepater.com/2010/07/instructor-of-catholicism-kenneth.html>. Accessed April 22, 2011.

Wood also charges mistakenly that our report supports Ward Churchill and ignores John Yoo. Wood further complains that Nelson only defended Yoo's right to due process but not his right to express his particular values. It is correct that the report mentions Churchill by name and not Yoo. But, although the excellent defense of Yoo by his dean relieved us of the need to rise to his defense, it is not true that we ignored him or that we failed to refer to the substance of his views.

Of who else's values would we have been thinking when we transposed the charges against Yoo from a governmental setting to an academic essay to provide a more relevant and challenging example and wrote: "It is a matter of professional judgment, however, whether a passionate defense, a denunciation, or a dispassionate critique is the appropriate mode of expression, for example, when writing about the use of torture against suspected terrorists" (36).

Going beyond the allegations against Yoo, would the AAUP defend the right of a scholar or even a classroom instructor to advocate the use of torture in the interests of national security? How could we not? Not because we agree with the argument. I certainly doubt it on grounds of law, political prudence, and morality. But we defend the right of a scholar to make it because it is a serious argument that also can claim to be grounded in law, prudence, and morality.

The government's use of torture plainly raises complex ethical and political concerns, pertinent to many courses, about which students should be encouraged to study, reflect, and learn. I believe that forceful expression of views on such contentious issues can, and often does, stimulate student interest and learning as long as students are free to form and express their own views as well.

Ward Churchill, who, unlike John Yoo, was dismissed and not merely "disciplined," as Wood would have it, presents a more complex example. Concerns about the quality of the procedures employed in his case strongly influenced many committee members in their selection of potential procedural pitfalls to consider in the report.



His case directed our attention to the importance of faculty members' not being stampeded into support of dismissal hearings for controversial academics. It influenced our emphasis on the need for procedures to ensure that hearing panels can exclude biased members. It led us to consider ways to ensure the necessary academic expertise in hearings for academic misconduct as well as those for academic inadequacy. It increased our concern that administrations respect the recommendations of the faculty in politically controversial cases and overturn them only on the basis of compelling written reasons.

Yet Wood ignores the dog that didn't bark. The AAUP neither authorized an investigation nor voted to censure the University of Colorado for its dismissal of Churchill. It's sometimes more difficult to explain our inaction than our action, but in this case the principle reason is that, despite the various weaknesses in the sequence of faculty hearings in the matter, we respected the decision of these faculty committees much as we urge administrations to do.

Further, despite our concerns and the fact that many of our members and leaders did urge us to intervene, we as an organization did not believe, nor did I personally feel when I stepped in as interim general secretary and had the authority to intervene, that we had sufficiently compelling grounds to reject the faculty findings.

On the same basis I remain troubled that the University of Colorado dismissed Churchill despite the fact that the faculty committee charged with recommending appropriate sanctions did not recommend dismissal but suspension. In sum, the Churchill case, among others, did lead us to recommend greater care in politically controversial cases, but we did not conduct an investigation on his behalf and we did not censure the University of Colorado for its actions.

Nor do we have a principle that enables faculty to deselect new conservative appointees, as Wood suggests. Cary Nelson did express reluctance to appoint a "Holocaust denier." I didn't agree at the time, and neither does our report, but many quite understandably would. In any case, I should think that Wood and I can agree that there is no sound basis for linking Holocaust denials to a general principle about conservatives any more than about liberals.

More important, Nelson has voted to support our report, which once again states: “The fundamental principle is that *all* academic personnel decisions, *including new appointments* and renewal of appointments, should rest on considerations that demonstrably pertain to the effective performance of the academic’s professional responsibilities” (my emphasis of second phrase). This principle certainly precludes reliance on political criteria—pro or con—in making faculty appointments regardless of the great latitude generally afforded in hiring compared to renewal, promotion, tenure, and dismissal.

This standard would only permit consideration of the beliefs of a Holocaust denier if they reflected on their field of professional competence; that is such beliefs might well disqualify a modern European historian—who should know better. But, to refer to an actual and continuing example, Holocaust denial did not, in the AAUP’s view, disqualify an engineering professor from continuing to teach at a major university.

We have greater difficulty finding sufficient evidence to intervene in new appointment complaints, where we are limited by the fact that the burden of proof in hiring falls on the complainant. I had not been aware of the difficulties of Mark Moyar, and I do not know if he approached the Association, but to the extent that his case can be supported by adequate evidence I certainly agree that it comes within the protections we extend to faculty members regardless of their views.

In fields like history and English, however, the ratio of tenure-track positions to applicants is so daunting that gaining an appointment may be like winning the lottery; so such cases, regardless of political perspective, sometimes exceed our capacity to monitor as closely as we should. As a pertinent side note, I welcome Wood’s agreement that “we face a deterioration of the tenure system.”

We were, of course, aware of the widely publicized improper denial of a new appointment to the astronomer Martin Gaskell, though our discussion was somewhat complicated and delayed by the fact that he was considered for an administrative appointment. In previous cases affecting two different left-oriented administrative appointees, we have allowed the

administration greater leeway in the case of administrative appointees, who may be legitimately seen as representing the institution and whose administrative effectiveness may be impaired by their expression of their controversial political views.

Nonetheless, although the Gaskell case was resolved before we took action, in our internal discussions I wrote: "I don't find the specific allegations in this case thus far to be adequate grounds to reject a candidate. . . . If we're going to permit rejection of a candidate for their outspoken views we may as well drop the politically controversial report entirely." I also made the hardly controversial observation that "being an evangelical Christian is not in itself a proper bar to faculty appointments." I believe that both statements reliably represent the recommendations in our report.

Perhaps I can best clarify our basic differences with Wood if I begin with another statement on which we are agreed. Wood endorses our observation that "it makes no sense for an administration to discipline a faculty member for an off-campus statement that the faculty member could freely make on campus." If I may presume to say so, we may also agree that the observation is not entirely reversible. That is, with the qualification and clarification that follows, faculty members might well be subject to discipline for saying on campus something that they might say freely off-campus. The scope of the First Amendment is broader than the scope of academic freedom because academic freedom protects professional speech, and when faculty members speak within their area of professional competence they are expected to speak with professional competence and care.

The qualification is "within their area of professional competence." For the AAUP the distinction between intramural and extramural utterances is not geographical but substantive. That is why a modern historian is professionally responsible for promoting Holocaust denial, in or out of the university, where an engineer is not. Or why the engineer may be responsible for an erroneous statement about a bridge failure that a sociology professor may utter mistakenly but without penalty.

The clarification, which is where we are most likely to continue to disagree, concerns the term *professional care*. We do not believe that professionally careful speech is necessarily temperate or dispassionate. We do believe that professionally careful speech strives for accuracy and intellectual honesty. It also respects the rights of others to disagree; though it does not necessarily respect the substance of their opinions. I may have to tolerate Holocaust denial; I am neither required to respect it nor barred from vigorously condemning it.

If faculty members are not free to vigorously advocate their views, subject to standards of professional care, then we will have quietly returned to the age of McCarthyism. For, as Fritz Machlup observed in response to McCarthyism in a 1956 essay quoted in our report: if faculty members are sanctioned for what they write or say they “may no longer be able effectively to question and challenge accepted doctrines or effectively to defend challenged doctrines” (10).

A university in which faculty members are free to question, to challenge, and to defend, but never to impose, ideas and policies pertinent to their classes and professional expertise is not a politicized university; it is an intellectually vibrant university and the only sort of university worthy of the name.

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