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## "Academic Governance and Academic Freedom"

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I am grateful to Professor Michael Haines and the local chapter of the American Association of University Professors (AAUP) for organizing this event and to President Rebecca Chopp for inviting me to be with you today. We have been honored to have Rebecca as a member of the Board of Directors of the American Council of Learned Societies for the past two and a half years. Her wisdom and experience have been great assets to our deliberations, and we have especially valued her good humor. She seems to bear easily the burden of maintaining effective academic governance under conditions of academic freedom—a responsibility that is getting more difficult by the day.

What academic freedom requires of academic governance is my subject this afternoon. The question is, of course, neither abstract nor hypothetical. We find ourselves at a moment when the most newsworthy happenings in academia are not discoveries, publications, or student achievements, but controversy, invective, and tumult. Nor is this a novel subject. The tensions between faculty and administrators and between the academy and political leadership are such besetting conditions that they are easily parodied. Many of you may recall the opening paragraph of one chapter of Jane Smiley's novel *Moo*, which is set in a Midwestern state university. Entitled "The Common Wisdom," it begins:

It was well known among citizens of the state that the university had pots of money and there were highly paid faculty members in every department who had once taught Marxism and now taught something called deconstructionism which was only Marxism gone underground in preparation for emergence at a time of national weakness.

It was well known among the legislators that the faculty as a whole was determined to undermine the moral and commercial well-being of the state, and that supporting a large and nationally famous university with state monies was exactly analogous to raising a nest of vipers in your own bed.<sup>1</sup>

Smiley's ironic, world-weary tone fits her comic aim, but does not equip us for the challenges we now face. Controversies concerning Ward Churchill or Tariq Ramadan are but aspects of a set of broader changes afoot. I think it is no exaggeration to state that the charter under which higher education has operated in the U.S. with considerable autonomy is being renegotiated in

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1. Jane Smiley, *Moo* (New York: Fawcett Columbine, 1995), 19.

response to financial, demographic and political pressures. Time will not permit me to discuss the many ramifications of the changes afoot, but if you haven't yet attended to the current proceedings of the Commission on Higher Education appointed by Secretary of Education, Margaret Spellings, I suggest that you get up and Google. If you do, you will find unambiguous calls for stronger federal and public regulation and management of higher education designed to ensure that no undergraduate gets left behind.

Much of the Commission's discussion has focused on issues of the accountability of colleges and universities for cost and accessibility of higher education, subjects that surely deserve rigorous inquiry and vigorous discussion. But partisan politics are waiting in the wings, eager for their speaking role.

*The Chronicle of Higher Education* reported last week on a speech given by Senator Rick Santorum of Pennsylvania, the chairman of the Republican conference in that body. He, too, recited the conventional wisdom, telling a meeting of the National Association of Independent Colleges that "There is no question that the majority of Republicans believe that higher education is on the left. There is no question about that. We do, and it is." The senator quickly added: "We've been remarkably restrained, given that, in doing anything to sort of punish higher education for its ideology," he said, "we don't, and we haven't." Indeed, Senator Santorum has been a constructive actor on many educational issues, seeking, for example, to enact tax provisions that would allow increased support of higher education. But we must all be concerned if any of our national leaders feel that ideologically determined "punishment" should be the norm of government educational policy or of academic governance, a norm only occasionally modified by discretionary "restraint."<sup>2</sup>

The ideological governance of the academy is, of course, both the subject and, I would argue, the object of the agitation for "an academic bill of rights" led by David Horowitz, who has just published a book entitled *The Professors: the 101 Most Dangerous Academics in America*. It won't surprise you that the subject of his very first sentence is "Ward Churchill" and that he uses the "Churchill scandal," which in his telling stretches from Hamilton College to the University of Colorado, to exemplify the inability of colleges and universities to maintain standards. Mr. Horowitz finds much to object to in the records of the 101 scholars he has selected for national obloquy. But the extensive syllabus of errors and demons he presents to his readers is not his principal target. Rather, he is taking aim at the "secretive" and "conformist" system to which they owe their positions. That system is what you and I call peer review, the process that is the critical element of the appointment and promotion processes whereby faculty retain the primary role in the reproduction of the scholarly community. That is the system at the core of academic freedom and that, of course, is what an "academic bill of rights" seeks to undo.<sup>3</sup>

One striking feature about many of the current proposals from outside the academy demanding "diversity" and "balance" is that they are so fundamentally post-modern in their assumptions and

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2. Stephen Burd and Paul Fain, "Senator Says Congressional Republicans are 'Restrained' in Treatment of Colleges, Despite Left-Wing Bias," *The Chronicle of Higher Education*, Vol. 52, No.24, February 17, 2006, A35. February 10, 2006 <http://chronicle.com/weekly/v52/i24/24a03502.htm>.

3. David Horowitz, *The Professors: The 101 Most Dangerous Academics in America* (Washington: Regnery Publishing, Inc., 2006), 373.

proposed application. We are asked to be concerned that college and university faculty are more likely to be Democrats than Republicans, that liberals outnumber conservatives. The premise of the concern is that the teaching of history, literature, political science or sociology is not an independent variable, but is dependent upon the political predispositions of the instructor (an interesting but perhaps logical perversion of identity politics). “Answers to [controversial] questions are inherently subjective and opinion-based,” Horowitz writes.<sup>4</sup> That is, in his view, there is no discipline of history that is independent of political predispositions, all knowledge—at least in the humanities, social sciences and the professions—is politically constructed and personally contingent. We may laugh at the notion that “deconstruction” is just another name for Communism, but, as Nicholas Lemann, Dean of the School of Journalism at Columbia University, has written, Michel Foucault seems to have found a safe home on the political right.<sup>5</sup>

William F. Buckley once posed a characteristically provocative question: would you rather be ruled by the 2000 faculty members of Harvard University or by the first 2000 names in the Boston phonebook? Whatever your choice, I hope you will agree that the faculty of any university should govern itself and determine its composition, its productivity and the achievements of its students. I will not argue that political and academic discourses are wholly separate realms. They are linked, but one cannot be dependent on the other.

For the remainder of my talk I want to explore an alternative perspective, beginning with a brief review of the concept of academic freedom, the charter of scholarly self-governance. But, second, I want to stress that scholarly self-governance is not just a collective value, but also an individual requirement. It requires, that is, a governance of individual selves that we sometimes call civility. Civility has been a contested subject and I want to explore some of those contestations. Civil discourse in the academy has important implications for civic discourse. Moreover, civil discourse—a conversation that concedes provisional legitimacy to all its participants—is not just a necessity for our national self-governance, but for the development of a world in which strangers with sometimes radically different values are ineluctably engaged with each other.

## Academic Freedom

Jonathan Cole, the former provost of Columbia University and a specialist in the sociology of knowledge, has presented the threat to academic freedom in no uncertain terms: “A rising tide of anti-intellectualism and intolerance of university research and teaching that offends ideologues and today’s ruling prince is putting academic freedom—one of the core values of the university—under more sustained and subtle attack than at any time since the dark days of McCarthyism in the 1950s.”<sup>6</sup> And in a recent issue of *The Chronicle of Higher Education* Ellen Schrecker, who has written several books on those dark days and their aftermath, argues that it is even “Worse Than McCarthy.” Her article of that title points out that “today’s assault on the academy is more serious” than that of the McCarthy era, because “it reaches directly into the

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4. Horowitz xlv.

5. Nicholas Lemann, “On Balance,” *Columbia Journalism Review* (January/February 2006), February 10, 2006 <http://cjr.org/issues/2006/1/lemann.asp>.

6. Jonathan R. Cole, “The New McCarthyism,” *The Chronicle Review, Chronicle of Higher Education*, September 9, 2005, Vol. 52, No. 3, B7. September 23, 2005 <http://chronicle.com/weekly/v52/i03/03b00703.htm>.

classroom.”<sup>7</sup> If Professors Cole and Schrecker are even half-right, it behooves us to renew our knowledge of the principles of academic freedom.

I was a dean too long and involved with too many grievances and lawsuits to imagine that the application of the principles of academic freedom to specific cases is simple and straightforward. We would also deceive ourselves if we did not recognize its fragility and vulnerability. Although its roots lie in the early nineteenth-century German university’s affirmation of the dual freedoms—to teach and to learn—as a formal doctrine academic freedom is only a little more than a century old. The foundational statement on academic freedom, as you may know, is the 1915 “Report on Academic Freedom and Tenure” of the then fledgling American Association of University Professors. It reads in part:

The distinctive and important function [of professors] . . . is to deal at first hand, after prolonged and specialized technical training, with the sources of knowledge; and to impart the results of their own and of their fellow-specialists’ investigations and reflection, both to students and the general public, without fear or favor. . . The proper fulfillment of the work of the professoriate requires that our universities shall be so free that no fair-minded person shall find any excuse for even a suspicion that the utterances of university teachers are shaped or restricted by the judgment, not of professional scholars, but of inexpert and possibly not wholly disinterested persons outside their ranks.<sup>8</sup>

Note that this statement does not delineate an ambit for academic freedom that is larger than the freedom of speech compassed by the First Amendment. Indeed, its orbit is a smaller one. If all citizens have First Amendment rights, (in the AAUP’s argument) academic freedom pertains only to the faculty and derives from values that attach to the distinct professional role of the scholar. Academic freedom doesn’t grant professors the right to make libelous statements or to shout “Fire!” in a crowded theater, or protect them from sanctions should they choose to do so. What the statement does seek to secure is the specification of who can sit in judgment of the “utterances of university teachers,” and that role is limited to the community of university teachers themselves. The freedom it provides is only a freedom from the judgment of the professor’s ultimate employer: the administration, the trustees, and, ultimately, the public that supports the academic enterprise through either tax dollars or tax exemption.

Academic freedom, then, is a redefinition of an employment relationship rather than a defense of individual virtue. The seminal case of Edward A. Ross illustrates some of the problematics involved. Many of you probably know this history. Professor Ross helped found not just one, but two of the disciplines that are the building blocks of the university: sociology and economics. Although he had other opportunities, he succumbed to the blandishments of President David Starr Jordan to join the founding faculty of the new Leland Stanford Junior University in 1893. But when Ross became a pamphleteer in support of William Jennings

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7. Ellen Schrecker, “Worse Than McCarthy,” *The Chronicle of Higher Education*, February 10, 2006, B20. February 15, 2006 <http://chronicle.com/weekly/v52/i23/23b02001.htm>.

8. American Association of University Professors, “The 1915 Report on Academic Freedom and Tenure,” as excerpted in Thomas Haskell, “Justifying the Rights of Academic Freedom,” in *The Future of Academic Freedom*, Louis Menand, ed., (Chicago: U of Chicago Press, 1996), 58-9.

Bryan's 1896 presidential bid, Jane Lathrop Stanford, the university's paymaster and sole trustee, demanded his dismissal. President Jordan was able to deflect her demands for four years, until Ross made an inflammatory speech to a San Francisco labor gathering. When Ross was, as a consequence, dismissed, a number of his Stanford colleagues resigned in solidarity with him. The ensuing tumult led to the formation of the American Association of University Professors and its formulation of the principles of academic freedom and tenure.<sup>9</sup>

To see this as the case of the progressive scholar versus the plutocratic meddler is correct in one respect. But it is also worth noting that Mrs. Stanford objected to Ross's speech in part because of its racism and what we could call its incivility. The *San Francisco Chronicle* had quoted Ross as telling the labor leaders that "should the worst come to the worst, it would be better if we were to turn our guns upon every vessel bringing ['Asiatics'] to our shores rather than permit them to land."<sup>10</sup> Ross's views on black/white race relations were no more palatable: "The theory that races are virtually equal in capacity," he ranted, "leads to such monumental follies as lining the valleys of the South with the bones of half a million picked whites in order to improve the conditions of four million unpicked blacks." I present Ross's statements not as a charge against him—his views, in fact, changed over his lifetime, and he even served a term as president of the American Civil Liberties Union—but to make the point that academic freedom is not the defense of one point of view, whether politically correct or incorrect. Nor is it the defense of individual virtue or individual rights. It is, rather, a *corporate* freedom and a corporate obligation—the defense of the *collective* judgment of the academic community and its commitment to professional self-regulation according to disciplinary standards.

The stance of the academy, as Jonathan Cole has pointed out, is a "highly conservative" one, demanding "evidence before accepting novel challenges to existing theories."<sup>11</sup> Its standards are extraordinarily rigorous ones, exercised and reinforced through what Ellen Schrecker points out is "a dense web of institutions—departmental committees, faculty senates, disciplinary associations, scholarly journals, and so on" that, "while not entirely infallible," has worked "well enough to produce an educational establishment that is, at least at the moment, the best in the world."<sup>12</sup> Thus Lee Bollinger, President of Columbia and singled by controversies on his campus last year, has asserted: "universities . . . must stand firm in insisting that, when there are lines to be drawn, we must and will be the ones to do it. Not outside actors, not pressure groups, not the media. Ours is and must remain a system of self-government." That self-governance carries a corollary obligation: "There is review, it does have consequences, and it does consider content."<sup>13</sup>

What does the public gain in this deal? What is its interest in the intellectual autonomy of professors? Where is the public value in academic freedom? The case set out by the AAUP in 1915 provides at least one answer. It assumes that scholarly inquiry is best pursued in a

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9. Michael R. Hill, "Ross, Edward Alsworth," *American National Biography*, (NY: Oxford UP, 1999), Vol. 18, 908.

10. Mary O. Furner, *Advocacy and Objectivity: A Crisis in the Professionalization of American Social Science, 1865-1905*, (U of Kentucky Press, 1975), 236.

11. Jonathan R. Cole, "Academic Freedom under Fire," *Daedalus* 134:2 (2005), 13.

12. Schrecker, "Worse Than McCarthy."

13. "President Bollinger Delivers Cardozo Lecture on Academic Freedom," *Columbia News: The Homepage of the Public Affairs Office and Its Publication, The Record*. April 14, 2005  
[www.columbia.edu/cu/news/05/03/cardozo\\_lecture.html](http://www.columbia.edu/cu/news/05/03/cardozo_lecture.html).

nonproprietary environment, independent of outside interests. The best knowledge is that which is freely developed, in an atmosphere of unfettered and disinterested inquiry, and freely judged by disciplinary authorities. Having survived these rigorous tests, such advances will bring practical benefits to the public that has conceded intellectual autonomy to the community of the competent, the profession. Thus, as Robert Post has written, academic freedom is “the price the public must pay in return for the social good of advancing knowledge”<sup>14</sup> and will remain firm and enduring as long as that knowledge is deemed necessary and legitimated.

There is also, as Lee Bollinger argues, a political value—political in the highest sense—of insulating academic discourse from quotidian partisan politics. “There is far more at work within a university than simply the search for truth,” he notes. There is:

A significant additional function . . . of nurturing a very distinctive intellectual character . . . [O]f all the qualities of mind valued in the academic community I would say the most valued is that of having the imaginative range and the mental courage to take in, to explore, the full complexity of the subject. To set aside one’s pre-existing beliefs, to hold simultaneously in one’s mind multiple angles of seeing things, to actually allow yourself seemingly to believe another view as you consider it—these are the kinds of intellectual qualities that . . . suffuse the academic atmosphere at its best.

Here we can hear the echo of none other than John Cardinal Newman, who saw in the university “[t]he power of viewing many things at once as a whole, of referring them severally to their true place in the universal system, of understanding their respective values, and determining their mutual dependence.”<sup>15</sup> This is a world that, as Jonathan Cole has put it, “is designed to be unsettling . . . to challenge prevailing values, policies, beliefs, and institutions.”<sup>16</sup> Lee Bollinger goes on to draw an additional connection, between the intellectual culture nurtured in the university and the “particular intellectual and emotional attributes [that] are needed to make a successful democracy,” which include “the intellectual flexibility of the give-and-take of perpetual conflict over multiple desires and beliefs that characterize life in a democratic system of government.” That is, knowing “[w]hen to share and embrace other views, when to insist on your own; when to compromise and when to resist.”<sup>17</sup>

### **Academic Civility and Self Governance**

This brings us to the importance of civility as a cornerstone of academic self-governance. This, too, is an issue with a lineage. On the shelves of my office at ACLS is a volume entitled *Confrontation and Learned Societies*, commissioned in the wake of the disruption of the annual meeting of the Modern Language Association in 1968. The authors, eminent senior scholars all, seem astonished that “dissidents and activists have challenged many of the sacred traditions of

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14. Robert Post, “The Structure of Academic Freedom,” in Beshara Doumani, ed. *Academic Freedom After September 11* (New York: Zone Books, 2006). Draft ms, <http://www.yale.edu/ccr/post.doc>.

15. John Cardinal Newman, *The Idea of a University* (1853, 1858; New York: Doubleday and Co., 1962), 158. Quoted in Edward W. Said, “Identity, Authority, and Freedom,” in Menand, *The Future of Academic Freedom*.

16. Cole, “Academic Freedom Under Fire” 13.

17. Bollinger.

the scholarly community . . . [including] the standard of civility and even rational discourse in relationships among scholars.” Recognizing that the ensuing confrontations have raised “fundamental questions about the role of scholarship and science in a society like ours which is in a state of transition or perhaps even crisis,” they struggle to come to terms with the new world in which they find themselves. “Our deepest values,” they conclude, “may not be expressed in answers to the big questions but rather in our tolerance, our ability to question our own first principles, and above all, our respect for civility.”<sup>18</sup>

The 1990s saw another spike in the concern about academic civility, extended to a wider concern about the coarsening of public life and especially of public discourse. Campus speech codes, developed as an attempt to safeguard the collective life of colleges and universities, themselves became flashpoints: a rigidified and punitive civility demanded, it was alleged, by political correctness. Opinion leaders worried aloud why, as Rodney King so concisely put it, we can’t “all just get along?” President Clinton’s second inaugural address, soon overshadowed by the Lewinsky scandal, called for “the politics of reconciliation.” A 1996 article in *The Chronicle of Higher Education* posed the question: “Whatever Happened to Civility in Academe?”<sup>19</sup> A national “Forum on Civility” was formed by William Bennett and Sam Nunn. Political scientist Robert Putnam’s study of community action and social capital, *Bowling Alone*, seemed to warn of the serial social isolation of a nation of singletons rambling about the ruins of a once robust civil society. Law professor Stephen Carter’s volume, titled simply *Civility*, was a huge success in the trade press. Gertrude Himmelfarb announced that “We are in a culture war. And one of the first casualties of war is civility.”<sup>20</sup> (Her comment calls to mind comedian George Carlin’s query: “How can you have a *civil* war?”) And in his first Inaugural Address in 2001, President Bush promised a “new commitment to live out our nation’s promise through civility, courage, compassion and character.”

Civility is not just an “academic” question. Indeed, the issue comes to the fore precisely because of social transformations within the university, external pressures on our institutions and on academic discourse, and because academic discourse matters to the larger society. Out there, we have ever more discourse, and, it seems, ever less civility. Talk shows have become shouting matches. Even Jon Stewart of *The Daily Show* felt compelled to draw a line last year, startling the hosts of CNN’s *Crossfire* by pleading with them to “stop harming America” with prefabricated incivility.

*Crossfire*, however, was already well behind the outrage curve. In the April 2005 issue of *The Atlantic Monthly*, David Foster Wallace provided an interesting and careful study of the structure and dynamics of talk radio focusing on the Los Angeles station KFI, which promises its listeners “More Stimulating Talk Radio” and provides its owner with extremely profitable infotainment. One of the station’s hosts, Phil Hendrie, he writes, practices what Wallace calls “a cruel and complicated kind of meta-talk radio” that works as follows:

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18. John Voss and Paul L. Ward, eds., *Confrontation and Learned Societies*, (New York: NYU Press, 1970), viii, xi.

19. Courtney Leatherman, “Whatever Happened to Civility in Academe?” *The Chronicle of Higher Education*, March 8, 1996. September 10, 2005 <http://chronicle.com/prm/che-data/articles.dir/art-42.dir/issue-26.dir/26a00101.htm>.

20. Gertrude Himmelfarb, as quoted in Benjamin DeMott, “Seduced by Civility: Political Manners and the Crisis of Democratic Values,” *The Nation*, December 9, 1996, 14.

What happens every night on this program is that Phil Hendrie brings on some wildly offensive guest—a man who’s leaving his wife because she’s had a mastectomy, a Little League coach who advocates corporal punishment of players, a retired colonel who claims that females’ only proper place in the military is as domestics and concubines for officers—and first-time or casual listeners call in and argue with the guests and (not surprisingly) get very angry and upset. Except the whole thing’s a put on. The guests are fake, their different voices done by Hendrie . . . and the show’s real entertainment is the callers, who don’t know it’s all a gag—Hendrie’s real audience, which is in on the joke, enjoys hearing these callers get more and more outraged and sputtery as the ‘guests’ yank their chain.<sup>21</sup>

As Wallace notes, the format for this show, dependent as it is on a supply of gullible callers, suggests that it may soon outgrow one region and need to become a national phenomenon. Before it does, let us pause to consider its essential elements. Its object is outrage. Its method is fraud. It is not about the subject explicitly discussed—indeed, those subjects seem to be selected precisely because there is no authentic disagreement about them—but about the style and temperament of the discussants. The discussion is seemingly open, but really contains an in-group and an out-group: the regular listeners who are clued in and the wayward interlocutor.

This drama of invented, inverted invective may become a regular element of our civic discourse, but one could hardly call it civil discourse. But what is civil discourse in the academy, and what is its relationship to academic freedom and to civic discourse? Civility is important for many reasons, but most centrally because it partakes of and reinforces the same presuppositions that undergird academic freedom, a commitment to open, probing, respectful, regulated debate. In the brief time remaining to me, let me give an admittedly schematic sketch of the congruent points of these two practices and then circle back to our messy public square.

How do we define civility? Identifying cases of *incivility* is not very difficult. The AAUP has a rich file of them. At one university, for example, two professors get into an argument at a faculty meeting. One taunts the other with “Hit me,” and then stomps on the glasses of the other, who had removed them in order to fight. A male professor spits in the face of a female dean at another university. At yet another campus, a professor pours grease over the papers of a colleague, who retaliates by urinating on the first professor’s work.<sup>22</sup> But of course it is more complicated than that. Thinking of civility as mostly a matter of good manners and politeness can discomfit those who detect behind such injunctions an implicit reinforcement of social status and the inequalities therein.

Benjamin DeMott of Amherst College, for example, warned in *The Nation* that the civility trope was a strategy of the “leader-class” to mute “protest by Americans outside the ranks of the publicly articulate against the conduct of their presumed betters,” and that “[t]he ‘new incivility’

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21. David Foster Wallace, “Host,” *The Atlantic Monthly*, Vol. 295, No. 3, April 2005. September 10, 2005 <http://www.theatlantic.com/doc/200504>.

22. Leatherman, “Whatever Happened to Civility in Academe?”

needs to be recognized, in short, for what it is: a flat-out, justified rejection of the leader-class claims to respect, a demand that leader-class types start looking hard at themselves.”<sup>23</sup>

While DeMott’s focus was on broader civic discourse, the Berkeley anthropologist Laura Nader expressed a similar discontent in the context of the university. Writing in *The Chronicle of Higher Education*, she explains why she coined the term “coercive harmony” to describe a situation when dissenters are “silenced for the sake of civility,” and we pay the cost of “trading justice for harmony. . . . Academics,” she urges, “should not be party to establishing an ideology of consensus on our increasingly corporatized campuses. Instead, we have a duty to investigate the dangers of coercive harmony, and to expose repression when it poses as consensus.”<sup>24</sup>

These critiques bring into focus the pivotal question: Is one person’s civility another’s censorship? Do the injunctions of civility serve to stifle debate and inhibit new knowledge, or do they structure debate which can become the crucible of new knowledge? The answer, of course, is “yes,” they can do both. Victorian etiquette books outlined conversational strategies designed to avoid going into any controversy. Today, people may well “play the civility card,” as it were, in an attempt to rule out of court the evidence or arguments of opponents. It is just as certain, however, that a mutual commitment to civility is the very foundation of vigorous debate. Academic discourse is not mere sociability; its purpose is not just to exchange ideas, but to test them.

In 2002, reacting to campus tensions echoing conflicts in the Middle East, the president of the University of Chicago, Don Michael Randel, issued a statement on that University’s stance regarding civil discourse and debate, debate being an essential element of civil discourse. As President Randel put it:

We are a community, and this entails a decent respect for one another and even a degree of trust. No set of rules or codes of behavior can ever fully capture everything that respect and trust require. Maintaining this community is hard work, and each of us must assume some personal responsibility for it. In a world of increasing tensions and heated differences, we will sometimes be accused of bias or even rank prejudice for tolerating a wide spectrum of views. But the response to views that one finds distasteful is not in the first instance to attempt to suppress them but instead to answer them with the force of argument.<sup>25</sup>

Specifying civility as the acknowledgement of and requirement for participation in a community of inquiry suggests how it ought to work. Civil discourse implies respect for our interlocutors as fellows in our own community. The respect we pay to our fellows’ arguments is their contestation. We respect our fellows’ arguments not just for their content but for how they may dis-content us, for the opportunity to contest them and the mutual belief that the contestation is a value. The practice of academic civil discourse, then, acknowledges and instantiates a

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23. DeMott, “Seduced by Civility: Political Manners and the Crisis of Democratic Values,” 11, 12, 13.

24. Laura Nader, “Harmony Coerced is Freedom Denied,” *The Chronicle Review*, *The Chronicle of Higher Education*, B13, 13 July 2001. September 10, 2005 <http://chronicle.com/weekly/v47/i44/44b01301.htm>.

25. “Provost, President make clear University’s stance on civil discourse, debate,” *University of Chicago Chronicle*, November 21, 2002, Vol. 22, No. 5. September 10, 2005 <http://chronicle.uchicago.edu/021121/provost.shtml>.

community with a common purpose. And the existence of that community is the basic premise of academic freedom.

### **Civic Discourse**

Civility, then, is a precondition not just of academic freedom but of civic discourse itself. Here the value of the university as a community that embraces, at least in principle, the practice of intellectual wholeness and the ability to think beyond the interests and boundaries of the self is especially compelling. The forces propelling us in other directions are all too clear. It's far too easy for us to customize our cultural consumption to fit with and reinforce—and never to challenge—our intellectual commitments and political views. The proliferation and ideological segmentation of the news media accelerates each day. Technologies exist to refine our ideological preferences almost infinitely, as the common public square shrinks to the vanishing point.

Recall that Los Angeles talk-radio show I mentioned earlier, where commercial forces empowered by technology can create a simulacrum of a public discussion that is really the private exercise of already established views. Now, the university, by contrast, is a community exercise and testing ground of shared ambitions and standards. Civility is the working acknowledgement of that community; academic freedom is its charter as a community. If we demand an arena of academic freedom from the pressures of the wider society, then we must enact the community of judgment, a civil community that is the premise of academic freedom.

Dare we hope that our own civil discourse might provide a model for the wider civic discourse? A comment made last year during the Senate Foreign Relations Committee's consideration of the nomination of John Bolton to be U.S. ambassador to the United Nations brings to the fore the fragile state of our public square. The committee was moving toward what was expected to be a lock-step party-line vote on the confirmation of the nominee. Democrats asked for further hearings, arguing vehemently that, among other disqualifications, the nominee can be very uncivil when disagreed with. But the Republican committee chair seemed determined to call a vote when Republican Senator George Voinovich stated that he had heard what the Democrats had said and was himself not prepared to vote on the nomination. Senator Voinovich thus tipped the balance, and the committee adjourned to allow more investigation and hearings. The comment I want to call to your attention came from the astonished Senator Lincoln Chafee of Rhode Island: "I don't know if I've ever seen, in a setting like this, a senator changing his mind as a result of what other senators said."<sup>26</sup> Now, wouldn't you have thought that it was a basic function of the members of the "world's greatest deliberative body" to debate and reason together, even to the point of changing their minds? Not exactly, it would appear, and as someone to whom I told this story remarked, almost never.

Serial restatements of fixed positions have probably always been a basic mode of political debate. But one of the least attractive aspects of that debate today is that those positions seem prized not so much for what they say about the proponent, but for the negative definition of opponents that they imply. Nonetheless, the modeling of civil

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26. Matthew Davis, "Bolton vote delay a blow to Bush," BBC News. June 29, 2006  
<http://news.bbc.co.uk/2/hi/americas/4465527.stm>.

discourse—debate that is both genuine and civil—that does not foreclose but rather enables contention, conversation, and—occasionally—conversion is, I think, one aspect of the public value of academic freedom. It is how our own self-governance can contribute to democratic self-governance.

I want to conclude by suggesting that the searching yet civil discourse that we should strive to practice is vital not just to our own society, but is a precondition for living in the world today. The best support for that assertion can be found in the new book by Princeton philosopher Kwame Anthony Appiah, entitled *Cosmopolitanism: Ethics in a World of Strangers*.<sup>27</sup> Professor Appiah is concerned with what obligations we have to those whose culture, language, beliefs and values may seem significantly different from our own, but with whom we are connected ever more closely and consequentially by the plural phenomena we inadequately denote by the loose term “globalization.” Those obligations include, most basically, being aware that our actions as citizens and consumers have consequences for the well-being of individuals around the world. But attending to material concerns is just one obligation, Appiah writes. We also need to be concerned, to be affirmatively concerned, for what makes life meaningful: the culture, language, beliefs and values that may seem significantly different—even contradictory—to our own. The ethic of cosmopolitanism that he proposes charts a path between, on the one hand, a totalizing universalism that elides or eradicates difference and, on the other, a promiscuous relativism that denies any fixed values. “Cosmopolitans suppose that all cultures have enough overlap in their vocabulary of values to begin a conversation,” he writes. “But they don’t suppose, like some universalists, that we could all come to agreement if only we had the same vocabulary.”<sup>28</sup> Indeed, he notes that “[w]e enter every conversation—whether with neighbors or with strangers—without a promise of final agreement.”<sup>29</sup> He stresses the importance of what he calls “fallibilism, the sense that our knowledge is imperfect, provisional, subject to revision in the face of new evidence.”<sup>30</sup>

Academic freedom allows us and in fact requires us to be both cosmopolitan and fallible. Civility is our acknowledgement of fallibility. What we do, in very great part, is debate our naturally quite different views on the subjects to which we have dedicated our professional lives. The very power of these subjects is what brings passion to our work and to our discussions. In closing, let me invoke—one week before his birthday—our first President George Washington, who, you may be interested to know, at age 14 wrote down 110 “Rules of Civility and Decent Behavior in Company and Conversation,” based on a translated French text. His 58<sup>th</sup> rule of civility tells us: “Let your conversation be without malice or envy, for it is a sign of a tractable...nature; and in all cases of passion admit reason to govern.”<sup>31</sup> Reason may not always govern our passions, but malice will surely corrode them, in the academy and in the public. Thank you.

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27. Kwame Anthony Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (New York: W.W. Norton & Company, 2006).

28. Appiah 57.

29. Appiah 44.

30. Appiah 144

31. George Washington, *George Washington’s Rules of Civility & Decent Behavior in Company and Conversation*, (Boston: Applewood Books, 1988), 20.