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We gather at a time of enormous stress for colleges and universities across the country. It is a time of contentious debate on campuses—among students, among faculty, and within administrations. Some of these debates concern matters of national or global importance. Many are joined—even incited—by outside forces, from political pressure groups to the mainstream media to increasingly strident voices on the Web.

For those of us who inhabit the academic world, these can be troubling times. It is a time when a notion we all hold very dear—academic freedom—is invoked by people on opposite sides of any given debate, often by people who have very different ideas of what academic freedom means. Some even question the basic premises of academic freedom.

What is called for in times like these is a renewed understanding of what our principles are in theory and what they mean in practice. As always, we must also understand what purposes they serve, so we know what's ultimately at stake.

Academic Freedom goes to the heart of the university, to the rights and responsibilities of faculty and students, to the nature of teaching and scholarship. As such, it cannot be reduced to a soundbite or slogan, as some would have it, without jeopardizing our working grasp of the principle itself. In stressful times especially, we must make every effort to hold in our minds the complexity of what we say we believe. That is what I will endeavor to do this evening.

Let me begin, then, by surveying the climate in which our conversation takes place.

There is a deep sense of vulnerability in our universities. It is hard not to believe that the extraordinary action of Harvard's faculty of Arts and Sciences in taking a vote of no confidence and censuring its President, Larry Summers, will in time come to seem symbolic of larger societal issues, much larger than the immediate questions they well may have thought they were addressing. In the last national presidential election, many of our country's most distinguished scientists felt the singular need to enter the public arena and criticize the Bush administration for systematically choosing politics over science in various public policy settings where the norm had theretofore been scientific objectivity. Meanwhile, politically powerful conservative figures and groups (e.g., the National Association of Scholars) within the country regularly and publicly castigate our leading colleges and universities as bastions of outdated political liberalism, intolerant of diverse perspectives, committed to political ends under the mask of scholarship, living by a double standard of free speech for us but not for our opponents, and harboring extremists and especially anti-American extremists.

One notable manifestation of these attacks is a national group called Students for Academic Freedom (SAF), founded in 2003, by the conservative activist David Horowitz, with members on about 150 campuses. At the core of SAF's campaign is a so-called "academic bill of rights," written by Horowitz and peddled to legislators across the country. Among other things, the bill calls for "fostering a plurality of methodologies and perspectives" in the hiring process; creating "curricula and reading lists in the humanities and social sciences [that] reflect the uncertainty and unsettled character of all human knowledge in these areas by providing students with dissenting sources and viewpoints where appropriate"; and inviting speakers with different points of view to campus. Horowitz's agenda has gained traction in statehouses across the country: legislation enacting variations of the academic bill of rights is moving ahead in 19 states. A Republican congressman from Georgia introduced Horowitz's bill as a nonbinding resolution in the U.S. House of Representatives in 2003.

It is by no means a new phenomenon that an individual professor's public comments provoke a national political firestorm and, then, calls for the professor's dismissal (as we shall see). This is especially true in periods of perceived national emergency. We have that today, but seemingly augmented by the new forms of media and communications that have emerged in the last decade.

Take, for example, the controversy surrounding Ward Churchill's invitation to speak at Hamilton College in 2004. None of us could have anticipated the speed with which conservative activists around the country organized to stop him from speaking. What started with an op-ed in the Hamilton student newspaper rapidly snowballed into a national media campaign.

We experienced a version of this at Columbia in 2003, just as the United States was undertaking the invasion of Iraq. An assistant professor speaking at a public forum, called to protest the war, expressed the wish for "a million Mogadishus" in order to stop what he saw as America's colonializing hubris. This statement was seized by local and then national media, including the commentator Bill O'Reilly. In the week after the protest, I received over 20,000 emails and the phone lines in my office became inoperable. Nearly 140 lawmakers from the U.S. House of Representatives and from state legislatures wrote to me demanding that the faculty member be discharged. The professor had to be moved to an undisclosed new apartment because of threats. I and others expressed vehement objection with the professor's statements. But its rapid transformation into a national scandal is, I think, symptomatic of a kind of persecution that arises during wartime.

At this moment, Columbia is facing another, slightly different—but very difficult—challenge. A number of students, supported by some faculty, have asserted that certain professors in our department of Middle Eastern and Asian Languages and Cultures have taught courses on the Israeli-Palestinian controversy that are biased against Israel, Zionism, and Jews, and have intimidated students who try to express reasonable and alternative viewpoints on the subject. A few professors have also allegedly called Zionism--and the very existence of Israel as an avowedly Jewish state--"racist," and have urged the rest of the world to treat it as a "pariah state." Some groups outside the University and segments of the media have condemned the professors and the University for these actions and called for their dismissal. Some have gone so far as to depict Columbia as a "campus of hate," filled with anti-Semitism.

The University's policy with respect to two aspects of the controversy is clear and, I believe, right: We will not tolerate intimidation of students in the classroom for appropriately expressing reasonable and relevant points of

view. A faculty committee, advised by Floyd Abrams, is nearing the end of its review of any claims of intimidation. And we will not punish professors (or students) for the speech or ideas they express as part of public debate about public issues. I can also say with complete confidence that it is simply preposterous to characterize Columbia as anti-Semitic or as having a hostile climate for Jewish students and faculty. Columbia is deservedly proud of the strides it has taken over the years as a leading world center of Jewish studies and a place where everyone of whatever background, race, or religion can flourish.

These controversies raise important questions about the work of the modern university. In particular, what are the rights and responsibilities of professors to set and control the content of the classroom? (I am using “classroom” throughout as shorthand for the educational experience.) Is it within the prerogatives of the professor to teach a single perspective on the subject, perhaps reinforcing this choice with selective readings? Is there a line between academic inquiry and politicization of a course? If so, how is it set and who enforces it? Should we care whether an individual professor uses the classroom as a place of political advocacy, as long as elsewhere in the curriculum there are offerings by advocates for other sides of the same topic?

I do not intend my discussion of these questions, as they relate to academic freedom, to be merely one about “rights.” As with any “right” or freedom, we can only understand what academic freedom means when we also understand what we are striving to accomplish. So, I want to also talk about what we value and aspire to in the university and why that serves society—and justifies academic freedom in the first place. I believe we are neglecting a critically important function of universities—a function that arises out of the particular intellectual character nurtured within the modern university and beneficial to democratic society. It is what I would call the scholarly temperament.

Let me say, I am deeply, deeply proud of Columbia University, proud to be a member of the faculty, proud of the extraordinary students we have, and proud to serve as the president. I cannot imagine a community more committed to the life of the mind, in the best sense, and I see it in facets of the institution every single day. All that I have to say tonight about academic freedom and the ideals of the university constitute the stuff of daily life in this remarkable place. Thus, I approach the subject with a

confidence that, while, at certain moments we do not reach as close to the ideal as we would like, Columbia nevertheless approaches the ideal as much or more so than any institution I know.

Let's begin by examining the principle of academic freedom itself—its origins and its less-than-wholly-successful life in the real world.

## I

### **Academic Freedom**

The current, American conception of academic freedom can be traced to early 19th-century Germany. The founders of the University of Berlin adopted two basic principles upon its establishment in 1810: *Lehrfreiheit* (“freedom to teach”) and *Lernfreiheit* (“freedom to learn”). Professors had the right to research and teach according to their interests, and students had the right, free from administrative coercion, to choose their own course of study. (It is worth highlighting that in these origins the rights of students were encompassed by the idea of academic freedom, something I believe we need to integrate more into our contemporary thinking.)

In the late 19th century, American universities overwhelmingly adopted the German model. They established individual graduate schools, each dedicated to a specific field of knowledge. They also adopted the general principles of the “freedom to teach” and the “freedom to learn” – since, it was believed, in order for graduate students and faculty to break new intellectual ground, they had to possess the freedom of inquiry.

Historians trace the codification of academic freedom, meanwhile, to a series of conflicts in the late 1800s that pitted individual faculty members against university trustees and administrators.

The most famous was a case involving Edward A. Ross, a Stanford economist who made a series of speeches in support of the Democrat William Jennings Bryan in 1896. Jane Lathrop Stanford – widow of Leland Stanford, ardent Republican, and sole trustee of the university – was so outraged by Ross’ activism that she demanded his dismissal. The president of the university eventually acceded to her demands; Ross was forced to resign in 1900.

Ross' mistreatment at the hands of Stanford administrators became the basis for the charter document of the American Association of University Presidents, entitled the "Report on Academic Freedom and Tenure." Co-written in 1915 by Arthur Lovejoy, a Stanford philosopher who resigned over Ross' firing, and Edwin R.A. Seligman, a Columbia economist, the report sought to remove university trustees as arbiters of research and teaching, and to assert instead the authority of self-governing faculty members. The report stated:

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.

This notion – that faculty members, not external actors, should determine professional standards for the academy – remains, today, a powerful and widely accepted idea. It is the foundational principle of academic freedom.

It has not, however, gone untested. Indeed, the 20th century presented a flurry of challenges to academic freedom, especially in times of great national stress.

When the United States entered World War I in 1917, the nation's political leaders sought to enforce public support for the war effort. That year, Congress passed the Espionage Act, which prescribed a \$10,000 fine and 20 years' imprisonment for obstructing the draft or disclosing information about the nation's defenses. A year later, Congress passed the Sedition Act, which made it a federal offense to use "disloyal, profane, scurrilous, or abusive language" about the Constitution, the government, the flag, or the uniforms of the Army and Navy.

Such legislation, along with a widespread fear that new immigrants still harbored loyalty to their European homelands—particularly to Germany—gave rise to a brand of fanatical American nationalism. Citizens felt great pressure to publicly proclaim their allegiance to the United States. Submitting to loyalty oaths, participating in public rallies for the sale of bonds, and joining nationalistic societies became essential proofs of citizenship. Americans who chose not to flaunt their patriotism sometimes aroused mistrust.

The American university did not escape scrutiny. In fact, professors became particular targets of suspicion, since, as the historian Walter Metzger wrote in 1955, they were “by trade and usually by disposition somewhat more detached from mass obsessions.” Across the country, boards of trustees, community members, even fellow faculty members “harassed those college teachers whose passion for fighting the war was somewhat less flaming than their own.”

Perhaps the best-known invasion of academic freedom during the World War I era occurred at Columbia. In March 1917, the Board of Trustees adopted a resolution that essentially imposed a loyalty oath on the entire university. It read:

Resolved – The unqualified loyalty to the Government of the United States be required of all students, officers of administration and officers of instruction in the University as a condition of retaining their connection with the University, and that the President have authority to exercise the disciplinary powers of the University to carry this resolution into effect.

Many faculty members responded with disgust, calling the resolution “unjust and injurious” in a petition they sent to the trustees. But President Nicholas Murray Butler accepted the authority that the resolution gave him. In his Commencement Day address in 1917, he declared that Columbia would not allow any opposition to the war effort. “What had been tolerated before became intolerable now,” he said. “What has been wrongheadedness was now sedition. What had been folly was now treason,”

A rash of firings followed. [Psychologist James McKeen Cattell sent a petition to three U.S. Congressmen in August 1917 urging them not to pass legislation that would send American conscripts to European battlefields.

He was dismissed in October. Politics professor Leon Fraser was summoned by the trustees for making critical remarks about a military training camp in Plattsburgh, New York and was fired the next year.] One of Columbia's best-known scholars, the historian Charles Beard, was investigated for condoning a speaker who had allegedly said, "To hell with the flag." Beard was eventually exonerated—but he resigned his post in 1917, in protest of the dismissal of many of his colleagues. In his resignation letter, he explained his reason for leaving. He wrote: "The university is really under the control of a small and active group of trustees who have no standing in the world of education, who are reactionary and visionless in politics, narrow and medieval in religion." Beard went on to become one of the founders of the New School for Social Research – and not until 1919 did President Butler put an end to the trustees' investigations.

The McCarthy era also posed significant challenges to academic freedom, and universities often yielded to the pressures of the day. James B. Conant, president of Harvard, said at one time that Communist Party members were "out of bounds as members of the teaching profession." Many institutions fired faculty members suspected of Communist ties—in fact, the purges of the McCarthy era claimed the jobs of over 600 professors and teachers nationwide. It is further estimated that 20 percent of all the witnesses called to testify before congressional and state investigating committees during the 1940s and '50s were college teachers or graduate students.

At this point in history, significantly, the United States Supreme Court, began to recognize academic freedom as part of the rights of free expression under the First Amendment.

Cases from the McCarthy Era, in particular Sweezy v. New Hampshire (1957) and Keyishian v. Board of Regents (1966), framed the liberty interest as one belonging to individual teachers. These early opinions set the groundwork for later cases in which a broad right to free academic decision-making was granted to the universities themselves. In cases like Board of Regents v. Southworth (2000) and the admissions cases – Regents of the University of California v. Bakke (1978) and Grutter v. Bollinger (2003) – the Court carved out a zone of freedom for universities, giving them wide latitude to determine how best to educate students.

The Court's first explicit mention of academic freedom was in Justice Black's dissent in Adler v. Board of Education (1952). Adler upheld the constitutionality of New York's Feinberg Law, which forbade the state from employing in its public schools any member of a group that advocated overthrow of the government. The Court held that dismissal from employment in the school system did not amount to a deprivation of the right to free speech. In his dissent, Justice Black predicted that the threat of investigation and possible termination "is certain to raise havoc with academic freedom" by turning the public school system into a "spying project" and "police state" where "there can be no exercise of the free intellect."

Five years later, in Sweezy v. New Hampshire, a plurality of the Court identified academic freedom as a core constitutional interest. In their a concurring opinion Justices Frankfurter and Justice Harlan memorably identified the central role of academic freedom in a free society. Sweezy arose out of an investigation by the Attorney General of New Hampshire into a series of lectures given by Professor Sweezy at the University of New Hampshire. When the professor refused to cooperate with the investigation, the Attorney General sought to compel his testimony. The Court decided the case on due process grounds, holding that the Attorney General had been given "a sweeping and uncertain mandate" such that the inquiry infringed on Professor Sweezy's constitutional rights. The opinion disapproved strongly of government interference with academic freedom, holding that "there unquestionably was an invasion of petitioner's liberties in the areas of academic freedom and political expression – areas in which government should be extremely reluctant to tread." The Court cautioned that "[s]cholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate."

The concurring opinion in Sweezy used language that has been quoted, analyzed and relied upon for nearly half a century. Justice Frankfurter warned of the "grave harm resulting from governmental intrusion into the intellectual life of a university." In its most celebrated portion, the opinion quoted with approval from a statement written on behalf of two "open" universities in South Africa that stated:

It is the business of a university to provide that atmosphere which is most conducive to speculation, experiment and creation. It is an

atmosphere in which there prevail ‘the four essential freedoms’ of a university – to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study.

This quick review of the origins, scope, constitutional basis, and vulnerability of the principle of academic freedom provides us with a helpful framework for approaching at least some of our contemporary issues. Given the regrettable violations of academic freedom, especially in times of war and threats to national security, that characterize the recent century, it is certainly understandable how universities now are feeling skittish and vulnerable. And, yet, we have more to resolve in our minds as we confront criticisms that we in universities are not living up to our own standards of intellectual integrity. It may well be that some of those critics have illegitimate and ulterior motives, claiming they only want diversity of voices when, in fact, they want to silence opposing views or to obtain their own platform within the university to propagate their political agenda. And it may well be that, assuming for the moment there is some merit to the criticisms, it is the proper business of the university and the faculty to remedy. In either case, we need to know what it is we are striving towards, our ideals and their social purposes, if we are to chart the right course, to defend meaningfully and persuasively our academic freedom against inappropriate interventions, and to speak authentically and persuasively to the broader society.

Do we believe there is a fundamental difference between what goes on in a classroom and what goes on in a political convention? What do we strive for in the university that academic freedom is supposed to protect and how does that help improve our society? Are we saying that professors are completely autonomous in determining the content of their courses? Or are there some internal norms the community of scholars try collectively to live by?

I would now like to turn to that discussion.

## II

### **The Ideals of a University**

I think we should pause and take note of a few significant elements in the earlier review of academic freedom. First, note how academic freedom by most accounts, and in its origins, encompasses students' freedom to learn as well as faculty's freedom to teach. Academic freedom, in other words, is a freedom we share in the classroom. Second, note how the seminal "Report on Academic Freedom and Tenure" described the professor: namely, as someone steeped in "prolonged and specialized technical training" and about whom "no fair-minded person" would even suspect of speaking other than as "shaped or restricted by the judgment . . . of professional scholars." The idea of the "profession" of the scholar is, I think, one of the keys to understanding the ideals supported by the principle of academic freedom. What does it mean to be a "professional scholar"?

a.

When you ask what our primary purpose is within a university, the typical answer would be that of preserving and advancing our understanding of life, the world, and the universe – of discovering truth. That is the typical answer, but some hold a different view. Some will say that a university is a time and place to find your identity, to discover who you are and what you believe. Some (Edward Said suggested this in one of his books on the role of the public intellectual) will say that, since the university is free of the interests of power, or money, or ideological party, interests which skew one's judgment, the academy is a place that identifies with those out of power, with the oppressed or the victims of injustice, and in that way naturally speaks truth to power. Some will say that the university is nothing more than a haven for the simple and pure pursuit of ideas, where curiosity is the only guide and the spirit of play is the governing motivation. Still, the most common explanation for the university is that it transmits as much of human understanding as it can from one generation to the next and adds as much new knowledge as it can to the existing store of human knowledge – a function that has, unquestionably, brought enormous benefits, practical and otherwise, to our society and to the world.

I certainly do not want to challenge that primary function of the university, but I do believe it incomplete. There is far more at work within a university than simply the search for truth. A significant additional function that of nurturing a very distinctive intellectual character. It is often said of the academy that it is a place of deep skepticism, and I think that is true. But the qualities of mind emphasized go well beyond skepticism, and it is critical to understand what they are and how they relate to the broader society, and to the political arena in particular.

I have now spent more than three decades of my professional life in the university, and of 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 kind intellectual qualities that characterize the very best faculty and students I have known and that suffuse the academic atmosphere at its best. The stress is on seeing the difficulty of things, of being prepared to live closer than we are emotionally inclined to the harsh reality that we live steeped in ignorance and mystery, of being willing to undermine even our common sense for the possibility of seeing something hidden. To be sure, this kind of extreme openness of intellect is exceedingly difficult to master, and, of course, in a profound sense we never fully do. Because it runs counter to many of our natural impulses, it requires both daily exercise and a community of people dedicated to keeping it alive (which is why, I believe, universities as physical places will continue to thrive in a world of electronic communication). But we all know what I have just described is from personal experience: the extraordinary, unique thrill of thinking about a subject one way until you feel there cannot possibly be another valid perspective, and then beginning with another line of thought and feeling the same certainty settle into our minds, all the while watching in amazement as it happens. Sometimes, of course, this yields new “truths,” but that is not the only purpose for developing this mental capacity.

b.

Different forms of government require different, and special, mental capacities of citizens. Just as with a market economy or a military, particular intellectual and emotional attributes are needed to make it a successful democracy. It is not a simple matter to define these capacities, but it is almost certainly harder to build them up in a population. A democracy, in my view, poses the greatest challenge of all. Obedience to authority seems, at least, easier to inculcate and sustain than 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. When to share and embrace other views, when to insist on your own; when to compromise and when to resist; how to use reason and rhetoric, when even our most cherished and fundamental beliefs cannot be “proven” by logic – these are difficult to sustain in the best of times and, experience sadly shows, nearly impossible in the worst of times. I could go on at some length about this subject, having spent much of my scholarly life trying to understand – through the practiced lens of reflection and experience of the First Amendment and freedom of speech – what batch of social structures and qualities of mind are needed support a democracy. I would just say this: The most thoughtful observers during the last century about the risks of totalitarianism (I’m thinking of people such as Oliver Wendell Holmes, Jr., Isaiah Berlin, and Hanna Arendt) all identified intellectual intolerance and certitude as the central cause of the failure of democracies and the shift to authoritarianism.

In the nineteenth century, John Stuart Mill argued that democracy is perennially at risk of being transformed into tyranny by the tendency of human nature to assume that our beliefs are true and, accordingly, to coerce opposing “falsehoods” into silence. Holmes offered a similar analysis of the normality of the roots of persecution: “Persecution for the expression of opinions is perfectly logical,” he said. “If you have no doubt about your premises or your power and want a certain result with all your heart, you naturally express your wishes in law and sweep away all opposition.”

In a volume of essays entitled “The Crooked Timber of Humanity,” Isaiah Berlin speaks of how the twentieth century was frequently devastated by great ideological storms sweeping across the landscape. In his essay “The Pursuit of the Ideal,” Berlin identified two forces above all others that

shaped human history in the twentieth century, the first being “the development of the natural sciences and technology” and the second the “great ideological storms that have altered the lives of virtually all mankind.” Berlin senses the dangers of belief. “Happy are those,” he says ironically, “who have, by their own methods, arrived at clear and unshakable convictions about what to do and what to be that brook no possible doubt.” But, though happy, such people are a threat to human decency. “For if one really believes that [a solution to life’s problems] is possible, then surely no cost would be too high to obtain it: to make mankind just and happy and creative and harmonious forever – what could be too high a price to pay for that?” Arendt, too, found the sources of totalitarianism in the self-inflating appeal of infallibility and its accompanying belief in one’s own omnipotence.

In a speech to the Federal Bar Association, Learned Hand offered a simple parable about the kind of intellectual capacities required in a democracy, and why democracies fail when these capacities are absent. He compared a democracy to a group of children at play, confused about how to organize their games and deferring to an older, more experienced peer for direction. But that solution satisfies no one, as each child is unhappy to be bossed about by another, and eventually confusion reigns again -- until, Hand wrote, “in the end slowly and with infinite disappointment they do learn a little; they learn to forbear, to reckon with another, accept a little where they wanted much, to live and let live, to yield when they must yield; perhaps, we may hope, not to take all they can. But the condition is that they shall be willing at least to listen to one another to get the habit of pooling their wishes. Somehow or other they must do this, if the play is to go on . . .”

This is the intellectual capacity we teach ourselves and our students in the academy, a capacity that is useful in the search for truth but has many purposes in life beyond that. It characterizes the “scholarly profession.” Perhaps we pursue this capacity to an extreme degree, but we’re just one of many social institutions designed to contribute to the whole by nurturing the complex qualities of mind our complex modern societies need. The principle of academic freedom is the guardian of this enterprise, which ironically is to correct against the very intellectual impulses (both internal and external to the academy) that continually threaten to breach academic freedom (as we have seen in the opening discussion).

### III

#### Applying the Framework

I now want to close the discussion by returning to the opening questions and offering some answers. I believe that there are four guiding principles that should shape our actions.

First, we need to realize that the health and vigor, which I believe is strong, of universities depends upon the scholarly professionalism I have described. This involves our commitment to the intellectual disposition of extraordinary openness of intellect and the self-restraints that entails.

Public life poses, as we have seen, constant pressures and temptations for the university. Within the academy, we always face the impulse to jettison the scholarly ethos and adopt a more partisan mentality, which can easily become infectious, especially in times of great controversy. As Raymond Aron observed in his book “The Opium of the Intellectuals” in the 1950’s, the intellectual life is continually tempted by the “longing for a purpose, for communion with the people, for something controlled by an idea and a will.”

I must say that every faculty member I have known is aware of this impulse and tries to live by the scholarly temperament, just as we expect judges to maintain a judicial temperament. In the classroom, especially, where we perhaps meet our highest calling, the professor knows the need to resist the allure of certitude, the temptation to use the podium as an ideological platform, to indoctrinate a captive audience, to play favorites with the like-minded and silence the others. To act otherwise is to be intellectually self-indulgent.

This responsibility belongs to every member of every faculty, but it poses special challenges on those of us who teach subjects of great political controversy. Given the deep emotions that people—students and professors both—bring to these highly charged discussions, faculty must show an extraordinary sensitivity to unlocking the fears and the emotional barriers that can cause a discussion to turn needlessly painful and substantively partial.

Some may wonder whether this is too much to ask of a classroom and, therefore, universities should forego these subjects altogether. I think this would be a grave mistake. Not only is this the only way our universities can offer insights into questions of great importance to the society, but, as I have described the broader role of the university in a democratic society, we would lose the ability to serve these societal purposes just when it's needed most.

Second, given the expectations of a scholarly profession, how should we deal with lapses, for surely we must expect there will be occasional failures? Let me answer by saying what we should not do and what we should do.

We should not elevate our autonomy as individual faculty all other above every other values.

We should not accept the argument that our professional norms cannot be defined and therefore transgressions must be accepted without consequences. We, as faculty, properly have enormous autonomy in the conduct of our teaching and our scholarship. Yet, it will not do simply to say that the professional standards within which that autonomy exists are too vague for any enforcement at all. Life, after all, is filled with drawing lines about highly elusive and difficult-to-define difference, and yet we do so because to shirk the task is to invite worse consequences.

We should not accept the argument that professors are foreclosed from expressing their opinions on the subject in the classroom, nor that because professors are free to do in some contexts there are no boundaries involved whenever viewpoints are expressed. The question is not whether a professor advocates a view but whether the overall design of the class, and course, is to explore the full range of the complexity of the subject.

We should not accept the argument that we as teachers can do what we want because students are of sufficient good sense to know bias and indoctrination when they see it. This ignores the enormous differential in power between the professor and the student in a classroom setting.

We should not accept the idea that the remedy for lapses is to add more professors with different political points of view, as some would have us do. The notion of a "balanced curriculum", in which students can, in

effect, select and compensate for bias, sacrifices the essential norm of what we are supposed to be about in a university. It's like saying of doctors in a hospital that there should be more Republicans, or more Democrats. It also risks polarization of the university, where "liberals" take courses from "liberal" professionals and "conservatives" take "conservatives" classes.

We should not say that academic freedom means that there is no review within the university, no accountability, for the "content" of our classes or our scholarship. There is review, it does have consequences, and it does consider content.

And this happens every day, every year, and it is properly lodged in the hands of the faculty of the departments and schools of our intuitions. Every faculty member participates in such a process, as I have myself over many years, and it has, generally speaking, the highest integrity. In appointment, promotion, and tenure discussions, as well as annual reviews, we make professional judgments about the scholarly temperament, the originality of ideas, the development of students' understanding and capacities, the respect shown for students, the tolerance of mind displayed, the mastery of the subject, and many other qualities of mind.

This is what it means to be part of a scholarly community, as the seminal, founding statement of the AAUP implied. It rests with the faculty, and the role of the university is to ensure that the system of local self-governance is enabled.

Third, we must respect what I would call the principle of Separation of University and State.

As I indicated at the outset, universities do not penalize faculty or students for comments they make as citizens in public debate. A corollary is that, while faculty and students are free to take whatever positions they wish on public matters, universities are not. We do not, as institutions, generally speaking, take positions on public issues.

The latter was a much debated topic during the Vietnam War, as many pushed to have universities condemn the war. A well-known commission at the University of Chicago, chaired by the eminent First Amendment scholar Harry Kalven, issued a report saying that universities should not do so. The

basic argument of the Kalven report was that to do so would “chill” debate on the campus. I think that is a problem, but I believe the opposite is also a problem. As I said before, the risk is always present that we will jeopardize the scholarly ethos and join the public sphere. We, therefore, need to maintain the line between the differing roles – the role of the scholar professional and the role of the citizen. The last thing we want to do is to turn the campus into a political convention.

My fourth point, is that all of us, but universities in particular, 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 politicians, not pressure groups, not the media. Ours is and must remain a system of self-government.

To be sure, as we have witnessed throughout recent history, the outside world will sometimes find the academy so dangerous and threatening that efforts will naturally arise to make decisions for us about whom we engage and what we teach. This must not be allowed to happen. We must understand, just as we have come to with freedom of speech generally, that the qualities of mind we need in a democracy - especially in times of crisis - are precisely what the extraordinary openness of the academy is designed to help achieve – and what will necessarily seem dangerous and threatening when our intellectual instincts press us, to be single minded or, to put it another way, of one mind. In a democracy, that’s what we must be wary of.

## **Conclusion**

In closing, I want to note a deep irony of academic freedom, and its parent, freedom of speech. These freedoms, when they are at issue, often divert our attention from serious engagement on more substantive issues. When controversies erupt over something someone said, we often quickly find ourselves in a debate about whether that speech is protected or not, rather than expending our energy explaining why in our view the ideas are wrong and should be rejected.

With the broad perspective we’ve taken of the intellectual landscape, we can understand why this happens. Engaging with ideas, as it turns out, is

actually a very hard thing to do. The demands it places on our powers of reason, of imagination, of tolerance often seem overwhelming. Indeed, as I said earlier, the more that our most fundamental beliefs are at stake the harder it is to defend them. Therefore, it is natural for all of us in a controversy to turn our attention to debating the narrower – and often seemingly safer - question whether an idea is protected or not.

Yet, robustly engaging with difficult ideas is the basic purpose of academic freedom—a fact that makes this diversion a great pity as well as an irony. I’ve always felt that tolerance carries a responsibility to speak to the ideas tolerated. This is, moreover, a moment in American history, in world history, when difficult, painful, sensitive issues truly need our clear-eyed attention, and could greatly benefit from the academy’s perspectives.

As I said at the outset, this is a time of high vulnerability and anxiety at our universities. Yet I am confident that what I have called the scholarly temperament is alive and well in our universities. I know it is at Columbia University. A handful of instances of inappropriate behavior within our nation’s universities must not be permitted falsely to define the whole and foster a counter-productive climate of distrust. Our basic mission is still strong, our sense of unique purpose is still well placed, and the value that our universities continue to provide our students, our nation and the world is not exceeded by any other institution.

We do not need a new set of principles, tailored to the times. We need only to reaffirm the principles that have guided us for the past hundred years, that have seen our profession through times of great challenge, and led us toward ever-expanding horizons of human insight and the building of democratic societies.