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The Great Tattling Scare on Campuses

By DAPHNE PATAI

Fabulous -- and it's about time! Academics are coming out in defense of the freedom of expression of their colleagues. Really? Let's see. They're not emerging at the many institutions that still have (or, like Harvard Law School, have recently considered adopting) speech codes. So just where are the campus defenders of free speech and untrammelled communication to be found these days? It turns out they're busy agitating against some recently created Web sites that allow academic heretics to engage in a kind of free speech that has grown unpopular inside the academy: criticism of faculty members who politicize their classrooms.

Marvelous irony here: The very same people who have been eager to promote tattling on faculty members who don't conform to the party line on race and gender are now worried that someone is tattling on them. This, they claim, "chills" free speech. It's akin to McCarthyism. And in what forum is this chilling occurring? On that harbinger of free and easy communication that is unimpeded by geographic boundaries and personal prestige: the Internet.

The advent of the Internet was hailed by many as an enormous step forward in the democratization of information and communication, and that promise has certainly been realized in many respects. Consider the unprecedented level of instant conversation, serious and casual, that we've come to take for granted. I first used e-mail in early 1992, for the purpose of collaborating on a book with a colleague 1,000 miles away. Today, I'm involved in another collaboration, with a colleague 3,000 miles away.

True, I have had (thus far) to put up with spam and junk mail, crank schemes from across the world, and my own sudden accessibility to people I don't know and maybe don't want to know. But those annoyances hardly seem to outweigh the positives. So it is interesting to see academic Webniks suddenly protest the ease and anonymity of communication when they don't like the political direction of the messages. And it's especially intriguing to see their protests utilizing the language of academic freedom, something not always stalwartly defended in academe in recent years.

When Web sites are formed to offer an alternative space for airing complaints about professors who foist their political views on students, the sites are accused of impeding academic freedom and stifling free speech on campus -- the very same kind of speech that campus activists are happy to curtail in the service of their pet ideologies.

That is the lesson to be learned from the controversy surrounding two sites inaugurated last autumn: NoIndoctrination.org (<http://www.noindoctrination.org>) and Campus Watch

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(<http://www.campus-watch.org>). The first identifies itself as "a nonprofit organization promoting open inquiry in academia," while the second, run by the Middle East Forum, "monitors and critiques Middle East studies in North America" and is concerned with five main problems: "analytical failures, the mixing of politics with scholarship, intolerance of alternative views, apologetics, and the abuse of power over students."

Judging by reactions to the two sites, some free speech is considered more worthy of protection than other free speech. In the case of Daniel Pipes's Campus Watch, approximately 200 new defenders of free speech have emulated the legend of King Christian X of Denmark, who supposedly wore a yellow star during the Nazi occupation of his country in response to the edict that all Jews had to do so. In a similar spirit, faculty members have written in to the Campus Watch site proclaiming their adherence to the anti-Israeli sentiments criticized there and have insisted on their right to be honorary members of the targeted group. Once again, irony abounds. And, as usual, it is not a principle that is being defended, but a particular political position. For his efforts, incidentally, Daniel Pipes was recently disinvited from two campus speaking engagements.

As for NoIndoctrination.org, its site invites students (and not, as erroneously reported in the press, parents as well) to report instances of political bias -- of any sort -- in the classroom. When I checked earlier this month, I saw little reason for all the outrage -- there were a total of 43 complaints relating to 30 colleges -- and professors were invited to send in rebuttals, although almost none had chosen to do so. Of the 43 complaints registered between September 30, 2002, and January 15, several involved freshmen orientation and diversity training, in which -- as with required courses (which also drew complaints) -- students are a captive audience. (What was surprising was the breadth of courses in which professors allegedly felt free to indulge in personal proselytizing, ranging from public budgeting to principles of literary study.)

The list-owner tells me that she investigates claims and only posts those that pass muster (approximately one-third of those received, she says). And the stories students told in the posted claims were entirely convincing and consistent with my personal knowledge of dozens of other such incidents. Contrast that with the 164 responses (mostly negative) logged on *The Chronicle's* [colloquy](#) about the Web sites just from early December through mid-January.

The controversy caused by the two offending Web sites is, in my view, welcome, for it has forced professors not otherwise known for their rousing defense of free speech to sound the alarm. Too bad they can't be bothered to express that same concern when speech that they themselves deplore is targeted for curtailment. Where are these colleagues when professors face accusations of sexual or racial harassment resulting from words uttered in class that offend some students? The selective approach to free speech suggests that today's critics are just hoping to extend their control to independent Web sites of which they disapprove.

In my own corner of the woods, a similar apparent about-face on the First Amendment first became noticeable after the September 11 attacks, when a local professor attracted criticism and threats for ill-

timed anti-American statements she had made on September 10. Suddenly, some of the same people who had embraced a proposed speech code a few years earlier circulated a petition supporting faculty members' rights to express their opinions free of censure or impediments. Of course, what those opinions were was a foregone conclusion. Similarly, on the women's-studies e-mail list, a lengthy discussion took place immediately after September 11 about the opportunity that now existed to explain to students in class how the United States deserved the attacks (with only a few cooler heads writing in to suggest doing so was an abuse of a professor's position, not to mention offensive timing).

By contrast, in the face of successful legal challenges to speech codes, for some years now universities have been putting into effect harassment policies that restrict speech and can actually cost professors their jobs for saying something in class that someone considered sexist or racist. A score of universities have even shamefully revealed, by designating special "speech zones" on their campuses, that the college as a whole is, as the civil-liberties attorney Harvey A. Silverglate has called it, a "censorship zone."

But, like harassment policies (which invariably include "verbal acts" of certain types among proscribed conduct), such restrictions have not aroused vigorous protest, least of all from feminists and other campus activists who have seen the codes and policies as a means of enforcing their own agenda. Again, where were the newfound defenders of free speech when politically incorrect speakers were shouted down at universities around the country? When campus papers of a conservative cast were seized or stolen, with no protest from campus administrators? (Check *The Shadow University*, by Alan Charles Kors and Silverglate, for details.) Evidently, some ideas deserve not only a chill but the deep freeze.

What, precisely, does "chilling" of free speech mean? According to Greg C. Lukianoff -- the director of legal and public advocacy at the Foundation for Individual Rights in Education, an organization formed for the defense of the civil rights of professors and students, of all political persuasions -- the concept of "chilling effect" generally refers to the likelihood that vaguely defined and overly broad rules governing acceptable speech will cause people to censor themselves, since they cannot be sure whether their speech is illegal or not. But the term is often invoked to "chill" other people's use of free speech.

"The First Amendment requires a certain minimal toughness of citizens," Lukianoff explains. "It is understandable that speech would be 'chilled' if people felt they risked arrest every time they opened their mouths. However, when people claim they have been 'chilled' by the speech of others, simply because it conflicts with their views or casts them in a bad light, they are only saying they are cowards and would like to live in a world where everyone agrees with them."

That is why mere Web sites outside the university cannot be equated with speech codes and harassment policies. Nobody and nothing is being "chilled" when people write in their complaints of professorial excesses. That is in striking contrast to the sorts of episodes described by NoIndoctrination.org and Campus Watch.

Consider the incident that led Luann Wright, the mother of a student at the University of California at San Diego, to start NoIndoctrination.org: the heavy-handed focus on racism in a required course ostensibly devoted to improving writing skills.

That is hardly an unusual occurrence. I, too, have long observed it in certain courses. More than 10 years ago, a student in an all-white, women's-studies writing class (fulfilling the university's junior-year writing requirement) complained to me that her teacher, on the first day of class, had declared that the class was "an anti-racist classroom" and announced that the students' initial writing assignment would be to describe their first encounter with a person of color. When this student voiced some discomfort with the approach, the teacher accused her of being in "denial" about her own racism. Limiting speech and hampering the free exchange of ideas seems to be acceptable to many people on campuses -- as long as the larger purpose of promoting politically fashionable ideas is served.

At my own university, in the mid-1990s even the chancellor's office openly defended (on National Public Radio) a double standard of speech, according to which individuals from historically oppressed groups would have unrestricted speech while those from historically dominant groups would be held to restrictive standards, so as to protect the sensitivities of the formerly oppressed. Simply for protesting the speech code proposed at that time, a small group of us were labeled "racist" by the secretary of the faculty senate (in response, I defended his right to call us names).

Why shouldn't students have an outlet on the Web for their complaints? It is unfortunate that many complainants are willing to make criticisms only on condition of anonymity -- but there's nothing new about that either. What do people think has been going on for years with teaching evaluations? Aren't those institutionally sanctioned anonymous statements? They, however, can be devastating to professors and have very real consequences in a world where teaching ability is all too often gauged by student evaluations alone.

In other words, the institutional backing given to critics on one side (via harassment policies that are, in effect, speech codes) is in no way matched by Web sites outside the university that have no campus offices or officers to enforce their views. These Web sites are hardly like the continuing attempts in academe to make personal comfort and current orthodoxies the order of the day. Here at the University of Massachusetts, the latest version of the sexual-harassment policy boasts "two significant modifications": "the expansion of locations where one could go to report allegations of sexual harassment and the identification of campus contacts who can provide assistance to those using the process." Nothing about expanding the rights of the accused, which continue to be given short shrift, or about the "chilled" effect on professors who never know when charges against them may surface -- charges that will automatically be treated with great respect by campus political overseers.

Indeed, these days those who believe education is not and should not be "inherently political" are usually seen as conservatives retrogressively wedded to obsolete notions of objectivity and impartiality as appropriate ideals (even if imperfectly achieved) in the classroom.

Thus, those who promote the politicizing of education excuse their own position and charge everyone else with identical behavior. However, consider this: As Mark Bauerlein, a professor of English at Emory University, recently commented to me, now that my generation is in charge of the university, the rules have changed. As students, they were members of free-speech movements; now that they've earned tenure, they have become advocates of speech codes. Radicals when they were on the bottom, they've become censors when they're on top. And they see no discrepancy in their actions.

What seems to be occurring at the moment, then, is an opportunistic recourse to traditional American values -- the very values excoriated by campus politicians most of the time. No matter; I'm happy that some of my colleagues have come around to appreciating those values, however belatedly, and hope that the next time they find themselves promoting curtailments of other people's speech, their words will stick slightly in their craws. But I won't hold my breath.

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