



**The task of the university is the creation of the future,
so far as rational thought, and civilized modes of appreciation,
can affect the issue.**

Alfred North Whitehead

Pythian Papers on Academic Careers

The University as Forum

ASPECTS OF FREE EXPRESSION IN THE ACADEMY

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During 2009-2010 academic year, the University of Wyoming hosted two outside speakers whose invitations provoked impassioned protest: former Vice President Dick Cheney and University of Illinois-Chicago Professor Bill Ayers. The events surrounding the Ayers visit were especially wrenching. News of his invitation provoked an external reaction the volume and bitterness of which I had never before witnessed in Wyoming. It led the director of UW's Social Justice Research Center to cancel its invitation. Afterward, a UW student re-invited Ayers; President Buchanan then forbade the use of university facilities for the lecture; then Judge William Downes issued an injunction¹ on the ban. In the end, Professor Ayers visited UW and delivered a lecture that many regarded as distinctly non-inflammatory.

The controversies surrounding these speakers led many people to think, more deeply than ever before, about the principles that apply when universities face public controversy.

I'd like to examine some of these principles. I won't dwell on the particular events, details of which may not repeat themselves in our lifetimes. Instead, I'd like to share some broader perspectives that might help guide the university and its public going forward. I also don't wish to dwell on technical aspects of constitutional law, a subject in which I'm no expert. Instead, I'd like to ask how the concept of academic freedom, the university's mission, and the idea of a neutral forum for the examination of ideas bear on decisions about who should speak at universities. I'll frame the answers in terms of six lessons. They deal with:

- the limitations of academic freedom, especially as a set of rights and privileges
- the hazards of political theater
- the university's broader teaching mission
- the surprisingly difficult concept of a neutral forum
- the practical considerations facing a president and board of trustees
- the problem of cultivating public trust.

But before discussing the lessons, I'd like to review some historical context.

¹ Lanker v. University of Wyoming, U.S. Court for the District of Wyoming case 10-CV-79-D, 27 April 2010, transcript of oral ruling retrieved 27 October 2010 from <http://wyofile.com/wp-content/uploads/2010/04/ayerstranscript.pdf>. For more information about Ayers incident, see WyoFile, <http://wyofile.com/2010/04/federal-judge-orders-uw-to-let-ayers-speak/> (retrieved 27 October 2010).

Historical context

Controversy over university speakers is neither new nor unique to UW. Consider a small sample of the cases arising during the past half century:

- In 1963 Yale's provost, Kingman Brewster, directed the cancellation of an invited visit by Alabama's segregationist Governor George Wallace, on the heels of the Sixteenth Street Baptist Church bombings in Birmingham.
- In 1969, Dartmouth administrators allowed a lecture by Stanford Professor William Shockley, a Nobel physicist who argued that black people are genetically inferior to whites. A group of African-American students heckled Shockley so loudly that he couldn't be heard.
- In 1983, the president of Smith College asked U.N. Ambassador Jeane Kirkpatrick to withdraw from her invitation as a commencement speaker, in the face of protests against her stand on human rights.
- In 2004, George Mason University's president disinvited liberal filmmaker Michael Moore after Virginia legislators objected to the use of public funds to pay for his lecture.

In 1974, after another hecklers' veto of Professor Shockley, this time at Yale, Kingman Brewster — then president — commissioned a report² on speech at universities. Chairing the committee was the dean of American historians at the time, C. Vann Woodward. The Woodward Report, as it is known, took a position that most academics would support: the university has a unique responsibility to provide a forum for the free expression and examination of ideas. Here's an excerpt:

Without sacrificing its central purpose, [the university] cannot make its primary and dominant value the fostering of friendship, solidarity, harmony, civility, or mutual respect. ... [A] good university will seek and may in some significant measure attain these ends. But it will never let these values, as important as they are, override its central purpose. We value free expression precisely because it provides a forum for the new, the

² C. Vann Woodward et al., "Report of the Committee on Freedom of Expression at Yale", Yale University, New Haven, CT, December 1975, retrieved 25 October 2010 at http://yalecollege.yale.edu/sites/default/files/woodward_report.pdf.

provocative, the disturbing, and the unorthodox. Free speech is a barrier to the tyranny of authoritarian or even majority opinions.

An often overlooked appendix of the Woodward Report contains a dissenting statement submitted by committee member Kenneth J. Barnes. He counters that there *are* values that trump free expression:

The First Amendment ... does not create an obligation to provide a forum nor to guarantee a polite reception to all ideas. ... Nor should a university feel obligated to go beyond the canons of academic freedom — i.e. non-interference with faculty research and teaching — by providing a forum for unscholarly or socially harmful ideas. ... This fact, coupled with the advantages which a university podium bestows upon a speaker, creates a responsibility, on the part of both the university and the inviting group, to judge the expected benefits of its invitation against the possible adverse consequences, including adverse national impact.

This much reveals little about the writer's politics. But Barnes's closing statement reveals a perspective that may startle those more attuned to the current *Zeitgeist*:

[F]ree expression is not the only value which we uphold, either in our society or in our universities. Under certain circumstances, free expression is outweighed by more pressing issues, including the liberation of all oppressed people and equal opportunities for minority groups.

The Woodward Report is noteworthy not because of the positions it encompassed, which by now are nearly classical, but because it encapsulated some of the most sophisticated arguments on two sides of the free speech debate. Interestingly, in 1974 the voice that discounted free expression in favor of other values — a position now commonly associated with the political right — came from the left.

We can count ourselves heirs to the tension between these two points of view. Recognizing that this debate has a venerable history, let's turn to the lessons I think we can draw from last year's events.

Lesson 1: Academic freedom is more complex than people think.

References to academic freedom emerged in many discussions surrounding the Cheney and Ayers visits. The expansive conclusions that people drew from this rhetoric suggest that professors tend to cherish academic freedom roughly in proportion to the vagueness of the concept. But academic freedom — framed solely as a set of rights or privileges — furnishes at best an ambiguous guide for anyone hoping to navigate controversies surrounding campus speakers. I'll return later to examine the underlying rationale for academic freedom, which furnishes more surefooted guidance.

As a set of rights or privileges for individual professors, academic freedom is arguably more restrictive than the First Amendment. A canonical definition appears in a 1940 statement published by the American Association for University Professors:

Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.

College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.³

This statement acknowledges freedom of speech, but it weighs the privileges of expertise against the responsibilities that come with an academic post. Professors possess

³ American Association of University Professors, "1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments", *Policy Documents and Reports*, AAUP, Washington, DC, 2006, pp. 3-11.

knowledge that is deep but typically narrow in comparison with the sweep of issues facing society. We hire professors to cultivate and disseminate their expertise. Presidents and provosts, however knowledgeable they may be in the workings of the university, tend to have specific disciplinary expertise that is as narrow in scope as their colleagues'. Mine, for example, is in mathematics. The logic behind academic freedom for professors is that administrators, whose expertise can't realistically be expected to span that of the faculty as a whole, must normally entrust their non-administrative faculty colleagues with detailed judgments about advanced scholarship and pedagogy.

In this light, academic freedom for individual professors consists of a culture in which administrators confer a healthy measure of deference to disciplinary experts in matters where expertise is essential. In turn, we expect the faculty to respect admonitions of the 1940 AAUP statement related to controversy, accuracy, and restraint.

A different and sometimes competing notion of academic freedom applies to institutions. At this level, two U.S. Supreme Court justices — Felix Frankfurter in *Sweezy v. New Hampshire*⁴ (1957) and Lewis Powell in *Regents of the University of California v. Bakke*⁵ (1978) — have cited “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.”

In this view, academic administrators have responsibility for the university's overall educational program. Nothing in this concept of academic freedom, *per se*, bars a provost or a president from barring a lecture series, say, that denies the Holocaust or that supports Professor Leonard Jeffries's racial theory of “sun people” and “ice people”. On the basis of institutional academic freedom alone, university leaders may even have a duty to decide that such a lecture lacks scholarly foundation and therefore lies outside the proper scope of the institution's educational program. On the same principle, administrators may decide that lectures on these subjects are pedagogically appropriate precisely *because* they challenge our capacities to use evidence and to think critically. Whatever other principles may apply, either decision would be consistent with the freedom of a university to determine what may be taught and how it shall be taught.

⁴ *Sweezy v. New Hampshire*, 354 U.S. 234 (1957).

⁵ *Regents of the University of California v. Bakke*, 438 U.S. 265, 312 (1978).

My point is that academic freedom, cast solely as a set of rights or privileges with no deeper considerations, encompasses many possibilities. A professor can invite a controversial speaker; a department head can insist that all professors use a common calculus text; deans can agree on a required common syllabus in introductory biology; a provost can reject a proposal for doctoral program in astrology; a president can cancel a controversial speaker's invitation, all on academic grounds.

In scanning this sequence of examples, you may feel uneasy at where it ended up. Later I'll return to deeper considerations that shed more light on academic freedom. But for now I'll just note the obvious: professors bridle when administrators make these types of judgments against the faculty's wishes, owing largely to the custom of deference that I've mentioned. Nevertheless, academic freedom does not imply absolute freedom over what individual professors may teach, nor by extension over whom they may invite to speak. The two notions of academic freedom — that for individuals and that for institutions — may conflict.

Actually, academic freedom is far from absolute even at the institutional level. While the "four freedoms" may suggest boundaries for judges, legislatures feel fewer constraints. Codified in Title 21 of the Wyoming State Statutes are clear expectations that the University of Wyoming will offer programs in health care professions, teacher training, energy resources, "courses of instruction in the mathematical, physical and natural sciences, together with such courses in language, literature and philosophy as shall constitute a liberal education," and other fields. From a strictly statutory standpoint, UW does not have complete freedom over what may be taught.

Lesson 2: Political theater is a perilous craft.

A university is a poor stage for political theater. Society rightly expects us to serve as centers for the examination and creation of ideas, using dispassionate methods of inquiry at the highest levels of refinement. Polemic and frankly partisan rhetoric belong elsewhere. Professors are at their best when they avoid even the appearance of straying beyond this mission. In general, our own willingness to exercise good judgment in this regard is far more effective than regulations or screening procedures.

By the same token, universities function best when their nonacademic constituencies refrain from using the academy for battles best left to the political arena. The events associated with the Cheney and Ayers visits illustrate what can happen when this demilitarized zone is

breeched. Rightly or not, UW's public, and regrettably even some of its professors, saw last year's visits through the lens of political theater. With no more invitation than that, virtuosos in the art entered the fray with tools they know all too well.

The idea of protecting against political theatrics through screening procedures deserves further comment. Most professors, myself included, regard the idea as inimical to academic culture. It has three deep flaws. First, it would divert the talents of administrators from more meaningful roles, such as the formulation and implementation of strategic academic directions. In other words, it would amount to a wasteful use of time, talent, and salary dollars. Second, it would breed a mediocre faculty. The most capable of professors tend to place surpassing value on being part of a community that not only protects but positively cultivates free and open expression and examination of ideas. To attract and retain high-caliber professors requires an *institutional* commitment to this value. Third, screening procedures are ineffective. During an average year UW hosts, by my cautious estimate, between 800 and 1,000 visiting speakers. Set aside for a moment the formidable problem of deciding whose screening criteria we might adopt. Even if the criteria were straightforward — for example, banning people with insufficient commitment to human rights or former members of the Weather Underground — it would be impossible to know with certainty which prominent political scientists, chemists, economists, novelists, explorers, historians, musicians, mathematicians, lawyers, artists, or electrical engineers to prohibit. It makes no sense to pay such a heavy price, in terms of human resources and academic reputation, for a sieve with such large holes.

In short, society expects universities to rise above political theater. It's a good thing: academics tend to be bad at it. But attempts to enforce this lesson by screening speakers are both corrosive to the quality of the faculty and doomed to failure.

Lesson 3: A public university has a broader teaching mission

The Ayers incident, in particular, reminded us how subtle this mission really is and how opaque it can be to our constituencies.

It is a sad fact that some people would be willing to harm the university as retribution for a single perceived transgression. In the days preceding the Ayers cancellation, messages from external constituents included veiled comments implicating campus safety and the university's budget. Some warned that Ayers's two-day visit would jeopardize significant

advances in UW's mission unrelated to the subject of his lecture — initiatives that have required years of effort, the best thinking of dedicated academic leaders, and millions of dollars in state support to build. Anyone who cares deeply about Wyoming's future has to question the sense of proportion here.

The overarching lesson here may surprise some professors: universities are loci of power. The power in question is not that of wealth or command; it is the power of *ideas*. Society cares about ideas. If academics insist on engaging with ideas that society cares about — and I'll argue that publicly funded institutions have a responsibility to do so — we have to recognize a broader teaching mission. This mission extends beyond the classroom and even beyond the walls of the academy. And venturing that far requires care.

In particular, we can't expect to fly below the radar most of the time, sporadically wave controversy in the public's face, and hope that everyone will remain calm and reflective. Instead, we have to establish a relationship with our public that allows them to recognize professors as creatures of reason, judgment, and, I hope, refinement. To do this requires that we connect with people's high schools and community colleges, provide a reliable reservoir of expertise for their political leaders, share perspectives at their podiums, bring the arts to their communities, network with their libraries, share scientific advances with their farmers and ranchers, contribute to continuing development opportunities for the professions critical to their well-being. At the same time we, as professors, have to be more judicious than the average citizen. The public expects more from us than that bilious, cussed voice that much of America seems to prefer to meaningful debate. And we must deliver more to maintain the public's trust. I'll examine this idea in more depth shortly.

Is it fair that we have to tread so carefully simply to be effective teachers? A more useful question is whether it could possibly be otherwise. I learned long ago that I cannot truly share with my students the utility and beauty of my own discipline through bullheaded pontification. There are teachable moments and teachable attitudes, which my students and I, *through mutually reinforcing efforts*, have to cultivate before I can be effective. By now I'm familiar with this process in the classroom. But with the university's larger audience, the public, teaching is a harder and riskier enterprise, with more pitfalls. Sensitivity to the anxieties and fears of that audience, not to mention sensitivity their deep feeling of ownership in but occasional suspicion of the academy's mission, is a necessary condition for success.

From this perspective, whether it's fair or we're right matters little. If a significant part of our audience ends up wishing ill of us and threatening to sabotage our pursuit of excellence because of a lecture by a visitor who will climb back on an airplane after an hour at the podium, then we've failed as teachers.

Lesson 4: The concept of the neutral forum is more controversial than it may appear.

Wyoming's people ought to be stronger than we've shown ourselves to be. A visiting speaker shouldn't constitute a crisis. Americans ought to pride themselves on the capacity to hear others' ideas, to judge them on the merits, and to trust the sturdiness of their own principles in the face of someone else's words.

In fact, Wyoming and America sell themselves short when they condemn their universities for inviting controversial speakers. A robust citizenry ought to insist that its public universities fulfill a purpose that no other type of institution can reliably serve: as neutral forums for the painstaking and critical examination of ideas. As the dissent to the Woodward Report points out, this aspect of the academy's mission goes far beyond freedom of speech, and it bears only tangentially on the looser construct of academic freedom. It is, in fact, a far higher vision of the dividends that public investment in higher education can yield. It is a vision that could never have taken root in Mao's China, Krushchev's Soviet Union, or Hussein's Iraq. There is no Wyoming statute mandating that the university play this role. In this sense it is a luxury. If so, it's a luxury no democracy can long survive without.

The idea of a neutral forum bears more careful scrutiny than it usually gets. As I indicated earlier, arguments both sophisticated and naïve claim higher priorities for the academy than the free and open exchange of ideas. The arguments tend to correlate with the political spectrum. On the right, some place higher priority on guarding against perennial and insidious threats to society — threats that, in this view, universities have a responsibility to filter, to preserve political stability. On the left, some argue that marginalization of oppressed groups hinders equal access to the public forum; hence, in this view, the elimination of oppression takes precedence over free and open speech. A third and more theoretically bewitching argument, not tied to the political spectrum, rests on the technically correct observation that a university cannot possibly be neutral. The choices of what is taught and who is qualified to teach have unavoidable political implications. Each of these arguments has more depth than any one-sentence summary can capture.

But we live in the real world. Any filter of ideas requires a gatekeeper; any control over free expression preferentially marginalizes groups that already enjoy fewer invitations to the podium; and any lapse by university administrators in the commitment to provide a neutral forum — which is different from trying to *be* neutral — invites a snowballing struggle for control over the academy. We saw that snowball begin to grow last year. Protests over an invitation to Dick Cheney in the fall gave way to intense controversy over an invitation to Professor Ayers the following spring. The protests clearly aligned with the protesters' political views: the most strident Cheney protests came from the left; the most strident Ayers protests came from the right. We can hope that this type of struggle remains latent most of the time, but it flares up more often than is healthy. It flares up especially whenever our constituents doubt the university's neutrality.

The struggle should come as no surprise. As I've argued, the academy wields the power of ideas, and no viable part of the political spectrum will readily cede that power to others. Even if the university's overall record of speaking engagements reflects a diversity of viewpoints, constituents who worry about losing the battle tend to respond to one speaker at a time. The resulting dynamic is all too familiar. When the current speaker's views favor your own, the political slant is invisible. When the speaker's views are highly technical and esoteric to the general public, as is true for the overwhelming majority of the visiting scholars who give lectures at UW, nobody bats an eyelash. But when the view of this week's speaker conflicts with your own, you're more likely to protest the detestable left-wing or right-wing direction toward which the entire university is obviously drifting.

Faced with this recurring dynamic, I find arguments against the neutral forum to be interesting in the abstract but weak on pragmatic grounds. Were the university to abandon its aspiration to serve as a neutral forum, whether in response to constituents' fears or on more sophisticated theoretical grounds, it would inevitably raise the stakes in the struggle. The transient skirmishes would start to look more like a war for control over ideas. In such a war, a solid victory by any side can only impoverish a democratic society.

Lesson 5: Like it or not, there are practical considerations

Public university administrators — and faculty members — have a duty to cancel speaking engagements when a lecturer's appearance poses serious safety risks. As Judge Downes indicated, the First Amendment test here is rigorous: the threat to safety must be imminent and unmanageable.

A university administrator faces a more difficult decision when a speaker's scheduled appearance provokes credible threats to the institution's funding. Despite the idealistic argument that free speech is priceless, it may come at a tangible cost. The trade-off can be stark. Institutional funding has a direct and lasting impact on the effectiveness with which universities can support open inquiry and the exchange of ideas. Ask any provost, dean, or head of an academic department. If you care about the good of the institution, you cannot ignore the risks associated with standing on principle, even if you decide, ultimately, to do so.

To compound the dilemma, there's no reliable algorithm for assessing the risk. Each case is different, and the need to make a decision typically arises as a crisis, with too little time for analysis and too many shrill, fearful voices contributing to the mix. In addition, it is seldom clear in advance which cases will generate public angst. Not long before the Cheney and Ayers visits, UW had successfully hosted Angela Davis, a former associate of the Black Panther Party, and Salman Rushdie, an author who once so offended high-ranking religious officials that one of them famously issued a standing order for his assassination. Each these visits posed safety risks, and each had the potential to roil the public. But their visits went smoothly.

To be sure, cancelling a speaker's visit carries serious near-term costs. Students and faculty tend to oppose such decisions vehemently, owing to the high value that they place on access to free and open exchange and examination of ideas. Nevertheless, in the *realpolitik* of a public university presidency, these costs are not infinite. In the absence of solid external support and a huge surplus of political capital, a rational president could conceivably decide that the costs of adhering to principle are even greater.

Lesson 6: We need to cultivate public trust

For my last and most important lesson, I'll return to the issue of trust. Whether we like it or not, the academy cannot blithely assume that the public entrusts us with the role of a neutral forum. There are two important ways in which we can put that trust at risk: through an error of omission and through an error of commission.

The error of omission consists of shrinking from issues that the public cares about. To pursue intellectual virtuosity in splendid isolation is to withdraw into a real-world version of Hermann Hesse's glass bead game. Professors occupy a privileged position in society. We are freer than most to pursue realms of inquiry whose immediate impacts on problems of

social importance may be hard for the public at large to grasp. Society needs a pool of intellectual talent to push the frontiers of human opportunity, not just in directions where the near-term payoffs are obvious but in areas where the dividends appear only over a time horizon that, for the moment, is obscure. Still, there is a cascade of knowledge, from the ethereal to the practical. Most segments of society need to see the practical impacts of our teaching and scholarly work to believe that our explorations amount to more than sound and fury.

To cultivate public trust, the public university must remain connected to society's concerns, and it must provide a rich array of learning opportunities. As I've argued, these opportunities have to extend beyond the realms of credit-bearing courses and preparation for the professions. We owe our students and our public access to ideas that are meaningful to them.

At the same time, we have to make it clear, over and over, that these ideas do not necessarily carry an institutional endorsement. Sometimes they may be ideas with which many students or professors or administrators or trustees or legislators may disagree. They may be ideas with which the president and provost personally find objectionable, although it is virtually impossible for either of us to express opinions of this type without appearing to speak for the institution.

There is a source of confusion here for some who would legislate "intellectual diversity" into the academy. We do not owe a forum that places all viewpoints on equal and simultaneous footing. A silly example illustrates the point: astrology has many adherents, but there's no imperative for UW's astronomers to teach it. Stanley Fish⁶ makes this point more broadly:

[I]t is precisely because the pursuit of truth is the cardinal value of the academy that the value (if it is one) of intellectual diversity should be rejected.

In fact, Fish argues, an explicit mandate for intellectual diversity would harm the university:

[I]f intellectual diversity is not an academic value, adherence to it as an end in itself will not further an academic goal; but it will further some goal, and that goal will be political. It will be part of an effort to alter the academy so that it becomes an extension of some partisan vision of the way the world should be.

⁶ Stanley Fish, "Intellectual Diversity: the Trojan Horse of a Dark Design", *The Chronicle Review*, 13 February 2004, <http://chronicle.com/free/v50/i23/23b01301.htm> retrieved 26 October 2010.

Subtleties of that argument aside, UW owes its students and its public neither all perspectives nor just those perspectives that carry an institutional endorsement. Instead, what we owe is a set of perspectives that expand people's intellectual capacities, that are consistent with the most refined methods of inquiry, that connect to their pressing concerns, or perhaps that meaningfully challenge comfortable assumptions. And no matter what perspectives we allow to be heard, we owe all of our constituents — students and public — the right to express reasoned, civil disagreement with them.

In contrast to the error of omission, the error of commission is more difficult to manage. It consists of willfully abandoning the role of neutral forum. We risk making this mistake whenever external constituencies howl in protest at the contents of a professor's book, whenever someone with a profit interest tries to intimidate scientists who publish inconvenient conclusions, and whenever influential voices outside the academy try to exercise a heckler's veto of a campus speaker.

The difficulty of managing this second error arises from the more aggressive nature of the criticism that controversial speakers engender. As I've said, the heckler's veto, when exercised by people of influence, can place truly profound pressure on any president and board of trustees who care about the future of the institution. The only hope for the neutral forum may lie in the willingness of other influential voices, *outside* the academy, to counter the hecklers directly. In practice, unfortunately, those countervailing voices often find it far easier to criticize the president and trustees than to help them.

When it comes to abandoning the neutral forum, the risks to public trust are insidious. They bring us back to the deeper considerations I mentioned earlier in discussing academic freedom. As no more than a set of rights and privileges, academic freedom amounts to a doctrine, surprisingly barren of guidance on how to maintain a neutral forum.

It is the *rationale* for academic freedom that counts, not the doctrine. And this rationale has direct bearing on the question of how the university can cultivate public trust. In what is arguably the founding statement on American academic freedom, the American Association of University Professors in 1915 wrote the following:

[I]n a democracy there is political freedom, but there is likely to be a tyranny of public opinion... An inviolable refuge from such tyranny should be found in the university. ... For the public may respect, and be influenced by [the university],

if it believes those counsels to be the disinterested expression of the scientific temper and of unbiased inquiry. It is little likely to respect or heed them if it has reason to believe that they are the expression of the interests, or the timidities, of the limited portion of the community which is in a position to endow institutions of learning.⁷

At last, we've arrived at the kernel of the matter. The rationale behind academic freedom is precisely that a democratic society thrives on open access to ideas. And to trust that its access to ideas truly is open, the citizenry needs at least one type of institution that it recognizes as a neutral forum.

In 1967, in a landmark case⁸ on individual academic freedom, Supreme Court Justice William Brennan cast this utilitarian argument in memorable terms:

The classroom is peculiarly the "marketplace of ideas." The Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth "out of a multitude of tongues, [rather] than through any kind of authoritative selection."

In short, universities face a delicate reciprocity principle. To maintain a neutral forum requires us to cultivate public trust. But to fail at maintaining a neutral forum is to place that very trust at grave risk.

Conclusion

I hope I've persuaded you that universities have a duty to serve as neutral forums for the exchange and examination of ideas. Hosting a wide array of visiting speakers contributes to this role. Deliberate or inadvertent missteps into the realm of political theater or failure to live up to the university's broader teaching mission can lead to circumstances in which the neutral forum is temporarily lost in a maelstrom of anger and threats. The cancellation of a speaking engagement, whether in response to real threats to safety or as the result of a calculated reaction to political pressures, seriously diminishes the long-term returns on public investment in higher education. At the very least, it entails some repair work.

⁷ American Association of University Professors, "1915 Declaration of Principles on Academic Freedom and Academic Tenure," Appendix 1, *Policy Documents and Reports*, AAUP, Washington, DC, 2006, pp. 295-296.

⁸ *Keyishian v. Board of Regents of the State of New York et al.*, 385 U.S. 589 (1967).

The concept of a neutral forum is not something that appears in typical university mission statements. As an aspiration it reaches far beyond the First Amendment or the commonly oversimplified notion of academic freedom. It is a higher vision, crafted during the same Enlightenment that gave birth to our nation. This vision found its most crystalline expression in the words of John Stuart Mill a century and a half ago:

The peculiar evil of silencing the expression of an opinion is that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.⁹

The university can't fulfill this vision if its public insists on interpreting visiting speaking engagements as institutional endorsements. We must insist that they are not. We certainly cannot fulfill the vision if our stakeholders, inside or outside the institution, take it upon themselves to decide which voices have a place at our lecterns. When this happens, the public momentarily loses one of the most valuable returns on its investment in higher learning — not the opportunity to hear a particular speaker, but the confidence that there remains one place, amidst the cacophony that now passes for discourse in America, where we can hear others' ideas in full, judge them on the merits, and in doing so sharpen both our intellects and our principles.

⁹ John Stuart Mill, *On Liberty*, 1859, text retrieved 26 October 2010 from http://ebooks.adelaide.edu.au/m/mill/john_stuart/m645o/chapter2.html