Review of Bilgrami, A. and Cole, J.R. (2015). *Who's Afraid of Academic Freedom*? (Eds). New York: Columbia University Press.

Beyond Academic Freedom

PROFESSOR JACK KATZ
UCLA

Something new is happening with "academic freedom." It is not just that controversies over rights of inquiry and expression have rapidly proliferated on campus. It is not just that the arguments are new. On the contrary. Everyone enters the argument by looting the same historic vault of normative treasures, even while ignoring central questions about the organization of power within higher education and the place of colleges and universities within the pursuit and dissemination of knowledge. "Academic freedom," perhaps the only value that all profess, has become a rhetoric drawn on so commonly and narrowly that it is becoming empty.

Relative to the situation 100 years ago, in their economic functions and political dramaturgy, colleges and universities have become too precious. The critical question, dodged by virtually all, is whether and how intellectual freedom might survive the laudable, inexorable decline of the institution's political-economic isolation, including its class, race/ethnic and sex segregation. Very few contributors to debates about academic freedom, least of all those placed high in administrative positions, are willing to speak to the emergent contradiction of maintaining an intellectual playground within organizational vehicles that pursue an ever greater intertwining with ameliorative government programs, morally indignant populist protest, and market-based wealth.

Read in isolation, each chapter in Who's Afraid of Academic Freedom? is an intriguing contribution by an exceptionally high level author writing directly out of a series of tumultuous events. Read as a whole the collection is sterile. I will summarize the perceived threats to academic freedom, identify issues in the social organization of colleges and universities that the authors finesse, and point toward a discussion that would re-frame the understanding of academic freedom within an ecological analysis of an expanding range of knowledge-producing institutions.

1. How Academic Freedom Became an Oxymoron

Adding up the dangers perceived by the authors, threats to academic freedom emanate from all sides of higher education's operations. First on the burgeoning list is a set of overtly political groups intent on barring faculty hires, blocking promotions, excluding speakers from campus invitations, and excising materials from teaching, without bothering to argue that the obnoxious faculty, invitees or syllabus items lack scholarly merit. Judging by the would-be censors most frequently cited here, the most powerful pressures now come from pro-Israel lobbies and anti-anti-Semitism groups. (See the chapters by Jonathan Cole, John Mearsheimer, Judith Butler, and Noam Chomsky.)

Several authors point to pressures from individual donors (see the allusion by Geoffrey Stone), campaigns mounted by otherwise dispersed alumni of private universities, and anger sporadically crystallized from the usually atomized general public that is the constituency of state universities.

These less predictable threats to academic freedom have targeted euthanasia advocacy (at Princeton), teaching about sex that was either too enthusiastic or too explicit (at the University of Illinois in 1963, at Northwestern in 2011), and anti-capitalist rhetoric carried to the point of impressive callousness (an ethnic studies professor at the University of Colorado-Boulder who in 2001 wrote of 9-11 victims as "little Eichmanns"). (See Michele Moody-Adams' chapter). Also seen as undermining academic freedom are congressional pressures on peer review panels and measures to reduce funding for projects deemed obnoxious on moral and political grounds, such as research using fetal stem cells.

Some contributors focus on threats at the increasingly blurry boundaries between higher education, private business, and government programs that traditionally have operated outside of higher education. University presidents, most agree, should not take positions on political issues that are not specific to higher education. Among other reasons, faculty who hold contrary views could reasonably anticipate that their career prospects would be hurt, if not by the top dog directly, from underlings eager to show their fealty. But the same university administrations that celebrate political silence also may commit to manage charter (public) schools and collaborating with private businesses in "applied research" programs. Such initiatives set up internally repressive implications, at least for those who would criticize the new initiative's pedagogy or who would damn the old-fashioned conflicts of interest that are generated (See Richard Shweder's chapter).

Continuing in this vein we might note the many administration policies that routinely escape criticism, even though they operate in massively consequential, partisan political ways. During the Clinton administration, UCLA became a regular campaign stop for national Democrat party candidates. The campus's diverse student body makes it an attractive backdrop for any political candidate, at least so long as candidates are sufficiently aligned with students' political views that a rainbow mass does not storm the stage. The Clinton administration granted millions of dollars to reconstruct the campus's premier auditorium, Royce Hall, after it was damaged in the Northridge earthquake of 1994. Was this a payback for past hospitality and a down payment on future access? Michael Dukakis was the Democrats' failed candidate in the 1988 presidential election. Was his subsequent appointment to a faculty position in the UCLA public policy school made on purely scholarly grounds? Is a university administration neutral when officially allowing all would-be speakers to apply for access, while letting students, alumni, legislators and outside protestors effectively block opportunities for those represent the disfavored part of the spectrum? Effective neutrality requires eliminating the campus as a campaign stop for any and all. Again, given the employment hierarchies at universities, how can faculty who would prefer that the university remain politically neutral, or even favor a political party that dare not step onto campus, not register repressive messages?

Censorship in higher education is no less effective for being organizationally indirect. Across the board, university administrations have set up an internal agency that aids external interest groups that wish to shut down research which they deem offensive on substantive grounds. Philip Hamburger's critique of IRBs ("institutional review boards") as censorship organs reflects the enormous increase since the 1960s in the funding of biomedical research, which has fueled a quickly generalized "human subjects protections" movement that has restricted the research freedoms of social scientists and, on many campuses, historians, law faculty, and even humanities scholars. Hamburger characterizes IRB control as a constitutionally problematic "licensing" of

inquiry and expression. Outside of higher education, if the government attempted to impose a licensing requirement on research and publication that it does not fund, it would be forced to confront First Amendment guarantees. Inside higher education, IRBs treat First Amendment protests against prior restraints as academic arguments.

Because IRBs do not make their procedures and decisions in given cases available for general guidance or criticism in the research community--must less do they make public any reasoning they may have gone through--it takes original data gathering to appreciate how repressive they are. A vignette-based survey at Columbia, reported here by Jonathan R. Cole, Stephen Cole and Christopher C. Weiss, indicates the extent of repression. For a real case: At the University of California, San Francisco, a campus that is primarily a bio-med operation, social science researchers have been blocked from conducting the on-site field observation phase of what might seem an anodyne quasi-experimental study of differences in HIV prevention policies and procedures in gay bathhouses. The IRB would not approve the field observations on the following logic: bathhouse management must be considered a human subject, study observers might identify a regulatory violation, and, even though the results would be reported statistically and anonymously, the study put non-compliant bathhouse management at risk. No matter that NIH had approved the research design. The researchers could proceed with the study only if they first obtained the consent of managers, which would predictably result in managers of low prevention venues opting out of the field observations. (My thanks to William Woods for details and documentation.)

Students, a threat to university administrations in the 1960s, have become a relatively new contributor to the mix of social forces that would suppress the academic freedom of faculty and other students. As Stone puts it, in the current era, "accusations of racism, sexism, anti-Semitism, neocolonialism, [and] homophobia chill discourse to the bones…..and students are often the worst violators." Classic works may be stripped from syllabi on the sole reason that they may be read as supporting conduct that should be damned. We learn that at Columbia, Ovid was again sent into exile, this time for his depiction of rape in mythology. The moment is arriving when we might compare the contemporary casualty count with that from the Cold War/McCarthy era. But the dark figure of repression--especially the job candidate whose work, however high in quality, is deemed too likely to elicit populist protest--will not easily be quantified.

The count also will not be straightforward because threats to academic freedom are no longer a matter solely of negation (exclusion, dismissal, blocked promotion). Richard Shweder notes a pattern that can only be perceived when a series of positive administrative decisions are linked over time. Through affirmative action, "target of opportunity" job offers, or through creating ethnic, race, gender, American Indian or Native studies programs, university administrations establish new positions to be filled, which unless budgets increase means that old positions are not restocked. Creating some and terminating other substantive directions of research and teaching in response to social movement, partisan animated pressures, these administrative initiatives make an end run around the scholarly and scientific criteria that define the province of academic freedom.

But wait! Perhaps the expansion of knowledge fields beyond the control of the traditional disciplines has been the most positive advance in academic freedom. Joan W. Scott portrays the institutionalization of gender, race and ethnic studies in higher education as having demonstrated that pre-existing disciplinary control had been suppressing the freedom to develop indispensable lines of inquiry and expression. And, indeed, as these programs now enter their second and third

generations of faculty hires, their personnel often have established working relations with faculty in the traditional disciplines, such that scholarly criteria have merged and initial opposition has faded away.

If there is a central tension in these essays, it is not between those for and against diversity, affirmative action or other hot button issues, but between those who conceive an individual versus a collective foundation for academic freedom. Philip Hamburger finds support for academic freedom in the First Amendment's protection for individual rights. But Robert Post tries to develop a constitutional argument for an understanding of academic freedom that rejects a reliance on individual rights in favor of the hierarchical power of academic disciplines. For Post, universities exist to advance and define expert knowledge, which if it means anything, means repressing many forms of individual expression which experts would deem worthless (e.g., deniers of evolution, climate change, the causal link between tobacco and cancer). Post sees the overall health of the polity as at stake: expert knowledge justifies the constraint of expression through discriminating in hiring, denying tenure, distributing scarce grants and honors, etc., so that democratic discourse can better resist a potentially propagandizing, dis-information state. Following this line of thinking, an ethics committee like the IRB, seen as applying collective, expert oversight, would easily trump claims of individual research freedom.

The somewhat indirect debate between the academic lawyers, Post and Hamburger, reflects a larger tension in the volume. Several of the contributors back up the disciplines-experts-professional side (Stanley Fish, perhaps most famously), while others are convinced that the most deeply rooted threats to intellectual freedom in higher education come from the very professional organizations that rule academia: the disciplinary divisions, the hierarchies based on received knowledge, the "old boys" clubs. David Bromwich, an English professor at Yale, uses language that (perhaps coincidentally) echoes Hamburger's when he argues against a definition of academic freedom that "turns on licensed expertise". Jonathan Cole's chapter most forcefully encourages university authorities to resist populist emotions and political lobbies, but Cole also protests against orthodoxy in research communities, which, he specifies, have denied doubts about the connection between high cholesterol and heart attacks, rejected prions as causes of disease, and refused to consider that ethnic, gendered or racial differences in educational achievement may be based on something other than discrimination.

Debunking the pretensions of professional authority in another way, Elster protests against the obscurantism that he finds in post-modernism, structuralism, Foucault, Bourdieu, Latour and other waves of hermeneutic social science that have become popular since the 1960s (even while the basis for his shotgun objections remain obscure). Several contributors, especially Akeel Bilgrami, find dogmatism in the discipline of economics, or at least in the style termed neo-classical or Chicago. Robert Post's plea to enhance "democratic legitimation" by deferring to officially seated experts does not leave room for much academic freedom when the experts are tyrannical.

Throughout this volume, even within chapters, there is an unresolved conflict between academic freedom's dueling heroic tropes. On the one side, there is the lone researcher or scholar, standing against the tide of hegemonic opinion. On the other side, the advancement of knowledge, even the heart of democracy, is saved when political pressure is resisted by disciplinary, expert and professional authority operating through the AAUP, peer review, a resolute campus administration, and the tenured professoriate. But overall, the commitment to "academic freedom" is fierce.

Contributors posture like Cerberus, scaring off outsiders who would pollute the university, standing fast against students who would suppress offensive expression as defined by populist culture, vigilant to shield dissident faculty from peer dominance.

2. The Issues Finessed

Everyone sees negative cases but no one gives a tractable positive definition. How does an institution know that it enjoys a robust culture of academic freedom? University of Chicago president Robert Zimmer praises "rigorous, intense, and open inquiry." But Zimmer repeats the phrase four or five times in seven pages, each time shedding less light, in the end conjuring up an image of current university leaders caught in the headlights of onrushing barbarians.

All the contributors treat academic freedom as a cultural matter, to be enhanced or put at peril depending on campus philosophy about values, purpose, integrity, professionalism, and scholarly independence, sometimes with the comforting fantasy that a judiciary will act as savior of last resort. The untenable assumption is that scholars and scientists somehow float outside of social influences when they work.

How do academics know when they are free? Geoffrey Stone's contribution raises the issue in a refreshingly honest way. A law professor specializing in the First Amendment throughout his long career, for a time the University of Chicago's provost, Stone recalls that when he was a student in the 1960s, he protested against the university's refusal to take a position against the Vietnam War. Now Stone enthusiastically embraces the institution's Kalven Report (1967, University of Chicago), which called for the administration to remain neutral "on the university's role in political and social action." (When the Kalven report was written, 'red hunting' legislators were still biographical memories. Live issues included university cooperation with the Selective Service, proposals to improve neighborhoods around the campus for non-student residents, and endowment investments in regimes seen as unjust.) Was Stone's student outlook independent of his generation's self-interest as potential war fodder? Did it signify liberation and greater wisdom when he reversed to a perspective more useful for quashing the demands that come to the university's most powerful positions?

The same question reappears on the highly consequential issue of whether academic freedom is an individual right or a privilege to be conferred and protected by elites. It is a fair bet that those who view the current turmoil from a berth in administrative power are less likely to see academic freedom as an individual right than are those who encounter the issues from a relatively naked institutional status. It is notable that Post, a law school Dean, argues that the state should reinforce academic freedom not as an individual right but through academia's governing bodies; that Jonathan Cole, who has held a series of high positions in Columbia's administration, is the most forceful voice seeking support for insulating university leadership to better insulate faculty from external political pressure; and that Matthew Goldstein and Frederick Schaffer, whose careers brought them near or to the top of the CUNY power structure, seek judicial support for academic freedom but fear direct access by individual faculty to the courts when that access would sidestep the precondition of formal university review and could hold administrators to answer "petty retaliation" claims, i.e., the sort of individual grievances that give all employers headaches.

If academic freedom is to be approached as an empirical matter, with variations addressed so that competing explanations may be tested, a positive definition will be necessary. It would be hard to argue that a compellingly relevant data set could be created only by including differences in negative cases, i.e., variations over time and place in efforts to repress lines of research and expression. Censorship works most effectively when it is least resisted.

What does freedom look like? Consider that there are three ways to think about claims of bias in social processes. One approach looks to norms, attitudes, prejudices, or values as matters existing in individual psyches and organizational cultures. That is the perspective taken by those who see the enemy as someone or some group bringing the wrong perspective on how power in the university should be exercised. A second approach looks to outcomes, usually by describing the distribution of personal characteristics (gender, race, ethnicity, geographic origin, etc.) in those hired, in the authors covered in a syllabus, in grades given to students, etc. That is the perspective taken up when claims are made to create new departments to overcome historic intellectual blinders due to under-representation. A third way of thinking about bias is to look to the framework of social interaction in which decisions are made. This is the most naturalistic perspective but it is almost never used, in part because it requires intricate factual investigations.

Consider that any course of action may commit two types of error, negative (not accepting a truth) or positive (accepting a falsity), sometimes called Type 1 and Type 2, Alpha and Beta, passive or active. A person may do something that turns out to be an error, or not do something that would have been the right thing to do. Putting aside our view of actors' psychologies, before the production of outcomes, and without ever having to make an independent judgment of whether a decision is right or wrong, we may say that a context encouraging academic freedom obtains when the social pressures to declare positive and negative errors are in balance.

In this approach (which I once wrote about under the title, "Hunting for Bias"), there is no pure state of freedom which the analyst can use as a touchstone to evaluate a course of conduct. All behavior faces constraints that are realized as the actor anticipates how different courses of conduct will be perceived and responded to. Looking at behavior within its natural context of social interaction, the analyst does not try to see whether the actor is heroically resisting or bending to social or political pressures against his/her better scholarly judgment. The focus is on the others who make up the social context in which power is exercised.

Social contexts of academic work vary in the balance of pressures to assert one or the other type of error. Let's say a department is weighing whether to hire a candidate whom all see as "white" or a candidate all see as "of color"; deciding between a pro-Israel or a pro-Palestinian candidate; or making a job offer to a literary critic who specializes in the works of Normal Mailer versus one who specializes in Joyce Carol Oates' oeuvre. Any decision will be positive to one, negative to the other. The social interactional perspective on bias asks, in hiring one or the other, what is the composition of responsive social pressures that may be anticipated?

Setting up the question this way leads to the consideration that at times academic freedom requires that there be more political and social pressure on academic decision-making. Perhaps external lobby groups weigh in on only one side. To reduce bias, there should be more external pressure, pressure on the other side as well.

In no case will the decision to hire, invite, or honor be "free." Academic freedom is usually discussed like a fairy tale in which beautiful minds act, sometimes "rigorously," sometimes "playfully," in a world that floats above anticipations of how mundane others will respond. In an empirically grounded sociological formulation, unbiased decision-making is likely in only the rarest of circumstances: where no one outside an academic discipline cares about the outcome, or when those deciding can reasonably anticipate that reactions will weigh in equally on both sides.

A perspective on academic freedom as shaped by the social conditions of intellectual work would focus not only on the experiential context of individual decision making; it would also follow the money through the elaborate interlacing of temporally and spatially distant lines of behavior that sustains higher education. The realm for exercising academic freedom is shaped by collective action that includes far more than arbitrary donor preferences, political witch hunting, and populist opposition to "offensive" expression within the campus community. Far behind the hot button issues, academic freedom is bolstered by legal requirements for a certain measure of independence from donors if contributions are to count as charitable tax deductions; by details of the tax code, such as the recent reform which allows money to go from personal retirement accounts directly into universities, among other charities, without incurring a taxable event for the donor; and by the magical cloak of the research grant, which confers on faculty an enviable measure of freedom from accountability as compared to the contractual basis that governs knowledge work in most places outside the university.

Perhaps the most empirically interesting matter neglected in these essays is the relevance of societal changes which, since the controversies of the Cold War and the Vietnam war eras, have altered the relationship of higher education to other ways of developing and promulgating knowledge. One is that the social organization of work in general, especially intellectual work, has shifted away from permanent, hierarchical organization to a project-by-project format. Increasingly, outside of university research, instead of an ongoing division of labor shaping work, work projects shape who will be working with whom, for how long, and in what ways. In the 1970s, there was a catchy prediction going around academic sociology (linked to Arthur Stinchcombe, if memory serves): the social worlds of work outside the university would increasingly resemble the academic patterns of security in employment and benefits, collegial control, autochthony, and meritocratic advancement within fields of expertise. Instead the more compelling model has been Hollywood after the Studio system: people from diverse occupational backgrounds meet on the set, get paid at unusually high levels by a unique assembly of financiers, and, after the project is over, enter periods of unemployment before entering other projects, where the others they collaborate with are again new personal acquaintances.

The premise of almost all arguments for academic freedom is that the research university's mandate is as the unique place for making advances in knowledge, meaning, presumably (no one here bothers to offer a definition), something like the development of knowledge put into generalized form and made available to others as resources for the advances they would make. Occasionally there is a nod to activities outside the university. Robert Post acknowledges think tanks and the pharmaceutical industry. A broader survey might include major developments that began in or after the 1960s, including the Silicon Valley, its kin around the world, and hackers as individuals and as communities; the Space program; art, literature and architecture, where universities claim to be at the cutting edge only because they aggressively offer academic posts to

prize winners; the history of contributions by laymen that made the Mayan code universally legible; and revolutions in social thought, such as the unprecedented changes in thinking about sexual identity, which were promoted by entertainment media and which academics have eagerly embraced but increasingly in a catch-up manner. Academic sociology now faces a novel challenge as university researchers scramble to put a disciplinary stamp on contributions to knowledge that are made possible by the digital data generated by the algorithms of for-profit business, which disseminate knowledge of social ties to users who use them to create novel patterns of social interaction that are tapped to finance the next phase of advances in studying social relations.

What was obvious about the university's place in the societal discussion of social change at the time the Kalven report was written is now at least problematic and probably wrong. “A university faithful to its mission will provide enduring challenges to social values, policies, practices, and institutions. By design and by effect, it is *the* institution [my emphasis] which creates discontent with the existing social arrangements and proposes new ones." Up through the 1960s, universities were leading the anti-war movement, sending students to the South to work against segregation, catching media attention by seizing university buildings, creating a "Free Speech" movement. Now university students and faculty pick up changes in thinking about sexual identity that are led by popular culture talents. Activists on college campuses amplify civil rights demands that are first brought into pitched battle by people on streets, people who, biographically and geographically, live far from any campus of higher education (viz. "Trayvon Martin," "Ferguson" and their "Black Lives Matter" progeny before and independent of the series of campus controversies following "Mizzou").

To say, as does Robert Post, that "only universities define, reproduce, and constitute the disciplinary standards by which expert knowledge is recognized and validated" is to risk resting the case for academic freedom on a tautology. Those who are advancing knowledge outside the university will usually have had experience in the university, so universities can take credit for what happens outside the ivy walls. Exceptions to the correlation between advancing knowledge and university education are not just the famous college drop outs who have led major advances in the internet revolution. The claim is misleading for deeper reasons.

Here are three. As with the correlation of gang membership and youth violence, which is routinely invoked by criminologists as well as the police to explain crime, the opposite causal relationship is a better fit with the evidence: universities are where smart people belong (as Andrew Abbott more or less argued in an address to Chicago's incoming class of 2006). Moreover, it is difficult to disentangle the workings of a self-fulfilling prophecy when trying to explain why so much research funding goes to universities. As universities have developed the administrative competency to command ever larger research funds, the practical, tax subsidy and intellectual reasons for doing creative research in the university have blended to obscure the issue. Third, knowledge workers operating outside of universities may not be preoccupied with disciplinary standards or with earning the title of experts, which is a characterization that academics more or less control. But in the process of getting projects done they create what the pragmatists were wont to call "tools" of knowledge, making available generalizable knowledge that becomes a resource for others operating within the university and outside. It is a fair bet that the spread of knowledge outside of the university occurs more directly through marketing than through journal publication. But to investigate that possibility, we would need much more clarity than we now have on a positive definition of knowledge-based and knowledge-producing creativity.

3. Threats to Freedom of Inquiry and Expression from Academic Organization and Culture

Over the last forty years different parts of the conglomerate university have started to undermine each other's freedom of operation. IRBs significantly increased the restraints on biomedical research but in one important respect, nothing new was happening. Through the mechanisms of medical licensing and laws defining controlled substances, the government had long constrained consensual interventions into human bodies. But in the social sciences or in the humanities, nothing like the IRB's licensing requirements--government imposed, universally applicable requirements for the pre-approval of inquiry even at its earliest stages--had been known. Historians, ethnographers, journalism students, and law academics have learned that they are not free from the IRB's prior restraint if they propose to interview officials, observe people in public spaces and write about them anonymously, or even just use archival sources to write about identifiable, living people. On some campuses, fiction, which is often taught with the encouragement to write about what you know, even poetry, which hovers on an especially thin line between autobiography and fiction, risks harmful self-disclosure. Fiction writing assignments have been restricted on the grounds that young authors might hurt themselves by revealing too much on sensitive topics.

Looking across campus in the other direction, it is the softer side of the university that is generating most of the sensational controversies about free speech on campus, which are now spreading to the STEM side. In the humanities and social sciences, forbidden words and "offensive" perspectives in readings, writings and class discussions may throw a whole campus into an uproar. In non-academic social life, "micro aggressions" in everyday interactions, such as the phrasing used in emails, opinions offered in undergraduate student councils and newspapers, asking classmates "where are you from?" (on a possible, possibly paranoid hearing of "why are you here?"), and party costumes can put a campus community at war with itself. The physical sciences and related fields (mathematics, engineering) and the professional schools have been relatively removed from campus cultural storms.

Perhaps in a more just world, the STEM side of universities would face greater pressure to reduce racial and gender imbalances, end sexual harassment, build insulation from biases to serve private industry bias, and otherwise strengthen the conditions for enjoying academic freedom, particularly in the everyday social worlds of students and junior researchers. For whatever reason, faculty on the physical science and professional school sides of the university have not been as eager to participate in the culture wars in higher education. Their stand-offishness is indicated by their exceptionally low response rates in the survey of faculty views on academic freedom that Jonathan Cole, Stephen Cole and Christopher Weiss report at the end of this volume. The soft sides of campus life are threatening to limit the ability of some on the "hard" and professional school sides of higher education to enjoy academic freedom in the sense of being free from controversies over academic freedom.

As battles over academic freedom press campus administrations to take politically sensitive positions over physically threatening confrontations among participants, they become irresistible to the mass media. An unanticipated, undesired upshot is to draw questions from legislative overseers of the usually below-the-radar structural foundations of intellectual autonomy in higher education. Politicians begin to ask how universities handle the tax-free growth of their endowments. Research funding becomes restricted in ways that limit the resources of disciplines

that are cast as partisan-biased. As discussions of academic freedom become more sophisticated, they ironically shake the crude but especially deep economic foundations for intellectual autonomy in higher education.

Since the 1960s, academic culture has become measurably thicker and significantly more capable of acting like a culture. Cultures are media of growth. It is worth remembering that biological growth also commonly implies the smothering of competing life forms. One of the countable indicators of the increasing thickness of academic culture is the proliferation of recognition that surrounds the individual identities of faculty. Eminent faculty are now presented to the world within a mantle of honorifics that rival the medals and ribbons that adorned the uniforms of Soviet generals. Take Judith Butler. In the Contributors pages, the meagre four syllables of her personal name are cosseted with forty plus syllables announcing her present and past statuses. She is no outlier. Other contributors require several paragraphs to honor their honorifics. Meanwhile, Butler's contribution suggests that extraordinary distinction supports work which, in ignoring a host of obvious questions, is itself repressive, if we consider the social psychological implications of expression. Students and colleagues who find themselves confused by her indifference to their doubts--in her call to boycott Israeli institutions for their alleged deprivation of Palestinians' academic freedoms, she does not acknowledge much less respond to slippery slope problems and fails to clarify how institutions but not individuals may be boycotted--may well wonder whether, given her extraordinary status, something must be wrong with them. Generously distributed in grand public ceremonies, academia's honorifics can weigh down heavily in the most intimate shadows of a would-be scholar's isolated thoughts.

This volume's authors generally share the objective of protecting both freedom and academic culture. But the abuses they condemn, such as "trigger warnings" and the repression of "offensive" speech, were themselves set up by several decades of change in academic culture. Robert Post approvingly quotes Felix Frankfurter's encouragement to "regard teachers--in our entire educational system, from the primary grades to the university--as the priests of our democracy." Over the last several decades, university administrations have followed Frankfurter's further recommendation not to take the analogy as hyperbole. At UCLA today, faculty in all disciplines are required to take training courses in human subjects protection, sexual harassment, conflicts of interest, outside employment, lab safety, dangers from computer hacking, and other matters. None of these efforts at socialization existed in 1980. The crude nature of these requirements (e.g., requiring training in lab safety for statisticians) indicates an organization at once fearful of external challenges, incapable of working through the distinctions to be expected of any sophisticated administration, and eager to shape the moral character of faculty so that professors may serve as dramatis personae in a public relations theater of operations. Against this background, current proposals to require "cultural sensitivity" training for faculty represent a marginal change. Other places of employment have seen some of these efforts, but the generation-long leadership of the U.S. university system in officially perfecting the moral character of its faculty makes higher education stand out as an exceptionally "greedy institution," to recall Lewis Coser's concept.

As faculty are increasingly held out to the world as priests, it is well to keep in mind that a religious order is not the first place one would look for intellectual freedom. Moreover, while in many academic fields formal efforts at socialization and limitations on faculty social life may have no effect on the quality of scholarship and the capacity to contribute to knowledge, in some they do.

Looking at the distribution of international awards for intellectual achievement across various fields, it is notable that academics dominate the receipt of recognition in the physical sciences, mathematics and economics, which are areas in which "academic freedom" has not been much in controversy since the end of the Cold War, while those who win international awards as leaders in art, literature, journalism and architecture, generally make their careers outside of academia. Which is to say that there is something systematically inconsistent with academic culture and cutting edge work in a variety of fields.

Academics increasingly face demands that they manifest the virtuous profile that has historically been demanded of politicians, at least as an outward posture. The historical pattern is that sex scandals, which 100 years ago were the province of Hollywood (think Fatty Arbuckle), are now staged around university halls (think Geoffrey Marcy or… now there are too many for one name to stand out). In Alfred Kinsey's time, a university in a conservative part of the country was the rare, relatively safe place for exposing sexual interaction. Now pornography flourishes in suburban, neighborhood-based production facilities, and on students' laptops as they sit in class, while sex remains too dangerous to present naturalistically in teaching, and subject to regulation and repression when it appears on faculty office computers.

While the character of faculty has become subject to formal and increasingly elaborate moral instruction, the casting of the faculty has also become influenced by dramatic purpose. If the academic priesthood must observe rules of celibacy that are less forcefully applied in society in general, the demographic appearance of faculty is increasingly called to represent the population. Like the selection of personnel on local TV news programs, university faculties are pressed to "look like" the viewing population. Students are now respectfully heard when they express dismay that none of their professors look like themselves.

The pressure to shape the university into a demographic maquette has directly pitched academic culture against intellectual freedom and the development of knowledge. In the area of "affirmative action," silence has replaced sensible questioning, much less vigorous discussion. In California, a plebiscite in some sense forbade state agencies, specifically including the University of California, to discriminate and give preferential treatment based on race, sex, color, ethnicity, or national origin. Despite all the other training courses faculty must complete, there is no instruction on what the legal framework should mean in hiring and promotion. If, as a member of a hiring or review committee, one asks how one is to know if decision makers are implementing affirmative action or discriminating/preferring in violation of state law, the response is likely to be a mixture of embarrassed silence and deadly stares.

The "underrepresentation" of certain population groups in the student body and among the faculty and administration is routinely cited in calls for change. But what is also routine is the absence from campus discussions, and even from white papers issued by faculty on the topic, of a working out of the population sets that make up the critical ratios. At UCLA, is the relevant set "LA," whether as city, county or region; "C," the state population; or U, the global catchment area for possible members? Is the answer the same for admitting undergraduates, giving fellowships to graduate students, and hiring the faculty of a university that has employed a large percentage of foreign-born faculty in the process of becoming "world class"? Should a characterization as "African American" or Latino be left to self-designation, as is currently the case? In California's large immigrant population, do first generation high school seniors hold the same moral claim on admission as do

the children of families with multi-generational tenure in the U.S.? In calculating the current preference value of historical injustices to a finite U.S. resident population, should date of immigration arrival and differences in family fertility and age distribution in different ethnic populations be taken into account? Should "people of color" include applicants who are first or second generation immigrants from the Caribbean or Africa? Should the phrase exclude those with ancestors who were not sufficiently white to escape Nazi gas chambers? What about those candidates who have become "people of color" in the U.S. after their ancestors migrated from Spain, France, or Portugal, where they were presumably white (as opposed to Moorish or Jewish); then moved to Latin America, the Middle East or North Africa, where over several generations they and their segregated descendants enjoyed the privileges of stark racial domination over indigenous, mestizo and African-descent populations? Not only in the sloganeering used to pepper demands but also in the official documents produced by the university in favor of affirmative action, contemporary academic culture evades these questions, producing superficial demographic imagery in a rush to transcend the injustices of U.S. racial history, or at least to quell immediate conflicts. As "diversity" has become, in the words of an eminent colleague, the third rail of academic life, the phrase has been used to numb--is it a sign of the repression of academic freedom that it is too offensive to say "dumb down"?-- what should be an intellectually rich discussion.

4. The Future of Academic Freedom, Looking Vertically within and Horizontally across the Social Organization of Higher Education

In the fall of 2015, the UCLA chancellor ordered the "suspension of all social activities" (whatever that may mean) at a fraternity and a sorority after they hosted a party mocking the public couple, Kim Kardashian and Kanye West. An African American student organization expressed indignation that some guests had darkened their faces to resemble West, a mega star singer whose indications that he might run for the US presidency in 2020 cannot, after Donald Trump, be dismissed as clowning. Other guests had exaggerated their curves to mock Kardashian, a woman of Armenian descent who has often generated publicity by displaying her breasts and buttocks. A law professor, Eugene Volokh, blogged that his chancellor's action appeared to violate the First Amendment. While some took offense that the histrionics recalled the minstrel music hall denigration of African Americans, there was also reason to see an instance of the timeless use of physical exaggeration to spice political satire. When African Americans achieve positions of elite power, should the historical experience of blacks in the U.S. give them a special exemption from populist traditions of ridicule? Should students who take offense be granted the power by university leaders to repress those for whom an expression may have non-racial critical meanings about the superficiality and abuse of fame? It is notable that in 2008, when a New Yorker magazine cover depicted President Obama and his wife as a "fist bumping" black radical couple, the graphic was denounced by some as racist. But out in the private marketplace, where the constitution would not restrict publishers' abilities to repress their employees' public expressions, the cartoonist and the editors were not subject to disciplinary punishment.

Political commentary on a range of social issues and public figures is now freer in cartoons and through comedy--the South Park animation series is a good example--than on campus, where playfulness with multiple meanings, essential to the life of humor and, in the view of many, to the "life of the mind," is being challenged. It is dubious to expect the leaders of research universities to

keep current with the publicity strategies of pop cultural figures who play to an audience some 50 years their junior.

In conglomerate institutions other than the research university, leaders may be asked by heads of subordinate divisions to sign off on matters about which they have no competence. Some take the awkwardness of their position as a reason for thinking about spinning off segments. When the STEM side of campus brings gratuitous and crippling constraints to the advancement of knowledge by the social science and humanities side, while activists housed on the social science and humanities side try to impose on the precise sciences some of the objectives of socio-political movements, those primarily concerned with academic freedom might begin to consider alternative arrangements.

The thrust of the essays collected by editors Bilgrami and Cole is to solve problems of academic freedom by working ever harder to develop ethical philosophy and a jurisprudence on rights of inquiry and expression in "the" university. The alternative is to think about expanding freedom in scholarly and scientific work beyond a homogenous cultural imagination of higher education. Instead of relying on a conception of a given culture that will protect academic freedom in all colleges and universities, we might consider an understanding of academic freedom that embraces a more differentiated cultural marketplace.

Jonathan Cole writes, "Defense of faculty members in the humanities and social sciences from external political pressure protects all members of the university community." But the risk arises in the first place only if all are members of the same institution, such that charges made against faculty in one department cast implications throughout the university. Clearly it is possible to have: great colleges that do not have graduate programs; great universities that make invaluable contributions to STEM knowledge with only modest commitments to the social sciences and humanities; and universities with great social science and humanities departments that do not also run professional schools. The current distribution of organizational forms in higher education is rooted in historical commitments. That the cost of starting up great universities is, or at least for many decades has been, forbiddingly high is a reason for rethinking the organizational field in ways that might better protect academic freedom. No matter that pressures for reconsidering the organization of higher education are coming not from concerns about maximizing freedoms of inquiry and expression but from high tuition and burdensome loan levels, competition from distance learning, and labor actions pressing for recognition of college football as a business.

As conflicts over culture in higher education continue, they may well produce an increased differentiation of institutions through creating greater vertical integration of culture within each college and university. For several reasons, the change is overdue. The single outward face of "higher education" masks divergent realities within and across institutions. Student cultures that are treated as unproblematic at some colleges are intolerable at others. What is most generally shared in higher education is a lack of transparency. There is more than a bit of fantasy in talking about universities as essentially engaged in the pursuit and transmission of knowledge when study after study shows massive cheating in pursuit of grades. Large research universities operate as an adroitly marketed bait and switch, with the accomplishments of researchers used to attract tens of thousands of students who are taught by graduate students, lecturers, and tenure track faculty who know that, notwithstanding teaching evaluations, their careers depend on research reputations.

The alternative is not a futile effort to impose a uniform culture on the miscellany of colleges and universities but within each, to promote greater consistency about the tack taken. Let Bob Jones University compete with Judith Butler College, while other institutions work out what they mean when they commit officially to a "hands off" stance on political issues. Prospective students, donors and faculty would be more honestly served.

5. The Soul of a Campus

It matters when given colleges and universities take positions on issues implicating academic freedom because such stances are publicly reviewable, while the core processes that determine the character of given institutions are not. Controversies over freedoms of inquiry and expression on campus are not to be regretted; they are the rare window through which external constituencies can glimpse what Richard Shweder refers to as the "soul" of an institution. The soul of a college or university is constantly being shaped behind closed doors, in ways that are hidden even to some of those directly participating. Whether faculty are freely following inquiry where it leads is a matter of everyday realities such as:

--In processes that determine hiring and promotion: How much power is exercised without providing reasons? How much reasoning is in the nature of spin (the prestige a candidate will bring to colleagues; program need; congruence with past decisions; what other departments, students or the administration want; what other evaluators, in journal and book editorial offices, have decided)? To what extent is there an assessment of how the candidate uses evidence to support claims? Unlike spin, arguing the relationship of evidence and claim subjects one's disciplinary competence to colleagues' scrutiny. In universities where departments decide on hiring and promotion, what percentage of voting colleagues read the candidate's work, and is there a culture that ferrets out and shames the exercise of power by those who do not?

--In shaping the direction of a particular research project: When there arises a sense of alienation between what seems the most important direction of development and what the journals will most predictably accept, which course does the researcher take? Are one's research trajectories so focused on political or professional debates that the possibility of expanding knowledge in as-yet-uncontested areas never arises? How much time is spent discovering marginal differences that justify multiple publications from a given line of research? Do faculty members ever weigh the active error of publishing too much too soon against the potential of erring passively by publishing too little too late?

--In the social organization of research: Is collaboration synergistic or a strategy to multiply career advantages from given publications? When a colleague insists that a reasonable alternative explanation is not being addressed, does one take on the challenge, dismiss it as the hallmark of a less powerful academic club, or exercise a finely trained capacity not to hear it in the first place? When an editor insists that a reasonable alternative explanation *not* be considered (because it is the hallmark of some other academic club), how does one choose among the very real alternatives that Albert Hirschman outlined in another context: fold, protest, or sacrifice the publication opportunity?

--In deciding when to retire, and incidentally create a vacancy to fill: Are faculty staying for the income, the emotional embrace, or because leaving would mean sacrificing essential resources for creating and conveying knowledge?

--In reviewing work as an evaluator for journals and book publishers: Do you require more or less substantiation for the unusual or impolitic claim?

--In program development: Positions, curricula and departments are always being expanded or created while others are left to shrink by demographic processes. Are such changes made in order to subsidize new directions in developing knowledge or as a way of creating new reviewing entities, operating with a different cast of people, who will agree on ignoring a class of substantive arguments and who will demand less evidence to support preferred claims?

--In teaching: Are readings and lectures organized to tell moral narratives which train students in the language and sensibility of a particular outlook, or to set up debates among reasonable alternative positions so that students are challenged to assess evidence?

--In the development by faculty of new publication outlets: Are new journals created to encourage as-yet uncharted areas of knowledge or to create new clubs that agree to ignore alternative views and which will help subscribers develop careers while skirting the review standards in existing journals?

Others will fill out the list differently, but something like this set of alternatives captures the existential alternatives that shape whether and how much the collection of people who make up a college or university promote freedom of inquiry and expression.

It is tempting to receive this volume's varied rhetorical defenses of academic freedom in the spirit of the comforting advice of my counterman, who is the current occupant of the Harry V. Bagel chair in Chopped Liver: "It couldn't hurt." But while I agree that, usually, arguing for academic freedom will not hurt, it could. And often it should. The thrust of these reflections is not to impose a unitary understanding of academic freedom across institutions, but to use the stance taken by a given institution as a rare pivoting point that affords external constituencies an enhanced ability to make choices as to where subsidies (grants, gifts, government tuition support) should be directed, whether to one or another college or university, or to one of the growing number of social locations in which the freedom to develop and transmit of knowledge is not an academic matter.

AUTHOR BIOGRAPHY

Jack Katz is a sociology professor at UCLA, the author of *How Emotions Work*, Chicago, 1999. Other publications can be found on or through his UCLA-hosted website: http://www.sscnet.ucla.edu/soc/faculty/katz/