



**The Professors' Orwellian Case\***  
**By David Horowitz**  
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The American Association of University Professors prides itself on being a guardian of academic freedom. There is a sound historical basis for this pride beginning with its famous report of 1915, which launched the academic freedom tradition. Through the 1970s its Academic Freedom Committee developed principles and guidelines that have been adopted by American universities to protect the intellectual independence of their faculties. As early as the 1915 report, the AAUP also recognized the academic freedom rights of students. However, as a guild organization whose members are professors, it is not surprising that the AAUP has not been so mindful of the academic rights of students, although these rights are mentioned in its pronouncements going back to the original report. Again, not surprisingly, the same is true of university administrations, whose academic freedom policies are generally modeled on AAUP guidelines.

Worse, when student rights have been widely infringed by faculty and university administrations, the AAUP has tended to overlook the infringements and even defend them. This is not a small problem. Under the name "political correctness," student speech rights have been curtailed and students' academic freedoms abused on an unprecedented scale. Courses of indoctrination masquerading as education have spread through the curriculum and become familiar objects of public ridicule. Outrage over political correctness and "speech codes," however, did not come from the AAUP or academic faculties, but from the public at large. Moreover, curbing these excesses has been the work of legislatures and the courts, more than academic institutions or associations.

Nor are the problems of professorial excess absent to day. This year, for example, a criminology class at a Colorado university was given an assignment to write a paper on "Why George Bush Is A War Criminal." Bad enough. But a student who chose to submit a paper on "Why Saddam Hussein Is A War Criminal" received a failing grade (for political incorrectness). At Augustana University, a Lutheran private college, a student was attacked by his own professor and called a "neo-fascist" in front of his classmates for the sin of inviting a Fox News Channel host to speak on the campus. At Metro State College in Denver, a student who was a Special Forces instructor and had served his country in Panama, the Gulf War, Somalia, Afghanistan and Iraq was told by his professor that he was a "racist" and "violent" and that his uniform was an "offense to the class." At Texas University, students complained about a professors who used their classrooms as political soapboxes, including one journalism professor who instead of teaching journalistic methods lectured on racism, the war in Iraq and ruling class control of the media. I myself attended a class in "Modern Industrial Societies" at Bates College a few years ago, in which the sole text was a 500-page tract put together by the editors of *New Left Review* with a range of authorities restricted to Marxists. When I asked the professor about the educational appropriateness of so one-sided a text, she replied "They get the other side from the newspapers."

Finally, a series of recent studies by independent researchers has shown that on

any given university faculty in America, professors to the left of the political center outnumber professors to the right of the political center by a factor of 10-1 and more. At some elite schools like Brown and Wesleyan the ratio rises to 28-1 and 30-1. Even assuming a skew resulting from the career choices of individuals who share certain values along this spectrum, a 10-1 ratio indicates a greater bias than any random process would lead one to expect. But even if one were to accept the 10-1 ratio as indication of a fair hiring process, how would one then explain the 30-1 figure at Brown, without reference to hiring bias? Yet neither the Brown Administration nor the American Association of University Professors, nor any academic association has thus far indicated the slightest interest in -- let alone concern about -- these troubling facts.

In this educational climate, it seemed like a reasonable idea to devise an Academic Bill of Rights that would focus on student academic rights, while protecting the integrity of academic institutions. Consulting with several academics, both conservative and liberal, therefore, I drew up a formal bill based on the tradition of academic freedom that had been articulated by the American Association of University Professors in its better days. The bill, which is sponsored by the national organization of Students for Academic Freedom, emphasizes the importance of intellectual diversity to a free education and codifies protections for students that are currently being systematically neglected. The bill was initially designed for adoption by university administrations but was also made available to legislators, several of whom -- including Colorado Senate Majority Leader John K. Andrews and U.S. Representative Jack Kingston, R-GA, have taken steps to make the bill law.

About all these developments the AAUP remained silent until I recently contacted them to solicit their support. Their statement in response airbrushes me out of the picture and addresses the issue of pending legislation based on my bill without distinguishing the two or mentioning my role. What I submitted was not proposed legislation -- as their statement suggests -- but a bill that could be adopted by any university or by the AAUP itself.

I had previously submitted a draft of the bill to four noted liberal academics -- Stanley Fish, Michael Berube, Todd Gitlin and Philip Klinkner, as well as to Stephen Balch the head of the National Association of Scholars and to Alan Kors a noted professor and defender of individual rights. Each suggested amendments to the original draft and the bill was edited and altered to meet their concerns.

With this revised bill in hand, I contacted Mary Burgan, the head of the "Committee A" -- the AAUP's Committee on Academic Freedom -- and was told that they were considering it, but never heard from back from her. Finally, in response to a repeated request, I received a curt email from Jonathan Knight referring me to the AAUP website, where an official AAUP statement on the bill had already been posted.

A scholarly body might have been expected to respond to my request for support in the spirit it was offered, suggesting amendments to any formulations in the bill it found wanting or objectionable. The AAUP could have suggested different wordings of the text, or suggested that specific clauses be dropped. (In response to concerns expressed by Professor Todd Gitlin, I had dropped an entire provision from the original draft). Instead the AAUP responded with the ferocity of a partisan political body. In the words of the AAUP statement, the Academic Bill of Rights was, "a grave threat to fundamental principles of

academic freedom,” and to be “stongly condemn[ed].”

Instead of a reasoned, fair-minded response, the American Association of University Professors had issued an intemperate, misleading and at times incoherent denunciation of the bill itself. If any act might serve as a symbol of the problems that have beset the academy in the last thirty years – its intense politicization and partisanship and consequent loss of scholarly perspective – it is this unscholarly assault on a document whose philosophy, formulations and very conception are drawn from its own statements and positions on academic freedom arrived at over nearly a century. Ironically, it is the AAUP's own unprincipled behavior that demonstrates the need for a constitutional restraint.

The AAUP's statement begins by attacking what it calls the bill's requirement that “universities ... maintain political pluralism.” Bad way to start. The Academic Bill of Rights calls for no such requirement and does not employ the term “political pluralism.” This is not merely a careless reading of the text; it is a substantive misrepresentation. The Academic Bill of Rights does refer to “intellectual diversity” and does so more than once. “Political pluralism” implies political balance, while “intellectual diversity” describes an attitude towards truth and the principle of free speech. The difference is crucial. Political balance implies political interference (to correct any imbalance); by contrast, intellectual diversity calls for intellectual standards to replace the existing political ones.

Having thoroughly confused the principle that the Academic Bill of Rights proposes, the AAUP characterizes the proposal as “an improper and dangerous method for [the] implementation” of the principle. It then dismisses the problem of infringements on academic freedom by declaring that current protections “work well” and therefore the bill is “not only ... redundant, but also infringes academic freedom in the very act of purporting to protect it.” In other words, we already have the protections you are proposing and, by the way, as proposed by you these protections are actually threats.

The AAUP then elaborates its conclusion by continuing to distort what the bill actually says. “The proposed Academic Bill of Rights directs universities to enact guidelines implementing the principle of neutrality [the AAUP's own term, not one found in the bill] by requiring that colleges and universities appoint faculty ‘with a view toward fostering a plurality of methodologies and perspectives.’ The danger of such guidelines is that they invite diversity to be measured by political standards that diverge from the academic criteria of the scholarly profession.”

The Academic Bill of Rights does no such thing. It expressly rules out measuring anything in the university by political standards. Article 1 of the bill states quite clearly, “No faculty shall be hired or fired or denied promotion or tenure on the basis of his or her political or religious beliefs.” In other words, the bill forbids use of the very political categories that the AAUP claims it invites.

Having created this straw man, the AAUP then proceeds to demolish it: “No department of political theory ought to be obligated to establish ‘a plurality of methodologies and perspectives’ by appointing a professor of Nazi political philosophy, if that philosophy is not deemed a reasonable scholarly option within the discipline of political theory.” But Article 1 of the Academic Bill of Rights explicitly states, that “all faculty should be hired, fired and promoted and granted tenure on the basis of their competence and appropriate knowledge

in their fields of expertise.”

There is no excuse for such slovenly reading of a text under attack. If even the AAUP can't be counted on to fairly represent a viewpoint with which it disagrees, how can it be so sanguine that the faculty it represents can be relied on to police itself?

Over and over, the AAUP statement implies that political standards are going to be substituted for academic standards under the Academic Bill of Rights. “Advocates for the Academic Bill of Rights ...make clear that they seek to enforce a kind of diversity that is instead determined by essentially political categories, like the number of Republicans or Democrats on a faculty, or the number of conservatives or liberals.” But as already noted, this is categorically false. The first article of the Academic Bill of Rights explicitly forbids the use of political categories in appointing faculty, which rules out enforcing diversity through such standards.

The AAUP argument stands the reality on its head. The reality is that the Academic Bill of Rights is an *anti*-quota bill; its intention is to remove the political quotas that exist at the present time, not to institute new ones, which it expressly forbids.

The Academic Bill of Rights does not threaten true academic standards or decision-making. It merely codifies the principles of academic freedom with which the AAUP says it agrees. Here is the way the Academic Bill of Rights formulates faculty responsibility for establishing a pluralism of views, for example: “Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty.” The operative phrase is “*significant scholarly viewpoints*.” What is it that the AAUP doesn't understand about these words? And why does it insist on representing the Academic Bill of Rights as advocating the opposite of what it says?

The distortion continues and is compounded: “Because there is in fact little correlation between these political categories and disciplinary standing, the assessment of faculty by such explicitly political criteria, whether used by faculty, university administrations, or the state, would profoundly corrupt the academic integrity of universities. Indeed, it would violate the neutrality principle itself.” In addition to misrepresenting what the Academic Bill of Rights proposes – the bill does not promote the assessment of faculty by political criteria but *forbids* it – the AAUP statement ignores its own reality. In American universities today there is actually a huge correlation between political categories and academic standing. The Academic Bill of Rights is designed to correct this corruption of academic integrity, which the AAUP has been content to preside over and defend.

The AAUP indictment goes on, as repetitious as it is inaccurate, asserting that “the bill seeks to distinguish indoctrination from appropriate pedagogy by applying principles other than relevant scholarly standards, as interpreted and applied by the academic profession.” The short answer is that it does not, and no evidence is supplied by the AAUP to suggest that it does. Repetition does not make a fiction true.

In addition to its false allegation that the Academic Bill of Rights attempts to introduce political criteria into academic judgments, the AAUP statement charges that it would transfer existing academic responsibilities to college administrators and the courts. But the Academic Bill of Rights does not do this

any more than is already done through existing employment contracts and affirmative action procedures. Any contested tenure decision is likely to wind up in the courts, while a vast apparatus of quasi-judicial procedures involving university administrations in oversight of the classroom has been set up to comply with federal laws on discrimination and "diversity" imperatives adopted under pressure from special interest groups. Has the AAUP declared that racial diversity programs are a "grave threat to fundamental principles of academic freedom," because they remove some autonomy from academic faculties?

More disconcerting than its inconsistency on basic issues of academic governance, is the AAUP's incoherence on the philosophical underpinnings of academic freedom. The AAUP statement singles out a phrase in the Academic Bill of Rights which refers to "the uncertainty and unsettled character of all human knowledge," and claims that "this premise ... is antithetical to the basic scholarly enterprise of the university, which is to establish and transmit knowledge." This statement is a puzzling to say the least. Major schools of thought in the contemporary academy – post-modernism, deconstructionism, and pragmatism to name three – are anti-foundationalist in their epistemologies and build their disciplines on exactly the premise that knowledge is uncertain and even relative. Has the AAUP condemned post-modernism as a threat to scholarship?

Why, moreover, should there be a conflict between regarding knowledge as "unsettled" and also transmitting it? Does knowledge have to reflect absolute truth in order to be knowledge? Doesn't the purpose of the university encompass the *pursuit* of knowledge in addition to its transmission? Can it be said that scholars in any field agree on all issues in their field? On most issues? What interpretive issues in the field of English literature, History, Sociology, the Law – for example -- could be said to be universally agreed on by scholars in the field? Probably none. Are there no outstanding unsolved issues even in the scientific disciplines, to take the most difficult case. What can the AAUP be thinking?

The AAUP statement continues with a hairsplitting distinction and another false assertion: "Although academic freedom rests on the principle that knowledge is mutable and open to revision, an Academic Bill of Rights that reduces all knowledge to uncertain and unsettled opinion, and which proclaims that all opinions are equally valid, negates an essential function of university education."

First the split hair: What is the difference between the statement that "knowledge is mutable and open to revision" (the AAUP's formulation) and the Academic Bill of Rights statement that human knowledge is unsettled, i.e., that claims to absolute truth are to be treated with skepticism? There is none, and the AAUP's assertion of the contrary is nothing more than sophistry.

Now the falsehood: "[The Academic Bill of Rights] proclaims that all opinions are equally valid." It absolutely does not proclaim any such thing -- another pure AAUP invention. Nor does the statement that human knowledge is open to challenge imply that every challenge is worthy of consideration, as the AAUP states. That would be absurd and there is nothing in the Academic Bill of Rights to suggest it. In fact, as already noted, the Academic Bill of Rights states quite the opposite: "Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major faculty responsibility." In other words, the Academic Bill of Rights specifically

states that the opinions that ought to be considered should be drawn from the *spectrum of significant scholarly viewpoints*, not polls taken of the man in the street. Since this is explicitly stated in the Bill of Rights, one wonders again how the AAUP Academic Freedom Committee – employing scholarly and fair-minded criteria -- could have arrived at such a preposterous conclusion.

Moreover, the AAUP's claim that academic standards and established disciplines rule the academic world and that the AAUP supports them does not stand up to the slightest scrutiny. The AAUP is not on record, for example, as objecting to fields that are overtly political such as Women's Studies, Queer Studies and Labor Studies – each of which emerged by overtly rejecting the judgments of its academic superiors and peers. If the AAUP's standards had prevailed, programs like these, not to mention African-American studies, would never have gotten off the ground.

The AAUP's statement also analyzes legislation that is either pending or shortly to be pending in Colorado and other state legislatures, and in the U.S. Congress, which is based on the Academic Bill of Rights. The AAUP is concerned about a possible threat this legislation might pose to academic autonomy. The short answer to this is that if they or any academic institution are so concerned, there is an available remedy. By incorporating the Academic Bill of Rights into their own academic freedom guidelines, they would obviate the need for legislation and preclude any possible governmental intrusion (or, more accurately, further governmental intrusion) into academic life.

Presently, however, universities to whom the Academic Bill of Rights has been proposed are taking the position that their existing academic freedom policies (which are in conformity with AAUP's own guidelines) duplicate the protections provided in the Academic Bill of Rights, which is therefore redundant. The fact that universities like Duke and the University of Illinois, and throughout the state of Colorado, are claiming this redundancy refutes the AAUP's argument that the Academic Bill of Rights is a threat to academic freedom. Why would universities claim to be embracing its tenets if that were the case?

However, the universities are wrong in making this claim, because their academic freedom guidelines do not adequately protect students – a fact remarked on at the beginning of this argument. Moreover, since they are indeed making the (unsupportable) claim that they do include such protections – and thus refusing to consider even adopting the Academic Bill of Rights – legislators have no choice if they would defend these rights but to impose them on the universities through the law.

The resistance of universities to the academic freedom protections for students guaranteed in the bill is an expression of the fundamental problem at the heart of this issue. Universities have become so ideologically conformist – both in their faculty and their administration -- that they have undermined their public credibility on these matters. If a prospective professor with politically left views has ten- or thirty-to-one advantage of being hired over a conservative, what does that say about the ability of faculties to judge in a fair-minded manner what constitutes indoctrination versus what constitutes education? How can faculties which have demonstrated such bias in the selection of their academic peers be presumed to be fair-minded in their treatment of students who are their academic inferiors?

Notwithstanding this problem, the Academic Bill of Rights does not call for interference by legislatures in these matters. What it does is to set down

guidelines for faculty and administrators in making such judgments. Its guidelines as the AAUP statement itself acknowledges are drawn explicitly from the AAUP's own academic freedom policies but are extended to cover students as well. If the AAUP wishes to preclude legislative intrusion into these matters, it has a simple remedy readily available and already noted, which is to urge its members to adopt the Academic Bill of Rights' protections for students as official university policy. That would take the entire question of legislative remedies off the table.

As a final matter, the AAUP statement finds article 8 of the Academic Bill of Rights especially objectionable. Article 8 states that "academic institutions and professional societies should maintain a posture of organizational neutrality with respect to the substantive disagreements that divide researchers within or outside their fields of inquiry." The AAUP finds "the implications of this requirement...truly breathtaking." It is hard to see why. What academic rationale can there be for a university or an academic association declaring itself against the war in Iraq for example, as more than few have done?

In fact the AAUP comments on Article 8 hide through ellipses the fact that it refers to academic institutions and professional societies (rather than academic departments) and refers to disagreements within "or outside" professors' scholarly fields of expertise. It further distorts what the bill actually says by suggesting that Article 8 refers to "judgments of quality," which it absolutely does not. It refers only to "substantive disagreements."

This dishonest presentation of what Article 8 says is actually what it is breathtaking. What the AAUP's distortion of the article is intended to obscure is that it refers to issues that are *politically* divisive. Article 8 was actually inspired by Stanley Fish's essay, "Save The World On Your Own Time," which appeared in the *Chronicle of Higher Education*, and which argues that there is a conflict between political concerns and professional inquiry and that to protect the latter universities should remain institutionally neutral on controversial questions of the day.

Perhaps Article 8 should have explained further what it mean by "substantive disagreements," and issues "outside" the fields of professors' scholarly expertise. If so, this could be easily fixed by revisiting the wording of the text and revising it. But the AAUP has not suggested that. Instead it has distorted the meaning of the text to suggest that decisions about academic quality should be taken away from faculties or universities. This is just another in the series of straw men that the AAUP has found it necessary to create in order to reach its Orwellian conclusion that "the Academic Bill of Rights undermines the very academic freedom it claims to support." On the contrary, it is the partisan dishonesty of the AAUP's assault on these missing protections that does just that. No better case could be made as to the need for academic reform than the AAUP's own behavior in this matter.

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*This article is a response to a statement made by the AAUP's Committee A on Academic Freedom and Tenure denouncing the Academic Bill of Rights and calling it a "grave threat to fundamental principles of academic freedom."  
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