

On State of Florida Bill 0837: Relating to Student & Faculty Academic Freedom

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Why This Page?

I have prepared this page in the spirit of Bill 0837, that is, to engage in reasoned reflection on a piece of legislation in Florida. I also wish to clarify the nature of my classes to students, so that they know what to expect. This page is not official UCF policy, nor is it the policy of the Department of Philosophy, in which I teach. It is simply a statement to my students, as well as a reasoned analysis of the implications of this bill. No specific political or religious position is assumed in the writing of this document, and my own beliefs about the bill (as well as my beliefs about anything else) are mine alone, and not relevant to this argument.

What is Bill 0837, and what does it really mean?

This bill, in front of committee (as this is written, March 28, 2005), is ostensibly a bill of rights for both faculty and students. Historically, faculty have been protected by tenure and academic freedom (both of which are increasingly under attack, by the way). Students have not had the same explicit history. So, on the surface, this simply extends the same rights faculty have had to students.

There is, of course, controversy about whether the bill simply extends academic freedom to students, or whether it actually has a deeper political and philosophical agenda. I'm going to remain politically neutral on this question for now. I will not remain philosophically neutral, however. In other words, I think there are serious problems with the bill, and they are problems for those from across the political spectrum. That is, I think there are good reasons for both Republicans and Democrats to have problems with this bill.

What is University Education?

This is the real issue here. There is a fundamental difference in how various groups understand education. There are two models, that I outline this way:

The University as the Marketplace of Ideas: This is the Greek idea of the *agora*, and the Enlightenment notion of a public area of exchange. That exchange occurs not just as I acquire what I think I need, but rather as I encounter things and ideas I haven't seen before, that are different from my experience. A good marketplace of ideas does not just provide commodities for "purchase". It places those commodities in tension or conflict,

so that the best one can be found. This further requires that we raise questions about our ability to judge between better and worse. So, the agora, or marketplace, is not just about the acquisition, either of goods or of ideas, but it is about testing them, and developing the tools and the consciousness that is able to test these things with clear eyes and good faith.

The University as the Mall of Ideas: In the mall, we are not challenged to rethink our own ideas in any way. Rather, we assume that our purpose is consumption. Therefore, a good mall is one which makes all commodities available for purchase. The consumer is never challenged in the mall, and the commodities are never put in conflict. The sole goal is to stock the shelves, and when the shelves are not stocked, that is an economic crime. It is assumed that the consumer already possesses the ability to judge between the commodities, and so the decision is like the battle between Coke and Pepsi. It is not a direct battle, but a battle of marketing. The mall of ideas is essentially an emaciated and impoverished version of the marketplace of ideas.

Now, this bill assumes that the university is a mall of ideas, not a marketplace of ideas. Far from making education more available or more fair, it actually makes it less fair, by suggesting that what universities do is to dispense ideas as if they were commodities. But that vastly underestimates and distorts what education is. At the very least, education is about challenging what we think we know, to establish what we really know:

- The marketplace of ideas assumes that we are humble, that it is possible that we are wrong.
- The mall of ideas, on the other hand, assumes that our "taste" or preference in ideas is inviolate and unquestionable, and is therefore anything but humble.
- The marketplace of ideas is a tradition dating at least back to Descartes (and more likely to Socrates), and one which undergirds scientific reasoning.
- The mall of ideas is essentially conservative and static, in that there can be no real challenge to one's preferences.
- The marketplace of ideas corresponds to liberal education in the classic sense, that is, the education of the free person, and the education that makes one free (see below for more on this).
- The mall of ideas corresponds to education for compliance, since it does not teach careful and critical reasoning, but rather gives people only what they already expect or know to be true.
- The marketplace of ideas assumes that the self is a task, to be earned. We are discovering what it means to be just, to be true, to be equitable. The dialogue is the means to that discovery.
- The mall of ideas assumes that the self is already given. We already know who we are, what justice is, what truth is. The model is not dialogue but consumption.

It is important to realize that the preference of a marketplace of ideas over a mall of ideas is an ideal held by both conservative and liberal thinkers. The Chicago Great Books program, for instance, an essentially conservative program to reinforce the great works of Western civilization, values the exchange of ideas, and resists the reduction of education to providing a commodity. Both traditionalist-conservative and liberal educators recognize that education is more than consumption of ideas, but it is the development of a critically rational person. Liberal education has been championed by both the right and the left. So, the idea that this is a battle between the right and the left just covers over the real issue here.

But there is another way to look at this, which is in terms of representation. One might argue, along with identity politics in the past, that one ought to stock universities with people representing the range of identities. So, it is not enough to have people who are sympathetic to women's issues, we ought to have women hired and teaching to represent those issues. The same might be true of other identities, such as racial, sexual preference, and so forth. Isn't it the same with political or religious beliefs? This seems like a difficult issue, since the logic does seem to be the same (and the chief architect of the bills that are currently being advanced in state legislatures, David Horowitz, knows this as a former leftist). There are two problems.

First, the comparison between identity issues such as race, gender, and so forth and political or religious belief does not work. They aren't the same. The sponsor of the bill in Florida made the analogy clear in a recent interview¹: "We never let it happen to an African-American. We never let it happen to some other ethnic group. We'd never let it happen to an Islamist," said Baxley, R-Ocala. "But we have no problem if you want to let loose on a conservative Christian Republican born-again." Note that political position is being explicitly equated not only to identity politics, but to ethnicity here. But these things are not the same. While gender or race might be constructed at some level, there's also a sense in which these things are thrust upon us. Gender or race mean specific things, but they also have semiotic markers not of our own choosing. Our beliefs are not like that - in fact we do have choice, and can change. We are also not visually or socially marked, and thus treated in a particular manner, in the way that most issues of identity are (other than, perhaps, sexual preference).

The second problem is that the logic isn't taken far enough. It is one thing to say that women should represent women's positions in universities, since arguably women have historically been excluded from power in society. It is another to say that a conservative ideological position should be included in all classes, when it currently is by far the dominant power in all areas of government. This is not true identity politics, but only a simulation of it. Various conservatives make the case that a conservative world-view is a besieged minority viewpoint, and therefore worthy of protection, but that view is highly controversial, even if we just limit the discussion to university campuses. And even if the view was true, the earlier issue still stands, that is, that the position of the bill essentially promotes a flawed view of education. It is in an important sense anti-liberal, not only that it attempts to marginalize (not balance) political viewpoints, but also that it undermines rather than supports free inquiry.

On Dissent, Critique, and a Liberal Education

The concept of the marketplace of ideas stands in a long tradition of university education, which stretches back to the beginning of the modern era. It is the idea of liberal education. "Liberal", in this case, does not refer to a political position, but rather the education of the free person. Originally it referred to the education that allowed one to reflect on humanistic ideas, rather than education required for a specific vocation. That is the core of the university.

Now, what makes an education liberal in this sense, today? In part, it is the ability to raise divergent positions and assess them using the tools that have developed over time in disciplines and in interdisciplinary areas. On the surface, this bill seems to support this. But I have argued that the bill is on the model of the "mall of ideas", and as such does not lend itself to that kind of reflection.

What is critiqued, when we apply critical reflection? By definition, it is the status quo. That may well be an orthodoxy that is held by a professor (be it liberal or conservative), but the key is that it must have some critical method or faculty with it. Simple disagreement isn't enough. Method is needed, an argument is needed. To suppose that one could simply answer a "liberal" professor in class by saying "I don't like that", isn't good enough. Of course, there is a power differential here - the professor is giving grades. The professor also has studied a lot more than most of the students, and that might be mistaken for a power differential. It isn't. One must not make grades contingent on agreeing with the professor - to do so would be to abuse power. But the fact that the professor has studied a lot more in an area than a student, and therefore likely has better arguments for particular issues than the student, isn't a power differential - it is what the professor ought to be doing. It is no different than taking the word of a doctor or an expert in any field.

Critical reflection also sometimes leads to dissent. Agreeing with the mainstream of society is not dissent. Arguing the same position as a party that also has the White House, the Senate, the House, the courts and most state governors is not dissent. Indeed, as minority positions, in a true marketplace of ideas, truly dissenting ideas should be brought out and given even more time.

I also distinguish between "superficial dissent" and "deep dissent". Most of what we take as dissent today is fairly superficial. Differences about gay marriage, abortion, stem cell research, and so forth are superficial if they are simply left as differences of perspective. What is rarely discussed is what lies under those differences. The university should be a true marketplace of ideas in the sense that it allows deep dissent. Deep dissent is not just passionate dissent, but dissent over fundamental issues. We need more,

not less dissent over the true nature of freedom and equality, for instance. As I will argue later, most difference is not seen for what it is, which is philosophical difference. And, unlike the popular view of such difference, philosophical difference is not just subjective. It can be discussed and debated, and people can come to conclusions. Unfortunately, even in the university, that happens all too rarely.

What will this bill mean for university teaching?

That's a good question. It may well lead to charges brought against some professors. It will undoubtedly lead to an intellectual chill on campus, as professors refrain from raising issues that might offend someone. The bill functions as surveillance, and even if a person has been responsible in their pedagogy, that won't be enough. I expect that someone will try to make an example of a professor for expressing unpopular (by which I mean left-of-center) opinions in class.

One response might be to simply try to extend the bill past its intentions. There are areas in which questions could be raised about biased or selective perspectives within the university, which do not target left-of-center positions (see below for my comments on the political agenda of the bill). Some examples:

- a. If, in a business course, a professor maintains that a specific kind of economy, or a specific version of globalization, is the right, true, and good way to understand the world, a student might insist that a professor address the have-nots of the world, those who cannot participate in the stock market, and sympathetically present the arguments against the expansion of global capitalism.
- b. If in any course a student sees that Christian morality is assumed in a course, that student should have the right to insist on the moralities based on other world religions also be included. The student should also insist that morality based on no religious base at all be included.
- c. If a history course suggests a triumphalist narrative about American history, in which all world history leads to the pinnacle of civilization which is seen as the US, a student has a right to insist that other versions of history be presented which raise questions about such triumphalism.
- d. If a student is in an engineering program, and is working on military applications, and these applications are presented as solely technical questions, the student might be entitled to insist that the moral or political ramifications of such work be raised.
- e. If a student is in a computer science program and is working on research related to electronic surveillance, and the ethical questions are not being raised, the student ought to feel justified in raising these.

Here's the problem with this, though. The bill is directed only at the humanities, the social sciences, and the arts. Note this statement from section 2 of the bill (emphasis mine):

(1) Students have a right to expect a learning environment in which they will have access to a broad range of serious scholarly opinion pertaining to the subjects they study. **In the humanities, the social sciences, and the arts**, the fostering of a plurality of serious scholarly methodologies and perspectives should be a significant institutional purpose.

That means that other parts of the university, including the professions (education, journalism, law, medicine, business, etc.), the sciences (biology, physics, etc.) and the technical disciplines (engineering, etc.) are all left out. That means that someone could conduct a class in as biased a manner as they want outside of the humanities, social sciences, and arts, and there's nothing the bill could say to it. So, the counter examples that are relevant to disciplines outside of those areas would not work.

It is worth noting the ideological assumptions here. Why would it be that the humanities, social sciences, and arts would be singled out? Is it because the other disciplines are less likely to have political or religious content? Who says? In fact, the example used early on to defend the bill was about a student who was forced to hear about evolution. It is not clear what class that was in, but likely it was in a science course, which is outside of these three areas. But the real problem here is in the assumption of how politics works. This gives the impression that politics is only present when it is deliberately brought in. This is controversial - isn't it possible that a business course, for instance, could be political in the sense that it assumes that power should be distributed in a particular manner, and that economics should work in a particular way? What I really want is real conversation between positions of difference. Remember, the marketplace of ideas is not a mall.

Projections and Practical Concerns

There are some practical concerns here as well. **What if a court challenge is made, based on this ruling?** I think this law would not stand once taken to the Supreme Court (although, I am no lawyer or judge). It would be far too difficult to determine exactly which views ought to be represented, and which ones might be offensive to a student (see below for more on this).

Would the bill accomplish its goal of encouraging diversity of thought? This too is unlikely. It would merely chill the campus, and make free expression of ideas less likely. It would be more likely that a professor would simply avoid an issue entirely, rather than risk being sued. Instead of making academic debate more lively, it will make it more bland.

Would the bill encourage serious thought? Good question. What counts as serious? Who decides? That's open to debate. But as I said earlier, my class is not a mall or supermarket, where ideas jockey for shelf space. The model of shopping is a particularly poor one for education, but it is the dominant one in the political sphere today. In the name of equality (that is, equal shelf space), we are supposed to include ideas that represent a variety of communities.

The fallacy with this is that education is like a commodity, and that it has nothing to do with the formation of critical and evaluative ability. It assumes that, like shoppers, we know what our wants are, and no one can tell us what they are (*de gustibus non est disputandum* - we cannot dispute about preferences, or taste). This model needs examination and, I believe, it should be rejected. Preferences are exactly what we should be disputing about. And the only way to do that is by developing critical faculties, which come through thinking about the ways in which the status quo can and should be changed.

This issue of "serious thought" can be addressed further. What would we actually have to include in a course? Of the almost infinite possible views on most topics in the humanities, what must we include? Let's suppose I am talking about versions of subjectivity, that is, the concept of the self. Who are we? How many views do I give? And what if I give arguments for one or more of those views? Is that preferential treatment, and can I be brought up on charges for it? Do I, for instance, give equal time to all of the following ideas:

1. We were brought here by aliens.
2. We are the result of evolutionary forces.
3. We are created by Unkulunkulu. (Zulu)
4. We are created by the God of Genesis.
5. We are the result of the chance collision of atoms.
6. Allah created us.
7. We are eternal, and simply do not remember that we are.
8. We are God.
9. ... you get the picture...

So which of these do we teach? All of them? Equally? What if there are 100 different versions of who we are and where we came from? How about 1000? Do we do a poll of society, and determine what most people believe and teach that? A substantial number of people also believe that Elvis is still alive - do we then teach that too? And, none of this gets at human nature, but just human origins, which itself might be something science has more to say about than the humanities. Science, remember, is driven by evidence, not belief, and the fact that most people might believe that we came from aliens (for instance) does not make it so.

The humanities operate differently, but they are not simply a popularity contest of ideas. There are critical methods in the humanities, as there are in science (although, to be

sure, different ones), and simply treating all ideas with equal weight invalidates the study of the humanities entirely. The "mall of ideas" approach does not work.

This raises another problem: to whom is an idea or a thought supposed to be serious? Using the term "serious thought" implies that there is a clear consensus in a given area of academic study. In fact, in most areas of academic study, especially the humanities, there are often deep divides, so deep that some scholars don't think that others are even engaged in their field. In my own field, for instance, there has at times been a deep divide between Anglo-American analytic philosophy and "continental" philosophy which has been so profound that those from one camp have regarded the others as having abandoned philosophy. Coupled with the problem already mentioned, that on most issues there are probably a host of perspectives, the question arises - how do we deal with this? Do we present all perspectives, giving them all equal time? Or do we rely on the "seriousness" of the thought, and implicitly appeal to a particular group within (or even outside of) a discipline? If it is the second, the bill is really shown to be a partisan political move to require conservative thought to be presented in universities, rather than an academic move to broaden the range of discourse, for we would have to identify the perspectives which really are being advanced, and which group holds them. Interestingly, by the logic of the bill itself, we would find that the group who holds the views desiring to be included would be outside of the discipline, thus negating the internal checks and balances of peer reviewed scholarship within the discipline. It would be a collective insult to every humanities professor.

Arguing that the bill does not support any specific position, but rather merely allows a recourse for offended students, is not a sufficient or reasonable answer to these problems. How exactly is one supposed to anticipate what might be offensive to a student? If this bill is about equal treatment of perspectives, and there are as many perspectives as I have suggested on any given issue, it is almost impossible to determine in advance which ones might be offensive. But if a supporter of the bill comes clean on this, and says that it is about allowing conservative perspectives "equal time", then it is clear that the bill is not about equal treatment of perspectives, but rather the advancement of a specific perspective. Given that there are so many perspectives on any issue, the conservative ones would be reduced to a small portion of the pie, as would other mainstream ones, unless (as I said), we accept the "popularity" argument, which I have already rejected. Would I be required to canvas the class in advance about the views they held on significant issues, and make sure I represented those? Or is the bill really about the advancement of a particular perspective?

And what if representing one view actually insulted another view? What if, for instance, I decided to represent a racist view in class (and there are certainly those who hold that view, even within the academic world)? That would surely insult some people. What if I am to represent the view that gays ought to be arrested? That would likely insult some, and endear me to others. The point is that offense cannot be the gauge we use to judge the adequacy of ideas for a class. That's not what the humanities are about.

Would this bill be enforceable? It is extremely difficult to see how it would be. It would either be enforced through the civil courts (a student suing a professor), or administratively. Is the law clear enough to form the basis of a civil suit? I don't think so, for some of the reasons just given. There is some talk that the bill would be handled administratively, that is, by getting university presidents to sign on to the intent of the bill. This would immediately mean much more work for lawyers, for one thing. It would also put university presidents in a contradictory position - they would both have to uphold faculty's right to academic freedom, and pursue the complaint of a student which would essentially undermine that academic freedom. So it is difficult to see how this bill could be enforced. (again, I am neither a lawyer nor a judge, so this is not a legal reading of this question).

How does this bill affect my classes?

Hopefully, hardly at all, although the chill mentioned earlier will have to be overcome. As students who have taken my classes before know, I say several things right up front, and also at various points throughout the course:

1. No one has to agree with me to do well in the course.

That is, if you even think you know what I believe about something. And the corollary is also true - it is possible to agree with me, and still do poorly in the course. In fact, I encourage people to challenge my interpretation of things. But simple disagreement isn't enough. Just saying "I don't like what you're saying", with no reason apart from difference of belief, isn't part of the history of liberal education in the university. That doesn't mean that all perspectives can be fully demonstrated, or that there's no room for anything other than the material or physical. It simply means that accepted standards of reason must be used. And, I do not regard my classroom as a mall, and the ideas are not items for consumption according to one's taste. There may well be a place where the resources of reasonable discussion are exhausted or frustrated, but I do not start from that position.

2. No one will be judged, in class or in grading, on their political, religious, or social views. No one's views will be belittled in any way; in fact, I will take every idea seriously, and include it in the marketplace of ideas.

At the same time, expressions from any perspective (including mine) have to be responsible. They have to come with evidence, and we have ways of telling the difference between better and worse evidence. There is some evidence that will not work in a class - appeals to personal beliefs (of any sort), appeals to popularity, ad hominem arguments. This does not mean that we don't have personal beliefs, just that they are not really relevant to the public academic setting. Knowledge and belief are not the same thing. Knowledge, to use the classical definition, is true justified belief.

In fact, I encourage students to "try on" positions in class. A conservative Christian student might want to try on a social constructivist position, a feminist might try on a traditionalist position. I do not draw conclusions about anyone's personal beliefs by what they say in class, and I expect the same courtesy. I will come into class on various days as a Christian, a Marxist, a Democrat, an atheist, a socialist, a free-market capitalist, a neo-conservative, a gay rights activist, or a host of other things. This is how people learn to deal with the richness of the world, by encountering it. Now, I don't make any claim that I can represent all these positions as well as someone who actually believes the position (and I won't tell you which ones I believe and which I don't). But I can expose you to the range of serious thought.

3. Humanities and philosophy courses are not science courses.

I have nothing against science courses, but in humanities courses the appropriate evidence is not usually empirical or quantitative (although sometimes it might be). One of the keys to becoming a proficient humanities student is to recognize what kind of evidence works. It usually implies at least the defense of interpretive paradigms or positions. We need to cultivate the tools for assessing interpretations. They are not subjectivist (despite the implications of this bill). They can be discussed, and their roots and consequences can be evaluated. We can ask critical and interpretive questions, such as: Who came up with this idea? What other ideas come with this one? What are the assumptions this idea requires? What are its consequences? Who stands to benefit from this, and who is left out? How has this idea been used in the past? What are the various arguments for and against this idea (or which modify it in some way), and who holds them? These are by no means the only questions we will ask, but they are the beginning.

4. It is not the purpose of this class to change your mind about anything.

The purpose of the course is to teach critical reasoning ability about issues in the humanities, philosophy, and religious studies. If you change your mind, it is because you are doing it yourself in good conscience, not because I am making you do it, or asking you to do it. I do not care what you believe, nor do I care whether you change what you believe; I only care what you know and can do. I cannot grade your beliefs or experiences, just your knowledge and ability to apply methods of research and critical reflection to a body of material.

A corollary of this is that students are also not permitted to proselytize in my classes. That means I don't allow obvious attempts at conversion (changing someone's beliefs), but I will also press subtle ones, such as when students assume a fundamentalist epistemology or metaphysic and require that others start from their assumptions in order to discuss anything. Remember, this is a marketplace, not a mall. Marketing is not allowed here, but argument and discussion is.

5. I am not asking you to engage in politics, religion, art, or the social world in a particular way, but I am trying to make you politically, religiously, artistically and socially aware.

That means that I want students to leave my classes and be able to see the political, religious, artistic, and social aspects of their world, particularly in the places where people may not want them to see these aspects. I have no professional interest in how a student votes (for instance), but I do have an interest in that student being able to see the ways in which power is used by the powerful, the ways in which images and text serve specific purposes, the ways in which religious assumptions inform society and public policy, the ways in which ideology continues to play a part in society.

While I want to make students politically, religiously, artistically, and socially aware in some general sense, I must approach the material from an agnostic, a-political, and socially neutral standpoint. This is not the position that all my colleagues take, and it is their right to work from a different starting point. I recognize that my starting point is an abstraction, because I cannot pretend that I don't have these convictions, just like I can't pretend that others don't either. I also recognize the supposed lack of a position is really a position itself, and in fact we will question the idea of neutrality in class to see which political or social ends it may serve. However, this is my starting point.

But notice what this does not mean. It does not mean that I assume that nothing matters to people. In fact, my goal is to get people to think about what matters, and press them past the superficial or obvious in that pursuit. I start from the assumption that things matter to people, but that they do not yet have the critical or intellectual tools to truly examine that. The bill in question gives no way of addressing real human concern, because of the "mall of ideas" approach. Nothing matters in the mall except your preferences, which are your's alone and cannot be discussed (*de gustibus est non disputandum*).

6. Everything is in the purview of this course.

The bill says this:

"Students have a right to expect that their academic freedom and the quality of their education will not be infringed upon by instructors who persistently introduce controversial matter into the classroom or coursework that has no relation to the subject of study and serves no legitimate pedagogical purpose."

Students should know that in a humanities course, everything is relevant to the subject of study. Humanities is about the human condition, and that includes our social, political, and religious condition. And, some material will necessarily be controversial, although I will be even-handed about how that material is dealt with. I will try to help the student understand the best arguments for various positions. I will also employ the critical questions mentioned earlier. But I will not limit the scope of the course in fear of a bill which implicitly threatens the very nature of my discipline.

7. If you do not encounter ideas that bother or trouble you during your university education, you aren't paying attention. You should suspect that something is being left out.

One of the primary purposes of a university is to acquaint a person with ideas that are foreign, strange, troubling, and discomfiting. A classroom which simply confirms one's preconceived beliefs about the world hasn't done its job. That goes for any political or religious presupposition. One's presuppositions ought to be pushed to their breaking point. They ought to have the best arguments brought against them. As I said in point 4, the purpose is not to change anyone's mind.

To put it another way, If you want an education that simply confirms what you already believe or know, there are places where you can do that. The university is not one of those. Coming to university ought to mean that you are being pushed in ways you never anticipated. This is not destructive, but the opposite. If you come out of a class having considered robust arguments against your beliefs, and still hold your beliefs, they are yours, and not your parent's or your church's.

And, you may get to the point of realizing that education is not about beliefs at all, either proving or disproving them. It is deeper than that. A real liberal education is about learning to be human in all its richness. If that is not your interest, there are other places to go.

Is There A Political Agenda Behind This Bill?

Undoubtedly. The sponsor of the bill in Florida has made this very clear in interviews. This is not simply a student's bill of rights. The purpose as stated in interviews with the sponsor of the Florida bill (Rep. Dennis Baxley of Ocala) is to limit liberal or left-of-center opinions in the university, specifically in the humanities, social sciences, and the arts. He used the example of a student being offended when he/she heard about evolution in class but did not hear about intelligent design. In another interview, Baxter relates the anecdote of a student (a police officer) who was told by a Florida State professor that he "didn't give Republicans A's." If one takes the word of the sponsor, then, this seems to be a salvo in the culture wars. As I have already argued, however, I think the salvo is ill-aimed, for it undercuts the very idea of a liberal education, one which is dear both to many conservatives and to many liberals.

How will the bill, if passed, actually be used? Scenarios range from the banal to the shocking. Some see little effect; others see a weapon that can be used to suppress difference of opinion. By "difference", I mean opinion that does not accord with the current conservative majority in almost every aspect of public life. Some have gone as far as seeing this in a piece with other forms of suppression of dissent. Universities are seen as one of the last bastions of non-conservative thought, and this could be seen as an attempt to turn every institution of society compliant and docile.

On "Liberalism" and "Conservatism" in the University

All this, though, skirts the issue that is at the center for some people: that the university (especially the humanities, social sciences, and arts) is dominated by liberals, and that we need more conservatives. Four questions: Is it true, what does it mean, if it is true, why might it be so, and furthermore, what should we do about it?

Is It True?

That's a really hard one to answer. It might be true, but studies to this point have been flawed or controversial. The main problem is in the meaning of the terms "liberal" and "conservative". These are taken as reified categories, clear to everyone. I, for one, hardly know what they mean. They do seem to correlate to a certain set of views, but it is not clear which the essential views are, and which the contingent views are, to define the terms. Add to this that there has been movement over time on the meanings of these terms ("conservative" now does not mean what it used to), and add further that the terms have been defined more by their opponents than by their proponents, and it makes it all very murky.

But this does not mean that there are not some studies which have attempted to identify the political leanings of university faculty. Russell Jacoby listed some of these attempts in a recent article² (and discounts most of them). The *National Association of Scholars* website also lists some studies which claim to confirm a strong preference for left of center politics in the university. It is possible, then, that this exists. But the question is not settled that easily.

The other part of the "is it true?" question, though, has to do with whether the circulated anecdotes of the suppression of right-wing ideas actually happen very often. There has been no rigorous or scientific study on this, to my knowledge. Currently stories are being collected on the *Students for Academic Freedom* website, but this method is hardly an even-handed study of the issue. Even if students were asked to say whether they thought their professors were conservative or liberal, and they believed that they were liberal, that in itself wouldn't mean that students' views were being suppressed. Students may have their opinions about their professors' political or religious beliefs, but still have been dealt with fairly in class. So, the mere fact of a professor having a political stand doesn't mean that suppression is happening. It is more likely that this comes out of a pervasive myth on the right, that liberals do not believe in individual freedom and so are more likely to run roughshod over it. In my experience, professors have allowed a wide range of political and religious opinions in class, they have just required that they be responsible, that is, articulated with reasons rather than just belief (this, of course, is also anecdotal on my part, and is simply meant to raise a question about the reliability of the anecdotes that claim pervasive bias). A bill based on anecdote, and anecdote which may itself come from a political bias, rather than clear scientific study is a bad bill.

What Does It Mean?

I do not think that the divide between conservatives and liberals in this country is a divide of politics or religion. It is a divide of philosophy, specifically of epistemology and metaphysics.

Epistemology: There is a difference of opinion on what counts as knowledge, on the nature of truth, on the nature of legitimate evidence, on rules for argumentation, and on the difference between knowledge and opinion. In most cases, what one side takes as knowledge the other takes as a form of false consciousness. What one side takes as truth the other side takes as belief (usually self-serving belief).

Metaphysics: There is a difference of opinion over who we are. Specifically, conservatives tend to take the self-knowing individual as the irreducible unit of human reality. Liberals tend to take the individual as placed within the social sphere as the fundamental unit of human reality. Note that both assume that individuality is important, but they differ on whether the individual is the irreducible atom of metaphysics.

This means that the metaphor of the mall of ideas is particularly inappropriate, since the differences between people go much deeper than that. To assume that the university is a mall already gives the game away to the conservative, because it assumes a particular stance on epistemological and metaphysical issues. It assumes we are first and foremost self-knowing individuals, and our social position is irrelevant to that. We are, after all, consumers, and the fact that our choices are presented within a social context is deemed irrelevant - the range of choices we have is due to the choices of other identifiable individuals, not systems, bureaucracies, or publics. And, it assumes that epistemologically truth resides in propositions (hence, we want the right ones to be stocked on the shelves in class), and not in perspectives or interpretations.

The debate between liberal and conservative on campus, therefore, ought to be a philosophical one, not one which just focusses on political or religious difference.

What If It Is True? Why Would It Be So?

Let's suppose it is true, that there are more "liberal" professors than there are "conservative". Is there a reason for this? I can think of several possibilities. I don't necessarily think that all or any of these are true, but these are the ones which come to mind:

1. Somehow "liberal" professors got into power in universities, and hired people like them. There was a knowing ideological agenda.
2. Conservative professors tended to not apply for academic jobs for some reason. Perhaps their interests were different - more money could be made outside of the academy, for example.

3. The more one studies in the humanities, the more likely one is to be liberal. Why? Perhaps because humanities training tends to make a person see the world in complex and subtle ways, rather than in polarized or straightforward ways. It may be that such people are more likely to be liberal, since view from the left of center tend to see complex solutions to problems, and tend to start from complex assumptions about things like human nature and society. Views from the right of center, on the other hand, may incline a person toward more polarized versions of the world, which do not tend to succeed in the academic world.

4. Perhaps it is simply a matter of safety. Perhaps there are relatively few places in society where someone who holds views from the left of center can be relatively assured of finding a safe haven, and not be threatened for their views. It could just be self-selection based on safety.

5. Maybe, on the other hand, the university is the place where people mostly talk about things, as opposed to acting. Perhaps, as was mentioned in a New York Times article from before the election, liberals are the ones who talk while conservatives are the ones who act. So, liberals just go to the place where they can talk rather than act.

Now, which of these are true? Clearly, different sides will take different ones, and no doubt there will be some I haven't listed here. Many of these are quite pejorative. But if this is observable (and as I said earlier, it's not clear that it is, apart from anecdotally), there must be an account of it.

What Should We Do About It?

It's not clear to me that, if this is true, the preponderance of liberals in the university is necessarily something that requires a response. Or, if it does, the response ought not to be limited to the narrow scope we see in this bill. Why, for instance, is the bill only directed at the humanities, social sciences, and arts? Why not, for instance, insist that business schools must include courses that fundamentally question globalization? Would this happen? Not a chance. Why not? Because a business school is seen as apolitical. But that's the problem, isn't it? If you think of knowledge as a commodity and a university as a mall, then you can safely ignore politics from any place you don't want to see it.

I think it is more useful to recognize that universities foster complex solutions to complex problems. The tenure and review process support that (people get papers published by offering sophisticated rather than simple treatments of issues). So, instead of seeing this as an issue of right vs. left, it should be seen as an issue of simple accounts vs. complex accounts of the world. As well, the humanities need to be seen as a group of disciplines which privilege multiple approaches to problems. So, what is perceived from the outside as monolithic liberal bias, is in fact highly charged and contested intellectual battle within the academy.

I also think this bill ought not to succeed in the legislature, or if it does, it should be submitted to a court challenge as soon as possible (which no doubt would require a case). As should be clear by now, I think the bill gravely misunderstands what a university is, and places undue, unnecessary, and illogical restraints on the pursuit of sophisticated understanding.

Websites & Resources

Here is the Florida website for Bill 0837 (including full text in html and pdf format):
http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&SubMenu=1&Year=2005&billnum=0837

An article by Russell Jacoby on the university and political orientation, from a left-of-center point of view: <http://www.alternet.org/story/21715/>

Students for Academic Freedom (a conservative site which records stories of inequality in the university): <http://www.studentsforacademicfreedom.org/>

National Association of Scholars (David Horowitz's organization): <http://www.nas.org/>

Rep. Dennis K. Baxley, Ocala (sponsor of Bill 0837):
http://www.myfloridahouse.gov/representative_detail.aspx?id=4200&sessionID=38

An article in *Inside Higher Ed* on "professors should not introduce controversial material that has no relation to the subject matter" in Texas:
<http://insidehighered.com/news/2005/04/21/texas>

Tallahassee Democrat stories on Bill 0837:
Council approves 'academic freedom' (April 20, 2005):
<http://www.tallahassee.com/mld/tallahassee/news/politics/11437577.htm>

'Academic freedom' bill dead - but not forgotten (April 21, 2005):
<http://www.tallahassee.com/mld/tallahassee/11454071.htm>

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Note on the Author:

Bruce Janz is an Associate Professor of Humanities at the University of Central Florida. He writes this as a reflection on a bill, and as a service to students and others. None of this should be seen as the official policy of either the Department of Philosophy or UCF. The writer's political or religious views are irrelevant to this document or, for that matter, to his teaching.

¹ See Council approves 'academic freedom' (April 20, 2005):
<http://www.tallahassee.com/mld/tallahassee/news/politics/11437577.htm>

²Russell Jacoby, "The New PC: Crybaby Conservatives". *Alternet*, April 11, 2005.
<http://www.alternet.org/story/21715/>