

# [***Universities Need To Recover the True Meaning of Academic Freedom | Opinion***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BY4-6YR1-DY68-13K3-00000-00&context=1516831)

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**Highlight:** Since October 7, anti-Israel demonstrations have roiled American universities. Protestors have trespassed on private property and been arrested for setting up tent cities on campus.

**Body**

Since October 7, anti-Israel demonstrations have roiled American universities. Protestors have [*trespassed on private property*](https://www.latimes.com/california/story/2024-04-10/uc-berkeley-law-school-dean-clashes-with-pro-palestinian-activists) and [*been arrested*](https://www.nytimes.com/live/2024/04/18/nyregion/columbia-university-protests) for setting up tent cities on campus. This invasion of hyper-partisan ***politics*** is throttling the work of the university, a vital source of American culture, leadership, innovation, and prosperity. It won't stop until governing boards and administrators stand up, not for free expression, but for academic freedom.

Speech and expression are too often conflated. In her testimony before a congressional committee investigating antisemitism on campus, Harvard's former president Claudine Gay maintained that freedom of speech is one of the university's "foundational principles," and that "the pursuit of truth is possible only when freedom of expression is protected and exercised." But expression—often informed by strong emotions—is distinct from speech or articulate thought. A primal scream is expression, but it is not speech. What is more, students who chant genocidal slogans, tear down posters of Israeli hostages, deface Jewish spaces and displays, heckle and film Jewish students, and disrupt programs that feature defenders of Israel are engaged in expression that aims to shut down speech.

Nor is free expression identical to academic freedom. Columbia president Minouche Shafik wrote in an April 16 [*op-ed*](https://www.wsj.com/us-news/education/columbia-university-president-what-i-plan-to-tell-congress-tomorrow-5f157620?mod=Searchresults_pos1&page=1) that she sought to balance the "free-speech rights of pro-Palestinian protestors" with the impact protests have on Jewish students and their supporters. But at universities, the right to free speech stops when speech impedes higher education's essential calling: the pursuit of truth so as to preserve, transmit, and extend knowledge. While one has a constitutional right to read the phonebook aloud in a public park, an undergraduate who interrupts a lecture to do so couldn't legitimately claim First Amendment protection. The same is true of speech that intimidates or threatens other students or professors.

Universities are places of teaching and learning. Civil discourse, open inquiry, and intellectual pluralism are indispensable preconditions for these activities and for academic freedom, defined by the 1972 [*Shils Report*](https://provost.uchicago.edu/sites/default/files/documents/reports/shilsrpt_0.pdf) as "the freedom of the individual to investigate, publish, and teach in accordance with his intellectual convictions." A broader definition of academic freedom would include the freedom of individual students to speak their minds—not just to proclaim, but to reason, argue, and submit their views for examination and correction by their peers and professors without fear of ostracism, bullying, and physical assault. Conversely, universities where speakers are shouted down, inquiry is ideologically constrained, and prevailing opinion is homogeneous resemble bicycles whose brake pads rub constantly against the rims. Their vital motion toward deeper understanding is fundamentally impeded.

Asked by congressional representatives whether antisemitic protests constituted intolerable harassment of Jewish students, the presidents of Harvard, Penn, and MIT claimed that it depended on the context. They seem to have forgotten that the relevant context is the university itself, whose educational mission must have the last word in all such matters. In effectively limiting academic freedom, their defense of freedom of speech and expression amplifies the chilling effect of widespread Diversity, Equity, and Inclusion requirements in academia.

In a 2022 [*survey*](https://www.aaup.org/file/2022_AAUP_Survey_of_Tenure_Practices.pdf), the American Association of University Professors found that 29.2 percent of doctoral degree-granting universities, and 45.6 percent of large universities, included DEI criteria in tenure standards. These requirements militate against academic freedom. For while there are serious and principled objections to DEI—in particular, that it is dehumanizing and divisive to categorize individuals by race or gender—such objections are increasingly not open to discussion on campus. This moral absolutism opposes the spirit of the university as a community where people think and talk about fundamental human matters.

Now more than ever, university leaders must defend academic freedom and exercise careful judgment in determining when freedom of speech and expression impinge on it. Would the behavior in question cause reasonable persons to conceal their views, or withdraw their full energies from debate, discussion, study, and research? Would Jewish students be intimidated in entering a library occupied by Students for Justice in Palestine, or walking through a pro-Palestinian protest on campus? These are the pressing questions university leaders must answer today.

*Jacob Howland is Provost and Director of the Intellectual Foundations Program at the University of Austin.*

*The views expressed in this article are the writer's own.*

[*Link to Image*](https://d.newsweek.com/en/full/2388065/university-presidents.jpg)

**Graphic**

University presidents

Kevin Dietsch/Getty Images

WASHINGTON, DC - DECEMBER 05: (L-R) Dr. Claudine Gay, President of Harvard University, Liz Magill, President of University of Pennsylvania, and Dr. Sally Kornbluth, President of Massachusetts Institute of Technology, testify before the House Education and Workforce Committee at the Rayburn House Office Building on December 05, 2023 in Washington, DC. The Committee held a hearing to investigate antisemitism on college campuses.

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