

Opinion We've lost our way on campus. Here's how we can find our way back.



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Last week, Congress put squarely on the table the question of whether the health of our democracy requires renovation of our colleges and universities. I believe the answer to that question is yes.

On Tuesday, the House Education and Workforce Committee [held a hearing](#) to investigate how Harvard University, MIT and the University of Pennsylvania are responding to antisemitism on their campuses. The hearing's viral moment came when Rep. Elise Stefanik (R-N.Y.) asked a chain of questions that resulted in the three universities' presidents saying that if someone urged the genocide of Jewish people, that merely *might* — "[depending on the context](#)" — be a violation of campus policies against bullying and harassment. Two of the three presidents — Harvard's Claudine Gay and Penn's Liz Magill — issued apologies or clarifications, and [Magill has now resigned](#).

Important and clarifying as that moment was, [the opening statement](#) of Chairwoman Virginia Foxx (R-N.C.) gave the hearing a broader frame. Foxx questioned the health of universities generally and called attention to "a grave danger inherent in assenting to the race-based ideology of the radical left," arguing that we are at "an inflection point" requiring a reshaping of "the future for all of academia." The chairwoman's theme was not antisemitism alone but whether the diversity, equity and inclusion efforts of college campuses have been a wrong turn for America's intellectual culture.

While I stand by the goals of inclusion and belonging for college campuses — and consider those goals valuable for America writ large — I agree with Foxx that we have lost our way in pursuing them. We have gotten lost both in the thicket of debates about the First Amendment and in the swamps of particular tenets of anti-racism. How do we find our way back?

The First Amendment

On campuses these days, too few people understand basic concepts of academic freedom and free expression and how they interact with the equally important commitment to making sure that students can “learn free of discriminatory harassment,” to quote [the Foundation for Individual Rights and Expression \(FIRE\)](#). Because of that, we do not know how to protect intellectual freedom and establish a culture of mutual respect at the same time. But this must be our project.

Breaking down a large problem into discrete parts can help illuminate guiding principles. So let’s take the First Amendment flash points one by one.

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First, how should we handle a protest in the classroom? This is straightforward — or should be. Any form of protest that disrupts the conduct of a class violates basic prohibitions against interference with the normal duties and activities of the university. I wish my own campus, Harvard, were clear on this policy. Some individual [schools at the university](#) are. Some aren’t. Work to change that, as you might imagine, is underway. Protecting the classroom from protest is necessary to protecting academic freedom — the right of those in the classroom to conduct the very activities of teaching and learning protected by academic freedom.

What about protests when speakers come to campus? Free-speech policies on many campuses do a reasonably good job of distinguishing between acceptable protest and substantial disruption that will be subject to sanction. After a lot of recent trial and error, campuses have learned to handle this specific case reasonably well.

So far, so good. But generalized intimidation or a culture of intimidation — the challenge Stefanik sought to pinpoint with her question — is a different matter.

We know how to handle harassment, threats and intimidation when they target individuals — when students, for instance, leave racist or antisemitic or anti-Islamic fliers at the doors of specific students. Such behavior is subject to discipline. As laid out by the Supreme Court, the legal [framework for discriminatory harassment](#) requires that it be “targeted, unwelcome and ‘so severe, pervasive, and objectively offensive that it effectively bars the victim’s access to an educational opportunity or benefit,’” FIRE said. As someone who had the n-word shouted at me from a dorm window late one night on Princeton’s campus in 1993, I appreciate our nondiscrimination frameworks. But it’s important to note that this legal requirement — that acts handled this way be targeted at specific individuals — is what tangled up the three presidents last Tuesday.

A *culture* of intimidation is a different challenge. It’s the very opposite of the culture of mutual respect necessary for learning and, for that matter, a healthy democracy. (By the way, Congress, what are you modeling these days?)

This is the problem we are struggling with right now. Clearly, we cannot allow a culture of intimidation to develop and perdure on our campuses. Regardless of what initial intentions student protesters might have for chants such as “globalize the intifada,” or any of the other slogans associated with eliminating Jewish people from Israel’s land, they can no longer pretend not to know that their use causes many people a reasonably felt sense of intimidation. On this matter, the Age of Innocence is behind us. If college campuses regularly had groups of kids chanting “White power,” I would not be comfortable sending my children there, even if those chanters never took a “targeted” action against a specific person.

That gets at the core question: How do we reverse a culture of intimidation without violating commitments to academic freedom and free speech?

Avoiding violations of academic freedom should be the easier part. In the classroom and out, it is perfectly within our rights to tell people (kindly) that their arguments are bad or their views weak or erroneous and then to work with them to correct them. We correct students’ math; we can correct their reasoning, and that includes correcting moral errors. Does a student think it’s reasonable to expel Israelis from their country as a part of freeing Palestinians? That’s a moral error that a teacher should require the student to confront and learn from. Does a student think the conflict can be addressed without asking how both peoples can thrive in this land they share? Ignoring that question is also a moral error requiring correction.

The idea of moral error is unfashionable and must be employed judiciously. But it is indeed one of our tools for improving reasoning. It’s always best if people think through their arguments and reach self-correction themselves, through forms of Socratic questioning. Nonetheless, put bluntly, academic freedom does not protect people from intellectual correction.

Avoiding violations of free-speech rights while correcting a pattern of generalized intimidation is much harder. But it’s not impossible. We should not just protect students’ speech rights but also insist that they exercise those rights in accordance with campus norms for a culture of mutual respect. Students should be put on notice in a fashion something like this:

While protest, within acceptable limits, is protected by free speech, on this college campus those acceptable limits include that your method of protest not cause intimidation to other members of our community. Intimidation is behavior that involves a threat of violence to deter or coerce others. If the communications you use while protesting would constitute harassment if targeted at a specific individual, the presumption will be that the protest method is likely to create a pattern of generalized intimidation incompatible with a culture of mutual respect.

You will first be informed that your protest has crossed the line and asked to modify your approach to communicating your view so that it also clearly communicates that you are committed to the safety of everyone on this campus. If you continue to use forms of communication that would be taken by a reasonable person as harassment if targeted at a specific individual, you will be sanctioned through customary disciplinary procedures.

We are an educational institution, so our scale of sanctions begins with an opportunity for learning and correction; it can, however, end in expulsion.

We have been focused so much on academic freedom and free speech that we have neglected to set standards for a culture of mutual respect. It is necessary to do both. I might not have found precisely the right formulation in my hypothetical policy statement above, but surely there is a way to establish a norm of mutual respect without contravening the spirit of either free inquiry or the First Amendment.

On anti-racism

This is how we get out of the First Amendment thicket. But what about the anti-racism swamp?

I was one of three co-chairs of Harvard's Presidential Task Force on Inclusion and Belonging, which in 2018 delivered [a strategic framework](#) for the campus. Many are chalking up current controversies to diversity, equity and inclusion work, and the task force's report was a contribution to that field broadly understood. Across the country, DEI bureaucracies have been responsible for numerous assaults on common sense, but the values of lowercase-i inclusion and lowercase-d diversity remain foundational to healthy democracy. I was proud then and remain proud of our inclusion and belonging framework. It's worth revisiting what we said in some detail after the passage of five shockingly eventful years.

I was proud because we broke new ground intellectually. We launched our report by unifying commitments to academic freedom and inclusion. We wrote: "Our shared pursuits ... depend on the open and direct expression of ideas and on criteria of evaluation established by the judgments of experts. Excellence therefore also requires academic freedom. Inclusion and academic freedom — these principles are linked in each being necessary to the pursuit of truth."

We grounded the work in a broad commitment to pluralism. We wanted a diversity of views on campus, and we recognized that the sources of diversity are myriad. We cared as much about viewpoint and religion as any other source of diversity. We wrote:

By diversity, we mean simply social heterogeneity, the idea that a given community has a membership deriving from plural backgrounds, experiences, and identities. Race, ethnicity, gender identity, sexual orientation, socioeconomic background, disability, religion, political outlook, nationality, citizenship, and other forms of formal status have all been among the backgrounds, experiences, and identities to which the Task Force has given special attention, but we have also attended to issues of language, differences in prior educational background, veteran status, and even differences in research methodologies and styles.

An important point, given what was to come: While we acknowledged historical patterns in our report, we did not dwell on the theme of historical injustices. We did not see the challenge in front of us as "white supremacy"; we never used a vocabulary of that kind. Our faces were set to the future. We saw in the rich diversity of our campus an opportunity — a chance to achieve a higher level of excellence powered by intense engagements across a vast range of viewpoints.

We knew this endeavor would require addressing challenges of emergent conflict. We recommended cultivating “Skills for Difficult Conversations” to “equip everyone on campus — students, staff, and faculty and academic personnel — with skills to engage across difference, support freewheeling debate, productively navigate difficult conversations, and make space for minority viewpoints (whether of religious students, conservative students, or students from underrepresented identity groups or backgrounds).” We wanted our university to take the lead in developing the requisite education — in argument, in moral reasoning, in civic education.

So why has my campus — and others, too — stumbled as badly as it has?

It’s a complex question, probably with multiple causes. But for starters, in Harvard’s case, three themes in our report went largely overlooked by university administrators as they began to pursue implementation — our focus on academic freedom, on the need to make space for religious identity and on the need for greater political diversity on our campus. Older paradigms that focused only on some groups as marginalized, as opposed to all groups as sources of potential and perspective, came back to the fore. Only on Sept. 1 of this year did the university release new nondiscrimination and bullying policies that used our very broad categorizations for diversity. They have not yet fully made their way into our campus culture.

Second, and even more important, the 2020 murder of George Floyd and intense surge of anti-racism work that followed it led to the adoption of vocabularies and frameworks that made it difficult for a forward-looking pluralism to make headway.

I am as against racism as anyone, but I believe we can all be better together based on a positive vision. Yes, it is necessary to tackle challenges such as implicit bias. But, counter to the anti-racism agenda, we cannot create a framework for inclusion and belonging that is focused on accusation. As was the case in our 2018 report, the conceptual center of such a framework in our campus communities should be excellence, and what each and every one of us can contribute to that, for the sake of increased benefit to society. Bringing out the best in all of us — to achieve a sum greater than the parts — is possible only if we cultivate a culture of mutual respect. Somehow the racial reckoning of 2020 lost sight of that core goal of a culture of mutual respect with human dignity at the center. A shaming culture was embraced instead.

I hope this moment gives all of us — our universities, yes, but also Congress, the media and so many other of our vital institutions and spheres of discourse — a chance to course-correct. Indeed, it is an essential part of the democracy renovation work we have been discussing all this year. The good news is we know how. A framework of confident pluralism — inclusion and belonging, academic freedom and mutual respect — offers a path forward.

Let us never forget that basic requirement of mutual respect and our core commitment to human dignity for all people.