

# Academia Goes Silent on Free Speech

---

WSJ [wsj.com/articles/SB10001424052748704107204574469111623490506](http://www.wsj.com/articles/SB10001424052748704107204574469111623490506)

October 17, 2009

---

By

Peter Berkowitz

Oct. 17, 2009 12:01 am ET

Professors have a professional interest in—indeed a professional duty to uphold—liberty of thought and discussion. But in recent years, precisely where they should be most engaged and outspoken they have been apathetic and inarticulate.

Consider Yale. On Oct. 1, the university hosted Danish cartoonist Kurt Westergaard. His drawing of Muhammad with a bomb in his turban became the best known of 12 cartoons published by the Danish newspaper Jyllands-Posten in September 2005. That led to deadly protests throughout the Muslim world. On the same day, at an unrelated event, Yale hosted Brandeis Prof. Jytte Klausen. Her new book, "The Cartoons that Shook the World," was subject in August to a last minute prepublication decision by Yale President Richard Levin and Yale University Press to remove not only the 12 cartoons but also all representations of Muhammad, including respected works of art.

The Westergaard appearance inspired protests. Muslim students condemned Yale's invitation to the cartoonist as religiously and racially insensitive, compared him to Holocaust deniers and white supremacists, and declared his art and utterances hate speech rather than free speech.

Students will be students. It is to be hoped that those who opposed Mr. Westergaard's invitation will learn at Yale that the aim of liberal education is not to guard their sensitivities but to teach them to listen to diverse opinions and fortify them to respond with better arguments to those with whom they disagree.

Mr. Westergaard's appearance did prompt a small faculty-led panel discussion on Oct. 7. It dealt mainly with Muslim reaction to the cartoons, though Prof. Seyla Benhabib said that in Ms. Klausen's position she would have withdrawn the book. But generally the faculty has been unmoved by Yale's censorship of Ms. Klausen's book, which suggests that lessons in the fundamentals of liberty of thought and discussion may be lacking on campus.

To be sure, Yale's censorship—the right word because Yale suppressed content on moral and political grounds—raised difficult questions. Can't rights, including freedom of speech and press, be limited to accommodate other rights and goods? What if reprinting the

cartoons and other depictions gave thugs and extremists a new opportunity to inflame passions and unleash violence? Can't the consequences of the cartoons' original publication be understood without reproducing them? Weren't the cartoons really akin, as Yale Senior Lecturer Charles Hill pointed out in a letter to the Yale Alumni magazine, to the depictions of Jews as grotesque monsters that successive American administrations have sought to persuade Arab newspapers to cease publishing? And isn't it true, as Mr. Hill also observed, that Yale's obligation to defend free speech does not oblige it to subsidize gratuitously offensive or intellectually worthless speech?

These are good questions—to which there are good answers.

Rights are subject to limits, but a right as fundamental to the university and the nation as freedom of speech and press should only be limited in cases of imminent danger and not in deference to speculation about possible violence at an indeterminate future date. One can't properly evaluate Ms. Klausen's contention that the cartoons were cynically manipulated without assessing with one's own eyes whether the images passed beyond mockery and ridicule to the direct incitement of violence.

Even if the cartoons exhibited a kinship to anti-Semitic caricatures, it would cut in favor of publication: a scholar would be derelict in his duties if he published a work on anti-Semitic images without including examples. And finally, if Yale chooses to publish a rigorous analysis of the Danish cartoon controversy, which affected the national interest and roiled world affairs, then the university does incur a scholarly obligation to include all the relevant information and evidence including the cartoons at the center, regardless of whether they are in themselves gratuitously offensive and intellectually worthless.

The wonder is that Yale's censorship has excited so little debate at Yale. The American Association of University Professors condemned Yale for caving in to terrorists' "anticipated demands." And a group of distinguished alumni formed the Yale Committee for a Free Press and published a letter protesting Yale's "surrender to potential unknown billigerents" and calling on the university to correct its error by reprinting Ms. Klausen's book with the cartoons and other images intact. But the Yale faculty has mostly yawned. Even the famously activist Yale Law School has, according to its director of public affairs, sponsored no programs on censorship and the university.

Alas, there is good reason to suppose that in its complacency about threats to freedom on campus the Yale faculty is typical of faculties at our leading universities. In 2006, even as the police had barely begun their investigation, Duke University President Richard Brodhead lent the prestige of his office to faculty members' prosecution and conviction in the court of public opinion of three members of the Duke lacrosse team falsely accused of gang raping an African-American exotic dancer. It turned out they were being pursued by a rogue prosecutor. To be sure, it was only a vocal minority at Duke who led the public rush to judgment. But the vast majority of the faculty stood idly by, never rising to defend the

presumption of innocence and the requirements of fair process. Perhaps Duke faculty members did not realize or perhaps they did not care that these formal and fundamental protections against the abuse of power belong among the conditions essential to the lively exchange of ideas at the heart of liberal education.

Similarly, in 2005, Harvard President Lawrence Summers sparked a faculty revolt that ultimately led to his ouster by floating at a closed-door, off-the-record meeting the hypothesis—which he gave reasons for rejecting only a few breaths after posing it—that women were poorly represented among natural science faculties because significantly fewer women than men are born with the extraordinary theoretical intelligence necessary to succeed at the highest scientific levels. Before he was forced to resign, Mr. Summers did his part to set back the cause of unfettered intellectual inquiry by taking the side of his accusers and apologizing repeatedly for having dared to expose an unpopular idea to rational analysis. Apart from a few honorable exceptions, the Harvard faculty could not find a principle worth defending in the controversy over Mr. Summer's remarks.

As the controversies at Yale, Duke and Harvard captured national attention, professors from other universities haven't had much to say in defense of liberty of thought and discussion either. This silence represents a collective failure of America's professors of colossal proportions. What could be a clearer sign of our professors' loss of understanding of the requirements of liberal education than their failure to defend liberty of thought and discussion where it touches them most directly?

**Mr. Berkowitz is a fellow at Stanford University's Hoover Institution.**