Automated (00:00:02):

Radio Free Campus, brought to you by the American Council of Trustees and Alumni.

Steve McGuire (00:00:09):

Welcome to Radio Free Campus. I'm Steve McGuire.

Justin Garrison (00:00:12):

And I'm Justin Garrison. And this month we're talking about yet another attempt to cancel a professor for the crime of thinking. This time it's people at MIT trying to cancel a philosophy professor for what they call extremely misguided decision to collaborate with the Trump administration. Collaboration is a strange word, and I'm sure we'll talk about that with our guest in a moment.

(00:00:33):

But moving on, we're also going to discuss the ongoing game of Chutes and Ladders at universities in Virginia, specifically the University of Virginia and George Mason University. We're also going to talk about the settlement that Columbia University recently reached with Trump, and how the cost of not doing normal things on higher ed campuses keeps going up. We're going to talk about the Department of Justice's recent memo on DEI, and of course we will always deliver the goods with our Apparatchik of the Month and Hero of the People Awards. So let's get to it now.

(00:01:04):

Now Steve, since our last episode we've been busy working on top secret G14 classified projects, so we're going to discuss next month in our show. So all I want to say here is if you want to dig deeper into the increasingly strange world of higher education in Virginia, make sure that you like, subscribe, and hit the bell to get notified when we do our All Virginia All The Time episode that's going to drop next month.

(00:01:27):

But in the meantime, we said we were going to talk about some struggles that a professor of philosophy at MIT has been experiencing recently for having the audacity to try and say things that he thinks is true. So Steve, tell us a little bit about our guest.

Steve McGuire (00:01:41):

Yeah, so today we're going to be talking with Professor Alex Byrne, as you mentioned, Professor of Philosophy at MIT. He's been on the faculty there since 1995, I believe. He works or has worked for quite some time, most of his career, in philosophy of mind, metaphysics, epistemology as well. And in recent years though, he's been looking at the philosophy of sex and gender. And he recently came out with a book, Trouble With Gender: Sex Facts, Gender Fictions. And this has, of course, generated some controversy as inevitably happens when somebody wades into this area of academic discourse.

(00:02:23):

Even more recently than that, he participated in the creation of a report on pediatric gender care that was published by the HHS, and it was revealed that he was one of the anonymous authors of this report, and he wrote an op ed in the Washington Post explaining his participation. And since then, some of his colleagues in philosophy, but also specifically at MIT, have released an open letter basically condemning him or calling him out for participating in the writing of this report, but I think also driven by their objections to his work and his even willingness to work in this area at all. So we're looking forward to talking to Alex today and let's just get to the interview.

(00:03:18):

Alex, welcome to the podcast.

Alex Byrne (00:03:21):

Steve, thanks very much for inviting me.

Steve McGuire (00:03:24):

Yeah, we're really glad to have you on and looking forward to this conversation. So the immediate reason that we asked you to come on the podcast, you're an academic philosopher and you've been doing some work in recent years on philosophy of sex and gender, and you recently contributed to a government report related to those topics. As a result, some of your colleagues, including some of your colleagues right at MIT, but also I think philosophers and others from around the country, they published an open letter essentially denouncing you for participating in this report.

(00:04:03):

And I want to read a section from that, but then I also want to ask you just more generally about your experiences working on this topic even before this open letter was published. So the letter itself says, "While we are not here calling for official or unofficial sanctions, we the undersigned believe that your behavior, A, perpetuates harm toward the trans community. B, constitutes a failure to uphold your responsibilities as an academic. And C, is the result of an extremely misguided decision to collaborate with the Trump administration."

(00:04:39):

So we're going to ask you about each of those arguments as we go through the conversation here today. That's obviously some pretty weighty stuff that they're accusing you of there. But before we talk about the letter, like I said, you've been working on this topic now for several years. Before that, I think your work was primarily in fields like philosophy of mind, metaphysics, epistemology, and I'm sure there's been some pretty epic knock-down, drag-out fights over metaphysics and epistemology in the history of philosophy, people getting canceled, that sort of thing.

(00:05:13):

But what I want to ask you specifically is in terms of your own experience, did you notice any change in the way that you were treated or the way that people received your work or responded to it when you switched from those earlier topics to working specifically on philosophy of sex and gender?

Alex Byrne (00:05:32):

Well, sure, yeah. So philosophy, as you've essentially just indicated, is all about disagreement. So take some banal truths like, two plus two is four, or boiling babies for the fun of it is wrong, or coffee mugs exist, for each of these you can find a philosopher who disagrees with them. And subfields of philosophy are invariably divided by important disagreements. As you said, one of my main interests is the philosophy of mind, and one very salient division in the philosophy of mind is between the materialists or physicalists who think that the mind is wholly physical. The mind is the brain or a computer program running on the hardware of the brain or something like that.

(00:06:27):

And the immaterialists or non-physicalists or dualists who think that the mind is somehow immaterial or non-physical, and the physicalists and their opponents joust in the journals and give each other a hard time during the question period after talks, and they attend the same conferences and they interact in the way one would expect and hope disagreeing academics to interact.

(00:07:03):

The philosophy of sex and gender is most certainly not like that. So just to give you a little bit of background, mainstream philosophers of sex and gender, they typically downplay the importance of sex and they give a much more central role to gender. They deny, for example, that women are adult human

females. They think transgender women are women. They typically think that gender identity is very important. They take non-binary identities extremely seriously.

(00:07:38):

And the so-called gender critical philosophers say the opposite. Sex is the important thing and gender is too obscure to be of any theoretical use. Women are adult human females, trans women aren't women, gender identity isn't particularly important, and they would say it's usually not defined in an intelligible way. So if philosophers were conducting themselves properly, then this would be just like the dispute between the physicalists and their opponents. But it isn't.

(00:08:15):

I mean, philosophers on the gender critical side are routinely smeared as bigots or called all sorts of names. They're cited as infrequently as possible. They're not invited to conferences or they're disinvited. So just one example, if I can remember it to give you the flavor, in 2019 a philosopher, a fully grown adult academic, I should emphasize, published an article in Inside Higher Ed, in which she said that gender critical philosophers should not be engaged with. And this is more or less a quote. Can I swear on your podcast? You can always bleep it out.

Steve McGuire (00:09:04):

Yeah, do what you got to do.

Alex Byrne (00:09:04):

Yeah, yeah.

Steve McGuire (00:09:04):

If they printed it in Inside Higher Ed-

Alex Byrne (00:09:07):

Well-

Steve McGuire (00:09:08):

... we have higher standards, come on.

Alex Byrne (00:09:12):

... so what he said was, and what they printed, was something like, "They," the gender critical philosophers, "should be told to [unprintable here]." So he was basically saying in Inside Higher Ed, they should be told to fuck off. And I emphasize, this is a fully grown adult academic teaching at a university.

(00:09:37):

And, I mean, I should also emphasize that my treatment by some of my colleagues in the profession has not been anywhere near as bad. It's been very mild compared to the treatment of some philosophers like Kathleen Stock, who is perhaps the most famous example who taught at the University of Sussex in the UK, and endured about three years of harassment before resigning.

(00:10:06):

Still, in my own case, a well-known philosopher, another fully grown adult academic, said on Facebook recently, in so many words, that I was a Nazi. And this post was liked by well-known senior figures in feminist philosophy. Graduate students notice these things and they get the message that this is an

acceptable way to behave. So it is very, very different. I mean, it's practically unique the philosophy of sex and gender at the moment, compared to other areas of philosophy.

Steve McGuire (00:10:46):

Yeah. And I think, as you're stressing, it's other academics. There may be non-academics who get ahold of your work, or you write an op-ed and you might receive some blowback on, say, social media, because obviously the topics that you're working on now are right in the middle of culture war issues, political issues, all of that. But you're talking here specifically about, like you said, full-grown academics who should be used to engaging in arguments with others with whom they disagree.

Alex Byrne (00:11:19):

Yeah, exactly. And of course it's particularly ironic that the discipline in question is philosophy. Maybe you would expect no more from, I don't know, anthropologists or something. But philosophers you would think.

Steve McGuire (00:11:36):

We'll let you say the f-word, but I don't know if we can allow you to malign the anthropologists on the podcast.

Alex Byrne (00:11:43):

Apologies to the anthropologists. No, no, no, they deserve it. Yeah.

Steve McGuire (00:11:45):

If you had said sociologists, we'd be totally fine. But let me hand it over to Justin here.

Justin Garrison (00:11:53):

All right, so we're on here with Alex Byrne of MIT. He's the author of Trouble With Gender. And Alex, I wanted to follow up a little bit with something that Steve brought to our attention and that you've been discussing. You said that this isn't the same kind of environment academically compared to maybe debates about philosophy of the mind. When you were talking I kind of had this panic attack that somehow there was going to be a department of metaphysics and David Bentley Hart would become the chair of the department.

Alex Byrne (00:12:22):

Right.

Justin Garrison (00:12:22):

But these are serious questions, right? But they don't seem to generate the kind of controversy that you've experienced with your own writing and that you were talking about just a moment ago with other people. I guess part of what I'm wondering about is, with this charge of collaboration, I thought that was really unprofessional. That language in particular, I thought, was really troubling. And so when I was thinking through, "Okay, why is this issue treated so differently in the Academy?" I guess one answer could be, when you're talking about philosophy of the mind, there's not an obvious policy output.

Alex Byrne (00:13:00):

Yeah.

Justin Garrison (00:13:00):

There's not an obvious culture war kind of component. But when we're talking about gender, people are spiritually invested in the outcomes of these conversations and the outcomes of the policies that are generated from them. And so I really wanted to just get your sense of why do you think, particularly in the discipline philosophy that you belong to, that there's such a narrow range of acceptable views, essentially? Maybe we could put it under the umbrella of Butler kind of thinking or something like this.

(00:13:35):

But anyone who raises questions, I've looked at your book, or I've listened to you do interviews about the content specifically. There's nothing inflammatory, there's nothing unsophisticated about your analysis and about your interpretation. Seems like a reasonable perspective to have. Is it because this issue is tied really deeply to politics? Is there a spiritual investment on the part of mainstream adherence that this really almost generates a fundamentalist reaction to heterodox views? What do you think is driving this in the philosophy field?

Alex Byrne (00:14:10):

Yeah, I think it has something to do with the general trend towards wokeism, if I can use that term, where... I mean, it's not really ideal, but there has been this tendency over the last 10 years or so to really emphasize the themes of oppression and to sacralize those groups who are deemed most oppressed. And so you get this sort of totem pole hierarchy where the allegedly most oppressed groups are at the top, and it does become sacrilegious to say something which somehow conflicts with this hierarchy.

(00:15:27):

I mean, of course, academia in general tends to tilt very left, and philosophy does as well. I mean, it's not as left tilted as some other disciplines, but as far as feminist philosophy and philosophers working on sex and gender goes, the atmosphere is extremely progressive. And so even though in the book I deliberately avoided these hot culture war third rail topics about, what about trans women in the female sporting category, or gender-affirming care, or anything like that, still it was viewed as stepping over a line.

(00:16:24):

And of course, just to give more backdrop to the letter itself, it's not as if this is coming out of nowhere, especially when it comes to the policies of the current administration, because the administration, I think it's fair to say, has been unnecessarily antagonistic towards trans people. I mean, one of the President's orders about trans people in the military said something like, "Being trans is incompatible with a soldier's commitment to an honorable and truthful lifestyle." And I think there's any need for such insulting and demeaning language in something coming from the President. And I read something recently about the Air Force denying early retirement benefits to trans service members.

(00:17:16):

So in the current climate, if you're transgender, by which I mean, if you've changed your sex of living, you have every reason to be concerned. So that's an important bit of background. But then on the other hand, when philosophers like Kathleen Stock were getting dragged on social media and in the philosophy profession, this had nothing to do with Trump or policies barring transgender people from the military or changing sex markers on passports or anything like that. So the policies of the current administration certainly factor into an explanation of why the topic is so toxic at the moment. But it's definitely not the only explanation because the topic was very toxic long before that.

Justin Garrison (00:18:31):

Yeah. Would it be fair to characterize your participation then, as in the HHS report, not as collaboration because there's some kind of ideological affinity between you and the administration on this or any other issue? It's not really a political thing for you, it's more about participating in the collective-

Alex Byrne (00:18:57):

Oh, for sure, yeah. I mean, as you pointed out, I mean, collaboration does have these overtones of, you know...

Justin Garrison (00:19:04):

I started having flashbacks to Belfast in the '70s or something like that.

Alex Byrne (00:19:07):

Yeah, right. Exactly. Or the Vichy regime in France or something like that.

(00:19:15):

No, I thought that I had the opportunity to make the report, which is a review of best practices of treatment for pediatric gender dysphoria, that is roughly discomfort with one's sex in minors. I thought I had the opportunities to make that as evidence-based and as level-headed and as non-inflammatory as possible. And I was encouraged by the fact that I knew most of the other people that were nine people on the team who wrote the report, and I knew that together we could produce something of genuine value.

(00:20:08):

And of course, the current administration is not going to be around forever, but this report will be. And as some people have said, it's the US's own version of the UK's CAS Review, which came out in April of 2024, which is the largest examination of the evidence-base for pediatric gender medicine ever produced. It took four years to write, and the US needs its own version of the CAS review. And so that's why I agreed to contribute.

(00:20:52):

Amazingly enough, given some of the rhetoric coming from the administration, things so easily could have gone the other way. They could have asked a bunch of ideologues who really would've stretched the evidence to write it, but in fact they didn't. So clearly there were some adults in the room guiding the selection of the authors. So-

Justin Garrison (00:21:19):

Go ahead.

Alex Byrne (00:21:20):

Yeah. Well, so, I mean, that's just to say that I think the language of collaboration is just entirely out of place.

Justin Garrison (00:21:31):

It sounds inflammatory.

Alex Byrne (00:21:33):

Yeah, yeah.

Justin Garrison (00:21:35):

It's meant to... Yeah. I wanted to keep going with this line for just a moment because you've used the phrase evidence-based a few times. You're talking about having adults in the room drafting the report. So one of the accusations in the letter is a kind of ad hominem attack that I think of as credentialism, right? You're not qualified to talk about this topic based on the degree you have or the training that you have.

(00:22:02):

And you've responded to this, I think, quite well in your response to the open letter. But the attack on this point seems to be something like, "You're a philosopher. You're not a doctor, you're not a medical ethicist, so you have no competence or authority to participate in this particular study or in any study on this topic."

(00:22:21):

And what I was curious about from your perspective, whether you want to talk about it specifically as it relates to this HHS report or more broadly, what is the role that a philosopher can play in these kinds of discussions where it's clearly implicating philosophical questions, but it's not an academic conference or something where it's so obviously appropriate. What's the role of a philosopher in these kinds of areas that this group of letter writers doesn't seem to understand or is unwilling to acknowledge?

Alex Byrne (00:22:56):

Right. I mean, I should say it's a totally reasonable question-

PART 1 OF 4 ENDS [00:23:04]

Alex Byrne (00:23:00):

I should say it's a totally reasonable question whether I overstep the boundaries of my expertise. It's not a totally unfair charge. And I mean, it is a very strange accusation anyway, even if, let's just assume for the sake of the argument that, yes, philosophers can't really contribute very much, unless maybe you're a specialist in bioethics to this dispute, because the letter didn't dispute that there were sufficient experts on the nine-person team. I mean, they were in absolutely no position to dispute that anyway, since they didn't know the identities of the other eight. And it's quite common in science for multi-authored pieces to include people who contribute little more to the paper or whatever, than preparing the illustrations or assisting with the data collection or whatever. That's not weird. And the letter writers had no idea whether my contribution went beyond compiling the bibliography, say, or copy editing the prose or anything like that.

(00:24:27):

So even if you thought the charge had some basis, it was still somewhat weak, even on its own face. But of course, the charge is particularly rich coming from philosophers of sex and gender, who most certainly think that this whole debate has philosophical aspects. Philosophers can bring a great deal of clarity to debates where there's a lot of terminological confusion, and the central concepts are not understood. And I mean, one concept that's absolutely central to pediatric gender medicine is that of gender identity.

(00:25:21):

And not to flatter myself, but I'm probably one of the world experts on the history of gender identity at this point, and I've written extensively on gender identity. And if you look at the report, well, for a start, it doesn't issue any medical recommendations, but it's so much more than just looking at systematic reviews of the medical evidence. There's a chapter on language as it's used in pediatric gender medicine. There's a chapter on the history of adults and pediatric gender medicine. There are all sorts of other bits of the review, which have nothing in particular to do with technical medical issues.

(00:26:19):

So I think if you were acquainted with my work and were acquainted with the review, then you would see, well, it's pretty obvious that Alex could have contributed something to this review. And indeed, I'm cited a number of times in the review itself. So I don't think the letter writers really did their homework and examined the review and examined my work and then came to a reasonable judgment that, "Okay,

given the content of the review and given the work, it's clear that he had no business contributing to it." Sorry, does that answer your question?

Justin Garrison (00:27:05):

I think it does.

Alex Byrne (00:27:07):

I probably got slightly distracted.

Justin Garrison (00:27:08):

No, no, no. I think it's an important answer. I mean, it's very clear that the authors of the letter disagree with your perspective on these issues, which in the context of academic freedom is perfectly fine. But I would prefer that they just come out and say that.

Alex Byrne (00:27:20):

Yeah, yeah, yeah.

Justin Garrison (00:27:20):

Like, "Alex is wrong and here is why." As opposed to, "You shouldn't be involved in these things because you're not qualified."

Alex Byrne (00:27:26):

That's right.

Justin Garrison (00:27:27):

I just think that's lazy.

Alex Byrne (00:27:28):

I mean, I should say that I've been told this by a number of people with information, so I'm confident this is right, that a number of professional philosophers who would otherwise have signed the letter did not sign it because of the expertise charge.

Justin Garrison (00:27:47):

Interesting.

Alex Byrne (00:27:49):

So if you think, well, the signature ... I couldn't bring myself to look at the most recent list of signatures. No doubt you can still sign it. Put a link in the show notes, so if anyone wants to sign the letter, they can sign it.

(00:28:12):

But many undergraduates and graduate students signed it, and a number of prominent philosophers signed it, but fewer professional philosophers signed it than signed, there was an open letter against Kathleen Stock in 2021, which is signed by about 800 people. Many of those were professional philosophers. And then before that, there was a letter against Rebecca Tuvel over the Transracialism paper in 2017. That again, was signed by about 800 people, including Judith Butler, I should say.

(00:28:52):

So if you're looking at my letter and commenting on the relatively small numbers of professional philosophers who signed it, you can be reassured that more would've signed it if the expertise charge had been taken out. I mean, that was just a little too close to the bone, because, of course, many mainstream philosophers of sex and gender love pontificating about youth gender medicine, or this or that empirical issue about which they have no specific training. So it is the pot calling the kettle black, if you complain that I lack the expertise.

Justin Garrison (00:29:37):

No, I think that's a really thoughtful answer. I think there are other aspects of the letter we also wanted to get into. Steve, where do you want to go?

Steve McGuire (00:29:45):

Yeah. Well, I'm wondering, so my understanding is this letter was started by some people in your own department at MIT, or at least they were early adopters.

Alex Byrne (00:29:55):

Yeah, that's right. Yeah. Some graduate students with the help of a faculty member.

Steve McGuire (00:30:00):

So one faculty member and some grad students. So do you expect that this is going to have an impact on you personally in terms of your interactions with members of your own department? I know it's summer now, right? That's another thing.

Alex Byrne (00:30:14):

Yeah. Thank goodness it's summer.

Steve McGuire (00:30:15):

Yeah.

Alex Byrne (00:30:16):

No, if this had happened during term time, I think it would've been much worse.

Steve McGuire (00:30:21):

Yeah, I think so.

Alex Byrne (00:30:22):

But we're actually a very friendly department, and people are generally quite polite, despite seething with rage when my back is turned.

Steve McGuire (00:30:35):

Right, okay.

Alex Byrne (00:30:36):

And I have talked to some of the people who signed the letter.

Steve McGuire (00:30:43):
Okay. So civil conversation going forward might be a possibility?

Alex Byrne (00:30:49):
Yeah, for sure. Yeah. For sure.

Steve McGuire (00:30:51):
Well, that's good to know.

Alex Byrne (00:30:51):
For sure.

Steve McGuire (00:30:51):
And just generally, whether in your own department or just other colleagues around the world, what sort of responses have you received to the letter? Obviously the people signing it are saying that they support this view of the matter. You've mentioned that there's a few people you've heard who didn't want to sign it. Have you had others who have reached out to support you [inaudible 00:31:15]?

Alex Byrne (00:31:14):
Oh, sure. Yeah. No, I've had plenty of support. And I mean, you, Steve, tweeted about it, which I think, it was a good thread.

Steve McGuire (00:31:27):
Thanks.

Alex Byrne (00:31:27):
And I mean, I think it really did backfire, in retrospect. There's been a sufficient vibe shift that people now do not like this kind of thing. There are so many other ways to express disagreement. And the problem, open letters in the abstract to fine, and sometimes they're good. I mean, there was the famous 2020 Harper's open letter defending free speech. Of course, that caused a big fuss.

Steve McGuire (00:32:11):
Sure. Not necessarily calling out a specific individual or something like that.

Alex Byrne (00:32:13):
No, no, no, no. No, that's right. That's right. But yeah, it wasn't calling for anyone to be canceled, or it wasn't condemning any named individual. And of course, somewhat ironically, [inaudible 00:32:31] that Harper's letter calling for more free speech and so on, while simultaneously, if I'm remembering correctly, condemning the then president, namely Trump, our current president. That did not go down very well at all with the progressive crowd. And some people actually withdrew their names from the list of signatures once they discovered who else was on the list.

Steve McGuire (00:32:56):
Right. Right.

Alex Byrne (00:32:57):

Anyway, so I thought that was a great open letter. This open letter though, I mean, it wasn't just an open letter. There's probably a name for this kind of open letter, namely one that anyone can sign. So you didn't even have to be a philosopher or an academic to sign it. The call went out on social media. The letter certainly didn't invite a response from me or attempt to open up some dialogue or debate or anything like that. Didn't end, "We look forward to your response," or something like that.

(00:33:43):

And the basic message was, you, Alex Byrne, are a bad person. You are guilty of a serious, professional, ethical lapse. Although for some mysterious reason, we're not going to make an official complaint to the MIT administration. And many people agree with this. It's not just a handful of us. Look, there are some hundreds of people who agree with this. And of course, the effect of an open letter of that sort is simply to deter anyone else from dipping their toes into the third rail topic du jour, in this case, pediatric gender medicine, if they suspect that they might end up with the wrong answers once they do it.

(00:34:37):

I mean, I was just thinking about this the other day in connection with tenure, because someone was posting on X about tenure and whether it's a good idea. My first thought was, "Well, I would actually have never started working on this if I didn't have tenure." It's just too risky. The problem with tenure is it really is this huge bar you have to leap over, and if you don't get tenure, that's a life-changing event. You might not get an academic job elsewhere. You're then relatively old, probably with not that many transferable skills. So it's a really big thing. You have to be courageous to the point of being foolhardy to jeopardize your chances of getting tenure.

(00:35:36):

So looked at one way, that's an argument for tenure, because I only did this because I had tenure. But then on the other hand, the effect of these letters is to make it practically impossible for untenured faculty members to weigh in on this debate because too much is at stake. They really could, in effect, lose their jobs and lose their careers if they start writing on these matters and forcefully expressing the wrong point of view.

(00:36:15):

So in a way, that's a disadvantage of the tenure system because you have to leap through so many hoops to get tenure in the first place. Every incentive is in place for you to just dial back on anything that's controversial or could arouse the ire of your colleagues before actually getting tenure. And then typically when you get tenure, it's just like it's really too late. You've already socialized yourself into orthodoxy.

Steve McGuire (00:36:50):

Right. Well, I have to say, even in your case, even with tenure, given some of the stories that you've mentioned, and we haven't mentioned it, but of course, your own wife, Carole Hooven, is one of the infamous cases of somebody who was treated quite poorly because of things that she said about sex. She's not a philosopher, she's an evolutionary biologist. But not only do you have the professional examples of how people have been treated, like Kathleen Stock or whoever, but also a very personal example.

Alex Byrne (00:37:26):

Yeah, for sure. Right.

Steve McGuire (00:37:28):

Even with tenure, there's all kinds of ways that people could make your life miserable for doing that.

Alex Byrne (00:37:36):

That's right. No, that's right. Yeah. That's exactly right. I should emphasize that Carol did not have tenure, and if she had, it would've been a very different story, I think. But still, of course, you're absolutely right that tenure is no absolute protection against this kind of thing. Your life can be made totally miserable at work.

Steve McGuire (00:37:53):

Right. Yeah. But it does give you some kind of foundation to stand your ground or to fight back if you do face a cancellation wave or something like that.

Alex Byrne (00:38:02):

Right. Right.

Steve McGuire (00:38:03):

But one of the things I wanted to ask you about, bringing the interview towards a close, is about what you already mentioned, the impact of a letter like this, and you address this in your response. They're saying that you're collaborating with essentially an evil government regime. They're saying that you're violating professional standards, you're acting unethically. They accuse you of perpetrating harm against trans people. Of course, they don't really offer any evidence. They're not offering an analysis of your work or anything like that. They admit in the letter that what you've done is consistent with your academic freedom. They say, in the part that I read at the beginning of the interview, "Oh, we're not seeking sanctions." And you address this in your letter. You say, "Well, why not?" If you've done all of these terrible things?

(00:39:02):

And so I guess I have a two-part question to bring things towards a close, and one is, let's imagine a scenario where somebody is doing something that's profoundly unprofessional or unethical, because of course, academic freedom also comes with academic responsibility, and maybe that's side of things hasn't been developed quite as much over the years by say, the AAUP, but everyone recognizes that there's something there. So if someone was really doing something that was unprofessional or that was unethical, something that might actually deserve sanctions, what is the proper procedure in the academic context for something like that? Do you have any sense of what maybe they should have done if they [inaudible 00:39:51]?

Alex Byrne (00:39:50):

Sure. I mean, if they really did believe that I'd been guilty of some serious professional, ethical lapse, which is what the letter says, then I think I say this in my response, you should complain to the provost's office. Or they should have approached the chair of the department in the first instance. Or, yeah, there are all sorts of mechanisms for making complaints against faculty members. I mean, I should say that I've had the complete support of the MIT administration. They've been very helpful. So I have absolutely no complaints there at all.

Steve McGuire (00:40:38):

Well, that's great to hear, especially a few years after the episode with Dorian Abbott.

Alex Byrne (00:40:47):

Well, that's right. Yeah, that's right.

Steve McGuire (00:40:48):

Yeah. But your university, I know, went through a whole process of developing a new statement on freedom of expression that, I think it was a faculty committee that really drove that process.

Alex Byrne (00:40:57):

That's right. Yeah. No, I was involved in that. So yeah, the faculty passed our version. Of course, we had to do it our way, our version of the Chicago Principles. And yeah, things are not perfect when it comes to free expression. I mean, of course there have been the inevitable issues over Israel and Gaza, but things are generally trending, I think, in a hopeful direction. Maybe we're not quite there yet, but ...

Steve McGuire (00:41:38):

Right. Well, this would certainly be a good sign of it. If the work that was done after what happened with Dorian set in place a culture and a set of policies that help to protect you or someone else when they run into trouble, that's sort of the goal.

(00:41:56):

Okay, good. Well, I think we've covered most of what we want to cover today. I guess the one last question I would want to end on is, how should philosophers have responded? I think it's questionable whether they really believe the things that they say in the open letter, because as you were discussing, if they really thought these things, there are mechanisms that they could use to actually go after you on this basis.

(00:42:24):

But one of the things I noticed in the open letter, like I mentioned a minute ago, is they don't really address any of your actual arguments, and I guess, it's an open letter, it's not an academic article or something, but still, you think that they would have some kind of argument to try and defend what they're saying about you and what they're accusing you of. But how should philosophers have responded if they disagree with your work or if they disagree with your decision to contribute to this report?

Alex Byrne (00:42:55):

Yeah, sure. Of course, there's absolutely nothing wrong with any disagreement on that score. I mean, what they could have done, first of all, is contact me, at least to get more information about why I chose to participate and gather a few more facts about what the HHS report actually says, and I could have pointed them to various bits of my work that were relevant and so on. Unfortunately, they didn't do that. So that's one thing that they could have done.

(00:43:34):

And then if that didn't give them satisfaction, well, they could have done all sorts of things. They could have, for example, written a piece arguing ... Not a piece which could be signed by any random person on the internet, but just an opinion piece, which they could have published in any one of a number of prominent venues, one of the main philosophy blogs, or our own MIT faculty newsletter or whatever, in which they argue against me and invite some response.

(00:44:15):

That's typically what philosophers do when they disagree, they write a piece objecting to the philosopher's views, but they either implicitly or explicitly try to open up some dialogue, and it's expected that the target of the criticism will respond, and then maybe the original critics will then respond to the response and so on. So then it becomes more of a conversation and maybe some progress can be made at the end of it all.

(00:45:06):

But the way the open letter went down, there was no invitation to any kind of response or dialogue or, "Let's see if we can work out our differences," Or, "Okay. Maybe the letter writers did have one good point, but then Alex also has a number of good points," or something. There was nothing like that at all. And just to emphasize, I mean, as I see it, the main negative consequence is the effect, not on me, no one has to worry about me, but the effect on other scholars. It doesn't do anyone any good, least of all trans people, I should say, if debate on important issues, like the evidence base for youth gender medicine is-

PART 2 OF 4 ENDS [00:46:04]

Alex Byrne (00:46:00):

Use gender medicine is constrained in various ways.

Justin Garrison (00:46:09):

Well, we've been talking with Alex Byrne, professor of philosophy at MIT, and author of Trouble with Gender. Alex, before we let you go, can you tell our audience how they might contact you? Do you have social media accounts you'd like to direct people to? If people watch this and they're triggered, do you have the email address of a colleague that you don't like that you'd like us to share with people or something? How can people learn more about you and your research?

Alex Byrne (00:46:35):

Well, I have a website, it's alexbyrne.org, and I'm on X as I think it's Byrne_A. And yeah, people are welcome to email me. You can easily find out my email. And yeah, look, if opponents want to email me and ask for the email addresses of some of my foes or enemies, I'm most happy to provide them.

Justin Garrison (00:47:08):

Alex, thank you so much for your time today. It's been a wonderful conversation with the owner show.

Alex Byrne (00:47:13):

Justin, Steve, thanks very much.

Justin Garrison (00:47:19):

Well, we've been talking with Alex Byrne, a professor of philosophy at MIT about numerous problems. Don't talk about gender until you get tenure at least, the serious risks and perils of trying to practice academic freedom and thinking like an adult, engaging in the political process even in a very indirect and non-ideological way as a philosopher. A lot of really good stuff in that interview. Steve, what did you make of the conversation with Alex?

Steve McGuire (00:47:45):

Yeah, it was a great conversation, and of course, unfortunate that this open letter was published, but I think the piece that jumped out for me was when he talked about the idea of there being a vibe shift and that this didn't take off like wildfire like it might have in previous years, and I hope that's the case. I hope we're moving in a direction where even when people try to... They say, "Oh, we're not seeking to sanction you," but obviously as we've discussed now at length, they've published this open letter, Alex made the point anyone can sign. So it seems to open the floodgates for a sort of online mob to pile on and come after him. I have to say too, I couldn't help but think of the letter that sociologists put out a year or two ago on the war in Gaza, and they left that open so that anyone can sign it, and people started signing it as things like Dr. Hamas McHamasface, that sort of thing.

(00:48:52):

I thought, "Have the philosophers not learned what can happen when you leave these things open?" But I thought that was another good point that he made, that this wasn't even whatever, five or 12 or whatever people wrote a letter that they were going to sign their names to and put it out there. Yeah, I mean, an unfortunate way that they chose to respond to some of the work that Alex has done, but glad to hear that so far he doesn't seem to be facing any serious repercussions and seems to have noted that there's a vibe shift compared to how some others have been treated, including, as I mentioned briefly, his own wife, Carole Hooven. How about yourself? What did you think?

Justin Garrison (00:49:37):

Yeah, he's a courageous man. That's a topic that even with tenure, it's really perilous, and it's not because your findings are scientifically, or in his case, philosophically suspect, it's just politically incorrect in the literal sense of that term. This is not appropriate to talk about unless you're going to do it in certain approved ways. I mean, it reminds me... I'm probably going to mess this up, but the Soviets during the Stalin era, they rejected genetics in agriculture because that violated their socialist vision of the complete freedom of man, and okay, but it's no wonder that people in the Soviet Union starved for decades in various ways. You can't just reject things because they're ideologically inconvenient if they happen to be true. And I just thought the whole tone of the letter that the people wrote opposing him was so thoroughly dishonest.

(00:50:44):

I'm going to go out on a limb of sorts, not really though, and going back to the bad old days of the pandemic and COVID, a strong correlation between having very progressive political views and being very adamant that people need to be forcibly vaccinated, right? Do you remember the shift? It seems like people were trading their own poster board signs, right wing people who were opposed to vaccines started grabbing the pro-abortion people's, "My body, my choice," banners and stuff. There was no harm in collaborating with the Trump administration to develop those vaccines, not because working on them was some kind of tacit endorsement of Donald Trump or all of his ideas, but there's a sense in which you can engage in the political process and try to serve a public good without it being tainted by suspicious associations and things like that.

(00:51:38):

And for people who probably belong to that crowd, not to write letters then, don't give us medicine, it's collaboration. But now, it's... As I said, it seems so wildly dishonest and so cartoonishly academic that I'm glad one of the outcomes is this just doesn't seem to work as effectively as it did four or five years ago.

Steve McGuire (00:52:01):

Yeah. Yeah, absolutely. Yeah, my initial reaction to that charge was, "Okay, you think the government's doing bad things. Why would you prohibit people from trying to make it do good things?" I mean, the idea that you wouldn't try to make the government better just seems absurd to me.

Justin Garrison (00:52:20):

Yeah. Yeah, it seemed to be almost like one of those knee-jerk reactions, they didn't really think it through, and these tactics were really successful. It's just kind of like... You know how John Stuart Mill talks about if you're in the kind of ascendancy for so long, your arguments just get really flabby because you're not really tested in any sort of rational way? And it felt to me like that was where this came from, routine cancellation, but the vibe shift is a real thing.

Steve McGuire (00:52:55):

Right, it's just not working the same way anymore. Hopefully.

Justin Garrison (00:52:59):

Yeah, we will see how things go in a couple of years. So plenty of other stuff though obviously going on in higher ed. In some sense, the summer is a really difficult time because there's no students, so it's harder to find things about good stories and bad stories about stuff going on campus, but this summer has been quite wild. This has been the antithesis of the boring academic summer, particularly for college administrators, the people who work at the federal government. And so as we talked about in our show intro at the beginning, plenty of other stuff that's been going on, and one of the really big stories recently has been the agreement that Columbia University has reached with the Trump administration. And Steve, why don't you kind of lead us into what that is and why it's significant?

Steve McGuire (00:53:42):

Yeah, for sure. I mean, this is definitely a unprecedented or close to unprecedented event in the history of American higher ed, I think. I think there was back in the early '70s, a moment when the federal government paused funding to Columbia over civil rights matters, but nothing on the scale of what we've just seen. And of course, Penn had a deal as well over Title IX, and then after Columbia-Brown University announced the deal, and I think one of the questions on everyone's mind was, when Columbia, if and when they reach a deal, if and when Harvard reaches a deal, does this set a precedent or establish some kind of roadmap that others could follow? While we recognize that the government has some jurisdiction obviously over things like civil rights matters, we've also expressed some concern about some of the ways that the government has gone about this process.

(00:54:50):

Our president, Michael Poliakoff, has now released two statements on the situation at Columbia. One shortly after federal funding was initially pulled, and we're going to be one of the first groups to tell you that these universities need all sorts of reforms, reforms dealing with things like DEI, anti-Semitism, but also beyond that, there's all kinds of reforms that we advocate for at ACTA in terms of academic excellence, fiscal responsibility, et cetera. But we're concerned about the way that the government pulled all of this federal funding at the beginning of the process, and now he's released a second statement in the wake of the deal, and it expressed that it's a relief that this funding is going to be turned back on. And I think I saw just an article just the other day that the funding is coming back online, so that's good to see.

(00:55:48):

As far as the deal itself, some of it just confirmed some of the things that Columbia had already done or agreed to or said that it would do, a lot of that addressing issues surrounding anti-Semitism on campus. And so in terms of what was new when this final deal was signed, well, one of the things that jumps out right away is the payment that the university had to make, $200 million plus about 21 million to the EEOC that's going to go towards victims and that sort of thing. And this sum is unprecedented. Michael, our president in his statement says this money could have been better used in ways that would've improved the university. So I think that's concerning. In terms of the other provisions in the agreement, at one point it says that the university will ensure that students are committed to various values, and there's clearly a First Amendment issue there, I think, at least with the way that that is worded.

(00:56:57):

I mean, I think you could say, "Look, we're going to have rules at this university that are consistent with things like civil discourse, dialogue, and we're going to expect people to conduct themselves in certain ways that are consistent with those kinds of values," but the university can't make somebody believe something, and the government certainly can't do it either. So there's definitely some room to, I guess, more than quibble with that particular part of the agreement and how it was worded.

(00:57:27):

One of the things that just really jumped out at me was the provisions dealing with admissions and hiring, and Trump has now since issued an executive order, and it looks like they're going to trying to require colleges and universities to provide information in terms of race and ethnicity and test scores and that sort of thing for the classes that they admit, but this was in the Columbia agreement before that executive order was released, and that was quite remarkable. And clearly what they're trying to do is ensure that the Supreme Court case on affirmative action is being followed, and there's been plenty to suggest in the wake of that decision that universities aren't strictly following it, that they're actively trying to find ways around it. Some things that they might do might in fact be legal, others might not. So that's something that's probably going to have to be tested and played out, maybe even in the courts going forward, but I thought it was really fascinating to see that part of the agreement.

(00:58:41):

But overall, the last thing I think I'd say is yes, there's room for concerns about the precedents that this sets. There's room for concern about the federal government exercising this kind of authority over a private institution, although one that takes substantial amounts of federal funding, which more and more people are aware of how this might affect the debate about these sorts of things. So there's concern for all of that, but nevertheless, lot of American colleges and universities need serious reforms, and several of the things that are included in the disagreement and previous ones and previous actions that Columbia has taken are things that universities should probably be doing or doing something similar to.

(00:59:33):

And so I would say certainly if I were a member of a board of trustees at another institution or an academic leader at another institution, I'd be looking very closely at this and comparing it to the policies that we have in place at our institution and asking, "What can we do here? What should we do?" And each institution, of course, is going to have to decide for itself what it thinks makes sense and what it's willing to do, but now you do have some indication of at least what the federal government is looking for. And if you can take some of that and map it onto reforms that maybe you were already working on, or look at some of those and say, "Yeah, these are maybe good things that would be beneficial to our institution," I would certainly be working on that, and I suspect a lot of institutions are.

Justin Garrison (01:00:24):

Now, we know that Columbia is not the only school to be going through this. You mentioned a few, and there seem to be some looming settlements, and the projected numbers that are being reported just keep getting bigger. So it's supposed to be somewhere in the neighborhood of half a billion dollars with Harvard. I saw a story about Trump administration thinking about UCLA paying $1 billion. I mean, it had these Austin Powers flashbacks. I guess a short comment is if you think you're the school in line after UCLA, figure it out now because the price is just going to go up. So there are a lot of different specific institutions, but then there's some kind of overarching frameworks that the federal government continues to unveil, and one of the things that came out recently was a memo from the Attorney General of the United States, Pam Bondi, and I was wondering, how do you see these things kind of fitting together?

Steve McGuire (01:01:21):

Yeah. No, this is fascinating. So it does address, for example, issues related to DEI or discrimination, affirmative action, those sorts of topics, in admissions and that sort of thing, but what the Department of Justice has done essentially is released a memo that's a set of guidelines, and it goes through various aspects of university operations that have at a lot of places over the last several years involved DEI, DEI practices, and they're looking at it through the lens of an interpretation of civil rights law and universities' responsibilities not to engage in discrimination or to allow discrimination harassment to take place on their campuses.

(01:02:09):

And if you think back to the first Trump administration and the idea of banning divisive concepts, and this has been an approach that some of the state governments have taken as well, and this just sort of immediately raises First Amendment issues, right? Because you're talking about banning certain kinds of concepts or saying that certain kinds of concepts can't be pushed, and it might be one thing for a state government to say, "We're not going to fund certain kinds of bureaucratic offices maybe." If it starts to get into classroom instruction or research, now you're talking about issues of academic freedom, free speech on campus specifically in those contexts. And so it gets really difficult. One famous example, of course, would be like StopWoke in Florida, which ran into some issues. And so now though, in this latest memo, what they seem to be doing is they're offering an interpretation of civil rights law, and they're saying, "This is how we are going to interpret and understand these things, and here is a series of guidelines," and a lot of it says, if you're doing X, you may be in violation of civil rights law.

(01:03:27):

And so it is a set of guidelines that people who are running universities, they can take them and they can use it to analyze their own policies, their own practices, and they could say, "Are we doing any of this, and does it look like the kinds of examples that they're providing in these guidelines?" And then ask themselves, "Do we think that this is potentially putting us at odds with federal civil rights law?" And then they can hopefully change their policies and their procedures and that sort of thing to align if they think that that's what they should do. I could imagine that in some cases they might say, "Look, this looks kind of like what they're suggesting, but that's not really what we're up to, and we're prepared to defend it and show that it's not a violation of civil rights law." Of course, that would be a reasonable response as well.

(01:04:18):

But I think what it does is it focuses on things that universities are doing in the context of questions about discrimination and federal law as opposed to say just banning concepts or trying to. This might be a more effective approach for addressing some of the issues that have either allowed discrimination to spread on American campuses and also affected academic freedom and free speech on those campuses, but doing it in a way that might be more consistent with existing law. Again, of course, a lot of this would probably need to be tested out over time in the courts or else universities will have to work out agreements in the absence of precedent.

Justin Garrison (01:05:09):

Yeah, I think the message that came out of the comments that you just made is at a minimum, whether you're a president or an administrator at a lower level or you're part of a board of trustees or whatever it might be called in a given state or institution, you really need to be engaged, you really need to be informed because you need to know where you can push back if you think that's warranted and you need to know where you need to fix things before it's imposed on you in a way that you don't like. And with that in mind, I wanted to briefly just alert our viewers, not just people who might be watching or listening on the podcast version who are board members, but really anybody that we've got a guide coming out, should come out right around the same time as the episode that we're recording now drops. So I imagine either when that drops or shortly thereafter, we can put a link to this in our show notes.

(01:06:04):

But we are putting the finishing touches on a new trustee guide about how to create a discrimination-free campus, which is increasingly important for monetary reasons, for legal reasons, but I would hope that more people would take it seriously beyond those two things. Those are important things, but you can be forced to do that against your will, and I think part of what ACTA would like is that people do these kinds of reforms freely because they are the right things to do. This is what it would mean to be a good steward beyond bargain basement legal compliance or something like that. So in this guide that we're about to

release, we recommend that trustees in particular really take the lead and eliminate what looks like, at least in the foreseeable future to be increasingly unlawful or legally questionable practices related to diversity, equity, and inclusion in a variety of ways in which that manifests on campuses.

(01:06:56):

We're going to be mailing this guide through the snail mail. If you're someone who's under the age of 40 and you've never heard what the mail is, there's got to be a YouTube video on that as well. We're going to send this out to about a thousand board chairs. We're also going to make it available on our website. As I said, we'll try to link to that. And while that's one of our main targets, this is the kind of information that would really be helpful to anyone. You could be a college president and you've got a board that's kind of checked out and you want bring to their attention that their fiduciary responsibility includes not having to pay multiple hundreds of millions or billions of dollars in fines for doing what is legally required, as well as what constitutes running a good institution.

(01:07:38):

So if you're an administrator or irascible alumni or regular alumni, or if you're a student and you're on the ground level and you're seeing where some of these questionable practices are happening even if they're not written down in policy or on paper, this is something that could be really helpful to a number of people, different kinds of people. And so I strongly encourage people to check that out when it's available, and it should, as I said, be pretty soon.

Steve McGuire (01:08:05):

Yeah, and I think at ACTA, we would always emphasize that we would like to see institutions led by their boards take responsibility for themselves, and so this guide will provide a pretty solid set of guidelines for universities who want to review their policies and practices with respect to DEI or other potentially discriminatory things on their campuses. And so highly recommend that people take a look at it and be proactive.

Justin Garrison (01:08:38):

Absolutely. I had one other thing that I wanted to talk about because this affects my home state. So if you're watching this and you're thinking back, "When was the first time I saw that emoji or that GIF of the dumpster floating down the street?" So that's what my state has become when it comes to higher ed. It's like a roiling dumpster fire of ambiguity and conflict, and everyone is just angry and has elbows out everywhere.

PART 3 OF 4 ENDS [01:09:04]

Justin Garrison (01:09:00):

... conflict, and everyone is just angry and has elbows out everywhere. So, over the last month or so, higher ed has gotten pretty weird in Virginia, and I wanted to focus on that, just really thinking about two really prominent institutions, the University of Virginia, which is in Charlottesville, and then George Mason, which is in Fairfax. It's up in Northern Virginia, the DC suburbs.

(01:09:24):

And over the summer, as people watching this probably know, as a result of a lot of ambiguity about complying with the executive orders from the federal government and subsequent DOJ follow-ups on dismantling DEI at UVA, President Jim Ryan ultimately decided to resign, and an interim president from the law school, a law professor and dean, has been appointed as interim. That's been controversial. Both the Student Council and the Faculty have held and passed motions of no confidence in the Board of Visitors at UVA over these issues.

(01:10:03):

Some professors yesterday were having a press conference at UVA's campus, saying that the search for the interim was illegitimate, and that the inclusion of faculty and students and staff was just window dressing... that no real power was given to those folks in terms of the decision. And then it gets further complicated at UVA, because an interim president's not a permanent president, and so they're interested in trying to start a search for a full-time replacement. But they have been warned by state legislators not to do that until after we have our statewide elections. And the ostensible reasons for that, and what might very well be the real reasons for that, are things I'm not going to comment on now. But it's a real mess at such a wonderful, historic institution.

(01:10:49):

So Jim Ryan is out of UVA. And George Mason, as you know, Steve, and as other people watching this probably know, they're under multiple federal investigations. So it was getting to a point where it was almost every day I was expecting something in my inbox saying, "George Mason is being investigated by the federal government for blah, blah, blah, blah, blah."

(01:11:10):

Currently, they're under four investigations: two from the Department of Justice, and two from the Department of Education. And they relate to topics about racial discrimination and gender discrimination, like kind of Title VI issues in faculty hiring, tenure and promotion, admissions. There have been some questions about Title VI violations related to scholarship eligibility. And then they also made that famous first list way back when Trump came into office for anti-Semitism, and an anti-Semitism investigation has also started. So that is quite a lot for any university to handle.

(01:11:47):

And this led many people to think that one of the consequences of this deteriorating landscape with federal investigations was going to be that the Board of Visitors at GMU might ask for, or President Gregory Washington might choose on his own to resign, or something like that. But they had a meeting on August 1st, and he did not resign. They did not ask him to resign. He wasn't fired. If I recall correctly, he was given a mandatory one and a half percent raise because he's still on staff. So that's part of his contract. And Mason's chapter of the AAUP had a motion of no confidence. They were able to pass by a pretty wide margin in the Board of Visitors related to these kinds of issues.

(01:12:32):

So it's really sad. I like being in the state that I live in, and I'm really proud of a lot of these institutions. And whatever the various complexities of the legal issues are, it just really makes me kind of disappointed that actions have been taken, or not taken, in the years leading up to this. That's put the state in such a awkward and unpleasant public light. I never would've thought that what's happening in higher ed in Virginia would be a constant news item in The New York Times, but that's how this summer has been.

Steve McGuire (01:13:07):

Yeah, I mean, one might say that about higher ed in general, that-

Justin Garrison (01:13:10):

Yeah, that's right.

Steve McGuire (01:13:12):

... just the centrality of its place in... There's still, obviously, lots of other bigger stories going on in the world, but to see how much attention higher ed's gotten in the last couple of years is just incredible. And I

think we could say, in a way, intrinsically, not a good thing; it shows that something is deeply wrong with higher ed and its relationship to the political community more generally.

(01:13:37):

But yeah, I mean, very interesting to contrast what happened at UVA and GMU, and yeah, I think you're right that... There was a lot of reports... People were watching to see if President Washington would be fired by the board, and when he wasn't, there's a lot of reports like, "Oh, and not only did they not fire him, they gave him a raise." Well, my understanding is they were legally required to do that, and gave him the smallest legally required raise. So it wasn't like they were making some kind of statement there, other than, "We're not firing the guy."

Justin Garrison (01:14:13):

Yeah.

Steve McGuire (01:14:14):

Yeah. And it seems like university presidents... I suppose these have always been controversial processes. A few years ago, there was some controversy when Ben Sasse was selected as the sole finalist down in Florida, and then there was controversy again when his potential successor, Santa Ono, was selected. And, of course, there was a fairly significant public campaign to prevent that from happening, and eventually he was rejected by the Board of Governors there.

(01:14:52):

But what's happened at UVA seems to be something qualitatively different from some of these other examples. I know Attorney General Harmeet Dhillon. She was interviewed on one of the major news programs and said, "We did not demand that Jim Ryan be fired or be removed, but..." I don't want to misquote her, but essentially indicated that they had suggested it might be difficult to move forward if certain things didn't change, in terms of maybe how he, or some potential successor, was handling their requests for information and reporting on DEI at the institution.

(01:15:40):

But clearly there's, again, room to be concerned about the idea that the federal government is removing university presidents, or trying to. On the other hand, it does seem like there was a pattern of evasion at UVA in terms of reporting on these things and complying with the law. So very difficult situation.

Justin Garrison (01:16:08):

So if you're intrigued by that, or terrified, or horrified by that, all next month is going to be Virginia on our show. And since I mentioned that they're doing a presidential search, one of our standards in the... the gold standard for freedom of expression, is that in a presidential search, you make free expression an explicit search criterion. I can't stress how important that is, and I really encourage UVA to take that step. I've looked at the search brochure from 2017 that led to the hiring of Jim Ryan, and nothing like that, really, was in there.

(01:16:40):

And so one of the ways in which you can attract the kind of leadership that promotes academic freedom on campus is to actually... I don't know... make that a job description component. I think it's really important. UVA loves to talk about... well, in some sense, in some areas... they love to talk about Thomas Jefferson, and just kind of this wonderful commitment to really, kind of, broad... free speech and so on and so forth. And that's great, but if you don't have the personnel to actually carry that into concrete action, it's just words. So hire someone who does that kind of stuff, and that will not be a bad way to go.

Steve McGuire (01:17:20):

Yeah, it's kind of remarkable that that wouldn't be one of the criteria that you would look for. And we've looked at a lot of these advertisements for university presidents, and you don't see it very often. I think we did see it at the University of Chicago, which maybe would be one place where you would expect it. But just overall too. Not just in presidential searches, but even in various documents that universities put out: mission statements, vision statements, lists of values. When you go through these, it's just remarkable to me how often things like free inquiry or academic freedom are not front and center in these things. And if you're not communicating that, then people aren't going to think that it's a important part of what you're doing at your institution.

Justin Garrison (01:18:14):

Yeah, yeah. Couldn't agree more. All right. So it's time for the part of this show that everyone always looks forward to, and they stay to the end and engage with this entire video just to get to this point. We're going to do our awards, and I'm going to start with this month's hero of the people.

(01:18:35):

So this month... We were slagging off GMU a moment ago... we picked them as well. So we take with one hand, but we give with the other on this show. And so we picked GMU, in part, because at the same board meeting where President Washington got a 1.5% raise, they passed a really intriguing resolution that is broadly kind of dealing with a lot of the issues that we've been talking about for the last few minutes: How do you stay on the right side of Title VI and Title VII, and a variety of other federal nondiscrimination laws and requirements?

(01:19:14):

And so, on August 1st, they passed this... it's called the Resolution of George Mason University... regarding merit-based excellence, student opportunity, and freedom from discrimination. This is a pretty good document, in my view, in a lot of different ways. It says it repeatedly comply with federal and state law. You would think you don't need to be told that, but that's an important thing to own up to and to commit to. So this resolution is very clearly grounded in the recent experience of GMU with federal investigations and so forth, but also kind of the broader shift in higher ed's landscape since Trump took office again. And it commits to a number of really important things related to faculty hiring and tenure and promotion being merit-based. That's very much in line, on the language level at least, with something like the Shils Report, which we are pretty strong proponents of in the Campus Freedom Initiative and at Acton more broadly. It also talks about these kinds of things in terms of admissions. There's also prohibition against holding conferences, talking about anti-racism and implicit bias and things like this.

(01:20:30):

One thing I did notice, because I was paying attention to this issue, in an earlier draft from the spring, there was some language in the resolution that was explicitly going to end the bias response team at GMU. That didn't seem to make it in quite the same way. Time will tell if some of the broader categories that GMU is committing to will include, eventually, getting rid of that. I know that sometimes schools, like GMU has done in this case, will maybe deflect questions about bias response by talking about them largely as just campus climate-generating information and pointing people towards resources. That's better than high inquisitors and stuff like that, coming out of bias response, but it's still not good enough.

(01:21:21):

You can do those kinds of things, and those are important things to do in terms of directing students to resources, without putting them under the rubric of a completely extralegal framework. You can do that if you're dealing with discrimination and harassment. Those are real legally enforceable categories that can accomplish some of those important goals without resorting to this kind of vague, quasi-legal language. So for that reason, I think GMU deserves some credit, and they are our hero of the people.

Steve McGuire (01:21:54):

Great. Yeah, and it's interesting, a lot of people think of GMU as a more conservative or libertarian university, but one of their professors, Bryan Caplan, gave a presentation or a speech to the board not so long ago, making the case against DEI. And he's clearly concerned about it, and how it's been integrated into various aspects of the operations of the university there. And so, it kind of illustrates that even at some of the institutions where people might think they're a little bit more heterodox, or what have you, DEI could still be a fairly pervasive presence. But good on the GMU board for taking action.

(01:22:41):

All right. Well, it falls to me to talk about this month's Apparatchik, the honor of doing something not good in higher education. And for this month I've selected a group of philosophers. I thought I'd stick with the theme of philosophers signing open letters after our interview with Alex. And there was another one having to do with Israel and Gaza, and it was a group of philosophers that signed... they're calling it a petition... to the board of the American Philosophical Association, calling on them to make a statement.

(01:23:32):

They want them... I'll just quote a couple of things: "Unequivocally condemn the ongoing atrocities in war crimes against Palestinians that are financially and politically supported by our governments in the U.S. and Canada;" "Express solidarity with Palestinian scholars," et cetera, et cetera; and, "Honor the APA's commitment to the mission of SAR, and create a fellowship program to support displaced scholars and students from Palestine."

(01:23:57):

So they want them to make a statement, take some actions. And I got to laugh. One of the funny things about this statement, they actually say, in the middle of the petition, that the APA's stance is, of course, insignificant for global events.

Justin Garrison (01:24:16):

Wow. What a revelation.

Steve McGuire (01:24:17):

Yeah. So the purpose... They don't expect to have an influence on world affairs, I guess. But then they go on and say, "But your continued inaction in addressing this crisis sends a chilling message," which is an interesting choice of words, because people will often talk about the chilling effect that something like this could have on the academic freedom or the free speech of others. But they mean that it will show that we don't care about certain kinds of people or something like that.

(01:24:54):

But another interesting aspect of this is that they point to a statement that the organization made about Russia and Ukraine. And I think this highlights something that we emphasize when we talked about institutional neutrality. And usually when we're talking about institutional neutrality, we're thinking of colleges and universities, and that they should have a policy stating that they will not take official positions on contemporary social and political events. And I think you could argue that that should be extended, at least in spirit, to scholarly organizations.

(01:25:29):

Again, the American Philosophical Association should be a place where people come to debate and to exchange views. And so, whether there's a genocide going on in Gaza or not, could be something you could have a panel on with people who have different views and have an argument about. It could get heated. It's an important question that a lot of people obviously are debating in the public sphere these days. And so, you could have that philosophical conversation, and philosophers can make a contribution.

But if the organization is being asked to take a position on these extremely controversial issues, then that obviously does indicate that maybe certain kinds of debate are not available.

(01:26:13):

And so, I think, once again here, we see an example of philosophers of all people, people who should be devoted to arguments of all kinds, essentially trying to compel their organization to take a stance on controversial issues. And I'm not going to name any names or anything like that, but for that reason, I've selected the philosophers who came up with this petition as the Apparatchiks of the Month.

Justin Garrison (01:26:43):

I mean, it reminds me of that anecdote in Hannah Arendt's The Origins of Totalitarianism, where she's quoting some Soviet pamphlet about how, like, "We can't let chess be chess because everything's politics."

Steve McGuire (01:26:56):

Right. Yeah.

Justin Garrison (01:26:57):

And there's no reason all of the members can't have their own views on any number of things. But to my knowledge, the APA is not set up as a political advocacy organization; it's a philosophical society. You could start the philosophers for political engagement and that would be an explicit part of its mission. But it's that kind of bait and switch that's really frustrating because you could say something like, "Okay, we've got a statement, but we're still going to do panels." I mean, it would be kind of absurd at that point. I'm going in and I'm going to say something different from the organization's statement, but somehow I expect that to just be taken equally seriously or something like that.

(01:27:39):

We're clearly not saying anything like they've done something illegal. We're talking about norms of appropriate organizational behavior. And this is just not the kind of thing that these organizations should do. And when you start, you have to walk back that precedent, because it's not unreasonable, from a perspective maybe within the organization, of saying, " You did a statement for that. Well, why not this?"

Steve McGuire (01:28:04):

That's right.

Justin Garrison (01:28:04):

"Why not the other thing?" And that's one of the reasons we keep saying, "Stop doing this. You cannot possibly win."

Steve McGuire (01:28:09):

Right. And I didn't go back and look if there was much controversy over the statement that they released regarding Russia and Ukraine, but presumably there was probably a lot more agreement about what was said in that statement, than there might be in a statement about Israel and Gaza. And so, it's easier to do; there's not as much pushback, but it sets the precedent. And they are kind of right in this open letter to point to that. Except, instead of endorsing their call to release yet another statement, my position is: just stop releasing statements, and then-

Justin Garrison (01:28:41):

Yeah. Quit cold turkey.

Steve McGuire (01:28:42):

Yeah. This would be a great opportunity to say, "You know what? We're just not going to do it anymore, at all."

Justin Garrison (01:28:47):

Yeah. Absolutely.

Steve McGuire (01:28:52):

All right. Well, this has been another fun episode of Radio Free Campus. And as you mentioned, next month we're going to be focusing on Virginia. We've got some research that we've been doing that we'll be putting out, and we will be looking forward to discussing that, and talking to a special guest from Virginia about what's going on in higher ed there, which, as you've detailed, is pretty crazy these days.

(01:29:18):

I think we will probably focus a little bit more on the state of things on the campuses, and what the leadership on those campuses could be doing to improve things for free expression and intellectual diversity in the years to come.

Justin Garrison (01:29:37):

All right. So, like us, subscribe to us, accept notifications from us. We're all over on podcasts. If video stuff isn't your thing, you can listen to the melodious sounds of our voices at your convenience. So with that, we'll see you next month. And until then, KBO.

Automated (01:29:57):

Thank you for listening to this episode of Radio Free Campus. If you enjoyed the show, please like, subscribe, and turn on notifications so you don't miss an episode. Audio-only versions of Radio Free Campus are available on all other podcast streaming platforms. Whether you have comments, questions, or suggestions for future episodes, the hosts would love to hear from you. Comment below or email them at radiofreecampus@goacta.org.

(01:30:23):

Radio Free Campus is offered by the Campus Freedom Initiative at the American Council of Trustees and Alumni. For more information, please visit goacta.org.

Automated (01:30:34):

57% of Arizona State University students believe that offensive professors should be reported. Discover how ACTA's Gold Standard can help ASU foster a more free and open campus experience.

PART 4 OF 4 ENDS [01:30:49]