

Announcer ([00:02](#)):

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Steve McGuire ([00:09](#)):

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

Justin Garrison ([00:12](#)):

And I'm Justin Garrison. And in this episode, Steve and I will discuss a new policy on teaching controversial topics in the University of Texas system. We'll talk about a new survey that some claim shows that the crisis of student self-censorship is over, even if it ever existed. Could it have been another MAGA plot? We'll also discuss, God help us, a Rawlsian case for institutional neutrality. And then finally, of course, we will end our episode, the news episode as we always do, with our Apparatchik and Hero Awards. So let's get right down to business.

([00:46](#)):

Steve, you've been spending a lot of your mental head space in Texas policies from a variety of systems that they have and now there's this relatively new policy coming out of the University of Texas system. So tell us a little bit about it and why it's better than the one that comes out of Texas A&M.

Steve McGuire ([01:05](#)):

Yeah, thanks. Well, and you mentioned Texas A&M and I think that's a crucial backdrop here. Because of course, they've been receiving a lot of national attention and criticism for some of the things that they've done recently, including a policy trying to get rid of what they call advocacy for race and gender ideology. And this led to a massive review of courses, including somewhat infamously now at least for people who read higher ed news every day like us, a philosophy professor being told that he couldn't teach Plato and we've talked about this on a previous episode.

Justin Garrison ([01:49](#)):

Yeah.

Steve McGuire ([01:50](#)):

So I won't go into too much detail there. Loyal listeners of Radio Free Campus as well as loyal readers of the news will know all about that.

([02:00](#)):

But the University of Texas has now passed a policy that we can say I think in some ways is similar or maybe has somewhat of a similar intent. And while there might still be room for concern about academic in the way this policy might be interpreted or implemented, I do think it's a much better policy. It doesn't focus on particular concepts like the Texas A&M one does. It focuses more on bringing controversial matters into the classroom. And there's been some criticism of this policy as well in the media, but I don't think quite as vociferous as the criticisms directed at Texas A&M. And I also think some of the criticisms that I've seen, they're just not as strong.

([02:52](#)):

One thing I noticed actually is in several articles, people were quoted as comparing this to the Texas A&M one and saying, "Well, this is kind of like what they're doing at Texas A&M except it's much better and not as problematic." And so I don't think the criticisms have as much teeth in this case.

([03:12](#)):

But the policy itself, just reading from it a little bit. It's directing faculty to pay attention to their responsibilities as instructors and to foster, this is quoting from the document now, "Foster classroom cultures of trust in which all students feel free to voice their questions and beliefs." It goes on to say that, "They should fairly present differing views and scholarly evidence on reasonably disputed matters and unsettled issues." I'm not going to read the whole thing.

[\(03:47\)](#):

Another line that has been pulled out several times is where it says, "Instructors must not attempt to coerce, indoctrinate, harass or belittle students, especially in addressing controversial subjects in areas where people of good faith can hold differing convictions." So that gives you a little bit of a flavor of what the policy is trying to put in place. Listeners can go and read the whole thing for themselves. It's not that long, it's certainly worth taking a look at.

[\(04:15\)](#):

And like I said, one thing I noticed right off the bat is it's not banning particular concepts and saying, "You can't teach these things." It's more focused on saying don't bring controversial subjects into the classroom that don't properly belong there, they don't fit within the topic of the class. And it's also saying that professors should ensure that when they are discussing relevant issues of controversy, which hopefully they are doing on a regular basis in their classes, that they're bringing in a variety of views and allowing students to interact with a variety of views, as well as express themselves and ask questions without fear of retribution. And I think that sounds really good.

[\(04:58\)](#):

And another thing I want to point out is that a lot of this is actually similar to what can be found in the American Association of University Professors, or the AAUP's 1915 Declaration on Academic Freedom. Our President Michael Poliakoff likes to point out that the AAUP of course has done quite a bit of work with its Committee A, which focuses on academic freedom. It hasn't done as much work over the years with Committee B, which focuses on professional responsibility and that's what this Texas policy is trying to get the professors in the UT system to focus on and a couple of these things that they include in the policy are very similar to the AAUP's own statement.

[\(05:50\)](#):

So the idea that professors should be presenting a wide variety of views within the classroom, that's mentioned explicitly in the 1915 declaration. And also, it focuses on the idea that especially with younger and unformed students, that professors need to take a special care not to indoctrinate students. That they should be teaching them to think for themselves, to ask questions for themselves. So I think a lot of this policy is actually consistent with that older original statement put out by the AAUP, and I think that that's fair and I like that the university is approaching things in this way.

[\(06:33\)](#):

But how about you, Justin? What are your thoughts?

Justin Garrison [\(06:36\)](#):

Yeah, I don't really see why this is bothering people except that it makes some kind of reference to responsibility. I don't know. There's that stuff in the republic when you get to democracy that people are so drunk on a spirit of freedom that even the most modest imposition is felt to be utterly intolerable. I don't know what your experience was as an undergrad, but I certainly butted heads with professors over things in class when I thought they were being just one-sided unfair. That's a real thing that people experience.

[\(07:25\)](#):

Here's how I think about it. This is going to be a really interesting test case because I think this is trying to do the right thing. It's setting a general tone, but it's not getting into the minutia of syllabus design, and topics and reading assignments the way that the A&M policy was. I'll be curious to see how faculty respond to implementation because if they won't take something modest like this where there's a tremendous amount of appropriate discretion. What it would mean to present scholarly evidence on different perspectives on reasonably disputed matters in unsettled issues in one field will look quite differently from another field. And there's complete respect here for those variations.

(08:16):

But if the needle doesn't move, I'm not going to shed a tear for the next step, which will probably be something as inscrutable as that Texas A&M flow chart for getting your syllabus approved. At some point, professors bring this kind of stuff on themselves. I think makes a lot of sense other than I don't want anyone to tell me that they're the boss of me, which is something I hear right around bedtime every night from two children. I don't see what the big deal is in terms of criticism. I think it's a reasonable policy. It's not the panacea for all that plagues higher ed, but it seems pretty reasonable to me.

Steve McGuire (09:02):

Yeah, I think that's a good point about professors needing to respond to this with some positive reform or work on their own part. That before something stronger comes along, this is an opportunity for them to try and respond to some of the concerns and some of the criticisms and do so in a way that improves the classroom experience for students, improves the overall university.

(09:33):

That's actually another point that the 1915 statement makes, which is that if professors don't take care to exercise their responsibilities themselves then other people are going to come along and they're going to try to do it. Now, the statement also says that these are going to be people who don't necessarily, I'm obviously paraphrasing here, but they don't know how to do these things well and that sort of thing. So the concern is if professors don't do it right then anyone else who gets involved is not going to do that well. But I think this is actually a pretty good example of trustees stepping in to give some direction to the faculty and I think they should respond by trying to accept that olive branch and do something, and try to find a more positive path. Whether they'll do it or not, it's a whole nother question.

Justin Garrison (10:29):

As soon as you said that thing about someone from the outside, I started to hear Richard Nixon talking about how he wasn't a very good butcher. He was cutting off this, that and the other. I'm just like if we don't want to replay that in higher ed, take responsibility now.

Steve McGuire (10:42):

Yeah. Well, you can say that about government and law in general.

Justin Garrison (10:45):

Yeah. It can't be as precise.

Steve McGuire (10:49):

It's a blunt instrument a lot of the time, yeah.

Justin Garrison (10:50):

Yeah, precisely. Precisely.

Steve McGuire ([10:52](#)):

But yeah, so you have two different paths here at two different Texas universities. Both trying to let's course correct a little bit in terms of some of the over-emphasis on certain perspectives and topics in the curriculum and among the faculty. It's going to be interesting to see how it plays out. I do think that this University of Texas policy gives that system a better shot at having a positive outcome.

Justin Garrison ([11:21](#)):

And if anyone's interested in this purely for football bragging rights, we have actually evaluated Texas A&M's main campus as well as the Austin campus for the University of Texas system. I won't spoil it here, but we'll put links below to our very different report cards for these two institutions and I'll just leave it at that.

Steve McGuire ([11:40](#)):

Oh, you'll leave them wanting more. Everyone's going to have to check those links now.

Justin Garrison ([11:43](#)):

They're going to have to. I don't care about whether we won the latest whatever the heck game, but if we're lower on the actor report card, we got to fix that. That's where we want them to be.

Steve McGuire ([11:52](#)):

Yeah. All right, good. So what's our next topic today?

Justin Garrison ([11:58](#)):

Well, I hate to break it to you, but we've spent years documenting problems with intellectual intolerance and student self-censorship at ACTA. Well, only to find out that one survey has completely invalidated our entire existence.

Steve McGuire ([12:12](#)):

Oh.

Justin Garrison ([12:12](#)):

So that was fun. There are any number of ways in which survey data is interesting and all of that. You know the old expression right, "One swallow doesn't make a summer." Gallup worked with the Lumina Foundation to do a survey of college students about different kinds of questions. And it's often the case that the people doing the work aren't the ones that are really getting you into trouble. So if you make some kind of very small scientific discovery that if you eat this many grams of pasta at this interval, it could have a slight increase or decrease in whatever and then the news headline is "Pasta is Going to Kill You." Because it's the marketing people who've taken over at that point and technical language doesn't sell the same way as a big, sexy scare headline.

([13:08](#)):

And so some of the reporting about this was really looking at the idea that the arguments coming from FIRE, from HXA, from us about problems with free speech, free expression, that this is exaggerated, ideologically motivated arguing. So let me share with you the data point. They did a nice little bar graph here.

([13:32](#)):

The question is how would you rate your institution in each of the following areas and then this particular question is promoting free speech. And so in the category of overall, so all of the people that they surveyed who are bachelors degree students, 31% said excellent and 43% said good, so that's 74% saying excellent or good. That's a pretty big number and as I said, some people have run with this.

(14:01):

On the one hand, that's an interesting data point. I think that's a very broad question and I don't think the conclusion that's being drawn from it ultimately makes a lot of sense. We've got an Ohio report card in the works that may already be out by the time this episode become available. And Ohio has done some tremendous work in terms of legislative reform. These institutions that we've studied have done their own kinds of reforms. And when we surveyed students at the schools that are part of this study, we found some encouraging data points that kind of tell a similar story to this one, but our questions were more comprehensive and nuanced. And you do still see enduring concerns about self-censorship amongst students and alumni about intellectual intolerance, wanting to report professors for saying things I don't like, or I only want people to come to my campus if they're going to talk about things that I approve of.

(15:07):

I guess the reason I wanted to talk about this is it's too easy to look at something like this particular survey from Gallup and essentially declare problem solved, if it ever existed. I think there's just too much work that we've done and other organizations have done to show that these kind of patterns that undermine free expression and intellectual diversity are not figments of the conservative mind and they aren't things that were just a passing fad. These are structural problems.

Steve McGuire (15:42):

Yeah. It's obviously an interesting survey, it's always good to get more data to see more questions asked and see how students respond to those things. I believe, if I'm not mistaken, this particular survey at least in terms of what was reported, I think three questions or three grouping of questions that they asked that focused on the kinds of issues that we tend to talk about on this podcast, free expression, open dialogue, a welcoming atmosphere in terms of sharing your views, all that sort of thing. And then there was also a pile of questions related to things like return on investment and whether they think they're getting value for their money, and whether the institution they went to set them up for a good job afterwards, which are of course, all things that we care about at ACTA as well. So it's very interesting to see.

(16:32):

There's a lot of things that could be said about this survey and I think part of it is the way that Gallup framed it when they published it, which is ... Of course, Gallup is the organization, or one of them, that's been publishing over the last few years some of the data about declining trust in higher ed. Pew has some survey questions that are related to that and some others do as well, but the Gallup one is probably the one that gets cited the most. And I think they were trying to set this up as a kind of counter to the narrative that's formed around those other surveys that Gallup has done and maybe bring a bit of a different perspective to that.

(17:16):

One thing you have to say right off the bat that's different and they frame it, or they mention this of course in their presentation of this new survey, is that the questions they've asked in the past about declining trust in higher ed, well, they're just polling Americans in general I think. It might be voters or something like that, I'm not sure actually, but I think it might just be Americans in general. And that's where you've seen this declining trust in higher ed, along with so many other institutions. It's part of a broader trend of declining trust in institutions across the board in this country.

(17:54):

But this new survey, these new questions, they're asking people who are committed, they're in these institutions and they're asking them about it. So that's one difference right off the bat. In political science, one thing that's often brought up in, say American government class, is that if you ask people what their view of Congress is as a whole, Congress historically does very poorly in terms of popular support or confidence. Whereas if you ask people about their particular Congressperson, they might actually like that person. They tend to rate more highly. So people, I guess they like the person that they're connected to or who's representing them, although obviously not always, but the institution as a whole, they don't like. And so I wonder if there's something like that going on here as well. In addition to the fact that you're asking people who have chosen to go to college, who have chosen to go to a particular institution and so they're invested in it, in addition to experiencing it firsthand. How do they feel about it? How would they rate their experience?

(19:02):

Another thing I'd say is the question is asking specifically about instructors. It's thinking about your instructors, have they done X or how well have they done X, encouraging people to share their views and that sort of thing. And so maybe they have done that, but what about what's on the syllabus as another question you could ask. Do your course syllabi represent a wide variety of views? Students might not even be in the best position to answer a question like that.

Justin Garrison (19:35):

Sure.

Steve McGuire (19:35):

So they may feel like, "Oh, yeah, everyone here is free to express their views and it's very open." And then you look at the syllabus and you realize this is a super narrow slice of this topic that we're even addressing in this class. So yeah, everyone's fine with that, but we're not really having a wide-ranging discussion here.

(19:56):

Another thing that I'd point out is that in surveys that we've done, and I think this shows up in FIRE surveys and other organizations' surveys as well, is that the number one group that students are worried about when they self-censor is their peers. They're worried about fellow students. And I don't believe that these questions ask about that. It's more is your professor, in your view, creating an open environment?

(20:22):

Now, in our surveys, I think professors are often the second group that they're most worried about. We all know, going back to our own days in college, that you'd be sitting down to write your term paper. In our days, you wouldn't be asking AI to do it for you, you'd be writing it.

Justin Garrison (20:40):

That's right because it's wrong.

Steve McGuire (20:41):

That's right. Hopefully you'd be writing it yourself. But you'd have to ask yourself, "Do I want to write something that more or less agrees with the professor? Or if I have a different take, do I want to do that?" And depending on who the professor was and how well you knew that professor or what you thought of them, you might make different choices. But we see that show up in our surveys as well.

(21:02):

At the risk of going on too long, I'll say one more thing. They also asked people about belonging. Do you feel like you belong on your institution? And one of the things they point out is most people said that they did and this included Republicans. And that's interesting because in a lot of our surveys, we do ask questions and we break down the respondents by subgroup looking at self-identified Republicans versus Democrats versus Independents and see how they respond to things. And we find pretty consistently that Republicans, and then Independents and then Democrats, as you go I guess from right to left, students get more comfortable expressing themselves on a more regular basis.

(21:48):

So you see more self-censorship among Republicans. Republicans are more likely to report having lost friends because of political views or political disagreements. And the other thing we consistently see is that Republicans are less likely to endorse intolerant tactics, like shouting down speakers or even saying that violence might be okay to stop someone from speaking. Again, there's a whole debate about whether this has to do with right-leaning versus left-leaning ideologies, or is it just the fact that Republicans find themselves most often in the minority on these campuses and so they're less likely to do these things. All that can be debated.

(22:33):

But on the one hand, they might still say, "Yeah, I feel like I belong here. I'm not getting chased off campus or I don't feel like this place is so awful that I can't function here as a student." And that's good obviously, if they feel that way, but that might be consistent. You might say, "Yeah, I feel like I belong here, I deserve to be here and get a degree," and that sort of thing. But on the other hand, "I do wish that this place was more open to my views and that I could more regularly say what I think without worrying that I'll be socially ostracized or downgraded on a paper," or something like that.

(23:09):

So I think overall, this is some interesting data. It adds some other questions into the mix. But when you look at these three questions or these three groups of questions, along with all the other questions that FIRE and ACTA and others have been asking for years, I don't think it really undermines the overall concern that there's too much self-censorship on campus, that there's too much intolerance on campus and that we do need to see reforms in order for universities to be more open and more welcoming.

Justin Garrison (23:50):

Yeah. No, I think that's right. It's not a bad survey because it came up with the data that it did, but it's also not the last word on a very challenging and persistent problem in higher ed.

Steve McGuire (24:06):

Yeah.

Justin Garrison (24:09):

So I don't know about you, I find it difficult to read John Rawls. It's worse than watching paint dry. But Rawls, for some reason, is a pretty significant figure in the world of political theory, particularly on the left with center-left, not maybe way far out on the left. But he's trying to, you would probably know this better than me, but he's trying to come up with a normative framework for liberalism that doesn't rely on any norms, or something like that, like any historical norms or any traditions. It's an abstract, rationalistic normativity that he's got on his mind.

(25:14):

One of the reasons he goes that direction is one of the reasons that a lot of 20th Century liberal thinkers do. It's really difficult to find consensus once you start invoking cultural norms, historical traditions, which one, to whom does it apply, all of that kind of stuff. So it's one of those arguments that's out there

and it's typically pitched as a way of explaining the persistence in the structure of liberalism as a political experiment.

[\(25:48\)](#):

In Inside Higher Ed, someone relatively recently, excuse me, tried to use this framework as an argument for institutional neutrality. And so I'll be very curious to hear your thoughts on this piece. I guess my takeaway from it is on the one hand, I think the author correctly intuits that institutional neutrality isn't a value-free claim because that doesn't exist. There isn't something that's just devoid of value that you would somehow want to do anyways. There's a sense of what the university is supposed to be that is captured by institutional neutrality as an idea. It's pointing towards a vision of the university. So part of me responds sympathetically to the idea that you would want to maybe flesh out a little bit, well, what's that normative structure that makes institutional neutrality a good rather than just an arbitrary choice?

[\(26:59\)](#):

But as is the case with my thinking and that's all that it is in this context on Rawls as a proponent of liberalism, I don't know if this ultimately does much to shift the conversation in the way that the author wants. There should be an underlying set of values and principles that unite all of us in the academy, left, right and all of the other directions. I don't know if this goes there. I don't know if it goes in the direction that he ultimately wants because I think it's increasingly the case that these norms that Rawls wants to defend are just not interesting to people. They don't track with the world that they're encountering.

[\(27:46\)](#):

I don't know if that makes any sense. This wasn't meant to just be a diatribe against Rawls. I hope that's not how this came off. I really liked the effort to connect, but I also think Rawls is probably not the best choice here.

Steve McGuire [\(28:01\)](#):

Yeah. No, it's an interesting argument. I definitely wouldn't consider myself a Rawlsian. I don't mind Rawls as much as some non-Rawlsians do, I guess. I spent a decent amount of time reading through Rawls and thinking about him, especially as a contemporary Kantian take on things. I think a big reason for his influence, you alluded to, which is he does introduce or reintroduce a normative approach to political philosophy I think within a tradition of political philosophy, late 20th Century American political thought that wasn't really doing that. That was more focused on, I guess we could say broadly, utilitarian type arguments. And so I think there's some real historical value there in terms of what Rawls was trying to do.

[\(29:03\)](#):

But yeah, as you said, he tries to arrive at an account of liberalism that can give us institutions that will have some kind of shared, I guess commitment or some agreement about certain principles and procedures that don't belong to what he calls "comprehensive doctrines," or don't require all of us to share a comprehensive doctrine. So he really starts from the fact of pluralism in society and then tries to arrive at what are some broad principles that we could maybe all agree to that would be to the good of all despite us having these really deep differences in terms of our ultimate, whether they be religious values or philosophical values, political values, that sort of thing.

[\(29:55\)](#):

And the author, I can see why the author would do this, taking this approach to institutional neutrality and say, "We have something similar in a university." That there's all kinds of different points of view and different people in this institution that believe very different things and have really strong commitments in their own lives in terms of their political views or their religion, or whatever else. And we need to arrive that a conception of the university that allows all of us to function together in a way that allows us to pursue the common good that this institution is set up to pursue.

[\(30:40\)](#):

And I think that does make some sense to me. And I have to say, on my own part, even though I said I'm not a Rawlsian, I think there's different reasons that you could believe that institutional neutrality is a good way to go. The author covers some of these in the lead up to his own argument. Some people have a more pragmatic view, or we're just trying to avoid the political heat so let's do this as a PR move, but this no real substance to it. I think there are substantive reasons in that the spirit of institutional neutrality should permeate the institution in some ways. But there's also part of me that's like, "Okay, we have different reasons for agreeing on institutional neutrality, but we're going to agree to have institutional neutrality and that's a good step." So I guess that's arguably a very liberal or maybe even Rawlsian move.

Justin Garrison [\(31:31\)](#):

No, it's a Machiavellian point.

Steve McGuire [\(31:33\)](#):

Okay. Well, maybe that, too. But I thought what was most interesting to me is he brings up the issue of legitimacy in the second-half of the article when he's making this Rawlsian case and I think that's a critical thing to think about. We were just talking about Gallup showing that there's a broad decline in trust in institutions in American society, including institutions of higher education. This can suggest that people view these schools as being illegitimate in some sense.

[\(32:12\)](#):

And I think we also see a disconnect in terms of the authority that people in universities think they have in society versus the reaction of some members of the population when they experience this attempt to exert authority. John Tomasi in his new book on viewpoint diversity that he's co-edited, one of the things he mentions in his chapter is the Great Barrington Declaration. And I think this brings up questions ... That's a great concrete example that illustrates conflicting views of legitimacy and authority, and how those things should be navigated in society. If you listen to Jay Bhattacharya talk about this, one of this big objections was that the government officials tried to use their government authority to shut down certain viewpoints within public science and in public policy debates.

[\(33:16\)](#):

That, of course, does get into political questions and that sort of thing. But in terms of in the university when you're debating these things and when you're advancing different views and different theories, the legitimacy and the authority comes from the honest pursuit of truth. It comes from the open pursuit of science. Asking questions, having arguments, letting people state their views and be countered by one another. And so over time, sure, an institution or a field gains some authority and some legitimacy in the eyes of non-experts because people view it as having a track record of consistently bringing valuable expertise. And so over time you start to think, "Oh, yeah, Harvard," and it has this reputation. And if a Harvard professor says something, that would carry a certain weight because people would think, "Oh, this is a person who's risen to the top in his or her field and has probably done some really important work on this and they're worth listening to."

[\(34:16\)](#):

And what we're seeing increasingly in our own time is that people almost laugh at that now. If you try to attach a name to your position and use that to asset the authority or the weight of your perspective, that can actually have blow back. And I think that is because of this declining legitimacy and authority. It's been hollowed out to some degree.

[\(34:44\)](#):

And so I think that the author of this piece is right to focus on that concern about legitimacy. And stress that universities, their legitimacy and their authority, as I said, it doesn't depend on them coming and

saying, "Well, we assert X on this political policy question or this moral question." That has to be built up more organically through the process. And of course, institutional neutrality, one of the things that it's trying to address is that the process of arriving at truth or at considered judgment on various issues isn't as strong as it could be because universities have become too skewed, they've become too biased in various ways and the habit of weighing in on political and social controversies that don't directly affect their mission has this de-legitimizing affect. Actually, the exact opposite in a way of what they're trying to do. They're trying to assert themselves in a matter of public controversy thinking that this would carry some weight, but increasingly it's the opposite.

Justin Garrison ([36:03](#)):

Yeah. Yeah, no. I share the applause, if you will, for trying to take this approach. I guess we'll see. We'll see how ... So much of this is in the hands of others and what we have at ACTA is, in my view, a pretty incredible power, but it's still a power to persuade. That's good in a pluralistic democracy.

Steve McGuire ([36:37](#)):

Yeah.

Justin Garrison ([36:38](#)):

That you're not just imposing, but you're trying to change minds and imaginations to see higher ed differently.

Steve McGuire ([36:46](#)):

Yeah. Personally, I think the more persuasive case in terms of the actual substance of the matter is looking at the nature of the institution itself. What is it set up to do and why does institutional neutrality serve that purpose? If this is a university is a special place where people come together to engage in open inquiry, to ask questions that aren't normally asked elsewhere, to pursue the frontiers of science all in the name of truth, and innovation and discovery of knowledge, all of that sort of thing, then I think opening up the institution to be a place where people can do that without fear that they are violating some orthodoxy on campus I think serves those ends.

([37:38](#)):

And I think more cynically speaking, another persuasive case is in terms of the more pragmatic arguments in terms of, well, if you keep weighting into political matters then people are going to treat you like you're a political actor and that's going to come with blow back.

Justin Garrison ([37:58](#)):

Yeah.

Steve McGuire ([37:58](#)):

I think that's become an increasingly persuasive case in the last year or so.

Justin Garrison ([38:04](#)):

No, it correlates to the declining public confidence in the Supreme Court. What everyone makes of their decision making, it seems to a lot of people that it's become a more political branch over the last 10 or 15 years. I don't know if I would even agree with that, but that is the perception that's out there and it corresponds to a decreasing public approval rating for that institution.

Steve McGuire ([38:28](#)):

Yeah. Well, I'm no expert on the court, but from what I've read people who watch the court more closely like to point out that by far, the majority of the Supreme Court's decisions don't get a lot of attention. They're decided by overwhelming majorities.

Justin Garrison ([38:47](#)):

Yeah.

Steve McGuire ([38:47](#)):

Often, eight-one or nine-nothing. But of course, what gets all the focus are the cases that are cultural flashpoints and those often tend to be matters where the court ends up being more divided and often, seemingly along partisan lines in terms of who appointed them and that sort of thing.

Justin Garrison ([39:05](#)):

Yeah.

Steve McGuire ([39:07](#)):

Yeah. But yeah, I think a lot of people who follow the court closely would say that a lot of the work continues to still just be deciding matters of legal controversy that don't rise to the level of being massive political controversies that make national headlines.

Justin Garrison ([39:24](#)):

Yeah, for sure. Most of it's boring in that sense, who has water rights and access to this river, this state or that state. I don't care.

([39:36](#)):

Well, let's wind things down. Steve do you want to do the Hero of the People this episode?

Steve McGuire ([39:44](#)):

Yeah, and I'm really happy to do this one. We want to recognize the University of Wyoming this month as our Hero of the People. So some people who follow ACTA very closely might know that we've been increasingly rolling out evaluations of schools using our gold standard for freedom of expression. So we have this 20-point action plan for colleges and universities to adopt policies and various activities on their campuses that will help to promote a spirit of free expression and intellectual diversity among their faculty and their students. And I think we've done close to 30 schools total now, or something like that.

Justin Garrison ([40:25](#)):

Yeah.

Steve McGuire ([40:25](#)):

Hopefully I'm not misrepresenting that. So we're still in somewhat early phases, but it's building quite quickly.

([40:33](#)):

And of all the schools we've evaluated so far, the University of Wyoming has the best score. They're currently sitting at an 18 out of 20 and I believe it's entirely possible that in the not too distant future, they could be a 19 or even a 20. So we were really excited to see that. A lot of schools are more in the nine, 10, 11 range. We've seen some that are more like five, six out of 20, even twos. So by the standards of what we've seen so far, the University of Wyoming is doing fantastic work.

[\(41:12\)](#):

I recall their president a few years ago established a task force looking into these matters. And I remember seeing that and thinking, "Wow, if they did most of the things in this report, they might become one of the best schools by our standards for free expression." And that's in fact what they have proceeded to do. And so it's really quite impressive. They have a center under the president that's focusing on these issues. They're doing really great work, they're paying attention to this and they're really trying to make sure that everybody understands that the university is committed to free expression. That it's going to try to adjudicate any disputes in a way that's consistent with the law and with their policies and do so in an even-handed way, and they seem to be doing that quite well. So really happy to recognize the University of Wyoming this month for their commitment to freedom of expression.

Justin Garrison [\(42:13\)](#):

Yeah, I second that. I take, usually once or twice a day, a walk through my broader neighborhood and there's always someone flying a University of Wyoming flag out of their house. I've just been trying to find the right moment if I end up meeting them on the street, "Hey, did you know?" And they'll say, "Who are you, you crazy person? Get away from me." No, no, it's about your school.

[\(42:34\)](#):

I think it's great, yeah. It shows that the things that we're interested in are reasonable, they are attractive and they are things you can do if you want to do them.

Steve McGuire [\(42:46\)](#):

Absolutely.

Justin Garrison [\(42:47\)](#):

So the arguments that it's too difficult, or no one's interested, or this isn't a problem, this wonderful progress from University of Wyoming puts paid to a lot of those criticisms of any deviation from the status quo. So yeah, really, really pleased to see them take those steps and hope they max out on our scale for sure.

Steve McGuire [\(43:14\)](#):

Yeah, absolutely.

Justin Garrison [\(43:16\)](#):

Well, if we just talked about the hero, I guess that means we're going to have to do the antihero part of this episode. So I will be talking about this month's or this episode's Apparatchik.

[\(43:30\)](#):

So we've been talking about viewpoint diversity and some of you may have picked up, the AAUP doesn't seem terribly interested in this. So this was published in the Stanford Daily by Jessica Riskin, a professor in the history department and co-president of Stanford's chapter of the American Association of University Professors. And the title of this article is "Viewpoint Diversity," in quotation marks, Isn't About Viewpoint Diversity. Pray tell, what is it about?

[\(44:01\)](#):

So this is how it starts and I think it's worth reading this because this is a very good example of a very common and utterly intellectually indefensible argument against intellectual diversity. So this starts out with, "Viewpoint diversity, like all lives matter, seems irreproachable if you focus just on the phrase itself. How can anyone argue with the principle that all lives matter? But the expression arose as a retort

to Black lives matter, which makes all the difference. The same is true for viewpoint diversity. So what's the takeaway? If you're interested in viewpoint diversity, you're a racist." That's a pretty sleazy argument.

(44:41):

And I wanted to read one other quick passage from the next paragraph and then we could talk about it for a minute if you'd like. So it goes on, "In 2003, the Supreme Court case Grutter versus Bollinger, the court upheld the University of Michigan's affirmative action policy, endorsing the university's argument that American businesses needed employees who had been exposed to "diverse peoples, cultures, idea and viewpoints,"" period, unquote. And that this is origin point of viewpoint diversity as a counter-argument. In other words, reasserting this vague connection to, I don't know, racism or something of this nature.

(45:23):

It's worth noting because the author of this piece doesn't that this Supreme Court case was overturned about three years ago by Students for Fair Admission. So this example is a historical example, but it's not an example of good case law and a history professor might wanted to have, I don't know, made that more clear.

(45:43):

Yeah, this is a marvelous piece of writing. If you did a shot of Jaeger every time the phrase far-right came up, you would be dead before you got to the last paragraph. I don't think viewpoint diversity is some kind of argument that is above discussion or even above criticism, or anything like that. It's an idea, so it should be stress tested and people should find the best way to do these things consistent with their budgets, their personnel, all of that. But it's this kind of thing that is all too common from various people who are in leadership at AAUP that leads me to wonder if this is just like a noisy numerical minority on most faculty, or if this is a real problem that you're going to have to get over to get beyond. Because this perspective, there's an effort to tie this to Stephen Miller and Project 20 ... It's just the kitchen sink of all of the evil right-wing conspiracies for the last couple of decades. As I said, it's a marvelous piece of astonishingly bad reasoning.

(46:58):

And that's why I think this professor should be our Apparatchik.

Steve McGuire (47:03):

I think it's a good choice. It's not a great article in terms of these arguments. And I think you're totally right, the article basically opens up by almost trying to smear anybody who would argue for viewpoint diversity. We've seen these arguments coming out of the AAUP over and over again. It's a MAGA plot, this article. Some of the activity on X, formerly Twitter, where whoever runs that account has said some pretty illuminating things about, I'm just paraphrasing, not direct quoting, but that conservatives don't belong or their ideas don't fit, or whatever facts have a liberal bias, that sort of stuff.

(47:53):

It's worth pointing out that Paul Brest, the former dean of the law school at Stanford, wrote a response to this piece in the Stanford Daily that came out shortly afterward and defended viewpoint diversity. So to your point, there's a lot of faculty who are interested in viewpoint diversity and who are defending it. And for some reason, people from the AAUP who keep speaking up seem to be taking the other point of view.

(48:24):

This whole idea that it's just a right-wing plot, it's just so easily disproven as an empirical matter. There's all kinds of higher ed organizations that advocate for viewpoint diversity that are not right-wing, they're higher ed reform organizations. And looking at Heterodox Academy and their membership, these are people who are generally interested in having more viewpoint diversity and they're all over the place

politically. So it doesn't even hold up as a claim empirically even if people making this argument can point to some right-wing figures obviously who argue for viewpoint diversity and that sort of thing.

(49:09):

But yeah, at the end of the day, just not really a helpful contribution or a constructive contribution.

Justin Garrison (49:17):

No. We've been talking about Rawls, someone I almost dislike as much as John Stuart Mill, which I know I'm probably going to get in a lot of trouble for saying. But in a serious sense, in *On Liberty* he talks about the importance of something that we would call viewpoint diversity. It's essential not just so that the people who have these dissident views or different ideas have their opportunity to speak and perhaps enrich the broader body of knowledge by participating, it's good for the establishment. Because if you never hear other people who disagree with you, you end up with flabby arguments like this. You haven't had to sharpen your intellectual weapons and really focus in on, well, what's the best argument I could make to say that there's a real problem with promoting viewpoint diversity. If you're never challenged, you just come up with these kinds of lazy arguments.

(50:12):

It's like the intellectual equivalent of all of the people on those floating chairs in *Wall-E*. They can't think for themselves anymore-

Steve McGuire (50:21):

Yeah.

Justin Garrison (50:21):

... because they've never heard the alternative. And in some cases, I guess what this piece does for me is just emphasize how desperately genuine viewpoint diversity is needed on most campuses. It would be good for this professor to engage with people who think differently from her and are not far-right lunatics in all of this kind of stuff.

Steve McGuire (50:47):

Yeah. Yeah, it's interesting. She does get the counter-argument from Paul Brest, as I ...

Justin Garrison (50:53):

Sure.

Steve McGuire (50:53):

But I wonder, did she send the draft to anybody else beforehand? Maybe that would have improved the piece somewhat.

Justin Garrison (51:01):

Or not.

Steve McGuire (51:01):

Yeah.

Justin Garrison (51:02):

It's group think. "Oh, my God, this is amazing!"

Steve McGuire ([51:04](#)):

Right, I guess, yeah.

Justin Garrison ([51:04](#)):

It's like the written version of One Battle After Another, it's just true.

Steve McGuire ([51:09](#)):

Yeah. Ah.

Justin Garrison ([51:12](#)):

All right, let's wrap this up.

Steve McGuire ([51:14](#)):

Good, yeah. Well, this has been a fun conversation and I guess we'll see everyone on the next episode of Radio Free Campus.

Justin Garrison ([51:22](#)):

Take care, everybody. KBO.

Announcer ([51:24](#)):

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([51:50](#)):

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([52:01](#)):

ACTA surveyed more than 2,300 undergraduate students at six of Virginia's 15 public universities and discovered a shocking erosion in their understanding and appreciation of free speech and open discourse. Discover more at goacta.org.