

## **The Centre Cannot Hold** Reclaiming the Ethics of Higher Learning

Remarks by Paul S. Levy on accepting the Jerry L. Martin  
Prize for Excellence in College Trusteeship



**ACTA**  
AMERICAN COUNCIL OF  
TRUSTEES AND ALUMNI

## AMERICAN COUNCIL OF TRUSTEES AND ALUMNI

The American Council of Trustees and Alumni (ACTA) is an independent nonprofit educational organization committed to academic freedom, academic excellence, and accountability. Launched in 1995, ACTA has a network of alumni and trustees from nearly 1,300 colleges and universities, including more than 23,000 current board members. The quarterly newsletter, *Inside Academe*, reaches over 13,000 readers. ACTA receives no government funding and is supported through the generosity of individuals and foundations.



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by Paul S. Levy

*Remarks accepting*

The American Council of Trustees and Alumni's  
**Jerry L. Martin Prize for Excellence  
in College Trusteeship**

*Tribute by*  
Philip Hamburger

October 12, 2018  
Washington, DC

Presentation of  
**The Jerry L. Martin Prize for  
Excellence in College Trusteeship**

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**Introduction**

Michael Poliakoff

*President, American Council of Trustees and Alumni*

ACTA instituted the Jerry L. Martin Prize in 2015 to honor those trustees who have shown exceptional courage and effectiveness in challenging the status quo mentality that threatens the future of American higher education.

And today it is our privilege to bestow this award once more, because Paul Levy has behaved in a way that sets a new standard for higher education governance. When the University of Pennsylvania shunned and punished distinguished law professor Amy Wax, who is here with us today, there was only one institutional voice that spoke in her defense. And it was Paul Levy. It was an eloquent voice. He published his letter of resignation from the alma mater he loved and generously supported, and sent out a message that reverberated through the pages of the *Wall Street Journal* and will continue to reverberate. In fact, in your folders is the URL for a video interview with Paul that we intend to make viral.

Paul, you left an institution you loved, and you continue to fight to reform it. As an acknowledgment of that love and your adherence to principle, ACTA presents you with this 18<sup>th</sup> century print of Benjamin Franklin, a trustee of the University. Franklin's famous response to the question of what America's government would be was, "A Republic, if you can keep it." Paul Levy forces higher education to confront the question: "A true place of learning, can we keep it?"

To introduce Paul properly, we have with us longtime ACTA friend, Philip Hamburger, Maurice and Hilda Friedman Professor of Law at Columbia University. Last year at ATHENA, Professor Hamburger articulated an agenda for addressing higher education's assault on civil liberties. Winner of the 2017 Bradley Award, Professor Hamburger has articulately defended freedom of speech and religious liberty and is a leading voice against the encroachments of the administrative state.

And he was the very first person to contact me when he read about Paul Levy to say that ACTA needs to support this person.

Professor Hamburger . . .

### **Tribute**

Philip Hamburger

*Maurice and Hilda Friedman Professor of Law, Columbia Law School  
President, New Civil Liberties Alliance*

Ordinarily, when I congratulate someone, it is because he has taken a job—not because he quit. But that is exactly why we are here today: to congratulate Paul Levy for walking away.

Last spring, Paul took a principled and courageous stand in defense of academic freedom. He resigned from his position as a trustee at the University of Pennsylvania Law School after the dean of the school sanctioned a faculty member for her public opinions. Paul's point was not narrowly to defend her opinions, but rather to defend her freedom to express them.

At stake is the freedom to express dissenting views, no matter how painful they may be. Disagreement is the heart of academic inquiry and teaching, and whether a school agrees or disagrees with a dissenting view, it has no business limiting its expression or penalizing or pressuring its proponents.

The danger is that this sort of suppression of dissent is becoming commonplace in academia. Every day we read about another student or teacher facing difficulties on account of his or her views, and because this problem has become mundane, it has become all the easier for trustees to acquiesce.

Paul Levy's stance is noteworthy precisely because it is so unusual. Most trustees cling to their university affiliations rather than resign in defense of academic freedom. They prefer to shut their eyes to the problem, or they wishfully think they can address it through quiet conversations within the institution. In contrast, Paul recognized that sometimes one must take a stand—even if by stepping down.

There are many themes I could pursue today. I could regale you with stories about academic intolerance; but we all already know such stories. I could tell you about the value of freedom of speech; but we are here precisely because we understand it is precious. Instead, I want to talk about the importance of speaking out in defense of our freedoms.

A key text on this subject is Alexander Solzhenitsyn's work, "Live Not By Lies." In this 1974 samzidat essay, Solzhenitsyn observed that change would never happen while people failed to sever themselves from lies. His society was very different from ours. We are free; the Soviets were not. Their prevailing ideology was murderous; ours is merely dismal. Nonetheless, his essay remains relevant to our condition. It is a powerful reminder of what he called "the dead bones and scales of ideology" and of how stultifying ideas persist only when they go unchallenged.

In such circumstances, it is profoundly important to repudiate falsehoods, and where such dissent is punishable, those who speak out against lies are engaged in what Solzhenitsyn called "acts of civil courage."

Although our society largely enjoys freedom of speech, our academic institutions are heading in another direction. They claim to promote inquiry, but they impose restraints on speech; they claim to be

unprejudiced, but their speech restrictions have an obvious slant. It is therefore valuable to remember Solzhenitsyn's vision of civil courage.

This is one of the reasons I appreciate The American Council of Trustees and Alumni. ACTA is devoted to moderate, thoughtful, well-informed truth telling about academia—not least, about academic suppression of speech.

Of course, it does not take Solzhenitsyn-style courage in America to tell the truth about academic censorship! There is no risk of being hauled away by the secret police, of being taken to a camp in Siberia, of being tortured, or of being erased from history. Nonetheless, too many trustees are reluctant to stand up for freedom of speech. They are too comfortable in their academic affiliations and with the politics of academic censorship. And they are too timid.

Speaking to such persons, Solzhenitsyn said: “in our timidity, let each of us make a choice: Whether consciously, to remain a servant of falsehood . . . or to shrug off the lies and become an honest man worthy of respect.” Solzhenitsyn added: “he who is not sufficiently courageous . . . don't let him be proud of his ‘progressive’ views, don't let him boast that he is an academician or a people's artist, a merited figure . . . let him say to himself: I am in the herd, and a coward.”

Solzhenitsyn closed by observing: “If we are too frightened, then we should stop complaining that someone is suffocating us.” Echoing Pushkin, Solzhenitsyn asked: “Why should cattle have the gifts of freedom?”

In this spirit, we all need to stand up against academic burdens on dissenting views. Trustees have a responsibility to secure freedom within their institutions, but thus far, too few trustees have taken a stand.

And this is why Paul Levy's actions deserve our applause. He understood that he had to defend freedom of speech, and that he could best serve his institution by walking away.

## The Centre Cannot Hold

### Reclaiming the Ethics of Higher Learning

by Paul S. Levy

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It is a pleasure to be here, and thank you, Michael and Philip, for the kind words of introduction, and of course for the Jerry Martin Prize.

Michael and I have been engaged in a friendly fencing match: He continues to say that I was courageous in defending Amy Wax, and I continue to demur. It reminds me of the interchange between God and Moses when he reached the Pearly Gates. God asked Moses who was the wisest person of his generation. Moses said he was. God responded: But aren't you supposed to be humble? Yes, God, but I must also be truthful as well.

Well, watching the events of the world lately, I am immodestly edging towards agreement with Michael. Too many people are genuflecting before the thought police, whose power grows daily. We are living in a world in which the few values people hold dear are not held on to tightly enough, whether because of ambition, fear, or something else. They jettison their own dignity when ignorant crowds threaten.

Only the other day, the press reported that Joel Kaplan, a senior executive at Facebook and an old friend of Justice Kavanaugh, sat in on the Judiciary Committee hearings. He was there on his own time and his own nickel, and listened. His presence was noted on TV by someone from Facebook, who reported back to its corporate thought police. They now exist on corporate campuses just as they do on college campuses. The rest you can predict. A town hall was called, snowflakes shuddered at Kaplan's friendship; his attendance at hearings in far off DC actually made them



uncomfortable at Facebook way back in distant California. Sadly, it ended with *his* apologizing for the discomfort his attendance caused others. Sheryl Sandberg said he made a mistake in attending the hearings; she supported these truly lost and pathetic employees. It's hard to believe.

Katherine Anne Porter wrote the *Ship of Fools* in 1962, a parable of the world blithely sailing towards calamity before WWII. We are doing that now, hopefully not towards war. We have lost our way; we are rudderless. In 1919, William Butler Yeats wrote "The Second Coming," reflecting upon the horrors of WWI, fearing the coming War for Irish Independence and whatever else he anticipated out of Germany in the years ahead after the crushing Treaty of Versailles. The first stanza of that poem is worth sharing:

Turning and turning in the widening gyre  
The falcon cannot hear the falconer;  
Things fall apart; the centre cannot hold;  
Mere anarchy is loosed upon the world,  
The blood-dimmed tide is loosed, and everywhere  
The ceremony of innocence is drowned;

**The best lack all conviction, while the worst  
Are full of passionate intensity.**

Sound familiar? This *is* going on today on our university campuses, and also in government and at corporations. How have we come to this? You might be interested to know the last couplet of the poem—"And what rough beast, its hour come round at last, Slouches towards Bethlehem to be born?"—was paraphrased by none other than Robert Bork in *Slouching Towards Gomorrah*, his account of the decline of Western culture. We have arrived, folks.

Following are a few limited comments on how we got here and what might—let me stress **might**—be done to turn the tide, but before I do so, I would like to acknowledge the presence of Amy Wax.

Amy is a long-tenured professor of law at the University of Pennsylvania. She writes with stunning precision, she is clear-thinking (today some people call that “tough,” or “too tough,” which I rather like), she is caring, and she has backbone, a part of the anatomy in horribly short supply lately.

Amy wound up in the soup, so to speak, at Penn Law because she had the temerity in August 2017 to co-publish in the *Philadelphia Inquirer* her view that American life has suffered with the decline of bourgeois values and that certain Western cultures were better than others in preparing people for success in the modern world. Thank you, Daniel Patrick Moynihan, for making this important and, I think, valid point. It is hardly new. In fact, in 2009, Amy wrote *Race, Wrongs, and Remedies: Group Justice in the 21<sup>st</sup> Century*, which addresses these issues and more, with *not a word* of public criticism from her colleagues at Penn Law. Now, though, the thought police are out and empowered. **Thirty-three** of her colleagues—I call them the Gang of 33—issued a thoughtless blanket letter of condemnation of her and her views; only one of them bothered to speak with her before signing the screed. Penn Law’s Dean, Ted Ruger, chimed in too, agreeing with her erstwhile colleagues. How about a robust discussion among talented colleagues about these important issues? It really doesn’t matter what one thinks of her views. The essential point is to discuss them openly and civilly and their inability to do that, and the school’s treatment of Amy, is why I’m here today.

There the matter sat until her problems were compounded by the discovery that in a September 2017 blogged conversation with Glenn Loury, an African-American professor of economics at Brown, she stated, in response to *his* question, that her African-American students at Penn Law (meaning her **prior** students) had not done particularly well with their grades, which are decided anonymously. With that discovery, the wheels came off the bus, calls for her firing were rife, African-American students feared interacting with her (she, by the way, is the person who received

in 2015 a University-wide teaching award, voted on **by students**) and that they would be treated unfairly. The Dean said that Amy's comments were inaccurate, and knowing Amy as I do, I am certain she would have been delighted to learn that her analysis was wrong. But he not only failed to provide proof that she was wrong, he said the data was not kept. (We know it is, because how else would clerkships be processed, grade-based graduation awards be made, and law review admission [unfortunately, now it is also based on race] be determined?) So, without any facts, how did he know she was wrong? As with Title IX claims and the charges against Judge Kavanaugh, facts and proof no longer matter in our brave new world. As a result, Amy's first-year teaching duties were suspended.

That's where things stood until around two weeks ago when calls for her termination were renewed because she opined publicly that Dr. Ford was rather late in revealing Justice Kavanaugh's alleged transgressions three and a half decades earlier. Think about it: Activists want her fired for advancing a view shared by millions from all political persuasions.

Let me offer one example of how we started down this path: **Title IX**. Title IX was enacted in 1972 to equalize expenditures for men and women's sports teams, but through creative lawyering became a wedge for "equal protection" arguments. To telescope the timeline, that led to the infamous "Dear Colleague" letter from the Obama Administration, which (and remember we just witnessed the Kavanaugh fiasco) created a modern version of 15<sup>th</sup> century Star Chambers. As implemented by our colleges, a student, usually a male accused of sexual transgressions, can be prohibited from confronting his accuser, bringing witnesses in his defense, cross-examining the accuser, or retaining a lawyer to assist in the "trial" by so-called jury and judges who, typically, are completely unschooled in the judicial process. This, by the way, is not only contrary to bedrock principles of Western jurisprudence, but a form of suppression of speech. This is what is happening on our campuses today: group think, suppression of speech,

knee-jerk conclusions, a disdain for facts and proof, assumptions of guilt rather than of innocence. This mentality traveled right from the college campus directly to the public and right into the halls of Congress. The same irresponsible thinking that motivated the “Dear Colleague” letter was set in play when Judge Kavanaugh was accused by Dr. Ford and others. This is important because we must realize that our campuses are our cultural pacesetters; people quip that what happens in Vegas stays in Vegas, but we are living that fact that what happens at American universities and colleges affects our entire society. We are at risk; so much so that ACTA has a more vital role today—and those of you here who are alumni and trustees do as well—than ever imagined.

So what do we do about this?

I have a few modest suggestions, and believe that alumni and trustees can lead the way in this fight.

1. To start with a conclusion: Don't give money to your alma mater unless and until it meets your standards for campus free speech and level-headed thinking and leadership. Make sure your school commits itself to teach its students well, and does not permit them to wallow in the new wave of faux-learning and faux-scholarship taught by pseudo-intellectuals. Our heritage matters. Focus on the school's curriculum.
2. If you care about your school, if you care about our country, demand that some version of the Chicago Principles be adopted. There is simply no room in American life for the suppression of thought and speech. Nothing less is acceptable. How in the world could it have come to this? **Force** your school's leaders to explain why these Principles have not been adopted. If you are not satisfied, close your wallet and be sure to explain why it has closed.

- 3 The humanities (and by that I mean the vast range of subjects that represent the backbone of our civilization, our thinking, our values, and our sensibilities) must be reinstated to their central role in educating our youth and empowering them to be thoughtful citizens and hopefully leaders. Our rich heritage must impact who we are today, how we act, what we say, what we can expect of others, and how we conduct ourselves in public forums. Today, too many of our young are largely unhinged from the forces and the thinking that made our culture and our country the admiration of the world. These students do not know—indeed, they disdain and reject—the history and richness of Western Civilization. Quality schools like Reed College in Portland have terminated their Western Civilization study requirements in exchange for gibberish, utter gibberish; lousy scholarship and lousy thinking. It's remarkable. Think about it this way: Does that decision suggest that the leadership of Reed decided that “yes, these courses don't advance the education of Reed's students. Let's chuck 'em!” I doubt it. It simply means Reed's leadership caved in to noisy, unruly, rude, and poorly educated young people who found a platform for their personal frustrations and perhaps a way to conceal their own inadequacies or psychological problems. I can't address how this happened, but it starts early. Education, real education, full-bodied and well-rounded education will lead us from the abyss, but it will take time. Reject the specious argument that understanding Western Civilization—from which our government and so many of our most important values come, and is therefore essential for informed citizenship—presupposes ignorance or rejection of the understanding of other civilizations.

4. Leadership: If you are a trustee, make sure the right people lead your institution. What are the traits of such leaders? They are strong, have a backbone, and advance well-articulated values, shared by the Board of Trustees. Leaders need not be chirpy, cheery cheerleaders. We need people with core convictions and an unshakeable commitment to the school's essential values and mission. It's not about football, a new building, a larger endowment; it's about educating young people to be whole people. At the board level, debate the school's mission and priorities and be sure the leadership has bought into these views. Remember: The school's president works for its board.
  
5. Which brings us to the role of trustees. This is the hard part and the easy part. Trustees have to take stock. A trustee is a fiduciary entrusted with the ultimate responsibility for a school's direction. Unfortunately, we all know that's not the way it works. Trustees are almost always appointed, not elected; they are rewarded for service and financial support to the school. They are in virtually all cases alumni of the school; they want their children, their grandchildren, and their friends' children to go to the school, and they want to help get them in. They genuinely like their fellow trustees. They are, bottom line, lulled into passivity; they like the role of trustee, they like the prestige of being a trustee, and they have absolutely no incentive to rock the boat. **And that's why we are where we are today.** It's the way of the world.

A trustee must decide what role he or she wants to play at the school, whether one wants to have a say in the school's direction and its big decisions; be engaged in whether the board leads the staff or is led by

the nose by the staff; whether issues like affirmative action, diversity, and campus speech are even discussed at the board level; how outside speakers are to be treated; what proper decorum is on campus. The list goes on and on, much of which is subsumed in the Chicago Principles mentioned earlier. But, unless a critical mass of trustees at a given institution takes a leadership role in setting the mission of the school and its key priorities and directs the staff to follow through *as directed*, the leadership will follow the easy path, and that path today is towards group think, repression, and compromised education. Students will lead and administrators will follow.

I fully realize how easy it is for me to run off this list of issues, but change must start somewhere, and unless sitting trustees are prepared to speak up, be heard, and resign if necessary, change will not occur.

Thank you.

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## Paul S. Levy

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Paul Levy is a former trustee of the University of Pennsylvania and former overseer of Penn Law School, who publicly resigned in April 2018 in protest of the University's treatment of law professor Amy Wax. His resignation letter provided a spirited defense of academic freedom and intellectual diversity, and garnered regional and national media attention from the *Wall Street Journal* and the *Philadelphia Inquirer*.

A private equity expert and former lawyer, Mr. Levy founded the New York-based investment firm JLL Partners in 1988 and now serves on the management committee. Previously, he was a managing director at Drexel Burnham Lambert, where he oversaw the firm's restructuring and exchange offer business in New York. He has served as the CEO of Yves Saint Laurent, Inc., New York; vice president of administration and general counsel of Quality Care, Inc.; and an attorney with Stroock & Stroock & Lavan LLP.

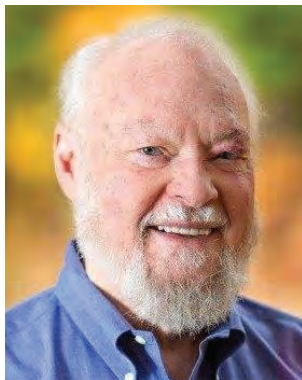
Mr. Levy is a noted philanthropist who, along with his wife Karen, established the Levy Scholars Program and funded the construction of the Levy Conference Center, among other gifts, at Penn Law. At Lehigh University, Mr. Levy created and funded the Levy International Scholars Program to introduce outstanding high school graduates to the Lehigh community. He has supported organizations that span the arts, education, healthcare, Jewish Studies, and social services: Mr. Levy has served as the director of BioClinica, Inc.; as a trustee of the National Constitution Center; and as the chair of the George Jackson Academy Board of Trustees. His wife serves on the board of Rockefeller University and The Juilliard School.

He received his B.A. from Lehigh University, where he graduated *summa cum laude* and Phi Beta Kappa. He earned his J.D. from the University of Pennsylvania Law School, and a certificate from the Sorbonne Institute of Political Science in France.



## The Jerry L. Martin Prize for Excellence in College Trusteeship

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Jerry L. Martin is chairman emeritus of the American Council of Trustees and Alumni, having served as president of ACTA from its founding in 1995 as the National Alumni Forum until 2003. He is the author of *God: An Autobiography, As Told to a Philosopher*, and coordinator of the Theology Without Walls project at the American Academy of Religion.

From 1988 to 1995, Dr. Martin held senior positions at the National Endowment for the Humanities, including acting chairman. From 1967 until 1982, Dr. Martin was a tenured professor and chair of the philosophy department at the University of Colorado–Boulder, where he also served as the director of the University’s Center for the Study of Values and Social Policy. He has testified before Congress on education policy and appeared on “World News Tonight” and other television news programs.

From 1977 to 1979, Dr. Martin served as president of the Colorado Conference of the American Association of University Professors. In 1982, he was selected as an Andrew W. Mellon Congressional Fellow and worked on education, regulatory issues, and international trade on the staff of then-Congressman Hank Brown of Colorado. He has also held faculty positions at Georgetown University, The Catholic University of America, and the American Enterprise Institute.

He earned a B.A. in political science at the University of California–Riverside, an M.A. in philosophy and political science at the University of Chicago, a Ph.D. in philosophy at Northwestern University, and a Doctor of Humane Letters from the Thomas More College of Liberal Arts.



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