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Who has power to really intimidate

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SINCE SEPT. 11, commentators have worried about threats to free expression. In The Jan. 18 Journal, John J. Monaghan ("Fending off a new McCarthyism") raised fears of a "new McCarthyism" afflicting American academia.

He cited two examples. One was heckling that silenced a speaker at Sacramento State University who supported discussion of terrorism. Another was a report by the American Council of Trustees and Alumni (ACTA) that decried "moral equivocation or explicit condemnation of America." It mentioned Brown University Prof. William Keach's equation of the attacks on Sept. 11 with U.S. "terrorism" during the Gulf War.

Other examples in the report were: "The ultimate responsibility lies with the capitalist ruling class of this country" (from City University of New York); "[The American flag] is a symbol of terrorism and death and fear and destruction and oppression" (University of Massachusetts) and "the terrorist attack's ultimate cause is the fascism of U.S. foreign policy over the past many decades" (Rutgers University).

Monaghan questioned whether the report was "reviving a blacklist," and was intended as intimidation meant to "silence academic discussion and debate."

Why he was so concerned about ACTA, a nonprofit organization with no power to punish faculty or students, is unclear. The ACTA report should have no more intimidated the people it denounced than should Monaghan's commentary have intimidated ACTA.

Monaghan failed to cite some real examples of intimidation meant to silence academic discussion, such as some university officials taking action against faculty or students who blamed terrorism on the United States, or who denounced the war on terrorism.

Others took action against faculty or students who blamed the terrorist attacks on their perpetrators, or who supported the war on terrorism.

Some published examples follow. Officials at Central Michigan University forced students to take down American flags and pictures of the World Trade

Center. Officials at Orange Coast College suspended a faculty member who asked why many Arabs did not unequivocally condemn terrorism. Officials at the University of North Carolina-Wilmington searched the e-mail of a faculty member who disagreed with a student's argument that "the American ruling elite, in its insolence and cynicism," deserved the Sept. 11 attacks.

Furthermore, Monaghan ignored plentiful evidence of ongoing intimidation meant to silence discussion on campus. Academics have supplied the theoretic underpinning for the suppression of free expression. For example, the Marxist Herbert Marcuse asserted in *Repressive Tolerance* that no "oppressor" deserved free speech, and reserved the right to determine who the oppressors were.

More specifically, the race-and-gender theorist Mari Matsuda left no doubt who she thought the oppressors were when she argued that minorities and women deserve special protection from "words that wound."

The post-modernist Stanley Fish argued that free speech is itself a myth. Abstract concepts such as free speech do not have any "natural content but are filled with whatever content and direction one can manage to put into them." Therefore, "some form of speech is always being restricted, someone is always going to be restricted next, and it is your job to make sure that the someone is not you."

University administrators have enshrined these theories in official policies. "Speech codes" permit punishment of speech that makes anyone feel uncomfortable. For example, Brown University's "Tenets of Community Behavior" forbid "flagrant disrespect for the well-being of others." The University of California's "Principles of Community" proclaim the need for an atmosphere free of all forms of "abusive or demeaning communication."

Administrators were vigorously enforcing such policies years before Sept. 11. Here is just a sampling of published examples of how they have acted against students and faculty who expressed unpopular ideas. In 1986, Yale University administrators suspended a student for sexual harassment because he displayed a poster about a debate on CIA discrimination against gays. In 1989, Duke University adminis-

trators removed the editor of a student magazine because he charged that the school's food-service employees were incompetent. In 1993, administrators at the University of New Hampshire suspended a professor for using a sexual metaphor in teaching how to better focus technical writing. In 1997, University of North Texas administrators suspended a professor for complaining about the poor attendance of minority students. In 1999, University of Oklahoma administrators charged a professor with sexual harassment because he used a sexual analogy in a letter to a newspaper opposing gun control. In 2001, Albright University administrators began proceedings to fire a tenured professor because he criticized the university president for including inaccurate statements in his résumé. Also in 2001, Tufts University administrators brought sexual-harassment charges against a conservative student publication because it satirized a Student Labor Action Movement member.

Many examples of speech codes and the punishment of unpopular speech appear on the Web site of the Foundation for Individual Liberties in Education, an organization created to combat academic institutions, "threats to individual freedom."

Thus, Monaghan is right: We should worry that free speech is under threat in academia. However, the most serious threat is not external, from flag-waving Washington think tanks, but internal, from professors and administrators, who believe, like Fish, that "the only question is the political one of which speech is going to be chilled."

Their actions subvert free inquiry, the core value of the institutions they are charged with protecting.

Monaghan asked whether a new McCarthyism is emerging. It has emerged. We must not let it succeed.

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