

VOLUME XXII, NUMBER 4, FALL 2022

# CLAREMONT

REVIEW OF BOOKS

*A Journal of Political Thought and Statesmanship*



William Voegeli:  
*Is Inequality Our Fault?*

Colin Dueck:  
*Tom Cotton's Only the Strong*

Douglas A. Jeffrey:  
*Merle Haggard*

Jeffrey H. Anderson:  
*"Our Democracy"*

Myron Magnet  
Bradley C.S. Watson:  
*Clarence Thomas*

Barry Strauss:  
*Julius Caesar*

Charles Murray:  
*Is Diversity Our Strength?*

Peter Berkowitz:  
*Walter Russell Mead on Israel*

Christopher Caldwell:  
*The Death of Rock'n'Roll*



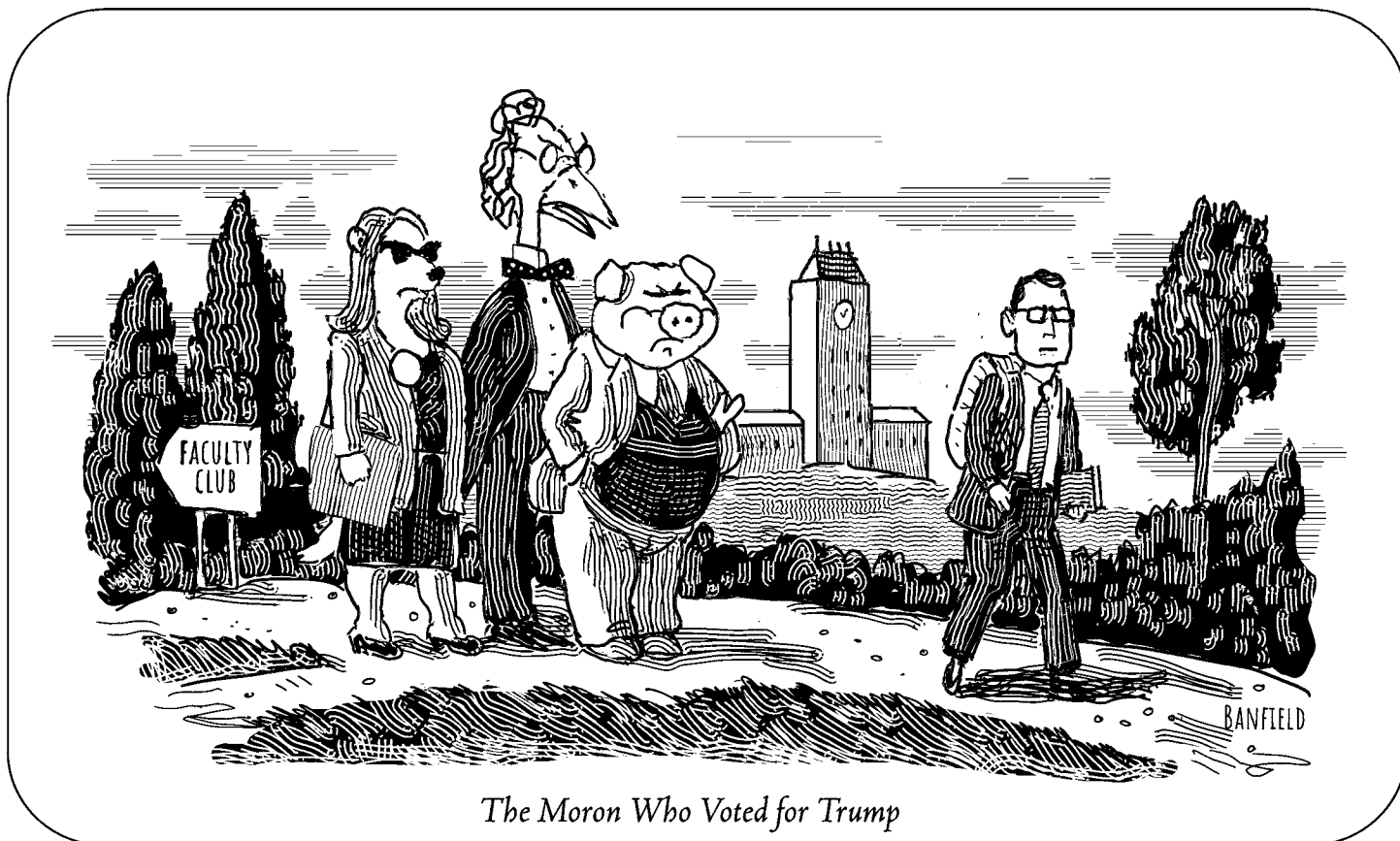
A Publication of the Claremont Institute

PRICE: \$6.95

IN CANADA: \$9.50

## SHUTTING THE OVERTON WINDOW

*It's Not Free Speech: Race, Democracy, and the Future of Academic Freedom*, by Michael Bérubé and Jennifer Ruth.  
Johns Hopkins University Press, 304 pages, \$29.95



*The Moron Who Voted for Trump*

“DOES ACADEMIC FREEDOM EXIST for white supremacist professors?” That’s how this book begins its argument for the thoroughgoing transformation of the American academy in favor of critical race theory. In *It’s Not Free Speech: Race, Democracy, and the Future of Academic Freedom*, Penn State literature professor Michael Bérubé and Portland State film professor Jennifer Ruth apologize for their long-held commitment to liberal values. “To many younger scholars as well as scholars of color,” the authors lament, “ideals like academic freedom look like hazy, high-minded beliefs cherished by old white people oblivious to the ways in which right-wing provocateurs...have managed to weaponize the freedoms they enjoy.”

Weaponize? Yes: *It’s Not Free Speech* argues that conservatives have turned academic freedom against the old-school liberals who were historically its biggest defenders. Racist systems are being held up by liberal structures, preventing the liberation of oppressed people. “Two moral goods are potentially in conflict, or at least can be viewed as being in conflict: freedom of thought and freedom from dis-

crimination.” Bérubé and Ruth posit that, by protecting white supremacist ideas under the guise of academic freedom and facilitating their spread in the name of free speech, well-meaning university administrators are continuing the oppression of members of underprivileged groups, most notably the BIPOCs (black, indigenous, and people of color).

What to do? Remove those protections, discipline transgressors, and censor misinformation. Bérubé and Ruth write that “the time has passed for crossing our fingers and hoping that received wisdom such as *free speech helps marginalized groups more than dominant ones* has withstood the last decades’ worth of pressures” (emphasis in the original).

What about the obvious response that this book’s argument is just another example of cancel culture, proving the threat to academic freedom and civil discourse on college campuses? “The idea that academic freedom is under universal attack ends up mapping roughly onto the right-wing campaign that cancel culture has run amok.” In other words, the idea of a crisis in the academic culture of free inquiry and expression is a myth, so it’s

time to...undermine the academic culture of free inquiry and expression.

TO BE CLEAR, BÉRUBÉ AND RUTH AREN’T wide-eyed radicals. They have long associations with the American Association of University Professors (AAUP), a hybrid organization that’s part think tank, part advocacy group, and part labor union. The AAUP’s stated mission is to advance academic freedom and shared governance, define fundamental professional values and standards, and ensure higher education’s contribution to the common good. In other words, the authors here are establishmentarian academics. When such institutionalists argue that the problem of “tenured white supremacists” should cause us to rethink academic freedom, they can’t be dismissed out of hand.

But there’s a tension between some of the authors’ bolder pronouncements—like the need to curtail certain speech in the name of equity—and their underlying desire to work through established channels, form more committees, and remain academics rather than activists. They actually suggest that faculty take



back some of the investigatory power of human resource bureaucracies, which lack the sort of expertise in teaching and research to reach measured conclusions. (Ya think?) Of course, such a “faculty academic freedom committee,” if genuinely empowered to police its peers for wrongthink, would become just as Orwellian as the DEI (Diversity, Equity, and Inclusion) offices that subvert intellectual diversity, prevent equitable opportunity, and exclude anyone who deviates from received orthodoxy.

Moreover, Bérubé and Ruth have a hard time identifying professors who should be fired for their racism—the ostensible trigger for their call to arms. Amy Wax of the University of Pennsylvania Law School and Bruce Gilley of Ruth’s own Portland State seem to be the headliners, but even there the authors concede that, for example, “while we see Wax’s beliefs as disqualifying, this view is not shared widely.” Even the telling examples in *It’s Not Free Speech* don’t tell much, certainly not enough to justify discarding time-honored commitments to academic freedom. The authors scrounge to provide a few other examples of academics who should be anathematized, but there’s no evidence of an upward trend, let alone an epidemic.

**S**O WHY WRITE THIS BOOK IN THE FIRST place? Are Bérubé and Ruth just trying to catch the latest academic fad and sell some books to MSNBC viewers along the way? Are they atoning for their own white privilege, genuflecting before Ibram X. Kendi out of a sense of woke guilt? Although the book has aspects that would resonate with both these goals, the actual answer is more banal: Trump Derangement Syndrome.

I would prefer to avoid a reductionist explanation for a sophisticated, or at least complex, treatment of academic subject matter, but the authors make it impossible. As they put it, “the advent of Trumpism, and the increasingly open expressions of fascism and neo-Nazism in the United States, place unbearable pressure on liberal shibboleths about how the so-called marketplace of ideas works in reality.” They further call themselves “classic examples of the white left-liberal stunned by Trump’s election...into thinking much more critically.”

Thinking critically about what? I much appreciated the authors’ nuanced discussion of professors’ “extramural speech”—expressions beyond teaching and research publication, which now of course includes social media—and their distinction between free speech and academic freedom. But the book’s constant drumbeat about the need to reevaluate age-old values to root out secret Nazis got tiresome rather quickly. Whatever illiberal trends are blowing across the broader body politic, is it

really the case that the Trump presidency, plus of course the murder of George Floyd, has revealed a litany of David Dukes in academic regalia, with so many Bull Connors sitting in departmental chairs? Moreover, even if it were true that “liberal values seem to have little practical resistance to the return of an antiliberal fascism” in America writ large, can it be that our institutions of higher education are at the center of this vast right-wing conspiracy?

Setting aside the issue that “antiliberal fascism” is more a creature of the Left, certainly in academia, isn’t it the case that academia is already doing a fine job in rooting out hints of divergent political thinking beyond a few tokens here and there? Even as Bérubé and Ruth offer that opposition to affirmative action or advocacy for immigration restrictions are not, without more evidence, proof of racism, they’d be hard-pressed to deny that the academic Overton Window—the permissible range of policy views—has both narrowed and shifted left in recent years.

**E**ARLIER THIS FALL, WHEN JUSTICE Clarence Thomas withdrew from the class he’d been teaching at the George Washington University Law School, it was just the latest example of the poisonous atmosphere that makes it impossible to have a free exchange of ideas on most campuses. The university’s administrators had admirably stood up to the mob demanding he be canceled for his vote to overturn *Roe v. Wade*, citing academic freedom guidelines that don’t shield students from “ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.” Still, the Justice presumably figured it wasn’t worth the aggravation and heightened security.

It’s a shame that Thomas was forced to withdraw as a practical necessity—and a stark contrast to the contemporaneous announcement that the newly retired Justice Stephen Breyer would be teaching at Harvard. That’s a shameless double standard that university officials are permitting to spread.

I’m generally optimistic about America—like Brett Kavanaugh in his confirmation-hearing testimony, I live on the sunrise side of the mountain—but pessimistic about academia. Perhaps we’ve passed “peak woke” in society writ large: normal people, concerned with their families and livelihoods rather than performative virtue-signaling, are calling out progressive authoritarians. The pandemic showed a lot of parents the faddish theories their kids were being taught in school, for example, and they didn’t like it.

But it’s increasingly hard to doubt that the illiberal takeover of higher education has passed the point of no return. What we’re seeing isn’t the decades-old complaint about

liberal professors—I don’t think the ideological ratio has changed much since I was in college 25 years ago or law school 20 years ago—but weak administrators who placate the radical Left.

**S**O I’M PESSIMISTIC THAT ANYTHING will change at any school where academic freedom and free speech aren’t supported and where rules against hecklers’ vetoes aren’t enforced. Too many administrators already practice the recommendations found in *It’s Not Free Speech*. Too few follow the example of Robert Zimmer. Last year, when he was president of the University of Chicago, Zimmer insisted that the commitment to faculty members’ freedom to “disagree with any policy or approach of the University” extended to Dorian Abbot, a professor of geophysics whose writings had criticized certain affirmative action programs.

When university officials do stand up for the core truth-seeking mission of any academic institution, the mob invariably disperses. But most higher-ed dons lack spines. The problem isn’t that presidents, provosts, and deans are social justice warriors. It’s that they’re unwilling to confront the illiberal inmates who have taken over their institutions—including the fellow administrators in burgeoning DEI offices. Parchment (or pixel) statements about liberal values and declining to fire Supreme Court Justices aren’t enough; schools must affirmatively instill a culture of respect for opposing views and civil discourse as vigorously as they proclaim their commitments to diversity and public service.

As for this book, I couldn’t say it better than the reviewer in the *Chronicle of Higher Education* (rarely considered a reactionary publication): “*It’s Not Free Speech* is a maddening book. It raises many important questions but is so chock-full of unresolved contradictions; gross misrepresentations; and wild, unjustified claims that it ultimately makes you wonder how the manuscript made it into print.”

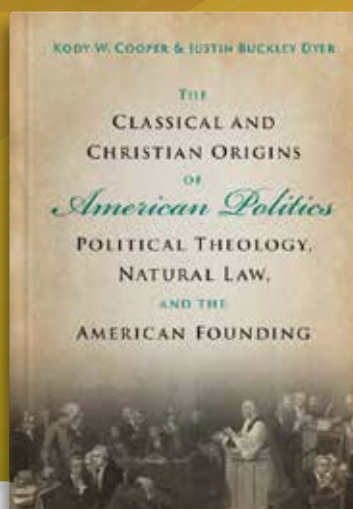
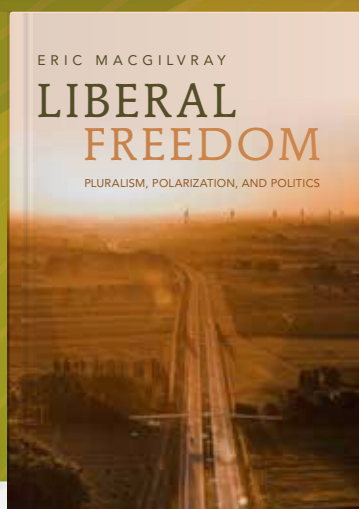
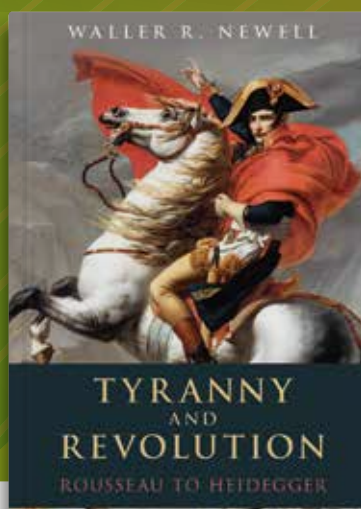
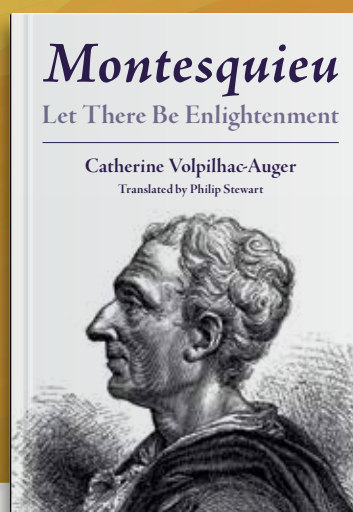
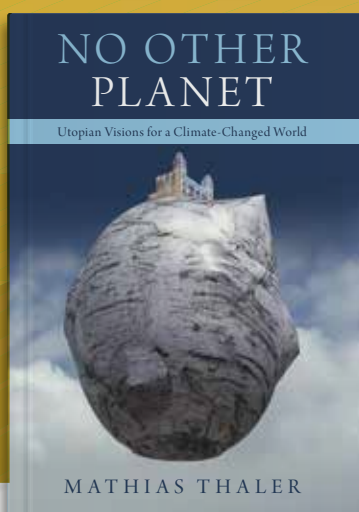
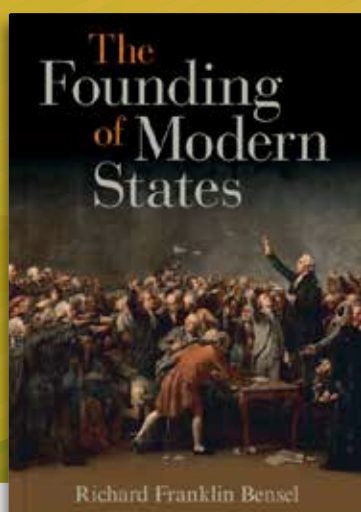
That’s actually a bit unfair. I learned a lot about academic culture and governance from Bérubé and Ruth. Their book is thoroughly researched and largely free of academic (or woke) jargon. But if it presents the strongest case against academic freedom and for restricting “hate” speech on campus—which it likely does—then I feel all the more secure in maintaining the opposite view.

*Ilya Shapiro is the director of constitutional studies at the Manhattan Institute and author of Supreme Disorder: Judicial Nominations and the Politics of America’s Highest Court (Regnery Gateway).*



# Latest in Political Theory

from Cambridge



Explore these titles and more at  
[Cambridge.org/Politics](https://www.cambridge.org/Politics)



CAMBRIDGE  
UNIVERSITY PRESS



The CLAREMONT REVIEW OF BOOKS is a publication of the CLAREMONT INSTITUTE  
FOR THE STUDY OF STATESMANSHIP AND POLITICAL PHILOSOPHY.

Subscribe to  
the *Claremont Review of Books*

*“In my judgment, the *Claremont Review of Books* is one of the best edited and best written magazines of any kind in America, and an invaluable center of conservative thought on a rich and varied range of subjects to the discussion of which it unfailingly brings to bear the highest order of critical intelligence.”*

—Norman Podhoretz

Subscribe to the *CRB* today and save 25%  
off the newsstand price. A one-year  
subscription is only \$19.95.

To begin receiving America's premier  
conservative book review, visit  
[claremontreviewofbooks.com](http://claremontreviewofbooks.com)  
or call (909) 981 2200.

CLAREMONT  
REVIEW OF BOOKS

1317 W. FOOTHILL  
BLVD, SUITE 120,  
UPLAND, CA  
91786

NON PROFIT ORG.  
U.S. POSTAGE PAID  
PERMIT NO. 504  
UPLAND, CA