ACADEMIC ADVOCACY: APPEALS AND ABUSES

Robert D. Newton, Jr.
DePauw University

INTRODUCTION

Academic advocacy can be considered one of a set of issues centering on academic freedom and the related topic of academic neutrality which have been discussed for over a century. It was involved in the events leading to the founding of the AAUP in the early years of the last century, when Edward A. Ross, a Stanford faculty member, was accused of advocating political and economic views counter to those of Jane L. Stanford, widow of the chief benefactor and founder of the University. Academics defending Ross subsequently created the AAUP as a professional organization defending the principle of academic freedom as the safeguard for the disinterested search for knowledge. But later, Robert Paul Wolff wrote about the “Myth of Value Neutrality” in his classic work of 1969 (69-76); Robert L. Simon edited some of the controversial literature in 1994. The issue of advocacy has been the focus of at least two conferences. One was held at Wheaton College in Illinois in 1994 focusing on religious advocacy in teaching. Another was held in Pittsburgh in 1995 covering a wide range of topics relating to classroom advocacy. In this paper I propose to consider the meaning of advocacy mainly in the classroom, with some references to the institutional dimensions as well. Then I consider two of the most prominent abuses: indoctrination and proselytism. Following that, I present the main arguments supporting advocacy and the critiques of those arguments by those defending the ideal of critical neutrality. The intention of this paper is analysis of the practice of advocacy, with attention to some abuses, critiques, and justifications.
SOME DEFINITIONS OF ACADEMIC ADVOCACY

In the OED, we find at least two distinct if not different meanings of advocate and the related term advocacy (I, 194). The first of these meanings refers to the person who is called to the aid of someone’s cause in a court of justice. The second of these meanings refers to the person who raises a voice in favor of some cause, to defend or recommend it publicly. The first meaning is what I will call critical advocacy. It assumes that the advocate will be heard and the case judged by a legitimate tribunal according to accepted standards and procedures. Success is measured by the best fit of arguments with the accepted criteria as judged by the tribunal. Advocacy intends justice, not merely persuasion. In the academic domain, this form of advocacy is usually directed to the scholarly community for judgment at the tribunal of expert competencies.

One of the contributors to the Pittsburgh conference, Nadine Strossen, Professor of Law at New York Law School and President of the Civil Liberties Union, offers an instance of critical advocacy. She accepts advocacy in the classroom as a subset of “protected free speech” under the First Amendment. However, the classroom atmosphere must permit free analytical inquiry in which rules set boundaries for such advocacy. Here are some of these rules.

1. “matters of reasonable dispute [are] presented as opinion or theory, rather than fact or dogma,”
2. “students are permitted . . . encouraged . . . to ask questions about, and to express disagreement with, points made in assigned materials and in the teacher's presentations,”
3. “all theories or beliefs that are presented are subject to critical examination,”
4. “students are permitted . . . encouraged . . . to satisfy their . . . requirements by selecting materials from a range of options presenting diverse viewpoints” (81).

The second meaning of the OED leads to what I will call pleading or persuasive advocacy. This meaning assumes that the advocate acts as a patron, pleader, supporter, or partisan of a cause, ordinarily in some public way. Success is measured by persuasion to belief or action of the person(s) to whom advocacy is directed. Such advocacy intends advancement of the cause. This does not necessarily imply deception, coercion, or manipulative conditioning. In the academic domain, this form of advocacy may be directed to the scholarly community, the supporting
institution, the students of the institution, or the public in which the institution is located.

Michael Yates (Penn State extension program) presents a claim for this form of advocacy. As an economics teacher, he became alienated from neoclassical economics and more convinced of the economics of Karl Marx. He says, “The more I read about U.S. history and about radical economics, the more . . . I knew . . . that if I wanted to change the world, I had to advocate a radical point of view to my students” (373). He tried the balancing technique, “pit[ting] the neoclassical and the radical theory directly against each other,” but found the neoclassical theory “difficult for students to learn . . . leaving not enough time to teach the Marxist theory . . . which was far superior” (375). In spite of his persuasive advocacy, he was dissatisfied. “. . . While I was advocating a radical perspective and hoping that my students would adopt it as their own, I did this in such a way that I doubt that many of them knew what I was doing” (375). Yet he still was dissatisfied. He approves that the student radicals of the 1960s had forced open the universities, but those radicals “worked on the false assumption that social change would emanate from the colleges and universities” (377). Moved by his desire to change the world he began . . . to teach working people directly in an alternative education program. These people were most receptive to his method of teaching, because it “fits with their actual work experience; it helps them to understand what they are and what forces and persons are responsible for their circumstances and what they might do to alter these circumstances” (379). In these worker classrooms, Yates says, “I can be the advocate I think I should be, openly and without fear” (379). Still he finds himself conflicted because he doesn’t have the freedom to teach this way in the college classroom. He leads a “double life” (380).

A third form of advocacy I will name dialogical advocacy. Ernst Benjamin, political scientist and former Associate General Secretary of the AAUP, affirms a strong advocacy that is not aimed at silencing but at energizing students. “From a pedagogical perspective, faculty advocacy in the classroom may foster student learning and academic freedom: many students respond positively to passionate teaching, advocacy may challenge students to reconsider inadequately founded preconceptions, and students may acquire skill in advocacy and advocacy-based inquiry” (308). The intention is conversation or dialogue, rather than persuasion, in which the immature partner may learn from the mature partner, but the mature may also learn from the immature. For Benjamin, this form of advocacy is compatible with the academic freedom of both faculty and
students. The AAUP, according to Benjamin, intended to restrict the academic freedom of faculty (to advocate a partisan position) only on matters “not germane to the subject matter of the courses being taught” (305). Otherwise (on matters germane), the effort to persuade [advocate] is permitted within the scope of the professor’s academic freedom. Benjamin introduces a pedagogical justification for advocacy. He approvingly cites Eugene Genovese’s words, “Any professor who, subject to the restraints of common sense and common decency, does not seize every opportunity to offend the sensibility of his students is insulting and cheating them, and is no college professor at all” (308). In spite of this, Benjamin cautions that not all students would benefit from such teaching. There might be some who “learn more from gentle encouragement than from ideological combat. Diverse students need diverse faculty, and most students benefit from a mix of styles and learning opportunities” (308).

There is a fourth form of academic advocacy, which I shall call positional or perspectival advocacy. Like critical advocacy, it is aimed not only at students but at the institution, its allocations of resources for curriculum, representation of perspectives, and opportunities for the advancement of knowledge. The goal is not necessarily to persuade students, peers, administrators, or skeptic/antagonists, not necessarily to generate dialogue, but to obtain a place at the academic table of conversations, to be represented there. An interpreter (and critic) of this form of advocacy (Murray G. Murphey) describes it: “In recent years the universities have been besieged by groups which claim that their ‘unique perspectives’ should be taught as a part of the curriculum . . . The assertion by these groups is . . . that they have a special ‘perspective’ on society and the world which has an equal, or superior, claim to be taught as any form of traditional knowledge. To the counter assertion that these ‘perspectives’ are not knowledge, their answer is that there is no such thing as a true theory, that every theory is in fact an advocacy of the interests of some group, and that therefore every group should have an equal right to advocate its perspective through the curriculum of the university” (65-66). The audience is the academy, the civic society, the public, and the aim is expression of views or positions which, in the view of these advocates, ought to be heard and respected.

I find two instances of this advocacy, one by a self-designated feminist, Helene Moglen, and the other by a self-confessed Christian, George Marsden. Moglen, Professor of English Literature and Women’s Studies at UC Santa Cruz, argues that “Perspective is inescapable in human
vision, after all, physical bodies are always situated somewhere” (210).
“We read and write out of who we are and whom we wish to become.
We read and write out of our own personal and intellectual histories, and
in the context of our social and cultural positionings” (210). Responsible
teaching for Moglen must be mindful of such positions. The classroom is
the space for both teachers and students to “articulate and test our val-
ues” (210), the “opportunities to project ourselves into the intellectual
and experiential situations of our colleagues” (210). These are “projective
strategies” (210), and they are “crucial to . . . informed advocacy” (210).

Some thinkers charge that perspectivalism falls into a multiplicity of
values open to destructive conflict or worse into nihilistic relativism open
to the worst abuses of power. Moglen denies that this need be so. This
kind of advocacy “honors the intellectual and personal struggles
through which commitment is achieved” (210). It can foster communica-
tion and promote free speech (210). In her view, perspectival advocacy
creates “heterogeneity” which is the “condition rather than the enemy of
. . . democracy” (210). The openly “political . . . classroom” helps stu-
dents to prepare for the practice of democracy by learning how, respect-
fully, to disagree (210).

George Marsden, Professor of History at Notre Dame, accepts per-
spectival advocacy in the classroom in relation to his religious commit-
ment, Christianity. He cites the prevailing view “that all scholarship is to
some degree political and that interpretive traditions reflect the interests
of competing communities” (4). The older view that there can be a neu-
tral university or a neutral classroom, an objective position to view com-
peting interests, has given way to a new perspectivalism. Therefore, it is
now appropriate to “reintroduc[e] . . . a strong, conservative Christian
presence in the academy” (5). In his view, this parallels the introduction
of similar perspectival pedagogies. “Many feminists, gay, lesbian, and
Marxist scholars have political interests of this sort. So do ex-fundamen-
talists, a few African American revisionists, some Jewish scholars,
. . .”(5).

ABUSES

Defenders of classroom advocacy seek to differentiate advocacy
from two abuses: indoctrination and proselytism.
Indoctrination

The pejorative use of the term *indoctrination* is recent. Earlier usage meant simply to imbue with learning, to teach (OED, 1989, VII, 883). In the early decades of the last century, under the influence of progressive theories of education, the term acquired the distinctive meaning it now has. Educational theorists began to contrast *education* and *indoctrination* and used the latter term to describe the process of instruction used by Communist strategists as applied to prisoners of war. Under epistemologies stressing the fallibility and corrigibility of knowledge, “doctrine” was assimilated to “doctrinaire,” meaning “to hold some doctrine or theory without sufficient regard to practical considerations” (OED, 1989 IV, 915) or “wedded to a particular doctrine or theory and seeking to apply it in all circumstances” (OED, 1989, IV, 915). To *indoctrinate* came to mean to teach without giving rational support or to teach with rigidity of conviction.

Indoctrination was the subject of theoretical discussion with vigor in the late 50s-70s (Flew, Peters, Hirst, Green, Gatchel, Snook, White). Attempts at definition center on 1) content — doctrines which are unsupported or unsupportable, 2) methods of teaching — dogmatic, unbalanced, uncritiqued, 3) consequences — closed mind, unreasoned or unevidenced believing, 4) intentions or aims of the teacher — fixing of belief or value in the person taught.

Snook chose the *intentional* definition of indoctrination. “A person indoctrinates P (a proposition or set of propositions) if he [or she] teaches with the intention that the pupil believes P regardless of the evidence.” (47)

For Snook there are,

1. clear cases of indoctrination
   a. teaching an ideology as if it were the only one with any claim to rationality,
   b. teaching *as certain* a proposition or set of propositions which the teacher knows are uncertain,
   c. teaching propositions which the teacher knows to be false.

2. apparent but not actual cases of indoctrination
   a. teaching a developing or immature person acceptable behavior,
   b. teaching facts (multiplication tables, Latin verbs) by rote,
c. influencing a developing or immature person’s belief or behavior unconsciously, by example, as in a role model.

3. problematic cases of indoctrination
   a. inculcating beliefs which the teacher believes are certain but which are actually substantially disputed,
   b. teaching without crucial evidence when that evidence is beyond the ability of the developing or immature persons to comprehend.

Snook believes that indoctrination is most likely to occur in teaching moral values, religion, and politics.

As an opponent of indoctrination, Benjamin seeks a **principled** position. Indoctrination is prohibited because students, as rational human beings, have a right to learn without coercion. This right is part of their academic freedom. Benjamin asserts that “Classroom indoctrination . . . is certainly inconsistent with student academic freedom” (302). By indoctrination he means “compelled agreement” (303) with the opinions or theories of the teacher. Benjamin tries to find warrant for this in the AAUP **Joint Statement on Rights and Freedoms of Students** that “Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards” (303). And even non-coercive efforts at indoctrination are likewise prohibited by the students’ right to “freedom from exploitation” and “freedom of inquiry” (303). This entails, according to Benjamin and as stated in the AAUP **Joint Statement**, that “Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion” (306, and **Joint Statement** 228). But this freedom is limited by the obligation of students to “learn . . . the content of any course of study for which they are enrolled” (Joint Statement 228). According to Benjamin, this right is not injured by robust advocacy by the teacher so long as the teacher does not require that the student express agreement with the teacher’s views (307).

In a U.S. Court of Appeals decision, Strossen finds the court to understand indoctrination as the action of a teacher who is “content only if he persuades his students that his values, and only his values ought to be their values.” Apparently, the Court and Strossen would reject pleading advocacy because it is indoctrinating. Though conditionally approving other kinds of advocacy, the court limited them by the need “to protect impressionable children from . . . dogmatism” (Strossen 73). For
Strossen, “indoctrination is intended as a monologue in which the speaker imparts ideas to a passive recipient” (73). Indoctrination or inculcation, as she alternatively calls the practice, is defined by the method and intention of the teacher. It is “expression . . . designed to preempt the listeners’ exercise of their own analytical abilities” (73).

For both the Court and Strossen, the fault of indoctrination is that it intends to bring closure of judgment without engaging the autonomous and critical reflection of the student or listener. Consequently, good teaching and permissible advocacy must intend the enhancement of the student’s capacity for reasoning and judgment never less than it intends the convincing of the student.

Proselytism

The second of the abuses is proselytism. The earliest meaning of “proselyte” is one who comes to a place, and by extension of meaning, one who comes to a position or a belief: “one who has come over from one opinion, belief, creed, or party to another” (OED, 1989, XII, 663). The roots are the Greek words pros (toward, to) and elthon (based upon the root to come). So proselytism refers to efforts which intend to bring someone to a place, position, or belief. There is a multitude of instances in classical Greek literature, but the most familiar is in the New Testament, Matt 23:15: “Woe to you, scribes and Pharisees, hypocrites! For you traverse sea and land to make a single proselyte . . .” A proselyte is thus a convert, and the verb to proselyte means to convert. Another word for this effort might be “persuasion.”

Is the presentation of value judgments as the judgments of the presenter equivalent to persuasion or proselytism? Myles Brand, former President of Indiana University, approves of advocacy but not proselytism. By advocacy, he means the presentation of value judgments. “Classroom teachers cannot but be advocates. Advocacy, in this context, means making value judgments in the transference of knowledge” (16). He describes proselytizing by reference to the intention of the teacher. “Proselytizing is defined by the intentions with which the case is made as well sometimes as the manner of communication. . . .” (10). It “attempt[s] to convert the listener to one’s position . . . to convince someone of the rightness of one’s position” (10). Brand also objects to the proselytizing method or the manner of communication (10). Proselytizing is “intended to persuade through excessive pressure. . . . Proselytizing does not merely communicate value judgments, it attempts to gain adoption coercively
Brand thus objects to the coercion and excessive pressure involved in proselytizing.

But does he object to the intention or effort to persuade? Brand might make several distinctions related to the presentation of value judgments: doing so 1) as clarifying a considered but contested judgment, 2) as a profession of conviction, 3) as an effort to persuade through rational means, and 4) as an effort to persuade through coercion or pressure. He rejects 4), and he seems to reject 3) when he says that the “goal of teachers in the liberal arts and science tradition is not to persuade and cajole students into adopting one perspective or another, but rather to equip them with background information, abilities to reason, and enthusiasm for the subject matter so that they can develop their own perspective — and, indeed, so that they can change perspectives” (16).

Since persuasion is the attempt to bring the listener or reader to a definite view, that is, to “one perspective or another” (16), Brand's claim apparently is that it is wrong for the teacher to aim at persuading but right for the teacher to aim at providing the students with the means of rationally deciding their views and rationally changing those views upon further reflection (16).

Because value judgments are practically unavoidable and indeed desirable, Brand is concerned to distinguish the presentation of such judgments from proselytism, which can be done, he claims, in most cases (10). He argues that such judgments should be expressed in an adequate contextual setting. In the classroom, this would entail locating the judgment in relation to the major positions affirming and those denying it (i.e., balancing). If not done in the classroom it might be done in the university or college instead. This could be accomplished in the diversity of other classes, discussion groups, and outside speakers (17). According to Brand, the responsible aim is a “balanced approach” (16, 17) in which the most important alternative views are represented without implying a relativism in which “all interpretations are equally acceptable” (16).

However, critics of balancing, such as John Voll, point out that in some disciplines where the categories of analysis and judgment are contested, e.g., Middle Eastern studies, balance cannot be achieved merely by presenting more views (184). And Benjamin claims that “balanced presentations depend on a particular formulation of the dispute and the alternatives” (307).
Remedies for the Abuses

Obviously, theorists seek remedies for the potential abuses of indoctrination and proselytism. One of the remedies might be to return to the ideal of the neutral university and the neutral classroom. Another of the remedies sets out a code for those faculty who wish to advocate. This code seeks to define the limits of permissible advocacy by defining conditions which must be realized if advocacy may be acceptably practiced. One of the writers of such codes is Peter Markie, Professor of Philosophy at the University of Missouri. He is the author of *A Professor's Duties*. Markie was a participant, and is a contributor to the discussion generated at the Pittsburgh conference. I summarize his code as follows.

1. We may advocate a position only if our doing so does not prevent us from covering the course’s assigned materials (295).
2. We may advocate a position only if a consideration of that position is part of the course’s prescribed content (295).
3. We may advocate a position only if our advocacy does not prevent us from maintaining for students a class environment conducive to intellectual inquiry (296).
4. We may advocate a position only if we have good reason to believe that that position is correct (297).
5. We may advocate a position only if our advocacy takes the form of giving students adequate evidence for what we encourage them to believe, where students are capable of assessing that evidence for themselves (297).

ARGUMENTS SUPPORTING ACADEMIC ADVOCACY

Various arguments can be used to support academic advocacy. I have already indicated the educational argument in describing dialogical advocacy in the case of Benjamin. Here I will consider: 1) the liberty argument and its combination with First Amendment and academic freedom issues; 2) the moral society argument and the role of the university in society; and 3) the epistemological argument supporting perspectivalism. Each of these arguments makes assumptions about the placement of the university or college in social reality.

The Liberty Argument

John Stuart Mill states the case for robust liberty in the private domain. “The only part of the conduct of any one, for which he is ame-
nable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign” (224). Mill is concerned to limit the right of government to control the speech and action of persons. But, in this essay, he is more concerned to limit the right and practice of the majority of people in society than to control the speech and actions of individuals. His classic essay is a strike against what has become famously known as the “tyranny of the majority” (219), thus distinguishing it from the tyrannies of governments and of tyrants. In order to carry his point, Mill defends the perimeters of the private domain in this well known text.

. . . There is a sphere of action in which society, as distinguished from the individual, has, if any, only an indirect interest; comprehend all that portion of a person’s life and conduct which affects only himself, or if it also affects others, only with their free, voluntary, and undeceived consent and participation. When I say only himself, I mean directly, and in the first instance: for whatever affects himself, may affect others through himself. . . . This, then, is the appropriate region of human liberty. It comprises, first, the inward domain of consciousness; demanding liberty of conscience, in the most comprehensive sense; liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological. The liberty of expressing and publishing opinions may seem to fall under a different principle, since it belongs to that part of the conduct of an individual which concerns other people; but, as being almost of as much importance as the liberty of thought itself, and resting in great part on the same reasons, is practically inseparable from it. Secondly, the principle requires liberty of tastes and pursuits; of framing the plan of our life to suit our own character; of doing as we like, subject to such consequences as may follow; without an impediment from our fellow-creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse, or wrong. Thirdly, from this liberty of each individual, follows the liberty, within the same limits, of combination among individuals; freedom to unite, for any purpose not involving harm to
It would be possible to conceive of faculty members as individual entrepreneurs in their several enterprises of enquiry. Their speech and action remain in the relatively “private” domain of their professional teaching so long as they do not harm others “directly, and in the first instance,” as Mill puts it. The liberty to advocate (or not) would be part of the “liberty of expressing and publishing opinions” that Mill affirms. As long as the effect upon others is indirect, in the second instance, and an effect permitted with their free, voluntary, and undeceived consent, faculty members would have the right to advocate controversial, contested, banal, and trivial opinions without institutional restriction or social stifling. The hearers of academic advocacy would not be directly affected by this advocacy, by itself, so long as their attention and response to it is freely given. Does this apply in the classroom? Would Mill accept that required courses and graduation requirements do not infringe upon this consent on the assumption that entry into the university (or college) implies consent to these restrictions?

But does this liberty apply to the advocacy of false opinions? One could argue, following Mill, that the silencing of false opinions which are being advocated is unjustified because such suppression harms the human race by robbing it of some possibilities of truth. Mill says, “If the opinion is right, they [human beings] are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error” (229).

Further, Mill, in a prophetic anticipation of the critics of modernity (See the various essays in Baynes.), rejects any infallibility of claims to truth and the assumption of absolute certainty. “Those who desire to suppress a truth, of course deny its truth. . . . To refuse a hearing to an opinion, because they are sure that it is false, is to assume that their certainty is the same thing as absolute certainty. . . . All silencing of discussion is an assumption of infallibility . . . but they [the suppressors] are not infallible” (229).

Using Mill’s argument, the liberty on which advocacy is justified is the right of mature, rational human beings. But in Mill’s view this right does not extend to all individuals of a society.
It is, perhaps, hardly necessary to say that this doctrine is meant to apply only to human beings in the maturity of their faculties. We are not speaking of children, or of young persons below the age which the law may fix as that of manhood or womanhood. Those who are still in a state to require being taken care of by others, must be protected against their own actions as well as against external injury. For the same reason, we may leave out of consideration those backward states of society in which the race itself may be considered as in its non-age (224).

To persons incapable of mature, rational behavior, the principle of liberty does not obtain, and compulsion is justified “provided the end be their improvement, and the means justified by actually effecting that end” (224).

What implications for education might follow from Mill’s recognition that many individuals in various societies are not mature, rational beings on which restriction of liberty is appropriate? (And what implications might follow if we recognize that there is some question about the maturity and rationality of advocates?) If we assume that hearers of advocacy (students) are mature, rational persons, persuasion by strongly voiced positions is justified. But if we assume that the hearers are not (yet) mature, not (yet) rational, then paternalistic limitation of their liberty to believe and act would seem appropriate. (See also Dworkin 84). But such limitation, according to Mill, must intend their eventual maturity and rationality, and the means used must actually lead to that end. It is problematic to assume that the free expression of opinions and rational persuasion are the appropriate means to effect the desired maturation and progress into rationality. Therefore an advocacy which is appropriate in the domain of private expression may be unjustified in the situation of responsibility for those in their “nonage” (224). But in this case we have moved from the assumption with which we began, that the university (or college) is located in principle in the social space in which a particular kind of private activity (enquiry) of individuals is carried on; now we conceive it as situated in the public realm in which actions affect others for good or ill. The justification of advocacy on Mill’s principles is appropriate for critical advocacy, where appeal is made to the considered judgment of mature, rational individuals. This justification may be appropriate for pleading or persuasive advocacy if, and only if, the grounds for plea and persuasion respect the free, uncoerced consent of mature and rational per-
sons. But the situation where these advocacies are appropriate is only at the highest level of academic enquiry where those engaged are essentially at the status of maturity and rationality, i.e., among academic equals and in the domain of public expression of opinions.

Justification of academic advocacy can refer to the First Amendment to the U. S. Constitution, particularly to the prohibiting of interference with the free expression of ideas. The right to such free expression is one of the liberties enjoyed by U. S. citizens. If we assume that the university or college is located in that social space where First Amendment ideas can be freely expressed and if we assume that the subjects of academic presentations are those First Amendment ideas, then the right of academics to express those ideas — to advocate them — would be a constitutionally guaranteed liberty. Benjamin, citing Metzger, conceives of a situation in which faculty enjoy the Lehrfreiheit of nineteenth-century German professors “to express their views . . . with the ‘aggressive finality of deep subjective convictions’” (Benjamin 304, Metzger 114).

However, the principle of academic freedom should not be identified with First Amendment freedom of speech, a point well made by Alan Gewirth, citing Sidney Hook. Academic freedom is not a civil right or a human right (13). Rather it is a contracted right “earned by persons who have [acquired] the relevant qualifications” (13). But both Benjamin and Strossen, who position advocacy within academic freedom as well as the First Amendment, admit that a classroom setting for the expression of ideas puts limits on the liberty of free expression. Students’ rights to a classroom environment conducive to learning (students’ free expression of ideas) are the source of these limits. Benjamin notes that the simple Lernfreiheit of students, posited on their supposed freedom and maturity (304), was insufficient to guarantee such limits and was superseded by specified concepts of student rights. Academic freedom is a matter for both teacher and learner, professor and student. Benjamin cites the 1940 Statement of the AAUP, “Academic freedom in its teaching aspect is fundamental for the rights of the teacher in teaching and of the student to freedom in learning” (305, AAUP Policy 3). And Strossen, citing crucial Court rulings, charts the concerns balancing constitutionally protected “advocacy” (free expression clause) against constitutionally prohibited “indoctrination” (non-establishment clause) (71-83). More recent restrictions of the freedom of academics, advance through appeal to the obligation of academic institutions to regulate against discriminatory harassment in language and other symbolic expressions.
The Moral Society Argument

Some supporters of advocacy position classroom advocacy within the advocacy that occurs at the institutional level. An interpreter and critic, Jeffrey Wallen (Hamilton College) reports an institutional policy at his college. In the words of the Hamilton President cited by Wallen, that policy is “to educate for justice,” and it conceives of justice in social terms: income redistribution, minority rights, empowerment of marginalized groups and peoples (226). And it assumes that the proper role of the institution is to act as an agent of social reform.

Supporters of institutional advocacy approve institutional policies and support faculty members’ advocacies. Such policies are the inclusion of marginalized groups (minorities and women) in faculty and staff positions; differential salary allocations and promotion schedules to accomplish a social goal of diversity or the rectification of past discrimination; the recruitment and admission of students from under-represented groups; morality-based investment of endowment funds; creation of special studies programs dealing with power, conflict, and oppression; support and advancement of advocacy-oriented faculty; and the requirement that all courses contain specified elements advancing the social mission of the college. Supporters of institutional advocacy claim that just as there is institutional racism, institutional homophobia, institutional bias, so there can — and ought — to be institutional advocacy of the remedies of these social ills. Just as there has been institutional promotion of western notions of civilization and European traditions, so there can — and ought — to be institutional advocacy of alternative notions and other traditions.

In the 60s and 70s debates over the institutional neutrality principle, perhaps the most famous critic of neutrality was the philosopher, Robert Paul Wolff. He argues that an important social institution — the University — is necessarily involved in the contested moral issues of society. At that time, it was support for the Vietnam war, U.S. counterinsurgency, and economic infrastructure such as real estate (69). Neutrality, is a myth, he claims and he claims it to be a moral truth that there is no neutral ground where important justice and power interests are involved. “Now, one of the first truths enunciated in introductory ethics courses is that the failure to do something is as much an act as the doing of it” (71.) All commissions and omissions, all actions whether positive or negative, are subject to moral judgment. “No major institution can remain politically innocent in an open society” (72). Therefore, he argues,
... every university expresses a number of positive value commitments through the character of its faculty, of its library, even through the buildings it chooses to build. Astronomy departments ignore astrology, psychiatry departments ignore dianetics, philosophy departments ignore dialectical materialism. Universities build laboratories for experimental research, thereby committing themselves to the importance of the scientific enterprise; libraries devote scarce resources to the accumulation of rare and ancient manuscripts; whole faculties are organized to teach and study social welfare, veterinary science, law, or business. Each of these institutional decisions embodies an evaluation which can easily become the focus of a political dispute (73).

Of the Pittsburgh conferees, Michael Root makes one of the most vigorous cases for institutional advocacy. He considers Karl Popper's support for an open society against totalitarianisms, a support which calls for the liberty of individuals to define and pursue the goods as they define it and for the neutrality of the state. Root's thesis is that the principle of state neutrality cannot be extended to justify neutrality of educational institutions and that the best way to defend the open society is through a vigorous but critical advocacy on the part of such institutions and their members. He says, “Here [education], I will argue, neutrality can oppose rather than promote standards of freedom, humanness, and rational criticism” (85). The classroom (education) falls in the realm where, without interference, individuals (and institutions) should be able to articulate their conceptions of the good (and moral) life (85)

Fundamental to Root’s argument regarding neutrality in the classroom is his rejection of the fact/value dichotomy. Root rejects Max Weber’s argument that universities can be free to do their research without outside interference only if they avoid value judgments in their institutional postures and classroom processes. According to Root, this view lets the universities teach empirical facts but avoid putting moral or political judgments on those facts (86). Root thinks that the fact/value dichotomy and its derivative neutrality has been used as the principal support of liberalism and liberal education.

Why is liberalism so attractive? For some the attraction is autonomy. Many of us who agree on little else agree that autonomy is valuable. For others, the attraction is toleration. By not
endorsing one set of values or traditions over others or by equally tolerating all, we avoid a culture war and contribute to the peace. Finally, liberalism is attractive to those who are skeptical on matters of moral value (89).

Whatever the intention of Weber and Mill, Root believes that current calls for the neutral university are part of a “conservative agenda” of such writers as (William) Bennett and (Allen) Bloom, resistant to pressures from “multiculturalists, feminists, racial minorities, and tenured radicals” (90). Actually, argues Root, these writers don’t mean what they say they mean. They are not asking for a neutral university but for the university to teach the values they approve.

In truth, critics like Bennett and Bloom are pleased to have political values taught in the university — as long as they are their own. What they oppose is teaching a politics they disapprove of . . . (88).

Root finds this same claim of neutrality — in his view specious — in his university’s policy on academic freedom which says, “No teacher may claim as his right the privilege of discussion in his classroom of controversial topics that are not pertinent to the course of study that is being pursued” (92, quoting from Regulations Concerning Faculty Tenure, University of Minnesota, July 1, 1985). Root reads (interprets) this policy to hold that the neutrality principle would define what is pertinent and thus to exclude anything “politically partisan,” by which he means value-laden. [Another way than Root’s to read the policy statement would be to hold that the teacher may rightfully introduce controversial topics — value-laden material — which is pertinent into the classroom, but the faculty member has no right to introduce value-laden material which is not pertinent.] In this judgment, Root assumes that the policy of his university accepts the fact/value dichotomy and fact-only classroom of Weber.

Root’s agenda is to abandon the ideal of the neutral university and the neutral classroom. Neutrality may be appropriate for the government but not for education. This is because the government has the power to compel, whereas in education there is only the power to tell. The government might or might not use its power to compel or to threaten. But in education there is no rightful power to compel or threaten. Lacking such rightful power, education cannot rightfully infringe the autonomy of students. The following passage is crucial to his argument.
I have the authority to tell my students that sex discrimination is unjust but not to compel them to think so.

When students are told that they ought not to make sexist remarks in the classroom, their liberty is not limited; were the injunction backed by threats, it would be. Sometimes threats are appropriate and just, but to tell is not itself to threaten. Thus, we are not protecting the liberty or autonomy of our students by encouraging neutrality and enjoining our faculty not to lecture them about what ought to be (92).

Consequently, Root believes that by rejecting neutrality, the academic freedom policy [at his university and elsewhere] would become more “liberal” (93). By more “liberal” he means freer of restraints on faculty classroom activity. “Teachers are free[er] to say what ought to be in addition to what is. They can claim as their right topics that are laden with value even if their course of study is science rather than ethics or political philosophy” (93). And he could go on to say that students are no less free because they are only told what to do, not coerced or threatened to do it.

Here’s the way I re-structure his argument.

1. A value domain is a sphere in which facts and values are interwoven.
2. A university is part of the value domain of the moral society.
3. In a value domain, one must be either neutral or partisan in regard to these values.
4. To be neutral means to prefer no particular value(s).
5. To be partisan means to prefer or valorize particular values in a domain where values are contested by other parties (the moral society).
6. But it is impossible to be neutral in the domain of classroom teaching because value preferences are unavoidable: for example, in choices of what data to preserve and publish, the construction of a canon, in praise or ignoring of achievement, the choice of materials for a course
7. Therefore one can only be partisan.
8. If one is partisan one must assert (support, accept) particular values in the value domain of the moral society.
9. To assert particular values in the value domain of classroom teaching is to present as true or false, as good or bad, the state of affairs represented in that teaching.

10. To present as true or false, good or bad, is to advocate.

Root seems to recognize limits to partisanship in the classroom. He calls for “reasonable debate” rather than “mindless campaign” (93). He says that “the real threat [to the university, to the open society] is an uncritical presentation of either facts or values” (93). Closed minds and closed classrooms are so because “they ignore the evidence or arguments — the evidence of arguments against as well as in favor of the teacher’s position. Dogmatism rather than partisanship is our enemy” (94).

The Epistemological Argument: Perspectivism

Helene Moglen makes a useful distinction between teaching advocacy and advocating. Teaching advocacy by means of modeling advocacy is one of the educational arguments for advocacy. And Moglen claims that teachers, since they are unavoidably advocates, should teach advocacy to their students. “Teachers, as advocates, are responsible for modeling the difficult skills of advocacy for their students, enabling them to express their own commitments and to evaluate the competing advocacies of others” (205). But Moglen’s claim goes beyond this educational justification because it advances an epistemological claim as well. We are concerned with the latter claim here.

Moglen bases feminist advocacy not only on a moral claim for women but on an epistemological claim: “it seems self-evident that to be a feminist in the academy is inevitably to be an advocate: an advocate for women. It is also to be an advocate for women-centered knowledges that are capable of interrogating masculine perspectives and male-authored texts that have traditionally been centered within humanistic and social science disciplines” (205).

Moglen charts, too briefly by her own admission, several stages by which this advocacy has secured a place in higher education. The first stage was the one which sought to enlarge the canon of literature to include women’s texts and expand the consciousness of women’s lives and minds. This stage was compensatory, in that it sought to rectify a deficit created by white, middle-class, and male domination (205). The processes of this advocacy were embodied in consciousness-raising and identity politics (205). The aim was institutional and social change (205). The second stage sought to free itself from the oppositional and essen-
ialized categories of the first stage (207): male-female; authority-collaboration; intellectual-emotional. Many feminists tried to use poststructuralist and psychoanalytic modes of analysis to move beyond the essentialisms and to further establish themselves in academic institutions. But, in consequence, the development of feminist theory brought with it the authority and hierarchy of the theorist. And further, “It also depoliticized the classroom, ironically reinstating many of the pedagogical, epistemological, and social hierarchies that feminism has vehemently protested” (208).

In the current situation there is need to recover the advocacy that was once present in the feminist classroom. “The problem in many classrooms is not too much but too little advocacy . . .” (208). For Moglen, the cause served by the restoration of classroom advocacy is the continued liberation of actual women “who occupy real worlds in which discrimination, injustice, and inequality remain . . .” (208). And for Moglen, the epistemological justification for classroom advocacy is the inescapable perspective which derives from one’s situation.

Perspective is inescapable in human vision . . .; physical bodies are always situated somewhere. We read and write out of who we are and whom we wish also to become. We read and write out of our own personal and intellectual histories, and in the context of our social and cultural positionings. It is necessary for us, as self-conscious readers, to be mindful of those positionings: to understand the ways in which we represent them and the ways in which they represent themselves through us (210).

For Moglen, advocacy of the perspective demands that the classroom be intentionally political. The so-called politically neutral classroom of traditional humanistic study (209) is the agenda of the conservatives because it is the classroom in which authority imposes itself upon its subjects.

. . . The crucial distinction that needs to be made is not one between a politically neutral classroom and the classroom that is political, but rather one between classrooms that are political and those that are politicized. In politicized classrooms, teachers deploy their institutional authority in order to impose their
own intellectual agendas on students whom they perceive to be passive and incapable of intellectual reciprocity (209).

This is the road to indoctrination (209) and the end of democracy (211).

The real threat to democracy in the classroom is posed today by the right-wing insistence that advocacy is opposed to responsible teaching and that the self-reflective articulation of personal experience and belief are somehow opposed to freedom of speech. These oppositions, once constructed, then deploy an ideology of neutrality to silence advocacies and block communication under the guise of consensual agreement (211).

Perspective, according to Moglen, is the act in which human beings express the commitments that are rooted in “personal and cultural experiences” (210). For Moglen, the feminist perspective arises from the experience of defiance of forces which oppress women as well as “the poor, the marginal, the vulnerable, . . . alien others” (211), defiance of the “rampant anti-intellectualism [engaged in] war against education, against the humanities, against arts, even against students themselves” (211). As defiance or resistance, Moglen’s advocacy becomes adversarial or agonal, contesting those past and present who have imposed their will on others. Other perspectives arise from the experience of many others who support the views of the feminist advocates and who teach them “alternative ways in which [the] evidence can be read” (210). But feminist perspectivalism does “not . . . embrace nihilistic relativism” (210), claims Moglen, which dishonors the “intellectual and personal struggles through which commitment is achieved” (210). For Moglen, those who reject her perspectival advocacy are enemies of experience, driven by the fear of knowledge. In opposing advocacy and supporting neutrality, they “refuse to know the experiences, the needs, the longings, and the deprivations of those who have been excluded in the past from the illusory consensus that has often been cynically projected” (211). The perspective should be rejected lest it “bring down [the] curtain of darkness” on the universities and the society in which we live” (211).
CRITICAL NEUTRALITY AND PERMISSIBLE ADVOCACY

A recent attempt to achieve avoidance of partisanship and accept ance of some kind of advocacy is that of Robert L. Simon, Professor of Philosophy at Hamilton College. He develops a concept of critical neutrality which rejects both absolute neutrality and persuasive advocacy (22). What is most important is that “classroom discussion should be regulated by rules of critical inquiry and rational discussion” (22). Simon calls this by the name of “critical neutrality” (22), much like the concept of critical advocacy discussed above. These rules should not dictate the substantive position which arises from the classroom process and should be acceptable to different parties in debate, as in the practice of sporting events. Nor should the rules be value free or even uncontroversial. Simon writes,

As long as advocacy is carried out in accord with rules and standards of critical inquiry and rational discourse, it not only is permissible but also may be educationally desirable, so long as students are sufficiently mature, informed, and skilled to form reasonable independent judgment of their own (23).

The justification for critical neutrality and its accompanying advocacy is found in three principles. First are the autonomy rights (or entitlements) of students and colleagues. Autonomous persons would be wronged if they are manipulated to conform to belief or action (24). Second is the mission of the university for inquiry, the discovery and transmission of knowledge. “Colleges and universities are engaged in the examination of different viewpoints so that those who engage in the examination can best distinguish truth from falsehood, or at least distinguish the more justified from the least justified positions” (25). Third, following the argument of Mill, is the social value of such critical inquiry. Without it, human beings could hardly avoid acting on false assumptions and undermining the possibility of fulfilling life plans (25).

Whether Simon’s particular concept of critical neutrality gains general acceptance, it indicates irreducible elements in a good relationship between those who educate and those who are being educated, and between the institutions which educate and the society which benefits from the advancement of reliable knowledge.

Robert D. Newton, Jr., is Professor of Philosophy at DePauw University.
WORKS CITED AND CONSULTED


Benjamin, Ernst. “Some Implications of the Faculty’s Obligation to Encourage Student Academic Freedom for Faculty Advocacy in the Classroom.” _Advocacy_. Spacks 302-314.


Gold, Penny S. “A Teacher is Either a Witness or a Stranger.” _Advocacy_. Spacks 260-270.


