

# THE ORANGE COUNTY REGISTER

October 9, 2005

## Decontaminating the University

By Alan W. Bock

The growing prevalence of politically correct “speech codes” on college campuses—sometimes called anti-harassment policies or sexual conduct codes, which sought to prevent certain designated minorities from ever feeling offended—has been the subject of much commentary the past 15 years.

Jonathan Rauch’s 1993 book, “Kindly Inquisitors,” is the now-classic work describing the phenomenon. Donald Alexander Downs’ new volume, “Restoring Free Speech and Liberty on Campus,” tells how the trend can be reversed.

Downs teaches political science, law and journalism at the University of Wisconsin and was instrumental in restoring in the late 1990s a sizable chunk of free-speech rights at that school, which developed one of the more repressive speech and conduct codes in pursuit of multiculturalism. “Restoring Free Speech and Liberty on Campus” tells how he and a few colleagues prevailed at Wisconsin—and how the struggle fares at places where battles have raged, including University of Pennsylvania, Columbia and UC Berkeley.

In addition, Downs explains how universities, most of which were at least rhetorically and for the most part sincerely committed to the fearless, open inquiry made possible by academic freedom, became places where certain kinds of speech and the expression of certain ideas became subject to punishment. Back in the 1960s, the radicals, often for good reason, fought for freedom of speech on campus. How did they transmogrify into censors when they achieved positions of influence and power?

Remembering some of the leftist activists I knew in college during the 1960s, I’m not surprised some showed a totalitarian taint when they got some power. At bottom it might be that simple—power corrupts—but Downs offers a more sophisticated analysis.

A number of trends converged to give ideologues permission to advocate censorship. The civil-rights movement became “black power” and “identity politics” and eventually “critical race theory.” Feminist theorists Andrea Dworkin and Catherine MacKinnon argued that pornography was systematic oppression

of women and should be censored for that reason.

Concern for oppressed people became the conviction that those identified as disadvantaged should not have to endure any remotely nasty comments. The laudable desire to eliminate sexual harassment moved from dealing with individual cases to the right not to have to tolerate a “hostile environment.”

All this was accompanied by a willingness of advocates of speech and conduct codes to brand anyone who questioned them, even from the perspective of a free-speech advocate, as a racist or defender of rapists.

The result, especially when people who saw the mission of the university to eliminate bigotry as a higher priority than transmitting knowledge or encouraging intellectual independence became university presidents—like Sheldon Hackney at Penn or Donna Shalala at Wisconsin—was an atmosphere in the late 1980s that was friendly to the development of conduct codes intended to promote civility that degenerated into speech codes that encouraged divisiveness.

The discouraging thing is that almost no voices were raised in defense of civil liberties and free speech at these universities. Some faculty and students dissented, but generally did so quietly because of the power of “groupthink” and peer pressure.

Downs goes through the “water buffalo” incident at Penn in 1994 that eventually led to the end of the speech code and the rise and fall of student and faculty speech codes at Wisconsin. He discusses Berkeley, especially Boalt Hall Law School, and Columbia, in some detail.

To overturn speech codes requires that a few students and faculty members be willing to stick their necks out and endure hostility, and a trans-political coalition. Conservatives haven’t been able to do it alone; some civil-libertarian liberals seem to be a necessity. Speech codes, inimical as they are to the traditional mission of a university, can be defeated, but it is likely to be tough sledding.

---

**Donald A. Downs** is Research Fellow at Independent Institute and author of *Restoring Free Speech and Liberty on Campus*.