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Harvard, Where Civility Trumps Free Speech



By Harvey Silverglate and Juliana DeVries

Harvard's Dean of Freshmen Thomas Dingman has managed to circumvent the brouhaha he created last year with his "kindness pledge." To recap: In the fall of 2011 Dean Dingman drew the wrath of former Dean of Harvard College **Harry Lewis**, as well as the **mockery and criticism** of the Foundation for Individual Rights in Education (FIRE) and the media, when he pressured incoming students to sign a pledge to "act with integrity, respect, and industry, and...civility" and to believe that "the exercise of kindness holds a place on par with intellectual attainment." Dingman posted the pledge with signatures affixed near dormitory entrances where all could see who had surrendered to this strange **attack on freedom of conscience** and who had not. Dean Dingman eventually caved under the **pressure** and agreed to take down the signature lists, although not the text of the pledge itself.

We now know that Dean Dingman's retreat was merely a tactical one. He was not persuaded by his critics' arguments against pressuring college students to publicly display their personal and ideological opinions, especially when the pressure was to announce belief in the Dean's own personal views. Dingman must be unfamiliar with the sordid centuries-long history of authoritarian figures requiring the less powerful to mouth officially-approved views. And so this year, without any public pre-announcement (which doomed last year's thought-reform efforts because it gave opponents time to mount an attack), Dean Dingman managed to slip a stealth re-education program into Harvard's freshman orientation week. It was essentially the same stuff recycled in a format where he did not have to get the students to actually sign, and so where there was no clear forum or trigger for dissent.

Special Attention for Some Groups

"We did not have [freshmen] sign pledges, but we pushed every bit as hard on how important it was to consider their growth on all fronts," **Dean Dingman told the *Harvard Crimson***, which reports that required "sensitivity training" was added to Harvard's freshman orientation program for the class of 2016. As part of this programming, proctors instructed students to perform skits, such as one where a religious roommate put a cross in a common area or where a wealthy roommate bought something expensive that

other roommates could not afford to chip in for. "This way," Dean Dingman said, "students learn how to have a conversation where someone doesn't feel marginalized." If Harvard freshmen aren't able, without pressure and imposed guidance from the dean, to get through a conversation without "marginalizing" someone, age eighteen is likely too late to begin teaching them empathy. In any event, Dingman seems incapable of recognizing the profound challenge that his imposition of "sensitivity" and supposed empathy poses to each individual student's dignity and right to hold his or her own views.

Now, there's nothing wrong, of course, with the notion that it's - um - nice when human beings are nice to one another. But the Harvard dean's concept goes well beyond his merely expressing his desire that niceness should win out over nastiness in the typical Harvard freshman's daily interactions with schoolmates. For one thing, his use of the word "marginalized" indicates that what he really has in mind is the post-modernist notion that special attention should be paid when addressing members of what are known in academia as "historically disadvantaged" groups. It is a kind of differential treatment for such students, where care is taken to avoid saying anything too disturbing, even if the speaker wholly believes what he or she is saying and even if the "marginalized" students themselves would rather not be treated like delicate flowers. Freshman orientation becomes yet another area of academic life where deans can exert pressure for special treatment of certain student groups, all in the name of achieving a kind of *faux* equality. And there's something else wrong with Dean Dingman's initiation of kindness education in the form of sensitivity training - it's intrusion into the right of private conscience.

Through history many of our finest minds have pointed out the fundamental problem with Dean Dingman's authoritarian intrusions into the freshman conscience. George Orwell made the point with particular power in his classic dystopian novel *Nineteen Eighty-Four*, doubtless still taught to some Harvard students. And the United States Supreme Court made the point even more authoritatively in *West Virginia Board of Education v. Barnette* in 1943, when it ruled it a violation of the First Amendment for the government to coerce a student into pledging allegiance to the flag in a public school classroom.

The profound lesson in liberty taught by the famous, almost lyrical opinion written for the court (and the nation) by Justice Robert Jackson (arguably the best writer ever to sit on the high court) should be taken seriously by Dean Dingman and any other college administrator who feels that students should be pressured, if not required, to mouth their fearless leader's personal, philosophical or political views. "If there is any fixed star in our constitutional constellation," Justice Jackson wrote, "it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." "The purpose of the First Amendment to our Constitution" is precisely to protect "the sphere of intellect and spirit...from all official control."

Nary a Word of Protest

The bizarre antics taking place at one of the nation's leading elite universities thus not only patronize some of our most promising young adults; they also disrespect students' freedom of conscience by telling them what to believe on debatable issues and call into question the university's commitment to vigorous, open inquiry. As **Adam Kessel put it in an article for *Minding the Campus***, "It's backwards to teach freshmen an official line on morality rather than to help them inquire about what is just."

But nary was a word of protest heard from the victims of this thinly-disguised thought-reform effort, namely Harvard freshmen. The *Crimson* reported: "These exercises were well-received among members of the class of 2016." Granted, the *Crimson* appears to have made this judgment based on one interview with one freshman, who said, "The lessons were effective because they were creative, fun, and lively." (This is the classic formulation for dishing out effective propaganda - make it "fun and lively.")

The reaction to sensitivity training at Harvard stands in stark contrast to the recent **protests in Hong Kong** against the Beijing-based "National Education" plan, where tens of thousands of students have had the fortitude to resist the thought-reform efforts in their schools -- a glossy version of Chinese history the

protestors accurately call "brainwashing--and force the PRC government (and its sometime-puppets in Hong Kong) to back down. While gutsy Hong Kong students pay homage to Lady Liberty in their freedom fight, the kind and mellow students at Harvard hold the door open for their own dose of authoritarian government.

One more thing. On September 21st, shortly after the news media reported the stealth activation of Dean Dingman's kindness initiative, *The Boston Globe* reported a seemingly unrelated event. A class action lawsuit has been initiated by the waitstaff of the Harvard Faculty Club - this facility owned by the university - alleging that the club, and hence the university, was unlawfully keeping for itself money left by club diners who thought that the gratuities would be going to the waiters and waitresses as tips. (A similar case, brought against the non-university owned **Harvard Club of Boston, had just been settled for \$4 million, the *Globe* reported.**) One gets the uncomfortable feeling that Harvard's kindness education is reserved for freshmen but not for university administrators.

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