The New Thought Police

Why are campus administrators invoking civility to silence critical speech?

By Joan W. Scott


This essay is adapted from a talk delivered in March at the American Association of University Professors’ centennial conference, held at California State University, East Bay.

In August 2014, Steven Salaita was scheduled to take up a position as a tenured associate professor in the American Indian and Indigenous Studies program at the University of Illinois at Urbana-Champaign. Salaita had resigned his job at Virginia Tech, where he had tenure, and ordered books and submitted syllabuses for his new courses at UIUC. He had every reason to believe his future was secure. Although his appointment was contingent on a final approval by the board of trustees, which would meet two weeks after the school year began, Salaita had been assured that this was merely a formality. It wasn’t: The board refused to ratify his appointment.

The reason was the uproar over his comments on Twitter, where Salaita had condemned—often using fierce invective—Israel’s violence during its 2014 military attack on Gaza. Well-organized supporters of Israel alerted the university to his tweets, accused him of anti-Semitism, and questioned his scholarship as well as his political judgment. Salaita’s scholarship, on colonial settler occupations, has been critical of Israeli policy toward the Palestinians. Protesters deluged the chancellor’s office with e-mails warning that if Salaita were hired, they would withdraw their support of the university. After meeting with the university president and the board of trustees in late July, the chancellor, Phyllis Wise, informed Salaita that she could not recommend him to the board. Wise stated that the impassioned rhetoric of his tweets was a sure sign of his behavior as a teacher; he would be intolerant in the classroom, threatening the comfort, safety, and security of his students. There was no evidence for this inference from tweets to classroom: Salaita’s record at Virginia Tech indicated he was a respected teacher, tolerant of a wide range of ideas. But for Wise, that evidence was beside the point.

In her letter, the chancellor drew attention to civility, emphasizing it as a requirement for the exercise of academic freedom: “What we cannot and will not tolerate at the University of Illinois are personal and disrespectful words or actions that demean and abuse either viewpoints themselves or those who express them.” In Wise’s thinking, “viewpoints” have protected status. If that’s the case, will anyone who demeans Nazism, terrorism, racism, sexism, homophobia, or creationism be subject to punishment on her campus? Or are certain selective instances of “disrespect”—in this case, for the current Israeli government—the real issue here?

Since Wise’s letter, a number of university leaders have echoed her invocation of civility. In September, Nicholas Dirks—once a postcolonial historian and anthropologist who wrote critically of British rule in India, and now chancellor of the University of California, Berkeley—released a statement to his campus community. Reminding his constituents that 2014 was the 50th anniversary of the Free Speech Movement, he called for civility in terms that should surprise anyone who has studied the First Amendment or the long history of academic freedom:
“We can only exercise our right to free speech insofar as we feel safe and respected in doing so, and this in turn requires that people treat each other with civility. Simply put, courteousness and respect in words and deeds are basic preconditions to any meaningful exchange of ideas. In this sense, free speech and civility are two sides of a single coin—the coin of open, democratic society.” Dirks seems to have forgotten that the Free Speech Movement was not an event characterized by civility either in its expression or in its suppression.

Within days of Dirks’s statement, Eric Barron, the president of Penn State, released a video message to his own community deploiring the erosion of civility in university discourse. The video was provoked by the controversy over a child-sexual-abuse scandal involving coaches of the school’s fabled football team. “Respect is a core value at Penn State,” Barron said in a statement. And so “we ask you to consciously choose civility and to support those whose words and actions serve to promote respectful disagreement and thereby strengthen our community.”

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“Civility” has become a watch word for academic administrators. Earlier this year, Inside Higher Ed released a survey of college and university chief academic officers, which found that “a majority of provosts are concerned about declining faculty civility in American higher education.” Most of these provosts also “believe that civility is a legitimate criterion in hiring and evaluating faculty members,” and most think that faculty incivility is directed primarily at administrators. The survey brought into the open what has perhaps long been an unarticulated requirement for promotion and tenure: a certain kind of deference to those in power.

But what exactly is civility—and is it a prerequisite for a vibrant intellectual climate? As it turns out, the definitions on offer are porous and vague. University of Illinois professor Cary Nelson, who supported the decision not to hire Salaita, sees it as a “reluctance to indulge in mutual hatred,” thereby placing a limit on violence and campus warfare. Others stress courteous and respectful behavior and its concomitants: comfort, safety, and security. The University of Missouri’s “Show Me Respect” project includes a “toolbox” that offers 20 ways to achieve civility (including the reminder to “do unto others as you would have them do unto you”). At the University of Wisconsin, Oshkosh, a 2011 conference offered these words of wisdom: “Academic freedom and free speech require open, safe, civil and collegial campus environments.” And a statement from a University of Maryland discussion paper on civility in 2013 defines it “simply as ‘niceness to others.’” Additionally, the definition may be used broadly to spur discussions on how ‘nice guys and gals finish first’ and how cordiality and kindness can be tracked across campus to ensure faculty, staff, and students are indeed playing nice.

The attempts to secure the comfort and safety of students—now recognized for their economic value as paying clients who need to be satisfied—are subjugating language and thinking to their own ends. These dictates seem to know no limits and are evident in other policies, such as the call for “trigger warnings” in college classrooms. Professors are being asked by the representatives of some students or groups—and by the anxious deans who rush to satisfy their complaints—to avoid assigning material that might provoke flashbacks or even attention to discomfiting violence. The demand for trigger warnings has the same intent as the emphasis on comfort and civility in the Salaita affair and the statement to the UC Berkeley community by Dirks: to stifle thought on the part of both teachers and students who might otherwise express opinions that could make others “uncomfortable.”
All of these efforts presume a certain benign self-evidence for the use of the term “civility.” As the University of Maryland statement puts it, “niceness” is “easily understood by all parties”: We know civility when we see it. Left aside in these invocations are not only interpretive differences among individuals and groups (one man’s or woman’s presumed civility may strike another as uncivil), but also the history of the term. Although, as with any word, the meanings of “civility” have changed, the concept still carries traces of its earlier use. I’d argue further that although the contexts and specific applications have varied over time, the notion of civility consistently establishes relations of power whenever it is invoked. Moreover, it is always the powerful who determine its meaning—one that, whatever its specific content, demeans and delegitimizes those who do not meet its test.

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The most comprehensive history of civility is Norbert Elias’s classic, The Civilizing Process (1939). In this account of the development of manners in Western Europe, civility is the standard that defines the identity of a group against a reviled and subordinate “other.” Elias explains that whether it was Christians against barbarians, or court aristocrats against the rising middle class, or the upper bourgeoisie attempting to distinguish themselves from the lower orders, “civilisé was...one of the many terms...by which the courtly people wished to designate...the specific quality of their own behaviour, and by which they contrasted the refinement of their own social manners, their ‘standard,’ to the manners of simpler and socially inferior people.”

Civilisé metamorphosed into “civilization” as Western states consolidated and expanded their colonial reach, defining their mission as the diffusion of standards to “simpler and more primitive people.” The latter were routinely referred to as “barbarians” and “savages,” terms applied to the domestic lower classes as well as to colonial subjects. Elias writes that the strict code of manners for the upper class was “an instrument of prestige,” but also “an instrument of power. It is not a little characteristic of the structure of Western society that the watchword of its colonizing movement is ‘civilization.’”

Scholars have documented these power differentials and how notions of civility were used to define them. Kathleen Brown describes the association of civility with cleanliness in 16th-century America: “Writers documenting contact with Native Americans and West Africans evoked civility in exclusive ways, conjuring fears of animal natures unmitigated by Christian virtue and foreshadowing the meanings attached to civilization a century later.” William Chafe points out that during the sit-ins in Greensboro, North Carolina, peaceful demonstrators—deliberately conducting themselves respectably and in a nonviolent manner as they claimed their civil rights—were charged with incivility. John Murray Cuddihy, a sociologist of religion, wrote of the effects of what he called “the Protestant etiquette” on “emancipated” Jewish intellectuals. The problem for these men (Marx, Freud, and Lévi-Strauss) was at once to live by the codes of decorum their societies required for success and to wrestle with the designation of their kind as the embodiment of incivility: obsessive, fanatical, vulgar, effeminate, unrestrained—the disruptive Jewish id to the responsible Christian superego.

* The Ordeal of Civility, the apposite title of Cuddihy’s book, is a good alternative description of the bourgeois public sphere famously characterized by Jürgen Habermas as democratic, open, and accessible—the realm of rational discourse in which, it was claimed, anyone could participate. As the social theorist Nancy Fraser has argued, the dissident claims of minority groups go unheard in the public sphere when they are tagged as departures from the protocols of style and decorum—dismissed as evidence of irrationality and so placed
outside the realm of what is taken to be reasoned deliberation. They are, by definition, uncivil, and thus beneath contempt. Once a certain space or style of argument is identified as civil, the implication is that dissenters from it are uncivilized. “Civility” becomes a synonym for orthodoxy; “incivility” designates unorthodox ideas or behavior.

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It has often been noted that style and decorum are useful ways to conceal not only one’s social status, but also the radical nature of dissenting ideas. In this view, politics, when conducted in a civil manner, might gain a hearing for views that exceed the conventional wisdom. This was John Dewey’s recommendation in a 1902 article: “The manner of conveying the truth” can lead to censure or tolerance, he insisted. The founders of the American Association of University Professors (AAUP) echoed this advice in their 1915 declaration, maintaining that academic responsibility demanded that professors set forth their views in “a scholar’s spirit,” “with dignity, courtesy, and temperateness of language.” The aim was not to compromise one’s beliefs in order to win public approval, but rather to embody something of the “scientific” aspects of ideas in one’s very demeanor (“objective, historic, constructive,” dispassionate, calm).

The claim that personal style might mitigate the impact of one’s ideas is, of course, untenable. As the cases of some notable academics suggest, radical substance and radical style have been seen as interchangeable, the one implying the other. “Incivility” was synonymous with unacceptable substance, even when the word itself was not used.

In 1916, some alumni of the University of Pennsylvania’s Wharton School of Business urged that Scott Nearing be fired from his post, citing teachings that were “likely to arouse class prejudice and fallacious conclusions.” (Among them was his opposition to child labor.) They were deemed “intemperate” in both manner and substance—indeed, there was no distinction between the two. When the trustees had to justify Nearing’s firing, they were more careful about distinguishing between freedom of expression (“there is not and never will be the slightest wish on the part of the board or of a single one of the trustees to restrict the broadest latitude of opinions, research, and discussion”) and unacceptable style (“when individual opinions of members of the teaching staff are expressed in a proper manner, upon proper occasions, and with proper respect for the dignity of their relationship to the university...such opinions and utterances are welcomed as indicative of progressive growth—no matter how divergent they may be from current or general beliefs”). “Proper” is invoked repeatedly as something entirely self-evident, though its meaning is obscure. At the least, it assumes a shared understanding of what propriety is: the commitment to a set of norms that establish boundaries for both gentlemanly decorum and gentlemanly ideas, each being the measure of the other. According to this notion of propriety, it doesn’t seem possible that Nearing’s manner, however dispassionate, could have offset the objections to his radical ideas.

In 1963, the biology professor Leo Koch published a letter in the University of Illinois student newspaper suggesting that there be greater freedom in the conduct of sexual relations. The tone of the letter was subdued, the reaction to it hysterical. Koch was accused by some irate parents of “an audacious attempt to subvert the religious and moral foundations of America”—“standard operating procedure of the Communist conspiracy.” In response to these letters from outraged parents (solicited by a local clergyman), the university president
decided that “Professor Koch’s published letter constitutes a breach of academic responsibility so serious as to justify his being relieved of his University duties.” He went on to say that “the views expressed are offensive and repugnant, contrary to commonly accepted standards of morality, and their public espousal may be interpreted as encouragement of immoral behavior. It is clear that Mr. Koch’s conduct has been prejudicial to the best interests of the university.” (At least the president’s statement is a more explicit acknowledgment of the need to capitulate to outside pressure than was forthcoming from Chancellor Wise!)

The case of Angela Davis, whose lectureship at UCLA was not renewed in 1970 because of inflammatory statements she made at a political rally, is another example of the porous line between style and content. Davis was a member of the US Communist Party who, in public speeches, attacked the police as “pigs” and argued that academic freedom was an “empty concept’ if divorced from freedom of political action or if ‘exploited’ to maintain such views as the genetic inferiority of black people.” Her colleagues insisted that nothing in her lectures or classroom behavior indicated dereliction of duty. Her students said that Davis’s courses were rigorous and open-minded, and that they were not expected to parrot her conclusions, which were, in any case, offered as tentative interpretations. If Davis’s off-campus rhetoric was inflated, inaccurate, even “distasteful and reprehensible,” her research and teaching were not. She was said to be as calm in the classroom as she was outrageous in public. One of the few regents who opposed her firing noted that “in this day and age when the decibel level of political debate...has reached the heights it has, it is unrealistic and disingenuous to demand as a condition of employment that the professor address political rallies in the muted cadences of scholarly exchanges.” The majority of the board disagreed with this assessment, concluding that Davis’s uncivil political rhetoric impugned her standing as a teacher and scholar.

In all of these cases, it was the expression of what was taken to be a critical or radical opinion that led to the professor’s dismissal. “Civility”—or, as in the Koch and Davis cases, the notion of “academic responsibility” (the terms are equivalent)—became the watchword for unacceptable ideas as much as for indecorous behavior. “Incivility” pertained not so much to bad manners at the table as to verbal display, to speech—the free exercise of which is one of the fundamental rights of citizens in a democracy. In all of these cases, the boundary between style and substance was blurred. Whether the speech occurred inside the classroom or outside the walls of the university was irrelevant: What counted was its acceptability according to some prevailing norm. Citing John Stuart Mill’s *On Liberty*, the AAUP investigating committee in the Koch case pointed out that “any serious application of the standard [of academic responsibility] would tend to eliminate or discourage any colorful or forceful utterance. More likely...the standard would be reserved as a sanction only for the expression of unorthodox opinion.”

**It was all about the tweets.” This was the repeated explanation that Wise gave to the AAUP subcommittee investigating the Salaita case in February 2015. Salaita’s tweets were crude, vulgar, angry, and aggressive, and therefore unacceptable as forms of expression wherever they had occurred. The question of Israel/Palestine was an irrelevant consideration, Wise insisted. Reading the tweets, it is hard to accept her disclaimer. The tweets were all about Israeli aggression in the Gaza war—often furious denunciations of Israel’s actions, even as the more sober ones yearned for a world in which “Jewish and Arab children are equal in the eyes of God.”**
In her letter to Wise protesting Salaita’s firing, Natalie Zemon Davis pointed out that tweets have to be read both in their context—as an ongoing conversation, a set of calls and responses—and as a genre, a form of spontaneous expression limited to 140 characters: a short, quick burst of feeling, not a reasoned argument. There is no peer review before one posts a tweet; rather, they are quick comments on something, in praise or in anger.

As with all polemic, tweets can be satirical, ironic, blasphemous, outrageous. To read them literally is often to misread them, as was the case with one of the tweets most often invoked to indict Salaita as an anti-Semite. On July 10, he wrote, “Zionists: transforming ‘antisemitism’ from something horrible into something honorable since 1948.” What he meant by this became clearer on July 19: “By eagerly conflating Jewishness and Israel,” Salaita tweeted, “Zionists are partly responsible when people say antisemitic shit in response to Israeli terror.” It seems clear that those objecting to the substance of the tweets misinterpreted them as signs of anti-Semitism when, in fact, they were meant only as criticisms of Israel’s military action and its occupation of Palestinian lands.

The medium of Twitter is complicated because it provides a public space for private, personal expression. In one sense, it is no different from a speaker’s rostrum at an antiwar rally or any other highly charged political event. In another sense, though, because the public is not physically present, the dialogue can be imagined as limited to one’s followers or, in an even more restricted way, to those interlocutors who are tweeting back. As a result, it may feel like a protected site, one where it is safe to express deep feelings that otherwise must be kept under wraps. A similar assumption figures in the notion of “hidden transcripts” described by the political scientist James Scott. Hidden transcripts are criticisms of the powerful by their subordinates, fantasies of revenge uttered to a small circle (family, friends, trusted members of the group) only outside the hearing of their superiors. (Slaves are one example he cites.) Scott notes that the powerful have hidden transcripts as well: private opinions held beneath an outer mask of civility. Indeed, critical commentators on civility in the 18th century noted that it consisted of an “outward show,” somehow inauthentic, masking the reality of one’s attitudes and being. Mirabeau noted in the 1760s that civility only presents “the mask of virtue and not its face.”

Twitter disrupts this careful separation of the hidden and the acceptable, blurring the boundaries by offering a public forum for venting private feelings. In so doing, it makes the hidden visible and seems to reveal the “true” nature of the tweeter—the reality ordinarily concealed by the rules of decorum and politesse. They may not realize it, but those, like Wise, who take tweets to be indicators of the “real” nature of the tweeter (and so the ultimate proof of his or her unfitness as a teacher and colleague) are also acknowledging the limits, if not the inauthenticity, of civility as a form not only of political but also of intellectual exchange. For some members of the UIUC faculty, as for the chancellor, the tweets exposed the underlying premises of Salaita’s scholarly work, the hidden transcript of his articles and books. The tweets became not an easily compartmentalized instance of extramural speech (and so of the First Amendment right of the scholar as citizen), but the key to the entire body of his work and to the unacceptability of the politics that informed it.

Chancellor Wise explained to the AAUP investigating team that her own actions—bypassing the mandated consultation with the provost, deans, members of the American Indian studies program, and other faculty in order to hastily inform Salaita of her decision not to forward his appointment to the board of trustees (whose members she had already consulted, and who had indicated their unwillingness to approve him)—were based
on “humanitarian” considerations. Salaita, she knew, was in the process of moving to Urbana, so he had to be stopped in time. Here, humane consideration—civility—conceals the administrator’s hidden transcripts: her disdain for the processes of faculty governance and the violence of her desire to rid the campus of a political and public-relations liability.

In 2008, the literary scholar and academic administrator Stanley Fish cautioned college and university professors to “save the world on your own time,” urging us to teach the facts or the texts in our chosen fields without taking a position on them. Fish thinks politics and scholarship are entirely distinct entities. But the separation between them is not so easy to maintain, because taking positions—on the quality of evidence used to support interpretations, on the reliability of certain methods of investigation, on the premises of the writers of texts and textbooks, on the ethical issues—is part of a scholar’s job. Moreover, these positions are not neutrally arrived at by, say, balancing all sides until an objective view emerges; rather, they are based in deeply held political, intellectual, and ethical commitments on the part of the professor. Political advocacy, then, especially in the humanities and social sciences, is an aspect of academic pedagogy, not its subversion. The charge of incivility in the cases I’ve cited substituted politesse for politics. The hidden transcripts of the powerful involved political disagreement, served up publicly as a defense of civility.

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The Salaita case is also an example of the increasing calls for intervention by boards of trustees in the academic affairs of their universities. Typical is a report issued last summer by Benno Schmidt, the former president of Yale, the chair of the City University of New York board, and the founder of the for-profit Edison Schools. Titled “Governance for a New Era,” the report encourages trustees to “take a more active role in reviewing and benchmarking the work of faculty and administering outcomes.”

How should we respond? Not, it seems to me, by attacking civility per se. The point is not to encourage what Professor Nelson at the University of Illinois conjures as the warfare of the uncivil. And it is preferable to treat others with respect. But criticism—even angry criticism—is not necessarily a sign of disrespect. To point out that the meanings of words are not self-evident and that they can mask as much as they reveal is to respect language and thought. The real questions are: Who is calling for civility, and to what ends? What are the effects of policing classrooms and political forums in the name of civility? What has been the history of the invocation of that word?

Equally important is the need to insist on both the meaning of free speech as defined by the First Amendment and the conventional understandings of academic freedom. A letter to Wise from the leadership of the American Historical Association, protesting the justifications for her action in the Salaita case, pointed out that while civility might be a worthy ideal, it has nothing to do with the rights of free speech. The democratic public sphere, the AHA leaders argued, must rest “on the recognition that speech on matters of public concern is often emotional and that it employs a variety of idioms and styles. Hence American law protects not only polite discourse but also vulgarity, not only sweet rationality, but also impassioned denunciation.”

Civility, in other words, is beside the point!