

TURNING BACK THE TIDE OF POLITICAL CORRECTNESS

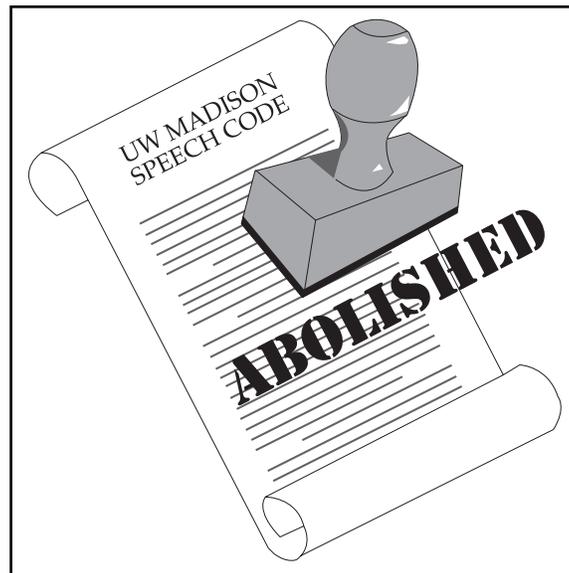
THOMAS W. STILL

When Amelia Rideau rose to speak to the UW-Madison Faculty Senate early this year, political science professor Don Downs feared the worst. Here, he thought, was a student with a story of academic vulgarities so offensive that years of effort to abolish the campus speech code would be lost with the telling of her tale.

Once Rideau opened her mouth, however, it became clear she was no Stealth bomber for the high-flying forces of political correctness. Instead, Rideau was an accidental poster child for why the code should be repealed; a witness for an embarrassed defense.

A junior enrolled in Professor Standish Henning's class on English literature, Rideau came to the Faculty Senate to complain of his use of the word "niggardly" — which means stingy or miserly — in a classroom discussion about Geoffrey Chaucer's medieval classic, "The Canterbury Tales."

Rideau, who is black, said she was offended to the point of tears because she thought Henning had used a racial epithet that sounds a lot like niggardly but which has no relation in meaning or origin. This was in the same



week that an aide to Washington, D.C., Mayor Anthony Williams was rhetorically flogged for using the same word — niggardly — in a conversation with some of the mayor's vocabularily-challenged budget analysts.

Rather than chalk it up as a lesson in mistaken homophony (also not an offensive term, by the way), Rideau

took the classroom incident to another level. She brought three black friends to her next class with Henning for "support," and then cited her experience to the Faculty Senate as evidence of why it should retain the 18-year-old faculty speech code.

In fact, she argued, the code should be made even tougher. Let's punish professors who offend during the course of instruction — even if there is no intent to harm.

By the time she had completed her venting, Downs and his fellow speech code abolitionists were grinning from ear to disbelieving ear. Had they tried to plant student testimony to undermine the speech code, they could not

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have done a better job than the unsuspecting Rideau. In years of struggle against the UW's Canon to Political Correctness, no better example had surfaced to illustrate why speech codes are dangerous to higher education and our society as a whole.

"We couldn't have made this one up had we tried," Downs said.

"I left (that meeting) trembling with the thought of what students might consider actionable," recalled Michael Olneck, a professor of educational policy studies.

"So, what other words are to be purged from our vocabulary because the sound like words that may offend?" wrote history professor John Sharpless in a *Wisconsin State Journal* "guest column" a few days later. "Thespiant? Philatelist? Tips? Peanuts? Homogenous?"

But wait, it got better: Rideau said she *knew* what niggardly means but was upset that too many people associate that word with the slur. She did not claim ignorance as a defense. Rather, she was upset that some classmates spelled the word as "niggerly" in their notes.

In the real world outside the Madison campus, this produced a curious reaction. Shouldn't taxpayers be upset that students in a fairly sophisticated UW-Madison class on English literature have never heard the word "niggardly" or, at least, cannot spell it? People who ordinarily wouldn't pay a minute's attention to intellectual gymnastics on Bascom Hill were writing letters to the editor and calling radio talk shows to ask if the UW's admission standards had truly fallen that far. Those same folks wondered aloud why a student who professes to know what "niggardly" means insists that its use is offensive — and feels compelled to intimidate her professor by bringing her posse to class.

In a matter of days, protectors of the code were in a retreat that would lead to its virtual repeal within a month. The same university that had been the first in the nation to adopt a faculty speech code in 1981 would soon become the first to abandon it — a remarkable step away from the "politics of identity" that

threatens to ruin some of America's finest colleges and universities.

Whatever may be the limitations which trammel inquiry elsewhere, we believe that the great state University of Wisconsin should encourage that continual and fearless sifting and winnowing by which alone the truth can be found.

If anything distinguishes the UW-Madison from other public universities, it is that commitment — as expressed by the Board of Regents in 1894 and sanctified in bronze and stone on Bascom Hill — to defend that "fearless sifting and winnowing by which alone the truth can be found."

Those words set a higher standard for the university in many ways — for instruction, for research, and for applying knowledge to the world outside the ivy-covered halls, the so-called "Wisconsin Idea." But it also set a higher standard for allowing free campus speech, and that standard has made the UW-Madison a magnet for some of the best professors and students for generations.

The decision to adopt a speech code in 1981 was a diminishing of that higher standard. Although UW officials set out a year or so earlier to adopt a sexual harassment policy, they wound up with a speech code that sparked questions about the UW's devotion to "sifting and winnowing." Those questions became deeply held worries in 1988 when, under then-Chancellor Donna Shalala, the code was expanded to prohibit what is "commonly considered ... to be demeaning" expressions involving gender, race, cultural background, sexual orientation or disability.

In the next 10 years, students would occasionally bring complaints about statements made by faculty members, but no professor was ever punished under the code. That prompted its protectors to say, "Why not leave the punishment provisions on the books as a reminder to professors and the campus in general to maintain a civil dialogue?"

Try selling that piece of logic to UW-Madison philosophy professor Lester Hunt.

Hunt once faced disciplinary procedures after a Native American student complained about a joke he told in class. The joke was about the Lone Ranger and Tonto, sidekicks in Western lore, being surrounded by bad guys.

"We're in trouble now," says the Lone Ranger.

"What do you mean 'We,' white man?" replies Tonto.

The Indian student accused Hunt of telling the joke to make Indians appear treacherous. But her interpretation completely ignored the context in which Hunt told the joke: He was talking about the years in which white people would routinely kidnap Indian children, forcing them to attend white schools and give up their Native American culture. Hunt used the joke to illustrate why Indians might not want to be a part of the white man's "we."

Hunt was ultimately exonerated, but the investigation into the incident was so degrading and demoralizing, he recalled, that it affected his teaching for years.

Hunt and Henning were not alone. Other professors had horror stories of being hauled before the campus kangaroo court of political correctness for remarks that unintentionally annoyed UW-Madison's "Perpetually Offended." Even though no complaint against a professor for violating the speech code was ever upheld, it had a chilling effect on academic freedom.

"The process was the punishment," said Downs, who was among a core of professors who labored for more than two years to have

the code revised or scrapped. As time wore on, the code became seen by many professors as an intimidating force that made them wary about discussing topics that might be controversial or, more to the point, out of favor with campus administration.

It soon became clear to those professors that there could be no such thing as a "small" infringement on the legitimate expression of one's views. As James Baldwin once said, "(Freedom) cannot be had in installments."

But once you're stuck paying on the installment plan, how do you quit? That became the question for speech code opponents as they prepared in the mid-1990s to retake the academic freedom that had been stolen from them.

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The departure of Chancellor Shalala in 1993 to become President Clinton's secretary of Health and Human Services, a post she still holds today, did not immediately change the climate of political correctness at UW-Madison. But her replacement with current chancellor David

Ward, much more an academic than a politician, did allow some disgruntled professors to come out of the shadows and talk about their dismay over the code.

By 1996, even liberal icons such as Harvard law professor Alan Dershowitz were calling UW-Madison's code "the worst faculty speech code in the country" because of its failure to protect academic freedom. Emboldened by attention beyond the borders of the campus, in Wisconsin and elsewhere, code opponents pushed for a review. They won that right in 1997 when the University Committee, the Faculty Senate's governing body, asked the Ad Hoc Committee on Prohibited Harassment Legislation to consider changes.

By the fall of 1998, two versions were ready for debate: A majority report supported by eight of the special committee's voting members, and a minority report backed by seven voting members, including poli-sci professor Downs.

Though both versions were an improvement over the 1988-amended version of the 1981 code, the majority report kept punishment provisions in place and essentially amounted to enlightened incrementalism. It would have allowed discipline if an instructor derogated and debased a student without a "reasonable pedagogical justification," regardless of the absence of intent to harm or the absence of actual harm. In addition, the majority report would have provided punishment for general epithets or "teaching techniques" presented to a class that derogate or debase "unless the instructor has a reasonable pedagogical justification for using the teaching technique in question rather than an efficacious technique that would not be derogating and debasing."

It was quite a mouthful. Downs and others in the minority argued that the majority would expose honest and conscientious, yet politically explosive, speech to discipline. Here's an example cited by Downs, who also teaches in law, journalism and communications:

"Suppose a gay student presses a professor's conclusions concerning the constitutional rights of homosexuals and asks the professor if she thinks there is a rational basis for law prohibiting homosexual sodomy. 'Yes, I think there is a moral basis for such laws,' the professor replies. The student responds, 'So my act could be proscribed on moral grounds?' 'Yes,' the professor answers."

That exchange, hypothetical but far from unlikely, would have been placed in jeopardy by the majority report. An intellectually honest professor could have been subject to punishment — and a classroom would have been denied the privilege of actually learning something.

"This logic encourages mechanical, cowardly teaching," wrote Downs in late 1998. At

its worst, he and his colleagues argued, the code should not reach beyond an intent standard — at its best, it should not exist at all.

The committee's majority, while coming a long way from the intellectual handcuffs of the 1988 code, were not ready to give it up entirely. It offered the following language: "All expression germane to the subject matter of a course, including the presentation or advocacy of ideas and the assignment of course materials, is protected and not subject to discipline, however controversial or repugnant such expression may be." Leaders of the majority said there would be only two categories of expression that could lead to discipline: First, epithets or comments directed at a student that "derogate or debase" on the basis of gender, race, religion, ethnicity, sexual orientation or disability, and, second, non-directed comments or teaching techniques that "derogate or debase."

"The minority argues that an intent requirement is necessary to protect instructors who act inadvertently," wrote professor Charles Cohen and Ted Finman in late 1998, "but since discipline is not possible unless the expression is repeated after its debasing nature has been pointed out to the instructor and he was asked not to repeat it, there can hardly be any question of inadvertence. In the majority's opinion, requiring intent would subvert the purpose of these rules. If an instructor repeatedly addresses a student with (debasing comments), it hardly matters whether the instructor intended the harm or acted with reckless disregard for the consequences. The harm is done."

This was widely interpreted as a "You get one warning — and then you're guilty" rule that actually stiffened the resolve of the code abolitionists. As the year turned, the UW-Madison campus was visited by California Regent Ward Connerly, who was literally shouted down for a while during his speech on why affirmative action doesn't work. Then came an incident in which black students, upset with a cartoon published in *The Badger Herald*, descended on the daily newspaper's offices and would not leave until they had

extracted a written promise from the student editor. The ridiculousness of it all attracted students such as Amy Kasper and Jason Shepard to the abolition movement (“Our Archimedean points,” Downs recalled) as well as newly radicalized professors such as journalism’s Bob Dreschsel.

The movement was growing. By now, it had become clear the code was contributing to an atmosphere of anti-democratic behavior that had no place on a college campus, particularly one that claimed to honor “sifting and winnowing” as much as the UW-Madison. Next was the Faculty Senate meeting of Feb. 1, where student Amelia Rideau inadvertently revealed the ridiculousness of the code. At that same meeting, there were also impassioned calls for abolition by the likes of history professor Sharpless, a former Republican congressional candidate.

“A speech code, by its very nature, presumes the worst in people,” Sharpless said. “It presumes that those who speak have, at heart, the worst of intentions. It presumes that those who listen are best kept in their ignorance. Finally, it presumes there are ‘equals above all equals’ who, in their infinite wisdom, can discern truth from blasphemy. In other words, speech codes presume everything contrary to our nation’s ideals.”

Within a month, those ideals would gain some well-deserved protection.

Many of the Faculty Senate members who came to the March 1 meeting knew the code was all but doomed. Expert after expert had suggested the code was probably unconstitutional, and that a good lawsuit would prove it. Other faculty members had finally faced up to the obvious: Even if the code didn’t exist, pro-

fessors would still be subject to state and federal laws prohibiting sexual harassment and other forms of actual discrimination. Even one-time supporters were coming to the conclusion that the code was unneeded.

But few things happen quickly on a college campus, particularly at a UW-Madison Faculty Senate meeting. It took two hours of parliamentary wrangling and amendments before the Senate voted, 71-62, to strip the code of its punishment provisions and to adopt the following language: “Accordingly, all expression germane to the instructional setting — including but not limited to information, the presentation or advocacy of ideas, assignment of course materials and teaching techniques — is protected from disciplinary action.”

The new language also included a piece of common sense that is rare on some college campuses today. Students who feel offended are urged to actually talk to their professors about it. If they’re still offended, they can talk to the dean. That was the rule for the first 200 years of American higher education, and it’s comeback was overdue.

“What we did amounts to abolition,” declared Downs. “I think it puts us in the forefront of constructive change nationwide.”

Let’s hope he is correct. The defeat of UW-Madison’s speech code has turned back the tide of political correctness on a campus that has long been viewed as an intellectual trendsetter, good and bad, from coast to coast. Today, Madison: tomorrow, Berkeley and New Haven?

A great university such as the UW-Madison must constantly recommit itself to the ideals that define our society, from the rule of law to political democracy and other touchstones of Western civilization such as free

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speech. Shared knowledge, culture and values have been a hallmark of the University of Wisconsin since its founding. For the UW-Madison to remain a true university, that commitment to what binds us as a state, nation and civilization must not waver in the years ahead.

Almost 150 years to the day after its first class of 17 men began classes, the University of Wisconsin disposed of its speech code. There could have been no better sesquicentennial gift to the faculty and students who will follow.