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FACULTY ARE CONFORMIST AND THAT IS WHY WE NEED DEI AND ACADEMIC FREEDOM

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COMMENTARY OFFERED ON THE CSHE ROPS**
Is the University of California Drifting Toward Conformism?
The Challenges of Representation and the Climate for Academic Freedom
by Steven Brint and Komi Frey – ROPS CSHE.5.2023

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It is commonly understood that progressive policy initiatives may not only be abused but can also lead to unintended consequences that may either undermine their effectiveness or negatively impact other important values embraced by policymakers. Such is surely the case with the array of diversity, equity and inclusion (DEI) policies that have become increasingly common in US colleges and universities. Few would deny the desirability of efforts to address racial and other disparities, expand the community of scholars, and reform curricula to consider the needs of an increasingly diverse society, thereby fulfilling higher education's responsibility to serve the common good.

Still, there is undoubtedly potential for both abuse and conflict with other legitimate and important goals in these efforts. In California, where Proposition 209 has eliminated measures that might explicitly consider race and gender as criteria for affirmative action programs, the potential for conflict and abuse may be even greater. For decades both faculty and administrators in the University of California system have embraced efforts to diversify both the student body and the faculty as consistent with the university's educational mission, but they have struggled to find ways to achieve their goals within Proposition 209's legal constraints.

Steven Brint and Komi Frey recognize that "UC's commitment to diversity has brought new talent and ambition into the university and has expanded the range of scholarly topics and academic knowledge." They argue, however, that some of the system's efforts—most notably UC's experimental employment of diversity statements as an initial screening tool in faculty searches—run counter to the university's essential commitment to a "culture of rationalism" and "traditional academic values," including academic

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** The author was invited by the ROPS Editor to critique and review the ROPS contribution "Is the University Of California Drifting Toward Conformism?" by Steven Brint and Komi Frey. Authors are responsible for the content, and the views and interpretations expressed are not necessarily those of CSHE's research staff and other affiliated researchers.

freedom. They further contend that these efforts have both produced and are supported by a suffocating “culture of conformism.”

They may have a point, but the evidence they present is too limited, too anecdotal, to fully convince. Even less convincing is their more sweeping set of claims about how identity concerns and postmodernism have undermined the university’s dedication to a dispassionate conception of truth (with obligatory acknowledgment that there are genuine problems with the concept of “objectivity”) and about how this has been bolstered by a pervasive “culture of conformity” that they inexplicably suggest is somehow novel in academia.

Turning first to the use of DEI statements, Brint and Frey acknowledge that such statements “can be valuable as one component of a candidate’s file,” but much depends on “how they are employed in practice.” I agree. Moreover, I would add that like any other tool such statements not only can, but undoubtedly have been and will, in some cases, be abused. Faculty and administrators need to be alert to such abuse. Nonetheless, agitated rhetoric notwithstanding, Brint and Frey offer insufficient evidence that genuine abuses are widespread. They acknowledge the paucity of relevant data provided by system administrators—certainly a valid complaint—that might prove their point, but this leads their argument to depend too much on suspicion and speculation.

Brint and Frey rely heavily on a single study from Berkeley, the sole campus that has published detailed information on searches in which diversity statements served as an initial screening mechanism. That study may not, however, be as telling as they suggest. It reports on a voluntary joint hiring effort in the life sciences conducted by an interdepartmental committee.¹

Although Brint and Frey do not tell us who conducted the initial review of DEI statements, from their account it would be easy to assume that this screening, which reduced the available pool of qualified applicants from 893 to 214, was conducted by university DEI administrators before department faculty were even able to consider candidate qualifications.

In fact, however, the initial diversity screening was conducted by the interdepartmental hiring committee, not by administrators. These were scientists, neither bureaucrats nor humanists, and unlikely to be much influenced by the postmodern epistemologies of Derrida, Butler and company excoriated by Brint and Frey.² Moreover, while a reduction from nearly 900 to just over 200 candidates may seem extreme, anyone involved in faculty hiring today will recognize that just about any initial screening of formally “qualified” applicants will almost inevitably have some arbitrary element to it, especially with exceptionally large applicant pools. And while Berkeley may well be more selective in its hiring than most, a pool of over 200 candidates for what ended up as just five positions does not seem unduly out of line, much less a major alarm bell.

Is it possible that Berkeley ended up eliminating some terrific candidates, with stellar academic qualifications, solely on the basis of their DEI statements? Sure. But, again, anyone with experience in

¹ Rebecca Heald and Mary Wildermuth, “Initiative to Advance Faculty Diversity, Equity and Inclusion in the Life Sciences at UC Berkeley: Year End Summary Report: 2018-2019.”

² The committee included 22 faculty and department staff. The departments involved were the Department of Environmental Science, Policy, and Management, the Department of Nutritional Sciences and Toxicology, and the Department of Plant and Microbial Biology in the College of Natural Resources; the Department of Integrative Biology and the Department of Molecular and Cell Biology in the Biological Sciences Division of the College of Letters and Science; and the Department of Chemistry in the College of Chemistry.

faculty hiring knows that exceptionally strong candidates are eliminated, even overlooked, in virtually every search, if only because of the quantity of applicants and the tendency of faculty members to evaluate candidates differently no matter what criteria are privileged. I should add that if UC really wanted to diversify its faculty more rapidly it should start by doing more tenure-track hiring in the first place instead of relying so heavily on non-tenure-track, often part-time, lecturers and graduate instructors, who at Berkeley amount to over forty percent of the teaching faculty. Overreliance on contingent appointments poses a far greater threat to both equity and academic freedom than does this sort of DEI screening.

Still, concerns that “the policy of winnowing applicant pools based on diversity statements” could threaten academic freedom “because of the implicit and explicit expectation that faculty must express a specific view regarding DEI” are not unfounded. It is encouraging, therefore, that, as Brint and Frey acknowledge, such concerns (and, they suggest a bit snidely, the threat of a lawsuit) in 2022 led the UC Academic Council to issue revised recommendations on the handling of DEI statements that call on search committees and administrators not to insist on “right answers” or to employ “fixed rubrics or grading systems.” While the authors’ skepticism about “how far these new recommendations have penetrated at the campus or departmental levels” may be realistic, it hardly justifies their subsequent reliance on a single rather extreme article by a Merced faculty member as supposed evidence that such guidance is not only ignored but that in such evaluations “pressures to conform to current progressive thinking are pervasive.”

Brint’s and Frey’s brief history of UC’s diversity efforts is informative, if unduly contentious. Their reading of that history leads to a conclusion that, despite welcome achievements, these efforts have yielded increasing conflict between the university’s civic responsibilities and its “intellectual mission.” That intellectual mission, they assert, must be founded on a “culture of rationalism” and “traditional academic values,” which, they suggest, have been eroded by postmodernist epistemological relativism and the “over-reach of the concept of systemic racism.”

But here the authors descend into a fog of vague and clichéd accusations and arguments, with minimal evidentiary support, that are typical of those embraced by stridently conservative critics of higher education and their political allies. This is somewhat surprising, given Professor Brint’s splendid recent broadside against “The Political Machine Behind the War on Academic Freedom,” which skewered the very forces whose intellectual assumptions (such as they are) he appears here to accept.³

Be that as it may, however, this discussion of “rationalism” is at best deeply flawed. I am old enough to recall when “traditional academic values” were invoked to denigrate Jewish historians, or systematically to exclude scholars of color from virtually every discipline. I can recall when it was academic common sense that women did not have the “rational” capacities to achieve in mathematics or science. This is not to argue that rational inquiry is, as a few would have it, little more than an illusion, but to recognize how appeals to it can be employed as weapons of privilege. Sadly, I fear these passages read largely as an embarrassing call to restore an old and largely unlamented order that will alienate more than convince.

But the problem runs a bit deeper. The tension, if not conflict, between the university’s “civic mission” and its “intellectual mission” posited by Brint and Frey fails to recognize the interconnections joining these two missions. It is no accident that the AAUP in 1915 and again in 1940 justified academic freedom not simply by an appeal to the scholar’s inalienable right to independent thought, but to the academy’s service

³ Steven Brint, “The Political Machine Behind the War on Academic Freedom,” *Chronicle of Higher Education*, August 28, 2023.

to “the common good.”⁴ As the AAUP would put it in a 1956 response to the abuses of McCarthyism, “We enjoy the exercise of freedom; but the purposes of liberty lie, in a democracy, in the common welfare.”⁵ Hence, the university’s intellectual responsibilities serve its civic ones.

What bridges these, and what Brint and Frey neglect, is the university’s “*educational mission*.” Education is *both* a civic *and* an intellectual endeavor. Insofar as the university seeks to hire *educators* it can and should impose hiring criteria that reflect both the civic and intellectual elements of its educational mission. Brint and Frey are correct to emphasize that academic freedom “supports only speech based on professional expertise.” But such expertise is itself defined by the work demanded.

The AAUP has long held that academic judgments must be based solely on a faculty member’s “fitness” to hold a position. A “faculty member’s shortcomings must be shown to bear some identified relation to his capacity or willingness to perform the responsibilities, broadly conceived, to his students, to his colleagues, to his discipline, or to the functions of his institution, that pertain to his assignment.”⁶

In its 1976 statement *On Discrimination*, the AAUP opposed all discrimination “on a basis not demonstrably related to job function.”⁷ This suggests that insofar as it is part of a professor’s job to instruct a diverse student body or to strengthen the institution’s abilities to serve such a student body and such a society, then hiring, promotion and tenure judgments that consider a candidate’s approach to issues of diversity, equity and inclusion can be entirely appropriate on academic freedom grounds, although approaches may vary from case to case.

How and by whom such judgments are rendered and what criteria are applied in rendering them are, of course, critical. And here, if Brint and Frey are to be believed, an incipient culture of conformism may cause serious damage. “A climate supportive of people who think differently is one factor among many on which intellectual progress depends,” they rightly declare. But one might ask, how novel is such a conformist culture? To what extent does it arise from DEI policies, “new epistemologies,” or “the rhetoric of the anti-racist movement,” as Brint and Frey suggest it does?

The notion that college and university faculty members are a collection of idiosyncratic personalities and intellectual gadflies may be commonly held, but it hardly matches the reality at most institutions. Indeed, I would argue from personal experience and from history, that the overwhelming majority of college and university professors are on most matters essentially conformists at heart. Just ask any activist in a faculty union or even in an academic senate. Indeed, one of the most powerful justifications for the tenure system has been, to quote the late AAUP president Fritz Machlup, “defense of the ‘odd ball,’ the heretic, the dissenter, the troublemaker, whose freedom to speak and to write is under some threat from colleagues, administrators, governing board, government or pressure groups.”⁸ Were a “culture of conformism” not an ever-present tendency on campus, there would be little need for tenure and academic freedom.

⁴ “1915 Declaration of Principles on Academic Freedom and Academic Tenure” and “1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments,” *AAUP Policy Documents and Reports*, 11th ed., (Baltimore, MD: Johns Hopkins University Press, 2015), 3-19.

⁵ “Academic Freedom and Tenure in the Quest for National Security: Report of a Special Committee of the American Association of University Professors,” *AAUP Bulletin*, 42 (1956), 54-55.

⁶ “Academic Freedom and Tenure: The University of California at Los Angeles,” *AAUP Bulletin*, 57 (1971), 398-99.

⁷ “On Discrimination,” <https://www.aaup.org/file/on-discrimination.pdf>

⁸ Fritz Machlup, “In Defense of Academic Tenure,” *AAUP Bulletin*, 50 (1964), 115.

Brint and Frey find it “deeply ironic” that “the home of the nonconformist Free Speech Movement . . . now prioritizes conformity to a particular set of political and social values.” This is an egregious misunderstanding of that movement. The FSM arose precisely from efforts to organize against discrimination and to expand opportunities for minorities, much as DEI policies, even misguided ones, seek to do today. More important, the Berkeley faculty were in their great majority only reluctant latecomers to the FSM ranks. It was not only that the movement’s support for the “noncivilized and non-scholarly expression of ideas” ran counter to the professional principle of academic freedom to which Brint and Frey appeal.⁹ Only after massive arrests and months of overly heavy-handed responses by an arrogant and bungling administration did a majority of the faculty finally come over to begrudging support for the FSM’s demands.¹⁰

In short, while I’m more than happy to share Brint and Frey’s wariness toward excessive conformity, alas, it is anything but a new phenomenon among the faculty, much less one attributable to the advance of DEI initiatives.

That said, it would be foolish to deny that on many campuses—and, no doubt, in the UC system—the emergence of what some have labeled the “DEI bureaucracy” can pose real challenges to academic freedom.¹¹ I don’t believe Brint and Frey are far from the mark in noting how “a chilly climate for discourse can result from the proliferation of offices” dedicated to bias elimination and diversity, even where these offices are a necessary response to discriminatory behaviors that themselves may chill discourse.

I would add, however, that such proliferation is but part of a broader and troubling expansion of the purview and power of campus administrative bureaucracies, more often than not at the expense of faculty governance. As events in Florida and Texas clearly demonstrate, it is not at all that difficult for such bureaucracies to shift dramatically from interventions on behalf of one side of the political equation to interventions on behalf of the other. I fear the problem is not, as Brint and Frey appear to suggest, largely with the faculty, conformist or not.

Nor would it be mistaken to recognize that not all approaches to diversity, equity and inclusion are as compatible with academic values—intellectual, educational, and civic—as others.¹² Hence there must be room for experimentation. The University of California is to be commended for its efforts to serve an increasingly diverse state and student body in a less than favorable legal environment still shaped by Proposition 209 (and now by the US Supreme Court’s anti-affirmative action decision in *SFFA v. Harvard* and *SFFA v. UNC*). That those efforts have at times been accompanied by missteps and overreach is hardly surprising. Brint and Frey are also to be commended for seeking to address these weaknesses. I wish they had done so less tendentiously, however, which I fear may pose further difficulties for subsequent efforts to address genuine problems and concerns.

⁹ Erwin Chemerinsky and Howard Gilman, *Free Speech on Campus* (New Haven, CT: Yale University Press, 2017), 74-76.

¹⁰ Reginald E. Zelnik, “On the Side of the Angels: The Berkeley Faculty and the FSM,” in *The Free Speech Movement: Reflections on Berkeley in the 1960s*, ed. Robert Cohen and Zelnik (Berkeley: University of California Press, 2002), 264-338.

¹¹ Amna Khalid and Jeffrey Aaron Snyder, “DEI Goals are Worthy. Campus DEI Bureaucracies Fail Them,” *Chronicle of Higher Education*, March 15, 2023.

¹² Eboo Patel, “Today’s DEI is Obsessed with Power and Privilege,” *Chronicle of Higher Education*, September 6, 2023.