

| | | [More from Globe Opinion](#) [Submit a Letter to the Editor](#) [Meet the Editorial Board](#) [Globe Op-Talks](#)

OPINION

How to save Harvard from itself

For universities to have a leg to stand on when they try to stand on principle, they must embark on a long-term plan to undo the damage they have inflicted on themselves. This includes Harvard.

By **Steven Pinker** Updated December 11, 2023, 2:07 p.m.



Claudine Gay, president of Harvard University, testified before the House Education and Workforce Committee on Dec. 5, in Washington, D.C. The Committee held a hearing to investigate antisemitism on college campuses. KEVIN DIETSCH/GETTY

For almost four centuries, Harvard University, my employer, has amassed a

reputation as one of the country's most eminent universities. But it has spent the past year divesting itself of tranches of this endowment. Notorious incidents of cancellation and censorship have contributed to a [plunge in confidence in institutions of higher education](#), prompting me and more than 100 colleagues to found a new [Council on Academic Freedom at Harvard](#). That was before Harvard came in at last place in the Foundation for Individual Rights and Expression's Free Speech [ranking of 248 colleges, with a score of 0 out of 100](#) — originally less than zero, but Harvard benefited from a bit of grade inflation. (I'm a FIRE adviser but had no role in the rankings.)

Then in June, the Supreme Court ruled against Harvard in a suit claiming it had discriminated against Asian American applicants. And in October, after the massacre of 1,200 Israelis by Hamas, 34 student organizations calling themselves the [Harvard College Palestine Solidarity Committee blamed the pogrom "entirely" on the victims'](#) own government. Harvard's newly installed president, [Claudine Gay, issued a muted, both-sidesy statement](#). Following an outcry, with headlines like "[Harvard's Horror](#)" and "[Harvard Is a National Disgrace](#)," she followed up with a second statement and then a third, pleasing no one.

Capping off the annus horribilis, last week Gay was grilled on antisemitism in the [most-watched hearing in the history of the US Congress](#). In response to the question of whether a call by [students](#) for genocide of Jews violated university policies, she gave the inadvertently Bartlett's-worthy answer, "It depends on the context." Her other responses struck viewers as evasive, formulaic, and lawyer-coached.

The fury was white-hot. Harvard is now the place where using the wrong pronoun is a hanging offense but calling for another Holocaust depends on context. Gay was excoriated not only by conservative politicians but by liberal alumni, donors, and faculty, by pundits across the spectrum, even by a White House spokesperson and by

the second gentleman of the United States. Petitions demanding her resignation have circulated in Congress, X, and factions of the Harvard community, and at the time of this writing, a [prediction market](#) is posting 1.2:1 odds that she will be ousted by the end of the year.

I don't believe that firing Gay is the appropriate response to the fiasco. It wasn't just Gay who fumbled the genocide question but two other elite university presidents — Sally Kornbluth of MIT (my former employer) and Elizabeth Magill of the University of Pennsylvania, [who resigned following her testimony](#) — which suggests that the problem with [Gay's performance](#) betrays a deeper problem in American universities.

Congressional inquiries are often televised ambushes, and as Gay walked into the line of fire she had been rendered defenseless by decades of rot in campus policies. In the exchange that went viral, Republican Representative Elise Stefanik of New York asked Gay whether [“calling for the genocide of Jews violate Harvard's rules on bullying and harassment.”](#)



Last week, Harvard president Claudine Gay was grilled on antisemitism in a congressional hearing. In response to the question of whether a call by students for genocide of Jews violated university policies, she said, "It depends on the context." SOPHIE PARK/NYT

Gay interpreted the question not at face value but as pertaining to whether Harvard students who had brandished slogans like "Globalize the intifada" and "From the river to the sea," which many people interpret as tantamount to a call for genocide, could be prosecuted under Harvard's policies. Though the slogans are simplistic and reprehensible, they are not calls for genocide in so many words. So even if a university could punish direct calls for genocide as some form of harassment, it might justifiably choose not to prosecute students for an interpretation of their words they did not intend.

Nor can a university with a commitment to academic freedom prohibit all calls for political violence. That would require it to punish, say, students who express support for the invasion of Gaza knowing that it must result in the deaths of thousands of civilians. Thus Gay was correct in saying that students' political slogans are not

punishable by Harvard's rules on harassment and bullying unless they cross over into intimidation, personal threats, or direct incitement of violence.

Gay was correct yet again in replying to Stefanik's insistent demand, "What action has been taken against students who are harassing Jews on campus?" by noting that no action can be taken until an investigation has been completed. Harvard should not mete out summary justice like the Queen of Hearts in "Alice in Wonderland": Sentence first, verdict afterward.

The real problem with Gay's testimony was that she could not clearly and credibly invoke those principles because they either have never been explicitly adopted by Harvard or they have been flagrantly flouted in the past ([as Stefanik was quick to point out](#)). Harvard has persecuted scholars [who said there are two sexes](#), or who signed [an amicus brief taking the conservative side](#) in a Supreme Court deliberation. It has retracted acceptances from students who were outed by jealous peers for having used racist trash talk on social media when they were teens. Harvard's subzero FIRE rating reveals many other punishments of politically incorrect peccadillos.

So for the president of Harvard to suddenly come out as a born-again free-speech absolutist, disapproving of what genocidaires say but defending to the death their right to say it, struck onlookers as disingenuous or worse.

In the wake of this debacle, the natural defense mechanism of a modern university is to expand the category of forbidden speech to include antisemitism (and as night follows day, Islamophobia). Bad idea. A history of punishing speech is what sapped the presidents' credibility in the first place, and a promise to double down on it did not save Magill. Deplorable speech should be refuted, not criminalized. Outlawing hate speech would only result in students calling anything they didn't want to hear "hate speech." Even the apparent no-brainer of prohibiting calls for genocide would backfire. Trans activists would say that opponents of transgender women in women's

sports were [advocating genocide](#), and Palestinian activists would use the ban to keep Israeli officials from speaking on campus.

For universities to have a leg to stand on when they try to stand on principle, they must embark on a long-term plan to undo the damage they have inflicted on themselves. This requires five commitments.

Free speech. Universities should adopt a clear and conspicuous policy on academic freedom. It might start with the First Amendment, which binds public universities and which has been refined over the decades with carefully justified exceptions. These include crimes that by their very nature are committed with speech, like extortion, bribery, libel, and threats, together with incitement of imminent lawless action. It also permits restraints on the time, place, and manner of expression. The First Amendment does not entitle someone to blare propaganda from a sound truck in a residential neighborhood at 3 a.m. or to set up a soapbox in the middle of a busy freeway.

Since universities are institutions with a mission of research and education, they are also entitled to controls on speech that are necessary to fulfill that mission. These include standards of quality and relevance: You can't teach anything you want at Harvard, just like you can't publish anything you want in The Boston Globe. And it includes an environment conducive to learning. Though a university should not punish a student for holding up a placard, it has a legitimate interest in preventing a group from permanently repurposing its walls as political billboards or from forcing students to walk through a gauntlet of intimidating slogan-chanters on their way to class every day.

Institutional neutrality. A university does not need a foreign policy, and it does not need to issue pronouncements on the controversies and events of the day. It is a forum for debate, not a protagonist in debates. When a university takes a public stand, it either puts words in the mouths of faculty and students who can speak for themselves or unfairly pits them against their own employer. It's even worse when individual

departments take positions, because it sets up a conflict of interest with any dissenting students and faculty whose fates they control.

The events of this autumn also show that university pronouncements are an invitation to rancor and distraction. Inevitably there will be constituencies who feel a statement is too strong, too weak, too late, or wrongheaded. The resulting apologies and backtracking compromise the reputation of the university and interfere with the task of administering it. For this reason a stated policy of institutional neutrality would be a godsend to university administrators. Such a policy would still allow them to comment on issues that directly affect university business, just like any institution.

Nonviolence. Some students think it is a legitimate form of political expression to drown out a speaker, block the audience's view with a screen, obstruct public passageways, invade a lecture hall chanting slogans over bullhorns, force administrators out of their offices and occupy the building, or get in the faces of other students.

Universities should not indulge acts of vandalism, trespassing, and extortion. Free speech does not include a heckler's veto, which blocks the speech of others. These goon tactics also violate the deepest value of a university, which is that opinions are advanced by reason and persuasion, not by force. And they bring further discredit to the institution: Parents and taxpayers wonder why they should support, at fantastic expense, students being forced to listen to political propaganda from other students when they should be learning math and history from their professors.

Viewpoint diversity. Universities have become intellectual and political monocultures. Seventy-seven percent of the professors in Harvard's Faculty of Arts and Sciences [describe themselves](#) as liberal, and fewer than 3 percent as conservative. Many university programs have been monopolized by extreme ideologies, such as the conspiracy theory that the world's problems are the deliberate designs of a white heterosexual male colonialist oppressor class. (The appalling antisemitism infesting

college campuses grew out of the corollary that Israelis, and by extension Jews who support them, are a party to this conspiracy.) Vast regions in the landscape of ideas are no-go zones, and dissenting ideas are greeted with incomprehension, outrage, and censorship.

The entrenchment of dogma is a hazard of policies that hire and promote on the say-so of faculty backed by peer evaluations. Though intended to protect departments from outside interference, the policies can devolve into a network of like-minded cronies conferring prestige on each other. Universities should incentivize departments to diversify their ideologies, and they should find ways of opening up their programs to sanity checks from the world outside.

Disempowering DEI. Many of the assaults on academic freedom (not to mention common sense) come from a burgeoning bureaucracy that calls itself diversity, equity, and inclusion while enforcing a uniformity of opinion, a hierarchy of victim groups, and the exclusion of freethinkers. Often hastily appointed by deans as expiation for some gaffe or outrage, these officers stealthily implement policies that were never approved in faculty deliberations or by university leaders willing to take responsibility for them.

An infamous example is the freshman training sessions that terrify students with warnings of all the ways they can be racist (such as asking, “Where are you from?”). Another is the mandatory diversity statements for job applicants, which purge the next

©2023 Boston Globe Media Partners, LLC

overt bigotry is in fact rare in elite universities, bureaucrats whose job depends on rooting out instances of it are incentivized to hone their Rorschach skills to discern ever-more-subtle forms of “systemic” or “implicit” bias.

Universities should stanch the flood of DEI officials, expose their policies to the light of day, and repeal the ones that cannot be publicly justified.

A fivefold way of free speech, institutional neutrality, nonviolence, viewpoint diversity, and DEI disempowerment will not be a quick fix for universities. But it's necessary to reverse their tanking credibility and better than the alternatives of firing the coach or deepening the hole they have dug for themselves.

Steven Pinker is the Johnstone professor of psychology at Harvard University and the author, most recently, of "[Rationality](#)."