

Back to Volume Seven Contents

Debating Academic Freedom in India

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Abstract

The authors of this article put forward what academic freedom is not and then argue how academic freedom gets defined in the context of twenty-first-century India. The role of universities in Indian society, in general, and the ability of academic staff (faculty) to speak out on an array of issues, in particular, has become a central concern in India. The authors' purpose is not to side with one or another interpretation of academic freedom but instead to delineate a way to think about academic freedom that enables individuals to engage in scholarly debate without either threatening their physical safety or shutting down conversation.

Academic freedom is an idea that many people laud without defining its meaning or understanding its implications. As Philip Altbach has observed, "while it seems a simple concept and in essence is, academic freedom is also difficult to define." The result is that, all too often, how one defines academic freedom can seem like a social construction based on one's understandings. There has long been discussion in the United States, for example, about how to define academic freedom at a religious institution that holds fast to conservative tenets based on Biblical understandings. Assume an institution's religious doctrine views creationism as a competing or superior interpretation to evolution. Does a professor have the freedom to reject such a belief in his or her classroom and focus only on evolution? If an institution subscribes to a particular interpretation of how women or gays and lesbians should be viewed, what might the institution's beliefs portend for those campus groups who wish to speak and write in a manner that challenges those beliefs? And, of course, a dialogue and debate is ongoing about whether one has the academic freedom to

make a particular statement about a particular group if such comments might be defined as hate speech or patently false. Although individuals, groups, and institutions may have answers to such questions, others will have alternative interpretations.

Countries also have different stances on academic freedom. Although Saudi Arabia has admirably attempted to upgrade the infrastructure of its postsecondary system, academic freedom is really not a point of discussion for social scientists in the country. One either adheres to the beliefs of the kingdom or faces severe penalties. China has stated that academic freedom is important, but a culture of silence exists such that critical comments about university governance, much less society, are absent. Faculty and administrative e-mails are commonly read surreptitiously and reviewed to see if individuals are at variance with institutional and governmental orthodoxy. US universities building campuses in the Middle East and Asia frequently have problems reconciling an American understanding of academic freedom with the viewpoints of universities in the United Arab Emirates, Qatar, or Singapore.

When countries have different political traditions, one may well understand, but not necessarily agree with, differences in how academic freedom gets enacted on college and university campuses. However, the assumption has been that academic freedom is more similar than different in secular democratic nations such as Canada, the United States, and the United Kingdom. Can we assume, however, that academic freedom in the world's largest democracy is more similar than different from academic freedom in other democratic nations? With a population of 1.2 billion people, India has the world's second-largest postsecondary sector. There are more than 37,000 institutions with 32.3 million students and 1,367,535 faculty. Arguably, India had the world's oldest residential university. Started in the fifth century AD, Nalanda University had 10,000 students and lasted for eight hundred years before having to close following destruction by invaders. Its opening predated the opening of Oxford University by seven hundred years. The oldest modern Indian university is the University of Calcutta, which opened in 1857, and colleges existed even earlier. As a result of colonialism, the current system is more rooted in the British tradition, so one might presume that academic freedom in India is akin to what one expects to experience in the United States or United Kingdom. This is not the case.

India is a multiethnic society with very strong roots in conservative religious traditions. With regard to religion, in this instance, Hindus and Muslims account for 94 percent of the population. Yi Thus, although a secular society, India has the world's largest population of Hindus and the second-largest population of Muslims. The religious beliefs of these populations undoubtedly shape how individuals think about academic freedom and the role of universities. Although a free press and democratic elections are the norm, free speech is circumscribed to conform to cultural and religious mores. Movies are routinely censored and edited; for example, India's Censor Board cut half the kissing scenes in the recent James Bond movie *Spectre* because they

were "excessive." Books have been banned, none more famously than *The Satanic Verses* by a British Indian, Salmon Rushdie, which resulted in a fatwa that compelled him to go into hiding for several years in fear for his life. Allegations are also frequently lodged against politicians or other citizens for language said to have demeaned or denigrated an individual or a group.

Societal mores naturally shape definitions of academic freedom on campuses. The result is that the world's largest democracy approaches academic freedom very differently from its Western democratic counterparts; the manner in which one thinks about academic freedom, then, is shaped not only by religion but also by views about caste and opinions about cultural practices, such as whether to eat beef or to celebrate a particular holiday.vii Recent examples of student expressions from different castes and regions being suppressed include the celebration of Mahishasur Martydom Day (commemorating a mythological figure considered as an icon by the adivasis and other marginalized groups but viewed as a demon by other castes) and the holding of beef-pork festivals (students from northeastern regions celebrating their culinary tradition) that some celebrate and others condemn.viii

We first put forward three points about what academic freedom is not. We then raise four issues that demonstrate the tensions around academic freedom in India. Our purpose is not to support or denigrate either position. Instead, we intend to highlight the importance of thoughtful dialogue and debate about what one means by academic freedom in India in the twenty-first century. Our concern is, on the one hand, that individuals allege that academic freedom has been threatened when it has not, and, on the other, that there are significant areas where views of academic freedom ought to be debated and discussed.

What Academic Freedom Is Not

Institutional Autonomy Is Not Academic Freedom

Autonomy is a necessary condition for academic freedom. Academics need autonomy to conduct their research and to teach in the classroom. When the government intrudes on academic work so that individuals do not have autonomy, academic freedom is at risk. However, in an environment where higher education is undergoing rampant privatization, we are troubled by calls for *institutional* autonomy in the name of academic freedom that have very little to do with the abrogation of faculty rights and responsibilities. That is, those who wish to privatize Indian higher education frequently bemoan governmental intrusion and suggest that a more efficient system would be deregulated. The case for deregulation is frequently made under the guise of academic freedom.

Arguments can certainly be put forward about the need to deregulate a public system and incentivize privatization. But such arguments have very little to do with academic freedom. Our point here is that

arguments that invoke academic freedom in their calls for institutional autonomy confuse the issue. The idea, for example, that private universities have greater autonomy and therefore greater academic freedom suggests that any governmental oversight is short-sighted and intrusive. And, of course, what one learns from recent experiences in the United States is that a lack of regulation of private, for-profit universities can seriously compromise the welfare of students. The issues were unrelated to academic freedom. Thus, when leaders of private universities in India call for greater autonomy, one needs to consider the sorts of autonomy being suggested and judge whether or not they pertain, in any manner, to academic freedom.

Academic Freedom Does Not Enable the Academic to Speak on Any Topic

Academic freedom pertains to two keys areas of academic life. First, an individual ought to be free to investigate issues in his or her research area and in the classroom as he or she sees fit. In particular, a professor's expertise in a certain domain enables him or her to speak and teach on those issues. Second, as academics on a campus, faculty members have the right and responsibility to speak out on a range of extramural issues. Tenure and shared governance are the obvious policies that protect faculty when they speak or write provocatively on their particular area of inquiry or on an issue that matters to the campus.

However, academic freedom does not extend to speech, especially in a classroom, on every issue that arises in society. A professor does not have the right to speak in the classroom on any topic he or she finds to be of interest. For example, a professor of chemistry who comments in the classroom on his personal experience of displacement, because of communal unrest between two countries, would be engaging in inappropriate behavior because of the setting—the classroom—and his subject area of expertise: chemistry. Likewise, it is inappropriate for a professor of music to argue that a particular political party (of which she is a member) has improved the lives of people.^x Such expressions stretch the idea of academic freedom when they are not about the individual's area of expertise. The question one might ask is why the individual's title of "professor" enables him or her to speak on a particular issue.

The limits of speech with regard to extramural issues are less clear. Certainly, a professor in any intellectual discipline has the right to talk and write about what is taking place at the university in particular, or in higher education in general. Individuals also have the right to speak extramurally on a range of issues that they find of interest but may not be within their area of expertise. Individuals who wish to pen an article about pollution, for example, even though their disciplinary area is history, should be permitted to do so. The limits of speech are reached when individuals make written or spoken comments on a topic that are obviously incorrect. For example, someone who writes that the jets crashed into the World Trade Center because of a Jewish conspiracy, or that astronauts never landed on the moon, pushes academic freedom to the limits.

Some will argue that such opinions, however flawed or repugnant, are permitted, and others may claim that

the arguments go beyond the limits of academic freedom. Certainly, the vice chancellor and others in the institution have the right to say that the individual is speaking for him- or herself and not the institution, but should that speech be limited? There is no consensus on the answer.

Academic Freedom Does Not Short-Circuit Peer Analysis and Review

One ought not to be able to claim academic freedom if what one is saying is obviously incorrect. As an absurd example, if a math professor in a classroom teaches that 2 + 2 = 5, then he or she cannot claim academic freedom and continue teaching incorrect information. One of the strengths of academic life is peer review. If colleagues discover that a professor is teaching math that does not add up, so to speak, then the professor presumably would have several options open to him or her—but they would not include continuing to teach that 2 + 2 = 5.

To be sure, as with most issues pertaining to academic freedom, how one delineates "fact" from "opinion" can be finely argued and parsed. It is also subject to disciplinary conventions. In an age that some describe as postmodern, facts may be perceived as social constructs such that what one person sees as fiction, another sees as fact. At the same time, a particular rationale of the university is for scholars to search for "truth," however difficult and ambiguous that search may be. Thus, claims that Hindus invented the airplane or performed open heart surgery thousands of years ago obviously need to be rebutted by scholars and rejected as juried papers to be presented at a scholarly scientific conference.xi And if (or when) these papers are rejected, the scholar can make no claim that his or her academic freedom has been abridged. Academic freedom does not give the scholar the right to make statements or claims in the classroom, or in one's research arena, that have no factual basis in the relevant literature.

Current Tensions around Academic Freedom in India

What Gets Taught in the Classroom

India has a relatively prescribed curriculum. Committees create course syllabi with readings, and professors are instructed to teach from the materials that have been created. If one wants to deviate from the curriculum, permission needs to be granted by a faculty committee and, ultimately, a governmental authority. The result is that an instructor who wishes to teach Rushdie's *Satanic Verses* or the recently banned *India's Daughter* (a 2015 documentary by Leslee Udwin about a rape that occurred in New Delhi) would be unable to use either. In cases like this, an instructor lacks the autonomy to teach what he or she believes is in the best interest of learning; in consequence, academic freedom is infringed.

This example is not farfetched. Take the case of A. K. Ramanujan's "Three Hundred Ramayanas: Five Examples and Three Thoughts on Translation." Some years ago, the Academic Council of Delhi University eliminated this important essay on the Ramayana from a BA honors history course after the Hindutva student body, the Akhil Bharatiya Vidyarthi Parishad (ABVP), according to many reports, had vandalized the university's history department to protest the teaching of this essay. The banning of the text was widely viewed as a capitulation to political pressure that violated academic freedom.

Communicating an idea in a classroom that others may disagree with can lead to the termination of one's services in India, even when the topic is germane to the class discussion. A professor of development studies, for example, was fired when a student complained that the professor had questioned, both in his class and at out-of-class forums, whether Kashmir was an integral part of India. Similarly, in an act of self-censorship, Mumbai University removed Rohinton Mistry's novel *Such a Long Journey* from the reading list of the second-year BA syllabus after a student objected to passages that negatively portrayed Indian politics and portrayed one political party in an unflattering light. The book, which tells the story of a bank clerk who belongs to Mumbai's Parsee community, is set against a background of political unrest. xiv

What Occurs Outside the Classroom

As noted above, the challenge of what should be taught in the classroom also extends to the sorts of seminars, clubs, and activities that occur outside the classroom. The limits of extramural speech, as we noted, are less clear—but the focus should be on the limits rather than the assumption that an intellectual's speech should be curtailed. In theory, extramural speech affords the intellectual broad leeway outside of the classroom, but, at the moment, such activities are particularly dangerous.

In 2014, for example, Anand Patwardhan's 1992 documentary Ram Ke Naam was supposed to screen at the Indian Law Society College in Pune. The film explores the religious conflicts that led to the destruction of the Babri Masjid mosque in Ayodhya and is considered one of India's most significant sociopolitical documentaries. After individuals received threats and concerns about potential damage to the campus, the college administration canceled the screening of the movie.

Sanjay Kak's 2007 film *Jashn-e-Azadi* (*How We Celebrate Freedom*), which was critical of the Indian Army's role in Kashmir, met a similar fate. The screening of the film was canceled by Symbiosis University.^{xv} In 2013, the screening of Anand Patwardhan's 2011 *Jai Bhim Comrade*, at the Film and Television Institute of India, was disrupted by a scuffle between two groups of students. One group did not approve of the presence of an activist artists' group. The students claimed that the artists' group had members who were antistate. Some activists were injured in the skirmish, and the program was canceled.^{xvi}

Similarly, at the University of Allahabad, a seminar on the theme of democracy, media, and freedom of expression was canceled when two groups of students threatened to clash over an outspoken journalist who was to be a chief guest.xvii A keynote address at a seminar on Vedanta and Ayurveda organized by the University's Special Centre for Sanskrit Studies (in collaboration with the University of Massachusetts) was canceled at the Jawharlal Nehru University. A group of students opposed the invitation to the speaker, a yoga guru, because of his political affiliation.xviii The cancelation of films and activities of this sort is not uncommon on campuses, and many argue that self-censorship by canceling programs is only increasing.

What One May Write and Study

The award-winning book *The Hindus: An Alternative History* by a former president of the American Academy of Religion, Wendy Doniger, is banned from Indian classrooms because conservatives view the text as an attack on Hinduism. Another Doniger book, titled *On Hinduism*, was also placed under review by experts before its reprinting.xix The practice of either banning a book or forcing a severe backlash is increasingly common. Jeffrey Kripla's book *Kali's Child*, Paul Courtright's *Ganesha: Lord of Obstacles*, James Laine's *Shivaji: Hindu King in Islamic India*, Megha Kumar's *Communalism and Sexual Violence: Ahmadabad since 1969*, and Sekhar Bandopadhyay's *From Plassey to Partition: A History of Modern India* have all faced similar difficulties.xx

What one writes and studies can result in suspension of services, public controversy, withholding or suspension of publication, isolation, and even murder. In the 1970s, P. V. Ranade was suspended from the Marathwada University in Maharashtra because he wrote a critical article on Shivaji, a Maratha ruler who fought the Mughals.xxi Around the same time, a national controversy erupted over ancient history textbooks by eminent historian Romila Thapar that were accused of being anti-Hindu.xxii In 2000, the Indian Council for Historical Research (ICHR) suspended the publication of volumes in the *Towards Freedom* series edited by Sumit Sarkar and K. N. Panikker.xxiii The problems generally stem from either perceived critical references to the Hindu Mahasabha and the Hindu nationalist group Rashtriya Swayamsevak Sangh or the fact that the series did not credit the group with playing a role in the anticolonial struggle. More recently, M. M. Kulbargi, a Kannada literary scholar, asked sensitive questions related to the saint of his own community and the worship of religious idols. Kulbargi was shot dead in August 2015 outside his home in Karnataka. Such violence is obviously outside the control of university administrators. Nevertheless, at least thirty-five scholars returned their literary and scholarly awards in protest of what they claim is an environment of terror that enables such violence.xxiv

Controversial issues confronting society (such as caste- and gender-related issues) frequently create a chilly climate that manifests itself in a lack of support or validation for research. Such a climate contributes to feelings of isolation that, in turn, can weaken an academic's research productivity and, ultimately, his or her

commitment to the profession. To be sure, unlike claims that anyone could perform open heart surgery one thousand years ago, historical texts and many social science analyses are interpretative and open to debate. The reflex action in India, however, is not to encourage debate but to close it down either by banning texts or by creating such a backlash that an author hesitates to write anything more. The result is that academics develop a sense of what they are able to investigate and what they had best leave unstudied and unquestioned. The point, of course, is not that individuals should assume that their work will be welcomed or celebrated. Academic research should be controversial and open to debate. But the terms of debate ought not to include the potential for physical violence or verbal affronts that result in attenuating scholarly argumentation.

What One May Discuss and Argue

When 135 academics issued a statement of concern about Prime Minister Narendra Modi's visit to Silicon Valley in 2015 based on his past actions, this elicited over four hundred responses, including veiled threats of violence and intimidation. The AAUP's *Academe Blog* was inundated with vitriolic commentary.xxv Similarly, two universities in India prohibited professors from addressing the media after academics made statements critical of antiterrorism policies. The Nobel Prize winner Amartya Sen stepped down as vice chancellor of the newly created Nalanda University and stated that "governments must understand that winning a Lok Sabha election does not give you permission to undermine the autonomy of academic institutions" (the Lok Sabha is the lower house of India's Parliament).xxvi Again, Sen's comment had nothing to do with privatization, instead it focused on what he perceived as governmental attacks on academic freedom. Scholars at Risk, a human rights organization devoted to the protection of academic freedom, has published numerous accounts of Indian academics who have been arrested, beaten, and in some instances imprisoned or killed because of what they have said in the classroom or written.xxvii

All of these examples speak to governmental intrusion into the affairs of the university and the limits of academic freedom. In the worst cases, individuals are harassed, jailed, or physically harmed. More common is the sense that one should not speak out, which results in self-censorship and the stifling of dialogue. Many Indian intellectuals worry that the current state has amassed enormous power over the intellectual life of the nation's universities.

One by-product of this is the appointment of people to academic positions who support governmental policies. Recent appointments of the chairs of the National Book Trust, the Central Advisory Board of Education, and the Indian Council of Historical Research are examples of individuals and bodies who fall in line behind the current government's policies; those who were purged from those positions were respected academics who did not necessarily agree with government policies. Similarly, the Ministry of Education's appointments of chancellors to universities more often than not have less to do with academic qualifications

and more to do with ideological symmetry with the government. During his 150th anniversary address for the University of Mumbai, former prime minister Manmohan Singh expressed concern that "many state university appointments, including that of vice chancellors, have been politicized and have become subject to caste and communal considerations [and] there are complaints of favoritism and corruption." Insofar as the public universities depend on the state, the overt exercise of control has significant implications for academic freedom. If everyone agrees with each other because those who disagreed have been eliminated or replaced, can one suggest that academic freedom exists?

Conclusion

Our concern here has less to do with any specific act and more to do with an overall sense of what academic freedom means for India in the twenty-first century. A country's culture and its mores clearly influence how academics interact with one another and construct their identities. We surely do not intend that one's cultural and social background or milieu should be irrelevant, as if what passes for academic freedom in the United States or the United Kingdom needs to be the default model throughout the world. We are also well aware that the United States and the United Kingdom have their own soul-searching to do, especially given the numerous examples that have ignited controversy on campuses over the past year in the United States.**

And yet, at its best, a university should be a noisy conversation where individuals are encouraged to argue with one another. To be sure, the search for truth can lead to greater understanding about any number of phenomena, but the search itself is also important. Universities should not merely reflect society. Academics have the potential and obligation to demonstrate to the polity how reasoned argumentation might occur without threat or resort to physical violence or intellectual intimidation. Rather than being stifled by fear of retaliation, academic life ought to be one where Indian scholars are encouraged to challenge stated norms and engage in conversations about issues of paramount concern for the well-being and future of the country.

Academic freedom to teach and conduct research without fear becomes even more important in a system undergoing massification. In a massifying system such as India, the social composition of students in universities has moved from being elite and homogeneous to being much more diverse. This growing diversity brings students who have differing ideologies, values, and ways of dealing with others. The ability to help students understand and critically analyze multiple forms of social oppression and its consequences becomes critical. There needs to be a shared understanding and agreement concerning principles of social justice. Being able to teach freely, as well as to write and to think on sensitive issues, is critical for sustaining democracy in any country. Hence, academic freedom is essential for the health and vitality not only of universities but also of the nation where they reside.

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Notes

- ¹ Philip G. Altbach, *Global Perspectives on Higher Education* (Baltimore, MD: Johns Hopkins University Press, 2016), 239.
- ⁱⁱ See William G. Tierney and Gerard A. Postiglione, "The Vital Role of Academic Freedom in Creating a World-Class University," *South China Morning Post*, July 5, 2015, http://www.scmp.com/comment/insight-opinion/article/1832071/vital-role-academic-freedom-creating-world-class-university?comment-sort=recommended&edition=hong-kong.
- iii See William G. Tierney and Michael Lanford, "An Investigation of the Impact of International Branch Campuses on Organizational Culture," *Higher Education* 70, no. 2 (2015): 283–98.
- Also see Michael Lanford and William G. Tierney, "The International Branch Campus: Cloistered Community or Agent of Social Change?," in *The Palgrave Handbook of Asia Pacific Higher Education*, ed. Christopher Collins et al. (New York: Palgrave Macmillan, 2016).
- ^{iv} Statistics are from the Ministry of Human Resource Development, Government of India, *All India Survey of Higher Education (2013–14)* (New Delhi: Department of Higher Education, 2015).
- ^v For more information, see Ministry of Education, Government of India, *The Report of the University Education Commission (1948–49)* (New Delhi: Ministry of Human Resource Development, 1962).
- vi See Census of India, *C-1 Population by Religious Community* (New Delhi: Office of the Registrar General and Census Commissioner, Ministry of Home Affairs, 2011).
- vii See Special Correspondent, "Debate Rages over Durga, Mahishasura," *Hindu*, February 27, 2016, http://www.thehindu.com/news/national/debate-rages-over-durga-mahishasura/article8286555.ece. Also see R. K. Singh, "Mahisasur Martyrdom: Mayawati's Potent Weapon against BJP," *Hindustan Times*, February 27, 2016, http://www.hindustantimes.com/india/mahisasur-martyrdom-mayawati-s-potent-weapon-against-bjp/story-uS3ZvdpHYCef41l0cSalZP.html.
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- xi See "Planes Discovered in Vedic Age, It Could Fly between Planets, Says Speaker at Indian Science Congress," First Post India, December 26, 2014, http://www.firstpost.com/india/forget-modern-research-prof-claims-hindu-epics-need-understand-ancient-world-2016451.html.
- xii See Anuradha Mukherjee, "ABVP Activists Run Riot in DU over Ramayana Essay," *Hindustan Times*, February 26, 2008, http://www.hindustantimes.com/delhi/abvp-activists-run-riot-in-du-over-ramayana-essay/story-Ko76BTwjbIJLZXonTDUfTK.html.
- xiii See Aatish Taseer, "The Right-Wing Attack on India's Universities," *New York Times*, January 27, 2016, http://www.nytimes.com/2016/01/28/opinion/the-right-wing-attack-on-indias-universities.html?action=click&pgtype=Homepage&clickSource=story-heading&module=opinion-c-col-right-region®ion=opinion-c-col-right-region&WT.nav=opinion-c-col-right-region&_r=2.

- xiv See Jason Burke, "Mumbai University Drops Rohinton Mistry Novel after Extremists Complain," *Guardian*, October 19, 2010, http://www.theguardian.com/world/2010/oct/19/mumbai-university-removes-mistry-book. Also see Vinaya Deshpande, "Rohinton Mistry Protests Withdrawal of Book," *Hindu*, October 20, 2020, http://www.thehindu.com/news/national/rohinton-mistry-protests-withdrawal-of-book/article838537.ece.
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- xviii See Debobrat Ghose, "Protest against Baba Ramdev Lecture in JNU Hyper-elitist: Students," *First Post India*, December 29, 2015, http://www.firstpost.com/india/protest-against-baba-ramdev-lecture-in-jnu-hyper-elitist-students-2564422.html.
- xix See Wendy Doniger, "India: Censorship by the Batra Brigade," *New York Review of Books*, May 8, 2014, http://www.nybooks.com/articles/2014/05/08/india-censorship-batra-brigade/.
- xx See Hartosh Singh Bal, "Pulped: Why Have Publishers Failed to Stand Up to Dina Nath Batra?," *The Caravan: A Journal of Politics and Culture*, December 1, 2014, http://www.caravanmagazine.in/reportage/pulped.
- xxi See Romila Thapar, "The AMU Crisis," *People's Union for Civil Liberties Bulletin*, February 1982, http://www.pucl.org/from-archives/Academia/amu-crisis.htm. Also see Antoon De Baets, *Censorship of Historical Thought: A World Guide*, 1945–2000 (Westport, CT: Greenwood, 1995).
- xxii See De Baets, Censorship of Historical Thought.
- xxiii See Hasan Suroor, "ICHR Stops Publication of Volumes on Freedom Struggle," *Hindu*, February 15, 2000, http://www.thehindu.com/2000/02/15/stories/0215000m.htm.
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- xxviii Devesh Kapur and Pratap Bhanu Mehta, *Indian Higher Education Reform: From Half-Baked Socialism to Half-Baked Capitalism* (Washington, DC: Brookings Institution, 2007), 2.
- xxix See Conor Friedersdorf, "Free Speech Is Threatened on Campus," *Atlantic*, March 4, 2016, http://www.theatlantic.com/politics/archive/2016/03/the-glaring-evidence-that-free-speech-is-threatened-on-campus/471825/.