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# inquisitive

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Discipline

# BONSAIED TREES of Learning

**Delight, gratitude, and anxiety.**

BY ALICE DREGER

Years ago when I was up in Toronto to give a talk, I wandered into the public botanical garden only to happen upon an extraordinary bonsai exhibit. Among the specimens flown in from Japan, several were upwards of four hundred years old.

While the exquisite beauty provided a pleasing feeling of delight and gratitude, mixed into the emotional soup I could sense a bit of stomach-clenching anxiety. Imagine being responsible for keeping alive such creatures! Unpotting them to trim the roots. Providing exactly the right amount of water and nourishment.

When I suggested to our graphic designer Janelle Delia that the front cover of this *inquisitive* issue—on the theme of “discipline”—feature a bonsai, I was in part thinking of the analogy to academia. It is true that only a small percentage of institutions of higher education have been kept alive for hundreds of years. But, in a way, all are like bonsai: they must be so carefully tended in terms of nourishment and growth, with the ministration necessarily passed down, one generation to another. And much of the critical safekeeping occurs through *discipline*.

There are (at least) two meanings of “discipline” at play here: the units of academic study we call disciplines and the methods by which a particular order is maintained.

While I expected, when we chose this *inquisitive* theme, for our contributors to explore one or both of these meanings, what I did not expect was that so many would find themselves writing about academic freedom and about activism within ivy-covered halls. Yet now it makes sense to me: the snipping of the roots, the training of the trunk and canopy, the tricky question of where to place limits to shape the spectacular, extraordinary thing that is our species’ tree of learning and teaching.

I hope this issue will satisfy and unsettle you as it has me. We bring you Tom Ginsburg critiquing “undisciplined disciplines,” Martha McCaughey offering scholar-optimism, Nadine Strossen considering David Rabban’s novel theory of academic freedom, and Aron Sousa and Chelsea Wentworth responding to Kalven with earwax.

We also have Kathryn Lynch on how she became a “woman,” Colleen Eren on criminology, Paul Vasey on an inscrutable, highly-disciplined Japanese ritual, and Ivan Oransky and Adam Marcus on “the discipline of last resort.” The back cover features the distinguished and disciplined couple of Carmen Wilson and Joe Gow.

Please do consider subscribing to *inquisitive* and pitching us your ideas for our fourth issue, on the theme of “Class.” Go to [inquisitivemag.org](http://inquisitivemag.org) to learn more, and thank you for engaging with us.

Alice Dreger, PhD  
Managing Editor

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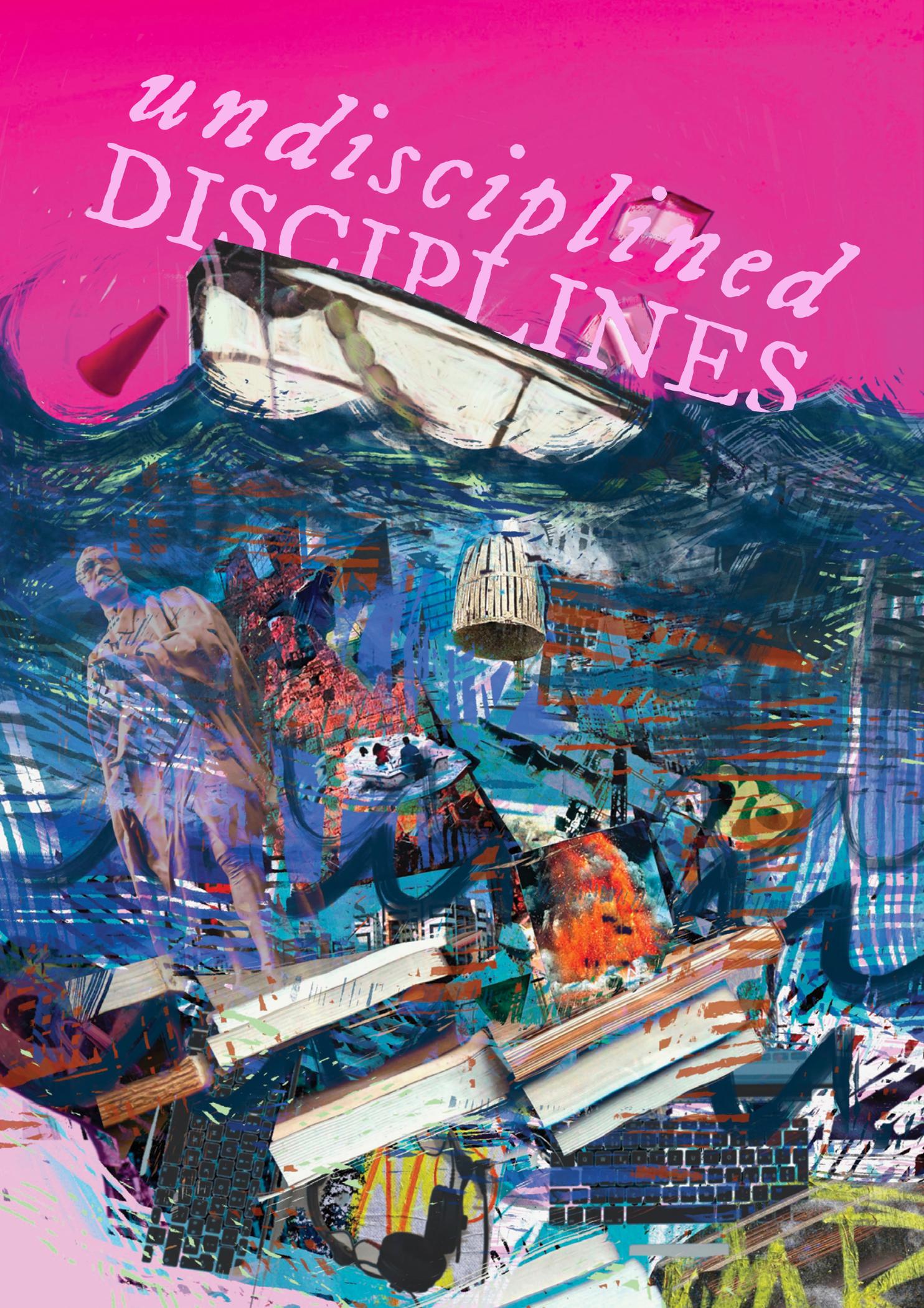
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"(S)O'S FELLOWSHIP" by Allyson Darakjian (licensed for use).

## Stepping back from further politicization of scholarship is an existential step.

BY TOM GINSBURG

Disciplines have been central to the organization of academic life since the dawn of the modern university. They serve as communities for organizing the interrogation of knowledge, each making claims to expertise in a distinct approach or subject matter.

Yet many disciplines now seem to be destabilizing. The complexity of the world never fit into neat boxes, and there is an increasing recognition that major problems require interdisciplinary collaboration to tackle. Disciplinary coherence is also being challenged by constantly shifting border claims in knowledge production.

At the same time—and of chief concern for this essay as well as for those who value scholarship—some disciplines have become highly ideological, creating echo chambers that stall progress. This in turn has diminished the image of universities in the eyes of the general public, posing a profound political threat. Some disciplines have become, one might say, undisciplined—freely pronouncing on matters outside their putative field of expertise, or expanding their claims of special knowledge to match political exigencies.

This situation has put great pressure on academic freedom. The problem is not simply that universities are under political attack because of purported left-wing bias within otherwise well-functioning disciplines. It is that undisciplined disciplines have weakened the claims to expertise on which academic freedom depends. In an era in which all kinds of elite claims to special treatment are under broad attack, this puts the rest of the academy at risk.

## Disciplines as Gatekeepers

In the United States, disciplines consolidated around the same time as ideas of academic freedom crystallized in the late 19th and early 20th century. This is when scholarly associations emerged to organize and govern different fields, typically demarcated by specific scientific methods.

But disciplinary knowledge has always been in motion and subject to internal contestation. Boundaries were never static, and new disciplines continued to arise. The 1960s and 1970s saw an explosion of new disciplines focused on the claims of groups that had been excluded from mainstream opportunities in American society (women, LGBT people, ethnic minority groups, persons with disabilities). These new disciplines adopted more interdisciplinary methods, which were already emerging as forms of knowledge production. Interdisciplinarity developed in recognition of the fact that traditional lines were

**Some disciplines have become, one might say, undisciplined—freely pronouncing on matters outside their putative field of expertise**

imperfect and that progress on some problems could not be achieved without tools and methods drawn from other disciplines. There are now many scholarly associations

for interdisciplinary studies and journals focused on transdisciplinary research.

One effect of all this contestation and blending has been to muddle the boundaries of what is and is not outside disciplinary expertise. This trend is not simply relevant to questions of internal allocation of resources within universities, but goes to the core of claims to expertise in the production of knowledge and the protection of open inquiry.

Academic freedom is centrally dependent on claims of professional expertise. Within a field, academics have freedom of teaching and research. (In the United States, at least, academics are also allowed broad extramural speech.) But academics can be punished for failure to observe disciplinary standards.

One of our great scholars of academic freedom, Robert Post, has focused on what he calls the paradox of disciplines: “Disciplines are committed to progress, which means they must have dissent, but ... they have dissent that is constantly evaluated by the rules already existing within the community of knowledge that constitutes the disciplines.” This means that, for example, when a public health scholar takes a dissident position on COVID-19, they can seek to defend themselves by reference to established techniques of statistical evaluation used within the field, but cannot rely on their “sense” of how viruses spread.

In my own case, I cannot go into my constitutional law course and instead teach the laws of physics or advertise the latest brand of detergent; the reason this is true is that no

legal academic would in good faith recognize those speech acts as within the domain of constitutional law. While I cannot be fired for the *way* I teach constitutional law, I can be punished for failing to do the job for which I was hired.

Disciplines are thus important gatekeepers. But if disciplines are a necessary locus of governance, one must then ask the standard questions of all governance institutions: Who guards the guardians? Who is to ensure that disciplines make their collective judgements in a principled way?

The question is particularly salient in light of the variable stances of disciplines with regard to core governance questions. Disciplines are not uniformly disciplined in exercising their role as gatekeepers of good scholarship, nor are they all equally tolerant of dissent. Some of them purport to speak via collective associations about issues of the day, a major trend in our era. And many are not content with knowledge formation as the sole or primary mission of academia, but instead seek to advance versions of activism.

## Undisciplined Disciplines

The idea that science should serve society is a powerful one and underpins the professional claims of academics to govern themselves. The progressive-era version of this argument was rooted in notions of technocratic neutrality: as a popular slogan of the day put it, there is no Democratic or Republican way to pave a street. Scientists pursuing scientific questions with scientific methods could uniquely improve the world.

American society, however, began to doubt such claims of neutrality with the crisis of the 1960s. Many

of the academic disciplines created in that period were born under a political star and rejected claims of technocratic neutrality in favor of promoting perspectives that

had theretofore been excluded. It is hardly surprising they saw their mission as integrating scholarship with a particular set of definitions of social change.

Unfortunately, these fields also became active agents of social construction and political mobilization, sometimes on an ethnic basis. Scholarly associations of these new inter-disciplinary fields do not hide these goals. The Chicana and Chicano Studies Association begins its mission statement by saying it will “advance the interest and needs of the Chicana and Chicano community.” The Association of Asian American Studies mission statement includes as an objective “advocating and representing the interests and welfare of Asian American Studies and Asian Americans and Pacific Islanders.”

Presumably scholars in these fields are evaluated not only by their scholarship but by their advocacy of particular interest groups. We can understand why histories of exclusion encouraged scholars to blur the lines between scholarship and advocacy, but doing so draws on the social capital of the scholarly enterprise for unabashedly political purposes. (Interestingly,

Black Studies may have done a better job of transforming into a stable scholarly inter-discipline.)

Among older disciplines, anthropology has led the way in insisting that cultural advocacy must be at the heart of scholarship. In a 1999 statement on human rights, the American Anthropology Association pronounced that it had “an ethical duty to protest” when any culture or society denies the right of people and peoples to the “full realization of their humanity.” But in 2020, it refined this commitment to include a cultural relativism, stating that “No one jurisdiction ought to impose its own interpretation of how to recognize and protect these rights on any other jurisdiction.”<sup>1</sup> Reflecting on its own tainted history, the AAA leadership went on to demand “forms of research and engagement that contribute to decolonization and help redress histories of oppression and exploitation.”

When one’s scholarship is designed to include advocacy—what Tarunabh Khaitan has called “scholactivism”<sup>2</sup>—risks are obvious. Advocates may reject or downplay inconvenient results, distorting academic debates. More deeply, they violate the role morality of scholarship, which is the very basis for social tolerance of academic freedom in the first place. While of course there is always a deep politics of scholarship, for example in the selection of topics for inquiry or methods for approaching them, these biases ought to be examined and minimized in genuine inquiry, not celebrated. This requires a humility about the limits of one’s own perspective.

The horrors of the Gaza war have provided a litmus test for whether disciplines are committed to genuine inquiry or instead to “scholactivism.” Several associations have debated or passed resolutions calling for a ceasefire. With the tacit support of the American Association of University Professors (AAUP), several scholarly associations have signed onto a boycott of Israeli academic institutions. These include the Association for Asian American Studies, the African Literature Association, the Critical Ethnic Studies Association, the National Association

of Chicana and Chicano Studies, and the Native American and Indigenous Studies Association.

While the promoters of the boycott emphasize that it is not to be directed at individual scholars, it has in fact led to hundreds if not thousands of individual-level cancellations of scholarly engagements and collaborations. Such a collective boycott arguably undermines the academic freedom of scholars at both targeted and targeting institutions, who should be free to collaborate with whom they choose. Advocates of academic freedom should oppose this kind of boycott vigorously.

Notably, disciplines and individuals will often defend such political actions by returning to claims of scholarly expertise. A recent incident involving academic freedom illustrates the phenomenon. Maura Finkelstein, a tenured professor of anthropology at Muhlenberg College, was fired in September 2024 for what seems to be her extramural speech on social media, in which she virulently criticized Zionists. Her firing for extramural speech seems to be a clear violation of academic freedom norms.

But what is interesting for our purposes is Finkelstein’s own claim that she was fired in part for “using [her] academic expertise as an anthropologist to draw attention to how power operates.” She thus made a disciplinary claim. Surely one need not have a PhD to criticize Zionism, and a claim that one’s domain of study is something as capacious as “power” admits of no limit. Nothing in her extramural comments about not “normalizing” Zionists depended on her professional knowledge creation. Instead, she seemed to be speaking as what Robert Post calls a “sage amateur...communicating the views of alert citizens.” This is precisely the kind of overreach that undermines disciplinary claims to knowledge.

## Can anything be done?

When a discipline erodes its engagement in genuine inquiry, what is the mechanism of correction? Central administrators obviously play a role in incentivizing better gatekeeping by disciplines. But their

**But if disciplines are a necessary locus of governance, one must then ask the standard questions of all governance institutions: Who guards the guardians?**



<sup>1</sup> This particular statement echoes that of the Chinese Communist Party, which asserts that “there is no one-size-fits-all model for promoting and protecting human rights. Countries ...need to combine the principle of universality of human rights with their national conditions and fine traditional culture, and advance human rights in light of national realities and the needs of their people. Human rights issues should not be politicized or used as a tool, double standard should be rejected, and still less should human rights be used as an excuse to interfere in other countries’ internal affairs or encircle and contain other countries as they pursue development.”

<sup>2</sup> Tarunabh Khaitan, “On scholactivism in constitutional studies: Skeptical thoughts,” *International Journal of Constitutional Law*, 20(2): 547-56 (April 2022).

mechanisms are clumsy and slow: refraining from authorizing new lines, cutting budgets, appointing outsiders to run departments, and, in extreme cases, closing academic departments.

In practice, decision-making is concentrated in the leadership ranks of academic institutions, especially the provost and president, who are both distant from the action and not always incentivized to be bold. Rigorous gatekeeping is difficult enough even within departments, and much more so at the central administration, even as administrators become more important in assessing which disciplines are strong and weak. And it is important to note that we are unfortunately in an era in which departmental closures are hitting even established disciplines, making such decisions susceptible to influence from donors and legislators.

**The internal progress of science depends on tolerating dissidents, and does not proceed by majority rule.**

Self-correction—one might say self-discipline—is the better route. In a society still stratified by race and gender, scholars in the various interdisciplines focused on these topics should emphasize knowledge creation. It may also be up to the rest of us to call out disciplines that become undisciplined, and to criticize tendentious claims of expertise by scholars of all political persuasions.

We should, for example, call into question the general practice of scholarly associations making pronouncements by majority rule. The internal progress of science depends on tolerating dissidents, and does not proceed by majority rule. Why should things be different when the discipline is speaking as a whole? A small step of self-correction would be to use collective statements only in extreme circumstances, perhaps only with super-majoritarian rather than majoritarian mechanisms.

More broadly, we ought to celebrate and promote internal pluralism, rewarding academics whose work exemplifies inquiry over scholactivism. This will require, in some cases, using *external* standards of excellence, and not simply relying on what those inside undisciplined disciplines think is good work.

### Politicization and Alienation

In a prescient observation in 2001, Clark Kerr noted that there was a conflict between the traditional view of the university that flowed from the enlightenment, embodied in a vision of seeking truth and objectivity, and a postmodern vision in which all discourse is political, with university resources to be deployed in ways that were liberatory and not repressive. He thought the conflict might further deepen, and noted that

“any further politicization of the university will, of course, alienate much of the public at large.”

As we stand at a moment of deep alienation, stepping back from the further politicization of scholarship is an existential step.

For full references, please see [inquisitivemag.org](http://inquisitivemag.org).

The author thanks Tony Banout, Brad Roth, and Rick Shweder for helpful discussions.

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Illustration by Janelle Della (used with permission).

## FROM SCHOLAR-ACTIVISM to Scholar-Optimism



### Self-discipline can go a long way toward preserving the scholarly endeavor.

BY MARTHA MCCAUGHEY

Every morning, over a million college teachers and scholars in America get up and go to campus to do their jobs with allegiance to the higher purpose of universities. Scholars ask new questions, vet ideas rigorously, and produce new insights. They impart knowledge and skills to the next generation of innovators, and sometimes share their insights for practical applications or public understanding.

They do this by adhering to the methods of their disciplines—yielding to the evidence rather than to the politics of activists or wealthy donors—in a search for truth rather than a grab for power. They disseminate their scholarship as a gift, with a sense of responsibility and humility, comfortable in the knowledge that better ideas might replace their own.

These disciplined intellectuals are driven by an

unending curiosity and the hope that, in doing this work diligently, they might contribute to a body of knowledge, help solve a mystery or problem, or catch a glimpse of something enduring or sublime.

Except for the scholar-activists.

In contrast to the majority of faculty, this small subset rejects the separation of knowledge from politics as either unsound or undesirable. Their *raison d'être* is promoting a particular agenda. It might be social justice, a free market economy, or other social ideals. (Yes, scholar-activists can lean right as well as left.)

Under the banners of their chosen causes, scholar-activists champion making a difference, changing the world, “participatory advocacy,” “academic activism,” and even “bullying back.” Some scholar-activists describe their work as “making politics our job description,” deriding the rest of us as “policing the border between activism and scholarship.”

Of course, politics and scholarship can never be completely separated. But *striving* to keep them separated—even when studying pressing social and political issues—is central to a scholar’s intellectual

autonomy. How, then, did “scholar-activist” become an identity embraced by any self-respecting academic? And what might be a better way to make meaning in an academic career?

Stanley Fish once offered a theory about why academics drove ugly cars, one which I think can also explain why academics wear shabby clothes. Fish said many of us felt guilty for being paid to lead a life of the mind.

I remember that feeling. As a young professor in the 1990s, I felt pressured to justify my academic work as practically valuable, as if intellectual inquiry without immediate outcomes marked an unconscionably privileged existence, a drain on taxpayer dollars.

Perhaps this is why so many of us welcomed Ernest Boyer’s 1990 report for the Carnegie Foundation for the Advancement of Teaching, “Scholarship Reconsidered.” The report’s identification of “the scholarship of application,” in addition to the scholarship of discovery, integration, and teaching, celebrated the application of scholarly insights to solve societal challenges.

Back then, I didn’t question the desire to show how scholarship contributed to solving social problems, meeting community or economic needs, helping

make Americans civically engaged again, or benefitting underserved populations. After all, I didn’t want my university to lose even more funding. Besides, this framing offered a way to experience academic work as meaningful and important in ways non-academics can more immediately recognize.

And yet the quest to prove the relevance of our work quickly moved, among a small portion of scholars, beyond explaining the applicability and possible impact of our scholarship. Whether catalyzed by postmodern critiques of truth, nihilism, identity

politics, the corporatization of universities, or elite overproduction, some professors proceeded from outreach and engagement to framing their work as “scholar-activism” in ethnic and gender studies, “museum activism” in museum studies, “library activism” in libraries, and “intellectual activism” in business schools. Scholars also became increasingly vulnerable to serving the political interests of external groups willing to fund their work.

Meanwhile, campus life staff effectively put universities’ engaged turn on steroids, often seeing themselves as the real arm of the university’s commitment to social responsibility. Both their graduate training and professional associations now frame social justice as the point, rather than a secondary outcome, of the university (citing Boyer). Some student affairs professionals—whose roles are distinct from faculty positions tasked with teaching and research—even consider themselves scholar-activists, using the imprimatur of scholarship to justify their on-the-job activism.

The scholar-activist framing has become popular enough that some scholars who are not even striving to produce political effects in their capacities as

faculty members adopt the label just as they would other academic vogues, like mindfulness and the flipped classroom. A lot of those who are self-identifying as scholar-activists

don’t even seem to be what the label implies. Consider a 2022 online panel discussion at Harvard featuring scholars who said they are scrupulously “driven by data” but who identified nonetheless as “scholar-activists.” One panelist described wanting to be “a footnote to the movement,” producing factual information to be used by people engaged in extramural freedom struggles.

But being a scholar whose work winds up being cited or used is merely *being a scholar*. Likewise, curating an exhibition on the Holocaust is simply being a

museum scholar, and designing a management curriculum that prepares students for a global business environment is just being a management instructor.

Scholars might hope their work will help to cure cancer, detect financial fraud, improve crop yields, compose a beautiful symphony, keep our water supply clean, contribute to downstream product applications, and so on. They might share their scholarship with public audiences, testify before Congress, or engage in applied, advisory, or consulting work that benefits decision makers outside academia. But they do this as scholars whose credibility rests on intellectual, rather than instrumental, engagement.

In contrast, performing one’s activism in or as part of one’s role as a university teacher or scholar is like breaking the law under the guise of enforcing it. The rogue cop and the scholar-activist both treat the immediate result they pursue as more important than the institution and its integrity.

When scholars are not seen as producing credible information free from political interference, we all lose the ability to challenge power, irrationality, bigotry, groupthink, quackery, and superstition. We also lose the ability to resist extramural forces that would have scholars bend academic research agendas, conclusions, instruction, or professional service to suit political interests.

Scholars are now scrutinized by watchdog groups reporting on radical professors or departments (with the chauvinistic judgment one would expect from such targeted surveillance). University trustees and state legislators invoke scholar-activism to justify their attempts to close down academic units, terminate tenure, and “balance” the ideologies on campus. And scholars doing legitimate research find themselves cleverly, quietly undermined or openly

harassed by special-interest outsiders who find their work threatening.

Academic freedom and tenure are designed to protect scholars from these scholar antagonists. Unfortunately, some scholar-activists have begun to frame academic freedom as a sword instead of

**Unfortunately,  
some scholar-activists have  
begun to frame academic freedom  
as a sword instead of a shield.**

a shield. But protecting against scholar antagonism requires keeping the university a place for scholarly inquiry and integrity.

This does not mean that a

scholar can’t be a political activist when speaking and acting as an ordinary citizen. That said, the American Association of University Professors (AAUP) explains that such freedom in extramural utterances includes the responsibilities to “at all times be accurate,” “exercise appropriate restraint,” “show respect for the opinions of others,” and “make every effort to indicate that they are not speaking for the institution.” In other words, scholars are expected to act like scholars.

Scholar-activism wrongly presumes individual scholars choose a virtuous career path by becoming principled partisans or staunch superheroes. Instead, the commitment to methods that protect inquiry and promote truth help society make tangible improvements. Scholarship can improve the world—but it does so on a pace and in unpredictable ways that cannot be reduced to individuals’ contributions.

Realizing that we need an alternative to scholar-activism that honors scholars’ legitimate desire to make meaning, I offer the term “scholar-optimism” to better capture the faith in the cumulative power of rigorous scholarship as a force for social progress.

Scholar-optimists need not be passive, indifferent, or naive. A scholar of, say, wildlife ecology might legitimately share their assessment of the research on whether hunting helps protect an ecosystem. Scholar-optimists like this can share their results derived from scholarly methods even when those results are rebuffed, as scholars did in 2015 when their studies

found toxic water in Flint, Michigan. Aron Sousa explains that those scholars couldn't declare a public emergency or order pipes to be replaced, but they could "find and show the truth, and [thereby] try to take care of the people being harmed." They could and did put truth first.

Scholar-optimists like these proceed hoping that their work serves the common good, even when—not because—sharing the truth draws contempt or harassment. They're not there for a battle, like scholar-activists; they're conscientiously there to generate and share knowledge.

You don't become a scholar-optimist simply by doing the opposite of what the stereotypical scholar-activist does—for instance, shifting from the politicized teaching of scholar-activists to acting as if classrooms are mere forums for the exchange of uninformed, intellectually vapid opinions. Neither presenting the claims that a pressure group finds acceptable nor presenting claims in a relativist fog of alternative facts upholds the scholar's responsibility to employ disciplinary methods to vet ideas and disseminate credible knowledge.

Scholar-optimists should not eschew ethical considerations in research. Nor should they embrace some naive optimism where they retreat from possibilities to apply their scholarly insights. Scholar-optimists can help others in industry, government, nonprofits, healthcare, the arts, journalism, or community groups.

But we should recognize that hoping one's responsibly produced scholarship can be useful or applied to solving a problem is optimistic, not activist. And while scholar-activism ultimately invites scholar antagonism, scholar-optimism could well protect us from it.

For references, please see [inquisitivemag.org](http://inquisitivemag.org).

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We  
Have  
NEVER  
Been  
NEUTRAL

## Politics created community medical schools, and politics sustain them.

BY ARON SOUSA AND CHELSEA WENTWORTH

In the 1960's and 1970's, a series of mostly public universities created new medical schools specifically to address physician shortfalls in their states. These new medical schools organized medical education sites in community hospitals to utilize community physicians as teachers of future doctors. While traditional medical schools centered on academic medical centers—primarily using their own academic physicians as teachers—in this new model, schools used hospitals and physicians previously untapped for medical education.

These new institutions came to known as "community-based medical schools," and the Association of American Medical Colleges (AAMC) defined this cohort of schools using five oft-cited criteria: "(1) initiated and accredited after 1960; (2) designed to use community hospitals rather than a specifically constructed university hospital; (3) established with the intent of using community physicians as the major teaching faculty (or with a small core of full-time faculty); (4) relatively small class size (usually 100 or fewer students [matriculating each year]); and (5) with a major mission of addressing regional manpower health needs."

Although land grant universities were not the only institutions to form community medical schools during this period, for them it was a somewhat natural move. Land grant schools were, after all, created with the express intent of providing practical knowledge to the people of their states to meet their populations' needs. That said, creating one of these new medical schools was not an easy path. Competing universities and medical schools saw the new schools as potential competitors for their academic medical centers. Legislative politics were complex; the schools needed new and challenging funding structures and resource reallocation in order to support new, often rural teaching sites. The existing accreditation system did not recognize the curricular needs and opportunities in the communities, and community hospitals had long been (and often continue to be) derisively viewed as second-class institutions.

Still, the growing country needed more physicians, especially in underserved rural and urban communities. The belief was—and is now evidenced—that training medical students *from* and *in* underserved communities would lead to graduates practicing within these communities. At the start of the movement, women, rural, and other minoritized populations made up a disproportionately small percentage of physicians. Admissions committees paid special attention to applicants more likely to make their careers in underserved areas, which necessitated the creation of more diverse medical school classes.

Just as the formation of community-based medical schools was taking off, in 1967 the University of Chicago’s Kalven Committee issued its “Report on the University’s Role in Political and Social Action.” Employing high-minded prose about knowledge and scholarship—written from an ivory tower in South Chicago—the report lacked any imagination of something like a community-based medical school: “To perform its mission in the society, a university must maintain an extraordinary environment of freedom of inquiry and maintain an independence from political fashions, passions, and pressures.”

**The growing country needed more physicians, especially in underserved rural and urban communities.**

But community-based medical education programs, like the land-grant institutions that are the homes for many of them, are products of “political fashions, passions, and pressures.” They view their communities as their primary constituents. The goal is not independence, as Kalven insists, but mutual dependency. The mission of community-based medical schools is to use the strengths of academic medicine to improve the lives and serve the people of their own communities. This is not a neutral proposition and has never been one.

In fact, we argue that medical schools in general and medicine as a profession have never been politically neutral and never could be. Modern medicine started and continues from the premise that all people should have access to good health care and that there is special value in science-based care. Just as universities start with a (political) belief that education is a fundamental good, schools that confer medical degrees start with the (political) belief that all patients deserve high-quality—scientific and humane—healthcare. Indeed, health is achieved through compassionate and quality healthcare; the act of providing care for a whole person, their family, and community is an inherently political act.

In promoting political neutrality in institutional statements, Kalven allows for exceptions when politics are germane to an institution’s core mission. But what *isn’t* political when it comes to health?

To use an example: One of our mothers (AS’s) spent her career as a sixth-grade educator teaching her students that “everything is political, right down to your earwax.” In a remarkable coincidence, she found herself, during a prolonged stay in Cambridge, England, needing obstructing earwax removed from her ear. The National Health Service provided same-day access and removed the impacted cerumen for free. Her medical and economic outcomes were the result of particular national politics. Earwax, and everything else in health, has been and always will be political in valence. We can imagine freshman philosophy students trying to argue earwax is so banal as to be non-political. That holds only until they meet a person with Medicaid desperately trying to get impacted cerumen removed so they can keep functioning at their job.

**Modern medicine started and continues from the premise that all people should have access to good health care and that there is special value in science-based care.**

Medical schools and medicine as a profession have mission-driven, non-neutral values around improving health and using science to achieve that improvement. Medical schools are the gateway to the profession, and so will inevitably promote values specifically in support of scientific medicine being humanely and justly delivered to individuals, families, and communities with growing attention to the imperative for quality public health.

For medical schools and the profession of medicine—and perhaps especially for community-based medical schools, which have been created explicitly to attend to healthcare disparities—there is nothing neutral about providing care, doing research, or educating students on the importance of wholesome water, reduction of violence, prevention of cancer, and the treatment of substance use disorders. This is value-dependent work which by definition never was and never can be neutral.

For references, please see [inquisitivemag.org](http://inquisitivemag.org).

Aron Sousa, MD, is Dean of Michigan State University’s College of Human Medicine, the first medical college accredited as a community-based medical school. Chelsea Wentworth, PhD, MPH, is a medical anthropologist and assistant professor in the same college. (Disclosure: Sousa is married to Alice Dreger, Managing Editor of *inquisitive*.)

# DANCING AROUND RITUALS OF GENDER

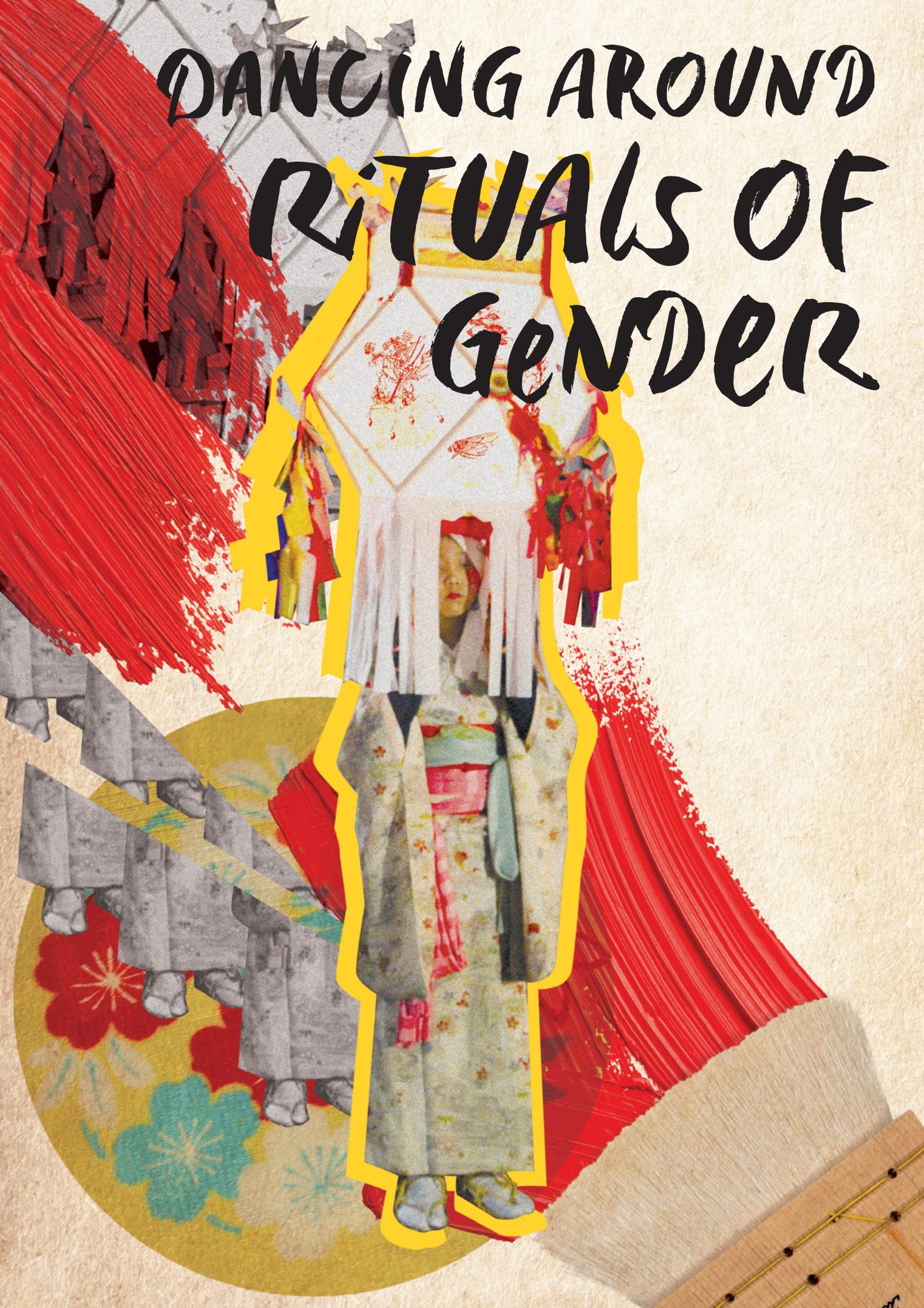


Photo-illustration by Janelle Delia using photos from the Shamenchi Odori Festival by Paul Vasey (with permission).

**Some cross-dressing is grounded in disciplined ritual, not gender identity.**

BY PAUL L. VASEY

“Eight boys perform a traditional dance dressed as girls wearing *kimonos* and carrying lanterns.”

So read the notice for *Shamenchi Odori*, a festival that takes place every year in the mountain village of Yase, Japan. My interest was piqued, but not because I was unaware of similar phenomena. For decades now, I have conducted research in Samoa and the Istmo region of Oaxaca, Mexico, on adult males who dress in female-typical clothing, wear make-up, and style their hair in a feminine manner. How might this Japanese festival compare?

I soon learned that *Shamenchi Odori* is held each October on the grounds of a 10<sup>th</sup>-century Shinto temple built on the slope of Mount Hiei. The temple houses a shrine dedicated to Akimoto Tajimanokami (c. 1647-1714), a senior counselor in the Edo shogunate. Tajimanokami interceded in 1710 to preserve Yase’s land rights and status as a tax-exempt zone when both were under threat. *Shamenchi Odori*—which has been variously translated to mean the “dance of gratitude,” the “pardoned land dance,” and the “land free of tax dance”—was created to honor him for this benevolence.

Ideally, the eight boys who participate in the festival are all first-born sons, aged fifteen. These days, with fewer children being born in Yase, boys who are somewhat younger can be enlisted to participate. On the evening of the festival, powder, rouge, and lipstick are applied to the boys’ faces. They are then dressed in identical *furisodes* (*kimonos* with long, swinging sleeves, traditionally worn by young unmarried women) that are patterned with delicate flowers. Having been transformed into what some sources describe as “maidens,” the boys stand stoically in the foyers of their homes, on display for admiring spectators.

After sunset, the boys assemble in the village center and elaborate lanterns are placed on their heads. These are strung with colourful paper streamers and decorated on twelve sides with intricate *kirigami* (paper cutouts) depicting humans, animals, botanicals, and mythical beasts. Rice husk candles

are placed inside the lanterns illuminating them to dramatic effect.

The boys then proceed single file to the base of Mount Hiei with the flickering lanterns atop their heads. Once there, they ascend a stone staircase, up the forested slope of the mountain, all the while accompanied by beating drums and chanting worshipers. Upon reaching the temple, they begin to repeatedly circle in front of Tajimanokami’s shrine. This, as it turned out, was the traditional “dance” that I had read about in the festival’s telegraphic notice.

“Lantern dances” originated in the 16<sup>th</sup> century and have all but disappeared from the Japanese cultural landscape. *Shamenchi Odori* is one of only two that remain, a vestigial cultural practice and the only one involving cross-dressed boys. Despite its designation as an intangible cultural asset, the festival could accurately be described as an obscure event. Most people in Kyoto, which is a mere 10 kilometers from Yase, have never heard of it. In a world where it can sometimes feel as if there is nothing left to discover, *Shamenchi Odori* remains a hidden gem.



In advance of the festival, I wondered whether *Shamenchi Odori* was some sort of public tribute to feminine boys. The ethnosphere is nothing if not diverse, and some very unusual cultural practices exist out there in the realms of gender and sexuality. After all, in other cultures where I have conducted long-term research, there are community events—beauty pageants, parades, and dances—at which feminine males take center stage in an atmosphere of celebration.

But this speculation soon proved to be well off the mark. The *Shamenchi Odori* boys showed no signs of effeminacy whatsoever. After the festival, I observed them, makeup-clad and dressed in their now disheveled *furisodes*, roughhousing as adolescent boys typically do all over the world. Villagers with whom I spoke confirmed that the festival was in no way a celebration of boyhood femininity.

So, why were the boys cross-dressed? When I put this question to various festival participants, it seemed as if they had never given it much thought, and answers varied.

Some emphasized the boys' quasi-religious role, from which girls were barred. But even if this were the case, why not let the boys dress in a gender normative manner? Why mimic the appearance of girls, who, after all, were supposedly barred from being lantern bearers?

Others linked the boys' cross-dressing to *furyu odori*—traditional folk dances that originated in Japan's late medieval period. During these events, participants wore all manner of elaborate costumes while dancing together, often in a circle and often to honor the dead. But given the plethora of costumes one could choose from, why cross-dress? Indeed, examples of *furyu odori* exist during which boys wear costumes that have nothing to do with girls' clothing.

Another explanation I heard for the boys' cross-dressing harkened back to the 14<sup>th</sup> century.

The story recounted to me

goes as follows: Emperor Go-Daigo (c. 1288-1339) originally bestowed tax-free status on the citizens of Yase for helping him flee a political enemy, the *samurai* Ashikaga Takauji (c. 1305-1358). During his clandestine escape, Go-Daigo dressed as a woman to evade detection by Takauji and his henchmen. Yase's boys, I was told, cross-dress in remembrance of this event.

But why cross-dress in remembrance of a purported event that was only tangentially related to *Shamenchi Odori*'s purpose, namely to honor Akimoto Tajimanokami? Furthermore, why would boys assume this role? Why not cross-dressed men, who would, after all, be age-appropriate choices if one was trying to recreate Go-Daigo's supposed flight?

All the explanations that were offered for the boy's cross-dressing had the quality of *post-hoc* reasoning. It was as if the gracious and accommodating villagers of Yase were being asked for a specific reason why the boys cross-dressed and felt obligated in the presence of a curious Canadian researcher to provide one. This type of *post-hoc* response is not uncommon in the context of ethnographic fieldwork. When it comes to complex cultural practices, people often do not know

why they do what they do. Given this, interviewees sometimes manufacture explanations or, when pressed, will simply say, "It's our custom." While satisfying for locals, such explanations leave much to be desired when viewed from the perspective of the ethnographer.

I reckoned that there might be an explanation for the boys' cross-dressing that none of the villagers had mentioned. This involves *wakashu*—a term employed during the Edo period to refer to "beautiful male youths." The Edo era timeframe (c. 1603-1868) during which *wakashu* were recognized coincides well with the period during which *Shamenchi Odori* was launched (c. 1715). Like the *Shamenchi Odori* boys, *wakashu* were known to wear flower-printed

*furisodes* and make-up. They also staged *furyu odori*-inspired dances, a performance style that some of the *Shamenchi Odori*

participants linked to the cross-dressed boys' commemoration of Akimoto Tajimanokami.

Perhaps *Shamenchi Odori*'s cross-dressed boys are simply the modern expression of a role that was formerly played by *wakashu*. The practice of dressing boys in feminine attire may have stuck throughout the centuries owing to humans' remarkable tendency for high fidelity copying of cultural traditions. This tendency is automatic, unconscious, and difficult to inhibit or suppress. In ritual contexts, the human propensity for "super-copying" may slip even further into overdrive, since practitioners stress the importance of getting all the ceremonial steps "right" for supernatural interventions to "work." The more steps a ritual has, the more it is perceived as efficacious, thus discouraging the deletion of ritual elements—even seemingly trivial ones—and further encouraging high fidelity copying.

Just as most Westerners have forgotten the original reason costumes are worn on Halloween, so, too, the citizens of Yase may have forgotten the original reason why boys cross-dress during *Shamenchi Odori*. If my theory about the *wakashu* origin is correct, this might explain why those involved in this

event struggled to explain the role that cross-dressing played in their festival and why their accounts varied so considerably. This might also explain why the *furisodes* and makeup that were once appropriate for *wakashu* take on an enigmatic cross-gender aura when donned by boys in the modern context of this event.

Regardless of whether this conjecture proves correct, speculation of this sort requires an openness to questioning participants' self-reports. But a willingness for such skepticism—especially when it is extended to another culture, as I have done here—is strongly discouraged in many academic quarters. Yet when such inquiry is forestalled, all we're left with is unquestioning faith in each participants' "lived experiences" no matter how implausible or contradictory those might be.

Understanding the objective reality of sexual and gender diversity often requires that we interrogate participants' (inter)subjective perceptions. As the autogynephilic blogger, Zack M. Davis has written: "If introspection were sufficient to reveal the true structure of human psychology, it's not clear why we would even *need* to do science; we would just *know*. It's precisely *because* careful observation and experiments can tell us things about ourselves that we didn't already know that science is useful."

*Shamenchi Odori* is not the only devotional ritual in which cross-dressed boys play a central role. In ancient Greece, two boys dressed as girls led the *Oschophoria*, a festival honoring Dionysus, the god of wine and ecstasy. During the *Chamayavilakku* festival in Chavara, India, boys seek blessings from Bhagavati, the goddess of limitless energy, by dressing as girls and holding votive lamps up to her in penance for their sins. In Mannō, Japan, boys dress as girls and dance during the *Ayako Odori* festival to pray for rain.

Is there any overarching explanation that might account for why cross-dressing features so prominently in these institutionalized events that span such very different cultures and timeframes? The American humanities scholar Camille Paglia has opined that male transvestitism during religious rituals serves a propitiatory function, signalling reverence, sacrifice and ingratiating. The

cross-dressed boys' key role in honoring Akimoto Tajimanokami during the quasi-religious *Shamenchi Odori* festival could be seen as consistent with this idea.

In addition, Mircea Eliade, an influential Romanian historian of religion, has argued that ritual androgyny has deep mythical roots, rendering incarnate the *coincidentia oppositorum*, the non-dualistic union of opposites. According to Eliade, from time-to-time humans feel the need—if only for a moment—to symbolically efface their differentiated and determined condition, effecting a mythical return to the primeval state before creation, where all form dissolves into oneness and divinity is more closely approached. Many cultures seem to have landed on ritual androgyny as one means by which this need is achieved.

Perhaps cross-dressed boys, who are not fully mature, are better able to encapsulate a sex and gender *coincidentia oppositorum* than cross-dressed men with their more pronounced secondary sexual characteristics. Edo era citizens certainly seemed to think so. When performing on the *kabuki* theatre stage, *wakashu* were thought to be experts at projecting androgyny, or as the Japanese historian Imao Tetsuya puts it, "floating between the polarities of male and female, synthesizing *sokuji*, the principle of both sexes, thereby radiating neutral ravishing sexuality, and thus pleasing both men and women."

Some scholars have argued that *wakashu* constituted a "third" gender that existed during the Edo era, but I find these arguments unconvincing. It seems to me that "third" genders exist in socio-cultural spaces when a subset of males (or females) are recognized both by themselves and other members of their society as being neither men nor women. But *all* Edo era adolescent males were identified as *wakashu*. In the absence of a separate group of age-matched male peers who identified (and were identified by others) as something other than *wakashu*, the "third" gender label makes no sense. In thinking through this issue, I was reminded that, when academic ideas like "third genders" are valorized, the temptation to embrace them will always exist, even in the absence of supporting evidence.

**When it comes to complex cultural practices, people often do not know why they do what they do.**

What's more, as I sifted through possible explanations for cross-dressing by the *Shamenchi Odori* boys, I was given pause to think about the narrow bandwidth of ideas

that Western academics often draw upon when formulating hypotheses for socio-cultural phenomena in other times and places. I doubt that disciplined ritual, let alone propitiation or *coincidentia oppositorum*, spring to mind when most self-proclaimed "gender experts" think about cross-dressing in childhood. These days, it seems far more likely that "transkids" (the folksy moniker for children who have been labeled as transgender) would be invoked as the knee-jerk explanation by those with cultural tunnel-vision.

This disciplinary narrowness and siloing of thought underscores for me (yet again) how important it is for students of human behavior and psychology to engage with non-Western cultures through fieldwork and to mine historical sources, ethnographic or otherwise. Doing so can result in transformative new ways of thinking and help correct biased, incomplete, or even erroneous views regarding the human experience. Admittedly, this is a very tall order, but, in the absence of such comparative work, we will never accurately grasp the full sweep of humanity, let alone our universal nature. I'm hardly the first person to point out that the study of modern Westerners and a

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myopic focus on theory will only take us so far.

For me, *Shamenchi Odori* has served as an edifying reminder that some gender-bending is enacted for

wholly ritualistic purposes and signals *nothing* about non-normative gender identity. This insight, while certainly not new, deserves reclamation and greater appreciation. It has not been imaginatively absorbed in many Western circles partly due to ideological efforts that encourage us to see contemporary Western transgender phenomena everywhere in history, culture and nature, but also because such rituals largely lie outside of the Euro-American cultural tradition. In those areas of the non-Western world where ritual cross-dressing occurs, its purely ceremonial nature is more evident to cultural insiders.

Indeed, when I asked the *Shamenchi Odori* boys how they felt about being cross-dressed, they simply said, in good communal spirit and with muted pride, "It's our tradition."

For references, please see [inquisitivemag.org](http://inquisitivemag.org).

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# A Field Guide to CRIMINOLOGY

**How did a discipline fascinated by deviance wind up with so many taboos?**

BY COLLEEN P. EREN

Criminology programs can never repay their debt to *Criminal Minds*, *Law and Order SVU*, *The First 48*, and *CSI: Crime Scene Investigations*—dramas incoming freshmen routinely cite as motivators for pursuing criminology degrees. Besotted with these shows, entering students assure us they want to "understand the criminal mind." They want to become forensic psychiatrists or behavioral experts or special agents for the FBI, to run blood spatter and bullet trajectory analyses. They want to become forensic scientists, to litigate exciting cases, and, in some cases, provide justice as police officers.

Given popular depictions of criminology—the study of the making, breaking, and enforcing of laws—undergraduate misperceptions are understandable. And, to be fair, it's not as if the field is a monolith. The discipline regularly engages in boundary policing (pun intended) even though it is internally

fragmented, rife with disagreement about which methodological and theoretical frameworks should drive research, thick with taboos about topics that can be investigated.

Prior to becoming a discrete academic discipline in the twentieth century, the study of criminality was something scholars from law, psychology, biology, sociology, and medicine took on as a specialized area of interest. Histories of criminology almost uniformly trace the origin of the field to Italian Enlightenment-era jurist Cesare Beccaria (1738-1794), a founder of the Classical School of criminology which held that, properly applied, punishment would act as a deterrent. The 19th and early 20th centuries saw the bloom of the Positivist School, also led also by Italians—the physician Cesare Lombroso and his students, including lawyers Enrico Ferri and Raffaele Garofalo. The positivists believed in the power of science to quantify, explain, and prevent crime.

Sociologists from the 1930s onward—including notably Edwin Sutherland, who coined the term "white collar crime"—marshalled the study of crime into a specialty within their own discipline. This led to the overrepresentation of sociologists in the field we still see to this day. In fact, criminology programs



Photo from the Shamenchi Odori Festival by Paul Vasey (with permission).

are still frequently housed—often uneasily—within sociology departments, with implications for curricula and research.

To say sociology and criminology have been going through a 50-year-long divorce might be too dramatic; sociology's influence is still sizable. But criminology has long been pushing to come out from under sociology's sometimes patronizing wing.

Criminology's first standalone doctoral-granting program was launched when Florida State University admitted its first student in 1958, but more than half of today's doctoral programs admitted their first students only after 1990. Although many criminologists once submitted their peer-reviewed work to sociology journals, this has changed with the rise of prestigious criminology journals. And while there has been a leftward pull in the field of criminology—mirroring academia in general—sociology has trended even harder left.

Criminology's burgeoning separation from sociology doesn't mean criminologists feel perfectly at home in the seemingly synonymous discipline of criminal justice, a field that traces

its own roots to an American police chief, August Vollmer. (Incidentally, Vollmer twice jumped onto runaway trains to prevent catastrophic crashes, an origin story seemingly unmatched by any other academic discipline.) Vollmer attempted in the early 20th century to professionalize police work and make effective law enforcement a subject of scholarly inquiry, founding the first criminal justice education programs at U.C. Berkeley in 1916. Still, it took until 1968 for SUNY Albany to offer the first free-standing Ph.D. in criminal justice.

Although people with criminal justice doctorates investigate a range of topics, they have concentrated on the administration of the institutional pillars of the criminal justice system. Because criminal justice is more applied, linked to criminal justice

vocations, and sometimes taught by former law enforcement members-turned-faculty, sociologists and criminologists often look down on it, particularly deriding low status, educational-mill “cop shops” where war stories and “copaganda” allegedly flourish and little important (read, progressive) scholarship is produced.

What about methodology? Interest in the possible biological origins of crime date back to physician Cesare Lombroso and his tome, *The Criminal Man* (1876). In that book, heavily influenced by Darwin, Lombroso theorized “[in]born criminality,” discussing the physical abnormalities he observed among criminals, compiling quite the collection of skulls in his phrenological pursuits. (By his own request, his head is now jarred and on display at Turin's Museum of Psychiatry and Criminology.) In 1893, he extended his interests in criminal pathologies to the fairer sex, publishing *Criminal Woman, The Prostitute, and the Natural Woman*.

Though Jewish, socialist, and by his own estimation progressive, Lombroso's work was intertwined with contemporary scientific racism and the eugenics movement, giving a scholarly

vener and acceptability to the idea of eliminating populations “born” dangerous. Lombroso ultimately declared criminals to be evolutionary throwbacks who resembled “savages” and “primitive races” with animal-like qualities. His students collaborated with the Italian fascist regime and Lombroso was temporarily revered by that regime, at least until his Jewishness became a problem for them and they unceremoniously took down his monument in Verona and removed his name from street signs.

Lombroso's flawed methodologies, pseudoscience, and indirect connection to mass slaughter, fascism, and eugenics delegitimized and made taboo biosocial criminology for most of the 20th century. This despite the fact that some of Lombroso's students' presented quite reasonable, nuanced approaches. For

**Those who wish to publish ethnographies of subcultures involved in criminal behavior are sometimes involved in controversies around ethics, as they are accused of engaging in criminal activity themselves, a lack of objectivity, and even romanticizing criminal behavior.**

example, Lombroso disciple Enrico Ferri took the position that “[w]e must study all the possible data that can be causes of crime—the man's heredity, the man's physical and moral make-up, his emotional temperament, the surroundings of his youth, his present home, and other conditions.”

Over the past few decades, the taboo around biological theorizing has eased, with more incorporation of biocriminology into mainstream criminology textbooks and a rise of researchers like Adrian Raine interested in the neurobiological and biosocial causes of antisocial behavior and violence. However, among the more sociologically-oriented and left-leaning, biological explanations of deviant behaviors are still often discredited, reflexively linked with racism, fascism, and sexism.

Indeed, criminology's do's and don'ts generally bifurcate predictably according to sociology's ideological progressivism. Publishing on the disproportionate incarceration rates among Black and Brown people? Acceptable. Publishing on differential rates of offense by race or ethnicity? Not acceptable. Publishing on misogyny's role in men's domestic violence against women? Fair game. Publishing about the relative likelihood women won't be arrested for assaulting men? Controversial. Publishing on rape's linkage to patriarchy and power? All good. Publishing about rape being driven by a desire for sex? You can guess how that goes.

The progressive shift towards minimizing sex differences and prioritizing gender identity has led to additional taboos. Heterodox Academy member and criminologist Callie Burt experienced this firsthand after she published “Scrutinizing the U.S. Equality Act 2019” in *Feminist Criminology* in 2020. The work criticized the Act's conflation of sex and gender and its prioritization of self-identification for access to sex-segregated spaces like prisons and domestic violence shelters. Labeled a transphobe on a

professional organization's listserv, she was removed from *Feminist Criminology's* editorial board, with the record of the board's vote citing her potential to “[send] the wrong message about the inclusive intent of the journal.”

Disciplinary methods are also contested in criminology. Qualitative research is seen as less rigorous, except by more left-leaning scholars (who view quantitative, positivist scholarship skeptically, as a form of an oppressive, Western, empiricist gaze), and is published infrequently in top criminology journals. Those who wish to publish ethnographies of subcultures involved in criminal behavior are sometimes involved in controversies around ethics, as they are accused of engaging in criminal activity themselves, a lack of objectivity, and even romanticizing criminal behavior.

For all of the disciplinary policing within criminology, it turns out to be a remarkably anarchical discipline, lacking unity over even basic theoretical precepts. But one might well be introduced to its study through controversies played out among its schools of thought. Whether this makes it a true discipline or a mere reflection of political orientation or even an art is a fair question. Maybe that's fitting for a field whose chief subject is deviance.

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# The Discipline of LAST RESORT



**Retraction isn't designed as punishment, but it serves that role by default. And that's OK.**

BY IVAN ORANSKY AND ADAM MARCUS

If you're anything like us, when you take a pill, drive over a bridge, or make other important decisions, you want to know those choices are based on solid evidence. You want to know the company making that pill has tested it in good faith; that the bridge engineers knew what they were

doing when they calculated the load capacity of the struts and spans; and that, in both cases, the people who developed the underlying data did so honestly, correcting any errors they found as soon as possible to minimize the downstream consequences.

**Retractions have become a punishment of last resort, because many of the institutions involved have abandoned their responsibility to safeguard knowledge.**

Alas, that isn't always the case. Our experience running a site called Retraction Watch for about a decade and a half tells us scientific misconduct is far more common than anyone wants to admit, and that, when serious problems are detected, researchers can take years to correct or retract their work—when they do so at all. Our database of retracted articles (the world's most comprehensive) shows journals now retract thousands of papers each year, yet our best guess is the number should be at least 10 times higher.

What's at the foundation of this problematic scene? Those who closely monitor scientific publishing agree a significant part of the reason for the lack of intellectual honesty about correcting the record is the academic reward system, which prizes publications above all else. Cheating, sloppiness, and scientific wishcasting are all symptoms of a regime in which quantity trumps quality.

Until roughly two decades ago, retractions were pretty rare, numbering only in the two-digit range per year. That has changed significantly, with the number growing past 10,000 in 2023. With the rise has come an increase in stigma around retraction, in part because people are aware that retractions often resulted from misconduct. It's not surprising that many scholars now take steps—sometimes even hiring lawyers to block action by journals and publishers—to stop or obscure them.

Because they're supposed to be understood primarily as a way to keep the scientific record healthy, retractions are not *officially* meant as a form of punishment. According to the Committee on Publication Ethics, a UK nonprofit membership organization for publishers and others, "The main purpose of retractions is to correct the literature and ensure its integrity rather than to punish authors who misbehave."

With that framing in mind, *Science* editor-in-chief H. Holden Thorp—whose efforts in this area

are important and, we think, well-intentioned—has suggested retractions be decoupled from determinations of who is at fault. His notion is a two-stage process in which possible retraction is considered relatively quickly—attending promptly to the soundness of the scientific record—and questions of misconduct are given separate, longer considerations. While we see the logic here, our experience tells us putting off misconduct investigations makes them even more secretive and may mean they never see the light of day. And, like retractions, misconduct investigations are a key part of keeping science healthy.

In theory, and sometimes in practice, scientists already sanction authors who retract papers, based on explanations of what went wrong. Economists studying the reputation effects of retractions have found that when researchers acknowledge honest errors in retraction notices, they do not suffer any downstream damage to their citation counts—a highly imperfect but often-used measure of career success. When such notices mention misconduct, however, citation rates fall.

But—unfortunately—retractions have become a punishment of last resort, because many of the institutions involved have abandoned their responsibility to safeguard knowledge. Universities see retractions as a stain on their reputations, likely to lead to decreased federal funding (and the overhead costs that come along with the core dollars) and decreased support from alumni and corporations. Publishers see them the same way, with publicly traded companies listing retractions and paper mills (shady companies that sell papers and authorship to desperate authors) as significant risks to their reputations in prospectuses and quarterly reports. These institutions have little economic incentive to do the right thing.

What about applying government pressure? One would think the federal agencies that fund or depend on scientific research to advance human health—the

NIH and FDA, for example—would aggressively push publishers to correct the record more quickly. The NIH, after all, has funded much of the shaky foundation beneath so many failed Alzheimer’s treatments. Most of the researchers involved in this specious science, however, have never been held accountable by the Office of Research Integrity, which requires but a handful of retractions each year as part of their agreements with those it finds have committed misconduct.

The only U.S. federal agency, in fact, that has ever sanctioned a publisher was the Federal Trade Commission. In 2019, the FTC won a \$50 million settlement against OMICS, a publisher long known for dodgy practices, for having “deceptively claimed that their journals provided authors with rigorous peer review and had editorial boards made up of prominent academics. In reality, many articles were published with little to no peer review, and many individuals represented to be editors had not agreed to be affiliated with the journals.”

To be sure, discipline is not the only way to discourage misconduct. And it may not even be the most effective way. To make a dramatic difference, governments and universities must abandon the “publish or perish” incentives at the root of the problem.

But others have recommended that shift for decades, and while some important moves in the right direction have occurred, one has the sense such incentives are a barely movable object. So, in the meantime, we have retractions, which, when done properly, are public sanctions that also manage to correct the record. We can only hope the real solution is not a bridge too far.

For references, please see [inquisitivemag.org](http://inquisitivemag.org).

Ivan Oransky, MD, and Adam Marcus, MA, cofounded Retraction Watch in 2010. The nonprofit site operates paywall-free and, in addition to original investigative science journalism, provides data on hijacked journals and transparency around misconduct.



## The question of academic freedom as a right is far from settled.

BY NADINE STROSSEN

David Rabban’s scholarly but readable *Academic Freedom: From Professional Norm to First Amendment Right* (Harvard University Press, 2024) provides a much-needed defense of academic freedom just when it is imperiled on campuses nationwide.

Rabban, a respected First Amendment scholar, is uniquely qualified to illuminate academic freedom issues. For decades, he held leadership positions with the American Association of University Professors (AAUP), an organization founded in 1915 to spearhead protection of academic freedom as a professional norm and one that has been considered the foremost expositor and enforcer of academic freedom principles. More recently, in 2021, Rabban was a founding member of the Academic Freedom Alliance (AFA).

Rabban’s book provides the first comprehensive analysis and synthesis of the large body of court rulings about academic freedom, far beyond the handful of pertinent Supreme Court decisions to which much analysis is confined. The book would have made an important contribution solely through its systematic presentation of the extensive case law. But supplementing the book, Rabban’s web page provides additional welcome resources for assessing the governing legal precedents, including three charts that helpfully classify the decisions and summarize their key factual and legal elements.

At least as valuable as the book’s comprehensive analysis is its offering of a novel theory of academic freedom which, if adopted by the courts, would provide special, vital First Amendment protection for faculty at public institutions that they currently lack. The courts have endorsed academic freedom as the AAUP understands it—that is, as a professional norm. But Rabban seeks greater protection, arguing that the courts should recognize academic freedom as a distinctive First Amendment right of faculty at public institutions.

This is important because, while the Supreme Court has long stated that academic freedom is “a special concern of the First Amendment,” it has yet to

squarely uphold faculty members' academic freedom rights, or to explain whether such rights simply overlap with general First Amendment free speech protections, or whether instead one's coverage is broader than the other's.

Addressing this question, Rabban argues that, "In order to perform their" critical societal "role... in the production and dissemination of knowledge...faculty must have freedom to research, publish, and teach within their academic expertise without interference from the university or the state" (p. 298).

That said, in Rabban's view, "[e]xpression must meet academic standards to qualify as the expert academic speech that merits the protection of academic freedom," and so such freedom "does not extend to content or viewpoints that fail to meet academic standards as determined by faculty peers" (p. 9).

The argument in fact has broad implications for both public and private institutions because, while the First Amendment directly applies only to public institutions, most private colleges and universities have voluntarily pledged to support First Amendment principles and have consequently been legally held to those principles.

The most controversial aspect of Rabban's proposed First Amendment academic freedom concept is its exclusion of faculty members' "extramural" expression, conveyed in their non-professional role as "citizens." In Rabban's view, since "[t]he justification for...academic freedom [is] the societal interest in protecting the expression of academic expertise," faculty members' academic freedom "does not apply to general political expression unrelated to their expertise" (p. 16).

In contrast, the AAUP's definition of academic freedom *does* encompass faculty members' extramural expression. In a 1964 statement, the AAUP stressed that "a faculty member's expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty

member's unfitness for his or her position," adding that "extramural utterances rarely bear upon... fitness." Moreover, the AAUP maintained that such

expression ought to be evaluated in the overall context of "the faculty member's entire record as a teacher and scholar."

This AAUP position has been endorsed

in our own time by leading academic freedom experts, including Keith Whittington and John K. Wilson.

On the one hand, Rabban's exclusion of non-expert extramural expression from his academic freedom theory could be highly consequential, since so many controversies concern precisely this type of expression. On the other hand, the practical impact of this approach may be limited if—as Rabban advocates—faculty members' non-expert expression is robustly protected under the same general free speech principles that apply to other members of the public and to other public employees (pp. 157-158).

Similarly, Whittington—who endorses protecting extramural expression under both academic freedom and general free speech principles alike—has advocated that free speech principles governing public employee expression be applied with special sensitivity to the unique, societally important role of universities and professors. After all, those principles call for fact-specific assessments of both employer and employee interests. Analyzing extramural expression under either academic freedom or general First Amendment principles, Whittington reaches the same conclusion as Rabban: "There are few circumstances that would justify a university sanctioning a professor for saying controversial things in public."

Regardless of whether one agrees with all aspects of Rabban's approach, he offers a coherent concept of constitutionally protected academic freedom that logically flows from and fosters universities' special truth-seeking mission. As such, Rabban provides a welcome counter to the rampant confusion and controversy about this constantly invoked yet generally misunderstood concept.

It is worth noting that the pervasive confusion about the meaning of academic freedom can be traced to the Supreme Court. While it has issued several eloquent paeans to academic freedom, SCOTUS has provided few specific legally enforceable guidelines on point. As the U.S. Court of Appeals for the Fourth Circuit observed, "to the extent [the Court] has constitutionalized a right of academic freedom at all, [it] appears to have recognized only an institutional right of self-governance in academic affairs."

Ironically, that institutional right would empower university officials to circumscribe faculty members' freedom concerning scholarship and teaching. In contrast, the Court's rhetorical salutes to faculty members' academic freedom essentially constitute unenforceable "dicta," which appear in either non-majority opinions or majority opinions that are grounded on other legal rationales.

The Court's most recent case on point expressly declined to address whether public university faculty members have any special First Amendment academic freedom rights above and beyond the limited First Amendment free speech rights that the Court has recognized for public employees generally. In 2006, in *Garcetti v. Ceballos*, a case involving a district attorney, the Court held (over four dissenting votes) that when a public employee's expression is within the scope of the employee's job responsibilities, that expression receives no First Amendment protection. As the Court explained in a 2022 decision, "for constitutional purposes," this speech is in effect "the government's own speech."

Justice David Souter's dissent in *Garcetti* expressed "hope that today's majority does

not mean to imperil First Amendment protection of academic freedom in public colleges and universities, whose teachers necessarily speak and write 'pursuant to official duties.'" In response, the majority opinion included the following caveat: "We need not, and for that reason do not, decide whether the analysis we conduct today would apply in the same manner to a case involving speech related to scholarship or

teaching." Nor has the Court subsequently addressed that crucial issue.

Since *Garcetti*, lower court judges have divided on its academic freedom implications, and some have enforced *Garcetti* in ways that do indeed "imperil... academic freedom," as Justice Souter feared. For example, in 2023, the U.S. Court of Appeals for the Fourth Circuit held that the First Amendment provides no protection for a state university faculty member's comment about university policies. The court construed *Garcetti*'s key passage that potentially protected "speech related to scholarship or teaching" extremely narrowly, as not including a faculty member's speech about even key educational policies.

Although the Supreme Court has not explicitly addressed the contention that individual faculty members at public institutions have no First Amendment academic freedom rights, lower courts have so held.

For example, in 2000, the U.S. Court of Appeals for the Fourth Circuit rejected a First Amendment challenge to a Virginia law barring state employees from viewing sexually explicit material on work computers; the lawsuit had been brought by state university faculty members whose scholarship and teaching concerned topics to which this material was germane, such as women's studies, gender studies, human sexuality, and literature. The Fourth Circuit explained that the professors' legal challenge

"amounts to a claim that academic freedom of professors is not only a professional norm, but also a constitutional right. We disagree."

In lawsuits in Florida and Indiana, both those states are arguing against an academic freedom exception to the general rule set forth in *Garcetti*, a position that is consistent with the view that professors' academic freedom is not a constitutional right.

Florida urged the U.S. Circuit Court of Appeals for the Eleventh Circuit to reject state university professors'

**Rabban seeks greater protection, arguing that the courts should recognize academic freedom as a distinctive First Amendment right of faculty at public institutions.**

**Rabban provides a welcome counter to the rampant confusion and controversy about this constantly invoked yet generally misunderstood concept.**

First Amendment challenge to the Stop Woke Act’s ban on teaching “divisive concepts” concerning race and gender. During the oral argument, Florida’s attorney said that “in the classroom the professor’s speech is the government’s speech,” and therefore a state can “insist that professors not...espouse...viewpoints that are contrary to the state’s.” In response to a judge’s question whether the state legislature “could...prohibit professors from saying anything negative about a current gubernatorial administration,” the attorney answered “yes.”

Indiana’s Attorney General espoused this same argument in defending a new state law that imposes on all faculty members the vague, subjective requirements “to foster...intellectual diversity,” and to “[introduce] students to scholarly works from a variety of political or ideological frameworks,” on pain of losing their jobs. The Attorney General rejected the professors’ asserted “First Amendment right to academic freedom” as a “brand new” right, entitled to no legal protection.

If courts were to adopt Rabban’s theory that the First Amendment does indeed protect distinctive academic freedom rights, those rights would have prevailed in all four of the above-described cases. Faculty members would be free to pursue research and teaching subject only to professional norms enforced by academic peers. So long as accessing sexually explicit material, discussing “divisive concepts,” and selecting assigned readings for a course are consistent with the standards of the pertinent academic disciplines, these professional undertakings would be protected. Likewise, Rabban’s theory extends to faculty members’ discussion of their institutions’ educational policies, since such policies would benefit from faculty members’ general expertise (pp. 154-55, 299).

That said, the same speech-protective results could also be reached via the Supreme Court’s *Garcetti* caveat, if it were construed to protect a sufficiently

broad notion of faculty expression that is “related to scholarship or teaching.”

While Rabban’s First Amendment academic freedom theory provides a helpful framework for analyzing many academic freedom controversies, it doesn’t provide clear answers to some important issues. Given the important countervailing concerns implicated in many situations, I note this fact not as a critique, but rather as a cautionary note to readers.

The complexities presented by some important academic freedom issues are highlighted by recent strong disagreements within the academic community, including among academic freedom advocates.

A prime example concerns “diversity statements” by candidates for faculty positions or promotions. In October 2024, the AAUP issued a statement rejecting the view that “the use of DEI criteria for faculty evaluation is categorically incompatible with academic freedom.” This followed objections to DEI practices from other advocacy organizations, including the AFA, which in 2022 called upon higher education institutions “to desist from demanding ‘diversity statements’ as conditions of employment or promotion,” on the ground that they are “obvious threats to academic freedom.”

Rabban’s book contains a detailed analysis (pp. 274-280) of the countervailing academic freedom rights of faculty members and their institutions in the context of diversity statements, which reaches a nuanced “uncomfortable conclusion”: on the one hand, he recognizes that mandatory diversity statements “often violate” professors’ academic freedom, but on the other hand, he “regretfully” believes that professors’ academic freedom could be outweighed by universities’ academic freedom “when universities present plausible educational reasons for requiring” diversity statements, “follow faculty determinations about how they should be adapted for different disciplines, and do not use them as an ideological

test that treats a professor’s views about diversity as a basis for denying appointment.” Rabban further underscores how complex this calculus is by noting “[t]he failure of most mandatory diversity statements to meet” his proposed standards, hence warranting “intensive judicial review of their use” (p. 280).

Another recent AAUP statement provoked further debates among academic freedom advocates about a topic that Rabban’s book doesn’t address at all: academic boycotts. For almost 20 years, the AAUP categorically opposed such boycotts as “inimical to the principle of academic freedom.” In August 2024, however, the AAUP rescinded this prior position and instead declared that academic boycotts “can be considered legitimate tactical responses to conditions that are fundamentally incompatible with the mission of higher education.”

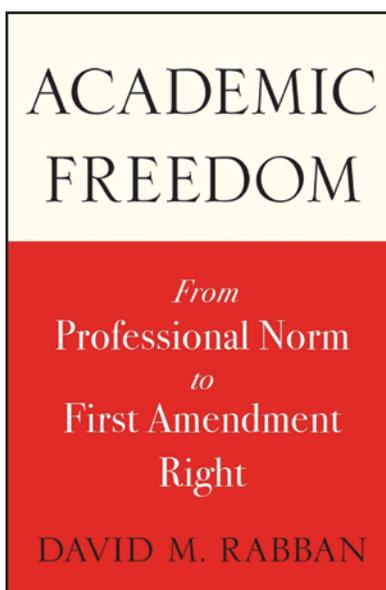
Other academic freedom proponents strongly criticized the new AAUP position as antithetical to academic freedom. For instance, Heterodox Academy’s August 20, 2024 statement on point referred to the AAUP as an “erstwhile defender of academic freedom,” charging that it “abandoned an ideal that is close to the core of the scholarly profession.”

In November 2024, leaders of the AAUP and FIRE published several sparring pieces, charging each other with insufficiently defending academic freedom. These exchanges prompted academic freedom expert John K. Wilson—who has worked closely with both organizations—to urge all of us academic freedom advocates to “argue about the best principles and... tactics and passionately defend our preferred approach while” we also “recognize that we’re all in this together against the common foe of censorship.”

While David Rabban’s book will not end the essential ongoing debates that Wilson wisely endorses, it should serve as an essential starting point for them.

The author and editor thank HxA Director of Policy Joe Cohn for his assistance with this piece.

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# And thus I became a woman.



"Toilette - Woman in Front of a Mirror" by Ernst Ludwig Kirchner. Wikimedia Commons, licensed under CC BY 3.0.

Once upon a time,  
“she” was the default.

BY KATHRYN LYNCH

At first—long ago—I didn’t think much of “being a woman.” In both senses of that idiom. I didn’t think much *about* it. And when I did think about it, I didn’t especially think much *of* it. It came with problems, however trivial and surmountable. To the extent that I was aware that boys had advantages (and in those days they really did), I cast myself as a barrier-breaker. Fewer girls on the playing field, more glory for me.

But then came graduate school. I was no longer the neophyte able to downplay sex difference. My years toward the PhD taught me that “being a woman” was something I’d need to stash away to be successful. I’d become not just a “neutral” woman but a fully-sexed mother of two tiny children. The larger my pregnant belly, though, the more invisible I was to my graduate school “mentors” (all men). Don’t get me wrong: I loved being a young mother. But I didn’t love watching my male grad-school colleagues marching off to all the jobs, or the young women dropping out.

But, despite my small awakening, I still had not affirmatively “become a woman.”

I’ll even tell an embarrassing story to highlight my cluelessness. It was 1982, 43 years ago. I was being interviewed to teach in the English Department at Wellesley College. Wellesley is proudly the #1 women’s college in the U.S. (perhaps the world). So, it should have been no surprise that I was asked what difference teaching all women would make for me.

But I was flummoxed. Until that moment, I hadn’t realized that Wellesley *was* a women’s school. I’d perused the whole catalog in the public library on microfilm and somehow managed to miss the most important point. A product of a large public high school and two big Research 1 universities, I’d never

considered going to a “girls’ school” myself. Women’s education was just not on my radar. So I gave the only answer I could, which was that I didn’t expect teaching women would make much difference. Apparently, that answer was ok—it was egalitarian and, I guess, showed respect for the capabilities of the students. Anyway, I got the job.

But I see now that my answer could not have been more wrong. The first department meeting I attended happened in the spring before I started teaching, during a house-hunting visit to New England. Sitting in on the edges of that meeting, I was startled by—of all things—the pronouns, which didn’t attract the attention then that they do now. At Wellesley, “she” was the default. Every student was “she.” This was new to me. In my dissertation (and first book) I’d fallen back on the default “he” (even using the word “mankind”). One of the early reviews of the book called me on this, though I thought it was a nothing issue. But, once I’d heard that “she,” it suddenly mattered a lot to me that the feminine pronoun could

stand in for the universal.

**Suddenly, at Wellesley, I no longer had to hide my womanhood. Women were all around me, as my colleagues, as leaders in the college.**

Other changes went deeper. Suddenly, at Wellesley, I no longer had to hide my womanhood.

Women were all

around me, as my colleagues, as leaders in the college. But most importantly, as 100% of the students I was charged with educating. I discovered that I had a reach of experience I could draw on and understand in a new way. I was not simply a mother and a scholar but a role model for my students of how these two could support one another.

Over the many years since then, my femaleness has become a key part of my identity as a teacher. In an all-women’s classroom (even as a medievalist), I discovered there were all sorts of taboo things we could discuss differently in the absence of men: how Simone de Beauvoir’s equation of women and death plays out in medieval poetry; how the modern pop-culture *Beowulf* manifests an obsession with the erect penis; how many different kinds of blood Chaucer might be referencing in the Wife of Bath’s bed—and why they mattered. I could also take an occasional

break from our subject matter to deliver some hard truths about a woman's life—for example, how the students' tendency to procrastinate might interfere with a goal of combining family and professional lives, if that *was* their goal.

My students became dear to me. I learned to respect choices they made that were different from my own (same-sex partnerships, economics majors). I stopped thinking competitively; the success of one was the success of all. I became a great teacher.

But I still hadn't fully, intentionally "become a woman."

More recently, many of these womanly advantages have evaporated. Today at my women's college, "she" is no longer the default pronoun. Instead, the professionals in our student life division tell us to solicit "pronoun preferences" at the beginning of classes or meetings. Some students go by "he"; many by "they." If I get their pronouns wrong, they let me know it.

There are students who want us to stop referring to our graduates as "alumnae" (the Latin feminine form) and revert to the Latin masculine default "alumni"

(as more "inclusive"); they go by "mx" rather than "ms." We no longer crown America's good with "sisterhood" when we sing "America the Beautiful"—a previously common local emendation of this hymn written by Wellesley alumna and professor Katharine Lee Bates. Now, though scattered faculty and staff still faintly chant "sisterhood," our students loudly cheer "siblinghood"! I have been told that students avoid me because I still talk about "women" in an unapologetic way; reportedly I "give off TERF energy."

And that's how, in my seventh decade of life, I finally "became a woman."

Not until the category fell under threat—until something I'd come to value was being taken away—did I realize how vital my womanhood was. That it was central to my life in all its aspects. Even as I've made that journey, many of my students—now fifty years younger than I am—appear to regard sex as voluntary and fungible. This creates distance between us.

And yet they resemble my own younger self, imagining that their sex does not matter. Some of them wish to erase it—through language and

## I discovered there were all sorts of taboo things we could discuss differently in the absence of men.

sometimes through medical transition. I don't presume to deny them these rights. But looking back, I want to encourage these young women to spend more time understanding the ways that embodied sex is an essential element of human experience.

Being a woman—with all the miracles and disabilities that entails—brings challenges. But 42 years of experience at an institution that puts "being a woman" at its center has made me one in a way I never anticipated. The irony is that, even as I want to communicate this history to my students, many of them have put themselves out of reach.

Men and boys—with all the problems they face today—seem to talk with each other more easily across generations. Women remain competitive, apparently regarding feminist advancement as a zero-

sum game. Third-wave feminists deny their second-wave mothers, even as we second-wavers failed adequately to acknowledge the suffragettes. That may be at least partly because compared to the male life span, the female one includes so many different seasons (youth, childbearing, menopause, and beyond), and it's scary to acknowledge that new and harder chapters of life lie ahead. For women, change is the order of life. One doesn't "become a woman" just once, but many times, and in different ways.

The misfortune is that it takes a lifetime's experience to learn this, and then it is a lesson not easily passed forward.

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# Kung Pao Tofu “Cod”

BY CARMEN WILSON AND JOE GOW



## TOFU “FISH” FILETS

24 oz firm tofu  
1 carton (12 oz) firm Mori Nu tofu  
¼ cup flour  
2 tsp salt  
1½ tsp onion powder  
1 tsp white pepper

1 cup boiling water  
½ cup dried wakame flakes

⅓ cup flour and ⅓ cup cornmeal, sifted together

To dry the firm tofu, use a tofu press or wrap tofu in paper towels and place under a cutting board with a couple of cans of food (or other weight) on top for a minimum of 30 minutes.

Slice Mori Nu tofu into ¼” slices. Wrap in paper towels. Place cutting board or other weight over tofu, drain for 15-30 minutes.

Boil water and add wakame flakes. Let cool. Using a spoon, separate wakame juice from seaweed. (Compost the seaweed.)

Crumble firm tofu into mixing bowl.

Add Mori Nu tofu, flour, salt, onion powder, pepper, and 3 tablespoons wakame juice to food processor. Process until smooth.

Add Mori Nu paste to crumbled tofu and mix well with your hands until no large chunks of tofu remain. Divide into 12 equal balls. Form into filets about ½” thick. Dredge in cornmeal mix.

Bake at 375 for 30 minutes. Let rest 15 minutes.

## KUNG PAO COD

6 tofu “fish” filets  
2 tsp sesame oil  
8 oz mushrooms, sliced  
1 cup broccoli florets  
½ cup peanuts or cashews  
½ cup green onions, sliced  
3 cups cooked rice

Sauce:

⅓ cup tamari  
⅔ cup water  
1 tbsp grated ginger  
1 tbsp brown sugar  
1 tbsp corn starch  
3 tbsp rice vinegar  
¼ tsp red pepper flakes

Mix sauce ingredients, set aside.

Heat sesame oil over medium higher heat. Add broccoli and mushrooms and stir fry until tender. Add sauce, nuts, and ½ green onions. Boil until sauce thickens. Place fish on bed of rice and pour sauce over. Garnish with remaining green onions.

The editor thanks HxA Director of Policy Joe Cohn for the idea of this contribution.