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inquisitive

A quarterly periodical
of Heterodox Academy

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SEEKING TRUTH TO POWER

It’s an electric time in academia.

BY ALICE DREGER, Managing Editor

The power grids that underlie the work of universities generally remain pretty invisible. But a notable exception occurs in the case of the Facility for Rare Isotope Beams, a “user facility” for the U.S. Department of Energy Office of Science located on the campus of Michigan State University, near where I live.

The FRIB itself, on the main part of campus, would never catch your eye. It consists of some boring offices along with a mostly-windowless industrial block. The feature of the FRIB you *do* notice lies on the campus’s south side. Driving by there, you will find acre upon acre of parking lots covered in canopies of photovoltaic panels.

While the canopies provide commuters a bit of relief from sun and snow, the solar array’s purpose is to feed the literal research machine – to enable scientists from all over the world to obtain “beam time” as they conduct experiments benefitting astrophysics, nuclear medicine, national defense, and industry. Of course, the FRIB’s literal power grid is buttressed not only by its concrete pillars but by the complex cultural and political power grids intertwining federal and state government, private industry, big science, and public support.

In the last few months, the political power grid of academia has become more visible than ever. Tapping into this moment – and connecting to the theme of Heterodox Academy’s 2025 conference, happening this month – this third issue of *inquisitive* parses out executive-branch power in higher ed as exerted by the current presidential administration, asking how power can be wielded for good or ill in higher education.

But this issue’s collection also looks at the power wielded by legislatures, courts, intellectual leaders, pedagogical gatekeepers, outspoken students, and individual academics. Our aim in this issue, as always, is not to persuade you of one particular belief but to engage you in the problems faced as we seek greater intellectual freedom.

To that end, John Tomasi (HxA’s president) imagines what John Stuart Mill and Herbert Marcuse might suggest about dealing with President Trump, Nicole Barbaro Simovski suggests that, if we want to stop idea-bans in classrooms, we need to take teaching seriously, Michael Sappol asks us to consider jarred human remains, and Luis Lozano Paredes challenges us to welcome the bots.

Rik Scarce recounts being jailed for protecting his research subjects, Chelsea Polis shares her experience of being sued for defamation, and Scott Parker considers what led to a student giving him a failing grade at the state capitol.

For our Books section, Ed Santurri asks if Glenn Loury is really telling us all in his tell-all memoir, while our Field Guide brings Pam Sailors escorting us on a tour of the admirable Philosophy of Sport. Finally, taking us back to the McCarthy era, Ben Lovett reminds us of what a great man had to say about rats, including the human variety.

Please do consider subscribing to *inquisitive*, and don’t forget that you can pitch us your ideas for future issues. Thank you.

“Classic Landscape” by Charles Sheeler, 1931. National Gallery of Art, public domain.

Endangered Specimens,



Unaccountable Objects

"Heart" by Pascale Pollier, artem-medicalis (used with permission).

If anatomical collections are precious, then the public deserves to hear the reasons why.

BY MICHAEL SAPPOL

Once upon a time, philosophers held up Anatomy as a paragon of Enlightenment science. The anatomist, they proclaimed, cast light into the dark interior of the human body. Practitioners of the discipline dissected the body into parts, drew boundaries, analyzed structures and functions, collected specimens, and made authoritative illustrated texts. These became prompts for critical reappraisal, further research, new texts, resulting in newer (better) knowledge.

But anatomy was also a dark science. Anatomists made knowledge from dead bodies illicitly obtained in the dead of night. Rituals of bodysnatching and dissection inducted students into the fraternity of professional medicine. The anatomical museum stood as a haunted house. And anatomical skeletons, skulls, and specimens served as emblems of human mortality, feature players in the *danse macabre* of medical student culture and the popular imagination.

I am a cultural historian of anatomy. And I study and love anatomical collections — though none are intact. A lot has been lost in the wreckage of war. (The Blitz destroyed two-thirds of London's Hunterian Museum.) A lot has been lost through wear-and-tear and neglect. And a lot was discarded, as twentieth-century ideals of modernization and "scientific progress" pushed schools and hospitals to junk their shopworn, no longer state-of-the-art specimens and models.

Now comes a new threat, a moral panic. Critics are insisting that "human remains" — a misplaced blanket term for human-derived biomaterials — have no place in museums. Mostly they target ethnographic museums and skull collections

which hold the skeletal remains and artifacts of indigenous and colonized peoples.

But historical anatomical collections are also getting caught in the net. Their objects were obtained without consent at a time when medical privacy and patient confidentiality weren't respected. Ethical protocols for things like that didn't exist then.

Philadelphia's Mütter Museum — a jewel of nineteenth- and early-twentieth-century anatomy — has just emerged from a two-year internal battle over the collections. Musée Dupuytren in Paris is closed. So is Padua's Museo Morgagni. (Temporarily, let's hope.) Other museums have removed specimens from view, restricted access, and re-evaluated policy.

The burden is heavy, and curators and museum directors — who mostly love their collections — are crumbling under the weight.

Museum directors and curators are walking on eggshells. And, while all this is happening, laws that regulate medical research and records — enacted by officials

who have no particular knowledge of medical history and scholarship — are also messing with the collections.



Paradoxically, the roots of the present threat lie in an earlier movement to democratize medicine: the desire to open up has led to the closing down. In the latter decades of the twentieth century, many "legacy" collections, previously restricted to medical professionals, were refurbished and opened up to the public. Visitors came in droves to look at specimens that aren't easy to look at. But now comes "the bioethical turn" and increasing discomfort with "insensitive" interpretations, provocative displays, and voyeurism.

The burden is heavy, and curators and museum directors — who mostly love their collections — are crumbling under the weight. The critics want

to hold Anatomy to account. Yet museum curators and directors are mostly inaudible, reluctant to join the fray.

So, this essay is an attempt to speak up on behalf of the collections and objects. If anatomical collections are precious, the public deserves to know reasons why — why scholars and everyday people should get to see and study the specimens. Not just for purposes of medical research and lessons on the workings of the human body, but on historical, phenomenological, and aesthetic grounds. And for pleasure.

The objects of our legacy anatomical museums are artifacts and not just “human remains” or “medical specimens.” The medium is human flesh and bone. But also glass, wax, wood, preservative fluids and other materials. And some specimens are masterpieces of skilled dissection, artisanal craft, and technical ingenuity — as much a part of Enlightenment and post-Enlightenment culture as brilliant works of painting, metallurgy, and architecture — and just as worthy of preservation, display and scholarly examination.



You need to see them “in the flesh” to get what they are. So here’s *Craniopago*, the preserved head of an unviable conjoined twin. Or rather, here’s medical illustrator Pascale Pollier’s take — since, as I’ll explain in a bit, I was refused permission to use photographs.

What kind of object is it? Human biomaterial. A once-living thing which underwent sequential growth in the womb of a mother. She had, perhaps, a difficult pregnancy.

But *Craniopago* is also a scientific object, collected by a doctor who detached the head from the body, placed it in a glass pot with preservative fluid, and labeled it according to a taxonomic system for different types of conjoined twins. (“Craniopago” designates head fusion.) It was then transformed into a specimen among specimens, put on a shelf in the Museo Morgagni di Anatomia at the University of Padua for medical study and contemplation.

Today, it’s a historical object. And more than that. It has aesthetic and phenomenological effects, an aura. Asleep now in its slightly yellowed preservative fluid, quiescent in its luminous glass container. Beautiful, like a flawless sculpture in white Carrara marble. A compounded singularity. A folly of Nature. A silent rebuke to possessive individualism. Unaccountable.

It exists in a vitalist limbo, adjacent but not identical to personhood. Because some anatomical objects pull on us, even if they aren’t people. Like a cloud covering the sun, they somehow cause us to feel both presence and loss.



In 2019, I visited Museo Morgagni and its brilliant collection. Last year, I respectfully requested permission to photograph *Craniopago* and other specimens, for research and eventual publication.

That request was denied. A curt formal reply from University of Padua professor Monica Salvadori refused permission because the issues I wanted to write about (uncertain histories, conflicting ethical claims, anatomical aesthetics) were “inappropriate.” Referring to a Mussolini-era decree on privacy, Salvadori demanded that I



“Craniopago” by Pascale Pollier, artem-medicalis (used with permission).

“cease and desist” from using the name of Museo Morgagni and the University of Padua.

The tone of the refusal shocked me, and a group of scholars rallied around with a public letter protesting the decision as a violation of the principles of academic freedom and public access. Later, in a newspaper interview, Salvadori doubled down on the decision, explaining that the museum’s governing ethical principle is to “equate...the organ with the person and his universal rights to privacy.”

Some anatomical objects pull on us, even if they aren’t people. Like a cloud covering the sun, they somehow cause us to feel both presence and loss.

But think about that leap from body-part to person. A fetus in a jar. A heart. A slice of tissue on a slide.... All transformed into persons who, after more than a century, somehow still require privacy protections? In most cases, we don’t know the names of the people whose bodies were requisitioned to supply tissues, fetuses, and body-parts for medical research. But even if we did, what harm would it now do to allow scholars and the public to see those things in a museum setting?

Salvadori went on to denounce the “spectacularization” and “theatricalization of human remains,” which “in America is a very developed activity.” That dubious assertion painted me as an exploitative showman and not a credentialed historian with a track record of peer-reviewed books and articles. It also overlooked the awkward fact that the Museo had, only some years earlier, authorized publication of a book of arguably theatrical photographs of specimens in a volume bearing the imprint of *Bizzarro Bazar*. (Images from the book can be downloaded on the Web.)

Salvadori’s argument channeled current bioethical discourse with its themes of dignity and respect for patients, research subjects, and human remains. These themes are, of course, vitally important. But too often nowadays they take on the prosecutorial tenor of a culture war — a species of bioethical maximalism — mostly emanating from the feminist, decolonizing Left.

The target is the Museum, capital M, which seems mighty, a direct perpetuator of the colonizing imperialist past.

But anatomical and pathological museums aren’t mighty. Museo Morgagni isn’t the British Museum or the Louvre. Instead, like most historical anatomical collections, it’s fragile and underfunded, administratively and institutionally insecure. By the sufferance of university management, it occupies a basement in the medical school.

The critics think they’re punching up, but they’re really punching down. I’ll here rely on cultural critic Namwali Serpell to say it: this kind of activism is “divorced from real politics: the legal battles, power structures, and acts of violence we still face.” Quibbles over the display of old anatomical specimens amount to fiddling while Earth burns.

And the quibbles don’t help us to apply ethical principles in a way that respects the history, with all its nuances and contradictions, and preserves remnant historical artifacts for present-day scholars and a diverse and diasporic global public. The concept of universal human rights is a precious cultural and ethical achievement. But what if the universal rights to privacy and death with dignity clash with the universal rights to transparency and access, in a world in which transparency and access are key elements of a universal need to know our collective history, in order to understand the present?



Were we to adopt a maximalist position on the principles of universal human rights of dignity and respect for the dead and their anatomized parts, identity or historicity wouldn’t matter. An essentialist view would classify every anatomical specimen as a “sensitive object” and “ancestral

Empty jar illustrated by Angela Zanin (licensed through Shutterstock).

remains.”
Lacking evidence of informed consent to the donation and its uses, we would be obligated to take all specimens off display, claw back photographs, both printed and digital – paper archives, too. (No statute of limitations on personal privacy protection.) The collections would be thoroughly dissolved, the objects “returned” to biological descendants or provided some kind of “decent burial.”

But what if instead we live with the objects? Study or be appalled or take pleasure in them? Understand them as artifacts of our shared history.

The accumulation of knowledge we group under the rubric of Science and Progress comes only by way of a long list of original sins. If the anatomical museum is a crime scene, we ought to keep it intact for forensic analysis, historical research,

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interpretation and cogitation.

And keep archives and collections open. In copyright

law, after a designated period of time, works are released into the public domain, a cultural commons. No rights-holders or paywalls. Once-copyrighted objects are transformed into a collective inheritance, free and accessible to everyone.

That’s how we should treat historical anatomical objects. But with a carve-out. Plundering, assault, robbery, murder, and enslavement really did happen. So, understandably, descendants of people who suffered from calamitous oppression — who suffer still from the legacy of that oppression — want their material back. When repatriation is reasonable and feasible, objects, whether biomaterial or not, should be returned.

And yet. With all the disruptions of historical change, there will always be vexed questions about who should rightfully receive the goods, and what should be done with photographs and other derivatives. Given the great shuffling of things, we can’t put everything back in place. And it’s often not wise or just to do so.

Because, over time, there’s also been a great shuffling of persons. Descendants of indigenous, colonized, and persecuted peoples now live in the heart of Europe and all over the world. Our civilization is diasporic, global, hybridized. We are all, in varying degrees, colonized and decolonized. We all have anatomical bodies, an anatomical sense of self, which is a historical phenomena, something that developed in our now global civilization over the centuries. And, as the inheritors of that fragmented and morally ambiguous anatomical legacy, we’re burdened and blessed with its fragile unaccountable objects.

For additional references, see inquisitivemag.org.

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Illustration by Chris Dreger (used with permission).

Noble and Pragmatic Reasons to Embrace GENERATIVE AI



Yes, the chatbots may undermine your power. That’s a *good* thing.

BY LUIS LOZANO PAREDES

Higher education should not be about imposing one mode of thought but fostering the ability to critically engage with multiple perspectives. And plenty of academics do agree, at least in word, that instead of teaching students *what to think*, universities should focus on teaching *how to think*. Yet many reject Generative Artificial Intelligence when GenAI tools have the power to help us do just that.

The rise of GenAI in higher education has triggered fierce debates. Skeptics warn of risks to academic integrity, environmental sustainability, and scholarly values, fearing erosion of the cognitive capacity of students and faculty alike. While these concerns are not entirely invalid, I believe that much of the opposition stems from deeper anxieties about power — specifically,

faculty fears over losing control of knowledge production, evaluation, and dissemination.

At least until our current model, universities have historically served as bastions of credentialism, where knowledge is tightly controlled, and access to learning therein remains a privilege rather than a right. GenAI challenges this structure by making research tools and advanced writing capabilities more accessible to students, independent scholars, and others outside elite academic circles.

Perhaps unsurprisingly, rather than embracing GenAI as a means to help with hypothesis generation, knowledge production, expansion of access, and learning, some scholars view it as a disruptive force that threatens their authority. But this defensive, gatekeeping posture risks undermining the university’s broader mission to democratize knowledge and empower students.

Critics argue GenAI will “deskill” students and researchers by making intellectual labour too



Image generated by Adobe Firefly AI in May 2025 using the prompt "textured oil painting of a blue sky with puffy clouds, shafts of light."

easy. Some warn AI “flattens the creative process,” enabling output without struggle. Such arguments mirror historical anxieties about technological shifts, from the printing press to the internet and even the calculator, all of which were accused of diluting expertise.

Despite the fears, in reality GenAI provides enormous benefits for students who may be otherwise marginalized through circumstance. For example, AI-powered research assistants can help neurodivergent students, international students facing language barriers, and those with limited academic training navigate complex writing and research processes. Opposing these tools on the grounds of “preserving academic integrity” reveals an implicit bias toward maintaining an exclusive intellectual club rather than expanding access to learning.

Research about how socio-economic background shapes academia highlights how academia remains largely inaccessible to those from lower socioeconomic backgrounds. If universities and other higher education institutions are serious about expanding access,

banning AI that makes academic work more accessible contradicts their stated goals.

Some opponents of GenAI in education worry about homogenization, arguing that AI-generated text could erode originality in knowledge production. While this concern is worth considering, it assumes that AI is being used to replace rather than enhance learning.

In practice, well-designed AI tools can help students learn to compose ideas and words through an iterative process of production. They can scaffold student engagement, providing structure for those who struggle with argumentation or organization. Different AI tools

can be integrated to support distinct pedagogical goals, allowing for more thoughtful engagement with learning. AI adaptive tutors can provide personalized instruction for

advanced and struggling students alike, and GenAI language model-based research assistants can help democratize academic inquiry.

These applications do not replace human educators but redistribute cognitive labor in ways

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Rather than rejecting GenAI, academics could be advocating for open-access models that align with the core principles of inquiry, transparency, and academic freedom.

What about critics’ concerns regarding AI’s corporate ownership and bias in training data? These concerns are not unfounded, but they are also not unique to AI; biases and structural inequalities have long shaped academic production. As Audrey Tang notes, the real problem here is not AI per se but the concentration of technological power in the hands of a few corporate entities both public and private. Rather than rejecting GenAI, academics could be advocating for open-access models that align with the core principles of inquiry, transparency, and academic freedom.

The rise of GenAI does force academia to confront whether text — journal articles, monographs, and conference papers — should remain the primary mode of scholarly communication, as it raises questions about whether textual production should be the central thing assessed for merit.

But let’s be clear: The rise of AI does not spell the end of scholarly rigor but rather an opportunity for academia to evolve its standards. We are already seeing a (re)turn to oral and embodied forms

of knowledge — academic podcasts, live-streamed debates, interactive research platforms. AI is accelerating

this transition by enabling real-time knowledge synthesis and interactive engagement.

Rather than resisting change, universities and academics should ask themselves: Are we adapting or simply protecting the past? If academia is to remain a space of intellectual dynamism concerned with human flourishing, it must and needs to embrace GenAI. And this will require a power shift — from knowledge gatekeeping to knowledge facilitation, from exclusivity to inclusion, from rigid hierarchies to adaptive, student-centred learning. The benefits are too great to leave at the university gates.

Disclosure: Generative AI was used to improve the legibility and streamline the English language quality of the original draft of this article.

For references, see inquisitivemag.org.

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"Rats on a Scholar's Desk" by Nagasawa Rosetsu, 1790. The Metropolitan Museum of Art, New York, public domain.

What the rats taught Edward Tolman about academic freedom.

BY BEN LOVETT

In June 1954, Edward Tolman was in a reflective mood. The Berkeley psychologist was a guest speaker at a McGill University convocation and chose as the title of his address, “Freedom and the Cognitive Need.” In it, he connected his long-earned disciplinary expertise in animal learning to a more recent interest: the freedom of individual faculty to maintain and express their own beliefs.

Throughout his research career, Tolman had championed unpopular viewpoints. He worked in an era when psychology was dominated by extreme forms of behaviorism, an approach that viewed organisms essentially as blank slates and denied the value of studying anything other than observable stimuli and responses. Tolman used the research tools that his peers did — observing rats as they made their way through mazes — but he repeatedly found results that challenged behaviorist dogmas.

Against the blank slate view, Tolman found that maze-learning ability was genetically influenced; breeding “maze-bright” rats together made a new generation of rats that were especially fast learners, whereas breeding “maze-dull” rats

together did the reverse. He also experimented with increasingly complex mazes, finding that his most experienced rats could creatively find their way around new barriers and altered paths — skills that only made sense if the rats had acquired a “cognitive map” of the mazes.

Although he was advancing minority viewpoints, Tolman had such compelling data that he was well-published in top peer-reviewed journals and became an eminent figure in the field. Even while he was still alive, one textbook on learning theory had already devoted an entire chapter to Tolman’s ideas. He was also a beloved mentor, in part because he let students develop their own ideas, even if they differed significantly from his. One of Tolman’s Berkeley Ph.D. students, Henry Gleitman, recalled Tolman finding out that Gleitman had been advancing ideas very similar to those of Tolman’s intellectual nemesis, Clark Hull. Tolman was surprised but accepting: “Gleitman, you son of a bitch, I hear you are becoming a Hullian! So ok. Just be a good Hullian!”

It was after several decades of highly respected research work that Tolman found himself at the center of a political controversy. A committed pacifist raised in Quaker traditions, Tolman never sought out conflict, but this time it came to him. In 1949, in the thick of the McCarthy Era, the University of California asked faculty members to sign an oath confirming that they were not members of any organization that believes in

“the overthrow of the United States government by force or violence.” The University initially had the Communist Party in mind, but extended the requirement more broadly. At that time, even tenured faculty members received formal annual contracts, and that year, only those who signed the new oath received contracts.

Tolman objected to the oath, not because he was a member of any subversive group but because he worried that if a professor was a member of a group that had *other* members with subversive beliefs, the beliefs might be attributed to the group, and the professor would be found in violation of the oath. More basically, he objected “as a psychologist” to the claim that a group can “believe” things. In sum, he said, the oath was “neither good psychology nor good civil rights.”

After expressing this at the faculty senate, Tolman became the leader of a small group of professors known as the “non-signers.” And, in the summer of 1950, when the University Board of Regents voted to fire all non-signers, Tolman became the lead plaintiff in a lawsuit brought by 20 professors.

Tolman and his colleagues won in court in 1951, and the opinion is still worth reading, with the court acknowledging that the oath was “undoubtedly motivated by a desire to protect the University from the influences of subversive elements,” but noting that “equal to the danger of subversion from without by means of force and violence is the danger of subversion from within by the gradual whittling away and the resulting disintegration of the very pillars of our freedom.”

So in 1954, while visiting McGill near the end of his career, Tolman could reflect on both his long experience with animal learning and his recent, more intense experience with academic freedom disputes. He started by reviewing some principles of learning. Tolman pointed out that although the hungriest rats are the ones most in need of food, they are actually not as good at finding food in a maze as less desperate rats. Moreover, intense physical needs such as extreme hunger tend to interfere with cognitive needs such as curiosity.

He then noted, playfully, that professors are really not so different from rats. If a professor is afraid that saying the wrong thing could lead to getting fired (thus risking hunger), the quality of the professor’s work will decline:

He will not only write a poorer speech, but he will also become a poorer, more timid teacher, a blind type of research worker, and a neurotic committeeman. He will tend to fall down in all his activities. What I am saying is, in short, that any teacher, if he is to be what our liberal society “says” it wants him to be — namely, an open-minded, objective proponent of, and searcher for, truth — must then not be subjected to too strong economic fears or too strong social attacks. And this, of course, is why we educators proclaim aloud the principles of Academic Freedom and Academic Tenure....We teachers will not do our jobs well whenever we are made into wee, cowering, timorous beasties.

He then noted, playfully, that professors are really not so different from rats.

Seventy years later, many professors will likely nod sadly at Tolman’s words. There are still politicians who want to ensure that professors are sufficiently

patriotic. Worse, many professors also now face illiberal colleagues and administrative bureaucracies that interrogate their teaching and stymie their research for a host of other reasons. But we can light our own corners of academia, and Tolman can inspire this as well. He actually didn’t complain too much, and neither should we. Tolman spent much more time just doing the work that he enjoyed. In 1959, the year of his death, Tolman published the final statement of his ideas on psychology, and concluded that, whether or not his theory of learning held up over time, “In the end, the only sure criterion is to have fun. And I have had fun.”

For references, see inquisitivemag.org.

Ben Lovett, Ph.D., is Professor of Psychology and Education at Teachers College, Columbia University, where his teaching and research interests include psychological assessment, test anxiety, and the history of psychology.

“CANCELLATION OF THE LIBERAL CREED”?



Illustration by Martin Hargreaves (used with permission).

What Mill and Marcuse can teach us about Trump.

BY JOHN TOMASI

Debates between dead philosophers sometimes illuminate events in our present-day world. I'd like to revisit one such debate — a dispute about the value of free expression and about the use of anti-democratic power in the name of reform, as it illuminates a basic choice facing university leaders today.

On one side, we find the great defender of free expression and political toleration, John Stuart Mill. In *On Liberty* (1859), Mill championed individuality, arguing that people should be free to live, act, and think the way they want, so long as they do not harm others. Mill worried about the “tyranny of the majority,” the tendency of human groupings to fall into the soft coercion of group-think.

Against this danger, Mill advocated toleration and free expression of dissenting opinions. In some cases, Mill argued, a majority view proves to be false. In others, the majority view needs supplementation from the dissenting view. Even if the majority view turns out to be true, people still need to consider criticisms of it, so that they can hold that truth in a lively way. In Mill's lovely phrase: “He who knows only his own side of the case knows little of that.”

Mill did not coin the expression “a market-place of ideas.” But that image captures Mill's view of an ideal community of knowledge-seekers. Truth is not a static achievement. Discovering and preserving knowledge requires discussion, examination and counter-examination. In short,

To Marcuse, the inequalities of power within late-1960s capitalist societies were so great that formal processes of toleration and the putatively free exchange of ideas would repress those holding dissenting and politically radical views.

the pursuit of knowledge requires the free and ongoing exchange of ideas.

In his 1965 essay “Repressive Tolerance,” the philosopher Herbert Marcuse provides a rejoinder to Mill's argument.¹ Marcuse begins by accepting Mill's main argument. (In philosophy, when a critic begins by granting your argument, you know you are in trouble). The free and open exchange of ideas can indeed lead a community toward greater understanding. However, Marcuse adds, whether or not toleration and free expression will actually have that effect depends on the preexisting structures of power. As Marcuse puts it:

“The function and value of tolerance depend on the equality prevalent in the society in which

toleration is practiced” (p. 84). If power is held unequally, then the formal processes of free expression, instead of upending status-quo understandings

in pursuit of truth, will simply reinforce those understandings. Just as some say “free trade” reproduces preexisting inequalities of economic power, Marcuse says “free speech” reproduces inequalities in social and cultural power.

To Marcuse, the inequalities of power within late-1960s capitalist societies were so great that formal processes of toleration and the putatively free exchange of ideas would repress those holding dissenting and politically radical views. Views from the political Right supporting the status quo — views expressed by those controlling the means of production, including sites of education and sources of media — would predictably dominate and defeat views expressed from the Left, which, on Marcuse's reading, would always be weaker in a capitalist context. Further, Marcuse says, the machinery of free expression, such as “open debates,” would lend a veneer of justification to

¹ Herbert Marcuse, “Repressive Tolerance,” in *A Critique of Pure Tolerance*, eds. Robert Paul Wolff, Barrington Moore Jr., and Herbert Marcuse (Boston: Beacon Press, 1969), 95–137.

their results, even though those results were merely a reflection of the patterns of power that preexisted the discussion.

To counter these distortions of “pure toleration,” Marcuse advocated direct and muscular action against liberal norms. To liberate the minds of the young may require “apparently undemocratic means,” such as “the withdrawal of toleration of speech and assembly from groups and movements” which defend the (repressive) status quo (p. 100). These aggressive methods, sometimes including violence (p. 117), are a condition of free expression. There is a natural right of resistance for the oppressed “to use extra-legal means if the legal ones have proved to be inadequate” (p. 116). Marcuse writes:

“The restoration of freedom of thought may necessitate new and rigid restrictions on the teachings and practices in the educational institutions which, by their very methods and concepts, serve to enclose the mind within the established universe of discourse and behavior — thereby precluding a priori a rational evaluation of the alternatives.” (pp. 100-1)

In sum, Marcuse calls for the “cancellation of the liberal creed of free and equal discussion” (p. 106). If this seems anti-democratic, Marcuse disagrees: “The problem is not that of an educational dictatorship, but that of breaking the tyranny of public opinion and its makers in the closed society” (p. 106).

It’s easy to recognize patterns from this dispute between Mill and Marcuse as they have played out on our campuses in recent decades. Marcuse’s argument seems tailor-made for activist faculty and students who reject HxA’s conception of the university as a special kind of convening where students and professors come together in recognition of the partiality of their understanding and with the common aim of learning more, together.

Specifically, professors and students who have adopted illiberal (and sometimes extra-legal) tactics such as shouting-down speakers, launching cancellation mobs against those whose ideas they dislike, commandeering campus quads and taking over buildings, and shaming and even attacking students for their religious or political convictions take a different view of the university and of their role in it.

Rather than recognizing themselves as members of a community of imperfect learners, on certain issues they see themselves as set apart from great project of learning and scholarly discourse. They are set apart precisely because, on certain topics, they believe their understanding already to be perfect.

The topics may vary — climate change, racial justice, gender ideology, or the conflict in the Middle East — but the pattern is notable: On such topics, campus

activists do not seek to engage in discussion with people who think differently, seeking to persuade them by evidence or reason. Nor do they invite others to join them in exploring novel pathways of understanding old problems. Instead, their role is to organize and act on “truths” already known. They are intolerant not just of others but even within their own minds. In this, whether they are aware of it or not, the spirit of Marcuse is with them as they march.

All this is familiar enough. But consider: What if we take Marcuse seriously? What might a Marcusean say about the power imbalances on campus today? And how might Marcuse help us understand the early moves of President Trump’s administration on universities?

Recall, Mill thinks free speech and toleration enable humans to widen and deepen their understanding. But Marcuse points out, whether liberal norms will do that depends on the preexisting structures of power. If cultural power is imbalanced, then pure toleration will

simply reproduce the dominant campus norms and paradigms. To break this “concreteness of oppression,” Marcuse advocates anti-democratic and quasi-legal counteractions.

Perhaps Marcuse lived in an era when it was plausible to declare that cultural power across American society was amassed on the Right. On campuses today, political power has become strongly imbalanced *against* the political Right. Indeed, among the growing class of scholar and student activists, campus power has even turned against liberal and scholarly ideals.

Donald Trump’s recent actions can be understood as a Marcusean reaction to the imbalance of power at our universities. Since President Trump’s second inauguration, we’ve seen a mix of actions, some of which demonstrate anti-liberal “withdrawal of toleration” from perceived enemies on campuses. These measures include threats of draconian budget cuts to curtail academic freedom and university self-governance, including forcing presidents to obey highly specific directives, such as placing government-specified departments into receivership; attempted blanket bans on teaching or research on topics deemed “divisive”; and nonresident graduate students arrested on the streets for what appear to be thought crimes. These measures are illiberal, undemocratic, and perhaps even illegal. They are also deeply Marcusean in spirit.

Yet we can expect, and are already seeing, this Trumpian onslaught to be countered by (equally) Marcusean and (equally) anti-liberal reactive forces, forces which in the decades before Trump had been gaining power. But if campus groups seek to defend the status quo, Marcuse has advice for the Trump administration. For, if the reformers of institutions “are blocked by organized repression and indoctrination, their reopening may require apparently undemocratic means. This would include the withdrawal of toleration of speech and assembly from groups and movements” (p. 100). But of course, the campus activists can read Marcuse too, so they can be expected to respond using all means of force or subterfuge available to them.

Thus, in one possible (near) future, our universities become a battleground between

illiberal Trumpians on the Right and illiberal campus activists on the Left. It is a bleak picture.

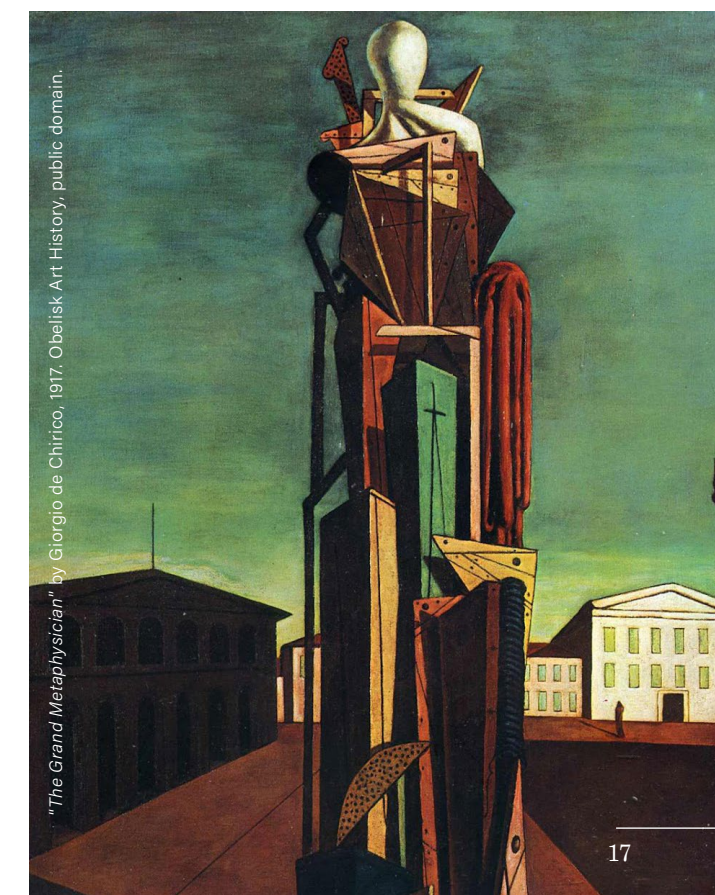
But there is a more constructive way to respond to the Marcusean point about the significance of power imbalances.

Rather than withdrawing toleration from perceived enemies, we extend toleration in a principled way — much as Mill recommended. Seeing an imbalance of power, we don’t go on a violent, illiberal offensive, arrogantly seeking to destroy our foes at any cost and by any means.

Instead, we earnestly measure the imbalances of power that have arisen on our campuses, and we frankly name them. Then, instead of attacking, we reach out our hands to bring together presidents, professors, and students of good will, devising creative policies and reforms that might correct those imbalances within the boundaries of the law, and by *strengthening* rather than abandoning the norms of the scholarly profession. This future is possible. HxA stands ready to help.

For discussion of these topics, the author is grateful to David Estlund and Eric Torres.

John Tomasi, D.Phil., is Heterodox Academy’s President. Prior to leading HxA, he was the Romeo Elton 1843 Professor of Natural Theology at Brown University.



And that's why I went to jail.

What I did to protect the sanctity of research.

BY RIK SCARCE

It's odd. Why would *Branzburg v. Hayes* stick in my mind all those years? My initial encounter with that Supreme Court case, limiting the First Amendment rights of information gatherers to withhold material from law enforcement, came in a civil liberties course, a class in which I did so poorly that the professor invited me to retake an exam rather than fail me.

I guess I was moved (and disturbed) by the case's story of a Kentucky reporter who witnessed a crime, wrote about it, and refused to betray his sources when state officials came knocking. What good is a "free press" if journalists aren't free to write about whatever they choose? What is a free press if practitioners may be forced into de facto detectivehood?

Like an old familiar tune, *Branzburg* would come back to me every year or two when I'd be eating

breakfast and come across another "Reporter Refuses to Testify" story in the newspaper. I'd read it and move on to my morning toast.

Then, abruptly, it was my turn.

On May 11, 1992, I was subpoenaed to testify before a federal grand jury about a break-in on the Washington State University campus, where I was a grad student in sociology. The Animal Liberation Front had taken responsibility, having freed some coyotes, stolen a couple dozen mink and mice, destroyed computers, and spray painted graffiti on laboratory walls. The damage came to around \$100,000. Since federal government funding was involved, the FBI led the investigation, and federal (not state) law would apply.

The break-in had occurred the prior August while my family and I were on the east coast vacationing. I had been conducting research for my dissertation on the radical environmental movement. Our cat had needed sitting at our rented duplex in Pullman, and a guy named Rod Coronado had agreed to take care of her.

Illustration by Janelle Delia (used with permission).

A famous radical environmental activist, Rod had teamed up with a Brit in the 1980s to sink half of the Icelandic whaling fleet, a story I retold in my book *Eco-Warriors*, published in 1990 as I began my Ph.D. studies. Intense yet friendly, good-humored, and deeply committed to radical environmentalism, Rod had some writing he wanted to do, so he welcomed the chance to just hang out for a couple of weeks.

I knew from prior legal advice
I was on my own. No law would protect me
if the authorities ever came for my research.

But by early 1992, the FBI had named Rod a "person of interest" in the WSU break-in. Because he had been housesitting for us at the time of the event, I figured the FBI might eventually come knocking. And I knew that, if they did, I would have nothing to say to them.

My *Branzburg*-like ordeal began on a beautiful May day. I was finishing up the semester's grading and strolled into my campus office in the afternoon to find two phone messages from the same person. I called the number. It was the campus police. A sergeant asked me to come over to the station.

When I arrived, I was confronted by the campus cop and a tall, blond man in a suit: an FBI agent. My heart sank. We spoke for a half-hour or so, the conversation steadily shifting toward the break-in.

While I was writing *Eco-Warriors*, I had reached out to a First Amendment attorney to inquire what rights I had to protect confidential informants. In the course of my research, I was being told of crimes and wanted to assess the risk in publishing those stories. Surely something had developed since *Branzburg* — a new Supreme Court precedent or a federal "shield law" to protect reporters.

No, I was told. There was nothing other than that wretched decision, which didn't *shield* but instead *exposed* First Amendment free-press practitioners to governmental intrusion.

I knew from that prior legal advice I was on my own. No law would protect me if the authorities ever came for my research. And I knew what I would do if the government came knocking. At least in the abstract I knew.

When the FBI agent handed me a subpoena to appear before a federal grand jury impaneled 90 miles north, in Spokane, theory met reality. My ideals stood naked

before the immense power of the United States government. Two frantic weeks ensued.

The passive voice in that last sentence conveys the way I felt: there was no subject in my life. I felt a complete object. Writing about it thirty-three years later, my pulse and blood pressure still rise. I lost ten pounds and didn't sleep. My dissertation chair, the only person I confided in, told me I needed a defense attorney.

"Why?" I asked. I had done nothing wrong.

"Because the government doesn't know that," came the reply.

I found an attorney, Jeffry Finer, the region's foremost expert on grand jury practice. My wife and I handed over the pittance in our savings. To the emotional and physical toll was added an immense economic cost.

Jeffry began to guide me through what I might confront. Jail time was the worst possibility. The best: the federal prosecutor would soon realize, or be told by higher-ups, that the hassle of fighting an academic researcher and published author was not worth the time, effort, or bad publicity.

Jail was what frightened me. Being apart from my wife and stepson would be wrenching. And what would jail life be like for a skinny academic who couldn't fight off a mosquito? But I also knew that, if it came to jail, jail it would be. The prosecutors would never make me violate the promises of confidentiality I made to my research participants.

In its twisted version of the facts, the government asserted that Coronado and I were friends and only friends, since he housesat for us — I was merely protecting a *friend*. But from my role of academic investigator, I was strongly motivated by principle. A free press is the rock upon which the entire edifice of our liberal society is constructed. It's the only independent guarantor of government, corporate, and even personal responsibility.

Incidentally, at no point in my ordeal did the government object to my claim of a Free Press privilege against compelled testimony because I was “only” a graduate student; Supreme Court cases have affirmed a broad definition of “the press.” But, long since having sacrificed their ideals, the prosecutors seemed unable to grasp why I was standing for mine.

Weeks turned into months. My initial grand jury appearance kept getting pushed back. I ate better and slept a bit more. But still jail loomed. Jeffry did his best to negotiate with an intransigent prosecutor. I made things worse, far worse, by not letting my friends know of my subpoena and by not doing all I could to make resisting it a *cause célèbre*. Instead, for seven months I tortured

myself in the belief the hounds would catch scent of something more enticing.

Then the story that I had been subpoenaed broke. Damn free press! I finally testified to the grand jury over two days in March 1993. I responded to a few biographical questions and others about Rod Coronado. But over and over, three dozen times in all, I refused to answer the government's probes about information I knew only through assurances of confidentiality I had made to research participants.

Each time I invoked the First Amendment's protection, I crept closer to the jailhouse door.

“The grand jury has the right to every man's testimony,” the cant goes. But it won't cotton their silence.

A robotic judge found me in civil

contempt of court but allowed me my freedom until the Ninth U.S. Circuit Court of Appeals reviewed my case. In May, the appeals court casually upheld the district court judge's opinion without issuing a written ruling.

On May 14, 1993 — a year and three days after being subpoenaed — my wife, ten year-old stepson, and I got going early. We drove the long,

boring road to the federal courthouse in Spokane. And there the judge ordered me held until...

Until when? Civil contempt carries no sentence, for the contemnor has not committed a crime, merely offended the court. Bizarrely, never having been charged, tried, or convicted, I would effectively be kidnapped, jailed indefinitely.

“In your lips,” the judge said as he shooed me away, “you hold the key to your release.” I called out for my stepson to watch as I was handcuffed and led away. I wanted Alex to see what the United States government does to those who fight for its Constitution.

After one night in a Spokane County holding cell, I was moved upstairs to the general population. My “cell” was actually a room with seven or eight beds. A guard pointed me to “2-House,” an electronic latch clicked, and I looked over to see my nightmare staring at me from the doorway: a 300-pound biker gang member.

As I warily approached, he said with admiration, “You dat dude we seen on TV last night, ain't cha?”

To “Revv” and the rest, I was the inexplicable: someone who could walk out of jail with one phone call to a judge yet chose not to. Instantly, I was the most respected person in the entire building. All thoughts of assault melted away. Endurance would become my enemy.

That word “held” that the judge used is a cynical one. It's accompanied by the fiction, ensconced in federal law, that contemnors may not undergo punishment, only coercion, since they haven't been convicted of a crime. Yet I lived my every moment among men being punished. I ate the same food, wore the same jail-issue underwear replete with other men's shit stains, kept the same highly-regulated hours, and endured the same complete loss of freedom as they did. From the moment I was handcuffed, I was being punished.

On October 19, after 159 days of imprisonment as a non-prisoner, the judge threw in the towel and let me go. He held me one day longer than he'd kept another person swept up in the same grand jury case — one of Rod Coronado's closest friends, who, unlike me, had no Constitutional claim to a shield against imprisonment. It seemed — still does — spiteful.

Paul Branzburg — the reporter-plaintiff in the 1972 Supreme Court Case — left Kentucky rather than risk being jailed by the state authorities. Under federal scrutiny, no such option was available to me. But neither of us ever told the government what it wanted to know.

Rik Scarce, Ph.D., is Professor of Sociology at Skidmore College. Along with *Eco-Warriors: Understanding the Radical Environmental Movement*, he is the author of *Contempt of Court: A Scholar's Struggle for Free Speech from Behind Bars*.

Photo-illustration by Janelle Delia using "Report on Reporters" by Jerry Violette from the September 1971 issue of The Bridge. Connecticut State Library, public domain.



AN ENIGMATIC LIFE

Illustration by Janelle Delia (used with permission).

Glenn Loury's new memoir raises a big question.

BY EDMUND SANTURRI

Glenn Loury's new memoir, *Late Admissions: Confessions of a Black Conservative*, is a curious amalgam — part *apologia pro vita sua* of a famous black conservative, part argument about race, social theory and economics, part noir account of a man torn by desire for conventional success competing with lurid underground obsession and addiction, part postmodern rhetorical strategy teasing the reader to ask what's going on finally.

Loury's autobiography has been celebrated in some quarters as a relentlessly truthful narrative, courageous for its self-denigrating honesty. This reader is left wondering. Is that the point, to leave us wondering?

Full disclosure: I've known the author a bit for a few years. In 2019, I interviewed him as a guest of the institute I directed, and he interviewed me in 2022 on "The Glenn Show" shortly after I ended my term as director. In these settings and in his previous writings he has impressed me as a candid, judicious, nuanced, eloquent, engaging, fair-minded, tough-minded and, yes, brave commentator on a range of social problems — particularly those related to race. Loury has challenged what are for many African-Americans sacred commitments (affirmative action, reparations) and has signaled allegiance to notions some on the left regard as outdated and retrograde (colorblindness). He has also acknowledged his struggles with these issues, right-left-right oscillations in his thinking, worries about serving or being cast as a pawn for reactionary agents of racial injustice. The memoir recounts much of this in rich detail. Moreover, before reading the

Behind these overt scenes of conventional success is a man given indefatigably to rebarbative behavior.

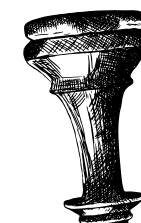
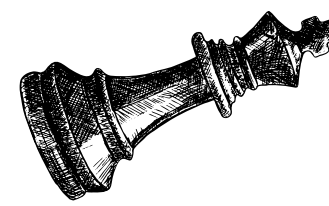
memoir, I'd read some here and there about his battles with personal demons, so I wasn't entirely surprised to encounter reports of his existential grappling in the autobiography itself. But I have to admit that I was not quite prepared for the depth, pervasiveness and sheer persistence of the corruptions and pathologies confessed.

To be sure, Loury does *try* to prepare the reader in the preface of *Late Admissions*. The memoirist wants to be believed, he avers, but the reader is bound to be suspicious. After all, every memoir is an *apologia* in some measure. The author wants to defend his life and will take liberties with the facts or at least shape them tendentiously to make the case.

How to convince the reader that this is the truth at least largely unvarnished? Here's an idea. Confess to some things

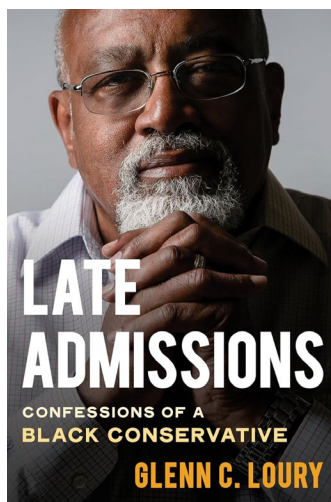
so shameful that the only reason for admitting them must be the fact that they are true. Then the author's general credibility is established for reporting the good things about himself as well as the bad. So, Loury announces, "*I am going to tell you things about myself that no one would want anybody to think was true of them.* And yet, they are true.... I must tell it all in this memoir, because if I don't tell it all, nothing I say will be heard" (p. ix). And the revelations come.

Here is the life of a prominent economist and social theorist, celebrated author, scholar and commentator, variously positioned at distinguished universities — Northwestern, Michigan, Harvard, Princeton, MIT, Boston, Brown; yet behind these overt scenes of conventional success is a man given indefatigably to rebarbative behavior — serial lying, compulsive and reiterative sexual infidelity, callous treatment and betrayal of lovers, friends and supporters, neglect and abandonment of children, substance



abuse and addiction, nighttime cruising in “slightly sketchy neighborhoods” (p. 188) and “cities with rough edges” (p. 194) in search of sex, drugs, and excitement, occasionally reveling in a paradoxical self-conception — eminent public intellectual proving himself sub rosa as gangsta or “Player” — in Loury’s terms, “someone whose mastery over whatever game is at hand commands the respect and admiration of others” (p. 20).

At certain moments the memoir reads as a “coming-of-age” novel. An intellectually gifted black male — born and raised by divorced, struggling, working-class parents on the south side of Chicago — lives, stumbles, learns, and matures into a high-powered, controversial thinker. Other times we’re given intellectual history, Loury’s recounting of his own ideas largely as heterodox counterpoints to dominant



liberal black orthodoxies articulated over the past half century.

Still other times we encounter empirically and mathematically grounded moral argument — Loury’s defense of his social vision settled after years of testing and revision. Among that vision’s central claims: Affirmative action has outlived whatever usefulness it has had since the fundamental racial problems it was meant to solve remain. Those problems are as much the consequence of culture and family breakdown in the African-American community as they are the result of past discrimination or “systemic racism.” What is needed for racial

progress is the development of “social capital” in that community, the web of human relations, including family, that makes for substantive equal opportunity and overall social success. Such development requires both investment of public

resources and cultural change within the black community, change that fosters a new sense of moral responsibility and a movement away from attitudes of dependency and entitlement. In this account, calls for “reparations” *simpliciter* are misguided since one-time payoffs are merely symbolic, don’t resolve the central problem, may give the impression that society has paid its debt without remainder for past discrimination, and thus may undermine social incentives to invest in policies that generate real progress.

Some of these claims mark Loury’s standing as black “conservative,” and he does appreciate the efficiencies of the free market. But he’s no libertarian or laissez-faire capitalist as indicated by his proposals for state-induced wealth transfers to achieve social justice. It would go too far to say that Loury is or ever was a Rawlsian liberal, but sometimes he sounds like one.

Augustine might have said,
“Oh Lord, give me continence, but not yet.”

Again, in the memoir all this theorizing life of the mind comes off as a kind of loose apollonian cover on a cauldron containing dionysian energies that find their outlets with a high degree of frequency. Loury sins again and again. There are intermittent qualms of conscience, feelings of regret, remorse, shame, chagrin.

But these have little staying power. Augustine might have said, “Oh Lord, give me continence, but not yet.” The lapses are often embraced and recounted blithely with little apparent recollection of or learning from previous regrets.

Then there are two crucial moments of public shaming. Loury is arrested twice, the first time for assault of a paramour (the charge is denied and eventually dropped), the second time for narcotics possession. His reputation is seriously damaged. When he hits a sloughy despond, he enters drug rehab and provisionally gets Christian religion of the charismatic African Methodist Episcopal and

Charles Colson evangelical varieties. Lost soul dying and rising with Christ.

But finally there’s too much critical Enlightenment thinker in Louri to live with glossolalia or resurrection, and the religion fails to stick. His life and career go on. Tragically he loses his second wife, Linda, to cancer; there is some rapprochement with his children; he meets and marries his third wife, LaJuan; the Glenn Show launches and succeeds with regular interlocutor John McWhorter permanently on board. Together they offer a Black counterpoint critique of the George Floyd “riots” and “the Black Lives Matter party line.” Louri continues at Brown University as “Merton P. Stolz Professor of the Social Sciences.”

But has it all been a game for Louri, not just the cruising for sex, drugs and excitement or the recidivist personal betrayals and manipulations, but also the career, the accomplishments, the social theorizing about race and society, the life? Has he been a “Player” in all these domains? Indeed, qua memoirist, has he been playing the reader, the “mark” of the game? Or is he playing the game with himself as “mark,” the game of self-deception?

To his credit, these are Louri’s own questions, posed quite explicitly in the “Conclusion” of *Late Admissions* — and he answers definitively none of them, other than to assert in the book’s very last sentence that “the game never ends.” So we’re left wondering ourselves: Have we (and he) been had?

Edmund N. Santurri, Ph.D., is Professor of Religion and Philosophy and former Morrison Family Director of the Institute for Freedom and Community at St. Olaf College in Northfield, Minnesota.

Chess pieces illustrated by Oleksandr Yashchuk (licensed through Shutterstock).

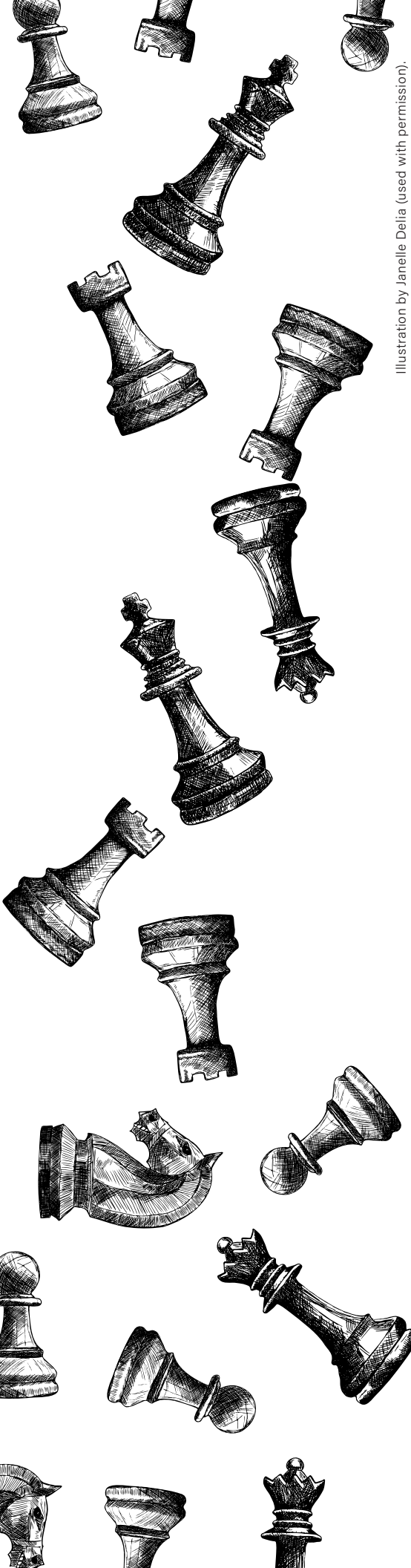
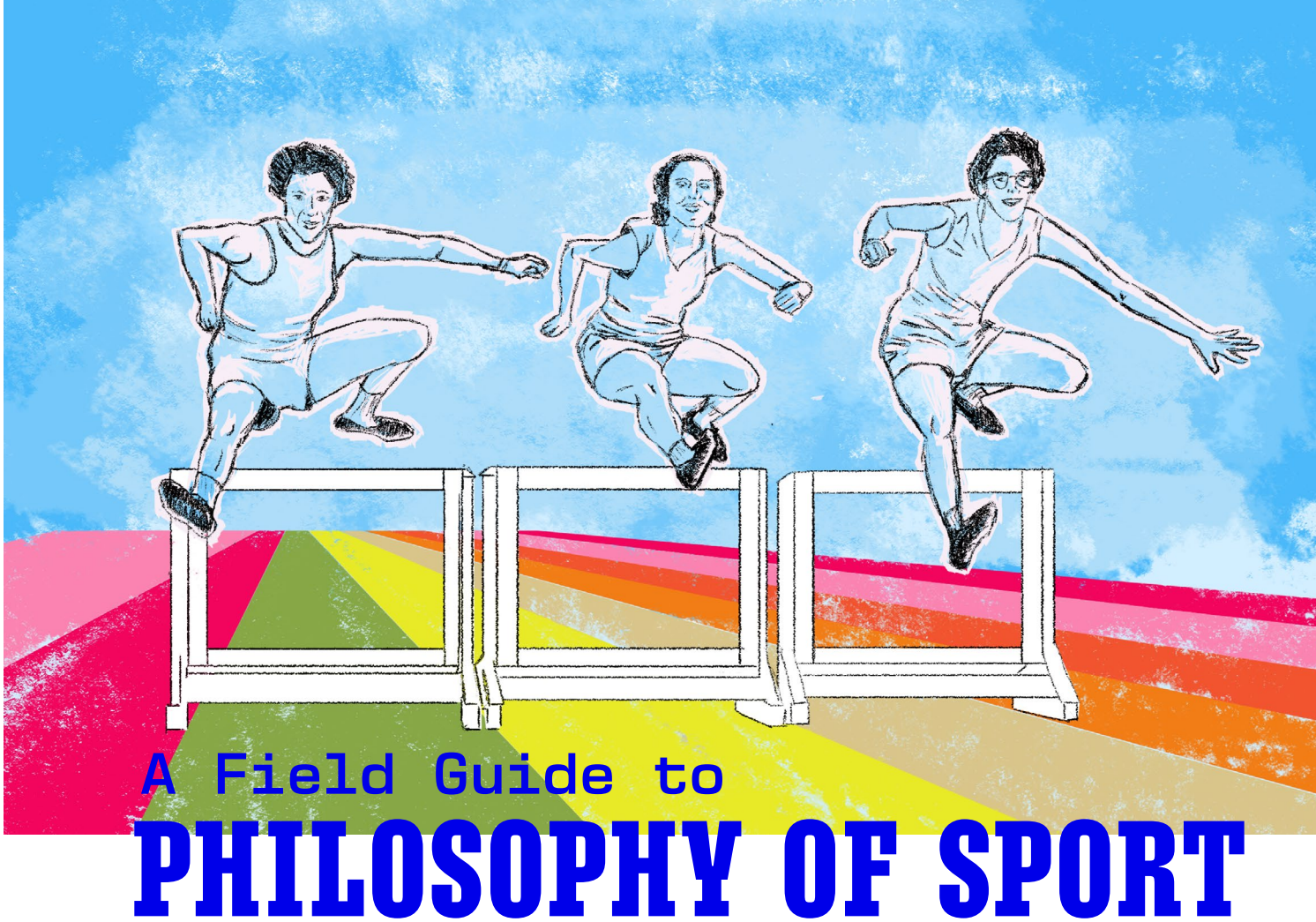


Illustration by Janelle Delia (used with permission).



A discipline that darts past the zero-sum game.

BY PAM R. SAILORS

Picture the typical interaction at a general philosophy conference — and you will not be imagining what happens when philosophers of sport gather.

In traditional philosophy, the adversarial model of engagement often dominates. At the big annual conference, you give a paper and then, during the Q&A period, a colleague stands up determined to tell you in as many words as possible, in front of as many people as possible, citing themselves as much as possible, why you’re wrong. (Invariably these remarks will end, “I guess that was really more of a comment than a question.”)

Disagreements definitely happen among us philosophers of sport. We sometimes disagree, for example, about the essential elements of sport — whether solo hiking and e-sports really constitute

what we mean when we speak of “sport.” We may argue about how to understand fairness, or about whether sports allow humans to obtain certain values that are otherwise unattainable. We do not all see eye-to-eye on how to understand boxing, a sport whose core activities could sometimes be classified as criminal outside the ring. Some do not see the value in feminist analysis of sport, as I do.

But the way we philosophers of sport work with each other reflects how we understand sporting competition. For example, we expect everyone “in competition” to do their best — to make their best possible argument — because we know that will drive us all to grow stronger individually and as a field. When our “meet” is over, no matter how intense the conversation has become, we also expect everyone to shake hands, congratulate each other on work well done, and go enjoy a drink (or even a run) together, as we consider how we will do better in the next formal encounter on paper or in person.

Perhaps we act this way in part because, as philosophers of sport, we have all read and thought about the negative aspects of competition: trash talking; cheating; bad sportsmanship. We actively recognize the ideal of sport and philosophy as something else: a mutual quest for excellence, for improvement through robust engagement.

There's a tradition in the field of being kind and supportive to younger and newer scholars, again mimicking sport in using a coaching model. The veterans are understood as having wisdom to lead the young 'uns and indeed to have an obligation to be supportive of those coming after us. Some of that ethos is directly traceable to now-Emeritus Professor Scott Kretchmar at Penn State, who has been an exceptionally kind mentor to many in our discipline.

When we consider why else we seem to be so friendly to one another in Philosophy of Sport compared to some other areas of study, one causal factor may be that ours is a relatively small field — a niche discipline — so there's a natural sense of commitment to each other and more social accountability than in more crowded fields. Perhaps other disciplines would be better off smaller, too.

Facing the negative judgement of our peers has also fostered something of an “us against the world” attitude among philosophers of sport. Many of us have had our work dismissed as not being “real” philosophy; our colleagues see the study of sport as a kind of “hobby philosophy.” This denigration occurs despite the fact that

enjoying sports — enjoying as participants and as spectators — can reasonably be understood as a nearly universal aspect of human cultures.

Sometimes an academic discipline will try to establish greater power by keeping people out in an attempt to make those “inside” seem like the chosen. But our field does not spend a lot of time engaging in border-policing. We welcome those coming from Sociology of Sport, Kinesiology, Sport Management, and the like. (I came via bioethics and an interest in the philosophical questions posed by contemporary human enhancement technologies.)

Quite a few people in our ranks can boast impressive athletic pasts (or even presents), but that doesn't earn you special creds in our field. One colleague jokingly describes herself as “small and flaccid,” and that is just fine.

What *will* get you judged is whether you've done your homework. Dabblers are not welcome

Quite a few people in our ranks can boast impressive athletic pasts (or even presents), but that doesn't earn you special creds in our field.

— and by “dabblers” I mean philosophers who watch a basketball game and then decide to write a philosophy of sport paper without ever bothering to look

up the existing scholarship. Again, this tracks athletics' values, where the athlete who doesn't put in the pre-game work — who doesn't show up for practice — is disrespected because they are themselves showing disrespect of others.

Socrates and Plato thought about sport and physical fitness, but in terms of its existence as a recognized academic subfield, philosophy of sport came about in the 1970s in the United States. Today the practitioners come from many nations

and gather under the banner of the International Association for the Philosophy of Sport (IAPS), but when that group began, it was known as the Philosophical Society for the Study of Sport (PSSS). (The members referred to themselves as “Pissers.”) The name changed in 1999.

It's not uncommon at IAPS to see someone arrive at a session fresh from a run, and we often take time at our meetings to go on outings together. When we met in Greece, for example, we toured the sites of the original Olympic games. In Oslo, the hosts offered a trip to Holmenkollen to see the ski jump used in the 1952 Olympics. For our recent gathering in Nova Scotia, the organizers shared information about where we could swim together. More than average philosophers, we live as if we have bodies in addition to minds.

We can point to three main schools of thought in philosophy of sport to identify the intrinsic value of sport. The first, called “formalism,” understands a sport as simply being the manifestation of the rules that are set. Formalism leads to the notion, labeled the logical incompatibility thesis, that cheating is not really possible, because when you cheat, you're not really playing the sport. Since all debate may be settled by a review of the rule book for the game, this isn't a terribly interesting way to think about sport. The view also has the weakness of not offering any way to distinguish between good and bad rules.

The second major school of thought is known as “conventionalism.” Conventionalists take into account such concerns as the ethos of the game — the game as it is played beyond the stated rules.

Note, for example, that at the end of basketball games, it is considered appropriate and even expected for the losing team to intentionally foul to stop the clock in the hopes of ultimately catching up. Intentionally fouling breaks the rule, yet it is an accepted part of the game. So, conventionalists think about more than rules,

More than average philosophers, we live as if we have bodies in addition to minds.

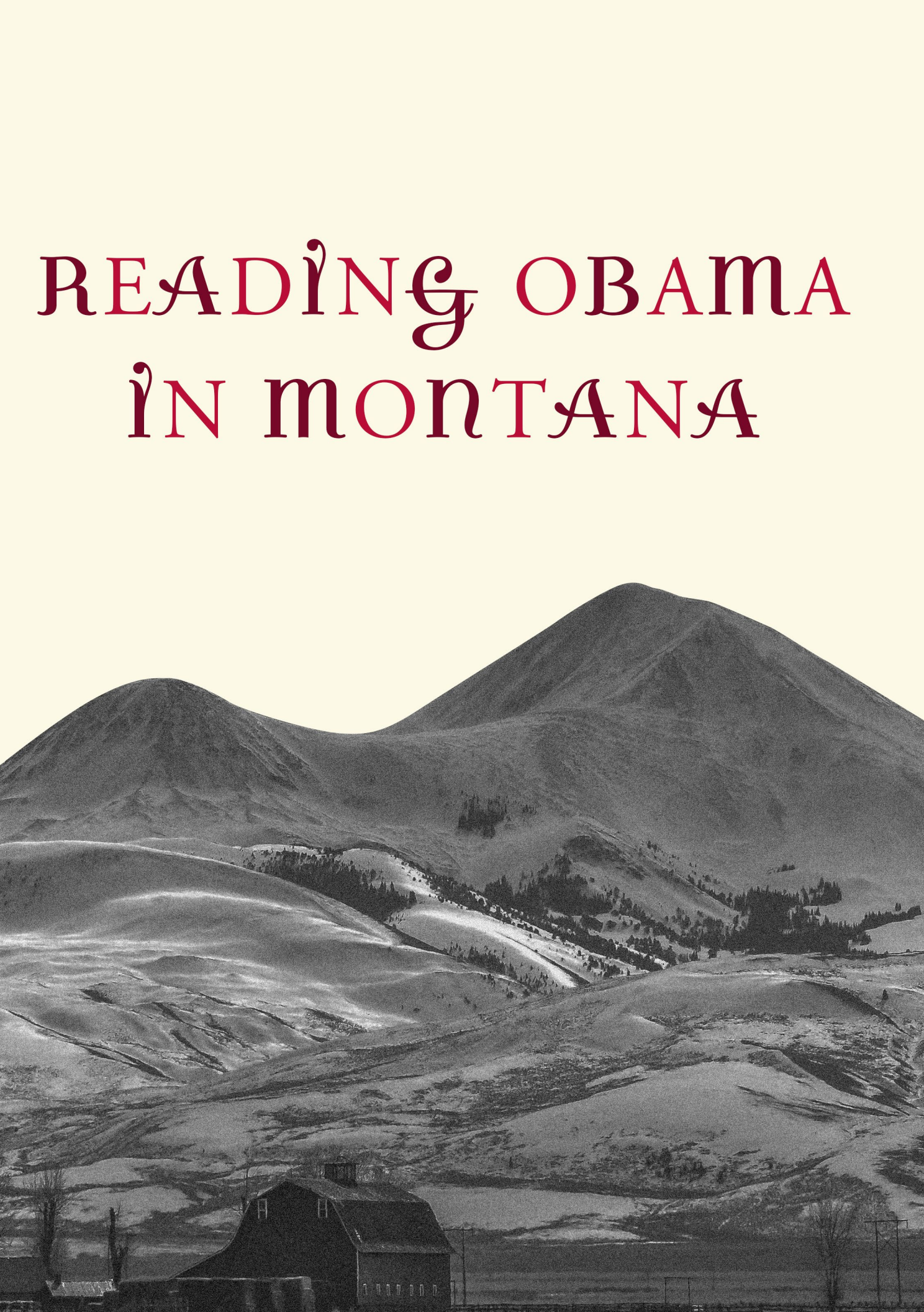
considering the historical and social contexts to discover commonly accepted norms of play. Yet there is no widely agreed upon way to distinguish good conventions from bad ones.

The third major school of thought is called “broad internalism.” Practitioners of this approach consider the rules and the conventions of sport but are also interested in underlying principles intrinsic to sport. They are interested, for example, in the spirit of sport, the integrity of the game, the moral obligations of the athlete to play her best.

These are all notions that critics allege are too vague to settle practical disagreements. But broad internalism — the approach I favor in my own work — provides a key insight: It helps us to see that sport (and philosophy) need not be a zero-sum game, because participation is a form of winning even when you lose, as your skills improve and your self-knowledge is expanded.

It's fun to imagine what it would be like if all of philosophy — and indeed all disciplines — reached that insight.

Pam R. Sailors, Ph.D., is Professor of Philosophy at Missouri State University. She is the recipient of IAPS's Warren S. Fraleigh Distinguished Scholar Award and the incoming Editor-in-Chief of the *Journal of the Philosophy of Sport*.



READING OBAMA IN MONTANA

Photo-illustration by Janelle Delia using photo by MH Anderson Photography (licensed through Shutterstock).

**I failed a student,
but not in the way she claimed.**

BY SCOTT F. PARKER

Recently, I was notified that a former student of mine had testified in February before the Montana House Judiciary Committee in an investigation into alleged bias against conservative students in public institutions of higher education. The student claimed that, in 2019, I had discriminated against her because she voted for Donald Trump.

According to her testimony, I gave her an F on an essay about voting for Trump and offered no feedback other than the words “I disagree.” She also told the committee that, when she appealed this grade, first to me and then to one of my colleagues, she was told that there was nothing that could be done for her.

I started teaching wanting to help students see writing as William James saw metaphysics: as “an unusually stubborn attempt to think clearly.”

While it was thrilling on some level to be offered a fight I could win (her account is unsupported by the evidence), I didn’t get into teaching because I wanted to win fights any more than I got into teaching to propagate my personal views, political or otherwise.

I started teaching wanting to help students see writing as William James saw metaphysics: as “an unusually stubborn attempt to think clearly.” If they could see writing this way, I hoped, its usefulness would be self-evident.

I have often wondered in which cases and to which degrees my efforts in the classroom have been rewarded in the minds of my students. Watching the recent testimony, I found out definitively that, with one student, at least, I had failed. The impression I gave her was not the one I intended.

The semester she was in my class, we were using the textbook *They Say/I Say*, which treats forms of argument as frames for developing one’s thought.

The version of the book we used includes Robert Leonard’s *New York Times* opinion piece, “Why Rural America Voted for Trump.”

According to my notes, on the day we discussed Leonard’s piece, I wanted us to consider the author’s point of view, his assumptions about his audience, the soundness and validity of his argument, and any counterarguments he fails to anticipate. Let’s assume — because I cannot recall — that we more or less did those things more or less successfully. The question I’ve been asking myself is *what else*, speaking extemporaneously, I might have said to give my student the impression that as a teacher I cared who she voted for.

I don’t tend to bring politics into the classroom. Mostly, I consider it irrelevant to — not to

mention a huge distraction from — our intellectual pursuits. But the first Trump years being what they were, politics were on everyone’s minds, including

mine. Even *They Say/I Say* contained multiple essays reflecting on the phenomenon of Trump.

So, the president’s name would have come up semi-regularly. And I’m all but certain that I would have made passing remarks disparaging our president’s habitual bullshitting, which I would have reminded my students is anathema to our shared project of using language with care and sincerity.

By contrast, our previous president, Barack Obama, had given a commencement speech at Howard University that was included in the textbook as an example of the kind of writing we should emulate. I would have made no secret of my great admiration for Obama’s prose and rhetoric, and I would have done so in the faith that my students both could and would recognize a distinction between the respect we were paying to Obama, the man of letters, and our lack of interest in Obama, the former president.

I knew full well that any classroom I entered in Montana would contain at least a sizable contingent of Trump supporters. Given the nature of the discourse in most media outlets and on campuses

generally, they would have been primed to identify a professor who condescended to them (whether or not he really did).

The predominance of liberal professors is well established, particularly in the humanities, where it is not uncommon for self-identifying conservatives to be outnumbered ten-to-one by self-identified liberals. While I want to maintain that this skew does not in itself indicate bias and therefore does not indicate a failure, we live in a time when the need for viewpoint diversity according to race, gender, and orientation are taken as given. Should we not by the same logic demand diversity in political opinion?

I ask this because I'm trying my best to see my classroom from the point of view of my unhappy student, and I can only assume that, to her, I presented as another in a series of professors who were intolerant of her views. I imagine that she saw herself as a victim and me as her oppressor.

In a way, if this speculation is accurate, I'm empathetic to her. My own undergraduate education at the University of Oregon took place in the context of a distinct leftward lean. Political tensions at the time were high, due to the contentious presidential vote in 2000 and George W. Bush's subsequent prosecution of the War on Terror. While most of my classes remained reasonably apolitical, several professors regularly voiced their opposition to Bush and the war, some with impressive vitriol.

This is relevant, first, because I considered myself a libertarian at the time and had learned from experience that, when I expressed my views to a professor, I could be met with anything from amused condescension to polite dismissal to something like low-grade hostility. In the worst case, a professor interrupted a presentation I was giving to tell me that he would not hear a positive treatment of libertarian principles while so many children in Oregon were living with food scarcity. These things happen.

The second reason this is relevant is that the atmosphere on the University of Oregon campus kind of annoyed me but didn't really bother or threaten me. It was what it was, an unmistakably liberal environment, the only world I'd ever known. It didn't occur to me that I needed to have professors who agreed with me or who at least concealed their disagreement. It still doesn't occur to me that I

should have been entitled to that or that I would have wanted it.

But I can imagine how it might have been different. It is a very small step from knowing that your views aren't appreciated to feeling like *you* are not appreciated, perhaps unwelcome. It is the easiest thing in the world to be the victim in the story of one's own life. Not everyone is as naturally suspicious of fitting in as I am.

Part of my job is to make students feel welcome in the classroom, whoever they are. But the limits to that responsibility don't extend as far as refraining from disagreement or even, sometimes, offense. There is no such thing as a sacred idea in a serious education, no commitment that is beyond challenge. This entire project of intellectual life hinges on the separation of ideas from the people who hold those ideas. One of our core values as intellectuals is preserving the willingness to change our minds.

The saddest thing to see now, as the political pendulum swings wildly to the right, is the attempt to impose a new set of acceptable opinions to replace the old set of acceptable opinions. Liberalism (in the classical sense) is the belief that even unacceptable opinions should be engaged via reason, not force. A society in which the universities are illiberal is not a society that will be able to preserve liberalism elsewhere. It hardly matters whether the illiberalism comes from the left or the right.

Returning to my examples from the classroom, my view that Trump is an archetypal bullshitter and Obama a generational orator is either supported or unsupported by the evidence. Regardless, neither label bears on the character of those who favor either man as president. That strikes me as fundamentally a different question.

As long as we respect the boundaries of intellectual discourse, disagreement — even between teacher and student — is welcome and can be productive. But those boundaries must be apparent. My student's mistake was thinking I cared who she voted for. Mine was letting her.

For references, see inquisitivemag.org.

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Illustration by Allyson Darakjian (used with permission).

the POWER of the Classroom

Political threats remind us of our professional duties as educators.

BY NICOLE BARBARO SIMOVSKI

Far too often in the academy, teaching is treated like a necessary bother. It's something squeezed in between writing manuscripts, managing a lab, or doing pretty much anything else on the laundry list of professorial duties. It's telling that our teaching methods have hardly changed in well over a century, with pedagogical innovation largely stalled and the doctoral students who go on to teach being given almost no training in the craft.

But now it seems that U.S. faculty are waking up to the power of the classroom — of the tremendous privilege college and university educators have enjoyed culturally and legally. This, however, is happening for a negative reason rather than a positive one. Threats are knocking on our classroom doors, as outside political actors are increasingly seeking to redistribute power to the government in an attempt to stop what they

call “divisive” concepts from entering university classrooms.

In 2022 in Florida, Republicans passed the Stop WOKE Act, legislation a federal court later declared “positively dystopian” given that upholding the statute would mean “professors enjoy ‘academic freedom’ so long as they express only those viewpoints of which the State approves.” The court concluded the Act unconstitutionally “officially bans professors from expressing disfavored viewpoints in university classrooms while permitting unfettered expression of the opposite viewpoints.” After the Court halted the Stop Woke Act, Florida and other states began enacting bills that would ban ideas only from general education courses. Courts have not yet weighed in on whether that also constitutes an impermissible idea ban.

Farther north, Ohio recently passed legislation that “Affirm[s] and declare[s] that faculty and staff shall allow and encourage students to reach their own conclusions about all controversial beliefs or policies and shall not seek to indoctrinate any social, political, or religious point of view.” As

Heterodox Academy’s policy team noted in their analysis of the legislation, “[T]he vagueness of the term ‘indoctrination’ raises enforcement concerns. What is indoctrination? Are faculty supposed to refrain from honest expressions of their views? For example, if an economics professor passionately proclaims communism has failed, is he indoctrinating his students?”

In effect, “This bill creates fear around teaching contentious ideas.”

Despite the strong case law in support of academic freedom, there are those that are insistent on imposing government controls over what can be taught in college classrooms.

And, at the federal level, the Trump administration has been using various levers — including Title VI, executive orders, and massive funding cuts — to try to keep ideas it considers wrong out of college classrooms, including at private universities. This despite federal law prohibiting the federal government from exercising “any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution.” All this is creating a sense of (self-)censorship and closed inquiry in and around classrooms.

Legally speaking, do professors have the academic freedom to teach without government interference? It’s not so simple. Although there are decades of case law prohibiting government interference, recent court developments have put the question back in play.

As preeminent First Amendment scholar Nadine Strossen explained in the March 2025 issue of *inquisitive*, the Supreme Court stated in 1967 that academic freedom in the classroom is “a special concern of the First Amendment,” but the question of academic freedom as a right is not a fully settled concept.

The Supreme Court has been clear that the First Amendment “does not tolerate laws that cast a pall of orthodoxy over the classroom.” But despite the strong case law in support of academic freedom, there are those who are insistent on imposing government controls over what can be taught in college classrooms.

Some have argued that because faculty at public institutions are government employees, the government may restrict what they teach. In *Garcetti v. Ceballos* (2006), the Supreme Court held that when a public employee (including potentially a professor) speaks within the scope of their job responsibilities, that expression

receives no First Amendment protection. Their speech is in effect “the government’s own speech.” Acknowledging that applying this rule to public colleges and

universities could threaten academic freedom, however, the *Garcetti* Court indicated that it may have to decide in a future case whether an academic freedom exception to the general rule was necessary.

In the process of defending the Stop WOKE Act, Florida’s attorney argued that the *Garcetti* rule applied, claiming that “in the classroom the professor’s speech is the government’s speech,” and so a state can “insist that professors not... espouse...viewpoints that are contrary to the state’s.”

Indiana’s Attorney General has used the same argument to defend 2024 legislation seeking to impose the state’s preferred ideas in the classroom: “The curriculum used in state universities and instruction offered by state employees” is “state speech,” the attorney general’s office argued in a legal filing, and professors “have no right to control how the State speaks.”

The results for freedom of inquiry in the college classroom should a *Garcetti* line of reasoning be upheld would be devastating. In his 2024 book, *You Can’t Teach That: The Battle Over University Classrooms*, Yale law professor Keith Whittington argues persuasively that “academic speech should be understood to be an exception to the *Garcetti* framework,” because we should “understand that the particular kind of speech that professors are employed to engage in as part of their job responsibilities is speech that is of ‘special concern for the First Amendment’.”

Whittington explains, “By engaging in speech *as a professor*, these particular government employees are engaging in speech that is sheltered by the First Amendment” because professors are “differently situated...from a First Amendment perspective” than other government employees.

Politicians’ attempts to censor professors’ classroom speech are especially problematic, Whittington argues, because “the attempt to suppress them is not motivated by...ordinary workplace concerns that universities operate efficiently but rather by broad political motivations.” In his view, “The desire to censor such ideas on campus is the same as the desire to censor such ideas in the public sphere more broadly.”

When professors step into the classroom, Whittington notes, they are speaking as experts in their fields in the service of educating students — a special kind of service. Thus, their speech is constitutionally protected even if — indeed, especially when — it disagrees with the views of politicians, the public, students, or other scholars.

Whittington and others have made good arguments that classrooms and the speech within them count as important *exceptions*, culturally and legally. But it’s important to note that that special status is in part predicated on us, as educators, taking our duties seriously. Our exceptional status within the public sphere is granted on the assumption that we are speaking with the pure intention of educating students on the topics of our classes with the expertise that our years of study and scholarship have endowed.

This means that we must speak with care to avoid abusing our exceptional powers as educators. We cannot (and should not) use our classrooms to pervasively speak on matters irrelevant to the course. We cannot (and should not) use our classrooms to teach our subject matter incompetently. We must (and should) take our responsibilities as educators profoundly seriously. As the American Association of University Professors (AAUP) has recognized, “there are no rights without corresponding duties.”

Misuse of the power of the classroom — including by professors using their positions for activism instead of scholarship — has opened higher

education to existential threats. We should fight vigorously against government bans on ideas in our classrooms while also recognizing the urgent need to take our responsibility as educators far more seriously. It’s beyond time to professionalize our roles as educators with the same rigor we have as scholars. We must actually *do our jobs as educators* to restore public trust.

If we do not wield our power in the classroom with careful intention, it might soon be wielded instead by whatever party is in power.

For references, see inquisitivemag.org.

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inquisitive is made possible
by the Mike and Sofia Segal Foundation

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PRINTED BY

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“The Observers at Electric Dawn” by Janelle Delia
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Scientific truth shouldn't be determined in a courtroom.

BY CHELSEA POLIS

Scientists like me are not trained in legal warfare. So when the notice arrived that I was being sued for defamation, it just did not compute.

The backstory: The manufacturer of a fertility thermometer — a device that attempts to predict when a woman is most fertile — had been advertising that their thermometer could be used to prevent pregnancy, saying it was as effective as an intrauterine device (IUD). A flawed paper they published wrongly claimed 99.4% contraceptive efficacy.

When I first discovered these misleading claims, as a reproductive health epidemiologist, I felt morally obligated to raise concerns to the manufacturer. Getting no satisfaction, I went on to publish a commentary describing the flaws in their paper and calling for retraction.

The journal agreed with me and retracted the misleading paper. I also submitted an allegation of regulatory misconduct to the U.S. Food and Drug Administration. The FDA investigated, which led to the company being made to change their marketing language.

In other words, independent experts at both the FDA and a scientific journal had determined that my scientific and regulatory concerns were valid. Seems pretty black and white, right?

But that didn't prevent the company from suing me for \$1 million in a classic SLAPP (Strategic Lawsuit Against Public Participation) after I called their retracted study "junk science."

In scholarship, we live like the truth will set us free. And maybe it will. But in my case — in which lower and upper courts both found in my favor — freedom from the threat of financial ruin came only after a nearly two-year battle and the labor of many brilliant lawyers.

Scientific truth shouldn't be determined in a courtroom. I'm now an advocate for passing state and federal anti-SLAPP legislation, the kind that could better protect people who speak out to protect the public from those with weak cases but deep pockets. Anti-SLAPP laws give courts the authority to quickly (before court costs mount) toss frivolous lawsuits intended to harass people into silence. I also recommend that scholars who are wary of legal harassment seek out pro bono pre-publication reviews and get to know organizations like the Climate Science Legal Defense Fund. Scholarly integrity and the public good mean we can't afford to self-censor.

Chelsea Polis, Ph.D., was awarded the *John Maddox Prize* for the work described in this essay. The honor is given to individuals "who have shown courage and integrity in standing up for sound science and evidence."

"Thermometer" by Mikulas Galanda, 1930. Web Umenia, public domain.

