

The Critical Race Speech Tribunals

It's Not Free Speech: Race, Democracy, and the Future of Academic Freedom, Michael Bérubé, Jennifer Ruth, Johns Hopkins University Press, 2022, pp. 304, \$29.95 hardcover.

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It wasn't long ago that Michael Bérubé and Jennifer Ruth, a literature professor at Penn State and a film studies professor at Portland State, respectively, carved out niche reputations as guardians of "academic freedom," staffing the barricades against imaginary assaults from the "far right."¹ With the publication of their volume *It's Not Free Speech*, they have now embraced the severe academic and speech restrictions embedded in the prejudiced Manichean world of Critical Race Theory.

That's the upshot of this book: Academic Freedom is the problem, and Critical Race Theory is the solution.

Bérubé and Ruth believe that academic freedom for the professoriate no longer serves its noble original purpose of "the abstract pursuit of an ever-contested truth." (240) It is obsolete and needs updating for the demands of the twenty-first century. Academic freedom as it is now defined by the American Association of University Professors (AAUP) and faculty traditionalists is outdated and incapable of handling the modern world of social media and its amplified cacophony of voices. They find antiquated the idea that the solution to bad speech is more speech. They contend that today's academic freedom is not far from a kind of free speech absolutism, which in the authors' opinion is woefully misguided and provides space on campus for all kinds of noxious and discredited ideas. In fact, academic freedom is the invention of white

1 Michael Bérubé, Jennifer Ruth, *The Humanities, Higher Education, and Academic Freedom: Three Necessary Arguments* (Palgrave MacMillan, 2015).

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males and therefore is part of the structure of “institutional racism,” “white supremacy,” and “settler colonialism.”

As a result of this inadequate conception of academic freedom, the authors imagine that there exists on campuses a near-epidemic of “white supremacy,” allegedly exemplified by three scholars they believe are most flagrantly guilty of these sins—University of Pennsylvania’s Amy Wax, Portland State’s Bruce Gilley, and New York University’s Lawrence Mead.² In their view, Critical Race Theory provides a sure guide to reform this flawed edifice of academic freedom.

The authors call for the establishment of Orwellian “academic freedom” committees to police the faculty on campuses nationwide. On each campus, select faculty would join with “professionals hired by the university to DEI [diversity, equity, and inclusion] positions” to form these committees that will police the speech, teaching, and research of professors. (8, 9) “We propose that faculty and professionals with expertise in the relevant areas be the primary drivers of

any committee or review panel. The professionals hired by the university to DEI positions would retain significant influence.” (8)

This is a troubling proposal. Those of us on campus recognize that these DEI offices are uniformly staffed with modestly educated hirelings steeped in the social justice ideology learned in academically shallow programs such as online “diversity” certification, “educational leadership,” or “higher education administration.” These are the folks who administer secret campus courts, conduct investigations based on anonymous claims, run bias response teams, conduct racial re-education struggle sessions, all while evading accountability and crouching behind benign pronouncements of “inclusion,” “accessibility,” “equity,” and “social justice.”

Throughout the first three chapters the authors offer a tortuous compendium of anecdotes, attacks on colleagues for their alleged and always undefined white supremacism, interminable catchphrase quotations from sympathetic journalists (Michelle Goldberg, Jamelle Bouie, Jelani

2 For a discussion of the attacks on these individuals, see Seth Forman, “Defining White Supremacy Up . . . and Academic Freedom Down” in this issue of AQ.

Cobb), from confirmed Critical Race ideologues like Johnny E. Williams, a law professor once dubbed “scamprof” by those in the legal field, and other assorted social justice acolytes. In their speculations, these two “scholars of literature” discourse on a range of subjects far outside their expertise—law, science, history, political science, genetics, psychology. Throughout, they showcase a lineup of commentators whose primary credential is that they agree with Bérubé and Ruth. At least a third of the book comprises cut-and-pasted quotations, some of them pages-long.

It is in Chapter 4 that Bérubé and Ruth pivot into the elaborate promotion of Critical Race Theory, the centerpiece of their book.

[O]ur broader purpose in that chapter, and in the second half of the book more generally, is to bring the arguments of critical race theory to bear on the concept of academic freedom. . . . Finally, in Chapter 6, we lay out our case

for the establishment of academic freedom committees on American campuses. (15, 16)

For Bérubé and Ruth, Critical Race Theory has the “potential for reimagining academic freedom today.” (126)

“Reimagining” Academic Freedom

In their chapter “Who’s Afraid of Critical Race Theory Today,” the authors offer a sterile portrait of Critical Race Theory (CRT) as little more than a mode of questioning that yields important truths about American society and history. They argue that CRT reveals how powerful white men have used academic freedom to subjugate powerless nonwhites and women and to perpetuate “institutional racism,” reflected in the largely white professoriate. The authors do not acknowledge any reason other than racism that could account for underrepresentation of minorities in the professoriate, including the lack of credentialed minority candidates.³

3 The fact is that black candidates for faculty positions in STEM-focused fields simply do not exist in anything but insignificant numbers. See “Academic Fields Where No African Americans Earned Doctor-

Nowhere is it acknowledged that a key to increasing the non-white professoriate might be to encourage more minority undergraduates to choose the difficult and minimally remunerative path of academia, something that is increasingly less likely to happen, given the rapid growth of highly remunerative, high status opportunities in DEI bureaucracies. The hiring of Berkeley's Dania Matos, for example, symbolized the increasingly typical diversity hire when she was named Vice Chancellor for Equity and Inclusion in 2021 at an annual salary of \$325,000. (Matos said that she will "lead with love" and that her work is "about perpetuating beauty in the center of injustice."⁴)

The unfortunate reality is that CRT presents the greatest threat to academic freedom in this century. With CRT already firmly rooted in university bureaucracies, the only remaining conceptual bastion holding out against primitive racialism is the academic freedom of the faculty. And yet, Bérubé and Ruth never—*not once*—indicate anything

that approaches an understanding of how CRT is practiced on campus, particularly by the "professionals" in DEI offices.

Critical Race Theory is a counter-Enlightenment project akin to its distant cousin Romanticism—it embraces "lived experience," "autoethnographies," "testimonios," "fables," "counter-stories," and outright acknowledged fabrication. Bérubé and Ruth quote Derrick Bell on the point: "Critical race theory writing and lecturing is characterized by frequent use of the first person, storytelling, narrative, allegory, interdisciplinary treatment of law, and the unapologetic use of creativity." (138) This is anecdotalism that rejects logic, reason, evidence, and the scientific method and offers instead "qualitative" methods to create unique "truths" and many "knowledges." Campus racialists rely upon the magic of rhetorical repetition to generate a kind of legitimacy, the agreeable *gravitas* of shared reality—get enough people repeating your anecdotes and you can generate what Pierre Bourdieu called "symbolic

ates in 2020," *The Journal of Blacks in Higher Education*, December 27, 2021.

4 Ivan Natividad, "Dania Matos will 'lead with love' as Berkeley's new head of equity, inclusion," *Berkeley News*, July 2, 2021.

capital.”⁵ CRT is Manichean in that it posits a stark world of oppressor and oppressed, grounded in race, and it is pseudoscience in that its anecdotalism purports to explain everything, including anomalies and disconfirmations as evidence *for* the theory. Bérubé and Ruth appear oblivious to all of this.

Not once in 270-odd pages do Bérubé and Ruth explain what they believe is wrong with the analysis of CRT offered by critical investigative journalist Christopher Rufo and “his ilk.”(147) Not once do they spend even a paragraph reviewing the fundamental tenets of CRT or the hate speech of its proponents.⁶ They simply ignore the racial extremism of the very persons they cite to bolster their book’s arguments.

Two such CRT faculty cited approvingly by the authors are Brittney Cooper of Rutgers and Johnny E. Williams of Trinity College. Bérubé and Ruth quote Cooper, but not *this* Cooper quote: “I think that white people are

committed to being villains in the aggregate. . . . The thing I want to say to you is we got to take these motherfuckers out.”⁷

Williams is also quoted, but not *this* Williams quote: “Whiteness is Terrorism. All self-identified white people (no exceptions) are invested in and collude with systemic white racism/white supremacy.”⁸

This last Williams assertion is essential to understand CRT doctrine as it is rooted in DEI offices and in various “studies” departments on campuses. These are the folks who Bérubé and Ruth would help oversee faculty speech and research. Williams and Cooper are not outliers, but rather constitute the main current of CRT in the university.

The veil of sophistication and depth of this book falls away, as the authors describe a coterie of benign DEI bureaucrats joining with activist professors to monitor their faculty colleagues for what Bérubé and Ruth call their “utter bullshit.” (194) The actual message of *It’s Not Free Speech*, is

5 Pierre Bourdieu, *Language & Symbolic Power* (Cambridge: Harvard University Press, 1991).

6 Luke Rosiak provides a far better explication of CRT’s tenets in his recent book on public education than anything offered by Bérubé and Ruth, who appear to know very little about CRT. Luke Rosiak, *Race to the Bottom* (New York: Broadside, 2022), 96-112.

7 Jackie Salo, “‘We got to take these motherf—kers out’: Rutgers professor calls white people ‘villains,’” *New York Post*, October 29, 2021.

8 Colleen Flaherty, “Trinity College sociologist who studies whiteness is again in trouble for his comments about race,” *Inside Higher Ed*, May 1, 2019.

a dystopian vision of the university, one in which a tiny minority of extremist faculty join with authoritarian diversity commissars to police university faculty for heresy against Critical Race orthodoxy. This is a strange work that identifies a largely imaginary problem in the university—white racism—and offers a remedy that imposes the same problem in reverse—but this time for real.

It turns out that *It's Not Free Speech* is not about preserving true academic freedom but rather an apologia for CRT as the key to informing the censorious activities of “academic freedom committees.” The fact is that faculty autonomy embodied in “academic freedom” is the last line of defense against the depredations of the Williamses, the Coopers, the authoritarians of DEI, the Bérubés and the Ruths. How long that line of defense holds is anyone’s guess.