

Speeches Given on January 22, 2024

AAUP-Penn Rally for Academic Freedom

<https://aaup-penn.org/penn-faculty-rally-for-academic-freedom-we-are-just-getting-started/>

Amy C. Offner

We're here today together—faculty from across the university, tenure-track and non-tenure-track; graduate workers; undergraduates; librarians; staff; doctors, nurses, and medical students; members of campus unions; and allies from across the city—we are here today to stand up for some very simple principles that make a university a university:

First: academic freedom—the freedom to learn, the freedom to teach, freedom of inquiry, and the freedom to speak on issues of public concern.

Second: shared institutional governance. Universities are not autocracies, and we are not subjects. Decisions about academic life are ours to make as educators and researchers. They do not belong to CEOs, trustees, or politicians.

Third: Open expression—the right of every person on this campus to assemble, to discuss and debate issues of public and scholarly concern, and to engage in dissent and protest.

And finally, we are here to defend the principles of diversity and racial justice, principles that are necessary to the intellectual work of a university and to the public mission of higher education. We are also here to tell the truth about what has happened to faculty, students, and staff at Penn over the last five months. Since September, our classrooms and our campus have been turned into ground zero of a coordinated national assault on higher education. This assault was organized by billionaires, lobbying organizations, and politicians who would like to control what can be studied and taught in the United States—who would like to suppress critical inquiry, debate, dissent, and protest, all of which are essential to education and to the functioning of a democratic society. This is an antidemocratic attack unfolding not just at Penn but across the country, including at public universities in Florida, Texas, Ohio, and beyond. It is an attack on the very mission of higher education to produce new knowledge for the public good. We cannot and will not allow it to succeed.

At Penn, this attack went public in September, when donors tried to stop the university from hosting a festival devoted to Palestinian literature. When they failed at that, they launched a wider campaign to suppress academic freedom and destabilize the university. They tried to equate all research and teaching on Palestine, and all criticism of Israeli government policies, with antisemitism. That dangerous equation that has done nothing to address the real scourge of antisemitism; instead, it has suppressed legitimate research, teaching, and public discussion.

Faculty members who simply attended the Palestine Writes Literature Festival, or who spoke at vigils to mourn the deaths of civilians in Gaza, have been subjected to vicious campaigns of harassment, and they've been defamed as antisemites and apologists for terrorism—when those of us who actually heard them speak know that they are nothing of the sort. Departments and

programs that sponsored the literature festival have had their funding threatened. All of this has had a chilling effect across campus. It is telling that since October, our university has produced almost no academic programming of any kind on the crisis in Israel and Palestine—the kinds of conferences, lectures, roundtables, and teach-ins that would help all of us discuss and comprehend a crisis that clearly concerns us all.

Meanwhile, our students have been banned from holding educational events—film screenings and teach-ins have been banned on this campus.

These forms of institutional censorship and targeted harassment strike at the heart of a university's mission. They threaten every single one of us, no matter our field of study and no matter our politics. Today, scholars in African-American studies wonder if they can continue to teach about slave revolts at Penn, or if they'll be slandered as apologists for terrorism. The entire Vet School—the *School of Veterinary Medicine*—is having its funding threatened by Republicans in the state legislature, supposedly because they are concerned about antisemitism at Penn. Those Republican lawmakers have a long track record of attacking education across this state, and they are opportunistically weaponizing fears of antisemitism in order to defund scientific research that clearly serves the public interest.

The stakes for all of us became disturbingly clear last month, when Marc Rowan, the CEO of Apollo Global Management, circulated a list of “questions” to Penn's Board of Trustees proposing a hostile take-over of the core academic functions of the University. Rowan asked whether the trustees should unilaterally close departments, make changes to the instruction of students, and create a code of conduct to stifle campus speech. These questions represent the most flagrant violations imaginable of academic freedom and shared governance. Their transparent purpose is to restrict legitimate, long-established areas of study, to silence and punish speech that donors and trustees find inconvenient, and to transfer to the Board of Trustees powers over academic decisions that belong categorically to the faculty, as Penn's own written policies make absolutely clear.

Rowan also asked whether the trustees should unilaterally change the criteria for hiring faculty—a suggestion clearly designed to reverse hard-won gains in diversity and racial justice at Penn. In the press, Rowan and other donors have made it clear that they are part of a decades-long assault on the gains of the civil rights movement. That campaign has already succeeded in outlawing diversity and equity measures in public universities in Texas, and it's coming for us here at Penn. And so we are facing an assault on academic freedom, on shared governance, on open expression, and on diversity and racial justice.

In the midst of a coordinated barrage of lawsuits, Congressional hearings, and media offensives from billionaires with all the time and money in the world, something essential has been lost, and that is any understanding of what the principles under attack mean, where they came from, and the vital purposes they serve.

Let's start with academic freedom.

To understand academic freedom, we have to start by recognizing the purpose of a university. Universities exist to generate new knowledge for the public good in a democratic society. That is what a university is for, whether public or private. Universities don't exist to serve private interests, and that distinction is essential: they are not tools for the business interests or political agendas of donors and trustees.

The concept of academic freedom was first articulated in the early twentieth century by college professors who were trying to answer the question: what rights and institutional arrangements are necessary to ensure that universities can serve their public purpose, to generate knowledge for the public good?

They were responding to threats very much like the ones we face today. This was the Gilded Age, and university trustees and donors at that time were industrialists who were abusing the power that came with wealth in order to control what could be taught and studied in the United States. Faculty were enormously vulnerable to their pressure because there was no system of job security in academia—the tenure system did not exist, and so, just like the majority of Penn faculty today who are employed in non-tenure-track positions, professors faced the constant prospect of losing their jobs if they inquired into truths that powerful people didn't want revealed. Here at the Wharton School, the economist Scott Nearing lost his job in 1915 for doing research critical of child labor that trustees found inconvenient.

The AAUP was founded that same year, in 1915, by college professors to respond to the threats that concentrated wealth, corporate influence, and authoritarian power structures within universities posed to the integrity of research and teaching. Professors in the AAUP defined the concept of academic freedom, setting out the rights and institutional arrangements that are necessary to ensure that universities can fulfill their function in a democratic society. What are those rights? They are codified in the AAUP's 1940 Statement of Principles, which has been endorsed by over 250 scholarly and educational organizations and written into faculty handbooks nationwide, including Penn's. These are rights that we have. They are the governing principles of our university. They include:

The right of all faculty to full freedom in research and teaching. This means faculty members—not donors, trustees, politicians, or administrators—make decisions about curriculum and research, and about the hiring, promotion, and discipline of our fellow scholars, because we are the members of the university qualified to make those decisions. Everyone who does the work of research and teaching is entitled to these rights—not just tenured or tenure-track faculty. The only way to protect free inquiry from outside interference is to protect the academic freedom of every colleague engaged in the collective enterprise of education and scholarship—whether they're an adjunct, a graduate employee, or a postdoc. Academic freedom is for all of us. Freedom in research and teaching is not a guild privilege: it is essential to students' right to freedom in learning. It ensures that students take courses designed by researchers and educators, not by CEOs. And indeed, academic freedom entails strong rights for students. Students are entitled to freedom in learning, which means freedom of inquiry in the classroom, freedom of association and expression, and the freedom to engage in political activity, because all these things are essential aspects of learning.

Finally, for faculty, academic freedom entails our freedom to speak both about the university itself and about issues of general concern as members of the public. Protections of all these elements of academic freedom ensure that faculty members are hired and evaluated on the basis of their fitness to do the work of research and teaching, not on whether their comments at a school board meeting please donors and trustees. To understand the stakes of this protection, think of the McCarthy era, when professors were purged from US universities for participating in the civil rights and labor movements. Those purges impoverished the intellectual life of our entire society by driving out important scholars in many fields: the sciences, the social sciences, and the humanities all suffered.

In many ways, we owe the recovery of our universities to the Black freedom movement and the social movements of the 1960s and 1970s, which broke through the repressive atmosphere of the early Cold War and opened our universities to people, ideas, and entire fields of knowledge that had been shut out. We have those movements to thank for the very existence of African-American studies, ethnic studies, the study of gender and sexuality, and critical research on racism and imperialism. It is no coincidence that those are precisely the areas of study under attack today at Penn and across the country, and it is no coincidence that attacks on those fields are going hand-in-hand with assaults on diversity and racial justice.

These issues are in fact connected. When Marc Rowan asks the trustees to rewrite the criteria for admission and for hiring, he is asking them to tear up the university's commitment to racial equality. He is also asking them to tear up the right of faculty to make decisions about hiring in their fields—a collective right of the faculty that is absolutely central to academic freedom. Our rights to academic freedom—the freedom to teach, learn, study, and speak—these rights don't originate in the Constitution, and they weren't given to us by donors, trustees, or administrators. They were claimed by faculty a century ago, and they were made real through mobilization. Professors organized to write AAUP principles into faculty handbooks—that's why they're there today. They mobilized to create the tenure system on the understanding that job insecurity is itself the greatest threat to academic freedom—a lesson we need to learn again today. They created faculty senates, AAUP chapters, and faculty unions—institutions to provide an independent, collective voice for faculty, and to enforce in reality the rights we have on paper.

These rights were won, and the question today is whether we will let them be lost or whether we will win them again. Today's demonstration is the start of a campaign not just to beat back the threats we're facing today but to win a positive program of institutional changes that will strengthen academic freedom for all of us and create a more powerful collective voice in the governance of our university. This is a time to build our collective strength. In the next two weeks, we'll invite all faculty to participate in shaping a positive program that we want to fight for and win together. We hope you'll join that effort, as you have in being here today, to defend the integrity of research and teaching, to preserve our students' right to freedom in learning, and to see that the public mission of higher education survives for another generation.

Ian Lustick

First let me say that I have nothing against billionaires. While I can't say that some of my best friends are billionaires, I can say that, from time to time, I have wished that I myself were a billionaire. And I do respect them for their evident skills. I am honored by and grateful for those generous and responsible donors whose support has helped make the academic institutions with which I've been affiliated as great as they are. Billionaires are extremely good at making money, at least in the context of the American system of market capitalism. That means, among other things, that they know how to give people what they want—not necessarily what they need, but what they want, or at least what they are willing to pay for.

We, faculty members of the scholarly and pedagogical community that is the University of Pennsylvania, are standing together here today because making as much money as possible is not what we know how to do, what we strive to do, or what we are charged to do. Our duty, our privilege, and our right, is to ask questions and try to provide answers, and then subject those questions, and those answers, to withering criticism, stringent tests, and to public, thoroughgoing, and replicative assessment.

We have not spent our lives learning how to make money, which is to say learning about how to get as high a financial return from public and private sources as we can for providing what members of our society say they want at any given time. We play a different role. Our responsibility to our country and its people is different, as are our rewards and the standards against which our performance is measured. We hunt for truth; not popularity; for knowledge and insight, not marketable products or techniques, even if our work lays the groundwork for them. We fashion, and help others fashion, better questions and better arguments about the answers to those questions than have ever been asked or devised. Some among us deepen and expand knowledge in domains of ancient interest to humans. Others among us invent and develop domains for exploration and learning that weren't imagined even by immediately preceding generations. In this great endeavor, we all subject beliefs, whether inherited or currently popular, to systematic evaluation and critique.

We are here today standing against threats to academic freedom posed by those who seem to believe that knowing how to produce profits means knowing how to produce knowledge. But profits come from giving those with money what they say they want. Knowledge comes from asking questions about what the world is, and then judging the persuasiveness of answers to those questions, not based on whether the public or those with money like the answers or are willing to pay for them, but based on what logic, analytic rigor, and evidence can show about those answers.

We are a community dedicated to scholarship, science, teaching, and learning. The disciplines that we follow, and that bind us, are not speech codes, catechisms, or lists of truths and falsities, or some official stipulation of ideas that must be or must NOT be expressed. Military formations, religious orders, and businesses may all legitimately enforce such disciplines. But neither American higher education as a whole, nor the University of Pennsylvania in particular, can survive under such orders. Why? Because, as I've noted, the heart of our endeavor is the posing of questions and the definitional, research, and pedagogical decisions that always require us to close some questions as we open others. Yes, we do, in our individual classes, scholarship, laboratories, and seminars, regularly forbid certain questions from being raised. No seminar in advanced mathematics can proceed if participants are allowed to ask what a "lemma" is or why the sum of squares of two sides of a right triangle are equal to

the square of the hypotenuse. But this right, to close off questions, is never exercised absolutely. It is done as a necessary part of focusing the attention of a scientific or scholarly community on questions that cannot even be posed unless the intellectual infrastructure for posing them is assumed to be common knowledge. And yes, good pedagogy also requires being sensitive to student needs as they encounter not only the wondrous but disturbing ideas, histories, and social dynamics that have formed and are forming our world. But how to solve those pedagogical problems is what we faculty members are charged to do, and what we are trained to do. Responding in classrooms to the real challenges that arise in this regard is not the job, nor was it ever advertised as the prerogative, of donors.

How to define terms; how to pose and set aside questions; and how to judge answers—these are what we have spent our lives learning how to do. When, here at the University of Pennsylvania, persons with money or political clout but with no established, peer-reviewed, understanding of particular disciplines, seek to prevent questions from being asked by imposing speech codes, by outlawing particular expressions, by ordering the proper composition of course syllabi, or by regulating the range of topics to be considered at conferences or symposia, they are posing a dire, even mortal threat to higher education in America in general, and, most poignantly, at the University of Pennsylvania in particular.

It so happens that the highest profile, most specific challenge to academic freedom at Penn, and at other universities in America, arises in the domain where most of my own scholarship, research, and teaching has focused. I am a signatory on the Jerusalem Declaration, a formula signed by hundreds of experts around the world on Jewish history, the Holocaust, Israel, and anti-Semitism. It says simply that “Antisemitism is discrimination, prejudice, hostility or violence against Jews as Jews (or Jewish institutions as Jewish).” This declaration was offered as response to a tragically influential hoax known as the “IHRA working definition of anti-Semitism.” This pages long document, which focuses mostly on criticisms of Israel and Israeli policies which should be banned and criminalized, and which actually does not ever say what anti-semitism is, has been abrogated and condemned by those in the US and Europe, who originally framed it, as dangerous and misleading. What I want to emphasize is that there are powerful forces on this campus and off it trying to impose this catechism, this speech code, on our University, not just to prohibit answers to questions they don’t like, but to prohibit us from asking questions they don’t want asked. For example, by the regulations on speech they advocate we can ask whether Russia, or China, or Hungary, or the United States, or Iran are racist, but we are not allowed to ask whether Israel is racist. And, bizarrely, that means, we must use a double-standard when it comes to Israel. The same questions we ask of other countries may not be asked about Israel. Confoundingly, that means that to follow the IHRA guidelines we must make ourselves into anti-semites, since using a double standard toward Israel is, according to the IHRA catechism, yet a tell-tale sign of anti-semitism.

In the name of scholarship, intellectual integrity, and our own cherished university, we refuse to accept the limits they seek to impose on the questions we ask. *Leges Sine Moribus Vanas!* No one will be able to impose rules on the faculty and students of the University of Pennsylvania that contradict our sacred commitment to the production and transmission of knowledge. That is our mission, and the intellectual freedom required to fulfill it is our right.

Amy Hillier

I am a faculty member at the School of Social Policy & Practice and a social worker. Are there any other social workers out here today?

It is an honor to speak to this group. It is an honor to be part of this group. And it is a great privilege to be a faculty member at the University of Pennsylvania.

I am also a Penn alum, like many of you here are. How many of you here have a degree or are working toward a Penn degree? Like you, I believed in Penn and I came here for all the right reasons. I have been at Penn nearly all my adult life. This is the only proper job I've had, and it may be the only proper job I ever have.

I fell in love with Penn the first time I visited, when I was 19 years old and an undergraduate at another institution. Like other love stories, mine involves plenty of conflict and disillusionment over the years. But like the other faculty here, I worked hard to earn this position, and I love being a faculty member at Penn.

And that's why I will stand up and fight for the best of what Penn is. I refuse to concede that this is nothing more than a corporation. What happens in my classroom, what happens in your classroom, is precious. I don't want anyone telling me what to teach. My syllabus is not for sale.

The University of Pennsylvania is not for sale.

I teach critical race theory. My research is about transgender children and their families. I believe in the work students, staff and faculty have done to make this a more diverse community. Thank god Penn doesn't look like it did 100 years ago.

Hands off our University. This is our university.

Penn belongs to us and the generations of young people who will come here and make it their own, as we have. I can only imagine in 50 years or 100 years what Penn students will be protesting here in front of the Button, beside the statue of Ben Franklin. And they will be protesting because we fought for academic freedom and open expression today.

I refuse to give up on the integrity of higher education. I refuse to give up fighting for the best of what Penn is. Our students need that University of Penn. And the world needs that version of Penn.

Jack Starobin

My name is Jack. I'm a Jewish Penn student. I'm here to stand up for the right to ask questions and speak freely. That includes the right for my peers and I to speak out against Israeli apartheid and charge genocide in Gaza.

I'm part of a Jewish community on campus called Penn Chavurah. This November, we screened a documentary called *Israelism*. We sought to create a space for critical discussion of a government which so often speaks and acts on our behalf, without our consent. We also sought to foster good faith dialogue with our peers. We invited members of Penn Hillel and Penn at large. We planned a Q&A with the film director as part of the event to allow for dissent and disagreement in the audience because that is the kind of dialogue we believe in. We followed all university guidelines.

But a week before our event, the university denied our right to proceed. They told us the film was "not right for the climate on campus." We shared the news with the Middle East Center, which requested a room on our behalf. The university approved their request to screen *a film*. But when the university learned we would be screening *this film*, they threatened our funding and told us we could face discipline. 30 minutes before the event, I got a call from an administrator on my personal cell phone reiterating this threat. When I asked what rule we were breaking, they literally did not have an answer.

This act of censorship followed a months-long campaign from a group of donors and politicians who are still lobbying Penn and Congress to silence all critics of Israel, even at the expense of academic freedom and student safety, even as Israel commits what more and more of the international community is calling a genocide against Palestinians.

This campaign is still exerting a chilling effect on free speech campuswide. If a film screening is off limits, what else are we not allowed to talk about? South Africa has brought a historic case charging Israel with genocide to the International Court of Justice. For any Penn student preparing to be a global citizen, the case matters. Groups like Penn Chavurah are once again seeking spaces for discussion. When we have those discussions, will Penn stand up for our academic freedom? Will Penn stand up for those of us who openly side with South Africa? Or will they threaten us again with discipline? Will they repeat their behavior from October, when pro-Palestinian students faced violent threats, and administration pretended that Palestinian students did not exist? What kind of conversation can we expect students to have if they have reason to fear discipline for saying what they believe?

Those who seek to silence us justify our censorship in the name of our safety. In recent months, Congressional Republicans like Elise Stefanik seem to have developed a newfound concern with the safety of Jewish people.

Stefanik has endorsed a man for president who himself could not disavow people wearing Camp Auschwitz T-shirts on January 6. Stefanik endorsed a congressional candidate in 2022 who said in an interview that Hitler is "the kind of leader we need today." Elise Stefanik does not care

about Jewish safety. She cares about silencing her political opponents and getting what she wants.

The strategy is always to make us scared of open expression. The far right portrays trans and queer people as dangerous—then, they ban books and bar teachers from saying the word "gay" in classrooms. They portray critical race theory as dangerous—then, they ban more books and pretend that racism does not exist. They portray films and festivals that criticize Israel as dangerous—then, they lobby our universities to crack down on academic freedom.

Is Penn going to cave to that pressure? Or are we going to set a different example?

David Lee
“Job insecurity and Academic Freedom”

You might know the Temple Association of University Professionals, my union, is currently engaged in **contract negotiations with Temple administration**. Job security is our number 1 priority, but Temple is refusing to engage with any of our proposals for security for contingent faculty.

Here are some statistics from a recent letter we sent to Temple’s administration demanding action be taken:

- We’ve seen a **41% decline in tenured and tenure-track jobs** in the TAUP bargaining unit over the past six years
- 55% of all contingent faculty are up for renewal. **Put plainly, over half of our bargaining unit does not know if they will have a job next semester**

University administrations around the country, including at Temple, have begun to **treat all faculty as contingent**.

This is about the livelihoods of thousands of dedicated teachers, but it’s also about the **future of higher education**.

As precarity grows, it **erodes the quality of life for teachers and the quality of education for students**.

Job insecurity has profound effects on university life, especially on **issues of academic freedom**:

- It **erodes faculty governance**, as contingent faculty are marginalized from democratic decision-making processes, giving them little say in how the university is run
- It **reduces bargaining power for all faculty**, as contingent faculty fear retaliation for organizing and speaking out
- It **reduces the quality of education**, as contingent faculty can be fired for teaching controversial subjects
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The best tool we have to fight against this is solidarity. Solidarity across faculty ranks in the university. Solidarity between faculty and students to build a better university. Solidarity between the university and the communities they serve. Solidarity between all those who think higher education must be saved from those who think intellectual freedom is a luxury we can no longer afford.

Thank you.

Clancy Murray

Last semester, I was part of a group of graduate and undergraduate students who occupied a part of Houston Hall for over a month to establish what we called the “freedom school for palestine.” Throughout that month we held lectures, workshops, screenings, and more that were open to the Penn community. Our programming aimed to educate our community on Palestine and its history, and to enable critical conversations that had become difficult or impossible to have anywhere else on campus. Throughout that month, I saw an incredible group of students— from freshmen undergrads to law students to PhD students— put their lives on hold and leverage their collective knowledge and skills to create a space for learning that their university failed to create for them. As not only one of those students, but also as a current and former instructor of some of those students, I was struck during that month by how lucky this institution is to have them. At a time when universities both appear and function as hedge funds that just so happen to grant degrees, here was a group of students genuinely committed to learning. Here was a group of curious, passionate students giving time and energy they frankly didn’t have to create a space where we all could learn and teach without fear.

So obviously the university thanked us for this work and supported us in our effort to create this unique educational space, right?

Haha, of course not!

Instead of supporting us, the administration did everything in their power, through threats and disciplinary measures among other things, to quietly get us to leave, to subtly push us out, to repress our work without causing too much of a scene.

There’s a lot I could say about what happened last semester, but I’m sharing this to underscore a couple things that many of us already know. First, not only will admin not protect us, but they will actively collaborate in attacks on our freedom to teach and learn. And second, that attacks on our freedom to teach are also attacks on our students. Our teaching conditions are our students’ learning conditions, and our students deserve better.

We must remember though, that our students’ learning conditions are not only our teaching conditions— they are also our *working* conditions.

Of course, these recent threats to academic freedom are especially acute. They also feel a bit more personal— we know the names and faces of the donors, the board members, and the administrators.

However, there is another threat to academic freedom that isn’t so new, that isn’t so acute, and that’s a bit more impersonal. That is: the devaluing and precaritization of labor in higher ed. Here I mean the increasing reliance of universities on contingent and non-tenure faculty. I mean the transformation of our working conditions not toward the end of better supporting us and our students, but toward ensuring ever-growing profits. When I think about threats to academic freedom I do think about the Mark Rowans of the world. But I also think about my friends who work in labs and have to sensor themselves every day because they have an abusive PI. I think of all the things my coworkers say and don’t say in order to ensure that they’re hireable when they’re

on the market every 2 years between temporary, underpaid teaching gigs. These conditions, too, are a threat to academic freedom.

As long as our lives and working conditions are subject to the whims of the market and the accumulation of profit, they will also be subject to the whims of donors and administrators. As long as we are fragmented as workers, as long as we confront the boss as mere individuals, we will continue to be subject to the whims of hostile forces, impersonal and personal alike. Of course, there is a lot to feel hopeless about right now. I would be lying if I said I didn't share that feeling at times. However, it would be the gravest mistake to give up. We may not have billions of dollars. We may not have the fancy lawyers. But we have one weapon that they can't take away from us, and that is our capacity to act together. We don't have to be powerless, and as we see every time we come together to fight, we *aren't* powerless.

I'm not showing my face and speaking today because I think there are no risks to or because I'm brave or something. I'm out here because it's hard to be that afraid when I know I have thousands of organized coworkers standing behind me, when I know so many students and faculty who will fight alongside me. It's hard to be that afraid when I know I'm not fighting alone.

To close, I want to be clear about the stakes. Yes, we have the ability to act together, and it's possible for us to build power. However, this possibility is also a necessity. We *have* to get organized. I don't really believe that any of us has a choice. The stakes everywhere are too high. As I already said, we face an uphill battle. What is necessary is often not easy. But we can face these challenges, and I know we can face them because I know that when we fight together, we win together.

Eric W. Orts*

**“Defending Against a Hostile Takeover of the University of Pennsylvania:
What Can Faculty Do?”**

Thanks to AAUP-Penn’s executive committee for inviting me to speak. Let me say up front that the views expressed here are my own, and do not represent any department, center, committee, or other subdivision of Wharton or Penn.

According to a saying often attributed to Mark Twain, but likely having earlier origins: “History does not repeat itself, but it rhymes.”

In 1915, Penn’s Board of Trustees refused to renew the contract of only one assistant professor recommended for renewal by the faculty and the Dean of the Wharton School. His name was Scott Nearing.¹

Professor Nearing was a successful teacher and prolific researcher. We may think teaching simulations are new, but Nearing gave an example of innovative teaching when he taught in his classes an early version of The Landlord’s Game – which later became famous as Monopoly.² Nearing was a Penn product himself: a Penn undergrad, a Ph.D. in economics from Wharton, and then asked to join the faculty.³ During his time at Penn as a professor, in only seven years from 1908 to 1915, he wrote at least a dozen books, including one co-authored with his wife titled *Woman and Social Progress*.⁴ He not only promoted women’s rights at a time before women’s suffrage, he opposed child labor. He was also a left-leaning economist, and his brand of economics and social policy was deemed too radical by some of Penn’s alumni and trustees. Our Board of Trustees then, as today, was dominated by businesspeople, and they did not like the political implications of Nearing’s teaching and research. So, despite the support of the Wharton faculty and its Dean, Professor Nearing was fired by the trustees.⁵

More than a century later, in December 2023, Penn’s trustees gave in to a political pressure campaign led by the wealthy Wharton school donor Marc Rowan when they accepted the resignation of our duly appointed President, Liz Magill. Ostensibly, Rowan and other donors alleged that Magill had failed to respond forcefully enough to condemn antisemitic speech on our campus. We see clearly now that these accusations about antisemitism at Penn hid a larger objective. Very soon after Magill’s resignation, Rowan sent a memo to all of Penn’s trustees advocating a radical overhaul of the university’s governance system.⁶ Rowan and his allies now apparently want to consolidate their hostile takeover of Penn by revising “the University’s mission” and altering our system of self-governance. Rowan asks the Board to reexamine the “criteria for qualification and admission for membership in the Faculty.”⁷

This seems to mean that Mr. Rowan is urging our Board of Trustees to discard the “shared governance” model by which *we* – as the members of Penn’s faculty, and *not* the trustees – make determinations about the hiring, promotion, and retention of faculty members, both tenure-track and non-tenure-track. Rowan also recommends that the trustees should consider whether “any of the existing academic departments be closed and/or combined.”⁸ By arguing for the Board to revisit the “general policies for the admission of membership into the Faculty,” Rowan

is disregarding our long and established traditions that these policies are for the faculty, Provost, and President to decide, not for the trustees acting unilaterally.⁹

History is not exactly repeating itself, but it is rhyming. After Scott Nearing was fired by Penn's trustees, many of his faculty colleagues were outraged. Although the motivation of the trustees was indeed political, the response from many faculty was not. They saw the firing of Nearing correctly as an intrusion by nonacademic businesspeople on the Board into the academic decision-making process. One conservative colleague at Wharton at the time who disagreed with Nearing's work and his politics said that he still opposed the trustees' dismissal, saying that he did not want to be seen only as a faculty member who was "kept" at the pleasure of wealthy businesspeople on an anti-academic board.¹⁰

The same argument applies now. Faculty who may think they will be safe if they do not stand up collectively to support shared governance at Penn should think again.

We should learn the lessons of our history. Like our democracy itself, it is easy to take academic freedom for granted. Like our democracy too, academic freedom is worth fighting for when it is threatened – as it is today.

The reputation of *our* University of Pennsylvania is founded not on the riches of our trustees over the years – though we should be very grateful for their support. Our reputation is based on a tradition of excellence in the production and transmission of knowledge *by our faculty*. In turn, this tradition of academic excellence is grounded in our institutional independence and structure of shared governance.

In 1915, the Penn trustees intervened in faculty affairs and fired a Wharton professor they did not like. This incident was one of the first cases brought by the AAUP in its history – and it fueled a faculty movement across the United States that eventually created the tenure system and shared governance.¹¹

Today, a few wealthy donors and alumni wish to turn back the clock more than a century. As faculty, we can still exercise our power and authority to oppose this threat. Our rights are written into our Faculty Handbook.¹² We have the power to stand up and declare that hostile takeovers may have a place in the business world, but not in academia. We can and should urge Interim President Larry Jameson and members of our Board of Trustees to "just say no" to Mr. Rowan's proposals.

What else can we faculty do?

First: We can recognize the historical origins of our institutional strength. We owe our tenure system and shared governance structure to our academic ancestors, including those in the American Association of University Professors.¹³ Consider joining our chapter of AAUP here at Penn. I've decided to join, even though I may not agree with all the positions AAUP has taken in recent years, because we need a strong organized faculty voice.

Second: We can participate in our shared faculty governance at the University level. Everyone on the standing faculty is automatically a member of the Faculty Senate. Consider getting involved by joining the Faculty Senate Executive Committee or one or more of the standing or ad hoc committees. Lobby for an expansion of our Faculty Senate to include representatives of the non-tenure track faculty.

Third: We can follow the news about any proposals to or from the Board to change our governance structure, especially if they would reduce or eliminate our rights as faculty. Express your views directly to Interim President Jameson and the Board of Trustees. Ask them to stand strong against threats to our academic freedom.

“Don’t it always seem to go,” sang Joni Mitchell, “that you don’t know what you’ve got ‘till it’s gone?”¹⁴ Let’s not let a few wealthy outside donors pave Penn into a parking lot. If we stand together, we have the power to preserve our independence and integrity for future generations of faculty and students at this great institution.

Notes

* Guardsmark Professor of Legal Studies & Business Ethics and Professor of Management, The Wharton School, University of Pennsylvania. The final text here has also been altered to reflect a few changes and corrections in the spoken version, though some sections here were also left out of my spoken remarks in the interests of time at the event.

¹ Edward Robins, et al., Report of the Committee of Inquiry on the Case of Professor Scott Nearing of the University of Pennsylvania, *Bulletin of the American Association of University Professors*, vol. 2, no. 3, pt. 2 (May 1916), pp. 5-57, <https://doi.org/10.2307/40217595>.

² Christopher Ketcham, “Monopoly Is Theft,” *Harper’s Magazine*, Oct. 19, 2012, <https://harpers.org/2012/10/monopoly-is-theft/.5>

³ Wikipedia, Scott Nearing, https://en.wikipedia.org/wiki/Scott_Nearing (visited Jan. 21, 2024), citing a number of biographies, including John A. Saltmarsh, *Scott Nearing: An Intellectual Biography* (Temple University Press 1991); Stephen J. Whitfield, *Scott Nearing: Apostle of American Radicalism* (Columbia University Press 1974), as well as Nearing’s autobiography, Scott Nearing, *The Making of a Radical: A Political Autobiography* (Harper and Row 1972). Nearing and his wife later wrote a classic account of their self-subsistence while living and working in rural Vermont. *The Good Life: Helen and Scott Nearing’s Sixty Years of Self-Sufficient Living* (1970) (reprinting two previous books as one).

⁴ Scott Nearing & Nellie M.S. Nearing, *Woman and Social Progress: A Discussion of the Biologic, Domestic, Industrial and Social Possibilities of American Women* (1912).

⁵ Robins et al., op. cit.

⁶ Susan Snyder, “Penn faculty fear the donor who started the effort to oust Liz Magill is attempting to set the agenda for trustees,” *Philadelphia Inquirer*, Dec. 2023,

<https://www.inquirer.com/education/marc-rowan-university-pennsylvania-agenda-20231212.html> (reprinting memo sent by Rowan to Penn trustees).

⁷ Id. (reprinting Rowan’s memo).

⁸ Id. Rowan omits the fact that the Board’s governing statute provides that Board may “authorize the establishment, merging, or closing, or merging of departments” only upon the “recommendation of the President.” Statutes of the Board of Trustees, art. 10.5 (as amended Mar. 3, 2023), <https://secretary.upenn.edu/trustees-governance/statutes-trustees>.

⁹ Snyder, op. cit. (reprinting Rowan’s memo).

¹⁰ Wikipedia, op. cit., citing Whitfield, op. cit., p. 36 (quoting an unnamed Wharton professor).

¹¹ Robins, et al., op. cit. In 2015, a conference at Penn marked the 100th anniversary of Scott Nearing’s dismissal, institutional responses to it, and debates about lessons to be learned from it. See Samuel Hughes, “Walking on a Wire,” *Penn Gazette*, Dec. 15, 2015, <https://thepenngazette.com/walking-on-a-wire/>. See also “A Radical Who Laid the Groundwork For The Tenure System: Scott Nearing, Professor,” *Wharton Magazine*, July 1, 2007, <https://magazine.wharton.upenn.edu/issues/anniversary-issue/a-radical-who-laid-the-groundwork-for-the-tenure-system-scott-nearing-professor/>.

¹² Penn Faculty Handbook (updated Aug. 2, 2023), <https://catalog.upenn.edu/pdf/2023-2024-facultyhandbook.pdf>

¹³ American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges, “Statement on Government of Colleges and Universities,” <https://www.aaup.org/report/statement-government-colleges-and-universities###3> (as amended most recently by AAUP with respect to gender-neutral language in 1990).

¹⁴ Joni Mitchell, *Big Yellow Taxi* (Reprise Records 1970).

H. Gerald Campano **GSE Professor**

I am sorry I am running late to this important event. The truth is I had my first class of the semester, and I hold teaching sacred. My name is Gerald Campano, and I am an alum of Penn and professor at the graduate school of education. Over my 13 years as a faculty member, I have worked with roughly a thousand students, chaired doctoral dissertations, taught current and future educators and leaders, and mentored undergraduate students in research. Just as importantly, I have also supported them in their organizing and activism and will continue to do so as part of my sacred duty and privilege as a Penn professor. I am Penn. My faculty colleagues are Penn. All students I have worked with over the years are Penn. The staff who support our research and teaching mission are Penn. WE ARE PENN. WE are the HEART of this institution. Unfortunately, recently it has been individuals who are far removed from campus, not involved in the day-to-day of research, teaching and learning, who have made sweeping and honestly demeaning and defamatory claims about Penn, even engaged in targeted harassment of its students and faculty, supposedly in the name of the institution.

This has been building up. Throughout my time here, I have seen students targeted for their exercise of free speech and assembly, as if they did not have the right to express themselves, as it they are subverting Penn's educational mission, when they are rather its fiercest advocates.

The reason why I and so many faculty are passionate about this issue is that disciplining students for peaceful free expression and protest comes at great cost, striking at the core of our intellectual and educational mission. Penn's Guidelines for Open Expression speak quite eloquently on this mission and on the importance of free expression and assembly. They declare that the University of Pennsylvania "affirms, supports, and cherishes the concepts of freedom of thought, inquiry, speech, and lawful assembly" and that it "undertakes to ensure" that the rights to assemble and demonstrate peaceably "shall not be infringed." Indeed, we who have the honor of teaching our students do not limit our aspirations to the students' mastery of the subject matter of our classes. Rather, we aspire to teach students to think for themselves and to form an understanding of their convictions so that they may freely express them in their life's work during and after their time at Penn. Even if we do not agree with their stance on issues, we nonetheless honor their free expression and assembly as the fulfillment of our aspirations for their learning as students and as citizens. As the Principles honor these values of understanding and expression as paramount to our educational mission, we cannot tolerate their infringement, lest Penn become nothing but a glorified corporation that serves the interests of the few, at the expense of the students, faculty, staff, and committed administrators who give life to our university.

Let me tell you about the students I know at Penn. They have many different perspectives and opinions. But so many share the courage and conviction to address truly existential issues that impact the world, their communities and directly our campus. These include climate change and the need for a Fossil Free world, the funding of our city schools, affordable housing, community displacement and dispossession, and, most recently, a conflict unfolding in real time that has claimed the lives of tens of thousands, mostly civilians and many children. Following the words of Benjamin Franklin, these are students who are genuinely waking up every morning and asking

themselves what good may I do in this world. Yet students have been doxxed and subject to targeted harassment for being voices of peace. Antisemitism, Islamophobia AND Anti-Palestinian Racism need to be denounced in the same breath and with equal fervor, especially in the wake of violent hate crimes such as the shooting of the three students in Vermont. If we believe all lives are sacred and grievable, there is no contradiction in doing so. In the absence of such principled consistency, several students have expressed to me that they are not safe on campus, that their identities are not valued.

Now, it seems, politicians and their allies want to go after faculty themselves, and our right to governance and academic freedom, as part of the undermining of higher education and the broader backlash against diversity and the BLM movement. There is talk, again from those very removed from campus, to impose from above guidelines on faculty hiring, student admissions, and the development of academic programs. If faculty do not have academic freedom, then students will not either. When students are denied their right to freedom of expression and assembly, faculty are accordingly denied the freedom to cultivate these rights in the classroom. But we won't let this happen, because we – students, faculty, staff, and administrators committed to (re)building trust with the campus community- are the heart of PENN and dedicated to its fundamental principles. We will work tirelessly to sustain and reinvigorate our university's highest ideals.

Andy Vaughan, associate professor at the Vet School, Institute for Regenerative Medicine, and Lung Biology Institute

I represent ONLY MYSELF and in no way speak directly for my school or department

- I am relatively new to AAUP myself! Why did I join? What are our goals here? What do we hope to see?
 - o Really nothing new!
 - o It is the policy, **enshrined in our faculty handbook**, of the University of Pennsylvania to maintain and encourage freedom of inquiry, discourse, teaching, research, and publication and to protect any member of the academic staff against influences, from within or without the University, which would restrict a member of the academic staff in the exercise of these freedoms in their area of scholarly interest
- As many of you know, there have been myriad examples of **outside influence attempting to shape UPenn policy in a way that is incompatible with our shared values of encouraging freedom of inquiry, research, and teaching.**
- As faculty, we have an opportunity to come together and utilize our collective voice to ENSURE that we continue to **serve the public through the university's mission to generate knowledge that serves the public good**
- That means standing up, as a group, against outside interests to tell these outside interests, be they politicians or big money donors, that these entities have no place trying to dictate how we teach and perform research
 - o Obvious example is the state GOP withholding funding from Penn Vet, the only arm of Penn that has any connection to state budget, because we aren't "sufficiently pro-israel"
- I hope many of you, whether you're tenure track or adjunct, full professor or assistant, will come together with us to join Penn's chapter of the American Association of University Professors

Roxanne Euben
“Teaching for Democracy”

I'd like to thank Amy Offner and the AAUP for inviting me to speak today, especially as I've just newly joined. I've joined because of the necessity of safeguarding academic freedom in higher education, and at the University of Pennsylvania in particular. Many today have spoken powerfully about the academic freedom *of* teachers; I want to say a few words about academic freedom *in* teaching. The very lifeblood of the university—of this university, where we stand at this moment—is the freedom to teach and learn without fear of reprisal or punishment. It's also the very lifeblood of democracy. In fact, I'd argue that teaching is a democratic vocation. By 'democratic vocation,' I don't mean a calling to teach about democracy. Some of us do teach about democracy, but many of us do not. I mean a calling to teach for democracy.

To teach *for* democracy is to cultivate in our students the critical reflection needed to take part in the decisions that govern their lives, and to challenge those who claim for themselves the unearned authority to rule the university, and the country, by decree. In this sense (to borrow from my greatest teacher), I see my work not as telling students *what* to think, but to insist that they *do* think.

That requires providing, to the best of my ability, an environment in which we're continually asking questions. The point is not to ask questions just for the sake of hearing one's own voice or playing a game of devil's advocacy. This is no game.

These aren't 'safe' questions, but ones that can give us a critical distance from what we've taken as natural or inevitable or a given. Then it becomes possible to make explicit, examine and then determine what actually matters to us, why, and what kinds of action those commitments require of us.

This is easy to say, but can be very hard to do. It demands dedication, patience and often, in darker times, courage. This is especially true when it comes to those questions that now seem so urgent to take up, but often seem impossible to talk about collectively or publicly. Why are some able to speak freely while others can't? How and why are some lives treated as more valuable than others? Who's permitted to engage in waging war and who isn't? How many people—if any—is it justified to kill in the name of self-defense? In the name of liberation? How should we define these terms? And very importantly: who has or claims the authority to decide?

Raising, let alone talking together about questions like these can be really uncomfortable—even disorienting. That makes sense. It's easy to debate the question of whether chocolate or vanilla ice cream is better. It's much harder to talk when something really important is at stake. It often means pushing students to move outside of themselves, their routines or preoccupations with the details of the moment to imaginatively inhabit the viewpoint of others, particularly those who are not present and those with less power or voice. The aim isn't to reflexively embrace those viewpoints or abandon one's own. And it doesn't assume that we can ever fully know what means to

walk in another's shoes. The point is to teach how to think critically--even or especially about the things we hold most dear.

The point of all my verbiage today is that a democratic education is itself a practice of resistance in the sense that it refuses to accept the status quo. It resists those who tell us we can't assign particular books, we can't teach painful histories that are very much present, and we can't ask certain questions. That power doesn't belong to the trustees, the administration, or the government. That power, that freedom, belongs to us—to all of us engaged in this democratic vocation. This is precisely why those in power are so frightened of academic freedom, and recurrently hostile to it. It's precisely why we must cherish it. And act together to protect it.

Zita Nunes, faculty member

Thank you for being here in support of Academic Freedom and Shared Governance. I want to add my voice to those who have already described the special role colleges and universities play in our society. Studies have shown that our neighborhoods and social circles have increasingly become remarkably alike in their points of view. However, over the last few decades our campuses have departed from this trend. Our campuses bring together people with different points of view, who by explicit agreement, as on our syllabi, or implicitly, as in our meetings, agree to work together in an exchange of ideas that is respectful and fair—but without guarantees of comfort that would be anathema to real learning! It is rare for me to leave a class or a meeting thinking exactly the way I did when I went in—and, as I hear over and over again, this is a widely shared experience. It is a widely shared experience that must be protected from attempts to limit our demonstrably well-informed ability to navigate how we teach and learn and interact with one another.

For these protections to be effective, they must be accorded first to those who are most vulnerable—and on our campus, that means the largest cohort of our teaching faculty—the contingent lecturers, researchers, and educators on limited contracts. Our calls for academic freedom and shared governance will be short-lived and unsuccessful without their safety.

My name is Zita Nunes. I am on the faculty of the University of Pennsylvania. I am an AAUP member, and I am proud to be here today as we fight in defense of Academic Freedom and Shared Governance.

Please, declare yourselves! Stand up and be counted!