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Is the University of California Drifting Toward Conformism? The Challenges of Representation and the Climate for Academic Freedom

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ABSTRACT

In this essay, we explore the consequences of the University of California's policies to address racial disparities and its support for social justice activism as influences on its commitment to academic freedom and other intellectual values. This is a story of the interaction between two essential public university missions – one civic, the other intellectual – and the slow effacement of one by the other. The University's expressed commitments to academic freedom and the culture of rationalism have not been abandoned, but they are too often considered secondary or when confronted by new administrative initiatives and social movement activism related to diversity, equity, and inclusion (DEI). The experimental use of mandatory DEI statements on a number of the ten UC campuses, within willing academic departments, as initial screening mechanisms in faculty hiring is the most dramatic of the new administrative policies that have been put into place to advance faculty diversity. This policy can be considered the most problematic of a series of efforts that the UC campuses and the UC Office of the President have taken for more than a decade to prioritize representation in academic appointments. Our intent is to encourage a discussion of these policies within UC in light of the University's fundamental commitments to open intellectual inquiry, the discovery and dissemination of a wide range of new knowledge, and a culture of rationalism.

Keywords: Academic Freedom, DEI Policies, University of California

In this essay, we explore the University of California's policies to address racial disparities and its support for social justice activism as influences on its commitment to academic freedom and other intellectual values. The essay discusses the interaction between two essential public university missions – one civic, the other intellectual – and the slow effacement of one by the other.

Many of UC's Diversity, Equity, and Inclusion (DEI) policies have proven to be valuable means to attract talent and to improve equality of opportunity and are entirely compatible with the intellectual mission of the University; others, we will argue, can and sometimes do represent threats to a climate supportive of academic freedom and the University's intellectual mission. These policies have also served as a support

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for more direct and far-reaching attacks on the foundations of the University's intellectual mission by scholar-activists who are convinced of the University's complicity in racial injustices and other societal ills.[1] The University's expressed commitments to academic freedom and the culture of rationalism have not been abandoned, but they are, in our view, too often considered secondary or even irrelevant when confronted by new administrative initiatives and social movement activism related to DEI.

The fact that many conservative state legislatures are enacting bills that represent far more direct attacks on academic freedom and intellectual values (PEN America 2023) should not prevent us from looking critically at what is happening in the country's greatest public research university. One of us (Steven Brint) has written about these bills after spending months listening to committee hearings and interviewing officials in two states at the center of the conservative reaction (Brint 2023). Some believe that liberal academics should focus solely on state-based threats from the right. We disagree. The sources of erosion are very different in nature between California and the conservative states that are enacting content restrictions, but in both cases, they expand the role of governing bodies motivated by extra-academic criteria and take some responsibility for the production of academic life out of the hands of subject matter experts.

In our view, the use of DEI statements as initial screens in faculty hiring represents a direct challenge to the bases of academic freedom because these searches do not include an initial review of research and teaching expertise. As the American Association of University Professors (AAUP) and the hundreds of universities that have adopted its 1940 Statement have declared, it is precisely professional expertise in research and teaching that provides the grounds for the protections afforded by academic freedom (AAUP 1940). The AAUP has explicitly stated that "academic freedom means that faculty are free to engage in the professionally competent forms of inquiry and teaching that are necessary for the purposes of the university. It does not mean that individual faculty members are free to teach or publish whatever they want without repercussions." It expressly "prohibits interference from political figures, boards of trustees, donors, or other entities" (AAUP 2023)

Even when diversity statements are not used as initial screens in hiring, their misuse in practice can be another flashpoint. If applicants feel compelled to write in a particular way to satisfy a committee's politically oriented expectations, and if those who deviate from these expectations are penalized for doing so, this would in our view likely constitute compelled speech and therefore a violation of academic freedom. We will show that these violations have occurred in UC, though we cannot say how often they have occurred.

Finally, and most importantly, DEI officers and their staffs, together with campus activists, can and have in some cases created a climate in which fear of ostracism or sanctioning exists among those taking position that run counter to prevailing views and practices related to DEI and social justice. Under these circumstances, "the pall of orthodoxy," as Justice William Brennan called it (U.S. Supreme Court 1967), falls over some or all parts of the campus, creating a climate inimical to free expression and free inquiry. Our discussions with colleagues indicate that this too has happened at times on UC campuses, though again we do not know with what frequency.

In the following, we first examine the University's experimental use of diversity statements as initial screens for reducing applicant pools. These experimental hires can be considered the most dramatic of the new administrative policies that have been put into place, within willing departments, to advance faculty diversity. We then describe the policy changes that culminated in this experimental program. We also examine the emerging culture of social-justice activism that has grown alongside the University's DEI

policies and its impact on the University. We conclude the essay with a brief discussion of possible paths forward for the University to more effectively balance its intellectual and civic missions.

This essay is intended to stimulate discussion, not to be the last word on the issues we examine. We hope the essay will lead to further deliberation among UC constituencies about how best to manage the relationship between civic and intellectual commitments when they come into conflict.

DEI Statements as Initial Screens in Hiring

In 2016-17, the University began to experiment with the use of diversity statements as an initial screening device in faculty searches. At least five UC campuses – Berkeley, Davis, Irvine, Riverside, and Santa Cruz – have experimented with this approach in designated “Advancing Faculty Diversity” (AFD) searches, sometimes in conjunction with research statements (UCOP 2022). Following announcement of the availability of funds to support these experimental recruitments, departments applied for the opportunity to pursue them.

In a presentation prepared by the UC Davis vice provost for academic affairs, for example, search committee members participating in one of these recruitments were instructed to review a candidate’s “contributions to diversity” statement before any other part of an application, and that candidates who do not “look outstanding with regard to their contributions to diversity” would not advance for further consideration in the hiring process.” Reiterating this message, the UC Davis vice chancellor for Diversity, Equity, and Inclusion explained at a conference that “in these searches, it is the candidate’s diversity statement that is considered first; only those who submit persuasive and inspiring statements can advance for complete consideration.” The vice chancellor emphasized that this approach was a “game changer” (Ortner, 2020).

The funds for these recruitments came from the California legislature, which appropriated \$8.5 million for creating novel recruitment programs over a five-year period beginning in 2016-17 (UCOP 2022). Several years later, the University of California Office of the President provided an additional investment of \$6.5 million aimed at retention and improving the climate for diverse faculty (ibid.)

UC Berkeley is the sole campus that has published detailed information about the effects of using diversity statements as an initial screening device. In one faculty search, less than one quarter of otherwise qualified candidates had submitted diversity statements that were sufficient for advancement to the next hiring stage. The files for these 214 candidates were then sent to the appropriate departmental search committees to create a short list for interviews (these are typically 3-6 candidates per job). During their job talks and interviews, finalists were asked to explain their ideas about advancing equity and inclusion at Berkeley. Thus, at every stage of the hiring process, candidates were evaluated on their commitments to DEI as an essential component in their advancement to later stages of selection (UC Berkeley 2019).

The race and gender characteristics of the applicant pool in the UC Berkeley search changed substantially after qualified candidates were initially evaluated on the basis of their diversity statements. The representation of women increased from 42 percent of applicants to 64 percent of the finalists., The representation of Blacks increased from 3 percent of applicants to 9 percent of the finalists; and the representation of Hispanics increased from 13 percent of applicants to 59 percent of the finalists. By contrast, the representation of Asian Americans dropped from 26 percent of applicants to 18 percent of the finalists, and the representation of Whites decreased from 54 percent of applicants to 14 percent of the finalists (ibid.).

UC has not published detailed information by specific racial-ethnic groups on similar searches at the other campuses, but for two of the years University statistics do show differences at each hiring stage (applicants, finalists, and hires) in the overall racial-ethnic and gender composition between the experimental searches and unnamed comparator searches. In the great majority of cases, candidates from under-represented groups and women applied more often in the experimental searches and were selected at higher rates as finalists and hires, though not always by large margins (UCOP 2021; UCOP 2023a).

Unlike First Amendment guarantees, academic freedom does not give free rein to uninformed opinions. It supports only speech based on professional expertise, and, as such, it is the lynchpin around which professors' freedom of inquiry revolves. The policy of winnowing applicant pools based on diversity statements in our view poses an obvious threat to the climate for academic freedom because their qualifications in research and teaching were not considered in this initial stage of evaluation. For academic positions, these academic qualifications are obviously relevant and, as we have noted, they undergird the AAUP's rationale for academic freedom and tenure. The problem would be compounded if, in addition, these searches included implicit or explicit expectations that applicants write to a specific, prescribed view on their diversity statements.

Concerns over the experimental hires - and perhaps also the threat of law suits (see Pacific Legal Foundation 2023) - led to a revision of the policy in May 2022. At that time, the UC Academic Council, comprising the leadership of the 10 campus faculty senates, stated that faculty review committees should focus on candidates' actions with respect to diversity rather than their experiences or their plans. They cautioned that review committees should not insist on "right answers" on diversity statements. The Academic Council also indicated that faculty not administrators should create rubrics for evaluating diversity statements and that neither faculty nor administration should create and employ "fixed rubrics or grading systems" to judge diversity statements. The new recommendations also removed language about administrators being evaluated on their DEI contributions (UC Academic Council 2022). We do not know how far these new recommendations have penetrated at the campus or department levels, but they clearly indicate misgivings on the part of the Academic Council about the process and consequences of the experimental searches.

Distributional Disparities and Demands for Change

How did we get to this point? It is a story that goes back more than 50 years, with policy changes accelerating over the last 15.

Efforts to diversify the student body and the faculty have been prominent in the University of California since the late 1960s and early 1970s when Black and Latino faculty members demonstrated for ethnic studies programs, multicultural organizations, and minority hiring commitments. Individual campuses undertook efforts to respond, albeit in halting and uneven ways (Gilmore & Nham 2023).

These developments were interrupted by the passage of Proposition 209 in the mid-1990s which banned affirmative action in hiring or admissions.[2] Following the passage of Proposition 209, the top-ranked universities in the UC system lost Black and Hispanic students, while the other campuses continued to diversify along racial-ethnic lines (Bleemer 2020). At first, efforts to diversify hiring following Proposition 209 took the familiar form of broader advertising and more active recruitment, with special emphasis on the University's commitments to equal opportunity.

These initiatives proved insufficient to change the composition of the student body or the faculty, especially at the flagship campuses at Berkeley and Los Angeles. Today Latino/Latina undergraduates

continue to be under-represented in relation to their population proportion at seven of the nine UC undergraduate campuses and Black students remain under-represented at all nine. Asian students are substantially over-represented at all campuses except UC Merced (Urban Institute 2020), and international students represent about 15% of the total (UCOP 2020). For a public university intended to serve all families in the state this is indeed a discomfiting picture, and it is complicated by the significantly lower test scores of under-represented students of color who apply for undergraduate admission (Geiser 2015).

The distributional disparities are much greater still for University of California faculty members. In the latter half of the 20th century, faculty hiring at UC was understood to be a global enterprise. It likely would not have occurred to university leaders like Clark Kerr or David Gardner that faculty hiring should closely mirror the state's population -- or for that matter the U.S. population. Yet it is also true that only about three percent of UC faculty are Black and only about seven percent Latino/a, while Whites comprise some two-thirds of the ladder faculty and Asians about one-quarter (UCOP 2020). Moreover, it is clear that incidents of harassment and discrimination continue to occur on college campuses and that under-represented students and faculty continue to feel less welcome (Brint 2018: chap. 9).

Motivated by constituent pressure, these dispiriting numbers, and continuing evidence of bias, legislators demanded more energetic efforts to bring the University into alignment with the composition of the state's population and to become a more welcoming place for previously excluded groups; university administrators have had institutional incentives to comply.

A History of UC's Recent Diversity, Equity and Inclusion Policies

The period of DEI-related policy changes began in earnest in the mid-2000s. In 2005, the UC Academic Personnel Manual was amended to include a section stating that "teaching, research, and service that promote diversity and equal opportunity are to be encouraged and given recognition in the evaluation of candidates' qualifications" (UC Academic Council 2005). This first statement of intent aligned closely with the Supreme Court's language in the 1978 *Bakke* decision and with equal opportunity legislation. Specifically, the words "encouraged" and "given recognition" lack the levels of prescription that followed in subsequent years.

In 2007, the UC Regents adopted a statement which renewed the university's commitment "to recognizing and nurturing talent and achievement by supporting diversity and equal opportunity." This document, Regents Policy 4400, introduced a contradiction in the definition of diversity that has been at the heart of the University's efforts to straddle the public's understanding of diversity and its own more narrowly tailored social concerns. At the beginning of the document, diversity is defined broadly as "race, ethnicity, gender, age, religion, language, abilities/disabilities, sexual orientation, gender identity, socio-economic status, geographical region, and more" (University of California Regents 2007). At the end of the document, the Regents narrowed the definition in the way that subsequently became more frequently operational in practice: "(The University) particularly acknowledges the acute need to remove barriers to the recruitment, retention, and advancement of talented students, faculty and staff from historically excluded populations who are currently under-represented" (Ibid.) Action-oriented policies to realize these values followed.

In 2010, the first of these, the "intolerance report form," was adopted by the UC Office of the President. Through the form, the University invites employees to submit a report if they "experience or observe behavior that is inconsistent with our Principles of Community" (UCOP 2010). The goal of the intolerance report form is to create "a campus and a world free of discrimination, intolerance and hate," while remaining "equally committed to freedom of expression, critical inquiry, civil dialogue and mutual

respect.” The Office of the President does not explain how any potential conflicts among these goals are to be resolved.

Undoubtedly, the University has benefited from policies that protect individuals and the campuses from bias incidents. Bias incidents on campus are well documented, including sexual harassment and the targeting of racial and religious groups (see, e.g. Brint 2018: chap. 9). At the same time, examples of questionable assessments can also be found in the literature and political animus has sometimes played a role as an influence on cases that are reported and pursued. What are the criteria for determining that dialogue is civil versus discriminatory, intolerant, and hateful? Subjective interpretations of bias may make these questions difficult to answer and, given the emphasis on intolerance, bias reporting mechanisms can in theory lead to institutional sanctions for a wide range of protected expression.

The number and disposition of incidents filed based on the reports is unknown because UC has so far not disclosed incidents or how they have been handled. In response to a public records request in 2016 (California Public Records Request 2016) the University provided statistics from the 211 reports filed between September 2010 and January 2012, but without indication of actions taken (University of California Ethics, Compliance and Audit Services 2012). One subsequent case became a miniature cause célèbre and indicates the fury that is often directed at perceived violations. In 2015, UCSD’s student-run satirical newspaper, *The Koala*, published a piece, “UCSD Unveils New Dangerous Space on Campus,” that mocked safe spaces. Shortly after the article’s publication, UCSD administrators denounced *The Koala*, describing it as “profoundly repugnant, repulsive, attacking, and cruel.” The university administration then summoned all members of the academic community to “join us in condemning the publication and other hurtful acts” (UC San Diego News Center, 2015). The ACLU, which represented the student newspaper, described numerous intolerance reports of the period demanding that *The Koala* be banned from campus (ACLU San Diego 2016).

In 2012, UCLA chancellor Gene Block requested a review of UCLA anti-discrimination policies following the complaint of a Black UCLA medical school professor of gross and abusive discriminatory treatment in his unit. The complaint was serious, involving an overtly racist photo-shopped depiction of the professor and a lawsuit against the university (Demby 2012). The requested report, led by former California Supreme Court justice Carlos Moreno, sharply criticized UCLA’s mechanisms for reporting and responding to complaints about racially hostile and discriminatory acts.[3] In December 2013, then UC President Janet Napolitano appointed a joint Academic Senate-Administrative committee to submit recommendations for UC-wide responses to the Moreno Report. The following month Napolitano instructed each of the campus chancellors to implement five immediate changes to improve campus climates for racial-ethnic minorities, including new offices, continuing advocacy for DEI policies, and regular reporting of the number and type of complaints.

Then California Attorney General Kamala Harris subsequently met with UCLA Chancellor Block in summer 2014 with a list of 14 actionable commitments to address campus climate issues for minority faculty members, staff, and students, which Block accepted. These commitments included mandatory training and the appointment of a vice chancellor for diversity, equity and inclusion with a budget of \$3 million.[4] UC DEI initiatives accelerated following these events.

In 2015, after three years of debate and two rounds of system-wide Academic Senate review, the UC Academic Personnel Manual was revised to state: “contributions in all areas of faculty achievement that promote equal opportunity and diversity should be given due recognition in the academic personnel process, and they should be evaluated and credited in the same way as other faculty achievements.” According to the UC Office of the President, the goal was not to create a “fourth leg” of evaluation

alongside research, teaching, and service but to show that these contributions are inseparable from how the University conceives of merit (UCOP 2015). The shift during the course of a decade from generalized support for diversity and equality of opportunity to this high level of prescription about the centrality of diversity in all facets of faculty performance represents a major change in the structure of faculty evaluation. At present, there is no publicly available information regarding how this revision has affected the University's merit review process.

Beginning in 2016, efforts to improve representation have been formalized at UC under the rubric of "Advancing Faculty Diversity" (UCOP 2023a). AFD has included not only the experimental searches using diversity statements to screen applicant pools but other programs, such as the UC Presidential Postdoctoral Fellows program which provides five years of funding for system-chosen candidates who demonstrate a strong commitment to DEI goals. Through AFD, campuses have the latitude to emphasize the recruitment of faculty members from under-represented groups through such means as targeting graduate students and faculty of color in advertisements, requiring applicants to demonstrate their engagement and activity related to DEI, or requiring them to clearly articulate a vision of how their work serves the needs of under-represented students. AFD recruitments include not only humanities and social science fields, but also natural science and engineering fields, and they have been pursued at all nine undergraduate campuses (UCOP 2022).

A total of 146 AFD hires have been made at UC since 2016-17. These hires represent about seven percent of all campus hires during the period (Ibid.). This modest figure is misleading, however, because the same emphases exist in recruitments outside of AFD. Considerations of the racial-ethnic and gender diversity of the pool, as well as diversity statements, for example, are required for all UC searches. According to colleagues who have shared their experiences with us, this has led to the canceling of some searches by deans who find short lists for appointments insufficiently diverse. Moreover, some UC campuses are anticipating using AFD hiring more frequently in the future. At UC Davis, for example, a recent AFD initiative went under the rubric of "seeking 100 great thinkers to solve wicked problems" (UC Davis 2022).

In 2019, a further major change occurred when the UC Academic Council endorsed six new recommendations related to faculty and administrative contributions to DEI. The new policy required all faculty applicants to submit a DEI statement and recommended guidance to potential candidates on how to prepare these statements. Campuses and departments should be required also "to create assessment rubrics to evaluate candidates' ability to articulate awareness and understanding of DEI, especially in relation to under-represented groups." Candidates should be required "to show records of past activities and current efforts that help advance DEI" and to provide "specific, concrete plans for future contributions." During campus interviews, departments should further assess candidates' readiness to advance DEI. Departments should also make written assessments of candidates' awareness, records, and future plans in relation to DEI and these assessments should include contributions to DEI in research, teaching, and service. Administrators were admonished to play a central role in ensuring that contributions to DEI "are valued in all aspects of the institution by setting expectations, developing guidelines, and implementing practices to assure accountability." And administrators should also be assessed for their contributions to DEI (UC Academic Council 2019).[5]

By 2019, eight of the ten UC campuses mandated that ladder rank faculty recruitments require candidates to submit diversity statements. These statements ask candidates to discuss what they have contributed to the University's goals of diversity, equity, and inclusion. Consideration of candidates' contributions to diversity have been mandated by the University since 2019, not as a "fourth leg" of evaluation alongside research, teaching, and service, but as an intrinsic element in the evaluation of research, teaching, and service (UC Academic Council 2019). The mandate extends also to candidates for promotion within the

professorial ranks (Ibid.). Some campuses, including UC Berkeley, used rubrics to evaluate the diversity statements of applicants for faculty positions with scores ranging from 1 (“poor”) to 5 (“excellent”). According to the rubric, an applicant who “doesn’t discuss gender or race/ethnicity” should receive a “poor” score, as should an applicant who sees DEI as “antithetical to academic freedom or the university’s research mission.” By contrast, an applicant who discusses DEI as “core values that every faculty member should actively contribute to advancing” should receive an “excellent” score (UC Berkeley 2018).

Legal scholars disagree about the constitutionality of diversity statements (see, e.g., Leiter 2020; cf. Soucek 2022). We think they can be valuable as one component of a candidate’s file. In our view, however, the issue is not so much whether they are legal or potentially valuable, but rather how they are employed in practice. In many cases, they may be a *pro forma* requirement, with little practical impact. But in an unknown number of humanities and social science recruitments, at any rate, it is the naïve candidate who simply discusses his or her efforts to encourage students and faculty members of color. These efforts may be considered minimal by recruitment committees.

The rubrics used to evaluate DEI commitments have not been regularly accessible to candidates. But in the pages of *Inside Higher Ed*, UC Merced sociologist Tanya Golash-Boza counseled applicants not to worry about coming across as “too political,” because such fears might lead them to write a “blasé statement.” Instead, she recommended that they demonstrate their “awareness of how systemic inequalities affect students’ ability to excel” and their commitment to “activism.” She encourages applicants to “tell your story”—that is, to point out the obstacles they have faced, or, alternatively, to “acknowledge your privilege.” She also recommends that applicants focus on “racial oppression, sexism, homophobia, transphobia, ableism, or some other commonly recognized form of oppression.” When it comes to teaching, she encourages applicants to express their commitment to “antiracist pedagogy” (Golash-Boza 2016).

Golash-Boza’s recommendations may represent an extreme position, but the pressures to conform with enthusiasm to current progressive thinking are pervasive, according to many published accounts, and the penalties for not doing so are enough to sink otherwise exemplary candidacies (see, e.g., Anonymous 2022; Flaherty 2019; Mass 2022; Zahneis 2023; see also Honeycutt, Stevens & Kaufmann 2022 for nationwide evidence on faculty concerns about diversity statements).

In 2019, the University also added equity advisors to every program on eight of its campuses. The equity advisor is “a senior ladder faculty member who participates in the faculty recruitment process by raising awareness of best practices.... Their role is to help advance diversity and to ensure that a climate of inclusion and equity is maintained throughout the search process” (UCOP 2019). Some Equity Advisor programs have expanded their purview to include other areas, such as faculty advancement and retention, salary equity decisions, formal and informal mentoring of faculty, advancing diversity in graduate admissions, and department climate. They “organize faculty development programs, address individual issues raised by women and underrepresented minority faculty, and serve as a resource for faculty members seeking more information about equity, inclusion, diversity, and broadening participation in higher education” (ibid.). In cases of conflict between students and faculty members, equity advisors are empowered to mediate with the goal of improving the climate for minorities and women. People can report, among other things, “expressions of bias,” “hate speech,” “bias incidents,” and a “hostile climate.”

It is too early to say how equity advisors will respond to incidents that involve both principles of academic freedom and equity concerns – surely there will be variation and in many departments they may have little to do. The important point from our perspective is that UC has continued to put additional resources

and person power in support of DEI initiatives without anything like a comparable effort explicitly to support academic freedom, open inquiry, constructive disagreement, or other intellectual values.[6]

In recent years, we have seen additional efforts by progressive-minded UC faculty and administrators to position DEI priorities at the heart of the intellectual mission of the university. These include: the choice by some college deans to rely heavily on system-chosen diversity candidates from the UC Presidential Postdoctoral Fellowship Program to fill open faculty lines; administration-led curriculum review projects to enhance DEI emphases in courses; support for policies that allow for unsigned departmental statements about diversity-related political issues to be posted on departmental websites; and the development and deployment of intellectually questionable (Dobbin & Kalev 2016) diversity training sessions related to academic evaluation. However well intentioned, these policies and practices place representational goals ahead of purely academic judgments. In some cases, they also circumvent the autonomy of dissenting faculty to evaluate scholarly contributions and public issues independent of ideological commitments.

An Imbalance of Goals?

In many ways, the commitment of UC to intellectual values remains intact. Academic personnel committees across the campuses continue to look at the quality of journals and publishers when they consider faculty for merit raises and promotions in rank. They examine journal impact factors and faculty citation counts. They look at recommendations from experts in candidates' fields when they are considering promotions to tenure and higher levels. The achievements and awards of faculty are touted on campus and department websites and many faculty members keep close tabs on how they are faring on these measures. Every campus academic senate has at least a small academic freedom committee.

Indeed, many faculty members and campus administrators argue that diversity and scholarly excellence go hand in hand, and very often they do. The landmark U.S. Supreme Court case, *Grutter v. Bollinger* (2003), ruled that institutions of higher education have a compelling interest in achieving a diverse student body to enhance learning for all students. This decision was influenced by a compilation of research on the educational benefits of racial diversity (Gurin 1999). This research has been challenged by numerous researchers in recent years,[7] but has not been definitively debunked and remains at the forefront of the pedagogical case for DEI. Others have argued that learning environments of diverse peers can improve inter-racial relations and mutual understanding; much of the existing evidence provides support for that argument (see, e.g., Astone & Nunez-Wormack 1990; Tierne 1993). Racial diversity in higher education may be particularly important to the civic mission of the university, as it is associated with greater participation in community service (Bowen & Bok 1998; Gurin 1999), and higher levels of civic mindedness, cultural awareness, and commitment to improving racial relations among students (Milem 1994). Most important, UC's commitment to diversity has brought new talent and ambition into the University and has expanded the range of scholarly topics and academic knowledge.[8]

Mutual support between the representational and intellectual missions of the University has thus been the aspiration of policy makers over several decades, as the phrase inviting UC campuses to strive for "diversity and excellence" expresses so clearly. But the balance is changing. Academic freedom was sacrificed for the representational mission when an accounting professor at UCLA was placed on academic leave for denying students' demands for a "no-harm" final exam following the death of George Floyd (Flaherty 2020). It was violated when a political science professor at UCLA was subjected to a review by the University's Discrimination Prevention Office for presenting Martin Luther King Jr.'s "Letter from a Birmingham Jail" and clips from a documentary on racism, both of which included the "N-word" (Korn 2020). It was compromised when UC Berkeley faculty and students were advised not to use the phrase "America is a melting pot" or a "land of opportunity" (Volokh 2015). And the climate for academic freedom

became chillier when a person identifying him/herself as a professor of history at Berkeley wrote an open letter to colleagues expressing concern about the “racial injustice” and “institutional racism” narratives of the anti-racism movement and the Berkeley’s history department responded by issuing a statement that it “condemn[s] this letter: it goes against our values as a department and our commitment to equity and inclusion” (Grimes 2020).

Unlike these examples, most of the changes in the day-to-day affairs of the University have not reached the media; they have been unpublicized and incremental. According to colleagues who have shared their experiences with us, they include administrative appointments vetted for adherence to the University’s DEI values; the labeling of DEI statements in department meetings as “helpful” and academic freedom statements as “defensive”; and the institution of “voluntary” listening and diversity training sessions in which the commitment of those absent can become questionable in the eyes of attendees. These incremental changes eventually lead to qualitative shifts. In 2020, we heard for the first time a new motto, not “Diversity and Excellence,” but “Diversity is Excellence.”[9].

The Anti-Racism Movement, Academic Freedom, and the Culture of Rationalism

Even as they have threatened to tip the balance from the intellectual mission of the University, DEI initiatives have also provided support and legitimacy for social-justice activists who have mounted more direct attacks on the University’s culture of rationalism. These faculty members and students are highly critical of the outcomes of administrative reforms and often desire a much more fundamental transformation of the University into an instrument of progressive politics. Yet they could not have grown as strong as they have without the support of DEI-focused faculty senates and UC administrators. Thus, the two movements – the University’s determination to expand DEI policies and the activist challenge – are intertwined despite their divergent aims and methods.

Social movement mobilization on university campuses has been cyclical, with the 1960s being the last period of intense mobilization before our own era. The Sixties began with the free-speech movement, theorization of new forms of democratic participation, and opposition to the university’s complicity in the War in Vietnam. It was a period of great idealism and great discontent. Impatience grew with the size of the movement, following similar patterns that we have seen on occasion in recent years: an upsurge of anger against injustice, refusals to conform to institutional rules, the hurling of insults at “complicit” professors, and episodes of intense marching, chanting, and occasional rock throwing at police (Gitlin 1987; cf. Wheatle & Commodore 2019). In the 1960s, all of this ended shortly after young men were no longer drafted to fight in Indochina. The protests split the faculty. Some were sympathetic; others were concerned about the consequences of these angry denunciations to the academy’s commitment to a comparatively dispassionate culture of rationalism (Ladd & Lipset 1973).

The culture of rationalism is a public language and therefore capable of interrogation. It is intended to contain propositions that accurately represent reality. These propositions are evaluated by how well or how poorly they meet the criteria of rationality and logic, as well as by how well they account for the existing evidence about the topic at hand. The instruments of the culture of rationalism include a sense of the context that makes a matter important to investigate; a deep engagement with the scientific and scholarly literature surrounding the topic; clear and adequate definitions of important terms used in a study; the identification of sources of evidence that help to adjudicate truth-claims (or, alternatively, theorization that allows for improved inquiry); careful analysis of the evidence; a sense of the weaknesses in the evidence presented and of the limitations of the truth-claims made on the basis of this evidence (see, e.g., Pinker 2021; Searle 1994). (This might sound like the rationalists’ approach is comprised of a lifeless set of rules. It isn’t; developing arguments often involves creative leaps, flashes of insight, prolonged periods of the “flow” experience, and charisma sufficient to bring others along.)

It is possible that today's attacks on the culture of rationalism will follow a similar pattern as 1960s protest. Yet several features of the current situation suggest the possibility of a different trajectory. The difference between the two eras is due in part to the permeation of power-centered epistemological assumptions deeply into the arts, humanities, and social sciences. Politically engaged philosophers and cultural theorists of the 1960s and 1970s – figures such as Jacques Derrida, Michel Foucault, Richard Rorty, and later Judith Butler – argued that truth was not discovered through the canons of rational discourse but was instead a feature of the hegemony of the powerful. These views were adapted and focused on race relations by theorists such as Derrick Bell, Kimberlé Crenshaw, and Richard Delgado. By recognizing power as a determining force, the new epistemologies were inclined to see the university's pretensions to rational discourse as a mere sideshow or, worse, as imbued with assumptions of the powers of the age.

The new epistemologies achieved a prominent position by the end of the 1980s. In 1989, for example, the heads of six nationally prominent humanities centers wrote, "As the most powerful modern philosophies and theories have been demonstrating, claims of disinterest, objectivity, and universality are not to be trusted" (ACLS 1989, 56). Claims to objectivity, they argued, were usually no more than disguised forms of power seeking. Since that time, the critique of the culture of rationalism has never ceased to be a prevalent position in the humanities and the more interpretive branches of the social sciences. The outlook is captured in a faculty interview one of us (Komi Frey) conducted:

"Grad school in the '90s meant that if you were in the humanities, you studied postmodernism, and postmodernism itself calls so many things about knowledge, epistemology itself, objectivism, meta-narratives into question. That has created a whole class of academics, myself included, that question epistemology through their work and so that necessarily means that your work is politicized. So that's what I do, and I believe in that... But I do understand how some professors operate – and some drive me...nuts because they refuse to take a stand on things because somehow that's going to preserve their 'objectivity' and make them more 'scientific.' I understand that approach and I appreciate it, but it's flawed because objectivity I don't think really exists. There are systems like math that seemingly exist outside of subjectivity and human knowledge, but of course the way that you do the math and the things that you do math for, it's not (objective) (T)he academy itself is invested in certain types of production because of power" (English professor at a UC campus, quoted in German 2020).

The anti-racist movement has been gaining momentum only since 2015, following the founding of the Black Lives Matter movement, but it has provided the energy that politically engaged philosophers and their followers could not. The current generation of activists has new rhetorical tools, new demands, and new media to work with. Most importantly, it has a much larger following on campus, including especially among younger faculty members (Honeycutt, Stevens & Kaufmann 2023; for an early analysis of the characteristics of diversity advocates, see Park and Denson 2009). Those who are actively supportive of the anti-racism movement constitute a sizable portion of university arts, humanities, and social science faculties, as many as one-quarter to one-third of the whole – and many more than that in cultural studies programs such as ethnic and gender studies (Eagan 2020).[10] These colleagues are well organized and vocal, and they have the attention of UC administrators who are worried about not doing enough to solve problems of racial and gender inequity.

Academic rationalists experience difficulty in addressing the anti-racism movement critically because the movement is based on a valid, if tendentious, understanding of American racial history. The difficulty is heightened because those who are sympathetic are sensitized to any apparent failures to appreciate the role that racism has played in American history. It is true that structural racism has been instrumental in keeping many Blacks in poverty and in the lower rungs of the working class. Blacks have been and still are

subject to discriminatory policies in housing (Rothstein 2017), job opportunities (Pager & Shepherd 2008), and of course policing (Weitzer & Tuch 2006). These policies are directly implicated in the poorer health, lower life expectancy, higher levels of economic distress, and the range of social problems that are associated with poverty and economic insecurity. Many scholars who have been born into more privileged environments acknowledge the challenges of fully appreciating the hardships of those whose families have existed on the edges of poverty, with few resources or contacts to backstop the vicissitudes and tragedies of life, and who have experienced suspicion and outright antagonism in day-to-day interactions with Whites.

At the same time, the rhetoric and practices of the anti-racism and social-justice movements are now often in tension with the University's professed commitments to academic freedom and the culture of rationalism.

We can begin to describe the tension between the two by looking first at a concept that has been in the forefront of anti-racist rhetoric on campus: "systemic racism." Whenever laws, social conventions, or prejudice prevent a subordinate racial group access to valued resources or, alternatively, subject that group to unjust treatment, we can say that systemic racism exists. The existence of a racial disparity suggests, as the courts have affirmed (U.S. Supreme Court 2015), that systemic racism may be the reason. If Blacks are channeled as a result of racism into the lowest levels of the class structure, they will not, for example, have the funds to attend college except in rare instances. They will therefore have little prospect of studying any fields that can provide a middle- or upper-middle class income, even if they have or could develop an aptitude for and interest in these fields. In this case a distributional disparity is the result of racism, and it would be accurate to describe it as an outcome of systemic racism because there have been institutional mechanisms at work to create this result.

But those who are concerned about the over-reach of the concept of systemic racism will point out that racial disparities alone do not prove racism. If universities, for example, admit a sizable number of Black students and Black students have an equal chance of studying a wide range of fields, are encouraged to do so, and are provided support to do so successfully, then any disparities that continue to exist cannot be easily described as resulting from systemic racism, at least not systemic racism in the university. Yet in the eyes of movement supporters, those who do not attribute every disparity to systemic issues are willfully obtuse. What's more, the expanded referential scope of the term "systemic racism" is typically attached to demands that the system be thoroughly dismantled and transformed along the lines advocated by movement supporters. If structural racism is the problem, then it follows that structures must be thoroughly transformed, well beyond the DEI policies currently in effect. If no one raises objections to the advocacy of structural transformation for fear of being accused of supporting racism, the movement's diagnostic and prognostic language is left to fill the void.

Like structural racism, the term "White supremacy" has been subject to concept creep. In the Jim Crow American South, White supremacy was a legal system enforcing the status of every White person as superior to every non-White person. White supremacy could also be an attitude consistent with such a structure. The Trump years have made clear that the United States is home to hundreds of thousands, and likely millions of White supremacists in the original meaning of the term. They have proven to be a major threat to democratic institutions, as well as to the well-being of people of color. The term is still used in these widely-accepted ways, but on campus among activists it is also now sometimes used more expansively. Any structures or practices that movement activists disapprove can be rendered as exemplary of White supremacy (Elliot 2022), and, like the term "racist," the term "White supremacist" has at times been weaponized as a derogatory label to shame or intimidate those whose reasoning does not coincide with that of social-justice activists (Akpala 2022).

Campus anti-racist activists sometimes regard traditional academic values as a support for White privilege rather than as features of a culture of inquiry now practiced throughout the world. These critiques reflect the influence of writers such as the anti-racist trainer Robin DiAngelo, her fellow diversity trainer Marcus Moore, and the writer-activist Tema Okun. Among the “White” outlooks mentioned by DiAngelo are “individualism,” “universalism,” “merit,” and “arrogance” (DiAngelo 2011). Among those Moore identifies are “‘The King’s English’ rules,” “objective, rational, linear thinking,” “quantitative emphasis,” “work before play,” “plan for the future,” and “adherence to rigid time schedules” (Moore, quoted in Bergner 2020). (See also the list of “White” traits in Okun 1999, as revised in Okun 2021). At the vocal fringes of campus culture, these ideas have supported proposals to teach alternative “non-western” ways of knowing as a critique of “western” rationalism and demands for the inclusion of race-related readings in every course.

According to DiAngelo (2011), an “ideology of individualism” allows Whites to “distance themselves from the actions of their racial group” and expect to be given “the benefit of the doubt,” leading them to “respond defensively when linked to other Whites as a group or ‘accused’ of collectively benefiting from racism” (59). We do not dispute that many Whites feel defensive when confronted with evidence of the experiences of others or their own social advantages. Yet the term “White fragility” can also be misused. If a scholar, for example, attempts to explain that many factors besides race play a role in individuals’ life experiences and outcomes, or that members of some non-White ethnic groups surpass Whites in socioeconomic attainment, that person can be interpreted as providing, not the findings of social science, but an example of White fragility in action.

Other features of the rhetoric and practices of the movement also deserve further discussion in our view. These include a tendency to place all Whites and all people of color in opposition, without accounting for socio-economic status differences (or other factors) as influences on life-chances; a tendency to draw tight boundaries between anti-racists and racists, with no room provided for those who consider themselves and act as non-racists; and a tendency to expect empathy in one direction only.

DEI, the Anti-Racist Movement, and the Future of the University

As we have emphasized, DEI priorities and traditional academic values are often mutually supportive. But they are not always mutually supportive. University faculty and administrators thus have a choice to make when conflicts arise. In the many dozens of cases described by sanctioned academics on campuses scattered throughout the country (see German & Stevens 2022), university administrators have very often shown strong support for DEI priorities when these priorities have come into conflict with other academic values.

The question is why. We have suggested many of the reasons. Racial disparities in hiring and admissions are wide, and the failure of the University to close the gaps over many years has increased the pressures faculty members and administrators feel to do so now in the wake of mobilization for social change. Increases in the diversity of student and faculty bodies are relatively easy to quantify, whereas support for the values of rationalism is not. Moreover, university presidents are responsible for financial stewardship and constituency relations, not in themselves activities closely tied to the culture of rationalism.

Governors, attorneys general, and legislatures in states like California tend to be interested in college access and completion and in greater equity in representation more than they are in the research accomplishments of scientists and scholars (see, e.g., Newsom 2020). DEI policies are seen as a principal way to meet the demands that state officials are making on universities for increasing access completion, and representation. For these reasons, university administrators are today often highly committed to DEI

(Abrams 2018). And when they are successfully recruited to new positions, they encounter many faculty members who support those priorities.

University presidents also have compelling incentives to avoid negative publicity. Student and faculty activists can bring negative publicity by demonstrating and petitioning against racial injustices and by casting the university in an unresponsive light. They can picket administrative offices and speak to the press about the systemic racism on campus. They have allies in the non-profit sector, in the press, and in the legislature who can amplify the message. Moreover, a bureaucracy devoted to the implementation and extension of DEI policies serves as its own source of pressure to be responsive to advocates and potential protesters – and often becomes a chief representative of their interests (Khalid & Snyder 2023).

Conservative commentators like to cast the entire University as a social-movement staging ground run by people committed to radical transformation in the name of social justice. In fact, the faculty is divided. Most UC scientists and engineers hope to diversify their ranks to better reflect a changing population and campus student body. They want to teach in ways that acknowledge the life experiences and interests of their students. But their research work continues to run, by and large, along the tracks prescribed by the culture of rationalism and traditional standards of merit such as the quality of the journals in which they publish and their citation counts (see, e.g., Brint, Webb & Fields In Press).

And even within the faculties of arts, humanities, and social sciences, a range of outlooks persist. Examining these faculty members at one very liberal University of California campus, one of us (Komi Frey) found that approximately equal numbers can be categorized into four categories she characterized as “radical critics,” “supporters,” “ambivalents,” and “opponents” based on the positions they take in relation to the current constellation of DEI policies.

The radical critics interviewed in this study thought that University policies do not go far enough to dismantle racial hierarchies and take exception to the value-neutral assumptions of the culture of rationalism, while opponents think these policies can be a threat to traditional academic values. Supporters approve of them and don’t see any conflict, whereas ambivalent faculty members see arguments both on the side of DEI supporters and academic traditionalists (German 2020). Thus, even in the most politically progressive college on one of the more liberal UC campuses, radical critics in all likelihood remain a minority among the faculty. Many of these people also feel that their views are marginalized within the university (see also Settles et al. 2021).

It remains true, however, that many of those who profess traditional academic values keep their views to themselves in the face of collective action by mobilized critics of the University. We can only conjecture about the reasons for quiescence, based on our conversations with colleagues.

Perhaps the majority of those who are committed to traditional academic values are too busy pursuing their professional careers to care about campus politics. Some want to steer clear of controversy and deliberately avoid research that may have political implications. Some want to maintain peace in their departments and feel that the safest way to do so is to support their colleagues who are advocating social change. Some fear being fired or shunned for expressing dissenting views. Some say they are worried about being “on the wrong side of history.” They may feel that they are unaware of how bad conditions really are for people of color in academe and don’t feel they have the right to question other people’s lived experiences. Others observe the preferences of the University administration and do not want to run afoul of the authorities. Some who are ambivalent have convinced themselves that change is overdue and that change will necessarily come at a price. Others are prone to see both sides of a conflict and do

not want to take a position that could expose themselves to criticism from either side. In many cases, a combination of inhibitions is undoubtedly at work.

We have emphasized trends in the arts, humanities, and social sciences, but we recognize that similar trends exist in the natural sciences and engineering. Many programs exist to expand the representation of historically excluded groups (see, e.g., NIH 2023; NSF 2023) and to revise curricula for greater inclusiveness (HHMI 2023). Some science and engineering faculty have also indicated an interest in rethinking the concept of scientific merit in ways that reframe or de-center conventional standards for evaluation (see the discussion in Abbot et al. 2023).

We nevertheless expect UC campuses and departments to create stronger buffers for their technical cores in the sciences, engineering, and related professional fields [11], while allowing the arts, humanities and interpretive social sciences to continue their transformation into arenas that focus heavily on race and gender relations from a critical perspective. In those fields, a gradually decreasing number of traditional scholars and social scientists could, in a matter of years, cede more control over the academic agenda to those who identify the university principally as an agent of social change, as the concept is understood by anti-racist and gender activists. [12]

We reiterate that our concerns in this essay have to do with the decline of the centrality of intellectual values in the University and the creation of conformist culture around DEI values, not with opportunity-oriented efforts to diversify the student body and faculty.

Indeed, a sustained commitment will be necessary to create a more equitable society for those who have borne the brunt of the American racial and gender injustices. Universities should therefore maintain extensive efforts aimed at preparing, recruiting, and retaining talented students and faculty who are as representative as possible. Investments in effective K-12 programs, robust outreach programs, summer study opportunities, minority fellowships, and programs like the Texas Leadership Network designed to enhance the success of students from under-represented groups have proven to be valuable approaches.

As we have emphasized, the consequences of the University's commitment to diversity as a core value have been very positive in some ways. Outstanding students and faculty members have been recruited who would not have been recruited in the past and many important topics related to racial and gender inequalities have been addressed that might otherwise have remained unexamined.

At the same time, a culture of conformism has taken root that is not beneficial in a university environment. We consider this culture of conformism an especially problematic outcome because universities are, by their very nature, places that should welcome a wide variety of people who think differently. A climate supportive of people who think differently is one factor among many on which intellectual progress depends.

We have pointed to several of the sources of conformism in the University, and we can now draw these thoughts together: Because DEI has been identified as a core value of the University, those who raise questions about particular DEI policies or about the rhetoric of the anti-racist movement risk being stigmatized as heretics. A chilly climate for discourse can result from the proliferation of offices and practices aimed at eliminating race and gender biases. We are aware, for example, of several instances, reported to us in confidence, in which evidence-free accusations of race or gender bias have been enough to prompt conversations with university administrators, creating anxiety among the accused about their standing with the campus authorities. Faculty members who want, as a matter of pedagogical responsibility, to treat all students equally well, with additional help as needed, may feel the pressure to

dissemble on their diversity statements because the official ideology of the university, as represented in campus scoring rubrics, is that under-represented students should be treated differently and with more consideration than other students.

Those whose views are in harmony with the University's values have reason to feel that the wind is at their backs and are more likely to feel empowered to speak, while those who harbor misgivings have incentives to keep quiet (Brint, Webb, & Fields In Press). It is deeply ironic, of course, that the home of the nonconformist Free Speech Movement of the 1960s now prioritizes conformity to a particular set of political and social values.

Under the auspices of DEI priorities and the anti-racism movement, the University's long-standing commitments to academic freedom, rationalist inquiry, and meritocratic selection have at times become collateral damage in the quest for social justice. These latter commitments will be upheld only if faculty have the courage to speak out respectfully when values of careful and critical discourse are under attack. Universities can also shore up their wavering commitments to academic freedom with workshops on the meaning of academic freedom and why it has been important in the history of U.S. higher education and intellectual life more generally. And DEI policies that interfere directly with the University's defining purpose to discover and disseminate new knowledge, independent of political orthodoxies, will need to be rethought.

If the culture of rationalism is not upheld and the purpose of academic freedom becomes lost in the University's preoccupation with its commitments to social change, we suspect that the University's ability to generate knowledge will diminish over time. It is plausible that research questions that might undermine the arguments of DEI advocates may not even be asked for fear of social and/or professional repercussions.

We see signs that questions are mounting about the trajectory of the university. This questioning has taken the form of seminars and conferences on academic freedom issues (UC Berkeley Citrin Center 2021), the formation of groups to discuss the relationship of intellectual values and inclusive community (see, e.g., civic.ucr.edu), the proclamation of thematic "years of free speech" (UC Irvine Office of the Chancellor 2023), and research studies and essays that have taken a critical stance toward some DEI-related policies (see, e.g., Sander & Wyner 2022; Thompson 2019). This period of questioning built, as we have argued, on the extension of DEI policies and anti-racist initiatives deeper into the core of university life during the decade of the 2010s. The national discussion around these issues has undoubtedly also mattered.

Toward a Middle Ground

A middle ground is possible between the poles of a sometimes-strident anti-racist progressivism and a sometimes overly-rigid and dismissive academic traditionalism.

Carlos Cortes's (2021) call for a "non-disinfecting diversity" combined with "robust speech" (as opposed to "free speech") helps to point the way. By "non-disinfecting diversity," Cortes means that the academic environment cannot and should not be purified of statements that some students or faculty may find offensive or threatening. It is not necessary or desirable, he argues, to search the speech of others for words that do not measure up to current usage in progressive communities or to dismiss speech on the grounds of an erring word or sentence or two.

By "robust speech," he means to point out that constraints of many types already exist on speech – for example, speech that leads to violence. He also observes that there is nothing wrong with being sensitive to others but warns that campus authorities have no business policing levels of sensitivity. He wants to

move away from free speech absolutism while retaining and supporting environments that respect the expression of strong differences in views.

We will add the following:

- The meaning of diversity has become too narrow. The academic environment is enriched by many kinds of diversity, not only racial-ethnic and gender-related diversity. The net should be widened again to include religious, national origin, socio-economic, and geographical forms of diversity, and perhaps also viewpoint diversity.
- If the University wishes to retain a special emphasis on previously excluded groups, it should, we believe, incorporate class inequality as a form of diversity that, like race and gender, merits special attention.
- It would be desirable to reinstate a very robust form of equality of opportunity as the “E” in DEI, replacing equity. We can work to create stronger pathways to elite positions, but we should not insist that groups be represented in proportions equivalent to their share of a state or a nation’s population. This will be for many an important long-term aspiration, but it is not achievable until earlier stages of preparation are greatly strengthened.
- Traditionalists should also accept that biases have often marred the work of scientists and scholars and that criticisms of these biases should be welcomed. The ways that knowledge is produced and distributed should be equally open to critique.[13] These processes are not necessarily neutral with respect to who they serve or who they fail to serve.
- Efforts to engage in constructive dialogues around campus controversies could be valuable. We do not argue that sustained efforts to understand those with very different values are warranted in the face of ideologically rigid positioning, but they are warranted when recognition and understanding are reciprocated by those on the other side of the debates that have concerned us in this essay.
- Ultimately, the fundamental mission of the University is “to serve society as a center of higher learning, providing long-term societal benefits through transmitting advanced knowledge, discovering new knowledge, and functioning as an active working repository of organized knowledge” (UCOP 1974). The fulfillment of that mission requires a climate of inquiry that is as free and open as possible and where discussion and critique of all work is welcome.

Today we find ourselves with a university system in flux. Its commitment to the representational mission, and the progressive political demands that accompany it, is gaining traction as many progressives who have been hired over the last two decades and some more senior faculty find themselves disillusioned with the university’s traditional mission of dispassionately searching for truth across a wide range of topics. The nature of contributions, and how they are measured, is disputed between those who subscribe to the rationalist vision and those who subscribe to the progressive vision of academic life.

The academy of rationalism is a hierarchy based, in principle, on contributions to knowledge measured by the discovery of facts, concepts, principles, and new interpretations that illuminate and explain. The academy of DEI and radical critics, by contrast, is a hierarchy based, in principle, on a more equally representative distribution of power, especially across racial-ethnic and gender lines, with heightened regard for the hardships that certain disadvantaged groups have experienced and a heightened interest in the University’s role in reproducing inequalities and excluding “alternative forms of knowledge.”

These two positions are mutually supportive when DEI-oriented scholars abide by the canons of discourse we have described or when traditional academics take up topics of interest to DEI-oriented scholars. These are frequent occurrences. Even where they are not mutually supportive, many compromise or accommodative positions exist to bridge these two visions and to allow for co-existence.

But when the two do not coincide, should our understanding of relative contribution be based on knowledge discovery or activists' prescriptions for the amelioration of social ills? Answers that seemed obvious a decade ago are now aggressively contested.

ENDNOTES

- [1] We wish to thank George Blumenthal, Rogers Brubaker, Kevin J. Dougherty, John Aubrey Douglass, John Martin Fischer, Howard Friedman, Piotr Gorecki, Jud King, Amal Kumar, Michele Renee Salzman, David L. Swartz, Roger Waldinger, Georgia Warnke, Jonathan Zimmerman, and two anonymous reviewers for valuable comments on earlier drafts of this essay.
- [2] This essay was composed long before the Supreme Court decision on affirmative action of June 2023. Because California banned affirmative action in admissions and hiring in 1996, we do not expect the Court's decision to have a major impact on UC's policies or practices. At the same time, some practices that UC has adopted to promote racial-ethnic and gender representation could come under increased legal scrutiny. This has already occurred in the case of diversity statements, as indicated by the filing of a lawsuit by John Haltigan, a prospective job candidate, against the University. The lawsuit claims that the diversity statement requirement constitutes unconstitutional viewpoint discrimination in the hiring process (Pacific Legal Foundation 2023).
- [3] Carlos Moreno, Maga Jackson-Triche, Gary Nash, Constance Rice, and Bob Suzuki. 2013 (Oct. 15). "Independent Investigative Report on Acts of Bias and Discrimination Involving Faculty at the University of California, Los Angeles." <https://www.ucop.edu/moreno-report/external-review-team-report-10-15-13.pdf>
- [4] For Harris's intervention, see Walter Allen et. al. 2021. (May 10). "Executive Board Moreno Recommendations Implementation Committee Report," p. 38. <https://dms.senate.ucla.edu/issues/issue/?3984.Moreno.Recommendations.Implementation.Committee.Report>
- [5] The new recommendations closely followed the argument of UC Davis law professor Brian Soucek concerning ways to safeguard the legal acceptability of diversity statements (see Soucek 2022)
- [6] Academic freedom issues are handled by Academic Senate committees on the individual campuses and system-wide. We also see support for free speech in UC's National Center for Free Speech and Civic Engagement founded at UC Irvine in 2017. Thus far, the Center has provided small fellowships (\$5,000) for scholars working on projects consistent with the Center's mission. It has also sponsored webinars on issues related to the mission. See University of California National Center on Free Speech and Civic Engagement (2023).
- [7] The literature since Gurin has been inconsistent with respect to the educational benefits of diverse peers. Some have made a distinction between "surface diversity" based on immutable characteristics but including people with highly variable attitudes and "deep diversity" based on attitudes and functionally relevant experiences. The research literature seems to indicate that they latter show stronger and more consistent effects. See, e.g., Ruffaner 2023.
- [8] Recent examples include several UC Presidential Postdoctoral Fellows, such as Kelly Lytle-Hernandez who was elected to the American Academy of Arts and Sciences for her work on race, immigration, and mass incarceration; Celia Symons who won a Hellman Fellowship for her work on "resilience to heatwaves"; Kamari Clarke, the recipient of a Guggenheim Fellowship for her work on legal

institutions, human rights and international law; and Asmeret Asefaw Berhe who was nominated by Pres. Biden to head the Department of Energy's Office of Science (UCOP 2023b).

- [9] This statement was made at a vision seminar by the ultimately successful candidate for provost at UC Riverside.
- [10] For evidence on faculty at one UC campus, see German (2020). She finds that approximately 30 percent of her interviewees in the arts, humanities, and social sciences took positions she classified as "radically critical" from a left-progressive perspective of the structure and culture of the university. According to the most recent Higher Education Research Institute survey, about one-fifth of arts, humanities and social science faculties nationwide identify as "far left" (Eagan, personal communication). We assume that the great majority of those who identify in this way actively support the anti-racist movement – and many who identify as liberals presumably also do. In addition, according to HERI data (Eagan 2020), as many as 50 percent or more of ethnic and gender studies faculty nationwide identify as "far left."
- [11] For further arguments along these lines, see, e.g., Benn Michaels & Reed 2023; Kahlenberg 2018; McWhorter 2013. For opposing views, see, e.g., Chetty et al. 2020; Saez & Zucman 2016; Wilkerson 2022. It is noteworthy that those who focus on class privileges often write about the divisive political implications of race-entered policies and the social and economic progress made by Black Americans since the Civil Rights Movement. While those who focus on racial privileges more often discuss the continuing impact of slavery and discrimination, the persistence and growth of wealth inequalities, and remaining gaps on other measures. The emphases of both sets of writers are not mutually contradictory.
- [12] In addition to pressures to incorporate DEI goals, the sciences and engineering have a different type of extra-academic influence to contend with and manage - the pressure to contribute technological innovation to the corporate economy. These pressures are often compatible with academic priorities, but they too can undermine the culture of rationalism (see, e.g., Brint 2018: chap. 3).
- [13] Science and scholarship are far from perfect systems. They have on many occasions been subject to the social and political biases of their time, as anyone who has read the history of the eugenics movement (Farber 2008) or intelligence testing (Gould 1996) can testify. Nor is it difficult to find contemporary examples of bias in science, including, to name just two, the failure of medical scientists to understand differences between men and women in the expression of symptoms of cardiovascular disease (Woodward 2019) or the failure of computer scientists to train face recognition software on non-White faces (Furl, Philips & O'Toole 2002). At the same time, the tools of science and scholarship also provide the means to criticize and correct failures like these.

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