
The Chicago Trifecta

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The purpose of this article is to discuss practical solutions to the threat to free inquiry at universities coming from the illiberal left. Based on my experiences at the University of Chicago, I propose that all universities should adopt and enforce rules requiring that: (1) the university, and any unit of it, cannot take collective positions on social and political issues; (2) faculty hiring and promotion be done solely on the basis of research and teaching merit, with nothing else taken into consideration; and (3) free expression be guaranteed on campus, even if someone claims to be offended, hurt or harmed by it. Faculty need to work together with students, alumni, journalists and politicians to get this done.

Introduction

The threat to free inquiry and scientific progress at universities coming from the illiberal contingent of the left is well-established (e.g., Krylov 2021) and will be taken as given here. The purpose of this article is to discuss practical solutions to the problem. The proposed solutions will be liberal, rather than reactionary or right-wing. They are based on historical experiences at the University of Chicago as well as my own personal experience. Getting the solutions adopted will require working with alumni, journalists, and politicians. A key element of the plan will be finding ways to ensure enforcement.

Let's start by considering a few practical examples. Illiberal left-wing authoritarians (sometimes called 'woke') are now requiring Diversity, Equity and Inclusion (DEI) statements as part of faculty application and promotion packages at many universities. These statements are ideological purity tests that eliminate scholars who disagree with identity politics. Since the statements are required to obtain a position or promotion, they are a form of compelled speech. A right-wing response might be

to instead require right-wing ideological purity tests for faculty hiring and promotion. For example, applicants might have to write statements in support of Ayn Rand's Objectivism that explain how they would implement it on campus. Instead, I will discuss a solution embedded in the liberal tradition: ban irrelevant ideological purity statements and hire faculty based on their academic merit. As another example, left-wing authoritarians are using DEI to enforce de facto quota systems for faculty and students on the basis of race, sex and sometimes other irrelevant characteristics, such as sexual behaviour. A right-wing response might be to set up quota systems to favour conservatives or Christians. Instead, I prefer a centrist, liberal solution: simply admit students and hire faculty on the basis of objective measures of academic merit without reference to irrelevant characteristics.

The solutions I will discuss are based on three reports from the University of Chicago: the Kalven report (Kalven *et al.* 1967), the Shils report (Shils *et al.* 1972), and the Chicago Principles (Stone *et al.* 2014). The Kalven report prevents the University, and any unit of it, from taking a collective position on social and political issues. The Shils report requires that faculty hiring and promotion be done solely on the basis of research and teaching merit, with nothing else taken into consideration. The Chicago Principles ensure free expression on campus, even if someone claims to be offended, hurt, or harmed by it. Together, these three reports are sometimes referred to as the 'Chicago Trifecta' (Abbot *et al.* 2022). These reports should be officially adopted and strictly enforced at every university.

The Chicago Trifecta

The Definition of a University

To start, we must establish what a university is. According to University of Chicago President Hutchins (1935),

A university is a community of scholars. It is not a kindergarten; it is not a club; it is not a reform school; it is not a political party; it is not an agency of propaganda. A university is a community of scholars.

Think about what that means. Kindergarteners should feel intellectually safe and not be exposed to scary ideas. A club might expel a member for embarrassing it socially. A reform school intends to instil some specific moral training in students. A political party has a platform and engages in argument to win political power and effect social change. An agency of propaganda is concerned with changing people's opinions and preferences. Political parties and agencies of propaganda are as dishonest and disingenuous as necessary to advance their aims. A university is none of these things. A university is a community of scholars, no more, no less. A university is a community of scholars, period.

This sentiment later made its way into the Kalven report as:

The university is the home and sponsor of critics; it is not itself the critic. It is, to go back once again to the classic phrase, a community of scholars.

And later,

[The University] is a community but only for the limited, albeit great, purposes of teaching and research. It is not a club, it is not a trade association, it is not a lobby.

What is a university? Simple: a university is a community of scholars. Anyone who tries to tell you otherwise is trying to advance goals that are fundamentally antithetical to the true aims and purpose of a university.

The Purpose of a University

So what is the purpose of this community of scholars that we call a university? According to the Kalven report,

The mission of the university is the discovery, improvement, and dissemination of knowledge.

According to the Shils report:

The existence of The University of Chicago is justified if it achieves and maintains superior quality in its performance of the three major functions of universities in the modern world. These functions are: (1) the discovery of important new knowledge; (2) the communication of that knowledge to students and the cultivation in them of the understanding and skills which enable them to engage in the further pursuit of knowledge; and (3) the training of students for entry into professions which require for their practice a systematic body of specialized knowledge.

The purpose of a university is simple: advance the state of human knowledge and pass this knowledge on to younger generations. The purpose of a university is not to participate in national defence, advance a conception of social justice, try to directly improve broader society, support a particular political agenda, or anything else. Every time some other goal is held up as on par with the true purpose of a university, the true purpose suffers. This has been demonstrated clearly with the recent DEI fad. At the Stanford Academic Freedom Conference, Rick Shweder paraphrased Edward Levi to provide an excellent summary of this point (Lukianoff *et al.* 2022):

In 1967, the very year that the Kalven Report was written, Edward Levi, the then president of the University told the Citizen's Board of the University of Chicago that it is not the role of the university to directly respond to the needs of the broader worlds of politics and commerce or to be popular with the general public, and that the true mission of an academic institution is intellectual, not moral. He told them that the university does not exist to develop inventions for industry, or to be a pipeline and train technicians for

society, or to counter the injustices of the world. The central purpose of the university, Levi avowed, the main reason for its existence, is 'improving the stock of ordered knowledge and rational judgment'.

The University Must Guarantee Freedom of Expression

Now that we have established what a university is and what its purpose is, we need to outline methods for a university to achieve its goals. The first and most important thing is that there must be freedom of expression on campus. Of course a professor of physics should not feel free to express irrelevant opinions in physics class, but he must be free to express any opinion outside of the classroom. Moreover, any speaker who is invited must be welcomed, and it is antithetical to the mission of a university for his talk to be cancelled or disrupted in any way that impedes the free exchange of ideas. According to the Kalven report:

To perform its mission in the society, a university must sustain an extraordinary environment of freedom of inquiry and maintain an independence from political fashions, passions, and pressures. A university, if it is to be true to its faith in intellectual inquiry, must embrace, be hospitable to, and encourage the widest diversity of views within its own community.

Freedom of expression is the main focus of the Chicago Principles, so I will provide three relevant quotations from that report:

The University is committed to free and open inquiry in all matters, it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn.

The University's fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed.

Although members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe.

Even if you find the views of a scholar painful, harmful, detestable or nasty in any other way, you do not have the right to prevent those views from being aired at a university. Why not? Because a university is a community of scholars whose aim is to advance the state of human knowledge, not a kindergarten.

The University Cannot make Collective Statements on Social and Political Issues

Academic freedom is an individual right, not a collective right. A professor at a university has the right to academic freedom; the university does not. According to the Kalven report:

The instrument of dissent and criticism is the individual faculty member or the individual student. The university is the home and sponsor of critics; it is not itself the critic.

The reason for this is that if the university, or any unit of it, takes an official, collective position on a social or political issue, it restricts the ability of individual scholars to take dissenting positions. The scholar might worry that he will lose his job, have his salary reduced, or suffer some other consequence for publicly disagreeing with the official line. Moreover, students and other scholars will be emboldened by the official university position to attack the dissenting scholar and attempt to restrict his ability to express his view. All of this impedes the unfettered pursuit of truth, which is the purpose of a university. According to the Kalven report:

[The University] is a community which cannot take collective action on the issues of the day without endangering the conditions for its existence and effectiveness. There is no mechanism by which it can reach a collective position without inhibiting that full freedom of dissent on which it thrives.

Finally, it is critical to note that restricting collective statements on social and political issues by the university allows students and faculty to take bold positions on them. From Kalven again:

This neutrality as an institution has its complement in the fullest freedom for its faculty and students as individuals to participate in political action and social protest.

The University Must make Appointments on the Basis of Academic Merit Alone

In order to achieve its purpose of advancing the state of human knowledge, a university must hire and promote faculty on the basis of academic merit alone, with nothing else coming under consideration. This includes irrelevant personal characteristics such as race, sex and sexual behaviour, as well as political influence, wealth, importance in society and any number of other non-academic considerations. In addition to directly promoting the pursuit of truth, this is also required by the Kalven report because choosing faculty on the basis of considerations other than academic merit amounts to the university taking a collective position on a social or political issue. Fair hiring and promotion practices are the primary focus of the Shils report, which includes the following:

The function of appointive bodies is to bring to the academic staff of the University individuals who will perform at the highest level the functions of research, teaching, and training and the maintenance of the intellectual community of the University. A university which does not perform at this level will lose its standing in the world and therewith its power to attract outstanding faculty members and outstanding students. Its failure to attract them will in turn reduce the quality of its performance. Every appointment of a mediocre candidate makes it more difficult to bring outstanding students to the university.

There must be no consideration of sex, ethnic or national characteristics, or political or religious beliefs or affiliations in any decision regarding appointment, promotion, or reappointment at any level of the academic staff.

Although not required by the Shils report, I would extend these sentiments to student admissions in addition to faculty hiring. The reason is that the intellectual atmosphere at a university depends on robust exchanges with students. Admitting mediocre (or worse) students leads to pressure to reduce the difficulty of classes and increase grades, which harms the education of the exceptional students who will carry forward the project of increasing human knowledge.

Making Sure the Chicago Trifecta is Adopted and Enforced

Faculty and Student Advocacy

Over the past decade, the woke project has proven that a small fraction of students and faculty can have an outsized influence on university policy and culture if they are aggressive, organized and obstinate. This can be viewed as a depressing domination of the majority by a minority, but it also can be viewed as an example that can be followed. If they can do it, so can we, and it won't take that many of us. We need to be as committed to academic freedom and the flourishing of universities as those who could destroy these things. This is hard because scholars who are primarily interested in advancing the state of knowledge in their field generally do not want to spend time on advocacy. Nevertheless, serious scholars can be persuaded that action is necessary and that they should give up some of their time for it by the fact that their scholarly future and the future of the academy are threatened when universities do not protect and promote their core mission.

The most important thing faculty and students can do is form groups and advocate publicly for academic freedom on their own campus. The specific actions taken on any given campus will depend on what is necessary and what power and resources a group can exploit locally. I will give some examples from UChicago later. Additionally, students and faculty can talk to journalists, even anonymously if necessary, to get the word out to the public about what is going on at universities.

The bottom line is that we have no right to complain if we don't get off our butts and defend our universities.

Alumni Associations

Alumni are often very committed to their alma mater. They make donations and can withhold them, which gives them leverage. After L'affaire Abbot at MIT (Abbot 2021), I heard from dozens of big donors that they had informed MIT they would no longer give to it. In the aftermath of the affair, both the president and provost of MIT resigned, and a year later MIT adopted a freedom of expression statement to ensure that nothing similar ever happened again (MIT 2022). Money talks. Many alumni are genuinely concerned about the state of freedom of expression at their *almae matres* and they are forming free speech advocacy groups across the US (Taylor and Yingling 2021). We need to coordinate and work with them as much as possible. In particular, we should make sure they are aware of the Chicago Trifecta and bring it up in conversations they have with university fundraisers and administrators.

Political Action

Politicians need to be made aware of the problem on campus and worked with to find solutions. This can be done by talking with them and their staff directly, as well as by speaking to journalists. It is essential to speak with all journalists and politicians interested in helping, even ones that some people consider 'deplorable'. The value of the Chicago Trifecta should be emphasized to them, and silly ideas such as abolishing tenure should be discouraged. I am not a lawyer, but here are a few potential ideas for ensuring that the Chicago Trifecta are adopted and enforced at all universities. First, the federal government could make adopting and enforcing the Chicago Trifecta conditions for receiving federal funding (either as scientific grants or student loans), similar to how Titles VI (which prohibits racial discrimination) and IX (which prohibits discrimination on the basis of sex) work (more on Titles VI and IX below). Second, universities that receive federal funding could be required to have an office responsible for promoting academic freedom on campus. Third, laws could be written that allow any student who paid tuition in a given year to sue the university to recover that tuition if any student or professor's academic freedom was violated during that year, since this would represent a type of contract breaking between the student and university. Others are more qualified to work out the details, but the key point from the perspective of academics is that we should communicate to politicians the importance of the Chicago Trifecta if they want to address such madness on campus.

Off-campus Advocacy and Organization

There are many other things we can all do to advance principles of open expression at universities. For example, you can write Heterodox STEM substack posts.

Heterodox STEM (2021) is a growing community where academic freedom issues are discussed. Typical posts are read thousands, to more than ten thousand, times. If you have the opportunity, it is really valuable to organize academic-freedom conferences such as the Stanford Academic Freedom conference and the ‘Perils for Science in Democracies and Authoritarian Countries’ symposium at Ben-Gurion University of the Negev. These conferences allow like-minded faculty to meet, plan and coordinate resistance. It is also very useful to write opinion pieces in national newspapers, and do podcast, radio, and television interviews whenever possible. Posting to Twitter helps show students and other faculty that there are people willing to defend freedom of expression, and can help build community. Finally, forming Signal chat groups to communicate securely across campuses can be very useful.

Successes at UChicago

UChicago Free

We formed a faculty group (UChicago Free 2021) that currently has 50 members. We have a website that all members must be listed on to ensure that all members are committed to the cause. Every member must accept this public statement:

We are a non-partisan group of faculty seeking to preserve the unique intellectual environment of the University of Chicago. We value curiosity, open inquiry, free expression, and debate. We believe that intellectual excellence is the ultimate goal of the University. We advocate for academic freedom and political independence as expressed in the Chicago Principles and the Kalven report.

We have a listserv where we share stories and discuss issues related to academic freedom on campus. We have written letters to the administration when issues arise, and have had three meetings with the President and Provost. I will discuss some of our successes below. We have also reached out to support students and faculty when their academic freedom has been challenged.

Kalven Report Violations

The most important project of UChicago Free so far has been removing violations of the Kalven report from university websites. During the summer of civil unrest of 2020, various officials and units of the university started posting statements to their websites in blatant violation of the Kalven report (while academic freedom grants an individual professor the right to voice his opinion, a department or administrator has no such right). As just one example of many, consider the following excerpts from a statement by the Music department (University of Chicago Department of Music 2020):

We are certain that their deaths are the result of a system that encourages state-supported erasure of Black life without end or consequence.

We are certain that this system must be dismantled, and cannot be dismantled without solidarity and myriad action from everyone. We recognize the current protests—unprecedentedly pervasive—as an expression of this truth.

We are also certain that American policing fails in the most basic ways.

We are certain, then, that reforming the police system is not the answer, and that justice will come only with more structural efforts such as defunding and divestment.

Finally, we are certain that we as a department must take action, and that this is no time for purely symbolic gestures.

The certainty expressed about social and political issues that are rightly the matter of academic debate is extremely troubling and antithetical to the mission of a university.

Once the genie was out of the bottle, officials and units started making inappropriate statements on pretty much any social and political issues that happened to trend on Twitter over the next two years, including:

Today brought the public release of a video showing the tragic shooting death of 13-year-old Adam Toledo by a Chicago Police Department officer. This comes as our nation is confronting too many painful incidents of bias and violence. We share the distress of people in the University community and across our city and nation concerning these issues. (Lee 2021a)

We are deeply disturbed by recent cases of violence against people of Asian descent, which have taken place in cities across the U.S. Such deplorable and racist attacks are antithetical to the values of the University of Chicago and our commitment to welcome people of all backgrounds and from all parts of the world. In the face of such threats to the physical safety and social inclusion of people from diverse backgrounds, we must rededicate ourselves as a community to oppose violence, racism, and bias. (Lee 2021b)

We and many in our community watched with deep concern today as a violent group overran and occupied the Capitol building in Washington, D.C. To many of us, this violence represents a disturbing undermining of fundamental institutions, civil discourse, and processes of law in the United States. (Zimmer and Lee 2021)

[We stand] for reproductive autonomy and the right to choose abortion. We condemn recent actions to deny and curtail this right by the U.S. Supreme Court and state governments. (EE-DEI committee statement [2022](#))

It's obvious that the university was not living up to its commitment in the Kalven report.

In response, members of UChicago Free wrote to and met with both the previous and new president numerous times to express our concern about these statements being posted to and remaining on university websites. After two years of pressure and reminding, the president set up a mechanism for us to report violations and have them taken down. So far nine out of ten of the violating websites we have reported have been taken down. We intend to continue finding and reporting old violations as well as any new ones that crop up.

Addressing Title VI and IX violations

Title VI of the 1964 Civil Rights Act requires that any institution receiving federal money not discriminate on the basis of race, and Title IX 1972 Education Amendments requires that any institution receiving federal money not discriminate on the basis of sex. All universities in the US have offices to ensure compliance with these Titles. Despite this, universities, including UChicago, routinely flout these laws with programmes designed only for a particular race or sex. With the help of Mark Perry (Perry [2022](#)), I have filed complaints with the UChicago Title IX office against 11 such programmes. Eight have been discontinued and two are currently under investigation. A typical complaint looks like this:

The University's 'Deborah Jin Fellowship' [University of Chicago Physics Department [2019](#)] is a single-sex, female-only program 'to bring more outstanding women into science'. The Fellowship will be given to an incoming female physics graduate student at the University of Chicago.

In violation of Title IX and UC's non-discrimination policy that considers individual merit and not group identity, male physics majors are illegally excluded from this female-only program on the basis of sex.

I encourage everyone to file complaints like this if you identify discriminatory programs at your university. If you need help, contact Mark Perry.

Ensuring UChicago Free Members are Elected to Positions

Every chance we get, we nominate UChicago Free members for elective bodies within the university, then we vote for them. In some of these elections not many people vote, and we've been very successful at getting our members elected. For example, I am now serving on the Council of the University senate and physical sciences division dean advisory committee. I try to say as little as possible in these

committees, except when an issue relevant to freedom of expression and the mission of the university comes up. Then I argue forcefully for the principles of the Chicago Trifecta. I think it makes a difference for people to feel that there are at least a few people pushing strongly for these principles.

Outlook

Our main objective should be to make sure the Chicago Trifecta is adopted and enforced at all major universities. This will ensure unbiased faculty hiring, institutional neutrality and freedom of expression on campus. Note that this directly challenges the ‘woke’ project, which is being pushed by powerful and entrenched interests, as well as the strong DEI bureaucracy. We have to be honest with ourselves about this and not shy away from the fight. Success will require action from committed faculty. We cannot sit quietly in our offices and let our universities be lost to nonsense and ideology. It will be important to organize ourselves and work together with alumni, journalists, and politicians. With a concerted effort and well-chosen battles, we should be able to make a significant difference on a decadal timescale.

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