

Brandeis Center President Publishes Article on Academic Freedom

Washington DC, April 22, 2014 -- The [Louis D. Brandeis Center for Human Rights under Law](#) (LDB) President [Kenneth L. Marcus](#) has just published a short but important article on [academic freedom](#) in the current issue of the Florida International University Law Review. Marcus' article, entitled "The Doctrine of Balance," argues that academic freedom should not extend to the dissemination of unbalanced propaganda in the classroom. The short piece appears in a micro symposium on Stanley Fish's upcoming book on "Versions of Academic Freedom: From Professionalism to Revolution." It has important ramifications for those instructors who engage in frequent, highly politicized, classroom anti-Israel tirades even in courses where the Middle East is of marginal relevance.

In previous scholarship, Marcus has argued that courts and administrators should pay more careful attention to the doctrine of academic freedom's well-recognized exception for political indoctrination. Political indoctrination, Marcus has argued, may have its place, but it is not in the classroom. University professors enjoy the same freedom of speech as anyone else to engage in political propaganda or indoctrination, but the doctrine of academic freedom does not protect their efforts to do so in the classroom, where they should be providing academic instruction. In his previous law review article on "Academic Freedom and Political Indoctrination," Marcus had demonstrated that five characteristics separate political indoctrination from the sphere of academic freedom: non-educativeness, controversy, extraneousness, imbalance, and bias. These five traits reflect the notion that academic freedom protects a uniquely academic function which defines its scope, justifies its privileges, strengthens its defense, and limits its applicability. Stanley Fish, in his important forthcoming book on "Versions of Academic Freedom," provides useful tools for understanding why some people support such standards and others do not. Despite Fish's lucidity, however, Marcus demonstrates in his new article that Fish's book succumbs to the facile argumentation that has characterized the politically trickiest of the five, i.e., imbalance.

In defending the doctrine of balance against Fish's critique, Marcus explains why any proper conception of academic freedom must exclude political abuse of the classroom. While the doctrine of balance is critical to academically legitimate instruction on the topics of Israel and the Middle East, it is no less important to a host of other academic topics, as Marcus explains.

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The Louis D. Brandeis Center, Inc., or LDB, is an independent, nonprofit organization established to advance the civil and human rights of the Jewish people and promote justice for all. The Brandeis Center conducts research, education and advocacy to combat the resurgence of anti-Semitism on college and university campuses. It is not affiliated with the Massachusetts University, the Kentucky law school, nor any of the other institutions that share the name and honor the memory of the late U.S. Supreme Court justice. For more information, contact the Brandeis Center at (202)-756-1822, or find us at www.brandeiscenter.com.