

An Adjunct to Free Speech Debates on Campus—Or, Free Speech to an Adjunct

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With this essay, I aim to enlarge the campus free speech debate. I intend to do more than just that, however. In the next few pages I try to critically dissect the two-tiered system of academic employment in higher education and to clarify why it represents a serious—and seriously degrading—obstacle to free speech on campus and to the freedoms of contingent faculty most impacted by that system. I thus hope to highlight how the omission of a critique of the two-tiered system from most free speech debates helps reproduce real impediments to free speech, to workplace democracy, and to basic human dignity in the academy.

I also review the history of free speech fights and the historical record of forcible repression of speech in the United States. My aim is to illustrate what debates about and struggles for freedom of speech on campus and beyond must necessarily entail if they are not to remain inconsequentially academic.

All that is necessary because the debate—or the debates—about free speech on campuses today are hopelessly circumscribed. They tend to be focused and framed as follows: Some “liberal” students (or those on the “left”) protest controversial speakers and oppose the ex-

pression of viewpoints deemed hateful/harmful on campuses, while “civil libertarians resist demands that even hateful speech be shut down” and “right-wing critics dismiss young liberals as ‘snowflakes.’”¹ High profile, cyber-celebrity pundits like Milo Yiannopoulos, Ben Shapiro, and Jordan Peterson attract a lot of attention, invitations to speak at colleges and universities, condemnation from those who argue they should not be given a platform to speak publicly, and support from those who consider themselves free speech advocates. The recent uptick in debate even sparked a slew of proposed legislation in states across the country.²

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That the University of California, Berkeley was the birthplace of the Free Speech Movement (FSM) and was recently at the center of debate over free speech following efforts to shut down a talk to be delivered by an aforementioned blogger did not go unnoticed.³ But

¹ Katy Steinmetz, “The Campus Culture Wars: Students are clashing over the costs of free speech, and who gets hurt,” *Time* (October 23, 2017).

² Lauren Camera, “Campus Free Speech Laws Ignite the Country,” *U.S. News & World Report* (July 31, 2017), <https://www.usnews.com/news/best-states/articles/2017-07-31/campus-free-speech-laws-ignite-the-country>. Chris Quintana and Andy Thomason, “The States Where Campus Free-Speech Bills are Being Born: A Rundown,” *The Chronicle of Higher Education* (May 15, 2017), <https://www.chronicle.com/article/The-States-Where-Campus/240073>.

³ Thomas Fuller, “A Free Speech Battle at the Birthplace of a Movement at Berkeley,” *New York Times* (February 2, 2017), <https://www.nytimes.com/2017/02/02/us/university-california-berkeley-free-speech-milo-yiannopoulos.html>.

the free speech debate on campuses today assumes notably different contours than the famed free speech struggles circa 1964 when the FSM started at Berkeley.

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In recounting the events of 1964, Mario Savio, the student remembered for his role and oratory during the FSM, suggested that the “liberal University of California administration would have relished the opportunity to show off in the national academic community a public university enjoying complete political and academic freedom *and* academic excellence.”⁴ That is, he wrote, “if student politics had been restricted either to precinct work for the Democrats and Republicans, or to advocacy (by public meetings and distribution of literature) of various forms of wholesale societal change, then I don’t believe there would have been the crisis there was.”⁵

Would students have simply operated within the implicitly prescribed bounds for political discussion and action, in Savio’s estimation, freedom of speech would not have been under attack, or at any rate, “an accommodation between the bureaucrats and the students could more easily have been achieved. The corporations represented on the Board of Regents welcome Young Democrats and Young Republicans as eager apprentices, and sectarian ‘revolu-

tionary’ *talk* can be tolerated because it is harmless.”⁶ The student activists involved in the civil rights movement, however, engaged in consequential speech and action outside the accepted parameters of debate and political activity.

As Savio explained,

The First Amendment exists to protect consequential speech; First Amendment rights to advocacy come into question only when actions advocated are sufficiently limited in scope, and sufficiently threatening to the established powers. The action must be radical and possible: picket lines, boycotts, sit-ins, rent strikes. The Free Speech Movement demanded no more—nor less—than full First Amendment rights of advocacy on campus as well as off: that, therefore, only the courts have power to determine and punish abuses of freedom of speech.⁷

For those who have yet to commit the Constitution to memory, the First Amendment in the Bill of Rights states, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

It does not mention the academy.⁸ The consensus is also that it does not apply to private schools. Yet legal scholars, like Erwin Chemerinsky and Howard Gillman, argue First

⁴ Mario Savio, “The Berkeley Student Rebellion of 1964,” Free Speech Movement Archives (1965[1998]), para. 4, http://www.fsm-a.org/stacks/mario/savio_studrebel.htm.

⁵ Savio, “The Berkeley Student Rebellion of 1964.”

⁶ *Ibid.*

⁷ *Ibid.*, para. 5.

⁸ In covering recent free speech debates and in referencing the invocation of the First Amendment in said debates, a *Time* writer underscores this point. See: Steinmetz, “The Campus Culture Wars: Students are clashing over the costs of free speech, and who gets hurt,” 51.

Amendment protections do apply to public higher education (including schools like Berkeley), that private universities and colleges should afford the same principles and protections, and that the FSM established the principle that campuses should be open forums for the free expression of (even “nonscholarly,” “uncivilized” and heterodox) ideas.⁹

The same scholars argue “the Berkeley Free Speech Movement forced us all to draw a distinction between one’s personal advocacy and one’s participation in the scholarly and teaching mission of the university.”¹⁰ The purported role of the FSM in heightening that distinction is ironic given that Savio explicitly connected students’ reaction against the “factory model” type “perversion” of education, and “against being subjected to standard production techniques of speedup and regimentation; against a tendency to quantify education—virtually a contradiction in terms”¹¹—to the emergence of the movement. It was, he concluded in early 1965, “both the irrationality of society,” denying black persons human dignity, “and the irrationality of the University, that denies to youth the life of students, which caused last semester’s rebellion.”¹²

Chemerinsky and Gillman, in contrast, contend campuses should be thought of as possessing “two different zones of free expression: a *professional zone*, which protects the expression of ideas but imposes an obligation of responsible discourse and responsible conduct in formal educational and scholarly settings; and a larger *free speech zone*, which exists outside scholarly and administrative settings and where the only

restrictions are those of society at large. Members of the campus community may say things in the free speech zones that they would not be allowed to say in the core educational and research environment.”¹³

On one level, differentiating the two zones makes sense. It is hard to argue there should be no expectations or guidelines when it comes to an academic’s workplace performance. However, separating speech that could be construed as “personal advocacy” and speech related to “the scholarly and teaching mission” of a school, as Chemerinsky and Gillman propose,¹⁴ is no easy task.

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The separation appears to presuppose, if only implicitly, that education can be neutral. Yet there are always value judgments involved in deciding what and how to teach and research—and thank goodness. If it were even possible to reduce education to a value-free or value-less enterprise, it would be stripped of any defensible social significance. That said, an educator’s value judgments involved in making pedagogical choices are not always consciously acknowledged or critically reflected upon by the individual making those choices. The notion of the purpose of education, and the part one plays in that purpose, should probably be a conscious ethic, unless the values at play do not matter, which would again render education insignificant at best, and worthless at worst.

The question then becomes, perhaps, just how a professor’s pedagogical philosophy put

⁹ Erwin Chemerinsky and Howard Gillman, *Free Speech on Campus* (New Haven, CT: Yale University Press, 2017).

¹⁰ Chemerinsky and Gillman, *Free Speech on Campus*, 78.

¹¹ Savio, “The Berkeley Student Rebellion of 1964.” para. 10.

¹² *Ibid.*, para. 16.

¹³ Chemerinsky and Gillman, *Free Speech on Campus*, 77.

¹⁴ Chemerinsky and Gillman, *Free Speech on Campus*, 78.

into practice is and ought to be evaluated—how and if the content of scholarly speech can be determined to be responsible or irresponsible (and by whom, and importantly, under what conditions). Chemerinsky and Gillman adamantly support academic freedom, and they favor expanded protections for academic freedom to encourage freedom of expression and a culture of vigorous inquiry and dissent on campus.¹⁵ They highlight the connection between academic freedom and free speech. Yet, they are at pains to distinguish the principle of academic freedom from the principle of untrammelled speech, and they seek to separate the realms in which the two apply.¹⁶

The Two-Tiered System on Trial: A Major Omission from the Campus Free Speech Debate

I fear the separation —of education from advocacy,¹⁷ and of academic freedom from free speech—could contribute to the narrowing of debate. John Dewey once wrote that making “our schools the home of serious thought on social difficulties and conflicts is the real question of academic freedom,”¹⁸ which I read as an acknowledgement of the struggle implicit in and for academic freedom and as a rejection of the dualistic formulation found in the framing provided by Chemerinsky and Gillman.

¹⁵ Ibid., 65-81.

¹⁶ The authors do acknowledge that there’s “always a risk that the scholarly evaluation of the ‘quality’ of work can be influenced by ideology rather than objective measures, and these influences can be subtle.” See: Ibid., 69.

¹⁷ Advocacy here is not to be confused with dogmatism, sectarianism, or a pedagogy premised on peddling doctrine without any critical interrogation.

¹⁸ John Dewey, “The Schools and Social Preparedness,” *New Republic* (May 6, 1916).

As is well known, Dewey was never fond of dualisms,¹⁹ especially when an appreciation of inextricable interpenetration and of mutually reinforcing relationships serves us better. Also of note, the American Association of University Professors, in their seminal statement on academic freedom and tenure—a declaration published the same year John Dewey helped found the organization, almost half a century before the FSM—listed “freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extramural utterance and action” all as integral components of academic freedom.²⁰ The AAUP also claimed it is not:

¹⁹ Dewey believed Aristotle’s assumption of a natural separation between practical, productive activity and self-directive, philosophic reflection to be in error. He argued the dualism people perceived between humans and nature was reflected in the dualism between scientific studies of the natural world and humanistic education. Schools, he lamented, propagate a dualism between method and subject matter, and thus fail to account for the intrinsic connection between our capacities (e.g. seeing, hearing, loving, touching, imagining) and the subject matter of the world through which those capacities are manifest. He claimed the dualism erected in our minds between the self and interest—a conception connected to the assumed division between the inner mind and outer actions, as well as to the opposition of duty and interest—illustrates our mistaken presupposition that the self is a static end to which interest in the world is merely a means. In contrast, he suggested, we could fruitfully understand the self as that which actively identifies with a particular object. Dewey also challenged the Aristotelian dichotomy between the individual and the social, as well as the Platonic subjugation of individuality located in the Athenian philosopher’s justifications for class society. He similarly arraigned the supposed separation of study from decision-making of social consequence, and he likewise took to task the insidious view that there is an unbridgeable schism “between freedom of individuality and control by others.” See: John Dewey, *Democracy and Education: An Introduction to the Philosophy of Education* (New York: The Free Press, 1916 [1997]), 169; 279-290; 305; 346-352.

²⁰ AAUP, “1915 Declaration of Principles on Academic Freedom and Tenure,” 292,

desirable that scholars should be debarred from giving expression to their judgments upon controversial questions, or that their freedom of speech, outside the university, should be limited to questions falling within their own specialties. It is clearly not proper that they should be prohibited from lending their active support to organized movements which they believe to be in the public interest.²¹

The AAUP did note, though, that, regarding “extramural utterances,” it should be “obvious that academic teachers are under a peculiar obligation to avoid hasty or unverified or exaggerated statements, and to refrain from intemperate or sensational modes of expression.”²²

The committee writing the report also claimed academic freedom does not imply “that individual teachers should be exempt from all restraints as to the matter or manner of their utterances, either within or without the university.”²³ Those restraints should, the committee offered, be “self-imposed, or enforced by the public opinion of the profession.”²⁴ Should “the aberrations of individuals” need “to be checked by definite disciplinary action,” the committee maintained that those within the academic profession should be the ones to undertake such action.²⁵

So decades before Berkeley became a hotbed for campus free speech debates, preeminent academics already agreed that faculty

should be protected not just in their ability to conduct research and teach, but also in their speech and actions that fall outside the purview of the strictly academic, including the expression of views on controversial questions and the active involvement in social movements. They might of course receive public backlash for that speech and those actions, but per the AAUP’s principles on academic freedom, professors should not be kept from engaging in those speech and actions and logically, then, should not face repercussions from a college or university for doing so. The AAUP ostensibly suggested there ought to be no punitive enforcement of restrictions on such speech and action, save for those “aberrations” mentioned in the report.

Just as germane as the question of how and with what criteria are decisions about the acceptability of faculty speech made is the issue regarding who in the profession makes those decisions.

Still, the report remained silent on what sort of speech should be beyond censure. Presumably, some speech must be, even within that original AAUP formulation. Otherwise so long as those in academia are doing the enforcing (following the AAUP proviso), then any speech could be deemed sufficiently aberrant to warrant “disciplinary action,” at least potentially. Were that the norm, academic freedom would be undermined if not meaningless and negated entirely. Freedom of speech for faculty might exist in principle but not in practice.

Perhaps that ambiguity—a shortcoming in the report, and not the only one, as discussed below—points to a critical issue in campus free

<https://www.aaup.org/NR/rdonlyres/A6520A9D-0A9A-47B3-B550-C006B5B224E7/0/1915Declaration.pdf>.

²¹ AAUP, “1915 Declaration of Principles on Academic Freedom and Tenure,” 299.

²² *Ibid.*

²³ *Ibid.*, 300.

²⁴ *Ibid.*

²⁵ *Ibid.*

speech debates. Just as germane as the question of how and with what criteria are decisions about the acceptability of faculty speech made is the issue regarding who in the profession makes those decisions. By extension, follow up questions ought to be posed regarding what additional terms of debate and/or struggle are called for if conditions within academia subject the speech and actions of some to the dictates of others.

Now, there are those who might consider the supposed shift in free speech defense from the left side of the political spectrum (during the time of the FSM) to the right (during recent controversies) ironic. Yet what seems more significant is the shift in the understanding of the struggles regarding free speech within higher education, and the new ideological parameters for discussing what consequential speech and actions are worth fighting for. The circumscribed spectrum of debate is at odds with the values and aspirations of the FSM Savio participated in. It also embodies a threat to higher education, arguably at least as severe as the new culture wars surrounding safe spaces and the protesting of platforms on campus for expressing views many consider objectionable.

That threat has to do with the erosion of academic freedom and the limits on free expression resulting from the two-tiered system characterizing most institutions of higher education today. That system, as Keith Hoeller explains,

creates a system of privileged “haves” and unprivileged “have-nots,” whereby the tenure-track faculty form a minority, now less than 25% of all college professors, who rule over the majority of faculty who have little to no job security, low wages, few benefits,

and virtually no way out of this academic ghetto.²⁶

Most professors, myself included, are now part of the growing ranks of contingent faculty. We are off the tenure track. We lack job security. We receive per-semester contracts, often days before a semester begins, and we frequently have no guarantee we will be hired again the next term. We are paid appreciably less than our tenure-track and tenured colleagues for essentially the same work.

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We are often hired as “adjuncts” only to teach a class or two at a given institution, owing sometimes to the policies of a school or district limiting full-time employment opportunities, or sometimes to legislation, like in California, wherein community colleges are only permitted to hire part-time faculty for a maximum of a 67 percent full-time equivalent.²⁷ Many contingent faculty are deceptively labeled “part-time,” even though we cobble together more than the equivalent of a full-time load of classes at multiple colleges and universities, trying to piece

²⁶ Keith Hoeller, “Against Tenurism,” *CPFA Journal* 19, no. 3 (2017): 1, <https://cpfa.org/blog/wp-content/uploads/2017/12/Hyperlinks-FINAL-Journal-F2017.pdf>.

²⁷ *California Education Code – EDC*, Article 1, Section 87482.5 (1976[2009]), http://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=7.&title=3.&part=51.&chapter=3.&article=1.

together enough “part-time” gigs to get by. Some of us, unable to afford rent, have resorted to living out of our cars, while at least one fellow adjunct has turned to sex work to supplement the paltry income she receives from teaching.²⁸

Many of us “adjuncts” are thought of as inessential to the mission of a college, yet we often comprise the overwhelming majority of the professoriate in a given academic department. Deans, department chairs and other tenured and tenure-track faculty—as well as administrators and boards of trustees—no doubt understand how reliant their institutions are on contingent faculty labor. But when the well-off sector of the professoriate and administrators think of us hapless faculty as lesser-than and extraneous, it serves an important ideological function. It justifies their complicity in the two-tiered system that benefits some academics at the expense of others. Our “colleagues” on the other tier also serve in a managerial capacity over us as department chairs. They thus hire and fire (or decide not to re-hire) us as they will.

As Dewey observed in a critique of class stratification inhibiting “the free and equitable intercourse which springs from a variety of shared interests,” the “separation into a privileged and a subject-class prevents social endosmosis.”²⁹ He added,

The evils thereby affecting the superior class are less material and less perceptible, but equally real. Their culture tends to be sterile, to be turned back to feed on itself; their art becomes a showy display and arti-

ficial; their wealth luxurious; their knowledge overspecialized; their manners fastidious rather than humane.³⁰

The description, authored ages ago, could easily serve as a diagnosis of what sort of situation the two-tiered system has wrought today. Yet the adjunct struggle, our struggle, and hence our human dignity on the job, are still overlooked by even the most self-proclaimed progressive and radical tenure-track and tenured colleagues.

Notably, the majority of contingent faculty are women,³¹ yet the injustice of the two-tiered system is too seldom subject to criticism by avowed feminists in academe who made it into the tenure track.³² For tenure-line and tenured academics, we are no fun to think about. For that reason, our staunch social-justice-supporting colleagues no doubt suffer from a kind of cognitive dissonance when they really consider the two-tiered system. I assume they either erect ideological justifications premised on the assumption that they deserve their privileged positions (and ergo that contingent faculty do not), or they try not to think about (or interact with) us at all. And, of course, administrations and admissions personnel have no interest in popularizing the fact that large chunks of their faculty are the migrant workers of the information economy.³³ We are higher education’s best kept and dirtiest little secret.

²⁸ Alastair Gee, “Facing poverty, academics turn to sex work and sleeping in cars,” *The Guardian* (September 28, 2017), <https://www.theguardian.com/us-news/2017/sep/28/adjunct-professors-homeless-sex-work-academia-poverty>.

²⁹ Dewey, *Democracy and Education*, 84.

³⁰ Ibid.

³¹ Kevin Birmingham, “The Great Shame of Our Profession,” *The Chronicle of Higher Education* (February 12, 2017), <https://www.chronicle.com/article/The-Great-Shame-of-Our/239148>.

³² An adjunct raises this issue of hypocrisy in a pertinent documentary. See: *Freemay Fliers: Higher Education’s Best Kept Secret 2.1* (Reciprocal Media, 2016), <https://www.youtube.com/watch?v=Wz1JlmjvF4g>, starting at 15:04.

³³ *Degrees of Shame: Migrant Workers of the Information Economy*, directed by Barbara Wolf (1997), <https://vimeo.com/37920244>.

We are also the oft-overlooked underdog protagonists in the campus free speech struggles that could define higher education for some time to come. Three co-authors—who all gained experience as adjuncts at a variety of institutions—correctly observed that while educators increasingly “feel a moral obligation to explicitly address current patterns in American politics, the reality is that contingent faculty are often afraid of facilitating these conversations because of the risk that complaints from students who might disagree with their assessments will cost them their jobs.”³⁴ The sterile culture Dewey rebuked has become commonplace in academe, and the consequential speech Savio³⁵ and others compelled Berkeley to respect back in 1964 is again under attack.

Examples abound of adjuncts getting the axe for saying what some people do not want to hear.³⁶ To the point, a 22-year-old instructor at Brigham Young University-Idaho, an institution affiliated with the Church of Jesus Christ of Latter-day Saints, was informed by her school’s administration she would not be returning to teach classes there the next semester after she made a private Facebook post declar-

ing that neither homosexuality nor transgenderism are sins.³⁷

Additionally, the president of Essex County College averred in a statement that “we cannot maintain an employment relationship with the adjunct” after Lisa Durden, a non-tenure track professor at the school, engaged in a heated exchange on a Fox News show.³⁸ She got fired. In the fall of 2017, a St. Louis Community College math instructor was tackled and body slammed by a police officer at a system board meeting, and then arrested, after speaking up against rules that permitted applause for the college administration but prohibited applause for faculty speakers.³⁹

And notably, Keith Fink, a self-identifying conservative who taught a course at UCLA on campus free speech (one reportedly regarded as quite popular among students), lost his job following a contentious review that questioned, among other facets of his pedagogical effec-

³⁴ Vanessa Guida, Kat Savino, and Shannon Azzato Stephens, “Universities’ Reliance on Contingent Faculty Endangers Free Speech on Campus,” *Guernica Magazine* (September 22, 2017), <https://www.guernicamag.com/%E2%80%A8universities-reliance-contingent-faculty-endangers-free-speech-campus/>

³⁵ It is worth remembering that prior to his death in 1996, Mario Savio worked as a math and philosophy professor off the tenure track. So after offering indelible oratory for the FSM, he later became part of the professorial underclass.

³⁶ Kellie Bancalari, “Free speech on campus? Not for adjunct faculty, it seems,” *USA Today College* (August 29, 2017), <http://college.usatoday.com/2017/08/29/free-speech-on-campus-not-for-adjunct-faculty/>.

³⁷ Samantha Schmidt, “Mormon university instructor fired after Facebook post supporting LGBT rights, she says,” *Boston Globe* (July 19, 2017), <https://www.bostonglobe.com/news/nation/2017/07/19/mormon-university-instructor-fired-after-facebook-post-supporting-lgbt-rights-she-says/Lfd0Qk1zayE8A8AjIp2hDI/story.html>.

³⁸ Samantha Schmidt, “Professor fired after defending blacks-only event to Fox News. ‘I was publicly lynched,’ she says,” *Washington Post* (June 26, 2017), <https://www.washingtonpost.com/news/morning-mix/wp/2017/06/26/professor-fired-after-defending-blacks-only-event-on-fox-news-i-was-publicly-lynched-she-says/>.

³⁹ “Video shows St. Louis college professor slammed, arrested at board meeting,” *CBS News* (October 21, 2017), <https://www.cbsnews.com/news/st-louis-college-professor-slammed-arrested-at-board-meeting/>. “Students march in support of professor body slammed at STLCC Board of Trustees meeting,” *KMOV* (October 23, 2017), <http://www.kmov.com/story/36646933/professor-says-police-unjustly-body-slammed-him-during-stlcc-board-of-trustees-meeting>.

tiveness, the use of the discussion-oriented Socratic method in his lecture.⁴⁰ Fink suggested he was targeted because he expressed his political views and because he openly criticized the university administration.

The common denominator among the aforementioned professors was their contingency. That contingent status, a characteristic and product of the two-tiered system of faculty employment that now dominates higher education in the United States, makes it disturbingly easy for colleges to infringe upon academic freedom and stifle free speech.

Adjunct professors are off the tenure track; the primary justification for tenure is that it protects academic freedom. In the aforementioned “Declaration of Principles on Academic Freedom and Academic Tenure,” the AAUP claimed the special “social function”⁴¹ of scholars and the part higher education plays as part of the “public trust,”⁴² requires the special protections academic freedom affords. Academic freedom is also necessary, the report explained, because a school cannot fulfill its multi-fold mission—promoting inquiry and advancing the sum of knowledge, providing instruction to students, and developing skills for public service and participation—if there isn’t unrestricted liberty for scholars to inquire and publish results.

Furthermore, students need confidence in the “intellectual integrity” of their professors for education to take place. Student confidence can wane if instructors, denied the free speech rights of academic freedom and the bulwark

against its breach—tenure—are supposed to ensure, come to be seen as “a repressed and intimidated class who dare not speak with that candor and courage which youth always demands in those whom it is to esteem.”⁴³

Of course, As Don Eron has argued, even as the AAUP “theorized tenure as the safeguard of academic freedom and codified academic due process as the foundation of tenure” in the seminal statement on the matter, that “1915 *Declaration* drew academic freedom as the chief distinction between permanent faculty and temporary faculty,”⁴⁴ with unfortunate consequences. By making an exception “for refusals of reappointment at the expiration of the terms of office of teachers below the rank of associate professor,”⁴⁵ the AAUP implicitly legitimated the two-tiered system.

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The exception effectively undermined the claim that tenure and related protections are necessary to safeguard academic freedom, since the exception assumes some professors can do without those protections—and by extension, without academic freedom. More than a century later, the new faculty majority are off the tenure track, and the two-tiered system has become the defining feature of academic employment. In the distinction (discussed above)

⁴⁰ Sarah Brown, “Why Did a UCLA Instructor With a Popular Free-Speech Course Lose His Job?” *The Chronicle of Higher Education* (July 1, 2017), <https://www.chronicle.com/article/Why-Did-a-UCLA-Instructor-With/240521>.

⁴¹ AAUP, “1915 Declaration of Principles on Academic Freedom and Tenure,” 294.

⁴² *Ibid.*, 293.

⁴³ *Ibid.*, 296.

⁴⁴ Don Eron, “An Evolution of Principled Futility: The AAUP and Original Sin,” *Journal of Academic Freedom*, vol. 8 (2017): 3,

<https://www.aaup.org/sites/default/files/Eron2.pdf>.

⁴⁵ AAUP, 1915 Declaration of Principles on Academic Freedom and Tenure,” 300.

that Chemerinsky and Gillman drew between the two zones of academic life in which different principles regarding freedom of speech are supposed to apply, they did not specify who gets to decide what speech is unprofessional for academics. Nor did they ask whether some are affected by those decisions about professional/unprofessional speech without having any input in making the determinations.

In practice, academic freedom is not respected in the professional zone because of the two-tiered arrangements of the professoriate.

Expanding Free Speech Debates: A Contemporary and Historical Rationale

Even the director of free expression at the Charles Koch Institute, an education-focused organization with deep conservative roots, publicly criticized the disproportionate media coverage and political focus on alleged free speech threats on campus.⁴⁶ At her institute, she said, they “are definitely deeply, deeply concerned about what we view as being the escalating antagonism and skepticism towards the institution as a whole, driven by a lot of this conversation about threats to free expression on campus. And that’s because we view higher education as such a key and critical institution for any free and flourishing society.”⁴⁷

The Charles Koch Institute might be concerned with conserving quality education and defending it from ideologically-driven attacks under the pretense of free speech, but no one

there is likely to get behind the change in academe’s labor relations needed to ensure higher education remains a “critical institution for any free and flourishing society.” That matters little, however. The institute’s position on campus free speech issues suggests the time is ripe for reframing the debate. But a mere adjunct to the ongoing debate is not sufficient if freedom of speech on campus, and fuller freedom generally, are actually of concern. If those are of concern, then the discussion needs to account for the repressive forms that have historically controlled the debate, wielding force along with words.

... academics at public colleges
and universities in California still
pledge an oath upon being hired

Freedom of speech has not always been a principle respected by concentrated power.⁴⁸ To the point, less than 10 years after congress approved the Bill of Rights containing the freedom of speech clause in the First Amendment, the 1798 Alien and Sedition Acts became law and outlawed speech critical of the government.⁴⁹ As the United States was getting involved in World War I, the Espionage Act (1917) and then the Sedition Act (1918) passed, and it became unlawful to interfere with military operations and then to “willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the

⁴⁶ Michael Vasquez, “The Koch Institute is Worried About Free Speech on Campus. But Not in the Way You Might Think,” *The Chronicle of Higher Education* (August 7, 2018), <https://www.chronicle.com/article/The-Koch-Institute-Is-Worried/244184>.

⁴⁷ Vasquez, para. 5.

⁴⁸ To their credit, Chemerinsky and Gillman review some of this history of censorship and repression in constructing their argument for why free speech is important. See: Chemerinsky and Gillman, *Free Speech on Campus*, 26-48.

⁴⁹ Library of Congress, “Primary Documents in American History: Alien and Sedition Acts.” Retrieved from <https://www.loc.gov/rr/program/bib/ourdocs/alien.html>.

Constitution of the United States, or the military.”⁵⁰ Charles Schenk, the general secretary of the Socialist Party at the time, was convicted of violating the Espionage Act for distributing pamphlets critical of the Wilson administration and claiming the draft was unconstitutional.⁵¹ Although he would later stand up for free speech, Justice Oliver Wendell Holmes upheld Schenk’s conviction and made the now infamous claim that even “[t]he most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic.”⁵²

In California, the Criminal Syndicalism Act of 1919 resulted in targeting people, like Charlotte Anita Whitney, for associating with taboo political parties.⁵³ Later, the California Levering Act of 1950 would enforce compelled speech—it required a loyalty oath from public employees⁵⁴ (and academics at public colleges and universities in California still pledge an oath upon being hired). The year before, the University of California Regents approved a new oath specific to university employees containing an explicit statement that the signer was not a member of the Communist Party. German-born philosopher Rudolf Carnap declined a UC professor-

ship because he refused to sign it, and there were 27 UCLA professors—five in the philosophy department, including Donald Kalish, who was not tenured—who refused to sign even as the regents insisted that those who did not sign by April 30 would be off the payroll the next day.⁵⁵

Prior to that, the Smith Act of 1940 made it illegal to advocate—or to even affiliate with anyone advocating—the overthrow of the United States government.⁵⁶ And of course free speech was under incessant attack during what acclaimed screenwriter Dalton Trumbo wryly referred to as the “Time of the Toad”⁵⁷—the period in which the House Un-American Activities Committee ran roughshod over free expression in the late 1940s and 1950s. The anti-Communism HUAC propagated would result not just in the notorious Hollywood Blacklist. John McCumber has expounded upon how the American Philosophical Association failed to confront blatant attacks on academic freedom amid the hysteria, and how the failure of academics to stand up to the encroachments on free speech shaped subsequent American philosophy.⁵⁸ And as Trumbo documented, even leaders of the National Education Association—one of the longest-standing unions in the field of education—barred Communists and

⁵⁰ “An Act to amend section three, title one, of the Act entitled ‘An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes,’” 65th cong., 2nd sess., 16 May 1918. Retrieved from <http://www.legisworks.org/congress/65/publaw-150.pdf>.

⁵¹ Chemerisnky and Gillman, *Free Speech on Campus*, 36.

⁵² Cited in: *Ibid.*, 36.

⁵³ *Ibid.*, 39.

⁵⁴ “The Tenney-Burns-Levering Bills – a Roll Call of Anti-Democracy Legislation,” The California Loyalty Oath Digital Collection, The Bancroft Library, University of California, Berkeley, <http://content.cdlib.org/ark:/13030/hb8h4nb97h/?brand=lo>.

⁵⁵ Kalish would take a stand on principle again 16 years later as department chair when Marxian philosopher Angela Davis became the bane of UC regents. See: John McCumber, *The Philosophy Scare: The Politics of Reason in the Early Cold War* (Chicago: The University of Chicago Press, 2016), 37-41.

⁵⁶ “Alien Registration Act,” 76th cong., 3rd sess., 28 June 1940, <http://legisworks.org/sal/54/stats/STATUTE-54-Pg670.pdf>.

⁵⁷ Dalton Trumbo, *The Time of the Toad: A Study of Inquisition in America* (London: The Journeyman Press, 1949[1982]).

⁵⁸ John McCumber, *Time in the Ditch: American Philosophy and the McCarthy Era* (Evanston, IL: Northwestern University Press, 2001).

went so far as to claim “the schools of the United States will certainly be expected and required to continue their work in developing strong individual national loyalties.”⁵⁹ Writing during the height of HUAC’s influence, Trumbo caustically opined, “How goes the campaign against free inquiry in schools and universities? It goes extremely well,” before proceeding to list 15 professors and educators who were purged in 1948 alone for, in the main, saying the wrong things.⁶⁰

A cursory glance at the history of free speech in the US reveals how infrequently it was actually honored.

The First Amendment notwithstanding, free speech in the US—on campus and elsewhere—has never been guaranteed. Debates today elide the fierce-but-overlooked battleground in the campus free speech wars. Chemerinsky and Gillman wrote their book on campus free speech “out of a concern that much of the current debate over the learning environment on college campuses gives insufficient attention to the values of free speech and academic freedom—the philosophical, moral, and practical arguments in support of these principles, the lessons of the historical record, and the current state of the law.”⁶¹

I write this essay in part because the discussions regarding free speech and academic freedom at colleges and universities give insufficient attention to the record of repression reviewed above, but also importantly to the two-tiered system in academia that reflects and rep-

resents one of the gravest threats to free expression, to workplace democracy, and to the overall health of higher education.

A Direct [Action] Approach to Debating Free Speech

As stated, addressing that threat no doubt requires more than reframing the debate. That is, it requires more than a coherent, convincing argument against the system separating faculty into a relatively privileged, managerial class, and into a subordinate class of precariously employed contingent instructors removed from any semblance of shared governance.

A cursory glance at the history of free speech in the US reveals how infrequently it was actually honored. The FSM showcased how rights can be wrestled over and won within an institution when people are organized, and both willing and able to engage in speech acts that defy prohibitions on expression. It also, as Savio suggested, reflected students’ dissatisfaction with the operation of the institution. The operation of higher education at present denies faculty who are now the backbone of that operation decent labor conditions and any real input in the workplace decisions affecting them. It thereby denies us free speech. That operation, then, and the arrangements sustaining it, should be a focal point for a movement.

Perhaps, though, the greatest inspiration for challenging that operation, and for transforming the conditions of contingent faculty now anathema to academic freedom and meaningful free speech, can be found by looking back even further than the FSM. A movement to abolish the two-tiered system would fundamentally be a movement for free speech *and* a labor struggle; indeed, it would also be a labor struggle *for* free speech.

⁵⁹ Cited in Trumbo, *The Time of the Toad*, 54.

⁶⁰ *Ibid.*, 52–53.

⁶¹ Chemerinsky and Gillman, *Free Speech on Campus*, 155.

Memorably, the early 20th century organizing campaigns of the Industrial Workers of the World (IWW), the union that has been advocating syndicalist-style economic democracy for more than a century, illustrate how free speech fights can intersect with key labor struggles. For example, in 1909, 19-year-old Elizabeth Gurley Flynn, one of the IWW's most gifted rabble-rousing orators, traveled to Missoula, Montana, where she and other agitators drew large crowds on the street by criticizing local labor contractors who collected fees from workers without finding them steady employment.⁶² The temporary employment agencies compelled the city to invoke an ordinance against disturbing the peace and quiet of a street, and when the Wobblies (IWW members) refused to stop their soapbox speeches, they were thrown in jail.

Bill Haywood suggested the free speech fights in Missoula and Spokane sparked the radical imagination of the working class across the country

“Drawing on her debate-team drilling in the Constitution and the Bill of Rights, Flynn charged the City of Missoula with violating the Wobblies’ right to free speech.”⁶³ Hundreds of Wobblies arrived by boxcar to help, and their civil disobedience—exercising free speech rights—quickly clogged the courts and jails.⁶⁴ Flynn was also arrested at one point; she was treated more gently than the Wobbly men thrown in jail, and charges against her were

dropped.⁶⁵ Within a few weeks, after bad publicity and the costs of constantly arresting speakers weighed on the municipality, the city released the arrested Wobblies and agreed to permit them to speak freely on the streets.

After the IWW launched a “Don’t Buy Jobs” campaign against the “job sharks” in Spokane, Washington, around the same time, the employment agencies there also pressured the city to pass an ordinance against the street corner speeches delivered against the agencies by union radicals.⁶⁶ Thousands of Wobblies marched to the center of Spokane and started speaking in defiance of the ordinance, and police arrested them one by one until some 400 to 600 were in jail (some died as a result of the abysmal conditions behind bars).⁶⁷ Flynn was arrested (and then acquitted) there too.⁶⁸ By March 1910, the city agreed to permit peaceable assembly and speaking outdoors without police intervention, and jailed Wobblies were to be released soon thereafter.⁶⁹ Venerated IWW leader Bill Haywood suggested the free speech fights in Missoula and Spokane sparked the radical imagination of the working class across the country, and contributed to the growth of the IWW.⁷⁰ In the next few years the IWW would engage in high-profile free speech fights in Cali-

⁶² Lara Vapnek, *Elizabeth Gurley Flynn: Modern American Revolutionary* (Boulder, CO: Westview Press, 2015), 28.

⁶³ Vapnek, *Elizabeth Gurley Flynn*, 28.

⁶⁴ Howard Zinn, *A People’s History of the United States: 1492-Present* (New York: HarperCollins Publishers, 1980[2003]), 332.

⁶⁵ Vapnek, *Elizabeth Gurley Flynn*, 28.

⁶⁶ Kate Aronoff, “Industrial Workers of the World campaigns for free speech in Spokane, Washington, U.S.A., 1908-1910,” *Global Nonviolent Action Database* (October 23, 2011),

<https://nvdatabase.swarthmore.edu/content/industrial-workers-world-campaigns-free-speech-spokane-washington-usa-1908-1910>.

⁶⁷ Zinn, *A People’s History of the United States*, 332. Vapnek, *Elizabeth Gurley Flynn*, 31.

⁶⁸ Vapnek, *Elizabeth Gurley Flynn*, 33.

⁶⁹ Aronoff, “Industrial Workers of the World campaigns for free speech in Spokane, Washington, U.S.A., 1908-1910,” para. 13-14.

⁷⁰ Vapnek, *Elizabeth Gurley Flynn*, 33.

fornia—in San Diego and in Irvine—and in Everett, Washington, among other places.⁷¹

Referencing those early 20th century IWW struggles, and writing as a member of Graduate Students United at the University of Chicago, Joe Grim Feinberg suggested:

graduate students, no matter how quiet voiced and library prone, are in a special position to revive the proletarian publicness that was at the center of the old free speech fights. This is not only because we make it our life's work to learn things that the public might want to hear us say but also because the campus quad remains one of the few places in our society where crowds can still be found—where there is actually a public to hear our voice. In this country now, there are almost no true public squares, and the streets, even when filled (on rare occasions) with pedestrians, are too busy for an agitator's idle chatter.⁷²

Of course, many graduate students are now more likely to go on to become members of the professorial underclass than they are to join the upper echelon of tenure-line professors. And adjuncts—often downwardly mobile and déclassé, not to mention isolated from each other and alienated from the institutions devaluing them—also desperately need to recover some semblance of a public by making use of campus as a space for consequential speech, in the way Feinberg alluded to.

⁷¹ Zinn, *A People's History of the United States*, 332–334. George Venn, “The Wobblies and Montana’s Garden City,” *Montana: The Magazine of Western History* (1971): 18–30.

⁷² Joe Grim Feinberg, “Singing All the Way to the Union,” *Academe* 96, no. 1 (2010): para. 6, <https://www.aaup.org/article/singing-all-way-union#.W29vmvmP9PY>.

Dewey once claimed our “problem of a democratically organized public is primarily and essentially an intellectual problem, in a degree to which the political affairs of prior ages offer no parallel.”⁷³ Dewey’s “intellectual problem” was premised upon people needing to figure out how to handle intensified and complicated “indirect consequences”⁷⁴ stemming from conjoint human activity in an expansive and technologically developed society. “An inchoate public,” he claimed, “is capable of organization only when indirect consequences are perceived, and when it is possible to project agencies which order their occurrence.”⁷⁵

Our problem must also account for the class or status differences intrinsic to the two-tiered system. Absent from Dewey’s ideas on the matter is an understanding that organizing a public to overcome institutionalized stratification—and overcoming such stratification so as to organize a properly democratic public—might require those systematically dehumanized by the dominant arrangements to “project agencies” in particular ways at odds with those complicit in that dehumanization. That is, a public capable of challenging the conditions in higher education anathema to freedom of speech, to workplace democracy, and to decent life for the new faculty majority cannot emerge without action communicating that challenge. As Feinberg explained,

Work and school take place in highly regulated spaces, where *publicness can be won and sustained only in struggle*. Nonetheless, work and school are among the only spheres of life left where people meet without being thoroughly filtered first according to ideology or hobby or aesthetic style. And the

⁷³ Dewey, *The Public and Its Problems* (Ohio University Press, 1927[1954]), 126.

⁷⁴ Dewey, *The Public and Its Problems*, 126.

⁷⁵ *Ibid.*, 131.

university, at the intersection of work and study, presents a unique site for the development of publicness. On the one hand, the university is an unusual kind of workplace, designed according to the ideal of an independent scholarly community driven by public debate, which is one reason why universities have quads, while factories and offices have only break rooms. On the other hand, the university community is not and has never been a purely detached world of the mind. [emphasis mine]⁷⁶

Dewey would surely agree a public “in eclipse”⁷⁷ must be (re-)created and renewed, but Feinberg is right to emphasize that this (re-)creation stems from praxis—a praxis born of struggle.

Human beings, as Paulo Freire understood, “are praxis—the praxis which, as the reflection and action which truly transform reality, is the source of knowledge and creation.”⁷⁸ “Reality which becomes oppressive,” Freire claimed, “results in the contradistinction of men as oppressors and oppressed.”⁷⁹ The two-tiered system in academia reflects and produces a similar reality. Those dehumanized by the existing conditions—contingent faculty, in our case—are driven by a desire for greater humanization to struggle to overcome the situation and “must acquire a critical awareness of this oppression through the praxis of this struggle.”⁸⁰ The perception of the indirect and direct consequences of reproducing higher education as a two-tiered system, and the cooperative-democratic control of those consequences to transcend that sys-

tem, can be brought into being through the kind of praxis of struggle Freire referred to.

That struggle and the praxis therein are akin to the forms of education Dewey also advocated. He warned of the danger of an elite few appropriating externally-directed actions of others.⁸¹ His philosophy of education was predicated upon pupils participating in the determining of the aims of learning and in deciding how they would go about reaching those aims.⁸² His views on labor echoed those presuppositions insofar as he claimed that in the economic sphere, in contrast to “direct participation in control” characteristic of a properly democratic system, the “control [of labor] remains external and autocratic,” given that the results wage-workers achieve “are not the ends of their actions, but only of their employers.”⁸³

Those views and values of course corresponded with Dewey’s ideas about democratic society writ large, which is hardly surprising given that education and labor reproduce and renew society. He wrote:

Since a democratic society repudiates the principle of external authority, it must find a substitute in voluntary disposition and interest; these can be created only by education. But there is a deeper explanation. A democracy is more than a form of government; it is primarily a mode of associated living, of conjoint communicated experience. The extension in space of the number

⁷⁶ Feinberg, “Singing All the Way to the Union,” para. 7.

⁷⁷ Dewey, *The Public and Its Problems*, 142.

⁷⁸ Paulo Freire, *Pedagogy of the Oppressed*, trans. Myra Bergman Ramos (New York: Continuum, 1970[2000]), 100-101.

⁷⁹ Freire, *Pedagogy of the Oppressed*, 51.

⁸⁰ Ibid.

⁸¹ Dewey, *Democracy and Education*, 88.

⁸² To the point, he suggested a democratic “society must have a type of education which gives individuals a personal interest in social relationships and control,” he argued pedagogical aims should not be subordinated to aims outside of the educational process, and he claimed externally imposed aims lead to a separation of means from ends (a divorce which diminishes the significance of the activity, with predictable consequences). See: Dewey, *Democracy and Education*, 99-100; 106.

⁸³ Dewey, *Democracy and Education*, 260.

of individuals who participate in an interest so that each has to refer his own action to that of others, and to consider the action of others to give point and direction to his own, is equivalent to the breaking down of those barriers, of class, race and national territory which kept men from perceiving the full import of their activity.⁸⁴

Breakdown of perception-clouding barriers by way of greater participation in the speech and the actions affecting us helps “secure a liberation of powers which remain suppressed as long as the incitation to action is partial, as it must be in a group which in its exclusiveness shuts out many interests.”⁸⁵

Clearly, Dewey would not disagree with the transformative and democratic aim advanced here, but the methods for realizing and prefiguring that aim in the context of the contingent faculty struggle need to be spelled out in detail. Dewey wrote:

To form itself, the public has to break existing political forms. This is hard to do because these forms are themselves the regular means of institution change. The public which generated political forms is passing away, but the power and lust of possession remains in the hands of the officers and agencies which the dying public instituted. This is why the change of the form of states is so often effected only by revolution.⁸⁶

He proceeded to suggest “apathy, neglect and contempt find expression in resort to various short-cuts of direct action,” adding astutely that “direct action is taken by many other interests than those which employ ‘direct action’ as a

slogan, often most energetically by entrenched class-interests which profess the greatest reverence for the established ‘law and order’ of the existing state.”⁸⁷

Breaking with the established forms appears a necessary part of transcending the two-tiered system. The commonplace piecemeal efforts to improve faculty working conditions while leaving that system intact are barriers to free speech in practice and to the formation of the kind of public Feinberg described. That kind of public comes into being as a result of direct-action struggles, like those waged by the FSM and the IWW.

Administrators and others opposing the emergence of that sort of public are likely to take actions against it, as Dewey’s analysis informs us. But they are already complicit in the routine actions that deny free speech and academic freedom to the majority of the professoriate. They already engage in collective action—only of the established, normalized, hitherto hegemonic kind—that renders the majority of professors today fatalistic and inchoate.

Tentative Conclusions to be Tested in Practice

Dewey remarked that until “the Great Society is converted into a Great Community, the Public will remain in eclipse,” and he added: “Communication alone can create a great community.”⁸⁸

⁸⁴ Dewey, *Democracy and Education*, 87.

⁸⁵ Ibid.

⁸⁶ Dewey, *The Public and Its Problems*, 31.

⁸⁷ Ibid.

⁸⁸ Ibid., 142.

“To impede communication,” as Freire observed, “is to reduce men to the status of ‘things.’”⁸⁹ The women and men comprising the ranks of contingent faculty are at present routinely reduced to a similar status insofar as a violation of our free speech rights and academic freedom inheres in the two-tiered structure. That inherent violation stems from the fact the existing institutional relationships afford us little-to-no say in how the institution functions, even though we play such a large role in ensuring it does function. The external authority exercised over contingent faculty within the two-tiered academy has produced an underclass of adjuncts denied the consequential speech capable of shaping our conditions. What speech is acceptable and what can get you canned is dictated from above. This is all at odds with the “conjoint communicated experience” and education conducive to the democratic society Dewey envisioned.

So where does this leave us?

Freedom of speech is vitiated by the two-tiered system and by the corresponding working conditions contingent faculty face. Institutions expected to respect free speech have historically repressed it. Legal scholars like Chemerinsky and Gillman, and even organizations like the AAUP, advocate and defend freedom of speech on campus as well as academic freedom. Yet, ambiguities in their past statements regarding who makes key decisions about the speech and labor of others and with respect to what work conditions are needed to protect free expression in higher education represent glaring omissions in campus free speech debates, which already ignore adjuncts.

Savio’s reflections on the FSM suggest consequential speech capable of affecting change elicits retaliation and requires defending. His recounting suggests the movement at Berkeley

also had a lot to do with advocating for and trying to facilitate the transformation of the nature of higher education. Half a century prior, the IWW illustrated the relationship between free speech and social change, nourishing a public via direct-action labor struggles.

Free expression has historically necessitated struggle against the structures and complicit actors who would otherwise oppress it and those of us who might exercise it in ways deemed intolerable by dominant arrangements

Freedom of speech is vitiated by the two-tiered system and by the corresponding working conditions contingent faculty face.

and those empowered by them. By virtue of that struggle an organized public can coalesce, which can enable individuals to start meaningfully exercising, or projecting, agency, and to begin participating in the decisions, and shaping the conditions, that impact them.

That process is ipso facto pedagogical. “The dialogue which is radically necessary to revolution,” Freire wrote, “corresponds to another radical need: that of women and men as beings who cannot be truly human apart from communication, for they are essentially communicative creatures.”⁹⁰ The praxis implied would be a multiform “public pedagogy.”⁹¹

⁹⁰ Ibid., 128.

⁹¹ The term has a long history, and it has been deployed in myriad ways. See: Jennifer Sandlin, Michael P. O’Malley and Jake Burdick, “Mapping the Complexity of Public Pedagogy Scholarship: 1894 – 2010,” *Review of Educational Research*, 81 (2011): 338-375. The concept has also been applied in a political register, somewhat similar to the way it is used in this essay to invoke particular modes of praxis. See: Henry Giroux, “Public Pedagogy and the Politics of Resistance: Notes on a critical theory of educational struggle,” *Educational Philosophy and Theory*, 35, no. 1 (2003): 5-16.

⁸⁹ Freire, *Pedagogy of the Oppressed*, 128.

That pedagogy involves learning how to think, speak, and act in ways that mirror the practice of freedom (academic and otherwise) to be achieved while educating each other about the struggle. It also encapsulates the pedagogical process—the Freirean praxis—of organizing a public and creating the individuals capable of prefiguring a “Great Community” rich with the free and consequential speech characteristic of the democratic experience Dewey described.

As alluded to in the beginning, part of that “public pedagogy” entails retooling popular debates so that freedom of speech on campus and beyond do not remain inconsequentially academic. For starters, that might mean contingent faculty engaging in direct action—be it strikes, teach-ins, walkouts, phone zaps and/or other activities—to disrupt the normalized assault on workplace democracy witnessed when instructors are fired or disciplined for saying what select others decide for them is inappropriate.

If formal organization could prove helpful, the IWW, referenced above, has shown how: for they have had success organizing those who, like contingent faculty, have been rendered invisible and disposable, including prisoners and sex workers. The union that waged historic free speech and labor battles more than a century ago could prove an invaluable vehicle once again for those of us in the trenches of the oft-ignored, yet undoubtedly significant, fights for free expression at present. Since, as the AAUP acknowledged (see above), students are affected when their instructors come to be seen as “a repressed and intimidated class,” wary of saying what they truly believe for fear of reprisal, solidarity with those we teach seems paramount. The adage that teaching conditions are also student learning conditions rings true.

Students, of course, come from the greater community, and many will leave the confines of campus with massive student loan debt that will

be next-to-impossible to pay off with the low-wage, gig-economy jobs available.⁹² Any serious campus free speech movement today must not only prioritize the abolition of the prevailing two-tiered system within higher education. It also must communicate the struggle beyond the Ivory Tower.⁹³ Precarious work outside the academy that subordinates free speech rights to purported property rights and sacrifices workplace democracy to autocratic authority on the job should be treated as big a barrier to Dewey’s ideals as is contingent academic labor.

A public pedagogy of and for the freedoms that have been the focus of this essay thus also involves learning from, educating, and organizing with the greater community, the public that can really prefigure the Great Community.

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⁹² Young adults today are more likely to have a college degree than their parents’ generation, but they are also more likely to live in poverty. See: “Young Adults, Then and Now,” *Census Bureau*, 2015, https://www.census.gov/content/dam/Census/newsroom/c-span/2015/20150130_cspan_youngadults.pdf, 1.

⁹³ Inspiration for some of these concluding remarks came from the following: Richard Moser, “Organizing the New Faculty Majority: The Struggle to Achieve Equality for Contingent Faculty, Revive our Unions, and Democratize Higher Education,” in K. Hoeller, ed., *Equality for Contingent Faculty: Overcoming the Two-Tier System* (Nashville, TN: Vanderbilt University Press, 2014), 77-115. Andrew Austin, “Defending the Digital Commons: A Left-Libertarian Critique of Speech and Censorship in the Virtual Public Sphere,” *Project Censored* (August 28, 2018), <https://projectcensored.org/defending-the-digital-commons-a-left-libertarian-critique-of-speech-and-censorship-in-the-virtual-public-square/>.

Department at Mt. San Jacinto College (at the Meniffee campus, at the San Jacinto campus and at MSJC's Temecula Education Complex). He taught a Basic Computer Skills non-credit course at MSJC as well. More recently, he has taught courses (e.g. Public Speaking, Persuasion in Rhetorical Perspective, Argumentation and Debate) in the Communication Studies Department at Riverside City College. Additionally, he teaches courses (e.g. Introduction to Media and Cultural Studies, Introduction to Media Studies), when he can, as a lecturer in the Media and Cultural Studies Department at the University of California, Riverside. James is from Illinois. He earned a bachelor's in kinesiology from the University of Illinois at Urbana-Champaign in 2008, a master's degree in Communication from the University of Illinois at Springfield in 2010 and a PhD in Mass Communication and Media Arts from Southern Illinois University Carbondale in 2016. While at SIUC, James worked for eight semesters as a Teaching Assistant, primarily facilitating journalism labs for, and grading a large amount of students' work in, a Writing Across Platforms class. He has worked as a freelance journalist for the Southern California News Group and for several online outlets. He has been a member of multiple unions—including Graduate Assistants United, the California Faculty Association, UFCW Local 135, UPTE-CWA 9119, the Riverside City College Faculty Association, UC-AFT Local 1966, and the Industrial Workers of the World—and active in most of them. As of late he has been working with a Riverside City College student and with other adjuncts to build a Fair Faculty Working Conditions Coalition aimed at transforming the two-tiered system that is slowly degrading higher education and the human beings who comprise it.