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The Robinson Case

Charles Calleros

Sandra Day O'Connor College of Law, Arizona State University

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The Robinson Case

*Charles Calleros**

I agree with Professor Fish's conclusions on Professor Robinson's outrageous email to students in his 2009 Sociology of Globalization course.¹ However, I believe that a full analysis would be more nuanced. In my view, with just a few additional assumptions, Robinson's email blast could be considered in the following way: 1) It was part of the pedagogy of his class, despite its political nature; 2) it was subject to good-faith critique and mentoring by administrators if his techniques reflected poor pedagogy; and 3) it constituted part of the record of teaching that administrators could consider in determining whether a professor has earned tenure, promotion, or a raise.

The ACLU has recommended that professors reveal their personal views about controversial issues addressed in a course, so that students can better appreciate the perspectives or biases of the instructor. After all, a professor is one who has something to profess, something beyond the mundane, to offer up for consideration. Fish is correct that expressing one's view does not immunize the professor from the consequences of speech, but neither does such expression automatically fall outside even a moderate view of academic freedom simply because it represents a professor's personal political views.

One can imagine, for example, a professor beginning the class immediately following the email with the following statement:

Over the weekend, I expressed my personal view about how Martin Luther King, Jr., would assess recent Israeli actions, and I accused Israel of human rights violations comparable to the worst atrocities of the last century. If my comment angered or offended some of you, then it's a good vehicle for discussion and debate. State your own views with conviction, as did I. Do you agree with my statement, at least in part? Do you disagree in whole or part? Explain your position. Stand up for your beliefs.

Of course, a statement such as this would generate meaningful discussion only if the professor had established trust and rapport with the class, so that students who vehemently disagreed with Robinson's email

* Professor, Sandra Day O'Connor College of Law, Arizona State University.

¹ STANLEY FISH, *VERSIONS OF ACADEMIC FREEDOM: FROM PROFESSIONALISM TO REVOLUTION* (forthcoming 2014) (manuscript at 9, 13-14) (on file with FIU Law Review).

could feel safe to practice their rhetorical skills to explain why his views were baseless and biased. Moreover, assuming Robinson's email was accompanied by no such call for analysis, critique, and discussion germane to his class, his email might stand alone as nothing more than an inappropriate platform for his personal political views, divorced from any pedagogy. My point here, however, is that the political nature of his statement would not necessarily deprive it of academic purpose; even an instructor's personal political views can serve as an invitation to critique and respond to a provocative argument.

Finally, even if an instructor's political speech can be brought within the ambit of his academic freedom to define the content and pedagogy of his course, so that he cannot be immediately fired or strictly prohibited from exercising his good-faith pedagogic judgment, his school enjoys institutional academic freedom to assess the quality of his teaching in good faith and in politically neutral ways. An instructor's academic freedom would not be violated by a friendly visit from an academic associate dean who relays complaints about the email and offers advice and mentoring. The dean might generate a discussion about pedagogy and recommend that the instructor consider eliciting student views about an event of global significance without first proclaiming a view so extreme that it diverts student attention from the academic task. Moreover, this institutional academic freedom should extend to denial of tenure, promotion, or raises in salary based on politically neutral and good-faith assessment that the instructor persisted in ineffective pedagogy after being offered assistance.