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# ATHENS AND BEYOND: FREEDOM OF SPEECH, FREEDOM OF THE INTELLECTUAL

BY MICHAEL POLIAKOFF\*  
(New Jersey and Corpus '75)

*In honor of E.L. Bowie  
E.P. Warren Praelector in Classics*

*In memory of R.O.A.M. Lyne  
Fellow and Tutor, Balliol College*

## I

I WAS privileged during my time at Oxford in the mid-seventies to learn from great and articulate advocates of personal and political freedom.

Sir Kenneth Dover arrived as President of Corpus Christi College during my second year reading *Literae Humaniores*. He was a kind and patient presence in the College. I was both impressed and bemused by his ability, in the most gentle voice, to deliver an informal address called “The Benefits of Positive Agnosticism,” and to engage in a respectful dialogue with students who clearly found the presentation downright shocking. His influential *Greek Homosexuality* (1978), twice reprinted, was a model of non-judgmental, dispassionate scholarship, and vastly influential. Sir Kenneth’s less well-known article, “The Freedom of the Intellectual in Greek Society,” inspired me, years later, to undertake this essay.

In addition to the bracing, energetic, and inspiring pedagogy of Frank Lepper, I also had the extraordinary fortune to be sent over to Wadham for tutorials with George (W. G.) Forrest. He breathed the spirit of Greek democracy, well captured in his short book, *The Emergence of Greek Democracy*. He was legendary for his eccentricities, like the morning sherry he generously poured for his students, but was even

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more of a legend for his tireless work to oppose the military junta in Greece. His send-off after my last tutorial was a quote from Aeschylus' play, *The Suppliants*, "None of this without the people."

I am not at all certain that my mentors would agree with all that I write here years later, at a time when freedom of speech is in significant jeopardy. But I offer it in gratitude for all they contributed, even beyond their brilliant scholarship, to advance human flourishing.

## II

The journey into history, if its students listen to their hearts, is likely to take them to a place of awe and moral terror, in which they look into the mirror of civilization. And then as the force of moral awareness surrounds them, they might just ask themselves how history will one day remember them, what kind of actors, large or small, they have been in the story of their own time.

When and how did the remarkable concept emerge that free speech and freedom of thought represent the foundation for a society's progress and success? It is a bold idea indeed, that the gadfly intellectuals who challenge our assumptions and comfortable orthodoxies are a blessing, not a curse. It is not at all a natural state of society. Justice Oliver Wendell Holmes, with Justice Louis Brandeis concurring, articulated this quite clearly in his magnificent dissent from the Supreme Court's ruling in *Abrams v. United States* (1919), that a man who had printed and distributed anti-war, anarchist literature deserved his sentence of 20 years at hard labor for violating the 1918 Sedition Act. Holmes wrote:

Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart you naturally express your wishes in law and sweep away all opposition. To allow opposition by speech seems to indicate that you think the speech impotent.

But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas. . . . I think that we should be eternally vigilant against attempts to check the expression of opinions that we loath and believe to be fraught with death. . . .

The path from *Abrams v. United States* to the generally prevailing, remarkably liberal status of freedom of speech and freedom of the press in America in our day has not been smooth, either in the courts or in society at large, or even among intellectuals. These freedoms are historically anomalous and fragile.

*Es bleibet dabei, es bleibet dabei, die Gedanken sind frei*—"It is still true that thoughts are free." This 19th-century song of lovers' travails quickly became the song of political resistance. But thoughts that are expressed have never been free without the energetic efforts to protect them. Sophie Scholl played that beautiful song on her flute outside the walls of Ulm prison, which held captive her father, who had called Hitler a scourge of God. The grim truth is that despots on the right and left, as well as tyrannical majorities, will do anything they can to keep thoughts captive. The Nazis arrested Sophie and her brother, Hans, in 1943 for their heroic resistance to Hitler in the famous White Rose campaign. And with no opportunity to speak at their own trial, they were condemned to death and beheaded within hours of the verdict.

*Dort wo man Bücher verbrennt, verbrennt man am Ende auch Menschen*—"There where people burn books, they will ultimately burn human beings as well." Heinrich Heine wrote those lines in 1821, in his play *Almansor*, and placed them in the mouth of the Moor Hassan, who was horrified at the report of the burning of the Koran. A little over a century later, it was the works of such authors as Heine himself, along with Freud, Einstein, Kafka, James Joyce, Tolstoy, and Joseph Conrad that were burned by the Nazis—soon followed, indeed, by the murder and burning of millions throughout Europe. At a number of places in Germany, one can find Heine's grim, ironic warning on plaques marking the spots, many of them on university campuses, where these book burnings took place. And if the gentle reader gets a queasy feeling upon learning nowadays about Mark Twain's *Huckleberry Finn* being pulled from school library shelves or the demand for warning labels to be attached to Ovid's *Metamorphoses* or F. Scott Fitzgerald's *Great Gatsby*, there is good reason for disquiet. Or, coming in full and terrible circle, a little more than three years ago, when Knox College in Illinois cancelled the production of a play by Bertolt Brecht, one of the authors whose books 88 years ago the Nazis burned.

Today, as in other times, there is no consensus that freedom of speech and freedom of the intellectual are not only inherently good but are the lifeblood of a free society and the indispensable ethic of the scholar and educator. The Freedom Forum Institute's 2019 survey

showed that 29 per cent of Americans believe the First Amendment goes too far—that was an increase of 6 per cent over the previous year. And those were relatively calm years. In 2002, when emotions surrounding September 11 and coverage of the 2000 presidential election ran high, and the survey provided the option of “strongly agree” or “mildly agree,” a full 41 per cent “strongly” agreed and another 8 per cent “mildly” agreed that the First Amendment goes too far.

Periodic, and sometimes strong, disaffection with the premium that Americans generally place on free speech is hardly a 21st-century phenomenon. In 1965, Herbert Marcuse famously argued that creating the advanced, humane society he envisioned would necessitate “apparently undemocratic means.” These, according to Marcuse, “would include withdrawal of toleration of speech and assembly from groups and movements which promote aggressive policies, armament, chauvinism, discrimination on the grounds of race and religion, or which oppose the extension of public services, social security, medical care, etc. Moreover, the restoration of freedom of thought may necessitate new and rigid restrictions on teachings and practices in educational institutions.” Only those individuals who are able “to think rationally and autonomously” would be empowered to determine what would constitute appropriate behavior and practice. The spirit of Marcuse is in no way absent from academic and social discourse half a century later.

To be sure, the voices of the truly disenfranchised, who legitimately have a “privilege” in this discussion, have generally pronounced a different verdict on the value of free speech. The late Congressman John Lewis asserted, “Without freedom of speech and the right to dissent, the Civil Rights movement would have been a bird without wings.” Jonathan Rauch, Senior Fellow at the Brookings Institution and LGBTQ rights advocate, concurred: “Free speech is not only minorities’ best friend . . . it’s our only reliable friend.”

Will 21st century America have the wisdom and courage to understand and vouchsafe a hard-won heritage of freedom of expression? Intellectual freedom and its handmaiden, freedom of speech, are now especially imperiled, especially on the university campus, where, of all places, they should find sanctuary. In 1974, Yale University’s C. Vann Woodward Report on Freedom of Expression got that right: “The history of intellectual growth and discovery clearly demonstrates the need for unfettered freedom, the right to think the unthinkable, discuss the unmentionable, and challenge the unchallengeable.” One can only wonder what the late

C. Vann Woodward would say about his university a few decades later. As for habituating young people to devalue campus free speech, the dangerous consequences for civil society are self-evident.

At a moment in America, when that freedom of expression faces challenge, especially in places of learning, we do well to recall the observation of Pembroke Fellow and Waynflete Professor, the philosopher and ancient historian R. G. Collingwood, that the true goal of the study of history can only be, “a knowledge of the present.” It is time for a deep look at the emergence of Greek democracy, the freedoms it fostered, its successes and its failures.

### III

The history of freedom of the intellect and the political freedom on which it depends started in ancient Greece. A statement that bold may seem out of fashion, prompting nostalgic background chants of “Hey, hey, ho, ho: Western Civ has got to go” a tune memorably debuted in 1987 at Stanford. But a serious contender for the distinction of giving the world the concept of the freedoms that emerged in ancient Athens has yet to appear.

The Greek miracle transcends the Greeks. The achievement of ancient Greece, the breakthrough, was not a function of ethnicity or genetics, as much as the ancient Greeks themselves would have claimed. Freedom of the intellect and its supporting freedoms represent ultimately a story about the combination of social and political institutions that build free societies: it is a common human heritage from which everyone can learn.

Over 2,500 years ago, a hitherto unknown level of freedom of thought and expression emerged. The writings of Xenophanes of Colophon already show the phenomenon. His home city of Colophon, on the coast of Asia Minor, fell to the Persians in 546 BCE, and he tells us in his poetry that he spent the rest of his long life wandering through Greece with a powerful, rather destabilizing new message:

Mortals believe that the gods are conceived and that they have clothes and a voice and a body, as they do.

But if oxen and horses or lions had hands, and they could draw with their hands and make things as men do, horses would draw the form of their gods like horses, and oxen like oxen, and

they would make the bodies of the gods similar to what they have.

The Ethiopians make their gods flat-nosed and black; the Thracians make theirs blue-eyed and red-haired.

Intellectual freedom: He threw down the gauntlet before all the Greeks who believed in the gods and goddesses described in Homer and Hesiod. There is no clear evidence, except perhaps his habit of wandering, that he was ever prosecuted, or harmed . . . or even, in modern lingo, “deplatformed.”

Anyone who thinks Xenophanes’ challenge to traditional beliefs 2,500 years ago was trivial, should consider this: When South African artist Ronald Harrison in 1962 defied the racist apartheid regime and painted the dissident black African leader, Albert Luthuli, as Jesus, he was arrested and the painting was banned from South Africa. (Despots who think they can punish art, of course, are fools: the painting was smuggled to the United Kingdom and returned to South Africa in 1997. It has undoubtedly been viewed hundreds of thousands of times on the Internet.)

The German psychiatrist and philosopher Karl Jaspers understood the significance of what was happening among the philosophers of the 6th century BCE, which he captured in his concept of Axial Age shifts. As one of the theory’s leading modern scholars, S. N. Eisenstadt, has explained, the matrix for major social advancement was tension between the transcendental and secular powers, in other words, the moment when religious leadership diverges from governmental, political leadership. The king and the prophet (or high priest) then represent different realms, with different authority. It is the crucial first step, liberating the individual, as never before, for the responsibility of finding meaning, a necessary even if not sufficient stage for the emergence of a free society.

Digressing for a moment from ancient Greece to ancient Israel in the time of King David, the process of an Axial Age shift becomes clear. As Hayim Tadmor of the Hebrew University pointed out, nowhere else in ancient Mesopotamia did an autonomous elite emerge that could criticize the justice of the king. In ancient Israel, the iconic moment (as told in II Samuel 12) was when Nathan the prophet stood before David the king, who had but recently engineered the death of Uriah in order to possess his wife, the beautiful Bath Shebah, whom he had spied bathing. (Giving Leonard Cohen material for his song, “Hallelujah.”) Nathan told David a story about a rich man who stole the lamb of a poor man,

prompting the passionate king to shout out that the thief should die and must straightway give recompense. Nathan pointed to the self-righteous king and said, “You are that man.” What did the most powerful man in ancient Israel respond? Not, “Cut off the head of that loudmouthed, obnoxious prophet,” but “I have sinned.”

The Greek world in the 6th century BCE was witness to a succession of thinkers who challenged the mythological pantheon of gods and goddesses and the prevailing explanations for the origin of the world. The essence of existence is water, said Thales; no, said Anaximander, it is “the infinite.” Anaximenes said “air”; “strife and change” said Heraclitus, symbolized by “fire.” “Indivisible oneness” said Parmenides, the thinker who so deeply influenced Plato. The birth of Western philosophy was in difference and debate.

Throughout Greece, political unrest had been brewing. Tradition, lineage, and established wealth were no longer by themselves politically determinative. The ancient Greeks were seafarers—new wealth came in, new ideas, new confidence. And a new military structure, the hoplite phalanx—a battlefield formation that depended on wide participation and a wide sense of unity, rather than maverick, Homeric acts of heroism—was essential for the survival of the Greek city-state. Such people will not long remain quiet without some degree of political power. Representative assemblies emerged, the slow path to a wider sense of individual liberty.

Athens went farthest of all the Greek city-states on the path to individual liberty, and the intellectual achievements that grew from that matrix of freedom are classic for a reason: they attained a greatness that speaks to people in all languages and all ages. At the core of the Athenian march to freedom were two concepts: *isonomia* (“equal share in the law”) and *isegoria*. *Isegoria* is often used simply to denote “freedom” or “equality,” but tellingly, its literal, root meaning, unavoidable to any speaker of ancient Greek, is “equal share of speech.” Herodotus captured this well (5.78): “It is evident not just on a single issue but regarding everything, that the freedom to speak freely (*isegoria*) is something of great importance. All the time the Athenians were under the sway of tyrants they were no better in war than their neighbors, but having shaken off the tyrants, they were the best by far. This shows that when they were kept down, they were slackers, working in service to a master; once freed, each man was set on succeeding for himself.”

At its idealized best—and we are going to look at its failures—recall



the glorious articulation of public spirit and private freedom in the eulogy that Perikles, the leader of the Athenian democracy, delivered in honor of the soldiers who fell in 431, the first year of the Peloponnesian War. We have it as the Athenian general and historian Thucydides (2.37-40) recounts, or perhaps to some degree, refashions:

We have a government that does not copy the ways of our neighbors. We are a model rather than imitators of others. The name of our system, because it rests not on the few, but on the many is democracy. . . . And that spirit of freedom with which we conduct political affairs also holds for our ways with each other, in that we do not meddle angrily in suspicion of the daily affairs of our neighbor if he does as he pleases, nor do we give him the kind of hostile looks which, though harmless, are still hurtful. Though we do not take offense in our associations with each other at their personal affairs, in regard to community matters, we respect the laws.

All of us focus on our own affairs together with those of the state: even those who are occupied with their own business do not fall behind in their understanding of political affairs—for we are unique in considering a man who takes no interest in politics not to be a man who is simply uninvolved; we consider him useless.

Observe how close Perikles' words of 431 BCE are to the thoughts articulated more than 23 centuries later by Justice Louis Brandeis, one of the greatest defenders of the First Amendment ever to sit on the U.S. Supreme Court. In his concurrence in the 1927 *Whitney v. California* decision, Justice Brandeis wrote: “[Those who won our independence] believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth . . . that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government.”

#### IV

What was cultural and intellectual life like during the time of Perikles and Athens' vigorous democracy? Even a casual reading of Plato's dia-

logues tells us what a vibrant world of clashing ideas ancient Athens was. The sophists, whom Socrates mocked and embarrassed, taught their students (for a fee) how to argue effectively and explored notions of truth, perception, justice, and duty. It was a time of intellectual ferment. Consider the setting of Plato's dialogue, the *Protagoras*. At one moment, in the house of the wealthy Callias were, as if in a salon of intellectuals, Hippias, Prodikos, Protagoras, and Socrates himself, airing very different opinions in debate, some of which would be radical in any place or time.

And the world of Athenian Old Comedy set a standard for free speech, raw humor and personal invective against authority figures that has rarely been rivaled in the centuries that followed. (*Saturday Night Live* at its most aggressive is perhaps a parallel.) *Isegoria* protected political speech, much as Britain allows just about anything in Parliament. The Athenians went yet further with *parrhesia*, a freedom of invective that today would assuredly violate British libel laws and those of a host of other nations deemed liberal democracies.

The comic playwrights looked for the raucous laughter that would help to win them first prize in their dramatic competitions with their rivals, and the genre was designed to enable the mockery of every possible authority figure. Socrates, the general Lamachos, the playwright Euripides, the demagogue Kleon, and Perikles himself were the objects of humor, sometimes lighthearted, sometimes withering. Devastating sexual humor, aimed at living personages, was common.

One example will suffice. Perikles had a beloved mistress, the brilliant and accomplished Aspasia. In the vision of the comic playwright Aristophanes, however, she became the madam of a brothel, and the ghastly Peloponnesian War the result of her pique at the kidnapping of some of her prostitutes: "Now some young drunks go to Megara and carry off the hooker Simaetha; the people of Megara, with their guts on fire, steal in return two girls from Aspasia's brothel; and so for three whores war bursts forth on all Greece. Then Perikles, like some Olympian god in a rage, thundered and loosed the lightning bolts, and turned Greece upside down." And so on (*Acharnians* 524-531). The text of the *Babylonians*, the play that in 426 BCE won Aristophanes his first victory as a dramatist, no longer survives, but what seems most likely is that the playwright took aim at Athens' imperialism by presenting its allies as slaves grinding away at a mill. The demagogue Kleon tried to prosecute Aristophanes for shaming the city, but he achieved nothing except to make himself the target of further mockery in subsequent plays. And yet

a few weeks after the audience saw the very unflattering portrait of Kleon in Aristophanes' play of 424 BCE, the *Knights*, Kleon was voted into a highly important political office. The level of give and take accepted by the majority of people of Athens was extraordinary.

## V

It is illuminating to see how circumscribed, how limited the constraints on intellectual freedom and the free exchange of ideas were in ancient Athens.

The (contested) concept of an inalienable right to self-expression is something that has evolved in modernity, with many twists and turns and national variations. The Greek word for law, *nomos*, tellingly includes a range of meanings that also includes "custom." As the ancient historian Martin Ostwald, a frequent visitor to Oxford and a generous mentor to so many of us who got to know him, observed: "The control over social as well as political norms was firmly placed into the hands of the sovereign people, acting under the law, through the Council, Assembly, and the jury courts."

In other words, there were limits, at least potential limits. Our evidence is thin, but it appears that there was a short-lived legislative attempt to ban attacking people by name in comedy. The plays we have of Aristophanes, with their scorching attacks by name on prominent individuals suggest that that initiative did not get much traction. Some scholars argue that satire of the state constitution and state policies was off limits, but again, it would be hard to see that a touchy patriot would have been successful in prosecuting a comic playwright.

*Nomos*, however, runs the danger of deadening individual expression and intellectual diversity. It can slide smoothly into the notion of "that's the way we do things around here, and that's what we expect." Tocqueville, for example, following his 1831 tour of America, was keenly aware of this danger in America's New Republic:

Under the empire of certain laws, democracy would extinguish the intellectual freedom that the democratic social state favors. . . .

As for me, when I feel the hand of power weighing on my brow, it matters little to know who oppresses me, and I am no more disposed to put my head in the yoke because a million arms present it to me.<sup>1</sup>

1. Alexis de Tocqueville, *Democracy in America*, 2.1.2, trans. Mansfield, Winthrop (University of Chicago Press, 2002).

Yet recall again what Perikles, as represented in Thucydides, said: “We are not angry with our neighbor if he does as he pleases: we don’t even give him hard looks.” Even as an aspiration, not fully realized, it was a remarkable value system.

Plato went quite deep in a theoretical exploration of a controlled society. His teacher Socrates questioned the effectiveness of a democracy in bringing each person to the examined life, which, as he stated so eloquently, is alone worth living. But Plato imagined a better state in which the decisions that would create what he deemed good citizens would be made by those best equipped intellectually to rule the state. In Plato’s *Republic*, we find Socrates arguing that the stories of gods and goddesses as told in Homer are corrupting, and worthy of censorship. And historically, among the charges that put him on trial for his life in 399 BCE was “*asebeia*,” impiety. But in the *Laws*, almost certainly one of the last works we have from Plato, departure from the state religion is not tolerated: “. . . those who have come to be [atheists] because of mindlessness, without wicked passion or character, let the judge place them, according to law, in the prison called the ‘Place of Moderation’ for no less than five years. During this time, no other citizen is to meet with them except those who are part of the Nocturnal Council, who are to associate with them for admonishment and the salvation of their souls.” After five years, if the atheist has not gained wisdom, he is subject to the death penalty (ix.908e -909a).

Is it Plato’s prescription for good government or a warning about controlled societies or both? We do well to return to the admonition of Justice Holmes, cited at the beginning of this essay: “If you have no doubt of your premises or your power and want a certain result with all your heart you naturally express your wishes in law and sweep away all opposition.” History has seen the grim, atrocious places, to which the alternative to the free exchange of ideas leads. The Inquisition, the Soviet gulag stand before us. Knee-jerk commitment to a society vibrant with free speech and intellectual freedom is insufficient. As Holmes knew well, it requires dedication: “if there is any principle of the Constitution that more imperatively calls for attachment than any other, it is the principle of free thought—not free thought for those who agree with us but freedom for the thought that we hate.” (*United States v. Schwimmer*)

Notwithstanding Plato’s theoretical rejection of democracy, the Athenian democracy functioned through the 5th century and well into the 4th, a run of almost 200 years, before it fell to the might of Philip of Macedon, and his son, Alexander the Great. In all, the democracy

lapsed into oligarchy but twice, briefly in 411 and in 403, for about 15 months, amounting altogether to less than two years. As Perikles had said, “all of us are fit to judge, if not to originate ideas.” And Athens remained, even under much of the time of Roman domination, just as Perikles had said, “the school of Greece,” a place of intellectual ferment.

A much more cogent criticism of the Athenian democracy is not to be found in Plato’s writings, but in its history of limited franchise. The great democratic leader Perikles insisted that only the offspring of both an Athenian mother and an Athenian father qualified as citizens. Only males voted and held political office, and in his *Greek Popular Morality* Sir Kenneth Dover noted “the unusual extent to which the Athenians had come to regard women as objects.” And slavery was taken for granted as part of the natural order; though the slavery was not race-based, the slave was subject to humiliation and degradation. Aristotle, in so many other instances an astute observer of the world, notoriously separated those enslaved by chance—for example, prisoners of war and those who were “natural” slaves, who lack, he argued in the *Politics*, the intellectual faculties needed for freedom and are appropriately kept as slaves. It would remain for modernity to remedy these failures.

## VI

And even for its highly limited franchise, the Athenian democracy was far from perfect. Much as Winston Churchill remarked, it was the worst system of government except for all the rest. A more legitimate charge than Plato’s theorizing could be made against the behavior of the assembly in 406 BCE, when, angered at the generals who were victorious at the Battle of Argineusai but unable because of storm to save shipwrecked survivors, it violated its own procedures, threatened dissenters who invoked the law, and summarily executed the six. Its cry “It would be a terrible matter if the people did not do exactly as they pleased!” is an obscene monument of the triumph of a tyrannical majority over the rule of law. *Federalist 63* held up such behavior as a warning against popular sovereignty: “What bitter anguish would not the people of Athens have often escaped if their government had contained so provident a safeguard (i.e. a Senate) against the tyranny of their own passions? Popular liberty might then have escaped the indelible reproach of decreeing to the same citizens the hemlock on one day and statues on the next.”

There were indeed a few times when the majority’s social and reli-

gious norms came down on intellectuals. The evidence is far from clear, but it appears likely that Perikles' friend, the philosopher Anaxagoras, was prosecuted and driven into exile. Protagoras, author of the famous dictum, "Of all things, man is the measure" was highly skeptical of the existence of the Greek gods, and there is some possibility that there were one or more public burnings of his writings.

The rarity of these instances of persecution of philosophers, if they happened at all, confirms the overall picture of intellectual freedom in Athens. In "Freedom of the Intellectual," Sir Kenneth noted that in the late 4th century BCE, even after Athenian independence had yielded to the might of Macedon, the Athenian commitment to intellectual freedom was strong enough to punish a citizen named Sophokles of Sounion for proposing a harsh law that schools of philosophy had to have the approval of the Council to be allowed to operate. He was, as they say, hanged with his own rope, prosecuted and heavily fined under the *graphe paranomon*, the statute enabling prosecution for proposing legislation that violated established, customary law. In other words, the Athenians saw his attempt to shut down philosophical arguments as a violation of their customs and belief system.

What about Socrates? A man who on any reasonable person's list would be in the top five for the wisest man of all time was put to death in 399 BCE by the sentence of his fellow Athenians. And as Socrates himself warned the jurors: "When I leave this court, I will leave condemned by you to death, but those who condemned me will be convicted by truth of wickedness and injustice."

It was, surely, one of the greatest failures of the popular sovereignty of the Athenians.

True, the brilliant but traitorous Alcibiades was a follower of Socrates and, but five years earlier, Athens had lost a disastrous war with Sparta and had been savaged by the despotism of the Thirty, the puppet government imposed on them by Sparta, the leader of which was the monstrous aristocrat, Critias, who had once been a follower of Socrates. Throughout history, many pupils have failed to live up to the moral standards of their teachers. Forgotten, moreover, was the valor that Socrates showed fighting on behalf of Athens, especially in the desperate Battle of Delium in 424, grippingly described in Plato's *Symposium*. Or that he had refused to collaborate with the murderous Thirty. Socrates became a target for the scared, the superstitious, and the vengeful. The verdict of history has, properly, just as Socrates predicted, treated the Athenian democracy harshly for his execution.

But to give a more objective score card, recall the verdict of Sir Kenneth Dover, who concluded his seminal study of freedom of the intellectual in Greek society with the observation: "Tolerance of the free expression of intellectual criticism was at most times and in most circumstances a predominant characteristic of Athenian society." That is a proud boast for any civilization.

## VII

Will America deserve such praise? There is good reason to worry intensely about the direction in which colleges and universities are heading and where the nation is going, when a Gallup poll reveals that 26 per cent of college students think it is proper to censor political speech if it seems offensive to a particular group. Forty-two per cent find it acceptable to disinvite speakers thought to have messages offensive or biased against some constituency; 48 per cent favor speech codes that restrict potentially offensive expression; 39 per cent deem shouting down a speaker at least sometimes acceptable, and 13 per cent believe the same about using violence to stop a speech or rally. Forty-eight per cent find denying access to the media to cover a protest or rally at least sometimes acceptable. The notion made famous by Herbert Marcuse, that tolerance is merely a trick of those in power to spread their oppression, is now back among us in the conceptual framework that speech is violence. It is not a marginal phenomenon: in 2020, Harvard Law School hosted a forum entitled, "When Is Speech Violence? And Other Questions About Campus Speech." Seemingly unnoticed is the ultimate connection to Mao Tse-Tung's dictum, "power comes from the barrel of a rifle." That cynical observation is, of course, true. We can wondrously escape from it into a world dominated by reason, but once the freedom to articulate unpopular ideas, to look to ideas and words for power, is construed to be an act of violence, then coercion and real violence and real savagery will be the fate of civilization.

What happens on campus does not stay on campus. Those years so formative for citizens and leaders shape policy and behavior in the media, industry, and the professions. The 2019 Freedom Forum Institute survey showed that 51 per cent of respondents favored disinviting speakers whose appearance would spark large-scale protest. That figure rose to 59 per cent for speakers accused of sexual harassment. The year 2020 was also a very bad one for free expression among journalists, including

some who are quite mainstream. The *New York Times* forced the resignation of editor James Bennet, and editorial writer Bari Weiss left the paper because of the constant harassment of colleagues unable to deal with her “forays into Wrongthink.” *New York Magazine* similarly found essayist Andrew Sullivan *persona non grata*. Staff backlash at the *Philadelphia Inquirer* precipitated the speedy resignation of top editor Stan Wischnowski. At issue was the headline, “Buildings Matter, Too,” responding to the widespread destruction of property, including a historic and iconic Philadelphia district, following civil unrest in the wake of the death of George Floyd. Employment at Apple lasted but a few weeks in April-May 2021 for Antonio Garcia Martinez. His fellow employees discovered passages in his highly acclaimed 2016 book, *Chaos Monkeys*, that they deemed, taken out of the context, to show that “his presence at Apple will contribute to an unsafe working environment.” A petition with some 2,000 signatures effectively ended his career at Apple in little more than a day. Across the waters, similarly unsettling phenomena are surfacing. The *Economist*’s Bagehot columnist Adrian Wooldridge observed: “People stay silent about newly sensitive issues because they fear the sound of today’s equivalent of Madame Defarge’s knitting needles clicking away as the professional guillotine comes down on their necks.”

The tools for stifling free expression have grown technologically sophisticated and precise. For some time, the People’s Republic of China has used the internet, not as a tool for the exchange of ideas, but as a means of surveillance, a way to create a social credit system, to build a culture of “sincerity” and a “harmonious socialist society” through the unceasing monitoring of its citizens. President Xi Jinping reiterates: “Government, military, society and schools—north, south, east, and west—the party is leader of all.” Western universities that partner in offering programs in China are required to have a Communist Party vice-chancellor who sits on their board of trustees. Humankind’s ethical understanding and political science too often trail far behind technological breakthroughs and almost always trail behind the thirst for new revenue. And that needs to be a warning to the West as well as the East. The surveillance state that George Orwell described in fiction in *1984* is not only a possibility, but it is being implemented by the world’s second largest economy, and others are showing interest. Indeed, technological tools to stifle diverging opinions are equally appealing to the Right and Left. When the COVID-19 pandemic forced college classes suddenly to move to online delivery, the right-wing provocateur Charlie Kirk called for col-



lege students to send him classroom videos so that he could publicly shame professors he deemed guilty of liberal bias.

It is not surprising that political entities seek to enforce a belief system on their subjects and adherents. What is more remarkable is the will *not* to enforce a belief system and to create an ethic of what the late Chief Rabbi of England Jonathan Sacks called, “the dignity of difference”—to be fierce, as once the Athenians were, as Justice Holmes called on Americans to be, in its defense.

Fostering the dignity of difference requires significant effort. The fear of freedom, in the words of Regius Professor of Greek E. R. Dodds, “the heavy burden of individual choice that an open society lays upon its members” sends all too many to seek comfort in authority figures, shibboleths, creeds, mantras—and to silence, if not punish, those not aligned with their belief systems. And that the campus is now the epicenter of such behavior is hard to bear. In July 2020 nearly 350 members of the Princeton faculty and staff demanded the creation of a committee to “oversee the investigation and discipline of racist behaviors, incidents, research, and publication on the part of faculty,” with guidelines to be authored by a faculty committee. A distinguished professor of Classics named Joshua Katz faced calls for sanctions against him and a boycott by the graduate students, when he publicly dissented. The month before these events at Princeton, the equally distinguished University of Chicago economist Harald Uhlig faced an investigation and calls for his termination as editor of a major economics journal for his criticism of the demands of the Black Lives Matter movement. In court, as this article is written, is the matter of cardiologist Norman Wang, whom the University of Pittsburgh demoted after he published an article in the *Journal of the American Heart Association* that questioned the appropriateness and effectiveness of affirmative action programs. The *Journal* officially “deplatformed” the article, which is only available with the overstrike, “Retracted Article” on each page.

Freedom of speech, and with it, freedom of the intellectual, is one of the glorious achievements of Western Civilization, though Western Civilization has often failed to cherish it. The malaise André Malraux sensed in 1949, when he observed, “Western Civilization has begun to doubt its own credentials,” has a new force, perhaps even virulence in our times. The freedom to think daringly and to discuss daring new ideas is a hard-earned freedom. It takes a conscious will to preserve it. It would be a tragic coda to the great work of America, to the heritage of the West, if in

pursuit of equality and social justice the nation compromises the institutions of freedom on which human progress rests, and which have been the engines for the advancement of social justice itself.

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