

Doug Sprei:

Welcome to Higher Ed Now, ACTA's podcast on pivotal issues, trends, and leadership in higher education. I'm Doug Sprei and today my colleague Steve McGuire, ACTA's Paul and Karen Levy Fellow in Campus Freedom, interviews Justin Dyer – Director of the Civitas Institute recently established at University of Texas–Austin.

Justin was previously the founding director of the Kinder Institute on Constitutional Democracy at the University of Missouri. He received his doctorate in government at UT-Austin, and in addition to running the new institute, he is a professor in the university's Government department. He brings an impressive record as a scholar and teacher with expertise in American political thought, and his leadership experience is sure to animate the Civitas Institute's focus on areas including constitutionalism, limited government, free enterprise and markets, and individual liberty.

Steve McGuire:

Justin, welcome to the podcast.

Justin Dyer:

Steve, thanks for having me.

Steve McGuire:

So you've just started as the director of a new institute at the University of Texas at Austin, the Civitas Institute. Can you tell us a little bit about the institute and what you hope to be able to do there?

Justin Dyer:

Yeah, I'm excited about it. I had an opportunity to return to the University of Texas after being gone for 13 years. I did graduate school there and had been teaching at the University of Missouri for the last 13 years, and then had an opportunity to come back and help build this new institute, called the Civitas Institute. And the Civitas Institute is focused on the ideas, institutions, and economy of a free society. It takes its name, Civitas, from the UT motto, which the anglicized Latin on this is *Disciplina Praesidium Civitatis*, literally discipline is the guardian of the city. And it was a phrase that was a condensed Latin rendering of one of the old presidents of the Republic of Texas, who said the cultivated mind is the guardian genius of democracy.

Justin Dyer:

And so there's a kind of built-in civic education component to public higher education. This is one of the original purposes of having public higher education. And so we wanted to really capture that in the name for this institute, the Civitas Institute, and focus in on something that I think is a core purpose of a public institution of higher education, which is to focus in on the idea of a free society and how we maintain it over time. And we've tried to link those things, we'll talk more about it today, but try to link those two things of civic education and liberal education together as a kind of core purpose of the university.

Steve McGuire:

Yeah. Let's turn into those in a minute, but first maybe could you just tell us a little bit more about your background? I know you've been director of another center institute prior to this. Maybe just talk a little bit about how that experience has prepared you to become director of the Civitas Institute.

Justin Dyer:

Sure. I have a PhD from UT in government and my two sub-fields were public law and political theory. And my academic interests are in constitutional law and political thought with a focus on the natural law tradition. I had been teaching at the University of Missouri right after having my PhD here at Texas and had a great opportunity that came across the radar screen there to help build an institute called the Kinder Institute on Constitutional Democracy. And so that was, and still is there, it was an interdisciplinary project focused mainly on political thought and history, bringing together faculty from across those disciplines on campus, hiring new faculty, building programming, building curricula. And we have now a major in constitutional democracy and a master's degree in Atlantic history at Mizzou through that institute.

And that process of building from scratch, starting from nothing and figuring out how to work through the bureaucracy, to get supporters, both off campus and on campus, and successfully build an institute like that, I think has prepared me for this moment, which is coming back to UT where I have friends and colleagues, and trying to work with them to build a new institute that's going to bring together people from across multiple disciplines. It'll have a slightly different focus, focused in on not just US constitutional democracy, but focused in on the idea of a free society. And drawing heavily, I think, from government, philosophy, economics in a kind of vision for a curricular program that'll be PPE, Philosophy, Politics and Economics.

And so that's the idea and that's where we are, but we are starting, again, from scratch. We're kind of at ground zero and just a few weeks into the project, but hoping to build and really optimistic about what we'll be able to do here.

Steve McGuire:

That's great. So you mentioned both liberal and civic education. Let's maybe take those one at a time. Let's start with liberal education. What do you mean by liberal education and why do you think it's important?

Justin Dyer:

Liberal education is an education for a free person and it goes back to this classical idea, and liberal of course, coming from that root word in Latin that means free. And it's the idea of the kind of education that is appropriate to a free person. And that idea, if we connect that to civic education, civic education is the idea of educating for citizenship in a particular kind of regime. And those two things have been linked in the US historically. One of the first public universities, University of Virginia, if you go and look at the original founding document, the trustees got together at a tavern and they wrote the Rockfish Gap Report and they laid out what the curriculum would be. And part of the idea is it lays out a liberal education, but heavily focused on civic education. And so it's about government, political economy, the law of nature, and the law of nations, history interwoven with politics and law, something like that is how they laid out what the curriculum would be.

And the purpose is to educate people who will be future public servants, public leaders. And so they're thinking about, "We are going to draw from the citizens of our state. They are going to come into this public institution supported by public dollars, and then they're going to go out and be leaders of this community." And so we want to both educate for a free society, what it looks like to live in a free society and have a heavy component of that to be focused on what we would traditionally think of civic education. And those two things, I think, are linked and can be linked in really fruitful ways in this whole effort toward higher ed reform that we're engaged in right now.

Steve McGuire:

So when you talk about civic education, you don't necessarily mean just civics per se, the teaching about our institutions and that sort of thing, although it would probably include that, I imagine, but what else at a university level do you include in the idea of civic education? Like what should future citizens be able to do?

Justin Dyer:

I think there's a few different components. Hopefully, and we're probably not doing this well right now, but hopefully students would come to the university with some civic education already from K-12. And so if we were doing that well, you would get the really basic bread and butter answers to how our institutions operate. And you would hope students would have that, but I think we have to do a little bit of that in higher ed still, it would be good for students to take basic courses on American government, basic courses on micro, macroeconomics, basic courses on logic, things like that, I think would be really important for civic education.

Beyond that though, civic education also points toward the habits and the virtues that are necessary to sustain a free society. And those kinds of things, I think, go off away from simply disciplinary subject matter courses and the kinds of virtues that you would want to see. And so I'm thinking here about the whole orientation of a university toward the pursuit of truth requires certain norms. And those are norms of civility, they're norms of truth seeking, they're norms of openness toward various arguments, respect for each other, the free exchange of ideas, free speech, free deliberation, rational inquiry.

And I think if students are accustomed and habituated into that kind of culture in the university, as they're seeking the truth, and as they're pursuing a liberal education, that also functions as a kind of civic education, it helps to prepare them for the life in a constitutional republic and a life that involves pluralism, and disagreement, and different opinions. And so I think that's an important part of what a civic education would look like for universities right now.

Steve McGuire:

Okay, great. And what is your assessment? You mentioned at the start of your answer there that maybe our universities aren't doing such a great job these days at providing a liberal and civic education, and even our K-12 schools for that matter.

Justin Dyer:

Yeah. I was reflecting on the K-12 situation and I think anybody who's teaching at the university would probably say not all of our students are coming to college prepared and not all of them are prepared with knowledge of our institutions. And that's a really basic observation. You could see Jay Leno or

whoever it is, doing a man-on-the-street quiz and asking questions. And it turns out we don't know a lot, actually, about how these institutions work. And so I think it's a really important task for us at the level of higher education to focus in on a deep understanding of the reasons why these institutions exist as they do, how they operate, what their design is, what underlying theory of human nature goes into creating them. And then we can have critical assessments, but before you criticize, I think you have to understand. And so seeking understanding is what we should do in higher education.

At the higher ed level, I think there are all sorts of different reasons why this is dropped out as a central focus of the curriculum and not all of them nefarious. We have a university now that's hyper specialized, we have disciplines that are hyper specialized, faculty who are rewarded for pursuing narrow questions. And we are also fragmented at a large public state university, like where I am, and really all I've known throughout my career in higher ed. We have departments that are often separate from one another, you're usually not talking with other people from different disciplines on campus on a regular basis.

And so these kinds of multidisciplinary centers can, I think, fill an important function at the university. It brings people together across disciplinary barriers, it helps to develop a curriculum that's focused on big questions, big ideas that are not always the core area of somebody's research agenda. And so we can have a PPE to grow program, for example, we're thinking about big questions in politics, philosophy, and economics together across disciplines to get people talking to each other. I think political theorists and historians or economists and political theorists or whoever it would be, talking together about these important questions. I think that's always important, having the law school engaged with the undergraduate community on campus is important. All sorts of things that we can do through these multidisciplinary units that we just aren't doing well with the structure of the university as it is right now.

Steve McGuire:

Yeah. In ACTA, we have a program, the Oases of Excellence that includes a bunch of centers and institutes. Kind of like the Civitas Institute at universities and colleges. We recognize them at colleges and universities around the country. And that kind of gives you this image of, here's this intellectual oasis in the midst of a kind of desert.

Justin Dyer:

Right. Right.

Steve McGuire:

And yeah, so what kinds of things can an institute like the Civitas Institute, so you've already started to suggest a few things, but what sort of things do you think you can do specifically or concretely to try and improve the university's overall commitment to liberal and civic education?

Justin Dyer:

I think some of it is just simply modeling it for the students that we have. It's just doing it. There's an easy way in which you can talk about free speech, you can talk about intellectual freedom and intellectual inquiry, or you can do it. And so rather than simply talking about what we want to have happen, we just simply model it for everyone. And so that can come in all sorts of different ways. It can come by pairing people together in a discussion or debate on campus, it can come with inviting speakers

who are talking about issues that aren't normally given a lot of attention on campus. And I think important topics that might not be the bread and butter of a department lecture series.

For example, you can try to bring people together across these disciplinary boundaries in all sorts of ways. It might be hosting a major conference on a really big question, the future of liberalism, post-liberalism, where we're going with this whole constitutional order and getting people to talk to each other across these different boundaries, whether it's law professors, and historians, or political economists. And I think something is really fruitful about that and is not often taking place within the structure of the university as we have it without these centers that are popping up all over the place. And I think it is really a promising sign.

Steve McGuire:

Yeah. Yeah, it is. So one reason that some of these centers pop up is due to concerns about things like freedom of expression, or also a somewhat separate matter, but related, viewpoint diversity. And I wonder if you have any thoughts on the state of freedom of expression or viewpoint diversity on American campuses today?

Justin Dyer:

I think people from the outside looking in, don't often realize that the university is itself one big diverse place, and there are different disciplines throughout the university, different departments, schools, colleges. And I think we would have to have a kind of precision in thinking about the problem of intellectual diversity on campus. And I think it would look different as you went college by college, department by department, discipline by discipline, because of the norms that they have, the journals that they publish in, the hiring practices, the historical development of those disciplines.

So the ones that I know the best are in liberal arts and in my areas, I've been in government department. And so political science looks different than other disciplines, but as a whole, I'd say this, if you look at the research, the political asymmetry that you see on campuses has gotten much, much worse over the last 60 years. And so in the 1960s, it was maybe 2 to 1 liberals to conservatives on campuses. Some of the most recent research, John Ellis is one, Jon Shields has done some work on this, but they'll show that the political asymmetry now is about 12 to 1 on average on campus, but in certain disciplines, it's much worse than that.

And so if you look in sociology, for example, religious studies, and then English, some of those disciplines, it might be something like 33 to 1. And so when you have whole disciplines where maybe 2%, 3% of the faculty identify as conservative, then you have a real challenge, I think, with intellectual diversity in that context. And a real challenge about how do you move forward in terms of trying to remedy that. And I think there are a few things that we can do. And one of those things is to rearticulate the value of intellectual diversity. Why exactly is that important for higher education? Why is that important for this mission?

And I think of James Madison and Federalist 10, when he says that as long as the mind of man is fallible and he's at liberty to exercise his reason, then we're going to have different opinions. And so those two things, I think, both this conception that the human mind is one that can pursue, and understand, and come to a knowledge of the truth, but also is fallible. And if we're free to pursue the truth, we're going

to come to different opinions. And so if we have a university oriented around that, the norm of free inquiry and a common pursuit of the truth is the purpose of the university, it just is the case that we're not all going to agree with each other all the time.

And so that can be a valuable thing and it's a valuable corrective. If you're in a community of people and you don't think everyone agrees with you, it sharpens your arguments. You have to be on your toes more, you have to be ready for criticism, you have to anticipate other perspectives. And I think we grow and learn from each other in that environment and we need to value it more and make it a deliberate part of how we think about creating communities at the university.

Steve McGuire:

Yeah. In your experience, have you heard from students on this kind of thing? Do students notice the lack of intellectual viewpoint diversity among the faculty or even amongst themselves? And do they notice that it's having an impact on their experience while they're at college?

Justin Dyer:

That's an interesting question. I don't know. I don't know if there's any one answer to that. My sense of things is that students, particularly conservative students who may think that their liberal arts faculty lean left, are more likely to self-select out of those courses. And so, my experience has been a lot of times, there are politically conservative students who may be even involved in politics in some way, who tend toward engineering, or chemistry, or some discipline that's perceived as non-ideological. And so there's probably some self-selection that goes on with respect to that.

Steve McGuire:

Right. Right.

Justin Dyer:

The other thing is, as we're thinking about students and faculty in this idea of censorship, the other phenomenon that probably doesn't get enough attention is that faculty are terrified of saying the wrong thing in the classroom because of how the students will react. So there's this new phenomenon, I think, where it's actually, sometimes the arrow goes the other direction, where the students are policing speech by faculty, and faculty are really worried about saying the wrong thing and being on the wrong side of student complaints or student protests.

Steve McGuire:

That's right. Yeah. And as a teacher, you're always, in the back of your mind, you can think of the student course evaluation that's going to come at the end of the semester. On one level, it's obviously totally fine. You want to hear feedback from your students and what they liked and didn't like, and how you can maybe improve the course for the future. But at the same time, if there's an atmosphere on campus, where these kinds of mechanisms can be used to potentially even try to punish somebody for something that you didn't like that they said, it can be a harrowing experience or thought. Yeah.

Steve McGuire:

So looking at the universities from the outside, I think it's fair to say that certainly from the more conservative perspective, there is this increasing belief that a lot of our colleges and universities are left-

leaning. You yourself are saying like, you look at the distribution of partisanship among faculty members and that sort of thing, especially in a lot of liberal arts fields, it's quite striking, these numbers. And there is this sense that the universities are... They're a political player, basically, or they're a partisan player.

And so, especially from Republican legislators, there are efforts to try to curb certain elements of the universities that they don't like. There's these anti-CRT bills that are being proposed around the country and that sort of thing. And what is your assessment of that perception? Are the universities kind of that partisan? Are they in the tank for one side politically? Even if they're not fully, should we be concerned about this from the standpoint of the American public generally?

Justin Dyer:

Yeah, I think that every university is different, so you have to take it one at a time. They all look different, so I don't know if there's anything like an American higher education at large, but if you go institution by institution, there is a problem. And we've talked about that, that historically you've seen that kind of asymmetry. And that's a challenge for all sorts of reasons, but it's a challenge, I think, for what it does to the faculty members in terms of their own discipline and the standards of research, and the way in which we confront arguments. I think it's a challenge for the students who do perceive that kind of trend among the faculty. And it's a challenge for everybody on campus, given the relationship that we'd hoped to cultivate with the community outside of campus.

And particularly in those red states with red legislatures who are looking in at the university and have that kind of perception, I think it's an important thing for universities to acknowledge where the challenges are and try to address them as best as they can. And then, in the world of public higher education, particularly when it's a creature of the state legislature, and it's a public institution with a purpose for serving the public, to try to do that and do that well, and address concerns where they exist.

In terms of the university, though, if you're looking at it, Jon Shields points this out in this article that he wrote in National Affairs, there's a clustering effect of faculty in certain institutions as well. So even those numbers that we're looking at, if you say that generally, it's 12 to 1, to the extent that you can even get accurate numbers on this, 12 to 1 liberal to conservative, it's going to be different in disciplines. You've got a petroleum engineering department and you have a forestry and wildlife department, veterinary medicine, and agricultural economics, and all sorts of things that may look very different from some of the liberal arts disciplines or the education school, for example.

And so the ideological leanings aren't just monolithic in the university as a whole, but then you also have certain institutions like Hillsdale College or somewhere that's going to have more conservative faculty. And then the clustering of more liberal or progressive faculty at places like Williams college, I think Jon Shields showed that the partisan affiliation just from party registration there is like 132 to 1 at the entire university. And so that's a real challenge and that's a real thing, and something that we should be willing to address.

Now, the question is how do we address it? And we can do that in different ways. And I think one valuable way is to try to get back to what a university should be. And that's a place where smart and interesting, intellectually curious people give each other reasons for the opinions that they hold. And they're part of a community that's oriented toward the discovery of truth and wisdom in terms of how we live. That just is at odds with the idea of a university as an activist organization or one that's oriented

toward political activism. And so I think we need to both focus on and get back to that core idea of what a university is about, try to model that well.

And I think that's a project that people of good will from both sides of the political spectrum can be a part of. And so there's no need to try to create a right wing version of the left wing university as a counterbalance or something like that. I think the goal is rather to get back to the core mission of higher education and what it should be, which is not political. And to the extent that we're talking about partisanship, I would describe it as pre-partisan, that prior to our partisan disagreements and divisions, we should have some unified inquiry and understanding about the institutions that form part of our common life.

Steve McGuire:

Right. Right. But there does seem, at a lot of our institutions, to be a focus on, for instance, you mentioned being a sort of, I think you mentioned social justice, but like being an agent of social change or change agent in society. And so, even the way that universities market themselves these days in many cases sort of focuses on things like that, what kind of impact can we have? And maybe, I don't want to put thoughts or words in your mouth, but for the Civitas Institute, you might say like, "Well, we could have an impact too, but it's by preparing students to be thoughtful and engaged citizens, and then they can decide which political party they're going to belong to or not and think about these things."

Justin Dyer:

Right.

Steve McGuire:

But a lot of the marketing sort of focuses, I think, certainly some people would argue on sort of a more progressive view in the broadest sense of continually sort of progressing on social justice issues. And then you see that being built into the institutions and the programs within them, so that even say like a business school where you might historically expect to find some of those conservative students you were talking about who are sort of self-selecting like, "All right, I'm not going to go argue with a bunch of people about Foucault in an English major. I'm going to go and learn about finance or something like that. And I'll take whatever core classes or liberal arts requirements I have to take. Sure, but I'll just focus on this and keep my head down and get that done."

But now, business schools have offices of diversity and equity inclusion, or they encourage projects that have to do with social justice, or they focus on things like ESG in the investing world, so that even those programs within the university in a lot of cases, have a kind of overt tendency towards a certain view of things.

Justin Dyer:

Yeah. And that's a real debate going on. Jonathan Haidt is really good on this in terms of the fundamental choice that you have with respect to an academic organization about what its telos is, what its purpose is, what is it oriented toward? And the idea that is that, either this is an institution that's oriented toward inquiry, and then all sorts of norms follow from that, or it's an institution that's



oriented toward changing society in some way and there are all sorts of norms that flow from that. And often those norms are contradictory, but you can't be both. And my view on this is that as a part of academic freedom and as a part of what it means to be a faculty member and have this vocation, that you should be free to speak your mind about issues of public concern, you should be free to engage in that process if you want to be involved in the political process in some way.

But the educational task, the role that we have as educators, is not that, it's not a political task. And if anything, as I was mentioning, I think it's important in a self-governing Republic. And so it has a political connection, it's connected to this whole political regime in which we live, but it's prior to those partisan disagreements, or should be hopefully. And you have a choice there. And I think that choice plays out in if you're a really large bureaucracy, University of Texas has something like 75,000 people on campus. And I don't know how many different units it's organized into. Each unit's going to be making decisions about that. And so you'll see those units making a decision about the fundamental orientation of that unit, but a lot of the things that you mentioned are actually happening outside of the academic units.

And that's something that people don't often realize from the outside looking in, that a lot of times faculty are pretty focused on their research. They genuinely are supportive of free speech, they don't want to cancel people, they want to be able to have a classroom environment that's open, that people can talk to each other, they're not heavily invested in a kind of activist mission. Now, that's going to be different. You can certainly point to different people across campus and it's probably different to different units, but by and large, I think a lot of the challenges that you identify and that people are looking at from the outside looking in, are not originating with the academic units and with the faculty on campus, but they're originating elsewhere. And kind of non-faculty, non-academic units that take it as a mission, a kind of social justice, the mission built into what they're doing. And so that's a challenge for us right now, I think, as we're thinking about this whole project of reform.

Steve McGuire:

Yeah. Well, I wouldn't want to completely let the faculty off the hook, but I think that is a very good point and that there's a long conversation to be had there about how universities are governed and how many administrators they employ now, and the impact that that has on the very sort of character of the place and the way that it's not only governed, but the way that people sort of learn to interact with one another based on the various offices that they deal with and the procedures that those offices use and that sort of thing.

Justin Dyer:

I was out at Ashland University last year, and they've taken it as their motto, teaching students how to think, not what to think, and as a kind of orientation of the university as a whole, whether or not that plays out in all parts of the university, I don't know, but that does seem to be what you're going for. And that actually, there's this old essay by Dorothy Sayers about liberal education, *The Forgotten Tools of Learning*, is what it was called. And it's almost verbatim from her. She says that the true end of education is teaching people how to think, not what to think. That there's this idea of the tools of education. And I think that's ultimately what liberal education was about. That's a classical understanding of liberal education that there are these tools of learning.

And now we talk about critical thinking skills or something like that, but you are really trying to teach people through the old idea of the trivium and the quadrivium, you would teach them actual skills that

they would use to learn. And so, a lot of times we talk about things that being a lifelong learner or something like that, that sounds kind of empty, but there's something about that, that this process of education is a journey that you start and continue beyond with the tools that you pick up throughout the process. And I think we're not going to do that well, we're not going to equip people with the tools of learning if we approach education as though it is the uncritical acceptance of dogma that you'll take, and then you'll carry that with you to go engage in some project in society as a whole, the idea is really equipping people with the ability to learn and to engage in education itself for its own sake. And these are the different visions, I think, that animate the different parts of the university right now.

Steve McGuire:

Yeah. Yeah. I'm thinking again of sort of the broader role of our universities in our Republic. And there's obviously been for years now, a lot of talk about increasing political polarization. I think we see increasing distrust of our institutions, our elite institutions, including our universities. And I think in a lot of cases, the responses of those institutions or the people who work within them is to try to, in some way, reassert their authority without necessarily reestablishing a basis for it that people can trust. And in a way that maybe further advances the problem of political polarization and of distrust, but part of what you're saying sounds to me like you would expect our universities to be one of the key antidotes to this problem of political polarization that you would offer people a sort of pre-political education, teaching them how to think, teaching them history, teaching them the principles of the country, etc., etc.

And that this would perhaps diffuse some of the problems that we're experiencing more generally in our society today. But to some degree, at least, and in some places, what we see is an increasing politicization of the university. And that is then sort of playing into one of the basic causes of this problem, at least I think, which is that politics comes to be the window through which we see almost everything. So you hear stories about how people can't be friends any longer if they have different political views. People these days say they would never marry somebody who was a member of a different party. Those sorts of things. Does that seem accurate to you? Do you see that our universities are in a way sort of either caught up in this problem in some ways or continuing to fuel it when in fact they have a sort of natural role to play in diffusing it or improving this situation?

Justin Dyer:

Yeah, this debate's been going on forever in America, in terms of the universities, they say forever, at least since the middle of the 20th century. William F. Buckley wrote *God and Man at Yale*, bemoaning the faculty at Yale. And of course there were the wars in the 1980s about Western civilization and the core curriculum. And there were all sorts of debates in the '90s. And I was going to, as an undergrad, going to university in the early 2000s. And so I've kind of experienced this in a way. I just lived through it where you see the rise of social media. And I think arguably one of the things that has polarized us more as a society, and you see then a generation that grew up on the iPhone, they grew up with Twitter, and they grew up with Facebook, and all of these things. And the polarization that takes root.

And then of course the just galvanizing effect of the 2016 election. I think a lot of people... You kind of felt that on campus, there were a lot of people who kind of gloves came off and there were not in the mood to work together anymore. And you just had a lot of division. And the campus is not immune from that, the campus is part of this broader society. And so you have those siloed divisions that are real, that are reflected on campus. And I think it takes work and attention if you're especially a public university, you exist to serve the citizens of your state, and the citizens of your state are going to have different

views on things. And I think if you can try to create an educational environment, which people genuinely are truly welcome, that they're welcome to be there, that they have a place there that they can learn and be educated.

But in order to do that, to set up the university that way, you can't be neutral on these questions, you actually do have to take a side in a sense. You have to decide that this is a vision of what education is, and this is a vision of how we're going to conduct ourselves. And we are going to have certain norms about free speech, and civility and freedom of inquiry. And we're going to have reason and evidence as the coin of the realm for intellectual debate. And we're going to have, I'm reminded of former department chair that I had, he used to like to say that it is better to have questions we can't answer than answers we can't question. And so I think that kind of spirit needs to infuse the university in terms of what it is and what it's about. And there are certainly pockets and places where that is true.

And I think largely has been my experience as an undergraduate student, as a graduate student, as a faculty member, I've had a pretty good experience in the university, and I've been able to pursue my research, and take on difficult questions, and ask difficult things, and try to pursue the evidence where it leads. And so that's, I think, the thing that attracted me to higher education, that's why I'm still in it. That's why I'm doing what I'm doing is because I've really enjoyed that. And I've seen the benefits and the fruits of a liberal education. It changed my life. And so that's why a lot of us are doing this. And so we've had mentors and people who were a big part of our life. And we want to do that again. And I think preserving what's good about and what's working well, and improving upon that is, I think, what's called for in our moment.

Steve McGuire:

Yeah. So in terms of free expression, I mean, over the course of your career as a student and then a professor, I mean, have you noticed a shift in people's approach towards free expression or a sort of increasing lack of tolerance for it in certain ways? You mentioned earlier that faculty members, teachers in particular, seem to be sometimes afraid that they might get a complaint or something like that from a student that could harm them. And if you have noticed a change, how would you characterize it and what do you think is causing it?

Justin Dyer:

I think the change that I've noticed is societal that we have, I think, certainly changed as a society in a fairly short amount of time. It would be interesting to go back and actually try to track when these things happened, but it does feel like we turned on a dime somewhere in the last seven years, six years, where there was a real shift, it feels like. And of course the commentary everywhere now is about censorship, and cancel culture, and all of that. And I think that's real, those are real things in our society that are going on right now and things that we need to think about. And then, think about how that affects what's going on on campus, but in terms of what's going on on campus, sometimes there's this simplistic narrative that the ideas on campus couldn't be contained and they jumped out of campus. Now they're infecting society as a whole.

Steve McGuire:

Right. Yeah, yeah, yeah.

Justin Dyer:

That might be true, but it wasn't true of my experience in the world of political science. A lot of my, if I went around and asked my colleagues, "Have you ever assigned students an essay on safe spaces or something like that?" And talk about this, basically. I think they would also know, "No, we don't talk about that in the classroom. We're assigning texts on the Federalist papers and constitutional law or comparative politics and journals, or whatever it would be. So I think a lot of that wasn't actually coming from my corner of the university that I know well, not coming from the classroom. I think it was coming from other places.

Steve McGuire:

Okay. When you're teaching, when you're in the classroom and you're dealing with a controversial subject, something that you expect your students will be, maybe some of them will be fired up about it, or others will be reticent to speak about it, how do you approach a topic like that?

Justin Dyer:

I have the benefit of teaching constitutional law, which has a kind of built-in way to do that. And the built-in way to do that is you have students read the majority opinion and you have them read the dissenting opinion, and you have them try to understand and articulate the reasons that are being given for the positions that people are holding. And so, in some ways I really like constitutional law as a way to model how this works. And it's the one institution in our government that we have that, on a regular basis, gives reasons for the decisions that they make and has a sustained argument over time about the reasons for the things that they're doing. And so, in the course of a semester, we might talk about the death penalty, and abortion, and religious liberty, and same-sex marriage, and a host of controversial topics.

And to the extent that you can get students to really think through here are the issues, here are the reasons for this opinion. And here's somebody who also has a really good education, who's well credentialed, pedigreed from an elite Ivy league institution who disagrees, and here are the reasons that they're giving for their disagreement and the dissent or in the majority opinion, whatever it is. And getting them to walk through that, I think is a way to take away some of the kind of raw polarization or emotion that might go with discussing these hot-button issues in the classroom. And I've had success doing it that way and I think the students benefit from having to step back and not simply give their opinion or emote about how they feel about something, but actually try to think through and reason through the issues that are at stake.

Steve McGuire:

Yeah. Although there is a narrative out there that when you focus on say free speech or something like that, that it's a kind of cover or justification for discussing somebody, some idea, or policy, or what have you, that impacts people in different and disproportionate ways. You could imagine, maybe you're going to have to go into the classroom this year and talk about abortion again, and now there's the Dobbs decision.

Justin Dyer:

Yeah. Right. Right.

Steve McGuire:

And you look at the response to that and it's like, well, a lot of women and others who are pro-choice are going to look at that decision and say things like we've seen in the news and on social media, that you're taking rights away, this is an attack on women, etc. And so they don't really see it as a matter that is up for free and civil debate or discussion, but really, it's a political battle that matters deeply to them in a way that they don't want to just have a conversation about it, maybe. I mean, have you ever had an experience like that or do you anticipate how you would deal with maybe a student or a couple students who felt that way about something like that?

Justin Dyer:

Yeah. Well, that example might hit close to home. We'll see.

Steve McGuire:

Yeah.

Justin Dyer:

We'll see how that discussion goes in the future. My basic position on that, and I would hope students, whatever their opinions are and whatever their activities are in terms of activism outside of the classroom, they're free to go and engage in political activism, and protest, and do whatever they would want to do, but I would think for the purpose of that exercise in the classroom, is to read Justice Alito's opinion, to understand what he's saying, to understand the history and the backdrop of that opinion, and then to be able to read. And a lot of people might be deeply offended by some of the things they read in those opinions, Justice Thomas as a concurrence. And he's suggesting that we should go and revisit all these other cases and let's read that, let's think about it.

Why should we do that? What's the structure of the argument that would make them right for revisiting? All of that. And then read the dissenting opinions in the case, and try to just explore that. And not even necessarily making the exercise about deciding who's right or wrong, but simply understanding this really important political issue and legal issue in our society and how it's being dealt with by the Supreme Court. I think that would be the baseline thing that you would want to accomplish in the classroom. And that's something that is going to be valuable for every student to be able to do, to be able to understand and articulate the reasons for the positions that people take in those cases.

And then from there, you can move on to criticism. You can think about why you agree or don't agree. And I think it's in that context that you're going to have some of the tense classroom discussions that you'd have. And I think that's good. I think it's good for students to be able to have those debates as well in the classroom. And it just does require people who have a respect for each other enough to have that debate and to have a respect for the classroom itself, enough to have that debate and to do it well.

And I think you're right, you point to something which is, well, what if a student's not willing to do that? And that is a challenge. I haven't had that, I haven't had a moment in class where the classroom discussion gets derailed to the extent that it can't keep going anymore because a student alleges that the mere discussion itself is problematic, but yeah, I should game that out and for the future and think about that, because it is a real challenge. And I think it highlights, you were talking about freedom of speech and the criticism of freedom of speech.

So one of the criticisms that you get freedom of speech is that these ideas themselves are dangerous or these ideas themselves are a way to wield power, to maintain power structures or something like that. And so in the face of that kind of criticism, I think we do have to offer arguments for why freedom of speech is genuinely valuable and genuinely leads to the well functioning university, according to a purpose that is good. So we have to be able to defend it and not simply, as is often the case or has been in the past, not simply defended on the grounds of value neutrality. So we're neutral with respect to questions of value or the good. And so therefore everybody gets to say. I don't think that works anymore, to the extent that it ever did.

I think we actually have to have a positive vision rooted in a vision of what a good society and a free society looks like, that gives an argument for why free speech is valuable and why it's desirable, and actually meet that argument. Because without that, if we fall back on some idea that, well, we just don't know. And so we have to be open to all ideas. Well, if the idea that you're open to is closing down debate and discussion, then all of a sudden, game over.

Steve McGuire:

Right. Yeah, so free speech is a means to an end in a way. And so you have to reflect on, "Well, what are the ends that we're pursuing that make free speech so essential?"

Justin Dyer:

That's right. And that's why I think this fundamentally important question of what a university is and what it's for, is the first thing that you have to answer before you get to the norms of a university, the way of life of that community that is oriented toward its end or its purpose. And if we have fundamentally different answers to the first question, that foundational question of what a university is for, we're going to end up in really different places about what the community should look like and how it's oriented. And that's why I think this emphasis on truth seeking and seeking of wisdom, that is the purpose of a university. It's an institution in a community oriented toward intellectual life, which then from that is going to flow norms of open inquiry, reason to debate, and discussion, civility. All of those things are going to flow from that original purpose.

But if we have a different, if we begin with a different purpose in mind, those norms are up for grabs. And I think that's where we see a lot of the criticism right now of those things that used to be taken for granted and really aren't taken for granted anymore.

Steve McGuire:

Right, right. Yeah. No, you do see that and that's important to recognize, and that is kind of a meta problem that we need to wrestle with as we think about things like free speech, and intellectual diversity, and that sort of thing. So, in terms of moving towards a conclusion, if you were in charge, I won't say for a day, because it takes longer than that to move a university administration. But if you had a certain length of time and you could make improvements to a university in order to make it look more like what you think a university ought to be, what are some of the sort of key... You couldn't do everything, but you could do some things. What do you think are some of the key things that you would do to improve liberal and civic education as well as freedom of expression, intellectual diversity, etc., on a campus?

It's such a challenging question, open ended in terms of how we would approach the university. And I think what makes it challenging is that leading at a university is well, one, it's a very complicated organization. So if you were looking at it from the top, you've got a major athletic conference, probably the major regional hospital, you have then this academic enterprise, you have all sorts of things that you're worried about. And then you have legislative relations, and crisis communications, and just everything packaged into one thing. But also it mirrors in some ways the challenge of political leadership generally. And it's this, that if you live in a regime, a Republican government, you have to cultivate the consent of the governed. And if you can cultivate the consent of the governed, that rules out leading by dictate. You can't simply impose by force, solutions on the rest of society. You actually have to try to persuade.

And in order to persuade, you have to talk to people, give reasons, develop relationships, and then to try to move things in a positive direction. So if you were doing that at a university as a whole, it just wouldn't be a matter of reorganizing from scratch, although that is a really intriguing possibility. You see these efforts that are now popping up to start new universities. And it's a really interesting, I think that's a different thing. So if you were starting a new university from scratch, you might develop it in a very different way than how you might reform an existing longstanding institution.

But in terms of those existing longstanding institutions, I would focus much more on the academic mission and I would try to minimize the extent to which we're focused on things that are outside of the academic mission. I would try to give more resources to those academic units, try to create a method by which you can reward people for good work, good scholarship, good teaching. I would think about the whole system of tenure that we have right now. I don't think it's wise to get rid of tenure given the place that it holds in higher ed as a whole, but I think there are really serious questions we could ask about the incentive structure that we have for an academic career arc. It is this very strange, you get hired, you have this path to tenure for six years, and then after that, the incentive structure, depending on where it is, could lead you to a place when you see it all across the university, lead you to a place where you're not really as productive as you should be.

And the idea of academic freedom, which I believe in, and should be protected, is different than the idea of just having a lifetime job protection and an ability to not engage in your work to the level that you should, to a level of excellence. And so trying to really think about how you put resources in the hands of faculty and students, and reward people for doing the work that they're doing, and try to minimize some of the other things that are going on campus that are external to that academic mission, but the devil's in the details. So how do you get there? I think is going to be different institution by institution. And it's going to take really detailed knowledge on the ground of the culture, and people, and history of that institution to try to move the ball in the right direction.

Steve McGuire:

Yeah, that's for sure. So you've just joined UT Austin, again, you're just starting as a director of Civitas Institute. So what are you planning? Do you have any events planned for the fall and spring? I know you're right in your infancy here with the institute, but what do you have planned?

Justin Dyer:

Yeah, we're right in the infancy. So there are several things that I would like to do this year. One thing that I would like to do is develop, and we're in the process of doing that, developing a series of events, robust event calendar. And I hope we can announce that here in the next month or two. We'll also try to put together a group of affiliated faculty and a group of non-residential fellows nationally, who will be associated with the institute. And we hope to announce that group here shortly as well. And then, the two big things, I think built into the mission of this institute will be thinking about and working toward developing a curriculum, that'll be associated with the institute. And I think that'll be an important thing to make some progress on.

And then the other is recruiting people to join the endeavor. And that will be post-doctoral fellows, having some graduate fellows, but then also trying to work to recruiting new tenured track faculty to UT to be part of this. And so that'll be in terms of big picture goals for the year ahead, I think those are the main things in terms of engaging the campus community and having people who join the mission and then putting together a solid recruitment strategy. So I hope in a year we can talk again and I'll have some things to report on that front.

Steve McGuire:

Yeah, that's great. That sounds excellent. And I wish you well. And thanks for joining us on the podcast today.

Justin Dyer:

I appreciate it. Thanks, Steve.