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BOOK REVIEW

DO UNIVERSITIES MEET THEIR DEMOCRATIC OBLIGATIONS?

WHAT UNIVERSITIES OWE DEMOCRACY.

Ronald J. Daniels with Grant Shreve and Phillip Spector. Johns Hopkins University Press, 2021. 322 pp. (ISBN-9781421442693).

NEIL FULTON†

Few forces have had so great an impact on modern history as democracy and universities. Much of modern history can be summarized as the battle for democracy over illiberal forms of government.¹ Democracy is uncertain and not self-sustaining, however.² It requires the commitment of individuals and institutions within a society to survive.³

Universities have historically been looked to as institutions that can support the democratic enterprise. British prime minister Benjamin Disraeli opined that, “[a] University should be a place of light, of liberty, and of learning.”⁴ Ronald Daniels, president of Johns Hopkins University, has written a book that argues for the central role of universities in supporting modern democracy.⁵ Along the way it traces much of the history of American universities and the forces that have driven their development.⁶

Daniels candidly acknowledges finding motivation to write *What Universities Owe Democracy* in his personal history. His family fled Nazi genocide for sanctuary in democratic Canada.⁷ He has spent his working life in universities.⁸ From this life experience he has produced a book that articulates his animating belief in universities as critical supports to democratic societies.⁹

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1. See, e.g., MADELEINE ALBRIGHT, *FASCISM: A WARNING* 207-09 (2018) (describing the unique place of the United States in the world as a bastion of democracy in the face of authoritarianism).

2. See, e.g., STEVEN LEVITSKY & DANIEL ZIBLATT, *HOW DEMOCRACIES DIE* 2-6 (2018) (describing common ways in which democracy declines or is destroyed).

3. See, e.g., GEORGE PACKER, *LAST BEST HOPE: AMERICAN IN CRISIS AND RENEWAL* 8-9 (2021) (describing the “habits and skills” necessary to democratic self-governance and the fragility of their continuation).

4. THE OXFORD DICTIONARY OF QUOTATIONS 185:10 (3d ed. 1980).

5. RONALD J. DANIELS ET AL., *WHAT UNIVERSITIES OWE DEMOCRACY* (2021).

6. *Id.*

7. *Id.* at vii-viii.

8. *Id.* at viii-ix.

9. *Id.* at viii-x.

Daniels begins with a vignette about Central European University (“CEU”), a Hungarian institution founded after the fall of the Berlin Wall to assist the transition to democracy.¹⁰ CEU established a long record of sustaining democratic leaders and institutions throughout Europe, but became the target of Hungarian prime minister Victor Orban, who passed legislation to effectively expel CEU from Hungary.¹¹ CEU has endured with a physical presence in Austria, but Daniels sees more in the story than the history of one European university.¹² To Daniels, it illustrates the centrality of universities within the collection of institutions that sustain democracy like independent courts, open media, and free and competitive elections; it also suggests why authoritarian leaders commonly target universities.¹³ To Daniels, universities are imperative buttresses for democracy.¹⁴ This is the story he explores throughout *What Universities Owe Democracy*—not what democracy can do for universities, but what universities can do for democracy.¹⁵

Daniels notes two important reasons to consider how universities can sustain democracy.¹⁶ First, the world is in the midst of what many scholars have described as a “democratic recession.”¹⁷ Between 1996 and 2020, the percentage of world population living in democratic nations dropped from over 25 percent to almost 5 percent.¹⁸ Nearly one-third of humans now live in currently or increasingly autocratic nations.¹⁹ Whether defined as democracy in decline or autocracy on the march, the trend is clear and disturbing. Second, universities have a unique role in sustaining democracy both historically and by virtue of their mission.²⁰ Throughout American history, universities have met the critical moments for democracy and have been unflinchingly supported by great American leaders like George Washington, Thomas Jefferson, and Abraham Lincoln.²¹ Daniels notes that both historically and empirically university education promotes democracy; democracy and universities are, he contends, “deeply, inextricably intertwined.”²²

10. *Id.* at 2.

11. *Id.* at 2-3.

12. *Id.* at 3-4.

13. *Id.* at 4.

14. *Id.* at 8-9.

15. *Id.* at 9-10. This is, of course, a play on President Kennedy’s inaugural address statement of the obligation of citizens to their democracy, “[a]nd so, my fellow Americans: ask not what your country can do for you—ask what you can do for your country.” THEODORE C. SORENSEN (ED), “LET THE WORD GO FORTH”: THE SPEECHES, STATEMENTS, AND WRITINGS OF JOHN F. KENNEDY 14 (1988). Both Kennedy and Daniels frame their vision of the obligation of institutions and citizens with the premise that democracies require deposits, not simply withdrawals from their store of capital to endure—a recognition sadly lost on all too many far too often.

16. DANIELS, *supra* note 5, at 15, 17.

17. *Id.* at 15.

18. *Id.*

19. *Id.*

20. *Id.* at 17-19.

21. *Id.* at 19.

22. *Id.* at 20.

Daniels frames his plan for the book as a historic assessment of the changing role of universities in supporting democracy.²³ Drawing on his vast personal experience in university education and administration, Daniels identifies four key areas in which universities can support democracy: facilitating social mobility, providing civic education, stewarding and publishing factual knowledge, and sustaining a pluralistic society.²⁴ Daniels also notes his desire to “broaden our conversation about the place of the university in a democracy” beyond long-running debates about campus culture.²⁵ He notes the erosion of trust and support for institutions like universities as a cause of democratic recession and sees *What Universities Owe Democracy* as an important opportunity to explore how universities can arrest that trend.²⁶

While he begins his book with a vignette about the European university experience, Daniels describes his book as “fundamentally American[.]”²⁷ He does this in part because his most recent experience is in American universities, but also because he sees “something singular about the American experience” of the relationship between universities and democracy.²⁸ Daniels observes that universities and the United States, “came of age alongside each other,” and thus present a unique case study of the opportunities and obligations within their relationship.²⁹ *What Universities Owe Democracy* offers both a historical description of that relationship in the United States and a challenge to optimize it in order to provide an example that turns the tide of democratic recession across the globe.

I. UNIVERSITIES AS VEHICLES FOR SOCIAL MOBILITY

The first support of democracies that Daniels considers is their contribution to social mobility.³⁰ However, the “American Dream” is fully defined, a central

23. *Id.* at 20-23. He also discusses the failure of universities to meet these obligations at times. *Id.* at 20-21.

24. *Id.* at 21-22. For each issue, Daniels describes its relationship to liberal democracy before tracing the history of that connection and then identifying proposals to sustain and improve it. *Id.* at 23-26.

25. *Id.* at 22. Alas, such debates remain at least as much the focus of popular and political discussion of higher education than anything else. See, e.g., Eric Mayer, *Noem Starts ‘Whistleblower Hotline’ for South Dakota Universities*, KELOLAND (May 26, 2023), <https://perma.cc/Q9HG-V9SJ> (describing critiques of campus culture by South Dakota Governor Kristi Noem); Vimal Patel, *At Stanford Law School, the Dean Takes a Stand for Free Speech. Will It Work?*, N.Y. TIMES (Apr. 9, 2023), <https://perma.cc/TT9U-W37H> (describing controversy at Stanford Law School about student disruption of the speech of a politically conservative judge and the administration response). Political posturing and cultural warring over college campus culture can, unfortunately, have a profoundly deleterious impact on the teaching and scholarship for which universities exist. Len Gutkin, *The Overreach of Campus Administrators*, THE CHRONICLE OF HIGHER EDUCATION, Vol. 69, No. 19, May 26, 2023, at 36.

26. DANIELS, *supra* note 5, at 14-17.

27. *Id.* at 27-28.

28. *Id.*

29. *Id.* at 28.

30. *Id.* at 31.

aspect of it is that anyone can rise to higher station based on their ability and achievement. From the rags to riches Horatio Alger story to modern technological prodigies, the mythology of talented and industrious individuals rising from humble beginnings to profound achievement and wealth is ubiquitous in the American consciousness.³¹

Daniels argues that universities have been and must be engines of social mobility. He initially supports this argument with data documenting the increase in personal earning capacity that comes from university education.³² He further supports the point by tracing the history of social mobility created by American universities.³³

Social mobility through university education began more than a century before the United States did.³⁴ In 1643, Lady Ann Mowlson (née Radcliffe) endowed the first North American college scholarship for a “poor scholler [sic].”³⁵ Throughout the seventeenth and eighteenth centuries, college access was limited and financial support was primarily through private sources.³⁶ The nineteenth century saw remarkable change as the number of both institutions and students exploded and new funding models arose.³⁷ This was the dawn of American universities becoming “a genuine vehicle for social mobility.”³⁸

The Morrill Act in 1862 ushered in a major shift in public education.³⁹ The namesake of Vermont Senator Justin S. Morrill, the Morrill Act gave each state 30,000 acres and funding for schools to “benefit the agricultural and mechanical arts.”⁴⁰ These institutions were envisioned as practical and equitable alternatives to classical liberal arts colleges.⁴¹ They also led the way in advancing racial equality in education.⁴² A second Morrill Act in 1890 expanded financial support

31. Timothy S. Hall, *Harry Potter and Dick Whittington: Similarities and Divergences*, 12 TEX. WESLEYAN L. REV. 427, 482 (2005) (tracing the history of the “rags to riches” Horatio Alger story); Walter Isaacson, *The Real Leadership Lessons of Steve Jobs*, HARVARD BUSINESS REVIEW (Apr. 2012), <https://perma.cc/UD5W-98BM> (describing the mythology of Steve Jobs founding Apple in a garage); Neil Fulton, *The Merits of Merit*, 67 S.D.L. REV. 39, 39 (2022) [hereinafter Fulton, *The Merits of Merit*]; John Swansburg, *The Self-Made Man*, SLATE (Sept. 23, 2021), <https://perma.cc/UA2L-2D5Y> (recounting a history of American fascination with “self-made” individuals).

32. DANIELS, *supra* note 5, at 36-37. The distribution of this return on investment may not be equal, however. *Id.* at 37. The lower cost of public universities provides a strong increase in earning capacity per dollar of tuition. *Id.* The cost/benefit ratio at “elite” private universities is lower. *Id.* Those institutions disproportionately admit students from the top 1% of incomes, thus making them more cementers of social position than engines of social mobility. *Id.* at 38-39; Fulton, *The Merits of Merit*, *supra* note 31, at 45-47.

33. DANIELS, *supra* note 5, at 41-62.

34. *Id.* at 41.

35. *Id.*

36. *Id.* at 41-42.

37. *Id.* at 42-43.

38. *Id.* at 42.

39. *Id.* at 44-45.

40. *The Civil War: The Senate’s Story*, UNITED STATES SENATE, <https://perma.cc/D2VM-QFCB>.

41. Roger D. Billings, *The Homestead Act, Pacific Railroad Act and Morrill Act*, 39 N. KY. L. REV. 699, 729-30 (2012).

42. DANIELS, *supra* note 5, at 46-47.

for existing Black colleges through a guaranteed annual appropriation to all Morrill-created schools that did not discriminate on the basis of race.⁴³ By 1900, many of these institutions focused on teacher education; more than half of their graduates became teachers which cut in half the educational gap between the races across the South.⁴⁴

How to promote broad access to higher education became a central American debate of the twentieth century. University access expanded dramatically with passage of the G.I. Bill following World War II.⁴⁵ As the economy grew more reliant on specialized knowledge, public funding dramatically increased and post-secondary enrollment saw a fivefold jump as a result.⁴⁶ The Higher Education Act of 1965 further expanded federal support for higher education, particularly through the funding of Pell Grants.⁴⁷ During the 1960s and 1970s, many states developed innovative systems to support public education with California leading the way through its 1960 Master Plan for Higher Education.⁴⁸ Public institutions simultaneously expanded their course offerings to provide education for all and increased their investment in research and graduate education.⁴⁹

While the G.I. Bill was the first of many pillars of federal support for university access, Daniels notes how racism in admissions and housing limited its efficacy.⁵⁰ Unfortunately, private universities began to restrict access at the same time.⁵¹ Thus began a push and pull between restriction and expansion of access that continued throughout the twentieth century and a trend of bifurcation between public and private institutions.⁵²

Daniels describes a significant decrease in access during the 1980s.⁵³ Many institutions rolled back need-blind admission policies.⁵⁴ A decrease in state-level funding began and endured for several decades.⁵⁵ Increased competition for enrollment, college ranking systems, and highly structured and manipulated admission policies also increased pressure on access.⁵⁶ The influence of

43. *Id.* at 47-48.

44. *Id.* at 48.

45. *Id.* at 49-50.

46. *Id.*

47. *Id.* at 57-58. Pell Grants provide need-based aid to undergraduate students identified as “needy” based on program rules. CASSANDRIA DORTCH, CONG. RSCH. SERV., R45418, FEDERAL PELL GRANT PROGRAM OF THE HIGHER EDUCATION ACT: PRIMER 2-4 (Jan. 24, 2023), <https://crsreports.congress.gov/product/pdf/R/R45418>. Students could receive a maximum of just under \$7,000 for Academic Year 2022-23. *Id.* at 6.

48. DANIELS, *supra* note 5, at 58-59.

49. *Id.* at 50-51.

50. *Id.* at 56-57.

51. *Id.* at 51.

52. *Id.* at 52-54.

53. *Id.* at 62.

54. *Id.*

55. *Id.* at 62-63.

56. *Id.* at 64-65.

standardized tests on all these fronts has been undeniable, but debate persists about whether that influence is positive or negative.⁵⁷

Daniels demonstrates that the history of social mobility in the United States is strong overall, despite periods when it has been limited.⁵⁸ American belief in the dream of social mobility has remained strong even when the reality has been less robust.⁵⁹ Daniels notes that education, particularly university education and the professional opportunities that it facilitates, has been central to this vision.⁶⁰ Research supports the premise that robust social mobility bolsters support for democracy.⁶¹ University creation of social mobility is thus demonstrably connected to broad public support for democracy.

Daniels describes how both the reality and perception of social mobility has begun to change, however.⁶² The United States lags behind other nations in how much social mobility is possible; mobility is also declining, particularly at both ends of the economic spectrum.⁶³ These declines in real mobility have begun to trigger a decline in the belief of mobility as well.⁶⁴ In other words, the American dream of social mobility is becoming more dream than reality for many citizens, and more citizens are rejecting the dream as mere fantasy.

From this tracing of the historical background, Daniels goes on to consider whether universities are now engines of social mobility or increased inequality.⁶⁵ Sorting of both opportunity and outcome in higher education increasingly tracks entering income.⁶⁶ Daniels also notes that many citizens and policy-makers have come to see higher education as solely a private individual benefit rather than a common public good.⁶⁷ He argues that the erosion of support for higher education has resulted in a corresponding erosion of the foundation of a well-educated and engaged citizenry.⁶⁸

Daniels advocates forcefully for universities to restore themselves to their role as engines of social mobility. First, he calls for renewal of the funding

57. *Id.* at 66-67.

58. *Id.* at 32-33.

59. *Id.* at 35.

60. *Id.* at 35-36. In some quarters, however, the benefit of university education is expressly rejected as a mechanism to succeed. In fact, some political partisans suggest that obtaining a university education will inhibit, not advance, the ability of an individual to thrive. See Jason Lemon, *Fox Host Tucker Carlson Says College Education 'Diminishes You' and 'Everyone Should Opt Out'*, NEWSWEEK (Apr. 24, 2021), <https://perma.cc/ZKQ2-ETZ3> (explaining how former Fox News host Tucker Carlson does not believe in the University system); see also Paul Bedard, *Charlie Kirk: College is a 'Scam'*, THE WASHINGTON EXAMINER (July 25, 2022), <https://perma.cc/SSL7-FZX8> (describing how Turning Point USA founder Charlie Kirk claims that colleges do not educate students anymore, but rather indoctrinate).

61. DANIELS, *supra* note 5, at 32.

62. *Id.* at 35.

63. *Id.* at 33-34.

64. *Id.* at 34-35.

65. *Id.* at 70-73.

66. *Id.* at 74. Unfortunately, too often the rich simply get richer on campus. This is hardly the ideal of universities as places where any and all can come to rise.

67. *Id.* at 71.

68. *Id.* at 71-72.

partnerships between universities and units of government to ensure broad access.⁶⁹ He advocates the need for funding to get students through, not simply into, university.⁷⁰ Increasing access and completion is necessary to avoid the increasing divide between those with a university degree and those without.⁷¹ Second, Daniels strongly advocates eliminating legacy admission preferences.⁷² He notes this as a uniquely American custom that universities in other democratic nations have not embraced.⁷³ Daniels cites the leveling impact of universities that have abandoned legacy admissions as evidence of true social mobility.⁷⁴ Daniels argues that the true bottom line for universities seeking to be engines of social mobility is an ongoing commitment to self-evaluation and eradication of policies that cement inequality and inhibit social mobility.⁷⁵ As with many things, a clear sense of mission and ongoing steps to align reality of operations with the ideal of that mission is imperative.

II. UNIVERSITIES AS CULTIVATORS OF DEMOCRATIC CITIZENRY

Daniels next turns to the role of universities in educating citizens to function in democracy.⁷⁶ This portion of the book turns primarily on two fundamental questions. First, what is the role of higher education?⁷⁷ Second, how can the identified purpose, or purposes, of higher education be achieved?⁷⁸

Daniels purports that a central purpose of university education within a democracy is to prepare citizens with the skills and habits of mind that constitute “civic literacy.”⁷⁹ As he notes, these habits and skills are not innate.⁸⁰ The idea that education is necessary to form virtuous individuals who are prepared to be citizens dates back to Ancient Greece.⁸¹ Daniels cites studies that document how

69. *Id.* at 73-76. Daniels notes research that demonstrates a direct correlation between grant programs for economically needy students and degree completion. *Id.* at 74. He rejects “zero tuition” plans in favor of other creative funding partnerships, however. *Id.* at 75.

70. *Id.* at 76-77.

71. *Id.* at 77-78. Daniels also decries an undue focus on the credentialing aspect of universities. *Id.*; see also *infra* notes 175-77 (focusing on growing lack of faith in institutions based upon fraudulent research and liberally-skewed political views of institutions’ faculty).

72. DANIELS, *supra* note 5, at 78-85. This suggestion has gained increased currency following the Supreme Court decision to effectively prohibit the consideration of race in college admissions. Nick Anderson, *Pressure Mounts on Colleges to Ditch ‘Legacy’ Admissions Factor*, THE WASHINGTON POST (July 19, 2023), <https://perma.cc/MD7W-72BM>; see Joseph P. Merlino, *Should Colleges End Legacy Admissions?*, N.Y. TIMES (July 6, 2023), <https://perma.cc/Z9H7-48AW>.

73. DANIELS, *supra* note 5, at 79.

74. *Id.* at 84-85.

75. *Id.*

76. *Id.* at 86.

77. *Id.* ch. 2.

78. *Id.*

79. *Id.* at 86-88.

80. *Id.* at 89.

81. *Id.*

increased exposure to civics education increases subsequent civic engagement.⁸² His premise that democratic formation is a proper purpose of higher education thus has both historical and empirical pedigree.

Turning from the purpose to the process question, Daniels articulates his vision of what well-educated citizens within modern democracy should know.⁸³ They must first be formed with an aspiration to work with other citizens to make their community the best it can be.⁸⁴ To advance this purpose they must possess fundamental skills of literacy and numeracy, an understanding of democratic history and theory, critical thinking skills, commitment to equality and tolerance, and a disposition towards cooperation and collective action.⁸⁵ Daniels acknowledges the challenge of achieving this in the face of declining faith in democracy and consensus on what constitute democratic values.⁸⁶

The history of universities forming citizens for democracy demonstrates that this challenge is nothing new.⁸⁷ American universities have repeatedly oscillated towards and away from forming citizens in the tradition and skills of democracy.⁸⁸

The earliest days of higher education in the United States used a structured “classical curriculum” as the model for citizen formation.⁸⁹ This focus eventually gave way to prioritizing science over the liberal arts and incorporating more electives into undergraduate education.⁹⁰ The mantle of civic education was taken up by individual disciplines like history and political science as the twentieth century progressed.⁹¹ Daniels laments that many disciplines eventually turned their focus inward to prepare additional generations of scholars rather than to form citizens.⁹²

The second half of the twentieth century saw a movement from structured civic education to a broader general education curriculum.⁹³ While “general education” came in multiple forms, most programs focused on broad exposure to

82. *Id.* at 90-91.

83. *Id.* at 93-95.

84. *Id.* at 93.

85. *Id.* at 93-94.

86. *Id.* at 95-97.

87. *Id.* at 97-100.

88. *Id.*

89. *Id.* at 100-01. Current debates about curriculum include vigorous debates about a return to “classical” education but little consensus about what that is. See Brandon McCoy, *Classical Education: An Attractive School Choice for Parents*, MANHATTAN INSTITUTE (July 2021), <https://perma.cc/63ZH-7W7Z> (illustrating the benefits of a classical education); see also Kevin Mahnken, *Amid the Pandemic, A Classical Education Boom: What if the Next Big School Trend Is 2,500 Years Old?*, THE74 (Mar. 22, 2023), <https://perma.cc/MD7W-72BM> (asserting that “[s]ome within the field worry that ‘classical’ might become a byword for ‘conservative,’ particularly as a growing number of activists and families have grown leery of public schools’ teaching of subjects like race, gender and sexuality. Others believe that classical education can’t fully deliver on its potential without religion at its core.”).

90. DANIELS, *supra* note 5, at 102-03.

91. *Id.* at 104-05.

92. *Id.* at 106-07.

93. *Id.* at 108-09.

many disciplines.⁹⁴ As the twentieth century gave way to the twenty-first, interdisciplinary study, critical theory, and service learning gained traction on campuses.⁹⁵ Daniels acknowledges research that indicates these tools inspire civic action, but he takes issue with their ability to provide a comprehensive education in the skills necessary to be an effective citizen of a democracy.⁹⁶

Daniels ends this chapter with a consideration of current barriers to universities providing effective civic education and a proposed model of civic education.⁹⁷ He describes the commitment to civic education on campus as “marginal and episodic” before providing an explanation of why and a proposal for how to change that reality.⁹⁸

Daniels cites three primary reasons that civic education has been undervalued on modern college campuses.⁹⁹ First, he claims that there is a simple lack of will among campus leaders.¹⁰⁰ Second, he notes that disciplinary segmentation and focus on curricular choice within modern universities make establishing comprehensive programs of civic education difficult.¹⁰¹ Lastly, Daniels cites a lack of consensus on what constitutes an appropriate civic education.¹⁰² Deep political divisions within the United States make implementing civic education on campus challenging.¹⁰³ Daniels laments that these challenges, real as they are, have allowed civic education by universities to languish.¹⁰⁴

While acknowledging that change within the academy often comes slowly and often only in the face of social disruption, he insists that universities should embrace more widespread civic education going forward.¹⁰⁵ This would consist of the knowledge, skills, values, and inclination to collective action necessary to citizenship through the study of historic democratic texts.¹⁰⁶ While Daniels

94. *Id.* at 109-10.

95. *Id.* at 109-12.

96. *Id.* at 116-17.

97. *Id.* at 117-30.

98. *Id.* at 117-19.

99. *Id.* at 119-21.

100. *Id.* at 119.

101. *Id.* at 120.

102. *Id.* at 120-21.

103. *Id.* at 120-21. It is unclear if the challenge of doing so in the realm of higher education is more or less than in secondary education. See Morgan Matzen, *How South Dakota's Social Studies Standards Became so Controversial*, ARGUS LEADER (Apr. 14, 2023), <https://perma.cc/B272-EM5U> (describing controversial revisions to South Dakota's K-12 civics and history curriculum); Ileana Najarro, *Revamped Florida Civics Education Aims for 'Patriotism.' Will It Catch On Elsewhere?*, EDUCATION WEEK (July 12, 2022), <https://perma.cc/P45H-HS2V> (discussing Florida's contentious changes to its K-12 civics standards in recent years). However, the difficulty of implementing sensitive topics into American education is nothing new. See *Scopes Trial*, HISTORY (Mar. 27, 2023), <https://perma.cc/5MG4-YRDS> (recounting how the teaching of evolution made its way into American curriculum).

104. DANIELS, *supra* note 5, at 122.

105. *Id.* at 123-25.

106. *Id.* at 123-24. In this respect Daniels tracks the proposals by political actors in many states, at least generally. Kiara Alfonseca, *Gov. Ron DeSantis' Push for 'Civics' Education: What Does it Look Like?*, ABC NEWS (July 5, 2023), <https://perma.cc/B2X6-RG6S> (explaining Governor DeSantis' “push for civics education about the founding principles of the United States”); George Packer, *Can Civics Save*

argues forcefully to incorporate more civic education into university curricula, his recommendations are ultimately somewhat vague.¹⁰⁷ As a result, this chapter of *What Universities Owe Democracy* is more effective as a celebration of the aspiration to civic education by universities than as a blueprint to achieve it.

III. UNIVERSITIES AS KEEPERS OF TRUTH

For his third subject, Daniels turns to the role of universities in building and validating the public store of facts.¹⁰⁸ He frames this discussion through the lens of university responses to COVID-19.¹⁰⁹ Sadly, that lens captures a picture of disinformation being disseminated and highly polarized engagement with facts and public policy.¹¹⁰

Daniels begins with the premise that democracy is not sustainable without a shared commitment to publicly available and verified facts.¹¹¹ He observes that antipathy to a shared and accessible store of facts is a recurrent trait of authoritarian regimes.¹¹² Facts, as discrete packets of verified information, are unfortunately subject to manipulation within public discourse.¹¹³ Daniels argues that democracy needs a reliable body of facts made publicly available and subject to curation by experts who ensure their reliability and value to public discourse.¹¹⁴ He further argues that nongovernmental experts are best suited to that role within a democracy.¹¹⁵ A highly fractured media and political environment makes that role more important than ever.¹¹⁶

America?, THE ATLANTIC (May 15, 2021), <https://perma.cc/TG3N-FADP> (examining the polarizing nature of the implementation of civic education today). Daniels may part company with some of those politicians in his demand that civic education be focused on a full understanding of the structure, potential, and “inherent fragility” of American democracy. DANIELS, *supra* note 5, at 126.

107. DANIELS, *supra* note 5, at 127-30.

108. *Id.* at 131-86.

109. *Id.* at 131-33.

110. *Id.* at 131-34. The response to COVID-19 among public and political actors grew highly polarized and even violent. Neil Fulton, *Covid, Constitution, Individualism, and Death*, 27 WIDENER L. REV. 123, 128-30 (2021) [hereinafter Fulton, *Covid, Constitution, Individualism, and Death*].

111. DANIELS, *supra* note 5, at 134-35.

112. *Id.* at 135. Rejection of truth in service of authoritarianism can take several forms. TIMOTHY SNYDER, ON TYRANNY: TWENTY LESSONS FROM THE TWENTIETH CENTURY 65-71 (Tim Duggan Books, 2017) (describing various “post-truth” scenarios that are dangerously “pre-fascist”). Manipulation of facts, along with acceptance of manipulated facts or rejection of truth by partisans, is a key authoritarian move. Neil Fulton, *What Comes Next*, 62 WASHBURN L.J. 189, 227-28 (2023) [hereinafter Fulton, *What Comes Next*]. Sadly, American citizens commonly succumb to counter-factual forces and impulses. Neil Fulton, *Fake News on Trial: The Jury Trial as a Guard Against Societal Entropy*, 52 TEX. TECH L. REV. 743, 751-57 (2020) [hereinafter Fulton, *Fake News*] (describing several forces of counter-factualism commonly encountered in current American society).

113. DANIELS, *supra* note 5, at 136-37.

114. *Id.* at 137.

115. *Id.* at 137-38.

116. *Id.* at 140. A highly sorted American society commonly leads citizens to accept “facts” more based on whether they fit pre-existing narratives or come from favored sources rather than whether they have been reliably validated. Fulton, *Fake News*, *supra* note 112, at 751. There is also an unfortunate

Daniels again turns to the history of modern universities to evaluate the question of public epistemology.¹¹⁷ He begins with the founding of Johns Hopkins in 1876, which inaugurated the integration of the undergraduate, graduate, and research aspects of universities.¹¹⁸ This integration also ushered in a commitment to academic freedom for researchers and more significant support for the publication of research.¹¹⁹ As academic research became more integrated into the public arena, clashes over research outcomes intensified and the need to defend academic freedom correspondingly increased.¹²⁰

World War II drove a dramatic increase in research partnerships between universities and government agencies.¹²¹ That partnership has become a modern norm.¹²² It has not been without challenges, however.¹²³ The McCarthy Era “Red Scare” led to attacks on university scholars (often sadly with little resistance by university administrators).¹²⁴ The line between university and government partnership on one hand and excessive entanglement and control on the other hand is also hard to recognize and maintain.¹²⁵

Two additional trends marked the latter twentieth century. First, division between the humanities and sciences became more pronounced and combative.¹²⁶ Second, private industry assumed a more prominent role in government funded research.¹²⁷ Daniels observes that these trends have culminated in an uncertain future for universities as viable curators of truth.¹²⁸ Vigorous debates about the reliability and validation of research currently roil the academy and society.¹²⁹ Political implications of some research projects have resulted in attacks on research agendas and outcomes.¹³⁰ Additionally, the discovery of research studies lacking reliability and replicability has undermined the acceptance of academic

American tradition of skepticism of intellectual elites. TOM NICHOLS, *THE DEATH OF EXPERTISE: THE CAMPAIGN AGAINST ESTABLISHED KNOWLEDGE AND WHY IT MATTERS* 20-22 (2017).

117. DANIELS, *supra* note 5, at 141-46.

118. *Id.* at 142-43.

119. *Id.* at 144-45.

120. *Id.* at 148-50.

121. *Id.* at 151-52.

122. *Id.* at 154-55.

123. *Id.* at 155-56.

124. *Id.* at 156-57.

125. *Id.* at 158-59.

126. *Id.* at 160-62.

127. *Id.* at 164-65.

128. *Id.* at 168.

129. *Id.* at 168-71.

130. *Id.*

research in the public arena.¹³¹ Daniels notes that current incentives placing research rapidity over reliability plays no small role in creating this reality.¹³²

Daniels makes several recommendations to restore the standing of academic research. First, he calls for reinvestment in the research funding partnership between government and universities.¹³³ Second, he calls for renewed emphasis on rigor, responsibility, and reproducibility within research.¹³⁴ Third, he encourages adoption of the “open science movement” to build public trust and guarantee the reliability of research through open access to underlying data.¹³⁵

Daniels closes this chapter by returning to the research response to the COVID-19 pandemic. Responding to a global pandemic was urgent.¹³⁶ The corresponding speed of research resulted in mixed efficacy and the fraught political environment undermined broad acceptance of research.¹³⁷ Daniels draws two lessons from this moment in history. First, an environment of open research facilitates partnership and engagement between researchers and the public that can renew the role of universities as arbiters of fact and expertise.¹³⁸ Second, social guardrails around the discovery and curation of facts by universities are necessary.¹³⁹ Daniels recommends a model of “openness with guardrails” as the responsive model going forward.¹⁴⁰

Daniels sees universities as particularly suited to be curators of truth. He argues forcefully in this chapter for universities to take steps to continuously renew and reinforce that position.

131. *Id.* at 170-73. COVID-19 again provided an unfortunate example of the problem with a sensational statistic about death rates resulting from vaccines coming from an article subsequently retracted because it was methodologically flawed and factually unreliable. Stephanie M. Lee, *Peer Reviewed, Published, Retracted*, THE CHRONICLE OF HIGHER EDUCATION, Vol. 69, No. 17, Apr. 28, 2023, at 10. Emotion, politics, uncertainty, and speed all came together to create problematic incentives and outcomes during COVID-19.

132. DANIELS, *supra* note 5, at 172.

133. *Id.* at 175-76.

134. *Id.* at 174.

135. *Id.* at 178-80.

136. *Id.* at 181-82.

137. *Id.* at 182-83. With the benefit of hindsight, the public COVID-19 response was not immediately political. See David Wallace-Wells, *The Myth of Early Pandemic Polarization*, THE NY TIMES (June 28, 2023), <https://perma.cc/M2FD-MJKP> (analyzing how early pandemic partisanship is a “myth”). The eventual division among political responses was exacerbated by underlying dispositions toward hyper-individualism within American society. Fulton, *Covid, Constitution, Individualism, and Death*, *supra* note 110, at 133-34. Many saw evolving facts of COVID-19 through political preferences as well, exacerbating deep divisions and undercutting any hope of communal acceptance of fact. *Id.* at 133-36. It is unclear how long the damage inflicted will endure.

138. DANIELS, *supra* note 5, at 183-84.

139. *Id.* at 184.

140. *Id.* at 185.

IV. UNIVERSITIES AS PROTECTORS OF PLURALISM

Finally, Daniels turns his attention to the prospect of universities as models of effective communication across “divides of identity and ideology.”¹⁴¹ He asserts that democracies must be able to build cohesive communities from heterogeneity in order to endure.¹⁴² This has become increasingly challenging as American society has grown increasingly self-segregated and fragmented, however.¹⁴³ Building a functional and enduring community that is pluralistic is a central challenge of the current democratic day. Daniels cites the disparate response to racist incidents on and off campus across the United States to demonstrate that universities have not been immune from the forces of faction and fragmentation.¹⁴⁴

University matriculation ideally offers entrance into a vibrant intellectual community that is diverse across a variety of measures such as experience, outlook, class, race, gender, and nationality. Rather than integrating diverse students into a scholarly community, Daniels observes that universities often choose to simply manage disagreements among groups.¹⁴⁵ He asserts that university leaders must instead be “hard wiring into campuses” various means and places to facilitate encounter, not just coexistence—an approach he calls, “purposeful pluralism.”¹⁴⁶ How universities get to that point from where they stand is the focus of this chapter.

Daniels begins by tracing the history of pluralism on American university campuses. University communities of eighteenth and nineteenth century America had much more similarity than difference.¹⁴⁷ While notable American leaders like George Washington sought to make universities communities of engagement, they were often disagreeable and even violent places.¹⁴⁸ The level of pluralistic engagement within universities expanded dramatically after the Civil War as Black citizens began to attend college in meaningful numbers.¹⁴⁹ As the twentieth century began campus diversity further expanded as policies excluding students based on race, gender, and religion were ended.¹⁵⁰ Students belonging to traditionally marginalized groups began to form their own affinity societies to further cement their place on campuses.¹⁵¹

141. *Id.* at 187-90.

142. *Id.* at 190-91.

143. *Id.* at 192-93; *see also* Fulton, *Fake News*, *supra* note 112, at 745-46 (describing fragmentation and factionalizing of American society on many fronts).

144. DANIELS, *supra* note 5, at 187-90.

145. *Id.* at 195-96.

146. *Id.* at 196 (emphasis omitted).

147. *Id.* at 197-99.

148. *Id.* at 198-99.

149. *Id.* at 202-03.

150. *Id.* at 206-09.

151. *Id.*

Following World War II legal changes accelerated the diversification of college campuses. The G.I. Bill allowed many more students to attend college.¹⁵² The Civil Rights Act of 1964 eliminated legal impediments to integration of college campuses.¹⁵³ While the diversity of campus communities increased, the lived reality did not consistently become correspondingly easier. Some campuses saw violence between racial groups.¹⁵⁴ Legal battles over race-and gender-conscious admission policies continued in courtrooms and legislatures across America.¹⁵⁵

Daniels notes that by the end of the twentieth century campus diversity had never been greater but campus engagement had not kept up.¹⁵⁶ University campuses are not immune from broader societal trends of factional separation and incivility in discourse.¹⁵⁷ Despite what he describes as the obligation of universities to build connections among diverse students, Daniels asserts that modern universities have done little to create effective communities of engagement.¹⁵⁸ He argues that student self-determination on issues like housing and participation in student affinity groups (traditionally an important means of integration) accelerate the trends of campus separation.¹⁵⁹ Even the academic structure of universities and student completion of major requirements can promote separation rather than connection of students.¹⁶⁰

Daniels offers two key steps that universities must take to build more effective connection across communities. First, universities must resist ideological homogeneity and indoctrination.¹⁶¹ Daniels notes the frequent assertion that university populations are overwhelmingly politically liberal and that conservative perspectives are marginalized or even silenced as a result.¹⁶² A

152. *Id.* at 209-10.

153. *Id.* at 210.

154. *Id.* at 211-12.

155. *Id.* at 214-17. That ongoing dispute saw a major development as this article was being written when the Supreme Court issued a decision that prohibits the direct consideration of race in college admission policies. *Students for Fair Admissions, Inc., v. President and Fellows of Harvard Coll.*, 143 S. Ct. 2141, 2168-70 (2023). While the policies and decision in that case were controversial, the impact was most pronounced for a small segment of all students who attend college. Richard Arum & Mitchell L. Stevens, *For Most College Students, Affirmative Action Was Never Enough*, N.Y. TIMES (July 7, 2023), <https://perma.cc/MH99-9WJH>. Opinions about what will and should come next in college admissions diverge. *How To Fix College Admissions Now*, N.Y. TIMES (July 6, 2023), <https://perma.cc/W69M-C2ZW> (collecting opinion articles about the next appropriate steps for college admissions policies). Institutions with lower admissions selectivity already achieve greater racial diversity. *Sizing Up the Admissions Ruling*, THE CHRONICLE OF HIGHER EDUCATION, Vol. 69, No. 23, July 21, 2023, at 9.

156. DANIELS, *supra* note 5, at 217-18.

157. *Id.* at 218. This mirrors the factional separation among citizens that permeates many, perhaps most, aspects of personal life such where citizens live, work, and shop to what media they consume, to who they vote for. BILL BISHOP, *THE BIG SORT: WHY THE CLUSTERING OF LIKE-MINDED AMERICA IS TEARING US APART* 233 (2008).

158. DANIELS, *supra* note 5, at 219-22.

159. *Id.* at 221-23.

160. *Id.* at 223-24.

161. *Id.* at 225-26.

162. *Id.* at 226-27.

meaningful culture of engagement must begin with open intellectual engagement.¹⁶³ A fundamental contribution of universities to democracy can be developing both student capacity and inclination to have meaningful dialogue with those with whom they vigorously disagree.¹⁶⁴

Second, universities must commit to move beyond merely adjudicating disputes for coexistence to educating for real community connection.¹⁶⁵ Daniels asserts that building a purposefully pluralistic community goes beyond questions of admissions and academic freedom to the hard work of acculturating students.¹⁶⁶ He cites examples of universities that transcend merely welcoming speakers of different views and backgrounds to build true communities of dialogue and engagement.¹⁶⁷ This model, while fit to the modern American moment, has a pedigree stretching back to Plato.¹⁶⁸ For universities to meet their obligations to democracy, they must become purposefully pluralistic communities of engagement and connection.¹⁶⁹

V. WHAT CAN UNIVERSITIES OFFER DEMOCRACY?

What Universities Owe Democracy is a worthwhile investment for anyone interested in the work of modern universities, particularly universities in the United States. It provides a useful recounting of the historic development of American universities through the lens of four key issues which have been and continue to be significant areas of opportunity and challenge. This alone has value.

The value of the book goes beyond its historical summary, however. The important questions of how universities promote or inhibit social mobility, prepare citizens for participation in a democracy, serve as curators of factual truth, and prepare students for a culture of pluralistic engagement are topics well worth consideration. These questions have received vigorous debate for years. Readers will benefit from considering each issue from the perspective of an experienced university administrator like Daniels. But he goes beyond the issues themselves to explore the overarching question of whether universities can be keepers of democracy through their engagement with these issues. This review closes with an assessment of how universities should approach the four issues Daniels evaluates and how, if at all, they should be focused on sustaining democracy.

The role of universities as developers, keepers, and disseminators of truth seems the least debatable of the ideas Daniels raises. If nothing else, modern

163. *Id.* at 227-29.

164. *Id.* at 228-29.

165. *Id.* at 232.

166. *Id.* at 233-35.

167. *Id.* at 235-36.

168. *Id.* at 236-37.

169. *Id.* at 238.

universities should be committed to the rigorous search for truth and the open dissemination of knowledge. Daniels is profoundly correct in his presentation of this as an important contribution to democracy.

It would be difficult to deny that there is currently an epistemological crisis afoot within American society. Adherence to truth is undermined on multiple fronts. The evolution and proliferation of technology has undercut the reliability of information through the increase in deepfakes, simulations, and manipulation of images and data.¹⁷⁰ Too often it is simply impossible to believe one's own eyes. Even when these issues of reliability are not present, citizens increasingly view facts through the lens of personal and political preference.¹⁷¹ Human cognitive structures, like confirmation bias, can lead to mistaken beliefs.¹⁷² Intentional if somewhat unwitting sorting can happen when people choose their sources of information and the information that they will accept based on partisan or other affiliation.¹⁷³ In other words, social faction can lead to differing visions of "the truth." The admonition of Senator Daniel Patrick Moynahan that citizens are entitled to their own opinions, but not their own facts, is widely and regularly ignored.¹⁷⁴

Daniels is correct that universities must meet this moment as neutral arbiters, reliable storehouses, and devoted disseminators of truth. This obligation needs to be discharged in certain ways to advance democracy in the way Daniels argues that universities can and should.

First, universities must clearly establish themselves as neutral arbiters of fact. Clear commitment to process is a necessary first step to do so. Whether faithful adherence to the scientific method, rigorous peer review, or neutral deliberative process, universities should set a clear example for society of how truth claims are evaluated. That example can provide a necessary counterweight to the too common social tendency to assess claims of truth based on preference or antipathy to the substance or author rather than the reliability of the process that underlies them. When what matters most is that an answer comes from a preferred speaker or aligns with a preferred outcome (rather than that it is the result of a reliable methodology), the truth is in profound jeopardy. To serve democracy as reliable keepers of truth, universities must first sustain a fidelity to process.

170. Ian Sample, *What Are Deepfakes—and How Can You Spot Them?*, THE GUARDIAN (Jan. 13, 2020), <https://perma.cc/GT8F-CZ2G>; Donie O'Sullivan, *When Seeing is no Longer Believing*, CNN BUSINESS (Jan. 2019), <https://perma.cc/9ULD-JK5V>. Manipulation and mishandling of data can have highly negative effects on research and public policy. Kaley Leetaru, *How Bad Data Practice is Leading to Bad Research*, FORBES (Feb. 19, 2018), <https://perma.cc/8E3M-WHEJ>. Worse yet is overt manipulation of data to a self-advancing end whether political, economic, or other. Fulton, *Fake News*, *supra* note 112, at 753-54.

171. Fulton, *Fake News*, *supra* note 112, at 756; Fulton, *What Comes Next*, *supra* note 112, at 193-94.

172. Fulton, *What Comes Next*, *supra* note 112, at 213-17.

173. Fulton, *Fake News*, *supra* note 112, at 756; Fulton, *What Comes Next*, *supra* note 112, at 207-09.

174. DANIEL PATRICK MOYNIHAN, A PORTRAIT IN LETTERS OF AN AMERICAN VISIONARY 2 (Steven R. Weisman ed., 2010).

Second, universities must be reliable storehouses of reliable information. The breadth and depth of expertise within modern research universities leaves them few realistic competitors to be the primary source of information on most topics of public interest and concern. That position needs to be sustained with sufficient resources to curate existing knowledge and support research that expands it. More fundamentally, however, universities must demonstrate themselves to be reliable. Those instances in which university research has proven false or biased inflict significant injury to that status.¹⁷⁵ That injury is exacerbated by the reality that political division within the United States currently extends to confidence in universities and the value of university education.¹⁷⁶ To transcend this division, and to improve the ability of public debate to turn on a store of shared and reliable facts, universities must invest in restoring their status as a reliable storehouse of information across the many fields of human knowledge.

Third, universities must be missionaries for truth. As important as it is for universities to commit to process and preserve reliable information, for the sustenance of democracy it is necessary for the public to share those commitments. Universities must help expose more citizens to those fundamental processes to assess and verify information—they can teach process to all. Likewise, universities can share the knowledge they develop more readily with more citizens. Using technology to promote open access to research and information is an important part of this, so too is pushing experts into the public debate through media commentary and the dissemination of scholarship revised and summarized to penetrate to a broader audience. As important as it is for universities to be preservers of truth, it is more important for democracy that they go forth into society as proselytizers of it.

The contribution of universities to democracy through promotion of social mobility is more complicated. On the surface it is easy to accept the importance of universities as promoters of social mobility. As Daniels notes, belief in social mobility tends to promote belief in democracy.¹⁷⁷ Making social mobility a focus requires more than superficial thought and acceptance, however. Accepting the promotion of “social mobility” without critical consideration of what constitutes “social mobility” and what perverse incentives that focus may create is short-sighted at best and socially destructive at worst.

Much of the belief in universities as engines of social mobility rests on the premise that they are meritocratic communities. Ideally, universities are communities where individuals thrive based on the excellence of their ideas. If universities are open to all, if all can flourish there based on their talent and effort,

175. Rene Cantu, *In Fraud We Trust: Top 5 Cases of Misconduct in University Research*, THE BIG IDEA (May 9, 2019), <https://perma.cc/4VJP-E4K7>; Alok Jha, *False Positives: Fraud and Misconduct are Threatening Scientific Research*, THE GUARDIAN (Sept. 13, 2012), <https://perma.cc/K8RK-SW54>.

176. *The Growing Partisan Divide in Views of Higher Education*, PEW RESEARCH CENTER (Aug. 19, 2019), <https://perma.cc/U4ZL-SYRD>; Joe Pinsker, *Republicans Changed Their Mind About Higher Education Really Quickly*, THE ATLANTIC (Aug. 21, 2019), <https://perma.cc/L8WC-Y9VM>.

177. DANIELS, *supra* note 5, at 32.

then universities truly provide a viable path for social mobility. The reality is more complicated, however.

What is idealized as meritocracy in modern universities can become pathological credentialing.¹⁷⁸ Obsession with social advancement through the merit of credentialing has manifested with steps ranging from ethically questionable to outright fraudulent that many have taken to achieve it.¹⁷⁹ Among elite American universities the ideal of social mobility often masks a limiting vision of “merit” and a potentially toxic conception of success.¹⁸⁰ A focus on social mobility through elite university attendance can, ironically, cement existing social inequalities while widening social divisions.¹⁸¹

A second danger, a focus on social mobility, is university mission creep. While university education has enormous value, it need not be a requirement for entry into even the most basic employment settings. The reality is that for some students, investment in university education may not be as appropriate as technical and career education or a mixture of the two. University education is increasingly required for employment in settings where its value may be limited. The danger of credential focus on this end of the employment spectrum can become particularly dangerous when students resort to for-profit institutions where significant student debt and limited return on investment through employment can become crippling.¹⁸² University education can ironically inhibit social mobility when there is not proper alignment of educational attainment and employment outcomes as well as when student affordability is lost.

Another problem with focusing on social mobility as a primary contribution of universities to democracy can be excessive entanglement with commercial activity. Social mobility is largely, and to some degree rightly, evaluated through economic advancement. This alignment is dangerous in that it cements a vision of “merit” as generating money rather than developing virtue, possessing understanding, or creating beauty. Universities should reconsider their role within society to expand the conceptions of merit that they can offer.¹⁸³ Universities can provide greater contribution to society, and to democracy, if what they contribute reaches beyond simply preparing graduates to make more money. If universities do not enrich their students by developing their intellectual depth and breadth,

178. DANIEL MARKOVITS, *THE MERITOCRACY TRAP: HOW AMERICA’S FOUNDATIONAL MYTH FEEDS INEQUALITY, DISMANTLES THE MIDDLE CLASS, AND DEVOURS THE ELITE* 4-6 (2019) (describing vastly different outcomes for attendees at “elite” institutions).

179. MICHAEL J. SANDEL, *THE TYRANNY OF MERIT: WHAT’S BECOME OF THE COMMON GOOD* 7-10 (2020) (describing acts ranging from targeted philanthropy to fraud and bribery connected to university admission).

180. Fulton, *The Merits of Merit*, *supra* note 31, at 44-45.

181. *Id.* at 46-47.

182. Luis Armona, Rajashari Chakrabarti, & Michael F. Lovenheim, *Student Debt and Default: The Role of For-Profit Colleges*, FEDERAL RESERVE BANK OF NEW YORK STAFF REPORTS, NO. 811, 27 (describing lower return on investment and higher student loan defaults with for-profit higher educational institutions).

183. Fulton, *The Merits of Merit*, *supra* note 31, at 49-51.

facilitating their formation of virtuous souls, and inculcating a communal orientation to serve the common good, then the mobility that is achieved will hardly be “social” in any meaningful sense. In other words, while social mobility can be a worthy goal of universities within a democracy, the concept should be defined more expansively than mere economic attainment.

The democratic contribution of universities through creation of purposefully pluralistic communities is even more controversial. This is in no small part because the place of pluralism on university campuses is hotly contested. Some criticize universities for diversity, equity, and inclusion initiatives.¹⁸⁴ These critiques are typically presented as concern about student indoctrination, bureaucratic bloat, or any variety of political pejoratives.¹⁸⁵ Simultaneously, others criticize universities for not doing enough to attract and support students from different demographic groups.¹⁸⁶ In the midst of this debate, the legal landscape around considering race in college admissions has changed dramatically.¹⁸⁷ All this to say that creating and sustaining communities that are simultaneously pluralistic and cohesive is profoundly controversial and challenging. These efforts are also unfortunately seen more through political or other agendas than on their own merits.¹⁸⁸

Cutting through the decades of political disputes about diversity and related issues on campus is beyond the scope of this review. Frankly, it seems beyond the capacity of the collective wisdom of American political and academic leaders. Thinking about Daniels’s aspiration to purposeful pluralism perhaps presents the clarity and simplicity of the underlying questions, however. Shouldn’t universities be places that welcome all with an interest in learning? Shouldn’t the point of university education be encountering new ideas and new individuals with a spirit of open engagement? Shouldn’t universities focus on creating conditions in which this can happen for students, faculty, and society at large? It would seem these questions answer themselves.

Daniels correctly notes that implementing the reality of purposefully pluralistic communities is challenging. Little seems left untried. Forces

184. Len Gutkin, *The Overreach of Campus Administrators*, THE CHRONICLE OF HIGHER EDUCATION, Vol. 69, No. 19, May 26, 2023, at 36-37.

185. Len Gutkin, *Indoctrination Nation*, THE CHRONICLE OF HIGHER EDUCATION, Vol. 69, No. 21, June 23, 2023, at 38-39.

186. Larry E. Davis, *Colleges Can Help Resolve Our Racial Crisis*, INSIDE HIGHER ED (Sept. 23, 2020), <https://perma.cc/4ERZ-MQ7D>; Kalwant Bhopal, *Towards a Post-Racial Society: How to Make Universities More Inclusive*, THE GUARDIAN (Apr. 11, 2018), <https://perma.cc/UK7J-HA7E>.

187. *See* Students for Fair Admissions, Inc., v. President and Fellows of Harvard Coll., 143 S. Ct. 2141 (2023).

188. A strong case can be made that the first step towards transcending this division would be for both sides to openly discuss and identify shared definitions of disputed terms such as “equity” and “inclusion.” James E. Ryan, *DEI: The Case for Common Ground*, THE CHRONICLE OF HIGHER EDUCATION, Vol. 69, No. 20, June 9, 2023, 42-43. Once merely talking past each other is addressed, both sides of the political debate around these issues could next attempt to find points of common ground rather than focusing on division. *Id.* Forbearance has a lot to offer on campus and in debates about public policy. Fulton, *What Comes Next*, *supra* note 112, at 235-36.

supporting diversity have insisted on aggressive admissions programs, targeted campus programs and centers, suppression of speakers and ideas hostile to diversity, creation of diversity, equity, and inclusion (“DEI”) offices, and a spate of other initiatives. Opponents have insisted on race-blind admissions, banned DEI offices and initiatives, passed legislation precluding discussion of certain ideas, and otherwise moved to eliminate efforts for diversity. Despite the intensity of effort from both sides, little seems to have changed. Discussions on and around campuses seem stuck on shouting matches about political preferences. Perhaps what remains untried is for both sides to step back, identify those aspects of what universities stand for that they agree on, then exercise sufficient forbearance to allow differing versions of how to advance those shared values and those who hold them to peacefully coexist.

The prospect of peaceful coexistence is a fair point from which to consider the call Daniels issues for universities to become entities that inculcate democratic skills and values. Through such work universities may advance peaceful coexistence beyond campus and into American society. This call provides a definite opportunity and perhaps obligation for universities to consider how to form young citizens.

This opportunity presents itself in two primary ways. First is through development of the basic skills necessary to citizens in a democracy: engagement in thoughtful and respectful dialogue, personal engagement with issues of common concern, and basic skills of literacy and numeracy. Second is the formation of students with a certain view of what the political structure of the United States should be. Unfortunately, both prove to be controversial and elusive in current times.

It seems beyond debate that university campuses are places where students are encouraged to explore new and different ideas and engage in forming the world around them. Sadly, this basic skill of democratic engagement is endlessly debated with stunningly little common ground. Campus fights abound over whether some ideas are too dangerous, outdated, or offensive to be discussed.¹⁸⁹ It is difficult for universities to form students for life in a large, fractious, and pluralistic democratic society if universities cannot themselves accept the basic premise that, while not all ideas earn acceptance on their merits, the merits of all ideas can be explored. There is perhaps no more dangerous idea for campuses as the site of citizen preparation than to say that any idea should be suppressed. This is absolutely not to say that all ideas should be seen as possessed of equal merit or that mere opinion or emotion (particularly emotion) should be accepted as reasoned argument.¹⁹⁰ It is instead to say that universities should passionately embrace their role as a forum for thoughtful encounter among competing ideas and those who hold them. To successfully claim the place Daniels calls them to

189. David Jesse, *Presidents Are Changing Their Tune on Free Speech*, THE CHRONICLE OF HIGHER EDUCATION, Vol. 69, No. 18, May 12, 2023, at 15-16.

190. See ANTHONY KRONMAN, THE ASSAULT ON AMERICAN EXCELLENCE, 91-93 (2019).

as forums of citizen development, universities must restore themselves as places centered on the open, reasoned, and respectful exploration of ideas.

While how to achieve this is beyond the scope of this brief review (having been the subject of buckets of ink and reams of paper elsewhere), certain steps can readily be identified. First, partisans of all political persuasions must stop decrying ideas they disagree with as dangerous, violent, un-American, or a host of other shorthand pejoratives intended to delegitimize these ideas. All ideas should be subject to confrontation and critique, but the environment for dialogue is destroyed when any side or actor can simply say that certain speakers or ideas must be prohibited.

Second, universities must restore the culture of leavening robust dialogue with empathy, forbearance, and basic humanity. All too often universities become communities of instant grievance rather than patient engagement. Forbearance would lead members of the university community to assume the best rather than the worst about others and their actions, seeking understanding and common ground where possible. Forbearance must pair with empathy for other members of the university community, making all see themselves as connected to and invested in those around them. Considered through the lens of empathy, divisive ideas like trigger warnings or “safe spaces” can transcend their current status as political totems to become ways in which members of university communities choose to understand and support others around them.¹⁹¹ Fundamentally all members of the university community should acknowledge and respect the basic humanity of their community. Acts of basic courtesy and humanity can be modeled within universities as a guide to how citizens can and should live together within a democracy. This small thing is quite large in the end.

As difficult as the technical skills of democratic living are to achieve, agreement upon the substance of democratic formation is more so. Debates about the virtues of various forms of government date back to the ancients. Even with the premise of democracy assumed, there is vigorous disagreement about what the operation of a democracy and the role of citizens within it should be. As wise as Daniels may be in arguing that universities should inculcate understanding and respect for democracy in students, the mechanics of doing so is challenging.

It may be that teaching the underlying substance must wait until technical skills are more fully developed. It may also be that a focus on the technical aspects is what is currently achievable. This is not the only approach to the role of education in democracy, as some republican thinkers persuasively argue that citizens should be formed with certain ideas as paramount or even

191. See, e.g., *Yale's View on Trigger Warnings*, YALE ALUMNI MAGAZINE, July/August 2013 (describing differing views on trigger warnings on various campuses). Sean M. Kammer, *The 'Intellectual Diversity' Crisis That Isn't: Liberal Faculties, Conservative Victims, and the Cynical Effort to Undermine Higher Education*, 39 QUINNIAC L. REV. 149, 214-18 (2021) (discussing how “[s]afe spaces’ and ‘trigger warnings’ are not indicative of coddling students, of protecting them from ideas, or of suppressing free speech”).

nonnegotiable.¹⁹² Such an approach may be tough to square within the liberal and individualistic traditions of democracy in the United States. Rather than going so far as to form democratic citizens as Daniels suggests, perhaps what universities can most effectively focus on is exposing students to the substantive debates underlying democratic norms while successfully modeling and forming students with the technical skills that facilitate endurance of a democratic society. In other words, universities should commit to the process rather than the substance. Developing an understanding of and commitment to process among so many young adults provides an excellent opportunity to inculcate democratic skills. This alone has real value.

VI. CONCLUSION: WHAT *DO* UNIVERSITIES OWE DEMOCRACY?

If nothing else, *What Universities Owe Democracy* will inspire readers to think about the relationship between American universities and American democracy. In an environment where political culture is factional, combative, and commonly paralyzed, precipitating fresh thought and possible renewal by political actors is itself important and valuable. Beyond a general reconsideration of American democracy and political engagement, the book very effectively spurs thought about the particular context of university structure and operation while offering concrete proposals for consideration. It is a valuable contribution.

So, what *do* universities owe democracy? It remains an excellent question with an answer that is far from given. Being servants of democracy is not inherent in the mission of a university. That fact is borne out by the existence of universities in non-democratic nations alone. Even within the United States, supporting democracy may be less of a mission for some universities than others—religious institutions and smaller community colleges are but two examples.¹⁹³ Daniels's premise that the spirit of free inquiry, pluralism, and commitment to truth at the heart of most modern research universities creates a synergy with democratic societies. With this synergy in mind, one vision of what universities owe democracy can be modeling. Universities can offer the best version of what democracies need for themselves: open, reasoned, and civil dialogue;¹⁹⁴ pluralist

192. Suzanna Sherry, *Responsible Republicanism: Educating for Citizenship*, 62 U. CHI. L. REV. 131, 133 n.5 (1995); Cass R. Sunstein, *Beyond the Republican Revival*, 97 YALE L.J. 1539, 1548-50 (1988).

193. Religious institutions may feel no less a burden to attempt to bridge social divides, while attempting to do so in ways that are highly different stylistically from public universities. See, e.g., Tania Christina Tetlow, *The Language of Hope*, AMERICA MAGAZINE, Vol. 227, No. 2, Sept. 2022, at 74, (describing how Catholic universities may be able to advance commitment to the common good in the face of individualism and division).

194. This is not to say that universities should value all ideas or speakers equally. See KRONMAN, *supra* note 190, at 115-18 (arguing how universities should allow but confront mere provocateurs). In fact, one of the things universities can offer in the current democratic moment is an example of how to identify ideas of greater merit within a society open to all ideas. *Id.* The current inclination to treat all ideas, often simply opinions masquerading as reasoned and informed ideas, as equally valid tends to exacerbate the epistemological crisis afoot. Fulton, *Fake News*, *supra* note 112, at 751-52.

communities where people seek commonality while not condemning difference; commitment to fact-based inquiry;¹⁹⁵ and ongoing consideration of the most important human questions of virtue and governance. Put another way, perhaps what universities can offer democracy is to be cultivators of what is best in democratic citizens.¹⁹⁶

If this is a vision of what universities “owe” democracy, they cannot pay that debt without a commitment from many quarters to do so.¹⁹⁷ As Daniels notes repeatedly, declining public investment in university education makes many of these missions much more difficult. Partisans treating the operations, purposes, even souls of universities as just another front in electoral warfare undermines their standing and public trust. Employers demanding that universities be overpriced trade schools undermines the ongoing mission of the liberal arts and pure research. Students who demand that they never be made uncomfortable in a classroom and be pampered in the dorm and student amenities can push campuses into financial arms races that pull resources from academic programs and push tuition out of reach of low-income students. Each of these groups and more will have to sacrifice some of what they prefer to offer real support to the shared fundamental purposes and actions that can make universities the supports to democracy that Daniels envisions.

While universities can support key values and ideas of modern democratic societies, it is an overstatement to say that they have a unique obligation to democracy or that they are themselves uniquely democratic. The question remains as it always has been: what will we as citizens contribute to our democracy?¹⁹⁸ No institution, university or other, can answer that question or pay that debt for us.

195. Universities again have the opportunity and obligation to raise the bar by sustaining true experts who can serve as gatekeepers to ideas and arguments gaining purchase in public discourse. NICHOLS, *supra* note 116, at 99-100. The discounting of experts has been decried elsewhere as a “death of expertise.” *Id.* at 20. By sustaining and disseminating expert process and knowledge while stopping the spread of ill-informed, uninformed, or outright disinformation discourse, universities can raise the quality of public engagement.

196. This has been described elsewhere as cultivation of a species of aristocracy. KRONMAN, *supra* note 190, at 13.

197. These commitments may be difficult to obtain, given that reform of the current university system has the potential to disrupt settled preferences of many powerful interests. Ryan M. Brown, *Higher Ed Laid Low*, COMMONWEAL, May 2023, at 46.”

198. President Kennedy’s call remains as apt now as in 1960, “ask not what your country can do for you—ask what you can do for your country.” SORENSEN, *supra* note 15, at 14.