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**A THRIVING INTELLECTUAL COMMUNITY RELIES ON DIVERSITY**

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**COMMENTARY OFFERED ON THE CSHE ROPS\*\***  
**Is the University of California Drifting Toward Conformism?**  
**The Challenges of Representation and the Climate for Academic Freedom**  
**by Steven Brint and Komi Frey – ROPS CSHE.5.2023**

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At UC Berkeley we seek to hire faculty who will be effective in teaching a diverse student body, engaging in high-impact research, and contributing to a culture of shared governance. We seek to hire faculty who demonstrate excellence in every area of review. As we have added more structure to the faculty recruitment process, we have seen a decrease in “self-replicating” hiring and, correspondingly, an increase in the diversity of the faculty we hire. By every measure of quality, we hire superb faculty from a very diverse pool of applicants. In that context, it is dispiriting to read the poorly reasoned attack by Brint and Frey, naming our campus and others, on the evaluation of skills related to diversity, equity, inclusion and belonging (DEIB) in the faculty hiring process. We welcome this opportunity to respond.

In their essay, Brint and Frey raise concerns that efforts to diversify the faculty of the University of California will lower the intellectual quality of the faculty and stifle academic freedom. This is simply wrong. Their “essay” relies on straw man fallacies, unsupported statements, and factual errors. Rather than a piece of scholarship, it is instead a polemic, even a dystopian fantasy. This essay may masquerade as a defense of academic freedom, but at its core is a palpable fear that a more just and inclusive world will diminish the unfair advantage that some groups currently hold.

Below, we identify five fundamentally problematic aspects of the essay, concluding with one insight on which we think most reasonable parties would agree.

**1. The unsupported (and unsupportable) thesis that diversity lowers the intellectual quality of the university**

This essay is threaded with warnings that hiring faculty from historically underrepresented groups will lower the intellectual quality of the university. While allowing that such hiring may serve a “civic” purpose,

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\*\* The authors were invited by the ROPS Editor to critique and review the ROPS contribution “Is the University Of California Drifting Toward Conformism?” by Steven Brint and Komi Frey. Authors are responsible for the content, and the views and interpretations expressed are not necessarily those of CSHE's research staff and other affiliated researchers.

Brint and Frey maintain that it creates “effacement” of the university’s intellectual mission, leads to a “decline of the centrality of intellectual values” and, particularly in the sciences and engineering fields, lowers “standards of merit”. They worry that “the University’s ability to generate knowledge will diminish over time.” (Brint and Frey do suggest that the “softer” fields of ‘arts, humanities and interpretive social sciences’ might be able to absorb some of the racial and gender diversity that ‘activists’ are clamoring for.) Brint and Frey conjure an epic battle between “activists” who support diversity and “senior faculty” who are fighting to preserve “the university’s traditional mission of dispassionately searching for truth.”

Brint and Frey provide no evidence to support their despicable thesis that hiring faculty from previously historically excluded groups lowers the intellectual quality of the university, in STEM or any other fields. The fact of the matter is that all faculty hired through our searches have been selected by existing faculty in their departments because they have risen to the very top of an extremely competitive applicant pool on the basis of their excellence in teaching, research, and service, including contributions to DEIB in those three areas. There is no evidence that hiring a diverse faculty in any way lessens the credentials or excellence of the faculty. To the contrary, the experience of Berkeley belies that assertion.

## **2. The false equivalence of “academic freedom” with “agreeing with Brint and Frey”**

Another theme of Brint and Frey’s essay is that academic freedom is being eroded. In support of this contention, they point to instances in which individuals disagree with their views. For example, they quote Eugene Volokh as asserting that “UC Berkeley faculty and students were advised not to use the phrase “America is a melting pot” or a “land of opportunity.” Although the link Volokh provides goes to a nonworking webpage, the apparently intended page is on the website of a group without any authority to compel or prohibit speech by faculty or students. That some offered that advice, however misguided, is an exercise of their free speech and academic freedom, whether Eugene Volokh likes it or not.

As another example, Brint and Frey note that, in response to a letter written by one member of the UC Berkeley history department, other members of the UC Berkeley history department responded that the letter went against their values. People can disagree. People have free speech rights. It is not in itself a violation of academic freedom to express disagreement with a professor of history at Berkeley. As stated in the (2015) systemwide Academic Council Statement on Academic Freedom and Civility, “Academic freedom includes the right of members of the university community to express their views, even in passionate terms, on matters of public importance.”<sup>1</sup>

In a telling passage, Brint and Frey write that “If a scholar, for example, attempts to explain that many factors besides race play a role in individuals’ life experiences and outcomes, or that members of some non-White ethnic groups surpass Whites in socioeconomic attainment, that person can be interpreted as providing, not the findings of social science, but an example of White fragility in action.” In addition to deploring the implicit assumption here that “a scholar” would naturally be White, we note it is not a violation of academic freedom for someone to disagree with a White person.

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<sup>1</sup> See [https://academic-senate.berkeley.edu/sites/default/files/academic\\_freedom\\_statement\\_endorsed\\_by\\_council.pdf](https://academic-senate.berkeley.edu/sites/default/files/academic_freedom_statement_endorsed_by_council.pdf). There is a genuinely interesting discussion to be had about how and when academic departments should issue statements, especially when not all members of the department agree with them. In 2022, the University of California Committee on Academic Freedom issued guidance stating that “departments should not be precluded from issuing or endorsing statements in the name of the department” but that “it is important for departments to include disclaimers with statements that make clear the department does not speak for the University as a whole.” Brint and Frey do not acknowledge or engage with this discussion. ([https://senate.universityofcalifornia.edu/\\_files/reports/rh-senate-divs-recs-for-dept-statements.pdf](https://senate.universityofcalifornia.edu/_files/reports/rh-senate-divs-recs-for-dept-statements.pdf))

By far the weakest component of this overall argument by Brint and Frey is the statement that “It is deeply ironic...that the home of the nonconformist Free Speech Movement of the 1960s now prioritizes conformity to a particular set of political and social values.” The fact that Brint and Frey can publish their views in this prestigious campus publication is proof by demonstration that their free speech rights and academic freedom continue to prevail. More important, Brint and Frey offer no evidence that anyone’s speech has been suppressed. The Berkeley campus enforces no conformity of views; a vast array of ideas are expressed across the campus every day. A person’s freedom of speech is not infringed by others using their speech to criticize what was said.

### **3. The false equivalence of “rationalism” with “agreeing with Brint and Frey”**

Brint and Frey equate their views with a “culture of “rationalism,” which they define as consisting of propositions that “meet the criteria of rationality and logic” and “accurately represent reality”. But *whose* logic? *Whose* reality? The “logic” and “reality” Brint and Frey refer to here are their own opinions.

“The University’s expressed commitments to academic freedom and the culture of rationalism ... are too often considered secondary or [sic] when confronted by new administrative initiatives and social movement activism related to diversity, equity, and inclusion (DEI),” write Brint and Frey, without pointing to any official university statements about a “culture of rationalism” or identifying elements of administrative initiatives which are not rational. Instead, Brint and Frey dismiss views which dissent from theirs as “social movement activism.”

Labeling one’s own views as “rational” and those of others as “activism” is name-calling, not an argument. Underlying Brint and Frey’s argument is the unfounded assumption that there is a tension between rationalism and valuing diversity. There are obviously rational and indeed compelling reasons to value diversity. There is no reason to believe that doing so lessens rationality on campus.

### **4. Unsupported statements, vague generalizations, straw man arguments, and errors of fact**

Peeling away the unpalatable wrapper of assumptions that diversity lowers merit and that disagreement with Brint and Frey violates their academic freedom and is not rational, we find at the core of Brint and Frey’s essay the contention that DEIB statements are being misused. Brint and Frey describe a worrisome world and then complain about it. But this world is a fiction.

“[W]e should not insist that groups be represented in proportions equivalent to their share of a state or a nation’s population,” write Brint and Frey. This is a straw man argument. The University of California does not in fact insist on proportional representation in hiring or admissions. Doing so would be illegal under Proposition 209 and the United States Constitution.

According to Brint and Frey, “the use of DEI statements as initial screens in faculty hiring represents a direct challenge to the bases of academic freedom because these searches do not include an initial review of research and teaching expertise.” This is also a straw man argument against imaginary DEIB statements. Actual DEIB statements do discuss teaching and research.

As stated on the faculty recruitment website at UC Berkeley, “we value the advancement of diversity, equity, inclusion, and belonging as an integral part of faculty research, teaching, and service”.<sup>2</sup> DEIB statements do not require a uniform viewpoint to be expressed. They are one part of assessing likely

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<sup>2</sup> <https://ofew.berkeley.edu/academic-recruitment/contributions-deib/support-faculty-candidates>

overall effectiveness, looking to whether the faculty candidate is likely to be effective in teaching and conducting research in the very diverse environment of UC Berkeley.

“The academic environment is enriched by many kinds of diversity, not only racial-ethnic and gender-related diversity. The net should be widened again to include religious, national origin, socio-economic, and geographical forms of diversity, and perhaps also viewpoint diversity,” write Brint and Frey. This, too, is a straw man argument because we agree: all of the types of diversity they mention are relevant in assessing a candidate’s ability to teach effectively, conduct impactful research, and perform service to the department, campus, and professional community. It is Brint and Frey who narrow the “net” by focusing exclusively on racial/ethnic and gender-related diversity in their essay.

The University of California uses a broader net, as memorialized in Regents Policy 4400 (“race, ethnicity, gender, age, religion, language, abilities/disabilities, sexual orientation, gender identity, socioeconomic status, and geographic region, and more”) and exemplified in the UC Berkeley Principles of Community, which specifically mention, in the context of diversity, “freedom of expression and dialogue that elicits the full spectrum of views held by our varied communities.”<sup>3</sup>

Alongside these straw man arguments are vague, unsupported generalizations. Rather than conducting any kind of study with replicable results, Brint and Frey rely on oblique anecdotes like “According to colleagues who have shared their experiences with us”. For example, in a passage about “the pall of orthodoxy” that allegedly suppresses free expression and inquiry, Brint and Frey state that “Our discussions with colleagues indicate that this too has happened at times on UC campuses, though again we do not know with what frequency.”

It is ironic that their article, which calls for a “meritorious” and “dispassionate” search for the truth (to use their own vocabulary) relies on unsupported anecdotes. It is easy to imagine those who did not get a position blaming it on diversity statements or those whose expression has been criticized claiming they were silenced, even though the critics had as much right to speak as they did.

Their errors of fact add further distortion.

“The rubrics used to evaluate DEI commitments have not been regularly accessible to candidates,” write Brint and Frey. This is misleading. Guidance for all applicants on how to prepare an effective, substantive, DEI statement is publicly available on the UC Berkeley website.<sup>4</sup>

Brint and Frey continue: “Considerations of the racial-ethnic and gender diversity of the pool, as well as diversity statements, for example, are required for all UC searches”. While it is true that the [Office of Federal Contract Compliance Programs](#) in the United States Department of Labor requires our campus, as a federal contractor, to provide information about the race, ethnicity and gender — *and* veteran status, *and* disability status — of the pool (and of our current faculty), it is simply not true that diversity statements are required for all UC Berkeley searches.

Brint and Frey repeatedly refer to imaginary policies as if they were real. For example, they allude to “[t]he policy of winnowing applicant pools based on diversity statements” and to “[t]he new policy [that] required all faculty applicants to submit a DEI statement.” They do not cite any policy to this effect —

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<sup>3</sup> See <https://regents.universityofcalifornia.edu/governance/policies/4400.html> and <https://diversity.berkeley.edu/principles-community>.

<sup>4</sup> <https://ofew.berkeley.edu/academic-recruitment/contributions-deib/support-faculty-candidates>

because there never was such a policy. They state that this fictional policy was revised in May 2022. It was not revised then, because it did not exist.

## 5. Bad math

Brint and Frey take particular exception, as other opponents of diversity have done, with a search conducted in 2018 at UC Berkeley in which the search committee opted to read DEIB statements before reading other materials. Brint and Frey characterize this as elevating the importance of DEIB over teaching and research. We have already remarked, above, on this false opposition.

What we would like to convey here is that Brint and Frey have neglected the commutative property of arithmetic. If candidates must be scored highly on each component of their application in order to advance, it should not matter in which order the components are scored, just as in addition,  $A+B$  and  $B+A$  produce the same result, and in multiplication,  $A*B$  and  $B*A$  produce the same result. A is not “elevated in importance” because it is introduced first in the expression  $A+B$  or  $A*B$ . If a screening condition (“demonstrate sufficient DEIB skills and plans”) is necessary, it must be met whether its presence is checked at the beginning, middle, or end. The same logic would apply to a research statement, if it were the first thing a committee read. (In reality, initial screening almost always involves reviewing a larger subset of the application materials than just one statement.)

Brint and Frey also rely on dubious statistical methods. In implying that the evaluation of DEI statements discriminates against Whites, they cite statistics for one search in which Whites constituted 54% of the applicant pool but 14% of the final shortlist. However, there is far too much variation across searches to extrapolate in this manner from one search. The Office for Faculty Equity and Welfare has published data on its website for years. These data show that in 2022, 41% of faculty hired identified as White, and 45% identified as women, across all searches. These percentages are similar to the availability pool of U.S. PhDs and the actual applicant pool, again in the aggregate across all hiring in that year. The larger point is, of course, that Berkeley hires exceptional faculty. Brint and Frey provide no evidence to the contrary.

### ***An inescapable inference that nobody should agree with***

Brint and Frey write that “The academy of rationalism is a hierarchy based, in principle, on contributions to knowledge measured by the discovery of facts, concepts, principles, and new interpretations that illuminate and explain. The academy of DEI and radical critics, by contrast, is a hierarchy based, in principle, on a more equally representative distribution of power, especially across racial-ethnic and gender lines, with heightened regard for the hardships that certain disadvantaged groups have experienced and a heightened interest in the University’s role in reproducing inequalities and excluding “alternative forms of knowledge.”

This, too, is a straw man argument. It imagines a fictional “academy of DEI and radical critics” that does not value “contributions to knowledge measured by the discovery of facts, concepts, principles, and new interpretations that illuminate and explain.” That is nonsense. It assumes without any evidence that the quality and credentials of the faculty are lessened by also valuing diversity. The inescapable inference is that when the faculty is diversified along racial-ethnic and gender lines, the intellectual contributions of the faculty decrease. The inescapable inference of their argument is that white men make superior faculty.

Brint and Frey wonder why more individuals do not publicly sign on to their views. They speculate that perhaps those individuals are intimidated: “many of those who profess traditional academic values keep their views to themselves in the face of collective action by mobilized critics of the University. We can only conjecture about the reasons for quiescence, based on our conversations with colleagues.”

We have a different conjecture, which is that Brint and Frey hold a distinctly minority viewpoint.

***An incandescent insight that we can all believe in***

“If structural racism is the problem,” write Brint and Frey, “then it follows that structures must be thoroughly transformed...” We, of course, agree.

Structural racism and sexism for too long has meant that some of the best candidates – even by the criteria articulated by Brint and Frey – were not hired. Outstanding candidates of color and women long have faced discrimination in the academy, compromising the very qualities Brint and Frey rightly champion. Recognizing that structural racism exists, and that implicit biases are inevitable, we work hard to create a hiring procedure that will be equitable and fair and hire outstanding teachers and scholars.

It’s regrettable that the trumped-up straw man arguments in Brint and Frey’s essay obscure what might possibly be some deep, meaningful underlying agreement on what is needed to ensure that our mutually beloved university grows and thrives and is open to all of the talented people whose contributions will make it better still.