

"The peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error."

-John Stuart Mill

## THE IMPORTANCE OF EPISTEMIC OPENNESS

**By John McGinnis** Northwestern University

John Stuart Mill's quote captures an essential requirement of education. Teachers must cultivate epistemic openness—a willingness to hear all sides—because that process is most likely to arrive at truth. Moreover, as Mill also implies, the very process of debate allows the truth to be set on more secure foundations when it is challenged. Stray opinions will become better verified after they are shown to hold out against all comers.

Epistemic openness is important at all levels of the educational system. At the university level it is best reflected in the University of Chicago's 2014 Report of the Committee on Freedom of Expression (the "Chicago Statement") and its 1967 Report on the University's Role in Political and Social Action (the "Kalven Report"). The free speech principles articulated in those reports guarantee free speech to both faculty and students. The Chicago Statement notes, "the University's fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed." The Chicago Statement also recognizes, however, that time, place, and manner restrictions on speech may be important to the functioning of the university. A student should not be able to spout off about current events in physics class or otherwise disrupt the ordinary activities of the university.

The Kalven Report, also emanating from the University of Chicago, prevents universities from becoming institutional enforcers of orthodoxy. It makes clear that universities should not take positions on anything except matters that are of "paramount importance" to the university as an institution. Thus, a college should not take public policy positions, let alone adopt a

comprehensive ideology, like capitalism, socialism, or "antiracism" (which goes far beyond a commitment to nondiscrimination). The centrality of free speech and inquiry is a prime example of something of paramount importance to which universities should adhere because it is central to their mission of creating knowledge through disagreement and debate.

These principles are as important in K-12 education. Aristotle said, "Give me the child until he is seven and I will show you the man." It is in these early years that students are cultivating the habits of mind that will guide them for life. If they feel they can speak freely, they will become willing stand up for their ideas later. If they hear perspectives that challenge their views, they will learn that disagreement is no bar to friendship and respect.

When students get to college, these habits will then help universities keep on their mission of epistemic openness. Even more importantly, in politically polarized times like our own, these habits become central to being a good citizen in democracy. Only by recognizing that others have different ideas and reasons, can democracy sustain the atmosphere of experimentation, give and take, and compromise that keeps it flourishing.

To be sure, in K-12 education, time, place, and manner restrictions may differ from those at universities, because they need to be applied in an age-appropriate way. But youth offers no argument for abandoning the principles in favor of freedom of thought and expression, and indeed provides more reason to insist on their centrality.

John McGinnis is the George C. Dix Professor in Constitutional Law at Northwestern University's Pritzker School of Law. He is a graduate of Harvard College and Harvard Law School where he was an editor of the *Harvard Law Review*. He is the author of *Accelerating Democracy: Transforming Government Through Technology* (Princeton 2013) and *Originalism and the Good Constitution* (Harvard 2013) (with M. Rappaport). He is a past winner of the Paul Bator award given by the Federalist Society to an outstanding academic under 40.