

## **Should I present this paper at BYU?**

In June of 2006, Jeffrey Nielson was informed that his contract for teaching philosophy courses at Brigham Young University would not be renewed because of the views he expressed in an editorial in the *Salt Lake Tribune*.<sup>1</sup> Nielson's editorial was critical of the LDS Church's stance on same sex marriage. The tenor of Nielson's complaint can be gleaned from the following quote from his editorial:

I believe opposing gay marriage and seeking a constitutional amendment against it is immoral. Currently the preponderance of scientific research strongly suggests that same-sex attraction is biologically based. Therefore, it is as natural as a heterosexual orientation, even if rare .... Truly, God would be unjust if He were the creator of a biological process that produced such uncommon, yet perfectly natural results, and then condemned the innocent person to a life of guilt, while denying him or her the ordinary privileges and fulfillment of the deep longing in all of us for family and a committed, loving relationship.

Elsewhere in the article, Nielson did profess his support of the Church's authorities ("I sustain the First Presidency and Quorum of the Twelve Apostles as LDS general authorities...") but he wrote that he also believed that it is right for members of the Church to question those authorities ("I reject the premise that they are thereby immune from thoughtful questioning or benevolent criticism"). It is clear that he meant his article

---

<sup>1</sup> My knowledge of this affair is drawn from materials posted on two websites: [www.insidehighered.com](http://www.insidehighered.com) and [www.affirmation.org](http://www.affirmation.org).

as constructive criticism of the church's doctrinal position from a faithful member of the fold.

At the time, the U.S. Senate was considering an amendment to the constitution which would, in effect, make same-sex marriages illegal. The LDS Church had sent delegates to Washington in the hope of persuading senators to support the amendment. (The amendment failed.) Nielson's article was timed to make public a disagreement with the Church's stand on the political issue -- and not just a disagreement, but a disagreement seeming to appear from under the auspices of the Church's own university.

According to news reports, the decision not to renew Nielson's contract was made by the Philosophy Department. The department chairman wrote a letter to Nielson, explaining,

In accordance with the order of the church, we do not consider it our responsibility to correct, contradict or dismiss official pronouncements of the church. Since you have chosen to contradict and oppose the church in an area of great concern to church leaders, and to do so in a public forum, we will not rehire you after the current term is over.

I do not have access to the letter, so I do not know whether it makes clear that the "area of great concern" is the question of same-sex marriage, but presumably it is. (I raise this as a question only because Nielson also writes in his article that "a person can find more real history of the LDS Church in 30 minutes online than the same person would in a

lifetime studying approved church materials” -- a claim which I can readily see as offensive to most Mormons.)

I do believe that same-sex marriage is morally permissible, and that Nielson is right to ask whether the Church’s stance against it is in keeping with their own doctrines, and that the Philosophy Department was wrong not to renew his contract on the basis of views expressed in his editorial. But the concern of this essay is not to try to demonstrate any of these things. Rather, the question is quite narrow: *given that I do believe these things*, should I present this paper (or any paper) at a conference sponsored by BYU? In pursuing an answer to this question, I will first establish the grounds for my belief that the Philosophy Department was wrong not to renew the contract. As I will admit, these grounds are not conclusive, but they will help to show the nature of my concern regarding my participation in this conference. I will then examine two arguments for either the permissibility or the impermissibility of participating in this conference and decide which argument is more compelling.

## 1.

First: why do I believe the Philosophy Department was wrong not to renew Nielson’s contract? Note that I am not making any allegation about the legality of the decision, or the legitimacy of it within BYU’s own set of policies. The Department was safe on both counts, for a couple of reasons. First, the employment of an adjunct professor is on a renewable basis, and the decision to rehire is at the discretion of the hiring department. So the department can choose not to rehire someone for virtually any reason, or no reason at all. (Like it or not, that is the lot of teaching on an adjunct basis.) Second, BYU’s

own policy on academic freedom does allow for restrictive action to be taken in a case such as Nielson's. The policy reads that:

[Placing] a limitation [on a faculty member's freedom of expression] is reasonable when the faculty behavior or expression *seriously and adversely affects* the university mission or the Church. Examples would include expression with students or in public that: [1] contradicts or opposes, rather than analyzes or discusses, fundamental Church doctrine or policy; [2] deliberately attacks or derides the Church or its general leaders; or [3] violates the Honor Code because the expression is dishonest, illegal, unchaste, profane, or unduly disrespectful of others.<sup>2</sup>

Nielson did directly contradict and oppose Church doctrine or policy (though I cannot judge whether the doctrine is *fundamental*; that is one of the issues Nielson was taking to task), and I think it is fair to say that he deliberately attacked (though he did not deride) the Church and its general leaders. So the Philosophy Department cannot be accused of doing anything illegal or improper according to BYU official policy.

Still, I think it is true that academic institutions -- and departments of philosophy especially -- should do everything possible to encourage free and critical discussion, inasmuch as philosophical inquiry requires it. In particular, ideas should not be stifled or otherwise limited out of fear of losing one's job. Moreover this presumption holds at public and private institutions alike, since the nature of philosophical inquiry depends in

---

<sup>2</sup> As seen on <http://fc.byu.edu/opages/reference/academicfreedom.htm>. Numbers in the brackets are mine.

no way on the nature of an academic institution. I do not believe I have an absolutely compelling argument in favor of this presumption, but if I had to present an argument, it would be along the following lines:

1. Philosophy is fundamentally the pursuit of deep and important truths;
2. One of the most serious obstacles to discovering these truths is the possession of a false assumption;
3. The most effective way of discovering false assumptions is through free and critical discussion; and, hence,
4. Philosophers should do everything possible to encourage free and critical discussion.

Of course I recognize that the second and third premises can be called into question by philosophies based on what are regarded as revealed truths. If God tells us that a certain claim is true, and perhaps even warns us not to question it lest we fall into sin, then critical discussion of that claim is not likely to assist us in discovering deep and important truths. It will in fact be an obstacle.<sup>3</sup> This of course is a very old debate between theology and philosophy, and it is fair to say that no one has an impartial way of settling it.

But even if one were to accept my argument, one might respond that what

---

<sup>3</sup> This point of view is implied in the conclusion of BYU's policy on academic freedom: "For those who embrace the gospel, BYU offers a far richer and more complete kind of academic freedom than is possible in secular universities because to seek knowledge in the light of revealed truth is, for believers, to be free indeed." Freedom, in this sense, is freedom from ignorance, or freedom from truths secular institutions distort or obscure.

philosophy requires is one thing, and what a religious institution requires is another. And so perhaps there are circumstances in which philosophers must accept a limitation on their freedom of inquiry in order to meet higher or more global obligations. This is made explicit in BYU's policy of academic freedom:

The faculty is entrusted with broad individual academic freedom to pursue truth according to the methodologies and assumptions that characterize scholarship in various disciplines. This trust necessarily encompasses the freedom to discuss and advocate controversial and unpopular ideas. However, the board and administration reserve the right to designate, in exceptional cases, restrictions upon expression and behavior that, in their judgment, seriously and adversely affect BYU's mission or the Church.

This happens at secular institutions as well. A researcher who claims to have evidence that white people are intellectually superior -- or the president of an Ivy League school who claims it may be true that women are genetically disadvantaged when it comes to engineering -- may be counseled to suppress their opinions when it seems that expressing them is in some way irresponsible or in conflict with the mission of the university.

Now presumably Jeffrey Nielson's editorial was seen as having this sort of serious and adverse effect upon the mission of BYU or the Church. And so perhaps *some* sort of action or "limitation" was required. But it is not clear that a decision never again to employ Nielson was required. On the surface at least, it seems that other compromises were available: Nielson could have been warned, placed on a temporary probation, or

answered in a separate editorial written on behalf of the Church's position. Or the Department could have defended Nielson's right of expression on the grounds that (a) it is not clear that the Church's stance on same-sex marriage is a fundamental Church doctrine or policy (indeed, as noted earlier, this is precisely what Nielson was calling into question), and (b) an editorial in the *Salt Lake Tribune* is not likely to affect BYU's or the Church's mission in the least. Any of these alternative actions would have struck a kind of compromise between philosophy's obligation to free and critical inquiry and an institution's obligation to support its mission.

Now of course I am limited by the information yielded by public sources. I do not know the history of Nielson's employment with BYU or whether there were additional considerations pertinent to the decision. But from the information I have seen, it seems to me that the Philosophy Department was wrong not to renew his contract.

## 2.

If I have not shown conclusively that the Philosophy Department was wrong, I have at least demonstrated that *I think* they were wrong. And this leads us to the main question: since I believe this, should I be presenting this paper (or any paper) at a conference sponsored by BYU? The question, put in general terms, is this: when I believe that a university has done something wrong, then should I participate in a conference hosted by that university?

The best argument that I have found against participation is the same kind that encourages various boycotts:

1. I should not aid or encourage an organization that engages in unjust behavior;
2. Participating at a university-sponsored conference constitutes aid and encouragement to that organization;
3. Hence, I should not participate in conferences sponsored by universities that engage in unjust behavior.

I am sure that reasonable objections can be raised to the first premise of this argument. (For example, I believe the U.S. government is currently engaged in a number of unjust actions, and yet I pay my taxes, since I believe that on the whole the just actions outweigh the unjust ones.) But I will assume that the first premise can be amended so as to meet these objections. I want to focus instead on the second premise. How exactly does participating at a conference aid or encourage the sponsoring university? The rationale, I think, is that one very important interest a university has in sponsoring conferences is to demonstrate its membership in the academic community. A university has only a monetary interest in hosting craft workshops or basketball camps over the summer. But when it comes to academic conferences, universities are willing to invest and lose great sums of money, and the amount they are willing to invest is directly proportional to the academic credentials of the participants. This means each participant confers some degree of legitimacy upon a university by presenting at the conferences it sponsors. In presenting, one is in effect saying, "I recognize this institution as a full partner in the academic community." We can see the truth in this when we consider that most academics would think twice before agreeing to present a paper to the University of Phoenix or to a conference of scientologists. (Unless the academics were very well-paid,

of course; but even then the events would not find their way onto the academics' CVs).

And so the point of this boycott argument is that I should not present a paper at a BYU-sponsored conference inasmuch as I would be lending legitimacy to an institution that, I believe, has engaged quite recently in unjust behavior.

Now I wish to turn to what I regard as the best argument in favor of participation. The argument is a continuation of the argument I offered earlier for the conclusion that philosophers should do everything possible to encourage free and critical discussion. The continuation runs as follows:

5. A philosophical conference is intended to promote free and critical discussion of important issues;
6. That discussion will not occur unless philosophers present and participate;
7. So philosophers ought to present and participate in philosophical conferences, *particularly* if they believe that by so doing they will help fellow philosophers to discover false assumption.

This purported argument is clearly an enthymeme inasmuch as there are several unstated premises, but the outline is enough to convey the idea. This argument suggests that the very set of reasons I offered for thinking that BYU made a mistake also suggest that I should attend a conference sponsored by BYU, in the hope of promoting a free and critical discussion that will help to uncover the mistake.

With two arguments such as these, one in the end has to balance each against the other. By participating I aid and encourage an institution that (I think) has behaved

unjustly; by not participating I miss the opportunity to participate in a discussion that can help to bring the injustice to light. If these were the only considerations, it might be a tough call. But there are others. First, this particular conference is the inaugural meeting of the Utah Philosophical Association, an organization meant to foster dialogue among philosophers in Utah and neighboring states. That is a goal I regard as worthy, as my previous arguments would suggest. Second, in all modesty I must admit that the aid and encouragement my own participation at a conference confers upon BYU is slight indeed. (I could offer nearly as much aid and encouragement were I simply to waive at BYU as I drive down the highway.) Third -- and in my mind most decisive -- it is entirely possible that the moral judgment I have made about BYU's philosophy department is wrong; and if it is wrong, then I should want to learn that it is wrong; and the best way to learn this is to present my ideas at this conference. So, in all, I tentatively conclude that I should present this paper at BYU.

Charlie Huenemann

Utah State University