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Foreword

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FOREWORD

*Senator Ted Cruz**

This “Conservative Edition” of the *Touro Law Review* would not exist but for the efforts of enterprising students who were galvanized to action by the woeful lack of conservative scholarship. It is a sad irony that today’s universities—which are supposed to be havens of free inquiry and intellectual diversity—have become bastions of ossified thinking and ideological conformity. Progressive ideas are ubiquitous; conservative ideas are actively suppressed. Not only are conservative views underrepresented in scholarship, too often they are unwelcome on campus or, even worse, marginalized by speech codes that penalize professors and students for speech that is not “politically correct”—in other words, speech that challenges the reigning progressive orthodoxy.¹

Although unfortunate, this state of affairs is not surprising—especially to those of us who have experienced it—because the overwhelming majority of the professoriate are self-professed liberals. A 2005 study found, for instance, that 72% of those teaching at American universities and colleges self-identified as liberal, while only 15% identified as conservative.² There is a similarly wide disparity in party affiliation with 50% identifying as Democrats and only 11% identifying as Republicans.³ Perhaps even more telling, 81% of all political contributions from individuals employed at universities and community colleges went to Democrats during the 2012 election cy-

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¹ Sohrab Ahmari, *How Free Speech Died on Campus*, WALL ST. J., (Nov. 16, 2012, 7:11 PM), <http://www.wsj.com/articles/SB10001424127887323894704578115440209134854>; John Leo, *Free Inquiry? Not on Campus*, CITY JOURNAL, Winter 2007, available at http://www.city-journal.org/html/17_1_free_speech.html.

² Howard Kurtz, *College Faculties a Most Liberal Lot, Study Finds*, WASH. POST, Mar. 29, 2005, at C01.

³ *Id.*

cle.⁴ That number was an astounding 87% at law schools.⁵

The ideological uniformity that prevails in our institutions of higher learning is a real threat to the health and vibrancy of our free society. Liberty cannot be realized where the mind is not truly free, and as Allan Bloom put it, freedom of the mind requires not only “the absence of legal constraints but the presence of alternative thoughts.”⁶ Indeed, the “most successful tyranny,” he went on to write, “is not the one that uses force to assure uniformity but the one that removes the awareness of other possibilities.”⁷ The stifling lack of intellectual diversity in our universities has too often deprived both students and the public of that most basic prerequisite of freedom—knowledge that a meaningful choice exists.

That is why this issue of the Touro Law Review is so commendable. By providing a forum for conservative viewpoints, the Law Review is opening the minds of its readership to the existence of other possibilities. For that, the editors and faculty advisors of the Law Review deserve our gratitude. It is my hope that someday “conservative” publications will no longer be necessary—that conservative scholarship will be as prevalent in mainstream academic publications as the progressive variety. But until then, forums like this are essential to ensure that the marketplace of ideas is not monopolized. Now having been given this platform to make others aware of the conservative possibilities that exist, it is up to conservative scholars to persuade them that those possibilities are worth pursuing. The articles in this issue are designed to do exactly that.

⁴ Masha Shapiro, *Back-to-College Special: Academic Contributions Aren't Just Cerebral*, OPENSECRETS, (Aug. 29, 2013), <http://www.opensecrets.org/news/2013/08/back-to-college-special-academic-contributions-arent-just-cerebral/>.

⁵ *Id.*

⁶ ALLAN BLOOM, *THE CLOSING OF THE AMERICAN MIND* 252 (2008).

⁷ *Id.*