

I'm Arved Ashby, a professor at The Ohio State University in Columbus, but I'm voicing my own concerns here as an individual, not speaking for my colleagues or my institution.

The sponsors of SB1 are concerned with higher education — as they put it — encouraging or sponsoring what the bill calls “controversial beliefs or policies,” or any “indoctrination” thereto. This idea of controlling “controversial beliefs or policies” is clearly central to the proposed legislation, so how have the sponsors defined it? The answer is in section 3345.0217, p.21, where the bill specifies: “‘*Controversial belief or policy*’ means any belief or policy that is the subject of political controversy...”

This would seem the main crux of SB1. It is also an instance of explaining a word by referring back to the term itself, in a case of what logicians call *circular definition*. A circular definition is symptomatic of *circular or self-referential reasoning*: a logical fallacy in which “the reasoner *begins* with what they are trying to *end* with.” SB1 section 3345.0217 gives the following as examples of said “*controversial beliefs or policies*,” namely: “climate policies, electoral politics,... [etc.]” But these examples don’t help define or clarify the term “controversial.” *They have no commonality outside of the bill’s writers wanting to restrict them.* The examples simply inventory some policies that the writers of the bill believe to be controversial. These items aren’t corollaries of a definition, they are just a legislative wish-list.

What is the purpose of laws? If laws are intended to establish enforceable boundaries for actions rather than aiming to impose raw ideology or “chill” and intimidate, then I’d say the boundary here is ambiguous for everyone. I assume that legislation should be clear in its terms. I go back to quote John Marshall, Virginia native and fourth Chief Justice of the U.S. Justice Marshall concluded in an 1805 ruling that where “words in the body of the statute” are “plain,” there is “nothing ... left to construction,” but that *where “ambiguit[y]” remains, “the mind ... seizes every thing from which aid can be derived.”* Marshall said, in short, that ambiguous legislation will mean whatever its different readers want it to mean, thereby making it contentious and unenforceable.

SB1 has gone through several rewrites over some years; but the nebulous and self-serving term “controversial” remains. I wonder, in fact, if the ambiguity isn’t intentional, and the bill intended to *intimidate* and damage. Ambiguous regulations like this end up having a *chilling or self-censoring effect*. The bill’s stipulation to make course syllabi public and searchable would seem to back up any such impressions of blunt intimidation.

There were similar examples of circular and self-serving terms from the Soviet Union (the government’s cultural proscriptions of “formalism”), and from Nazi Germany (where instances of “Bolshevism” were punished). There are also vaguenesses that some U.S. states wrote into law in the past, ambiguities that allowed law enforcement enough leeway to harass anyone who engaged in sex outside of marriage; for instance, the 1950 Virginia legislature made it a crime for citizens “to lewdly and lasciviously associate and cohabit together.” I shudder when I wonder in the case of that law, similar in wording and intent to the proposed Ohio SB1, just how the term “lewdly and lasciviously associating” came to be defined and argued in Virginia courts.

“Controversial” isn’t the only ambiguous term in SB1. Also nebulous are the ways that faculty are said to further such “controversies.” The writers of the bill seek to prohibit agents of higher education from “advocating,” “sponsoring,” or “endorsing” the aforementioned “controversial beliefs or policies.” Now I’ve been teaching for 30 years, and I can’t imagine how “advocacy,” “sponsorship,” or “endorsement” could be effected in a classroom. How would a professor stand in front of students and “sponsor” climate change or “endorse” abortion? The Cambridge Dictionary defines the verb “sponsor” to mean: “to support a person, organization, or activity by giving money, encouragement, or other help.” And so on with the lack of clarity in writing, which betrays a lack of clarity in purpose. These terms and semantics indicate little to no understanding of what happens in a classroom, or more generally how students interact with faculty.

The writers of SB1 understand students to be empty vessels without views of their own, vessels that faculty feel free to fill up with their own ideologies and “indoctrinate” to certain beliefs. It seems the term that the writers of SB1 are really wanting to use here is “radicalize.” But this is not how teaching works. The naval officer, engineer, and writer Robert Heinlein summarized the reality of teaching when he wrote: “When one teaches, two learn.” Very true. I believe the best learning happens when the students ask *me* questions: and in such a situation, “indoctrination” is hardly possible, let alone entertained.

In sum, the writers of SB1 seem so unaware of actual teaching dynamics and so condescending toward students that I would tell Ohio’s high school seniors to apply to higher-ed institutions in another state. To close, I’d like to quote another “founding father” of our democracy. James Madison wrote, in Federalist Paper 51, that “the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control *itself*.” So governing, like teaching, should also be a two-way street. I hope in this instance that our government does decide to control itself, and that the legislature will vote “NO” on the fatally ambiguous and covertly partisan proposal that is SB1.

Thank you.