

ACADEMIC FREEDOM: WHEN AND WHERE?¹

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I have the easiest job on this panel. I am supposed to address the question of when and where academic freedom ought to be protected. The question is straightforward; so is my answer. Provided the conduct in question *is* academic, it ought to be protected all the time, everywhere.

Having done my job so efficiently, I ought to retire from the fray, and donate the rest of my time to my colleagues, whose gratitude will cause them to instantly concur; but that would be contrary to my nature. One cannot spend all those years as a university president without developing a compulsion to belabour the obvious.

Let me begin my defence of my position by making explicit what is clearly its implicit major premise. Academic freedom is *a* central, arguably *the* central value, of university life. Anything which interferes with it has to be justified by reference to prior or higher values. I can think of very few, other than perhaps the protection of human life: certainly not institutional solidarity; certainly not institutional reputation.

In the same breath, however, I have to acknowledge that I have successfully demolished a straw man. There are very few cases in the modern history of our universities where people have been burned at the stake for pronouncing off campus or at awkward moments their informed, professional scholarly views on cosmology, the origins of the punic wars or even the devastation wrought by supply-side economics on our national well-being. Note: I said "informed, professional scholarly views". There's the rub. What happens when it is an astronomer or ancient historian who says something about neo-conservative economics especially when that something takes the form of a fierce denunciation of government policy, and is uttered in a partisan political context or with blithe disregard for the conventions of scholarly discourse?

What happens, first of all, is that a number of people are going to be very cross. The Globe and Mail may fulminate; the Provincial Treasurer may knock another million or two off the university appropriation; the President may writhe quietly; and "real" economists may snort and snicker. All of that is to be expected: indeed, it is of the essence of academic freedom that it may engender all or any of these reactions. After all, we wouldn't know that we had principles unless we suffered for them. What is not expected is that someone will say to the errant astronomer or historian: "you have no business talking like that in public; you don't know what you are talking about; and we are going to punish you for your attempt to mask your private political opinions as academic speech, thereby giving us all a bad name."

¹ Retyped verbatim from printed copy of 1995 original text.

Look where such a position would take us. Only economists - indeed, only mainstream economists - could speak off campus about economics without fear of being punished by the university. If a non-orthodox economist claimed that privilege, we would have to investigate whether, for example, his or her specialty in economics included the particular topic on which he or she was publicly ventilating. We would have to see whether even specialist economists were making overbroad statements, out beyond the limits defined by the state of the art. We would certainly have to look at whether, perchance, the historian or the cosmologist happened to have some special insight rooted in their respective disciplines.

These kinds of inquiries would demean any institution which believes in the interconnectedness of knowledge, in the value of dialogue, and in the contingency of truth. They would be a prescription for intellectual regimentation, and a denial of the university's historic role as the seat of heterodox opinion. And they would be a sure way to make university teaching careers somewhere between dangerous and impossible for anyone of a critical or unconventional disposition. And yes, to anticipate your questions: if my errant academic happened to be a psychologist speaking publicly on the sociobiology of race, my response would be the same.

Before I deal with some of the implications of defending academic freedom regardless of time, place or circumstance, I want to note just that the notion of "defence" has its limits. The university is not a mediaeval sanctuary; you cannot escape either public censure or legal prosecution by throwing yourself upon its altar. If a professor's public speech makes people out there angry because it is provocative or ill-informed, they are free to take whatever social or economic reprisals they feel appropriate. If a professor commits some crime in the course of off-campus speech, such as defamation or hatemongering, he or she can be sued or prosecuted and will have to base a defence on the Charter and its protections of free speech, not the University and its protections for academic freedom. And, for that matter, the same holds true for statements made clearly in the line of duty in the classroom or on the pages of a learned journal.

If all of these risks attach to the exercise of academic freedom, on or off campus, in or out of class, what then does it mean to say that the university should always respect academic freedom whenever and wherever? It means this: that the university will not punish people for exercising their intellectual freedom, and will shield them, if it can, from attacks by others which might put an individual's academic status in jeopardy.

Buried in this position are a number of ambiguities and contradictions, and I had better put them on the table, before anyone else does.

1. Does the university's duty to abstain from punishing people also mean that it has to be indifferent or silent about their behaviour? Generally speaking, I would say "yes". Indeed, the university should err on the side of being supportive, even when it hurts. It should defend the principle, of course, rather than the individual, and it can do this by trying to get people to see that society's long run interests are best served by allowing all opinions to be expressed, however unpalatable they may seem.

But I would not impose a rule of total self-denial on the university, even if there were some way of making such a rule stick. If academic freedom implies the right of

professors to make controversial statements, it also implies the right of other members of the community - including the president - to disagree, to condemn and to repudiate those statements. If the professor wants to go on a rant about right wing economics, there are lots of people to offer their own indignant rebuttal. Many of those people are in positions of power or authority, and many will have better credentials than the original speaker. In the current climate, they will likely be taken seriously, and the university need say nothing.

On the other hand, if the professor has offered some bizarre theory of the inherent biological inequality of the races, there is no reason why the rest of us cannot speak out strongly against the moral and scientific and historical perversity of this position. Indeed, I would hope that the president of the university would be one of the first to be heard from. But this does not mean that the university should consider or implement sanctions against the Rushtons of this world. It is essential that we make the point that people can be profoundly wrong, even offensively wrong, but still be protected in their right to persist in error. That isn't an easy position to grasp or to sell, but it lies at the heart of academic freedom.

2. How do we counter the argument that the professor's publicly stated views and actions - especially when given notoriety off campus - become part of the campus climate, and that allowing their author to continue to work on campus makes the university complicit? How do we reassure students that their work will not be devalued because they are neo-conservatives or members of visible minorities? And how do we deal with people - on or off campus - who do not want reassurance, but do want revenge?

These are tough questions, especially when encountered in the heat of battle. But forewarned is forearmed. If we have thought our position through carefully, we just may be able to respond to questions like these, even in a tight corner. My own answer runs something like this: the university is committed to protecting the intellectual freedom of every one of its members, both faculty and students. If this professor is constraining your intellectual freedom, by punishing you for your race or your politics, we are prepared to deal with him quite promptly and severely: but debate - even unpleasant debate - is not constraint; it is of the essence of free enquiry, and we won't punish people for debate, however perverse their views.

We accept that we have to maintain a positive climate for all of our members, but the test of a positive climate is not a subjective one. It is objective: would a reasonable person feel that they can pursue their own studies, their own research, on this campus? It is not reasonable to think that one person down the hall, or off in another building, whose views have been challenged and condemned by virtually everyone else on campus, represents a threat to your freedom to be who you are and to believe what you believe. On the contrary, I would say, the outpouring of scorn and hostility towards that individual indicates that there is a very positive climate indeed.

3. We are committed to peer review. What if the basis of penalties for off campus speech

are based not on their content, but on their lack of scholarly merit? If people don't know what they are talking about, why shouldn't we punish them for false claims of academic knowledge?

There is a short answer and a long answer to that question. The short answer is this. If their off-campus remarks take a form which would normally be considered as part of a process of peer review - a published article, for example - we can indeed judge those remarks on the basis of their academic merit, rather than their offensiveness. However, if they would not normally be part of the record, it would be highly inappropriate to use peer review to sanction someone. We would not normally reward someone because they said something clever in a non-academic context such as a newspaper interview; we shouldn't punish because they have said something stupid in that same context.

Let me conclude, then, with a quick summary of my argument.

1. Academic freedom is a central value of the university and should prevail over all other values except in extraordinary circumstances.
2. Academic freedom has to do with the individual's relationship to the university itself; it doesn't immunize people from sanctions emanating from other sources.
3. The university's commitment to protect academic freedom doesn't prevent its representatives from expressing critical comments about the offensive public utterances of its members. Where those offensive utterances can be competently and aggressively rebutted by others, the university is probably well-advised to keep silent; where the offensive comments are directed towards vulnerable people with little chance to defend themselves, and especially where those people are also members of the university community, the president or other representatives of the university ought to be prepared to speak out in no uncertain terms against its own offending member.
4. Evaluations of academic merit should not be used as spurious excuses to discipline people because of their off campus conduct.