268. Honest rudeness or insincere civility?

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Good morning and welcome to the 2018 Annual General Meeting of the Society for Academic Freedom and Scholarship. I'm Mark Mercer, I teach philosophy at Saint Mary's University, in Halifax, and I'm the president of SAFS.

I joined SAFS in 2006. SAFS was the only voice I heard in the early months of that year taking issue with the ways in which my university responded when my colleague Peter March taped the *Jyllands-Posten* cartoons to his office door. The first article I contributed to the SAFS newsletter was on that topic, and it appeared in the September 2006 issue. Writing for the SAFS newsletter stimulated what had been only a latent interest in academic freedom and in matters of universities and higher education generally.

I was brought on to the SAFS Board of Directors in late 2009. In May 2015, when Clive Seligman stepped down after 15 years as the president of SAFS, the members elected me president. I'm now, then, beginning my third year in the position.

SAFS has been around since 1992. Our purpose is the defence and promotion of academic freedom and academic excellence in Canada. SAFS members hold a fairly expansive conception of academic freedom, one that includes the freedom of professors in their research, in the publication of their research, in their teaching, in their service to their universities and to intellectual life in Canada, and in their public utterances. We stand for transparency in university operations, for fairness, and for due process. We are very interested in students, who we consider to be both learners and junior members of intellectual communities. We oppose dishonesty in scholarship and indoctrination in teaching. We support the free exchange of ideas and the culture of disputation. We hold that academic decisions should be made on academic grounds alone. For that reason, we oppose admitting students or hiring or promoting professors on the basis of race, sex, or ethnicity.

SAFS attempts to serve its purposes in two ways: advocacy and education. As an advocate, SAFS communicates with university presidents, union officials, student councils, or whoever is responsible when the Board of Directors determines that academic freedom or academic excellence has been violated or threatened. We supply arguments and try to bring authorities back to their best values. With regard to education, SAFS organizes and sponsors events at which our themes are discussed and debated. We publish a newsletter three times a year. And we hold a general meeting annually.

When a possible violation of or threat to academic freedom or academic excellence is brought to the attention of the SAFS board, the board first determines the merits of the case as best it can on the public information at its disposal. Thoughts and feelings sometimes differ among the board members, but if a consensus emerges that SAFS should concern itself, we write a letter to a responsible party, and copy it to others involved or concerned, asking questions and urging our case. These letters and replies to them are posted on the SAFS website. In 2017-2018, SAFS sent ten letters to administrators and others on matters of academic freedom and academic excellence.

This past year, SAFS has been involved in four events: a talk at Mount Royal University, a panel discussion at Mount Royal, a question and answer period at Mount Saint Vincent University, and a panel discussion at Saint Mary's University. We were to be involved in a panel discussion at McMaster, but the main organizer, a McMaster student group, cancelled it at the last minute, when one of the panelists resigned in protest over the inclusion of another panelist. Right now [5 May 2018] we're involved as a co-sponsor in a lecture and discussion in Waterloo, featuring Frances Widdowson. Her topic is "Does University Indigenization Threaten Open Inquiry?" That's Wednesday 9 May, 7 pm, at the University of Waterloo.

SAFS is funded entirely by membership dues and donations. Our members, I must say, are very generous. Membership dues are kept low so that anyone can afford to join, but most members are happy to add a donation when they renew.

SAFS is also, as I'm afraid I repeat too often, an entirely volunteer organization. We have no staff, though we purchase an average of $150 worth of secretarial and technical help a month. That we have no staff means that we cannot conduct investigations or go to the law, as the Canadian Association of University Teachers does or, in the States, the Foundation for Individual Rights in Education. We do not employ professional reporters and writers for our newsletter, unlike *Inside Higher Education* or the *Chronicle of Higher Education*. To know what's going on, we depend on what we read in the newspapers and what the people who come to us tell us. With nothing to hold over anyone's head, our tools are reason and argument alone.

It is because we are an entirely volunteer organization that members are so important to our mission. Let us know what is happening on your campus. Write for the SAFS newsletter. Organize events on your campus that explore SAFS themes—SAFS can help with logistics, publicity, and funding. Let us get professors, students, and everyone who is interested in universities thinking and talking about academic freedom and academic excellence. And let us get our views and arguments out there.

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Now I mentioned that although SAFS members generally, and members who sit on the SAFS Board of Directors in particular, are in broad and deep agreement about the nature and significance of academic freedom and academic excellence, we do differ among ourselves at some times. One of the most significant differences—both theoretically and practically—concerns freedom of expression at the university. SAFS is, of course, dedicated to the open and free exchange of ideas. We recognize few if any limits to which ideas may be exchanged on campus—by either professors or students, and either within or outside the classroom. But not everything expressed counts as an idea, and not every expressive act is part of an exchange. So how far should expression itself be protected on campus or off campus?

Some SAFS members think that protecting freedom of expression beyond freedom in the collegial exchange of ideas in fact *threatens* academic excellence. People who think that wide

freedom of expression on campus can hinder academic excellence would allow administrators at least a small degree of oversight and control over campus goings-on for the sake of a well-ordered and civil environment in which students and professors might go about their academic business.

Let me give a few examples of the sort of incivility or misbehavior I have in mind, the sort that even some SAFS members want to see regulated or punished.

A few years ago, a part-time college professor in Ontario posted a news report to Facebook about the Pride flag being raised in St. Petersburg, Florida; he added the comment "It's the queers they should be hanging, not the flag ...." A few professors in both Canada and the States have been reprimanded and worse for swearing or for risqué banter with their students. Recently, a teacher at a CGEP in Montreal resigned under pressure after he had said in an interview that homosexuals disgust him. (Not, more impersonally, that homosexuality disgusts him.) Several universities have forbid campus groups from erecting Free Speech Walls, on which passersby may write whatever they want (and some, we know from experience, want to write racist epithets). A pep band at Queen's University circulated among its members a songbook said to exemplify and promote rape culture. A Lethbridge professor was put on leave for having allegedly posted allegedly anti-Semitic remarks on Facebook. A student at Dalhousie wrote on Facebook, in response to another student's posting, "Your white fragility can kiss my ass." (Dalhousie tried to sanction her, and then changed its mind.) The rape chant at Saint Mary's is another example, as is the Gentlemen's Club at the Dalhousie dentistry school. Recently, a Cal State professor tweeted what many describe as disgraceful remarks following the death of Barbara Bush.

Now it is true that in all or most of these cases, ideas were expressed and even, perhaps, exchanged and discussed. But surely the same ideas could have been expressed temperately or without vulgarity or invective. So if a university official is careful enough to make the distinction between what was said, that is, the ideas or claims expressed, and how it was said—obnoxiously, profanely, insultingly, annoyingly, intemperately—couldn't that official sanction the manner of expression without thereby putting at risk the expression and exchange of ideas? And wouldn't such correction serve actually to promote the exchange of ideas?

We can all agree that the atmosphere on campus suffers when people are uncivil, derisive, insulting, intemperate, or, generally, disrespectful towards others. We would like to go about our business as researchers, scholars, teachers, and learners in a pleasant environment. Expressions of disrespect make going about our business less enjoyable and they might affect our chances of success. And when people on campus engage in critical discussion without using obscenity or invective or otherwise being obnoxious, it's easy to participate and people are inclined to be more open and forthright. The discussion is richer for that.

Nonetheless, I would argue, safe and respectful campus policies, speech codes, collegiality requirements, and the other devices whereby universities use rules and sanctions to shape expression and discussion, make things worse. Better to have honest rudeness than insincere civility.

Demanding civility or respect is neither a sound nor an effective way to create or maintain a safe and respectful campus environment. It's not a sound method, for demanding civility cannot be done civilly; it's not effective because censoriousness kills discussion quicker than rudeness does and creates at least as much ill will.

Let's begin with the practical argument, that attempts to make people engage with each other respectfully will just make things worse overall. First of all, university authorities won't

always use respectful campus policies well. They won't do a good job distinguishing between disturbing or offensive content, which we agree should be protected, and disrespectful manners. They'll apply the rules selectively, coming down hard on a particular side in certain debates. Respectful campus policies will, then, inevitably be used to restrict the exchange of ideas.

Seeing people being made examples of for having said something, others will be inclined either to self-censor and stay away from controversy or to turn up the heat. Neither result is good for campus discussion.

The in-principle argument begins with the observation that enforcing civility or respect cannot be done civilly or respectfully. "Be respectful—or else" is not an injunction that can be issued respectfully. The inconsistency or hypocrisy in this threat will engender cynicism and distrust.

An objection here is that there are two ways in which to honour a value. The first is simply to express it in one's actions, the second is to promote it. Most often when one expresses a value in one's actions one thereby also promotes that value. By speaking honestly, one shows others what it is to speak honestly, and one's example can motivate others to speak honestly as well. But expressing and promoting are conceptually different and can come apart in practice. A well-considered lie can encourage others to be honest just as truth-telling can. "Liars are almost always found out," for instance, might work to get others to tell the truth.

Thus, even though one is not engaging respectfully with others by threatening to punish them for treating others disrespectfully, the threat might work, and if it does, one has promoted respectful behaviour. In the end, the disrespectful "or else" can create a culture of respect.

The objection fails because safe and respectful policies can only produce the outward signs of civility and respect, not the goods themselves.

This fact is important because universities and scholars value intellectual and moral autonomy as well as accurate understanding. We are intellectually autonomous when we believe what we do on the basis of evidence and argument (and not on the basis of fear or hope). We are morally autonomous when we are happy to value what we do because our values cohere to a high degree. Demands that we be civil and respectful, though, are pressures other than those of evidence and argument (because they influence beliefs and values by creating fears and hopes). Thus they are inconsistent with the university ethos and this inconsistency prevents the university ethos from flourishing.

Let me try to forestall a misunderstanding. The examples I gave do not involve people shouting others down, pulling fire alarms, blocking entrances, or threatening or perpetrating violence. While they might include cases of obnoxious protest, they do not include cases of disruptive protest or thuggery. Disruptive protesters need to be carried away, if it comes to that.

What, then, should be done in response to incivility, and generally to promote civility—if sanctions, punishment, and censoriousness are inimical to our commitment to intellectual and moral autonomy? First, we promote civility by refraining from punishing incivility. We refrain from punishing incivility as an expression of our commitment to civility. If we respond correctly to insults and obnoxious behaviour, we make our commitment clear to all members of the university community and beyond.

Second, we ourselves can set an example for others by simply engaging in the dispassionate pursuit of understanding. Those who find our model attractive will want themselves to engage in the dispassionate pursuit of understanding. Even if only implicitly, they will acquire an appreciation of intellectual and moral autonomy, and they will express that appreciation in their interactions with others.

Finally, we should take instances of uncivil or obnoxious behaviour to be occasions for critical reflection and discussion on the nature of universities and university life. Talking dispassionately about disrespectful comportment, with an example of a recent case in the background, will help to bring the implicit commitments of our fellow scholars into their minds, thereby making those commitments explicit. Knowing what one stands for makes standing for it easier and more effective.