CHAPTER 11

Why Freedom of Expression Should Reign Supreme in University Life

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Universities are places of inquiry into the ways of the world. Since inquiry goes best when people are free to hypothesize and criticize as they please, universities do well to commit themselves to wide freedom of expression.

This venerable argument has been challenged on two grounds. Some critics say that although universities are indeed places of inquiry, universities are also places where people engage in various other pursuits. (They are places of teaching, for instance.) Wide freedom of expression on campus, whatever it might do for inquiry, frustrates many of these other pursuits. Other critics say that wide freedom of expression produces a cacophony. Inquiry cannot settle on truths about the ways of the world, let alone disseminate them, if everybody is talking at once and no one can be told to shut up.

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I support wide freedom of expression on campus but not because of its value to inquiry, at least not because of its direct value to inquiry. Rather than as places of inquiry, let us think of universities as places where, above all, we exercise intellectual and moral autonomy as members of an academic community. Restrictions on or suppression of expression makes impossible such exercise. Any pursuits or functions of the university not compatible with the university's character as a place of intellectual and moral autonomy would, then, be unwelcome at the sort of university we're imagining.

It seems to me that an institution meant above all to enable professors and students to exercise their intellectual and moral autonomy while they inquire into the ways of the world will treat inquiry very well, indeed will treat it better than any other institution will, including institutions that put inquiry above all. (This is no more paradoxical than the adage that if you want to find love, don't look for it.) We might, then, prize our imagined institution for its care of inquiry. And yet we can and many of us will prize it simply for being warm to the exercise of intellectual and moral autonomy.

Wide Freedom of Expression and the Functions of the University

Inquiry is an important part of the contemporary university, but it is not the only function people expect universities to fulfill. Universities, we're told, have political, social, and moral roles and duties. Because they cannot serve these roles or duties well if their ethos is one of wide freedom of expression (and wide freedom of association, assembly, comportment or manners, dress and self-presentation, and so on), restrictions on expression are warranted, at least until inquiry begins to suffer noticeably. Let us begin with these ideas.

Universities function to prepare young adults to take their place in the professional and managerial elite of their societies. To do this, universities must equip students with the knowledge they need to pursue their careers and, thereby, to contribute to the wellbeing of society. They must also instill in students the habits, skills, values, and attitudes appropriate to the stations in society they will occupy and that will be helpful to them in doing their jobs well. The values and attitudes required for young managers and professionals both to fit in and to serve society through their work include (these days) anti-racism, solicitude for feelings and

identities, ecological stewardship and environmental sustainability, and deference to accredited expertise and authority. The reason that academic freedom and wide freedom of expression on campus can make it difficult for universities to fulfill the function of preparing the young is that students who have heard arguments against approved values and attitudes might resist being socialized into those values and attitudes. These students will at least know that alternatives exist, and that might dull their commitment to the received values even if it doesn't upset it.

That academic freedom and wide freedom of expression on campus can interfere with a university's function to prepare young people for the world is nothing new, of course. Many if not most universities in North America and the world were (or are) associated with religious institutions. Religious universities took seriously the task of molding students into the correct shape and did not hesitate to limit expression so that no one would emerge misshapen. What has changed for many universities, after only a brief few decades during which secular universities were ascendant, are the specific values and attitudes in question. The use of both formal strictures and shaming to control and focus the discussion is not an innovation of the woke.

Importantly, among the young adults universities are preparing for managerial and professional roles these days, are members of historically or presently marginalized or oppressed groups. Universities see themselves as duty bound to ensure that students from these groups do well and graduate on time. An ethos of open and free expression, though, can create a hostile environment for members of these groups. Students from these groups might hear views that denigrate them or offend their identity. In a university environment they find hostile, students, staff, and professors will lose their zest for being on campus or being in the classroom. Their work will suffer. Students from oppressed groups might take longer to complete their degree than they otherwise would, or not do as well as their peers, or drop out. To plug the leaks in the pipeline meant to take women, gays, and people of color through the university and into the management and professional classes, universities need to take a firm line regarding what may be said, and when and how it may be said.

Universities not only prepare young people for the managerial and professional world. They are themselves institutions in those worlds. They should, then, some think, fulfill the obligations of such institutions, both because it is right that they do so and in order that they set a good example for other institutions. One obligation of any important social

institution is to reflect the racial, ethnic, cultural, and gender diversity of the surrounding society. Universities, then, need to keep an eye on the race, ethnicity, culture, and gender of job applicants when they hire professors, administrators, and staff. Certainly, taking into account academically irrelevant characteristics of people who apply for university positions implies caring less about their academically relevant characteristics than otherwise. Universities, then, out of concern for their academic mission, might hold applicants to some minimal standard in hiring and appointments, and not hire or appoint anyone who doesn't meet that standard, however well the candidate might fit the non-academic needs of the institution. Even so, universities will also certainly be sacrificing excellence in research and teaching in order to fulfill their obligation to diversity.

Another function of the university is to protect society's valued laws, practices, and institutions. It is our laws, practices, and institutions that make possible, for example, easy access to abortion, open immigration, preferential hiring, the absence of capital punishment, affordable health care for all, and standardized compulsory primary and secondary education. We want these things, so we must want the institutions that make them possible. An excellent way to protect whatever is valued is to seal it away from critical inquiry. Here in Canada, we have no laws restricting abortion and, for the most part, easy access to abortion services. Discussing abortion, then, cannot improve the situation for Canadian women, as the situation is much better than it is just about anywhere else in the world. Discussing abortion could, though, eventually make things worse, for it might cause anti-abortion or pro-life sentiment to increase. The risk, some maintain, though small, is just not worth taking. Oversight and control by university authorities of campus and classroom discussions of abortion help to ensure that government-funded abortion on demand remains the law of the land.

For a different example, recall that Canada is relatively free of racial, ethnic, or sex barriers to equal participation in economic and social life. Women and black people face no formal restrictions on participation and very few lingering informal ones (though discrimination against males and white people is sometimes allowed or encouraged by governments, particularly in university hiring). Barriers would not have come down were racist or sexist attitudes prevalent among Canadians. Access to work, housing, health care, and the rest could, though, become difficult for members of marginalized or historically oppressed groups were Canada to

see growth in racist or sexist attitudes. So that Canadians do not develop racist or sexist beliefs or attitudes, universities should restrict potentially harmful discussions and bring formal and informal pressures to bear on those who say the wrong things or say things the wrong way.

It is this concern to protect treasured practices that lies behind the often-heard insistence that professors or teaching assistants *contextualize* critical or dissenting views when they bring controversial topics before their students. The demand is that discussion leaders clearly and forcefully let students know that certain views they are about to hear are wrong-headed and deserving of their opprobrium. That way, their students will stay on the correct side.

Universities also function to provide governments, industry, business, civic organizations, and individual citizens with useful information and knowledge. Academic freedom, though, encourages professors to conduct research in whatever fields they wish and to collect whatever evidence they will and to interpret it how they would. For that reason, academic freedom threatens to sever the research that universities produce from the perceived needs of the community. Even if professors conduct research on topics of significance to those outside the university, academic freedom is worrisome for it enables them to state openly conclusions unwelcome to the clients. To guard its function to produce useful knowledge, then, universities might well have to undercut academic freedom with regard to research and the dissemination of research. They tend to undercut academic freedom in research not by directly restricting it but instead by creating incentives to motivate professors to turn their attention to the right topics. Funding is one way to steer professors toward what is expected of them. Another way is to hire, promote, and assign chairs to professors who can be counted on to investigate the right topics and say the right things about them. In Canada, we often see advertisements for professorships that require allegiance to a particular school or approach and not just interest and ability in an area of study. Critical race studies, for one, often gets mentioned in job ads. Scholars interested in race and racism might or might not accept the characteristic positions of critical race studies. By requiring that a new hire accept the axioms, methods, and conclusions of a particular theory, universities can increase the chance that the new professor will serve the community as hoped.

I've offered a number of functions universities are expected to perform in addition to housing and promoting inquiry. A university's ability to fulfill each of these functions can be affected by what is said at that

university and how the university reacts to what is said. Posters in the cafeterias and hallways, the plays that get produced, the movies shown, the music played, the campus newspapers, the words of professors and students in the classrooms, the words of professors and students outside the classrooms, the courses available, the research projects undertaken—all of these things can interfere with the university's business of preparing students well (especially minority students), being a model institution in a multicultural society, protecting preferred norms and values, and generating useful research. The conclusion to draw is that universities that take seriously these functions would do well to discourage the expression of certain topics or ideas. When something offensive or hurtful nevertheless gets said, a university needs to respond quickly and firmly so that damage is not compounded. Strong safe-and-respectful-campus policies and broad harassment and discrimination regulations will serve to deter troublesome speech. Policies and regulations will also provide remedies when violations occur, showing campus members from marginalized or oppressed groups that the university stands with them and is doing what it can.

The Influence of the Social and Political Climate

For universities that take inquiry seriously, it will be a matter of finding a balance between the institutional arrangements that encourage and sustain inquiry and those that promote the other functions the particular university wishes to serve. What balance is best will, of course, depend on the relative value the university assigns to inquiry and to each of the other functions it recognizes. A research university might protect academic freedom and freedom of expression on campus even knowing that doing so will make it difficult for it to fulfill its other functions well, if it values inquiry highly enough. Or so one might hope. Governments, faculty unions, university administrators, and organized protest, though, can upset the best intentions.

In Canada, we have laws against the expression of hate, human rights commissions and tribunals, national and provincial research councils, strong defamation laws, and workplace legislation covering bullying, harassment, and discrimination. Our faculty associations and faculty unions seek to capture for themselves the prerogatives of academic senates and are almost entirely devoted to the theory and practice of equity,

diversity, and inclusion. And the partisans of our cancel culture have an excellent radar system and are nearly as merciless as any country's.

One problem with laws against the expression of hate is that people use their existence to threaten others into remaining quiet or no longer speaking openly. Even if expression has to meet a high threshold of hatefulness to be illegal or subject to censorship or penalties, mere threats to complain to the police or to a human rights commission will often get the job of quieting disreputable opinion done. The police and the commissions are apt to investigate however weak the grounds for complaint are, the police because they fear looking soft on hate, the commissions because they are true believers who would like to expand their catchment. That the threshold for hate speech in Canada is very high makes no difference to the effect hate speech policies and laws have in stifling expression and discussion. (The theory is that the threshold is high, but the reality seems to be different.)

Canadian defamation laws also create fear, being much closer to British than American law in favoring the protection of reputations over the exchange of information. Questionable applications of defamation law and threats of heavy penalties urge people who have something critical to say to be overcautious in stating their views. Laudable attempts to address workplace bullying, harassment, and discrimination have, in Canada, as elsewhere, generated expanded conceptions of bad behavior. They have encouraged the sensitive to take umbrage and the less sensitive to fake umbrage.

These are social and legal realities in which universities must operate. An institution that wanted to be a place of free and open inquiry would nonetheless have to have in place policies ripe for abuse and easily used to dampen discussion on campus. The Alberta and Ontario governments, for their part, are aware of campus pressures against free and open expression and discussion and have sought to intervene by requiring the public universities in those provinces to formulate campus freedom of expression policies based on the Chicago Principles. Positive effects, though, have been hard to see. Universities in the two provinces do not appear to be much better at protecting or promoting freedom of expression than universities elsewhere. Much of that is due to the fact that university administrators are not themselves committed to freedom of expression on campus and will find ways to work around the provincial statutes. One notorious way is to charge exorbitant security fees to groups who apply to host unpopular speakers. But just in case provincial directives

might encourage candor and open discussion at universities, the Ontario Human Rights Commission (OHRC), late in 2020, issued a warning to Ontario universities to take anti-black racism more seriously and declared itself poised to accept complaints from students and others. The OHRC accepts the expansive definition of anti-black racism according to which the expression of opinions not favored by groups such as Black Lives Matter count as instances of racism. Expressing the view that systemic racism does not exist in Canadian universities, for instance, can bring down upon one accusations of engaging in anti-black racism or of at least failing to maintain a safe and respectful campus or classroom environment.

Laws and regulations not only summarize and express a culture's sentiments, they also form and shape those sentiments. The presence in Canada of laws against the expression of hate, for instance, has made Canadians more accepting of them, even though there is no good evidence that these laws have helped to make members of the groups they are intended to protect any better off. It is within the realities made by laws and culture that Canadian universities must operate, though these realities are hostile to academic freedom and to wide freedom of expression on campus.

The Ways in Which Expression and Inquiry Are Suppressed

Professors and students do not enjoy wide freedom of expression on campus if their universities have official restrictions on what can be said or how it can be said. Official restrictions are often vague and hard to find in campus documents, but that fact increases their danger. They are often tucked away in safe-and-respectful-campus policies or in statements describing the university's commitment to Diversity, Inclusion, and Equity. These policies and statements stress respect. "Respect" here does not mean esteem and it certainly doesn't mean valuing the ability of members of the university community to think for themselves. Rather, in these documents, respect is care and consideration for people's feelings and identities. Part of what it is to respect someone is to refrain from saying anything that might offend, upset, or hurt them, something they might take to insult or demean a group to which they belong or to belittle them for belonging to that group. Now, a claim or an idea that might hurt someone could well be something significant or useful in the context of the critical discussion in which one is engaged. Nonetheless, if

someone objects to what you have said on the grounds that it casts aspersions on their identity, administrators could step in and begin disciplinary procedures against you.

Students are entirely at the mercy of administrators when it comes to accusations of disrespect. They have no union and no other source of leverage. Students can go to court and occasionally they win, but that is an expensive road to take, as well as one draining of time, energy, and emotion. For any individual student, it makes much more sense to stay within the bounds of university procedures, accept a penalty and move on than to try to mobilize outside agitators or to call a lawyer. (One exception is the Lindsay Shepherd case, though perhaps the notoriety she gained is proving detrimental to her career prospects.) Whenever a student accepts a penalty (for, for instance, mocking Black Lives Matter or criticizing a professor on Facebook), though, another precedent is set and both would-be complainants and administrators are emboldened to pursue further cases.

Professors, unlike students, have collective agreements and unions or faculty associations. Collective agreements usually contain strong language to protect academic freedom, including the freedom to criticize the university openly and a promise by the university not to infringe the freedom of expression guarantees included in the Canadian Charter of Rights and Freedoms. Provisions in collective agreements take precedence over regulations fashioned and enacted by academic senates, boards of governors, or administrators. Nonetheless, a university administration can make its point simply by summoning a professor to discipline for breaching a respectful-campus document, though doing so violates the professor's academic freedom as described in the collective agreement. The disciplinary process initiated against the professor might end with an arbitrator dismissing the university's case, but it is a long and unsure path that stretches between the administration alleging impropriety and the decision in favor of the professor. As we all have heard and as many of us know personally, the process is the punishment. Knowing that the process is the punishment deters professors from speaking out.

University disciplinary procedures can be and are used to stifle speech and criticism, to signal to the community (or a favored segment of it) the university's virtue or its commitment to anti-racism (say), to placate complainants, and to steer inquiry away from dangerous topics. All of that can be accomplished without the university even attempting to issue discipline. The professor alleged to have breached a respectful-campus policy

might be interviewed, investigated, asked to respond to reports of his alleged wrongdoing, made to wait for weeks or months, and ordered to maintain confidentiality, and then see the matter dropped once the university has made its point. Or the professor might agree to a humiliating deal in order to bring it to an end.

When a faculty union or association sees itself as an agent of social justice rather than a labor organization, it might be happy to let a disciplinary procedure against one of its members continue along, if it believes doing so is consistent with its mission. Its loyalty should be to the collective agreement, but that loyalty needn't concern it until the university imposes discipline and it must decide whether to grieve. Unions or associations are also sometimes in a conflict of interest when a professor is alleged to have breached a diversity, inclusion, and equity guideline or value, for the union might have played a role in establishing that guideline or value, or it might have agitated for the DIE office that keeps watch over it.

Expression and inquiry can be suppressed by university rules and regulations and by administrations and unions seeking their various own ends. But it is, of course, atmosphere or ethos or culture that makes the rules possible and that influences the goals of universities and unions and the means they favor. Some university administrators are true believers in the goals of contemporary social justice movements and are happy to employ the means characteristic of these movements, while other university administrators simply don't want to cause trouble for their institutions and think, probably correctly, that the ire of social justice advocates will bring them more trouble than the disappointed or betrayed professors will. Better to engage, quietly or obviously, in no-platforming than to have disruptive protestors try to shut an event down; better to let them shut it down than to protect its integrity using force.

Why Inquiry Goes Best Under Wide Freedom of Expression

A university performs functions in addition to caring for inquiry, and although wide freedom of expression is good for inquiry (let us suppose), it puts these other functions at risk. The ability of a university to prepare students to take their places in society's managerial and professional elite, for instance, and to contribute to social justice and environmental stewardship from their positions of power or influence, might be compromised

by what members of the university community say, as might a university's ability to ensure that students from historically marginalized or oppressed groups graduate in high numbers, graduate on time and graduate with enthusiasm for their future. A university's ability to embody and model for other institutions' current social ideals can be damaged by both offhand and deliberate expression. Its ability to generate the right type of research and research that reaches the right conclusions can also be adversely affected by what students and professors say. Universities committed to these other functions will, then, have strong incentives to suppress certain topics, certain views, and certain idioms, even at the expense of inquiry.

But why at the expense of inquiry? How is it that wide freedom of expression on campus promotes inquiry or is otherwise important to it? Why cannot expression be policed without inquiry suffering?

One excellent argument that inquiry requires freedom to express one's thoughts without fear of penalty has it that we cannot know something unless we have evaluated evidence both for and against it and that we cannot collect the evidence both ways if we face a penalty for collecting the wrong evidence or drawing the incorrect conclusion from the evidence we collect. That people will be offended or hurt, or put at any sort of risk, by our free and open inquiry is a possibility that the university community needs to tolerate for the sake of getting the thing right. For instance, how one or another part of the world was populated is controversial in science, and it also seems to matter to many millions of laypeople which account scientists settle on. It matters to them because aspects of their identity are tied tightly to particular stories. To settle the controversy in science, though, researchers have to ignore the pressure to validate community beliefs. They have to be free to collect and evaluate all the evidence and be open to the idea that a culture's preferred stories are false.

An argument prior to this first one begins with the idea that people, *qua* people, love to fit in. Perhaps even more, they fear being thrown out. That we love to belong and fear being ostracized strongly motivates us to conform our views to the predominant views around us or to the views of the people we admire. But if everyone is thinking the same, errors in old ideas are not likely to be noticed and new ideas will be generated only rarely. If inquiry is going to begin to collect, sort, and evaluate evidence, we need to remove from researchers social and psychological pressures to think and value correctly right from the start. We need to create traditions and institutions in which speaking contrarily is valued. An institution

such as a university must set itself up as a place of independent thought and, thereby, of conscientious inquiry by making the idea of a penalty for expression unthinkable or absurd. (And would it do this by attaching a penalty to expressing the idea that some expressions should be penalized?)

Universities can produce knowledge only if the professors and students within them are free to speak their minds openly and free to propose novel hypotheses, even when their ideas and hypotheses are hurtful or upsetting to others. Communities and societies outside the university benefit from the knowledge, for plans and projects will fail if the theses or theories on which they are constructed are false. Initiatives in prison or education reform, for instance, will not achieve what they set out to achieve if they are guided by mistaken empirical ideas. Whole-language instruction in reading will fail if the account of how children learn on which it draws is faulty. When initiatives like prison reform or whole-language reading instruction fail, people suffer. Since they will benefit from knowledge emanating from universities, communities and societies have an interest in seeing that knowledge, actual knowledge, flows from universities. Because actual knowledge will not flow if universities police speech, communities and societies have an interest in maintaining freedom of expression at universities, even if what professors or students say sometimes hurts or upsets people.

We can add that people outside the university have reason not to trust research they believe was constrained by prohibitions on what may be said. If any such prohibitions are in place, whether formal ones enforced by the university or the informal ones of shunning or shaming, observers of the university will worry that researchers have failed to look into options worth considering. If people think a research project was fated to issue just the results it did, then they will not be inclined to trust that research. It might well be a terrific piece of research that came to true conclusions validly from solid data, but people will ignore it if they suspect it parrots the party line at that university, and they would be right to do so.

I've stated three arguments meant to show that wide freedom of expression is necessary for the health and success of any research tradition. These arguments are far from conclusive. The trouble with them is that good research doesn't need an institution that values and protects *wide* freedom of expression. It is enough that it values and protects freedom to consider, discuss, and test all relevant ideas in the context of specific

inquiries. Freedom of expression is wide when rules, customs, or traditions protect people from formal and informal sanctions for what they say in all contexts—that is, when they are not engaged in research as well as when they are, and when they are disseminating their unschooled opinions as well as when they are expounding on their work or explicitly drawing on their academic expertise. We could have a university that safeguards the narrow academic freedom of professors to speak their minds and to entertain unpopular or dangerous hypotheses when they are going about their scholarly projects (those that are recognized by their institutions as scholarly projects) but does not extend them wide protections to cover their popular publications or their public criticisms of their institution, let alone their Twitter remarks. We could have a university that forbids certain words or expressions, and even has a handbook of acceptable language, but that doesn't forbid professors from expressing the content of their thoughts in their areas of expertise, so long as they express it using approved forms.

The university of narrow academic freedom that we're presently imagining would protect academic freedom in research without protecting freedom of expression generally. At this university, when a professor speaks outside his area or, perhaps, outside his specific research projects, he speaks at his own peril. Research would remain safe, one might expect, even in the absence of academic freedom with regard to teaching or with regard to critically discussing the university. One can conceive strong protections of academic freedom in research that don't extend even to the dissemination of that research. Professors would have to run what they intend to say to journalists or during public talks past a university censor for permission, although they might be free to publish their work in (certified) academic journals and give presentations at (certified) learned meetings. Safe-and-respectful-campus policies, codes of conduct, and broad understandings of harassment and discrimination need not constrain critical discussion within research groups when group members are talking about the objects of research. No knowledge need be lost and no one in the outside world would have reason to think research emanating from our speech-controlling university was being tailored to push a party line.

Further, according to the arguments we presented as to why research will benefit from free expression, it would be to sin against understanding and knowledge to prevent researchers from considering unpopular and even dangerous ideas in the course of their work. We've found no reason

to deny that conclusion, even as we've noted that it doesn't support wide freedom of expression on campus. But it would not be to sin against understanding and knowledge for a university to disallow any particular research project. The university would say no to a proposal (for instance, to discover whether ours is a rape culture) that it suspects could upset people. The university could simply direct the professor to come up with a different proposal. A researcher keen to pursue one project would likely be intrigued by all sorts of other projects. Every professor at this university would eventually find work, and since all researchers enjoy the academic freedom they need to pursue their approved projects, knowledge is being produced. That some areas of inquiry are languishing at a particular university is nothing for administrators or professors at that university to regret. If leaving some area to languish would be a mark against research culture generally, then give it to a designated university and let that institution deal with the controversies and protests that other universities would rather avoid.

In fact, some have argued that some fields of research should be left to lie fallow or be abandoned, even if leaving them fallow would require universities actively to dissuade researchers from planting in them. Take, for instance, research into racial or sex differences. The idea is that no good can come from such research. Either the research will confirm harmful stereotypes or it won't. If it does, then the harm continues or even gets worse. If it doesn't confirm them, the bigots will reject it as biased or incompetent and reach for the studies that do confirm the stereotypes. Thus, either way, the harm continues. Since research into racial or sex differences stands a greater chance of being harmful than helpful whatever its outcome, and given that researchers interested in racial or sex differences are invariably interested in all sorts of other things, universities should steer them away from race and sex differences and toward areas that promise useful (or at least useless) results.

A more speculative argument that universities that guide research and forbid certain topics do not necessarily damage inquiry begins from the reflection that much research in the social sciences, at least, concerns ideas, values, identities, and ideologies, all of which are much more constructed than natural. (They are constructed from natural elements, perhaps, but there's nothing but artifice in the structuring of the elements. The hard sciences, meanwhile, are to be left free to inquire into the brute elements.) Research in much of anthropology, sociology, political science, and economics, and even a little in psychology, is as much

interpretative as descriptive or theoretical. Such inquiry creates realities rather than tracks them. The results generated by inquiries into the human condition are taken up by cultures and institutions in ways that affect those cultures and institutions, often changing them drastically. Well, if that's the case, then social scientists have an opportunity to change the world for the better by beginning with fruitful conclusions and arguing for them. There are no actual facts of the matter, for instance, about what a man is or what a woman is. Certain ideas about men and women, were they propagated and widely accepted, would promote a less sexist culture or a society less hostile to transgenderism, polyamory, androgyny, or asexuality than ours is. Social scientists, then, one would think, should begin with these ideas and attempt through inquiry to buttress and establish them.

Social scientific inquiry is interpretive and creative, much less constrained by existing realities than is hard science, or so goes the view from which we're now working. Researchers in the social sciences are not, then, false to their calling if they begin with how they want things to be and then interpret phenomena in light of their preferences. Universities will not be deforming inquiry if they direct the social scientists in their employ not to come to (or to start from) certain conclusions. And the university will thereby be engaged in helping to make a better world. But universities might be stuck with the social scientists they have, some of whom are not on board with the university's vision. So universities should take an active hand in hiring new professors and selecting students to ensure that the next generation of social scientists *is* on board.

One objection to all this is that the rules and regulations, and the oversight and control, needed to keep a university balanced among all its functions would be immense and unwieldy. Our university would be bureaucratic and managerial. It would also be fraught with tensions: between students and professors, between sets of researchers, between staff and professors, between professors and administrators, and among administrators. At least one layer of bureaucracy would be devoted solely to conflict resolution and university discipline. Resentments, infighting, and backbiting would make every moment on campus hellish. Every university unit would be as dysfunctional as today's worst department of sociology or management. Nothing a few more administrators couldn't put right, though.

Is the future today? The nightmare university described above might well be a reality for many of us. If it is our reality, it is not the future made

present, though, but the past revived. Historically, most universities have been universities of doctrine and, in them, deans, provosts, and presidents had strong powers of oversight and control. Many if not most universities were religious institutions with religious missions, or were military universities, or were state-sponsored agricultural or technical institutions set up to serve their paymaster's needs. These universities were not marked by wide freedom of expression on campus and research projects in them were guided by managers, and yet they did excellent work in shaping and preparing young people, producing knowledge useful to their wider communities, and setting an example of corporate responsibility to inspire other institutions.

Balancing inquiry with the other valued functions of the contemporary university almost certainly requires shrinking the space of academic freedom and freedom of expression on campus. The point I mean to make in this section is that contracting that space need not (much) damage inquiry, understood as the production of knowledge, even as it places restrictions on researchers and directs their engagements. Different universities can come to arrangements that give different weightings to inquiry and to each of the other university functions. Some universities will allow more freedom in research at the cost of losing minority students, say, while others will graduate minority students at a high rate at the cost of housing little controversial or innovative research (and at the cost of more student services). A university with a wide-open research culture will have to admit that it will be mediocre or worse at other things for which universities are valued.

How Wide Freedom of Expression Can Harm Inquiry

A dynamic culture of inquiry, I believe I have shown, can exist under conditions of only narrow academic freedom and little protection of expression on campus. Almost certainly, creating and maintaining a dynamic culture of inquiry is easier to do at an institution that honors wide freedom of expression on campus, but wide freedom of expression isn't necessary for a university to produce useful knowledge. Depending on what we mean by "knowledge" and how seriously we take demands that the knowledge produced be *useful*, wide freedom of expression on campus might prove counterproductive for inquiry.

Suppose that knowledge is justified true belief. Suppose also that researchers can often or occasionally know of some of their beliefs about their specialty that they are justified in holding them. If knowledge is justified true belief and researchers are sure of one or another belief that they are justified in holding it, then it is possible, indeed likely, that researchers actually know some things. It follows that knowledge in many fields and on many topics is settled. Of course, only qualified researchers will know which pieces of lore in their field count as knowledge and are settled and which ideas or beliefs are still provisional or speculative. But some of the ideas and beliefs will be known to be true and, thereby, to constitute settled knowledge for all competent researchers. This core will be what is taught to students. The ideas and beliefs outside the settled core will be proper objects of discussion and contention among accredited researchers.

The progress of research is progress in expanding the base of settled knowledge. Ideas and hypotheses not in the settled base are discussed, criticized, tested, and evaluated. Most are abandoned but some, the survivors of rigorous inquiry, are melded into the base. The base becomes larger and denser. Ideas and hypotheses outside the base are the property of the researchers and they do well to keep them to themselves. Settled knowledge, on the other hand, the researchers are delighted to make public. Government, industry, business, community groups, and individuals are welcome to draw on university-certified settled knowledge to help them with their tasks, or just to satisfy their urge to understand aspects of the world.

Researchers do well to hide from public view that which isn't settled, for outsiders won't understand that cutting edge ideas and hypotheses are *only* ideas and hypotheses. Outsiders might take them for pieces of knowledge and thereby become confused about the world. Should researchers prove false an idea that got away from them and was picked up by outsiders, the outsiders will think the experts have changed their minds or are wishy-washy. They'll think the field is rife with controversy and the researchers don't really know what's what.

Those who think that there are moral facts or facts about the value of certain things (the value of human life, say, or the value of art or love) usually think not only that many of these facts can be known but that most of the important ones have already been discovered and in fact *are* known. That slavery is wrong, that racism is evil, that women are the intellectual and moral equals of men, that love is better than hate, that pleasure is good, that people ought to be treated with respect as ends in

themselves—all these and more have been established and are known. As known, and as known to be known, there's no need to question them. They can be taught to young people who might not yet know them and they can be used to help generate new knowledge, knowledge about right and wrong and good and bad in our contemporary world (whether it is right to ban computer algorithms that fail diversity standards, for instance). But what we know about ethical reality oughtn't be up for debate, given both that there's no doubt that needs to be resolved with regard to established truths and that debate could instill in impressionable minds doubt about these truths, doubts that might issue in actions that bring harm to vulnerable people. It is for this reason that universities hold themselves warranted not only to prevent and punish racist behavior, but to prevent and punish the expression of mere racist ideas and even the idioms associated with racist ideas.

It would waste time, effort, emotion, and money for researchers to bother much with the settled base of knowledge, whether positive knowledge or moral knowledge. What is known is known and the unknown awaits exploration. The known provides a base from which to trek into the unknown and, as the unknown becomes known, the base grows. Researchers hand over to the public what they know and the public puts it to use. Researchers try not to let the public in on their speculations regarding the unknown, for these speculations will only confuse the public, cost the researchers time and energy in undertaking the hopeless task of correcting the public's misunderstanding, and, perhaps, undercut the trust the public has in the settled knowledge the researchers have laid before it. No good and plenty of harm can come should these structures break down.

Wide freedom of expression threatens to break the structures down. When university people are free to investigate what they want, question what they want how they want, and dismiss and accept ideas as they wish, the distinction between the settled base and the rest collapses. Nothing is settled, everything is open. When nothing is settled, there can be no experts and nothing can be built, at least not on anything recognized as a firm foundation. Credentials and authority might still exist in a situation in which everyone is employing their freedom to question and hypothesize, but credentials and authority will not track expertise in that situation, for there is no expertise; credentials and authority can have institutional significance only. Some researchers say one thing, others say a conflicting thing, and the public is left confused and helpless.

The authority of authoritative knowledge needs institutional protection. Part of that institutional protection consists in gatekeeping. Charlatans, mountebanks, and the incompetent must be kept out and students need to know their place as aspirants or apprentices and to be required to follow the curriculum. Overton windows must be installed and maintained. Some views, perspectives, and approaches must be castigated as nonsensical or stupid and the people who take them ridiculed and shunned. To protect inquiry, then, expression must be limited and controlled. People who advocate for Intelligent Design theory or are skeptical that HIV causes AIDS need to be denied the opportunity to speak on campus. Professors who question anthropogenic global warming need to keep their heresies to themselves or be fired. The Holocaust happened and was as bad as we've been told and the Holodomor, too, while My Lai was a tragic exception in a generally just war. To doubt or deny is to waste everyone's time and to deplete resources for no possible good; and, so, doubt or denial of the settled base should not be allowed.

The idea here is that universities are not speakers' corners. Since wide freedom of expression on campus threatens to turn them into speakers' corners, universities have to constrain expression if they are to be true to their research mission. Universities sacrifice dignity and esteem when they welcome falsehood and confusion. They cannot create and systematize knowledge when they shelter dispute about the basics or enable amateurs to criticize the work of experts in public fora. Research cannot serve the public good when individual members of the university community are free to contradict each other openly. The public is best served when the university allows only consensus views to escape its walls.

Intellectual and Moral Autonomy

My argument to this point is that the institutions that support inquiry do not need to be places of wide freedom of expression for inquiry to thrive. All that inquiry requires is narrow freedom of expression, the freedom of active researchers engaged in a project to say among themselves whatever they think stands a chance of moving their research forward. Inquiry doesn't need the institution that supports it to allow researchers to say what they want about anything and everything. It doesn't require that they be free to say publicly what they may say to other researchers. And it doesn't require that anyone at all be free to talk about projects with which they are not involved. Safe-and-respectful-campus policies, codes

of conduct, and expansive harassment, discrimination or racism provisions need not harm inquiry even as they work, as intended, to stifle and dampen expression.

Inquiry doesn't even need researchers to be entirely free to choose their own research projects or conduct them as they would most prefer. University administrators can always be sure that researchers denied one project or method will be happy enough to be involved with some other project. In any case, for as long as research has existed, it's always been a matter of he who pays calling the tune.

Wide freedom of expression, I've explained, gets in the way of functions universities have that are not tied to inquiry. Universities, then, have reason to restrict expression on campus and to guide researchers to valuable projects. But those reasons have to be weighed against what makes inquiry go well. Inquiry, though, as we have seen, can thrive without wide freedom of expression on campus. Thus, universities have strong reason overall to restrict expression on campus.

Indeed, as I've said, there are reasons to think that inquiry might not thrive in a place of wide freedom of expression. Wide freedom of expression can undercut the authority of knowledge by casting into doubt the distinction between settled knowledge and conjecture or speculation. It can force researchers to refight battles they won long ago. It can fool amateurs (including students) into thinking they are experts. It can confuse the public and make astrology seem as powerful as contemporary theories of physiological psychology that have been established through testing in rigorous double-blind trials.

My conclusion, then, is that those who favor wide freedom of expression on campus should not hitch their wagon to the needs of inquiry. (I count myself among their number.)

On the other hand, a university dedicated to liberal study would have to be a place of wide freedom of expression. That's the better wagon.

We engage in liberal study when we seek to understand some aspect of the world and seek to understand it for the sake of both the understanding and the seeking. We enjoy the process of coming to have an understanding. We partisans of liberal study enjoy hypothesizing and testing our hypotheses, and we enjoy reading about and discussing critically whatever it is we want to understand. We want to know and we like knowing, but we want to investigate the matter ourselves, so that we can come to our own good reasons for thinking things are as they are.

There are, roughly, two ways in which people come to have the beliefs they have. Sometimes they have the beliefs they have because they have collected and evaluated evidence for and against a thesis and thought about that thesis. Sometimes, though (in fact, more often), they have them because of social and psychological pressures—their desire to fit in, say, or their desire not to be excluded or shunned. You might, for instance, believe that COVID-19 is a virulent and debilitating disease. Perhaps you believe this because you have read about the matter carefully, assembled the evidence both for and against, and arrived at the conclusion that it is a virulent and debilitating disease. Or perhaps you believe it because that's what the people you like or admire believe and you fear their disapprobation if you don't believe. (Or perhaps you believe it because believing it makes it easy to wear a mask and cope with lockdowns and you don't want for yourself to experience the trouble that attends active deniers.)

If all a person cared about was believing truly and valuing soundly, how he or she came to his or her true belief or sound value wouldn't matter. If social or psychological pressures are responsible for one's holding a particular true belief or sound value, fine—the belief is true and the value is sound.

Those dedicated to liberal study, then, prefer getting the object of study wrong on the basis of their own investigations than getting it right as the result of social or psychological pressures. They want to believe truly and to value soundly but only as the result of independent thought. For that reason, they want to conduct their inquiries in institutions organized so as to keep psychological and social pressures on believing and valuing to a minimum. Thus, they want wide freedom of expression to prevail at their institution of inquiry.

They want themselves to believe and value only for their own good reasons, but they want that others likewise are shielded from social and psychological pressures so that they, too, can come to believe and value only for their own good reasons. And so they want wide freedom of expression to be part of the charter of the institution that supports their inquiries.

A university could not be a university of liberal study except that wide freedom of expression is protected institutionally and part of the campus ethos. Any function typical of a university that would require oversight and control of speech and other expression is a function such a university could not perform. If, for instance, minority students dropped out

of our university of liberal study at a greater rate than they did at other institutions (or didn't apply to it in the first place), our university could not attempt to keep them by suppressing speech without thereby ceasing to be a place of liberal study. If the public was confused by the contradictory findings of its researchers, it could not set up a vetting procedure to ensure that only consensus views emerged. If a professor or student denied the Holocaust or the Holodomor, or asserted the virtue of Mao Zedong, or argued against standard Covid-19 protocols, it could not issue a statement affirming that the university accepts the historical record or the findings of science and will offer counseling to those hurt or upset by the hateful or dangerous words.

One might suspect that a university dedicated to liberal study would reject the conception of knowledge according to which knowledge is justified true belief. Since at a university of liberal study, anything may be questioned, no core of settled knowledge can form, for the activity of justification is interminable. Actually, though, a university of liberal study will have no theory of knowledge. Professors and students are free to work out their own theories. (They are also free to be critical rationalists or skeptics, that is, to have no truck with either justification or knowledge.) It is true that at an ordinary university, professors who doubt and deny what their colleagues take to be the facts will face institutional pressure to get back in line. But a university of liberal study will not put any pressure at all on those who hold traditional views about the nature and possibility of knowledge. Those on campus who subscribe to the idea that only from a firm base of knowledge on a topic can researchers set out to tame the wilderness are free to subscribe to that idea. Such professors and students might be happier at a different university, where the skeptics and Popperians are thinner on the ground, but they are welcome to make their case to their colleagues at the liberal study university.

Why would a public be inclined to support a university of liberal study? After all, what emerges from it is a cacophony of ideas and theories. People want to know what the experts think so that they can conform their thinking to what is most likely true. At a university of liberal study, though, everyone (thus no one) is an expert. Moreover, people want universities to embody values of diversity, equity and inclusion, both because it is right that they do and because in doing so they set a good example for other institutions. Universities of liberal study might hire with a concern to increase the diversity of topics, ideas, and approaches within its walls, but diversity of sex, race, or ethnicity will be a matter of

indifference. Finally, people want universities to prepare young people to take their places among society's managerial and professional elite, but a university of liberal study will take scant notice of what the general society thinks the young need by way of knowledge, skills, values, or attitudes.

Whether a public would be inclined to support a university of liberal study will depend on the character of that public's society. Universities of liberal study can be expected to graduate young people able to think for themselves and, perhaps, keen to do so. If that matters to a public, then that public has a reason to support a university of liberal study. Universities of liberal study will offer the world various, sometimes conflicting theories of things. If people don't mind deciding for themselves where the truth likely lies, people won't be opposed to having a university of liberal study. In fact, because no party lines are enforced at such universities, people will trust that whatever ideas emanate from the university, those ideas won't have been influenced by politics, and that they haven't been might matter greatly to them.

It is possible, although not likely, that a university dedicated to liberal study would attract fewer women or minorities as students or professors than other universities—universities, that is, that are prepared to suppress, censor and penalize offensive expression in the name of maintaining a welcoming space for oppressed or marginalized people. Nonetheless, those women and minorities who aspire to be intellectuals should have the opportunity to engage in liberal study and they won't if no university of liberal study exists.

For my part, although I would want to be associated with a university of liberal study and would want everyone else to have easy access to one, I don't mind if other institutions of inquiry set themselves up in different ways, either to support inquiry differently or to serve other ends while housing inquiry. We have, in Canada, a tradition of governments spending public money to help insular groups. Doing so is part of our self-image and our heritage of multiculturalism. A group need not value equality between the sexes, for instance, in order to receive government funding. This contrasts with the tradition in the United States, among other countries, in which groups seeking public money must conform to national ideals and not stand outside the Bill of Rights. (Public universities in the United States, we're told, are required to honor freedom of speech, for instance.) In keeping with this tradition of supporting multiple traditions, I would not object to religious universities receiving public money though their codes of conduct prohibit same-sex hand-holding

on campus, say. I would not object to public money going to universities that have strict regulations against expression. (I would certainly hope, though, that such universities close as a result of declining enrolments and difficulties recruiting professors.)

One longstanding and frequently announced complaint about universities in Canada is that they are all the same. (They might not be all the same in size or quality or programs, but they are all the same in vision and none is a university of liberal study.) Surely, then, there could be at least one publicly funded university of liberal study in each of our ten provinces. The four to forty other universities in each could be places of strict oversight and control with strong diversity, equity, and inclusion offices, all dedicated to instilling in students the knowledge, skills, values, and attitudes currently prized by government, business, industry, and the professions, if that is what the provincial governments want. The one university of liberal study per province would provide an alternative for students (and professors). I predict that once students get a taste of liberal study, they won't want anything else. If any universities in Canada are likely to increase in enrollment, I further predict, they will be the universities of liberal study.

But my advocacy of pluralism in higher education in Canada is, I know, risible. I've mentioned the laws and government policies and practices in favor of diversity, inclusion, and equity, and against freedom of expression, that would make an institution devoted to liberal study difficult to create or maintain. Even more important is the strangle-hold provincial governments have on the university sector in Canada. Almost all of our universities are public institutions and take direction from the government. We have few independent universities. The resulting uniformity is good in many ways. Nothing like American-style university enrollment scandals could occur here, for instance. Yet it also makes it almost impossible to create arrangements that would support a culture of independent thinking.

Sources:

My views and arguments on the matters I've discussed have been influenced above all by Ronald Dworkin's essay "Why Academic Freedom?", available in Dworkin's collection *Freedom's Law: The Moral Reading of the American Constitution* (Harvard University Press, 1996). (This essay was also published as "We Need a New Interpretation of Academic Freedom," in Louis Menand, ed., *The Future of Academic Freedom* [University of Chicago Press, 1997].) Most advocates of wide freedom of expression on

campus draw heavily on John Stuart Mill's *On Liberty* (*On Liberty, Utilitarianism and Other Essays* [Oxford University Press, 2015]). Dworkin provides an alternative to Mill's tradition.

Three books I admire that I find to be in Dworkin's rather than Mill's tradition (though they predate Dworkin) are William Warren Bartley III, *Unfathomed Knowledge, Unmeasured Wealth: On Universities and the Wealth of Nations* (Open Court, 1990), Julien Benda, *The Treason of the Intellectuals* (Transaction Publishers, 2009/1928), and Kenneth Minogue, *The Concept of a University* (Transaction Publishers, 1973/2005). Though not specifically about universities, an excellent recent book in Mill's tradition is Jonathan Rauch, *Kindly Inquisitors* (University of Chicago Press, 1993/Expanded Edition, 2013).