

## REFLECTIONS ON THE SCOPE AND REALITY OF ACADEMIC FREEDOM

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*“Does academic freedom protect in teaching, research, and public utterance the dissemination of positions at odds with mainstream science or the consensus of scientists? Should it? —Even if the dissemination it protects can or does result in harm?”* —From the poster for the panel discussion, 3 November 2016

As with any freedom, academic freedom implies academic responsibilities. As with any right, the right to academic freedom is specious if it is not enforceable. I argue briefly below that the neo-university discourages academic responsibility and show why the so-called right to academic freedom is, in fact, an *ignis fatuus*: because unenforceable, it is but a fanciful figment of false academic expectations despite its firm grounding in law.

First, about potential harm: our question suffers from the epistemic constraints that render any consequentialism self-defeating. Simply put: we cannot predict the consequences of our actions. This is because consequences have consequences, (practically) ad infinitum. Fluttering butterflies here cause tornadoes there. Some, though not all, proximate harms can and often do result in greater goods down the road. Even the bombing of Hiroshima has been defended as a harm reduction strategy. Some, though not all, proximate benefits can and often do result in distal harms. Smoking tobacco was once considered healthy. Being neither clairvoyant nor omniscient, we often cannot distinguish between them. Judging proximate harms as harms may be short-sighted; judging harms *tout court* is delicate business.

Second, about the mainstream and consensus: even the most honest researchers are only human. Researchers are motivated by many factors, some unconscious: implicit biases of many sorts; the desire to keep or advance their careers, the flip side of which is the fear of ostracism and opprobium –see Jeff Schmidt, « Disciplined minds » (2000); and so on. Social, political, and economic power are realistically better predictors of consensus than the unadulterated search for truth. What constitutes the mainstream is, in a nutshell, what sells –see Kuhn’s « the Structure of Scientific Revolutions », still as relevant today as when it caused an uproar in 1962 for introducing a hefty dose of irrationality in the science we thought of as pure. People learn what they are taught, and people can teach only what they (think they) know. In the reduplication of what we think of as knowledge, there are endless opportunities for the introduction of untruth. Agreement and correctness are only fortuitous friends.

Academic freedom is epistemically fundamental to the search for truth, precisely because the mainstream is not always right, especially not in predicting, or even in defining, harms. Academic freedom is integral to the search for truth, because better knowledge is often built on debunking what turn out to be long-held mistakes. So much is commonplace. Both above reflections, if correct, lead to the conclusion that, at least *prima facie*, we must leave researchers to their best selves, and hope they have the intelligence and integrity to make the best of it.

Recent developments in Canadian universities should cause pause over the last clause of the previous sentence. There are good reasons to have a bleak picture of the future of our universities, some of which involve the realization of the fatuousness of academic freedom. Consider the values (education v. reputation), the sense of university mission (academic freedom v. B’Nai Brith), in e.g. the firings of Denis Rancourt from the U. of Ottawa and of Tony Hall from Lethbridge.

Academic freedom is fundamental to the search for truth also for political reasons (or for reasons of power). Universities have unique autonomy as social institutions go, as arguably they should, because in academia, as in everything else, it takes one to know one. Universities suffer unusually negligible oversight by their funders, mostly taxpayers and students (except when the sponsors call the shots). Any oversight thus has to be internal, and thus befalls academics themselves, who have the responsibility therefore to exercise their freedom to criticize the university wherever warranted. A vibrant university is a bubbling cauldron of criticism, requiring a commitment to knowledge and to values of truth and objectivity, and daring and fearlessness in their defense. The neo-university’s HR-managers, who don’t know what they don’t know about academia, are focused elsewhere: their mission is to enforce loyalty to the Brand, not to knowledge; their comfort is in conformity and predictability, not in disagreement and discovery. Among those HR-managers are banker-salaried-spent-academics-turned-managers, in an unprecedented diversion of education monies away from teachers and researchers, to the managers of teachers and researchers, and an unprecedented proliferation of deanlets and sundry make-work staff giving ever more managers ever more someone to manage, e.g. all those new and now-indispensable offices that produce glossy marketing brochures about how highly valued equity, or truth, or knowledge, or academic freedom are in our university. At the same time, we have veteran Professor Shirkanzadeh from Queen’s University’s Engineering School, bravely suffering eleven years of debilitating administrative persecution, judged to be such and denounced by CAUT, until he was beaten down into settling, for outing academic fraud of egregious varieties and proportions (tens of millions of taxpayer dollars, an embarrassment to numerous institutions, and to some among the higher echelons of Queen’s « elite » –see full story on his LORI website, or Little Office of Research Integrity). His only sin: insisting on correcting the scientific record. Insisting on the truth. Queen’s administration saw this as defamation of their reputation. As I said, different values. Also different power: HR-managers have systemic ways to enforce their bureaucratic values at the cost of the academic mission, the mission most of us call knowledge.

Imagining academic freedom at its best, there are still constraints on what it should protect. It does not protect academic malfeasance. Trivially, academic freedom does not protect one against criminal behaviours or unethical research –although the defining of unethical research is far from trivial (consider the race-based research of Rushton at The University of Western Ontario) and easy to confuse with the causing of offense, which has to be protected by academic freedom if anything is, exceptions extreme (consider St.Lewis/U.of O. v. Rancourt, and Mercier expert witness report, on the use of ‘house negro’). Nor should academic freedom protect one against cheating, against academic fraud of various sorts: fabrication or falsification of data, plagiarism, redundant publication (« self-plagiarism »). *Each* one of these activities defrauds our knowledge enterprise, the common aim of our better selves. The former by infecting our common store of thoughts with lies, the latter by infecting merit with deceit

and undeserved advantages. Academic freedom is required precisely to denounce both substantive and access fraud, though Shirkanzadeh's case demonstrates how specious his academic freedom actually was, his freedom to act on his duty to correct fraud, a duty explicit in most collective agreements. His academic freedom did not protect him from being petty-disciplined into oblivion; it did not suffice to invigorate his union to push their grievances through glacial legal processes; it did nothing to protect this polite, mild-mannered, diminutive man, this committed scientist, from being banned from buildings as an alleged security threat. The bravest of men will finally be beaten into submission. No good deed goes unpunished, as noted by Oscar Wilde.

Cheating, as well as two further situations, stand out as situations of academic malfeasance, that are not defensible by academic freedom (nor by anything else). The first such situation is incompetence, which is a sort of fraud, and which is to be distinguished from the competent understanding of a so-called « pseudo-science ». Because pseudo-science is notoriously difficult to distinguish even in principle from so-to-speak « real » science, if only for practical reasons, academic freedom has to support teaching and research on allegedly pseudo matters. Some put a full stop here. I insist on an important proviso: that those engaged in such teaching or research be both able and willing to defend what they are teaching or researching against competent critics. There is no point entertaining flat earthers, creationists, holocaust deniers, slavery supporters, unless they have some novel argument to contribute or have made some new discovery. It's not just a matter of resources that we don't offer courses in astrology. This proviso distinguishes fringe scientists from incompetent prevaricators, teaching what they themselves do not understand (in more consequential a way than might be true for us all). Recent cases in point stand out in Canadian academia. There is on the one hand the case of Olympian-medallist-hired-as-athletics-coach-turned-bird-course-teacher by funding pressures, who taught epidemiology in « Social Determinants of Health 101», based on naive disreputable sources about which students complained. To great media uproar, the teacher was teaching that vaccines cause autism. University administrators, who had known about this for years, feigned surprise, the teacher immediately went into hiding, the Provost downplayed the matter, it was later announced the teacher would no longer be teaching this course. There is on the other hand, physicist climate denier Denis Rancourt, whose carefully argued views clearly command respect. Rancourt would welcome a challenge to his views. However, in the HR-managed-bird-course-encouraging-precariat-dominated workforce of the neo-university, there are common sensical reasons to expect incompetence to proliferate. You get what you pay for.

The second situation of academic malfeasance that cannot to be protected by academic freedom (or by anything else) I will call the Pointless Unscholarly Provocation, which is to be distinguished from the Scholarly Debate, which of course is or should be protected. Even Intelligent Design Debates share academic values: *audi alteram partem*, weigh the evidence rationally,... (which is surely why Intelligent Design arguments are on the wane). The Pointless Unscholarly Provocation is not born out of respect for the knowledge enterprise, but out of political expediency; it is not nor does it consider itself bound by norms of knowledge. It flouts norms of knowledge, as does the terrifying post-truth world of « lies, lies, lies » smack in the face of the evidence. I make no claim here that the PUP is malfeasant per se (though it is); just that it is a case of academic malfeasance, because a form of academic fraud, and therefore not welcome on university campuses –though it may well have to be tolerated on city

soap boxes. Examples of recent PUPs in Canadian universities have included an anti-abortion rally at Saint Mary's University sponsored by religious groups –you know an argument is a fallacious PUP whenever it is supported mainly by pictures... and anti-feminist attempt-at-rallies sponsored by CAFE (the Canadian Association For Equality, in the sense of equality *of men with women* –yes, you read that right), a Canadian, since-Harper-tax-exempt-as-a-charity, off-shoot of the Texas-based site A Voice For Men (AVFM), a misogynist website denounced as a Hate group by the Southern Poverty Law Center in Georgia, which monitors Hate groups in the US. Now, CAFE is concerned, for example, that feminists are not sufficiently concerned by the « epidemic » of men being raped by women –being « made to penetrate »--on university campuses, in the military, in prisons. Academically responsibly pointing out flaws in their interpretation of the data will get you posters of your face (distorted), printed in Indiana USA, pasted days later all over Kingston Ontario, accusing you of being « a rape apologist ». You will be cyberbullied. A group of unknown people who don't know you will write letters urging your university administrators to fire you. Another group of unknown people who don't know you but who monitor the unknown people who want you fired will write letters urging your university administrators to understand that you are being cyber bullied by a misogynist hate group based in Texas. It happened to me. It happened to others elsewhere. And it obviously has no place in rational discussion. PUPs do not belong on university campuses because their aims are not truth-seeking and they do not hold themselves to epistemic norms. They are as such not worthy of university resources, even were these plentiful, and much less when not. A university is as good as its standards. Not anything goes.

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