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Academic Freedom is the Freedom to Know

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By Pascal Engel

We observe violations of academic freedom all the time. Speakers are “deplatformed” because of their political views, professors become the victims of campaigns in the media and social networks, trigger warnings are issued, various forms of silencing are practiced, academics are censored, ostracized, passed over for promotions, or denied access to funding or publishing, and hate speech against them is rampant. These seem to be clear cases, but there are also a number of borderline cases, as well as huge differences in the historical, geographical, and institutional manifestations and conditions of the exercise of academic freedom. How should we deal with such a diversity of cases? How can we assess the difference between *prima facie* violations and clear violations? The approach I introduce here is concerned with abstract principles, not with particular cases and historical contexts. My main aim is to contrast two definitions of academic freedom: an excessively wide one viewed in relation to freedom of speech, and a more stringent one linked to knowledge and freedom of knowing.

The most common definition, given by the European Council and UNESCO (2012), runs as follows: Academic freedom is freedom of speech and opinion and the right to noninterference in learning and teaching. These are the two aspects of this type of freedom: the negative liberty of noninterference and the positive liberty or autonomy of learning and speech. This is also the definition offered by the American Association of University Professors in 1915. It was inspired by the liberal definition of freedom in the tradition of John Stuart Mill and pragmatist thinkers like John Dewey: freedom of speech is integral to the “market of ideas,” where truth emerges from public discussion. The European definitions are a bit different and closer to the idea of a tradition of university autonomy.

To me it seems wrong to define academic freedom as freedom of speech *only*. This kind of freedom pertains to the public sphere. In the United States, it comes with the First Amendment, in France with the *Déclaration des droits de l'homme*, and in Germany with Article 5 of the *Grundgesetz*. It has problems of its own: To what extent is it absolute, and what are its limits? To what extent can free speech and various modes of expression do harm? It is also insufficient: Free speech is a right of every citizen, not only academics. It is a basic civil liberty. Most conceptions of academic freedom take it to be an extension of the sphere of universities. This is not false, since universities are part of the public sphere (which does not mean, however, that all academic content is accessible). But it is not true that any kind of silencing or withdrawal of invitation is a threat to *academic* freedom. Academia is a specific kind of institution, different from the spheres of media and politics. These are supposed to regulate *opinion*. And opinions can be true or false. At best, a marketplace of ideas should generate *true beliefs* or true opinions, and there are many other ways than through academia to generate true beliefs. The objectives of universities are different. They rest on the production and transmission of *knowledge*, which is *justified* true belief, sanctioned by activities regulated by certain professional standards and norms, producing certain kinds of competence.

Academic freedom is based not on a “democratic competence” – to take up Robert Post’s phrase – but on a professional competence, which involves the production, promotion, and transmission of knowledge to various audiences that belong only in part to the public sphere. This is unlike the professional competence of dentists, architects, or journalists, who need a certain kind of knowledge in order to practice their professions. By contrast, one expects from academics that they *produce* and *create* new knowledge. The model of knowledge that is in place within the academic sphere is *scientific* knowledge, which is supposed to conform to certain standards: empirical evidence or proofs, objectivity, and testability. Not all academics and aspiring academics need actually possess the relevant scientific knowledge, but they need to *live up to its standards*. They are supposed to acquire certain kinds of practices, rules, and habits. Through their administrators, academic institutions are supposed to be devoted to these ideals. An important corollary is that academic freedom so defined is a collective rather than only an individual right and competence. The specific character of academic freedom comes from the fact that faculty and students are supposed to be preserved from the intrusion of external authorities and pressures, political or private. They are the gatekeepers of their knowledge.

Several consequences follow. First, academic freedom in the sense of knowledge – let’s call it *knowledge-based academic freedom* – is not freedom of speech in the sense of noninterference. In public speech and expression of opinion, anyone can, if they want, express opinions, including false or weird ones. But knowledge-based academic freedom is not a matter of free expression: One cannot assert anything or produce any kind of claim that one wants. Belief and opinion may be, at least in part, voluntary, but knowledge is not. One can believe what is false, but one cannot *know* what is false.

Second, knowledge-based academic freedom implies that academics ought to avoid, as much as they can, the mere expression of their opinion, and ought to stick to the pursuit of claims relevant to scientific inquiry. The university is not a forum, and in this respect, the metaphor of the marketplace of ideas is not apt. The separation, however, cannot apply in all circumstances. In many cases one has to rely on opinion. In such cases, knowledge-based academic freedom, like free speech, does indeed require that the opinions be unhindered. But it also requires that its limits be exposed, and that it be open to scientific criticism and not merely be opposed by an adversarial opinion. In such cases there is no need to reach a “balanced” point of view, where the two sides of a controversy, as in a political debate, have an equal right to speak. The difference between science and opinion is often unclear, and science is not isolated from political pressures, but when the issues are more a matter of opinion, the rules of scientific criticism ought to serve as a yardstick for the expression of opinion. This is not to say that it can always be done.

The difference between academic freedom and free speech affects such practices as deplatforming a speaker from a public lecture. Freedom of speech in principle does not allow forbidding someone to speak at a public event. There are indeed legally sanctioned limits that apply, for example, to speakers making racist claims or denying the Holocaust, but some partisans of academic freedom interpret it in an unrestricted sense. For instance, Noam Chomsky and some of his associates have long defended, in the name of free speech, the right of Holocaust deniers to express their views not only in public, but also in the academic sphere. This is highly debatable, and the reason why it is debatable is that these are not only *opinions*, but also proven *falsehoods*. In contrast, if someone makes a claim in the context of a scientific meeting or an academic course, the expectation is that it will be backed by standards of knowledge. And if it is not, the rule in academia is not to deplatform them, but to open the view to discredit or ridicule. The difference between freedom of speech and academic freedom is that the former is regulated by democratic requirements, whereas the latter is not. Science is democratic in the sense that everyone is entitled to defend their positions, and ought to be open to criticism. But science is not democratic in the sense that scientific claims can be mere opinions, or “points of view,” that have an equal right to be examined and voiced. So academic freedom, insofar as it is a freedom to know, is a kind of *controlled* freedom, and in this sense it is no freedom at all.

Basically, academic freedom is knowledge-based but not free speech. But things are not that simple. First, academic freedom is not based only on the distinction between knowledge and opinion, since science is by definition an open-ended and collective enterprise: No one, and no discipline, can pretend to own it exclusively. Moreover, the distinction between science and non-science, and between good and bad science, is sometimes moot. “Hard” sciences cannot pretend to represent the gold standard. The “science wars” are over, but one can still raise issues about scientific credentials. In addition, the epistemic norms upon which academic freedom is supposed to be based are often unclear, and there are many normative disagreements. How can one hope to impose a unique set of standards? Second, the idea of a knowledge-based academic freedom should not be understood as a defense of the Ivory Tower. The scientific sphere is not immune from the conflicts of the public sphere. Moral and political issues arise all the time. The prime value of academia is knowledge, but there are other values as well: justice and fair education. Science and academia are not isolated from society. One condition of academic freedom is a common conception of the scientific good. But do we have a unified conception of the scientific good and of its autonomy with respect to other kinds of goods, in particular social ones?

In addition to these difficulties, the very notion of a university, as an administrative body, is unclear, because there are many institutions bearing that name that are not universities in the traditional sense: technical schools, confessional schools, private institutions. The status and professional standing of academics are very diverse. In most universities in Europe, they are civil servants, whereas in many other places universities are private institutions. All these factors are sources of conflicts and disagreements and fuel threats to academic freedom as freedom of knowledge.

For these reasons, it is not clear that academic freedom and free speech stand in opposition to each other. There can be conflicts between the two. On the one hand, according to knowledge-based academic freedom, if a person

has genuine credentials demonstrating knowledge and expertise in a field, she has the right not to be prevented from pursuing it and enjoys a kind of protection from her institution. On the other hand, if the same expert is challenged on her opinions in a field independent of her area of expertise (say she holds explicitly racist views), it is legitimate to disinvite her: Public speech rules prevail. Or consider the case of a researcher who has important scientific credentials but is financed by religious foundations with aims other than scientific ones. These conflicts arise all the time.

I submit that in most cases there is no conflict between freedom of speech and academic freedom. *Freedom of speech does not entail academic freedom, but academic freedom entails freedom of speech.* Academic freedom has priority. If a Nobel Prize winner holds unacceptable views about race, there is, *prima facie*, a problem if he has not applied the standards of his scientific field. If he accepts criticism within his field of expertise, he should also accept criticism outside his field. Or take the case of a renowned physicist who has supported Holocaust deniers in the name of free speech, is invited to give a talk on quantum mechanics, and is deplatformed as a result of student protests. Because his planned lecture was on quantum mechanics, a field in which he is a specialist, it is wrong to disinvite him. However, if he had wanted to give a talk on Zionism, where he takes a purely ideological line, it would be right to deplatform him. In the second case, he would be using his prestige in one field in order to defend his views in another, and academic freedom forbids this kind of implicit transfer of competence.

The ideal of the university does not allow a division of labor between the public and the scientific spheres. But freedom of knowledge ought to dominate freedom of speech. This does not mean that everyone ought to behave as a scientist. However, in the discussions in the public sphere, they should at least retain the basic principles and ideals which are proprietary to the Republic of Science.

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