

## 280) Constitutional Freedoms and the Universities

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The Society for Academic Freedom and Scholarship (SAFS) is delighted to receive the 2020 George Jonas Freedom Award.

We're also very surprised. SAFS is not a civil liberties organization. We promote freedom of expression *on campus*, and freedom of dress and comportment *on campus*, freedom of association *on campus*, freedom of assembly *on campus*, due process *in university matters*, and so on.

We also promote the merit principle, the idea that academic decisions should be made on academic grounds and academic grounds alone.

Our focus, that is, is with universities. Almost exclusively universities—though we've also said a few things about colleges, high schools, and education generally. But universities are our only essential concern.

The civil liberties, on the other hand, are for everyone in every walk of life. Treatments of their nature, value, significance, or plight cannot be restricted to a particular way of life or institution.

SAFS, though, treats freedom of expression on campus only in relation to academic values and the academic mission of universities. We hold that a university must protect and foster freedom of expression on campus because universities should be places of intellectual community and should be places of rigorous investigation. Restrictions on what one can say or how one can say it are inconsistent with intellectual community and can thwart rigour in investigation.

There are two general reasons to explain why an organization like SAFS is useful. The first is that not everyone in Canada is keen on intellectual community, not even at universities. The second is there's much more to life than trying to figure things out. People indifferent or hostile to either intellectual community or to figuring certain things out will be opposed to wide academic freedom and freedom of expression on campus. SAFS, then, can protect academic freedom and freedom of expression on campus by articulating how they express or serve academic values.

SAFS's mission, then, is restricted by our concern to remain within the academic. In our explanations and arguments we do not appeal to human rights or democracy or human flourishing. Our explanations and arguments do not easily generalize or apply outside universities. Defending freedom of expression in a society generally on grounds of the centrality of expression to academic values and the academic mission would be a quixotic quest indeed. It would be to mistake society as a whole for a university. (Not that a society that resembled a good university wouldn't be wonderful!)

Our concern with the other civil liberties on campus follows the same pattern. We defend and promote the ideas and practices we do not on grounds of rights, democracy, or flourishing, but because of their place in inquiry, teaching, learning, and intellectual community.

Most, but not all, members of SAFS are civil libertarians in the wider society. Yet, as SAFS members, their concern is not with civil liberties and constitutional freedoms but with universities.

So why might the Justice Centre for Constitutional Freedoms have deemed SAFS worthy of this honour? I have a couple ideas and I want to hear what you think.

Let me begin by noting that these times are not at all good times for universities. Never let a good crisis go to waste! Administrators, faculty unions, and university senates have taken advantage of the COVID-19 restrictions and the demonstrations ignited by the killing of George Floyd to accelerate two trends, each of which is harmful to academic values and to the academic mission of the university. Both trends started in the 1980s or earlier but picked up steam in the 2000s.

The first is the trend toward technology in teaching and learning, especially computer technology. My university, Saint Mary's, in Halifax, had even before the advent of COVID-19 restrictions decided to put more and more courses online and to use carrots and sticks to get teachers more heavily involved in technology. That courses couldn't in the Fall semester of 2020-2021 be given online was a godsend to the administrators and planners behind our technological initiatives.

I don't entirely understand the motivation behind the trend to technology and online instruction. I suspect it's financial, to save money or to make money, but I'm not clear how going digital and virtual will serve that purpose. (My own teaching these days employs much less technology than it did a decade ago. I think my teaching is better for being plain.)

The second trend is that toward teaching and research meant to further specific political or social ends. This is the trend toward serving goals such as anti-racism, anti-capitalism, environmental sustainability, and bringing people from historically marginalized groups into society's managerial or professional class.

The trend toward serving these goals has been, and could not *not* have been, at the expense of dispassionate research and free, open and candid discussion. Our universities continue to say that they are informed by academic values, but whenever honouring an academic value stands in the way of another goal, it's the academic value that loses.

Critics of these trends have had almost no success the past couple decades in combating them. The COVID-19 restrictions have made things worse for communicating our criticisms. No one shows up for a Zoom meeting except those already on a mailing list. People disturbed by trends at universities get to talk to themselves and no one else. It's much more difficult to get a message out than it was just eighteen months ago. Since the majority of professors, let alone the public, hears nothing, not even administrators need take note of critical commentary and warnings.

In the old days, posters on and off campus might well bring into an audience for a critical talk about universities people who might learn something new or come to appreciate a different

perspective. Vice-presidents academic would be aware that not everyone was happy with the latest initiatives and that not everyone was happy might matter to them.

But it's not just the restrictions. The mainstream university magazines are almost entirely in favour of demoting academic values. *University Affairs*, here in Canada, can be expected to ignore problems, given that it's the official magazine of university presidents. *Times Higher Education*, *Inside Higher Ed*, and the *Chronicle of Higher Education*, though, are also in the main oblivious to or dismissive of criticisms of university trends. Mainstream newspapers in Canada, for their part, hardly cover goings on at universities and the writers who do write about them are often clueless.

When a publication critical of university trends does, somehow, manage to get published in a mainstream venue, it will rarely make it into the lists of articles universities themselves circulate. My university sends out by email to professors and other members of the university community a bulletin entitled "This Week at Saint Mary's." Since what gets included is up to the editor, a Saint Mary's professor with a critical article in the local newspaper might not see it listed.

Now, again, to the question with which I began: why would the Justice Centre include SAFS among organizations promoting constitutional freedoms when everything we do is about universities and just about only universities? I have three ideas.

I'll describe the first by quoting David Stove, the late Australian philosopher. Stove once wrote:

"For the essence of totalitarianism is contained in the great helmsman's injunction to 'put politics in command'. This is not just Communist-Chinese baby-talk. What it means is this: that you are to take over every institution, whatever it may be, and empty out everything which distinguishes it from other institutions, and turn it into yet another loudspeaker for repeating 'the general line'. Destroy the specific institutional fabric of – a University, a trade-union, a sporting body, a church – and give them all the same institutional content, viz. a political one."

I've distinguished in this address between freedom of expression and freedom of expression *on campus*, but I should recognize that there's little expression in a society that doesn't occur within some venue or institution. Trying to retain in the university what distinguishes the university from every other institution is to choose a particular battleground within the war against totalitarian preferences—it's not its own independent war. Though SAFS limits its business to universities, since universities are a large institution within contemporary society, SAFS contributes to the defence and promotion of civil liberties and constitutional freedoms in society at large.

My second hypothesis why the Justice Centre would think to honour SAFS begins with the observation that our constitutional freedoms, freedoms at risk these days, are the freedoms fit for citizens of free, egalitarian and democratic societies. Universities that serve their academic mission help people (students, primarily) to become intellectually and morally autonomous. That's the connection. It is only morally and intellectually autonomous people who can appreciate deeply and contribute significantly to a free, egalitarian and democratic society. SAFS, in agitating for universities to serve their academic mission, again contributes to maintaining ours as a free, egalitarian and democratic society, for universities serving their academic mission will help

students to acquire the skills, knowledge and habits useful in appreciating and discharging their responsibilities as citizens.

Our work here, of course, is only indirect. Professors do not, or should not, aim to create good citizens. They should aim only to help students to engage competently with the matters under study. It is a wonderful effect of being an independent thinker that one is well suited to participate in a democratic society; but professors are traitors to their calling when they *aim* at producing that effect.

My third and final idea how the work of SAFS might fit us for this award is that universities, when marked by academic freedom and freedom of expression, produce understandings of things that benefit society. If people in a society, through their institutions or through their government, are to grapple successfully with the challenges that confront them, including whatever inequalities in standing that continue to exist within that society, they need to be informed. A good heart and good intentions are not enough. One needs to understand how the world works if one is to change it in line with one's good intentions and to avoid at least the foreseeable bad consequences. Universities produce research for public use. But people who are not themselves experts won't trust research if they suspect it had to follow a party line and come to the right conclusions. SAFS, then, because of its commitment to academic values and dispassionate engagement, works to promote trustworthy research.

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The Society for Academic Freedom and Scholarship is deeply honoured to have been chosen by the Justice Centre for Constitutional Freedoms to receive this award. But we were also puzzled. Our remit is universities, not constitutional freedoms. Yet, whether a society is a free society has much to do with whether people enjoy freedom within the institutions they inhabit. Whether a society is a free society has much to do with whether the people in that society are able to think and to value for themselves. And whether a society is a free society has much to do with whether the people in that society know how, in their specific circumstances, to protect and extend their freedoms.

If our little society in its focused and limited endeavours is deserving of the George Jonas Freedom Award, it might then be that we've gone at least a little distance toward promoting a free society in one or another of these three ways.

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