

Academic freedom and the civil liberties

The Newsletter of the Society for Academic Freedom and Scholarship, Number 73, April 2016

<http://www.safs.ca/april%202016/14.pdf>

Mark Mercer
Department of Philosophy
Saint Mary's University
Halifax, NS B3H 3C3
(902) 420-5825
mark.mercer@smu.ca

Should academic freedom protect a professor's exercise of her civil liberties? By "civil liberties," I have in mind freedom of expression, of course, but also freedom of dress, manners, and comportment, freedom of association, and freedom of assembly. Freedom of expression covers both the content or message the speaker wishes to communicate and the medium or mode of the expression.

On one view of academic freedom, professors must be left free only when they are acting in their professional capacity and comporting themselves properly as experts. They may not be disciplined for what they say when they are speaking from their positions as experts on a topic and speaking on that topic in a professional manner. In all other contexts, they may be disciplined for what they say or how they say it; and they should be, if, in the judgement of the proper university authority, sanctions or discipline would promote the university's interests.

Of course, universities, like banks and hospitals and all other businesses, have strong reasons to wield their power over the workers moderately and gently. But there is too much at stake for them not to have such power or to be prepared to use it.

There are two lines of criticism against this narrow view of academic freedom, the view according to which academic freedom should protect professors only in their professional moments. The one is practical, the other principled.

Practically, it is not always easy to tell whether a professor is speaking in her field of expertise. Administrators and colleagues asked to determine whether a comment falls within the area of professorial speech are apt to make mistakes, especially when pressured by a concern for their institution's reputation. Not only will the innocent (at least occasionally) be found guilty, but candor among professors and students will suffer, as people fear they might unwittingly step out of bounds. (I'd add that the time, energy, and emotion spent investigating and prosecuting allegedly bad speech or conduct could be better spent elsewhere.)

The principled criticism of the narrow view of academic freedom is that it rests on a pinched conception of the role of the professor. The professor might well be an expert on something or other (or not; I don't think philosophy professors, for instance, are experts on anything), but the professor's main role is being an intellectual, and that's not a role from which she can step aside at any moment without abandoning it completely.

The principled reason, then, for bringing all the civil liberties within the protection of academic freedom has to do with the idea that a university is a place of intellectual community. At a place of intellectual community, we leave each other free from all pressures with regard to beliefs and values save those of evidence and argument. To punish someone for the content of

his expression is to show disdain for him as an autonomous thinker, one able and keen to respond to evidence and argument.

The response on a college campus to whatever words or non-violent behaviour has upset people should consist simply in critical discussion. Whatever might be the false beliefs or unsound values in question, they can be exposed in discussion as false or unsound. Or at least that will remain true so long as professors are, in the main, dispassionate critical investigators of the multifarious ways of the world. It's only a university lacking in intellectuals that need narrow its conception of academic freedom.