Academic freedom

By Thomas W Simpson

‘The right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship’ UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel, 1997.

Summary

There is a widespread perception that academic freedom is under threat, including in the UK. Is this true, and if so, does it matter? This paper suggests some Christian principles for valuing academic freedom, before considering the evidence for whether it is under threat and what may be done about this. It argues that although academic freedom exists in name, it is being eroded in practice. While academic freedom is a relatively recent doctrine, it is of great value, and its loss matters for both the public good and the health of the church. The paper concludes with some proposals.

Academic freedom under threat?

James Caspian, a counsellor who specialises in therapy for transgender people, was refused permission by an ethics committee at Bath Spa University to investigate why growing numbers of people are choosing to ‘detransition’. This was on the grounds that the resulting material could be ‘detrimental to the reputation of the university’.1

Peter Ridd is an Australian marine scientist who has publicly questioned whether the blanching of coral on Australia’s Great Barrier Reef is due to climate change or is a naturally occurring, cyclical event. He has been sacked by James Cook University for alleged breaches of the university’s code of conduct.2

Bruce Gilley published an article titled ‘The Case for Colonialism’ in Third World Quarterly. It was withdrawn after he and the journal editor received death threats, in the context of a whirlwind of professional opprobrium.3

The National Union of Students in the UK maintains a list of proscribed organisations which it forbids its members to share a platform with during a panel discussion, and it authorises local branches to extend that list.4 Peter Tatchell fell foul of this policy, with an NUS officer at Canterbury refusing to be part of a panel with him, denouncing Tatchell as ‘racist’ and ‘transphobic’.5

Spiked Online ranks UK universities’ commitments to free speech, according to a red-amber-green system. For 2017, the median university is ranked red, meaning that it has banned or actively censored ideas on campus. Only seven of 115 are ranked green.5

In the wake of such incidents, there is a growing public narrative of crisis in academia, whereby there is a culture of conformity of opinion and a loss of freedom to challenge received wisdom through research, writing and teaching. A counter-narrative argues that proponents of academic freedom, like advocates of freedom of speech, wish merely to be noxious and unprofessional without consequence. Before evaluating whether either is right, this paper first turns to think through what a Christian’s attitude to academic freedom should be.

Christian principles for academic enquiry

Here are three core Christian convictions which bear on the value of academic enquiry, and indicate an outline shape that it will take in institutional terms.

• Seeking truth honours God. It is central to the Christian conception of God that he is truth. It is John’s gospel that dwells most explicitly and at greatest length on this theme: Jesus, the Son, brings ‘grace and truth’ (1:14, 17); he comes to

References:

3 See www.nusconnect.org.uk/resources/nus-no-platform-policy-t22f.
4 Peter Tatchell, ‘The intolerant Left has even turned on me’, Telegraph, 15 Feb 2016.
5 See www.spiked-online.com/free-speech-university-rankings/.
bear witness to the truth (18:37); and the truth will set us free (8:32). Not only so, but in seeking truth – both knowing God and understanding his world – we worship God. Jesus’ disciples are to love God not only with their heart, soul and strength, but also ‘with all your mind’ (Luke 10:27). That God is truth, and we are both commanded and able to worship him with our minds, authorises and promotes academic enquiry.

- **Human reason is finite and fallible, so academic enquiry is a shared endeavour.** One of the insistent themes of Reformed theology is that humanity’s fallenss affects every dimension of the person. This includes our capacity to reason. Due to human finitude, our grasp of truth will always be limited; due to the noetic effects of sin, this side of the eschaton, we will frequently be wrong. The fallibility and limited nature of knowledge applies to humanity collectively and, pertinently, to each of us as individuals. So not only is the requirement to respect others an ethical mandate, it is also an intellectual one. No one has such a secure or extensive grasp of truth that they have nothing to learn from others. Intellectual humility means that the project of rational enquiry should be shared.

- **Academic enquiry is not limited to the church.** This may seem obvious, as the vast majority of academics now do not work within a confessional context nor have a Christian commitment. But it is important to affirm the point nonetheless, against a putative view that would suggest that academic enquiry which is not based on Christian presuppositions is of little or no value. Questions that bear on salvation are properly investigated in a confessional context. However, there are very many questions which one may reliably find answers to without affirming the great truths of the gospel. There is no need for enquiry into these to be based in confessional institutions.

These theological convictions mean that the core principle of academic freedom, namely that individual scholars should have freedom to research, teach and communicate publicly, is deeply consonant with a Christian vision of how enquiry should be carried out. The core principle of academic freedom, namely that individual scholars should have freedom to research, teach and communicate publicly, is deeply consonant with a Christian vision of how enquiry should be carried out.

The origins of academic freedom

Until the nineteenth century, British scholars were, in the main, working in universities that had a close affiliation with the church – Anglican in England and Presbyterian in Scotland. The reasons for this connection were various, but most significantly, the conviction that all truth is God’s truth has ensured that Christianity is marked by a tradition of intellectual enquiry. This has been recurrently expressed by the founding of institutions devoted to scholarship, notably monasteries and universities. Historically, the affiliation between universities and the church has been loose, in the following sense: universities are autonomous institutions, with scholars responsible for their self-governance. The confessional context for their work is one which scholars gave themselves. In such a context it is natural to adopt the classical assumption, that the purpose of scholarship is not solely intellectual. Academic enquiry is also to promote virtue among scholars and students. Not only so, it is to be done to the glory of God.

While this institutional affiliation with the church was true for most scholars – those working in Oxford, Cambridge, St Andrews, Glasgow and Aberdeen in particular – it was not true for all. The contours of British history, especially the Reformation and Restoration, had made this confessional context coercive. The upshot was the Test Acts of the late seventeenth century, which required individuals who wanted to take up public office to receive communion in an Anglican church. This in effect barred both Roman Catholics and non-Anglican Protestants from English public life. Fellows at Oxford and Cambridge had to be Anglican, as did students who wished to graduate. So non-Anglican scholars had to find other ways to work or had to conceal their commitments. Working around the time that the Test Acts were legislated, for instance, John Locke published his *Two Treatises of Government* anonymously because he correctly anticipated it would be controversial, and restricted his anti-Trinitarian writings to unpublished manuscripts. He pursued a medical degree at Christ Church, Oxford, because he did not wish to be ordained, as was then required to be a Fellow, and most of his important work was done under private patronage.

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8 Those strands of Reformed thought which have been tempted by such a view overlook the strong affirmation of ‘common grace’ found in, not least, John Calvin’s work. E.g., *Institutes of the Christian Religion*, ed. McNeill and trans.

9 As did Isaac Newton. Other thinkers who were sacked for heterodoxy include William Whiston, sacked by Cambridge in 1710 for Ariusism; William Frend, sacked by Cambridge in 1793 for anti-Trinitarian writings; F. D. Maurice, sacked from King’s College, London in 1853 for socialism and unitarianism. David Hume was not appointed to Chairs in Edinburgh and Glasgow due to his atheism.
The relevant Test Acts were repealed for Oxbridge students in 1828 and Fellows in 1871. This happened without much controversy, reflecting the fading collective memory of the ‘Papist threat’ and, more importantly, the gradual process of pluralisation and secularisation. With Christianity’s dominance contested intellectually, and increasingly so among elites, it made less sense to insist on the confessional nature of a university, and so less sense to require scholars to hew to Christian doctrine. It was in this context that the norm emerged that academics should be free to research and teach without ideological constraint. These developments in Britain paralleled and were influenced by trends in Germany, where it was first widely accepted that a primary function of the university was the task of adding to the stock of human knowledge, through research.10

The German vision of the research-focused university influenced the key institutional expression of academic freedom, developed in the USA in the twentieth century, of tenure. In 1915, under the leadership of John Dewey, faculty from across the USA founded the American Association of University Professors (AAUP). Their first action was to issue a ‘General Declaration of Principles’, the central concern of which was to assert the necessity of academic freedom. This was composed of three elements: freedom of research; of teaching; and of ‘extra-mural utterance and action’ (i.e. engagement outside of the university).

The AAUP was convened in response to a number of cases in which academics had lost their jobs because they had written or campaigned on causes opposed by influential trustees of their institution. For instance, the progressive sociologist Edward Alsworth Ross was forced to leave Stanford in 1900 because of his public opposition, on eugenicist grounds, to Chinese immigrant labour. The Stanfords, who founded the university, owed their fortune to rail construction, which was heavily dependent on immigrant labour.

The legacy of these cases is shown by the institutional innovation that the AAUP pioneered, of tenure. The proposal was formulated in the AAUP’s 1940 ‘Statement of Principles on Academic Freedom and Tenure’. Academics granted tenure are appointed until retirement, able to be dismissed only under exceptional circumstances or financial emergency. Tenure is granted if and only if an academic successfully completed a probationary review, of no more than seven years’ length. The purpose of tenure is to protect academic freedom. What tenure shows is that academic freedom, while not less than, is more than just freedom of speech. While tenure was largely an ideal prior to the 1940 ‘Statement’, the practice caught on. The AAUP’s 1915 and 1940 statements have since become the gold standard for academic freedom, and their content has received widespread international endorsement.11

The UK does not have the formal equivalent of tenure, but academics’ freedom to research, teach and speak is protected by law. The Education (No. 2) Act 1986 imposes a duty of free speech on universities, requiring them not to refuse their premises to any person or group on any ground connected to that person or group’s beliefs, views, policy, or objectives. The Higher Education Act 2017 is the fullest legal protection for academic freedom. It protects ‘the freedom within the law of academic staff at English higher education providers to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges.’ This protection is part of the institutional autonomy enjoyed by universities, which also includes the freedom to: decide the courses taught, the curriculum of each, and how they are taught; determine and apply the criteria for appointing and firing academic staff; and to do likewise for students.

Academic freedom as a public good

It is an unusual privilege to be appointed to one’s job permanently and to have the liberty to determine one’s work for oneself. Are these privileges merely the result of a successful campaign by a group of employees to feather their own nests, or is there some broader public value to these institutional manifestations of academic freedom? Some core theological convictions were outlined above, which indicate that academic freedom is deeply consonant with a Christian vision of how research, scholarship and enquiry should be carried out. In addition, there is a public justification for academic freedom. My argument here is that academic freedom is a public good, which helps society to flourish. As citizens concerned for the common good, so Christians should support the protection of academic freedom on this basis too.

The central point is this: freedom for individual academics contributes to an environment in which knowledge is sought more robustly than in which lacks it. Decentralised systems, in which interacting agents pursue individual objectives, can be vastly more efficient at acquiring and transmitting information than hierarchical or planned systems. Friedrich Hayek argued that a market’s price system reveals information about the relation between supply and demand far more efficiently that a planner could.12 Voting fulfils the same function in a democracy, of aggregating private judgements about the best policy choices. Betting markets do the same for predictions about the future.13


Academic freedom fulfils the same function. With each scholar working on their own project, evaluating the results of others, and incorporating and acknowledging that which is excellent, so the community of scholars is vastly more effective at pursuing knowledge than would be the case were the decisions of the powerful about what conclusions must be reached or are acceptable, or what methodologies employed, or what questions should be asked or not asked. Academic freedom creates an ecosystem in which knowledge is more effectively pursued.

To be effective, this freedom must be expressed institutionally. Experience indicates that financial uncertainty, social constraints, and their compound effects, are serious impediments to the disinterested search for knowledge, instead having the effect of giving scholars incentive to conform to the social consensus. Academic freedom protects scholars from any pressure to do so. It ‘bites’ in the way in which individual academics are employed by their institutions. You are free in name only unless you are protected from adverse consequences for saying what is unpopular.

It should be acknowledged that this public justification for academic freedom turns on an unstated assumption, namely, that universities are properly concerned with the pursuit of truth. The mottos of our great universities reflect this assumption. Cambridge’s motto reads, for instance, in literal translation, ‘from here, light and sacred draughts’; more colloquially, from here we receive enlightenment and knowledge. Harvard’s motto is more direct: Veritas, truth. But this assumption is not uncontroversial. A university may serve other purposes, including economic and social objectives, and it is a further matter whether the pursuit of truth has any priority. It is plausible that fidelity to truth is a necessary condition for achieving any of the other benefits, and this would be sufficient to justify academic freedom on a public basis, but that argument is a further step.

Academic freedom does not, by itself, ensure there is a culture of robust truth-seeking. It is all too easy for that culture to be corrupted and turned away from truth for other reasons, such as the pressure for social acceptability, and it may be that this describes our current time. But in a pluralist context, academic freedom is an essential requirement for universities to serve their core intellectual mission. Failure to do so risks turning them into echo chambers.

How academic freedom is threatened in the UK

There are at least the following three sources of threat to academic freedom.

Marketisation of higher education.

The introduction of tuition fees in 1998 has steadily changed the relationship between student and faculty in universities. With students now routinely incurring over £50,000 of debt during their degree, the question of whether this is value for money is a natural one to ask. Tuition fees invite students to see themselves as consumers of education; they reverse the traditional teacher-student relationship. There are positive effects of this, notably pressure to improve the quality of teaching. Nonetheless, there are negative side effects, including in terms of academic freedom. When it is students who are the guardians of received wisdom, and who determine when debate is acceptable and when not, the prudent academic observes conventional pieties in the classroom for fear of the resulting feedback forms.

Corollary with the introduction and growth of tuition fees has been the casualisation of working conditions in the university. In the UK, 53 per cent of academic staff are on some kind of casual contract, from fixed term to zero hours. Some proportion of casual teaching is appropriate.

The danger is that a cohort of academics are building insecure ‘careers’ out of ad hoc arrangements based on teaching gaps or temporary research grant income. Without the protections of a permanent position, their academic freedom is compromised. One academic writes, anonymously, that they do not make their own views known in teaching for fear of accusations of bias, and that ‘this problem is compounded by the increasing precariousness of lecturing work. In the four years since I completed my PhD, I have moved from one-year contract to one-year contract. I have not struggled to find work, but permanent employment has been elusive. I find myself wondering if this is the key reason for my silence.’

Impact agenda and contingency of research funding

Public money is currently distributed to universities in accordance with the results of the Research Excellence Framework (REF), a quality assessment exercise. First conducted in 2014, the main innovation of the REF was to evaluate the impact of research beyond academia, as well as its quality. Impact was defined as ‘an effect on, change or benefit to the economy, society, culture, public policy or services, health, the environment or quality of life, beyond academia’. The innovation is controversial.

Although the impact agenda does not itself result in individual academics being told what they must research, it has downstream effects that constrain this freedom. Departments and faculties must ensure that a sufficient number of their members are engaged in research that will credibly lead to impact. This creates pressure whereby some academics have to divert time towards pursuing impact.

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16 For a survey of these trends, see Roger Brown with Helen Carasso, Everything for Sale? The marketization of UK higher education, London: Routledge, 2013.


18 I’m a lecturer, and I don’t feel I can speak freely any more’, Guardian, 3 Nov 2017.

The agenda affects hiring decisions: people who are likely to contribute to a department’s impact are, other things being equal, preferable to those who will not. To get a job, it is prudent for young academics to focus on research that creates impact and to pursue impact directly.

While the full effect of the impact agenda remains to be seen, it is a specific instance of the more general problem that research funding is subject to the judgement of a committee, with the effect that work is too often tied to topics that are ‘fashionable’ within a discipline. One academic has remarked, ‘University now is about only speaking views which attract funding’.20

The triumph of identity politics
America’s universities have become key agents in that country’s polarised culture wars, and the problem is being exported, including to the UK. Tactics used by both sides in this culture war range from online shaming, protest, disruption and intimidation of speakers; campaigns to disinvite speakers; no-platforming (refusing to share a platform with someone one regards as likely to cause psychological harm); calls for trigger warnings to be attached to reading material that may evoke psychological dis-ease; to campaigns for research articles to be retracted by their publisher or for someone to be sacked, sometimes through vexatious allegations of harassment.21 It is not difficult to see the chilling effect that this has on those who research, teach, or comment on points of conflict in the culture war.22 Peter Tatchell remarks, ‘The race to be more Left-wing and politically correct than anyone else is resulting in an intimidating, excluding atmosphere on campuses’.23

Britain’s incipient culture wars are not as heated or as polarised as those in the US. There are reasons for concern however: overrepresentation of liberal viewpoints among academics, and corollary underrepresentation of conservative viewpoints, compared to the general public, is nearly as accentuated in the UK as in the US, with nine out of ten academics liberal or left-leaning.24 The Spiked Online free speech ranking has been noted above. But much of the problem there is poorly worded policies on harassment, which permit for expansive interpretation; whether they are enforced is different. The disruptive tactics noted above are used, but, it seems, not to the same extent as in the US. Nonetheless, models of action used internationally are having an influence on British students.25

Taken individually, each of these sources of threat may be manageable. The marketisation of higher education and the triumph of identity politics may combine in unpredictable ways. A cautious judgement is that academic freedom in the UK is, at present, eroded. Nonetheless, those in post enjoy significant protections.

Securing academic freedom
Given these possible ways that academic freedom is being eroded, there are a number of policies that would help to secure academic freedom.

• Permanent, teaching-intensive positions. Tenure needs to be updated for the needs of the research-intensive university of the twenty-first century. It is an unavoidable fact that research specialisation has reaped dividends for individual academics, their institutions, and the resulting gains in knowledge. Teaching has not been invested in. Currently, the teaching burden of excellent researchers is bought out, resulting in a succession of fixed-term teaching posts. This offloads risk onto those in weak bargaining positions, in the precariat. Instead, the university should assume the risk, and appoint permanent, teaching-intensive positions. A benefit is that appointments can be made on the basis of excellence in teaching – which is different to excellence in research.

• Alternative funding structure for students. The existing funding situation is widely disliked as well as widely misunderstood, being inaccurately labelled. (It is a Graduate Contribution scheme which is highly progressive in effect, with middle- and high-earners repaying the cost of their education.) Redesigning the funding settlement is

20 Prof Sheila Jeffreys (Melbourne), quoted in Harry Yorke, ‘Academics say research is being hindered by universities’ fear of online backlash’. Telegraph, 23 Dec 2017.
21 For surveys of these tactics, see Greg Lukianoff, Unlearning Liberty: Campus Censorship and the End of American Debate, New York, NY: Encounter Books, 2014; Frank Furedi, What’s Happened to the University? A Sociological Exploration of its Infantilisation, London: Routledge, 2017. Sean Stevens and Jonathan Haith, ‘The Skeptics are Wrong Part 2: Speech Culture on Campus is Changing’, posted 11 April 2018 at <https://heterodoxacademy.org/the-skeptics-are-wrong-part-2/> provide extensive data to show that the problem has worsened notably since 2014, and that the significant majority of high-profile disruptions come from the political left of a speaker.
22 The leading attempt to quantify the problem is the Fearless Speech Index, developed by Heterodox Academy. Their subjects so far have been students only, not faculty, due to sample size concerns. See https://heterodoxacademy.org/the-fearless-speech-index-who-is-afraid-to-speak-and-why/
23 Tatchell, op. cit.
24 Adam Smith Institute, Lackademia: Why Do Academics Lean Left? March 2017
25 For instance, the ‘Rhodes Must Fall’ movement in Oxford was closely modelled on the tactics used in the parallel campaign in Cape Town, SA.
a large challenge. Nonetheless, a reform which no longer puts the student in the position of consumer would have benefits for freedom in learning and in teaching.

**Self-governance.** Universities’ self-governance has significantly etiolated. Structural reforms of Oxford and Cambridge during the twentieth century have diluted the role of Congregation and Regent House respectively, and the trends towards marketisation have seen Vice-Chancellors increasingly assume a managerial self-conception and corollary norms of accountability. Across the sector, few academics have any say in who their Vice-Chancellor is. A comprehensive suite of reforms would reinstate the core principle of institutional autonomy, with academics’ responsible for governing themselves.26 It is a delicate task here to see how the Department for Business, Energy and Industrial Strategy (BEIS) could help bring about universities’ self-governance, without undermining the very principle that is being fought for. A possibility is for BEIS to authorise institutions to award degrees only if a substantial degree of internal self-governance has been demonstrated.

It is an open question whether there is political appetite for protecting academic freedom. In particular, the trends towards marketisation are deeply rooted and will be hard to reverse.

**Conclusion: the future of Christian scholarship?**

Academic freedom is a public good that Christians ought to safeguard. There is a separate but related question which is worth some reflection, in addition. Suppose that academic freedom continues to decline in our public universities, with the effect that it becomes harder to pursue research which is integrated with one’s Christian commitment. In such a situation, what would be the institutional support that the churches would need to provide to enable Christian scholarship in the UK?

For scholars excluded by the Anglican establishment, history provides examples of ‘marginal’ institutions which served such a purpose. These may provide models for a time when the establishment is, instead, a hostile form of secularism. In the eighteenth and nineteenth centuries, non-Anglican Protestants established many Dissenting Academies, to provide an education for the Baptists, Presbyterians and Congregationalist clergy who were disbarred from Oxbridge. The curricula in the larger academies encompassed the full range of subjects, including mathematics, modern languages, and ‘natural philosophy’ (science), as well as theology and biblical studies, and they had dropped the antiquated Aristotelian scholasticism still prevailing in Oxford. The Dissenting Academies flourished until the founding of University College London, which had no Anglican tests, made them unnecessary. The Puritan Lectureships of the early and mid-seventeenth century are another example, in which parish churches paid lecturers for a weekly lecture.27

The precise form that initiatives might take in our day is a further question. The existing seminars are a natural place to start from, but to fulfil some of the function of supporting Christian scholarship, they would need investment and a wider vision. What is clear is that, if the median intellectual’s attitude towards Christianity continues to be one of suspicion, and academic freedom continues to erode, there will be shrinking scope for Christian scholarship in the UK’s universities. Some imaginative and committed action will be required if faith is to continue to seek understanding.

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26 Two recent incidenxgest that there is considerable appetite for such a change: Oxford’s Congregation effectively forced Council (the executive body) to reverse its position during the Spring 2018 pensions dispute. Peter Horrocks resigned as Vice-Chancellor of the Open University following a no-confidence vote by staff, held by the Universities and Colleges Union branch.