On 27 April 2021, a political representative in a parliamentary committee called on an education minister to do more so that academics might be “got rid of”. Citing by name two sociologists of colour and the university’s (white) Vice-Chancellor, they issued a rallying cry: “we need to start sacking people”. The minister gave a tepid response, failing to defend institutional autonomy in robust terms or to denounce calls to fire academics – which prompted a strongly worded letter from her opposition counterpart.

Nearly eight weeks earlier, one hundred political representatives from different parties, led by the chairs of a cross-party working group, had signed a letter calling on a different university to sack another sociologist. Further questions about this academic’s views and conduct arose in the chamber during the weeks that followed. Noisy calls for their sacking – and later approbation when they came to fruition – continued from political representatives of multiple parties.

On 14 October 2021, the same education minister who had failed to defend the institutional autonomy of universities rallied in a newspaper op-ed to the defence of a philosopher at another university who was facing protests from students whose “intolerance” and “militancy” the minister deplored as an affront to academic freedom.

On that same day a scholar of postcolonial studies, a woman of colour, had been due to give a talk on their research for the ministerial department for home affairs, but a few days beforehand it was cancelled due to “unforeseen circumstances”. At the time of writing, that same education minister is yet respond to this scholar’s public pleas for support (despite a promise to contact them via direct message on Twitter). Reports have emerged of other scholars of colour who have received similar cancellations or disinvitations from the same ministerial department.

There is something contradictory in these interventions by political representatives who claim to be devoted to freedom of inquiry and debate – so much so that they are introducing new legislation to combat a purported crisis of free speech. I deliberately leave the content of the speech in the above examples to one side to focus on the formal character of the interventions. By way of conclusion, though, I shall suggest that the content
of these various speech acts points towards the ways in which authoritarian mutations of neoliberalism are unleashing the most reactionary and repressive aspects of that political-economic regime’s contradictory amalgam.

Regardless of the specific content of the speech in these examples, it is hard to believe that these are the interventions of a government in a rich Western democracy that prides itself on its supposedly liberal values of tolerance and multicultural diversity – the current UK Conservative government.

Beyond these anecdotes, the new Bill championed by Universities Minister Michelle Donelan in her *Times* op-ed demands closer scrutiny. The testimony and debate in the recent Public Bill Committee showed how the government seeks to shift on-campus discourse in a two-pronged move. First, it aims to liberalize freedom of speech (which applies to any lawful speech regardless of the speaker or topic) while at the same time constricting academic freedom (which is restricted to academics and usually to matters flowing from their professional standing). Second, it proposes to leave it to a political appointee to determine, within the broad scope of lawful speech, which kinds of speech would nonetheless be worthy of opprobrium or exclusion on university campuses. In short, the move consists in two cuts that seek radically to redraw the bounds of what kinds of expression takes place in universities.

**WHAT IS IT THAT WE DEFEND UNDER THE BANNER OF “ACADEMIC FREEDOM”?**

In reserving such powers for itself via the new Director at the Office for Students, the government is pulling down a traditional pillar of academic freedom – the institutional autonomy that safeguards the rights of individual academics. While there is little doubt about the authoritarian character of this newly founded instinct for state interventionism and its threats to freedom of inquiry (a point pressed home by Labour MPs Emma Hardy and Matt Western), it is up to philosophers to interrogate what exactly is at stake in this concept. What is it that we defend under the banner of “academic freedom”? At what possible costs? That means starting with the much-vaunted autonomy that the Shadow Higher Education Minister in his letter of 28 May 2021 upbraided the Universities Minister for failing to defend at the Education Select Committee. In its traditional humanistic formulation, academic freedom is valued insofar as scholarly inquiry and discussion unfettered by state or other external interference is understood to have an essential epistemic function in the reproduction of democratic political life. It models the democratic discourse required for international cooperation, promotes the self-reflection and acquisition of knowledge necessary for citizens to participate in democratic (self-)governance, and drives the advances in knowledge and innovation needed to support socio-economic development. A 2016 judgment of the European Court of Human Right (ECtHR) counted academics among those who perform a “watchdog” function on issues of public interest, including scrutiny of the state – whence the enhanced level of protection consistently accorded to academic freedom as a distinct subset of the right to freedom of expression under ECHR Article 10. But on what basis should we entrust such responsibility to academics?

The traditional defence of academic freedom – as advanced, for example, by the philosopher defended by Donelan, Kathleen Stock – depends upon the legitimation of scholarly authority by reference to rigorously tested disciplinary expertise. Aside from Stock’s testimony, there was considerable cross-party consternation, as well as worried witness testimony (from philosopher Arif Ahmed, lawyer Stephen Whittle, and security engineering scholar Ross Anderson), about the draft clause that would restrict academic freedom to an academic’s “field of expertise”. This immediately raises definitional problems: Would a scholar in Black studies be free to intervene in debates about racism in Enlightenment philosophy? Would moral and political philosophers have far freer rein to weigh in on current affairs than a mathematician who would be constrained even from commenting on issues affecting the sector? Or consider scholars venturing for the first time into new areas of research, which raises the question of at what point someone acquires the requisite level of “expertise”. In response, Donelan attempted to offer commitments that the wording reflects an ECtHR majority judgment, referring to “areas of research, professional expertise and competence” (on the face of
it a broader definition read disjunctively) and offered assurances that the government recognized academic freedom to encompass comments on education, research, and governance at an academic’s institution (again somewhat narrower than the UNESCO 1997 definition’s formula of “the institution or system in which they work” which would extend to the wider HE sector and policy, including scrutiny of government policy). However, concern remained about the difficulties and contentiousness of who would be left to determine the scope of expertise and how. Despite arguments coming from two Conservative MPs, John Hayes and Fiona Bruce, no amendment to remove or to replace the wording with a looser formulation passed, so it remains to be seen whether this will be revised upon third reading or in the Lords.

Grounding academic freedom in one’s field of expertise risks reinforcing a certain conservatism within the academy by making work that is experimental, interdisciplinary, or otherwise challenging the prevailing assumptions of the field subject to disciplinary gatekeeping. This contradiction is manifest in the case of Joan W. Scott who has consistently grounded academic freedom in professional competence certified and trained through disciplinary associations, while at the same time championing interdisciplinary experimentation in her own scholarship. The apparent tension between fundamental knowledge (said by Lloyd Russell-Moyle MP to require accreditation, especially in vocational studies) and innovation at the vanguard of research (for which John McDonnell MP called for express protection) is arguably not as great as it first appears: both hinge on a sovereign performative power, a capacity for self-determination whether in the guise of the individual genius breaking conventions or the corporate body presiding over its own self-identity and integrity.

The relation between academic freedom and disciplinarity might be better characterized as an infinite negotiation – negotiating, that is, with imperatives from which one cannot break absolutely if one wishes to remain intelligible but which, if followed slavishly, would lead only to silence, tautology, and tedium. In some fascinating remarks on academic freedom in his lecture “Otobiographies”, Jacques Derrida suggests that when it comes to classical pedagogy one can neither simply put one’s fingers in one’s ears nor listen (hören) with too much Gehorsamkeit (obedience). In his prefatory remarks, he quips: “As everyone knows, by the terms of academic freedom – I repeat: a-ca-dem-ic free-dom – you can take it or leave it”. If one is not to take disciplinarity too uncritically, one necessarily takes one’s leave of it without entirely rejecting or leaving it (behind). The idea of freedom as freedom from constraint (“Take it or leave it, up to you!”) is exposed as false or at least misguided in that it is the “or” that produces a polarization into two rather brittle postures, closing the ears to the possibility of a more complicated and differential force field of ideas and counterarguments.

The thoughts outlined above point towards approaching academic freedom through the lens of open-mindedness – openness extended even to what is not already graspable or even foreseeable from within the current state of disciplinary affairs. But this openness would also need to extend not only to some novel thought that I as a scholar might be capable of developing and deciding upon but also to an unexpected idea that might strike me, as if it happened to me or came to me from another without my being able to master it. This has ramifications for determining how to handle the interaction between statutory duties typically seen as competing with one another. On this model, academic freedom would not be the autonomy of the liberal sovereign subject but a receptiveness, a response-ability, to what is unknown, unforeseeable, beyond my intellectual power – an openness to the event of thought.

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But it is the question of power that tends to be occluded in these discussions. Let us consider closed-mindedness, the adverse epistemic impacts of which are readily recognizable. In Vices of the Mind, Quassim Cassam describes closed-mindedness as “an intellectual character trait that gets in the way of knowledge systematically” and “usually at the top of philosophical lists of epistemic vices”. Closed-mindedness obstructs the pursuit and sharing of knowledge because it makes one “less inclined to listen”. The antidote to closed-mindedness is often assumed to be exposure to a greater, if not unlimited, variety of viewpoints: to the entire marketplace of ideas. Cassam quickly dispenses with the counterargument that closed-mindedness or
dogma can serve the protection of knowledge since this is not a danger unless I were to fear I might be seduced by propaganda, conspiracy theory, or sophistry into giving up my belief or at least into losing my right to feel confident in that belief. Discussing the closely related but narrower vice of dogmatism, Cassam is confident about the confidence that is grounded in evidence, proposing that open-mindedness be distinguished from an intellectual “flaccidity” and that lack of epistemic self-confidence is just as much an obstacle to knowledge.

**IS THERE ANYTHING MORE DOGMATIC THAN TO CLAIM ESCAPE OR ABSOLUTION FROM ALL DOGMA?**

As Cassam acknowledges, the work of Miranda Fricker (as well as that of Kristie Dotson, Amy Allen, Alessandra Tanesini, and José Medina) has explored how the erosion of self-confidence, whether through individual prejudice or institutional and structural forms of marginalization, can have negative epistemic impacts. To the extent that testimonial injustice wrongs a speaker in their capacity as an epistemic subject, one might wonder whether certain expressions of closed-mindedness that undermine the credibility and self-confidence of other speakers ought themselves be excluded from the scope of academic freedom protections. Cassam has high expectations for the epistemic responsibility we ought to take in order to earn the right to dismiss them. But the problem is that this high bar may ask too much of those, especially more precarious staff and students, who are subjected to humiliation, mockery, and insult (partly because of the burden of affective labour required for already marginalized groups in educating others, and partly because of the destabilizing impact of ongoing hermeneutical marginalization). While it is recognized that academic debate may require a frankness in making critiques in a way that other work environments do not, when this candour morphs into ridicule and humiliating behaviour liable to discourage others from participating in debate or to undermine their credibility among the community, this has a negative impact on the pursuit of free inquiry as a whole. These impacts extend across the spectrum of academic spaces, from classrooms and student protests to conferences and grant application reviews, where the concerns and interests of, say, women, people of colour, and queer people may be dismissed due to prejudice or closed-mindedness, even via subtle patterns of behaviour, as irrational or light-weight.

Perhaps there is no shortcut to excluding dogma; there are arguably good epistemic reasons for having the opportunity to learn how most effectively to refute problematic claims and develop robust dissenting arguments (but on whom does this labour of combating ignorance fall?). However, if closed-mindedness and dogma are inimical to academic freedom – which is instead predicated on its openness to refinement, critique, and correction – would there ever be an epistemic justification for excluding certain expressions of closed-mindedness on the grounds that they are harmful to the collective pursuit of knowledge? This is a different and potentially more robust philosophical argument than the more common moralistic – and hence dogmatic – denunciation of speech that, while lawful, might be deemed reprehensible and even excluded from campuses because it insults and humiliates (thus threatening to undermine the dignity of one’s interlocutors or listeners even where they do not suffer harassment or discrimination).

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This latter argument was advanced by some witnesses to the Public Bill Committee when considering how universities would balance competing statutory duties under this Bill, on the one hand, and under equalities legislation, on the other. Scaremongering about Holocaust deniers aside (which would not receive ECHR Article 10 protection by virtue of Article 17), it is perhaps more useful, rather than seeing the two as contradictory principles, to argue that certain kinds of speech (racism or transphobia being examples of the expression of closed-mindedness) should not enjoy the enhanced protection that accrues to academic freedom to the extent that they have a corrosive effect on it. If right-libertarian proponents of free speech argue that debate must not be “shut down” or “cancelled”, would it not be perfectly consistent with that view to stigmatize speech that itself has, or is reasonably likely to have, such
an effect? The aim of stigmatizing such speech would be to stave off the erosion of freedom of expression as a whole and especially of academic freedom if, unlike free speech, its valued role in democratic society rests upon open-mindedness. Yet – so as to avoid the counter-charge of dogma – it is debatable whether one might want to dismiss such expressions of closed-mindedness in a manner consistent with the ideals of critical inquiry and analysis.

Universities Ought Not to Shy Away from the Fact That They Are in the Business of Making and Remaking Epistemic and Political Subjects

Even while arguing against no-platforming in general, Uwe Peters and Nikolaj Nottelman assume it uncontroversial to exclude, in addition to unlawful speech, speech intended to bedazzle (“bullshit” in Harry Frankfurt’s sense) or rhetorically manipulate. From an antifascist position, David Palumbo-Liu has proposed a “litmus test” for distinguishing the exercise of academic freedom from its abuse designed solely to generate spectacle and a veneer of legitimacy. The latter’s rhetoric “is not subtle, nuanced, open to adjustment, correction, engagement – it is brittle, bombastic, demagogic. It speaks in absolutes and tricks one into thinking that the only way to win the argument is to be equally crude, simplistic and dogmatic”. Citing Scott’s claim that the capacity to discriminate as to the quality of speech distinguishes academic freedom from freedom of expression, Palumbo-Liu is unequivocal when it comes to those seeking to spread bigotry, no matter how well it masquerades as scholarly debate: “Because they reject the basic values upon which academic freedom is founded, they have no business speaking here”.

In short, such speech is undeserving of enhanced academic freedom protections to the extent that it leaves little room for a nuanced or critical response, giving the audience no option but to take it or leave it. Whatever sympathies one might have for this position, the bid to purify campus speech of dogmatism, demagoguery, bullshit, and sophistry runs the risk of reproducing the very brittleness it seeks to avoid. Is there anything more dogmatic than to claim escape or absolution from all dogma? It makes the error of assuming that bluster, demagoguery, propaganda, sophistry, and deceit are accidents instead of recognizing that expression by its very nature is always already liable to corrode, perjure, and ossify itself. It risks resembling the suspicion of rhetoric that, since Ancient Greece, has manifested in a profound distrust of democracy and the casting of the voice of the colonized, indigenous, or otherwise oppressed subject as a noisy distortion of logos. If we were interested in defining academic freedom by its response-able expression of ideas (one that acknowledges the listener as being capable of a response beyond taking or leaving it), we might instead pay closer attention to the claim that dogma tends to precipitate counter-dogma. If dogma is an epistemic threat because it proliferates, it necessarily comes up against a limit; once dogma becomes absolute it leaves no room for any other dogma and thus in order to sustain itself, it keeps itself in check. The fictional division of expression into the dogmatic and undogmatic is a reaction to this check or resistance immanent to dogma. That is, the desire to separate the two is a somewhat closed-minded defence against the self-differentiation or shattering of dogma (on account of its brittleness).

If dogma cannot readily or reliably be distinguished from its obverse, another way to draw the line might be to assess the illocutionary and perlocutionary effects (that is, both the known, predictable effects of speech and the more open-ended, potential consequences) so as to exclude expression that is reasonably liable to cause identity-related harms, as Fricker and Katharine Jenkins argue in relation to epistemic injustices suffered by trans people. In other cases, where a deeply felt sense of self-identity or sovereign self-determination conflicts with another individual’s or group’s identity and path to liberation, the situation is less clear-cut. What might matter in such situations is a supple response-ability, decided each time anew to allow sufficient acknowledgement of the other as an epistemic and political subject, unfettered in their capacity to give a meaningful, nuanced, and critical response. Perhaps a key ingredient of academic
freedom is not so much speech as *listening*. Framing things in this way would, moreover, put pressure on the desire for more rigour, which when absolutely strict and purely right, risks stiffening into injustice.

If the academy has a democratic function, it ought to be a space where – so long as they do not manifest in inciting hatred, harassment, or discrimination – viewpoints of all kinds may be tested and challenged, including those that are intricately implicated in processes of individual and collective subjectivation or that form the basis for sincerely held visions of liberation. Insofar as the pursuit of knowledge involves putting in question that which is sovereign, universities ought not to shy away from the fact that they are in the business of radically making and remaking epistemic and political subjects – ideally into more intellectually humble and courageous ones. Even if some extramural contexts in which academics might interject call for less nuanced, more antagonistic, lawful forms of expression, it is hard to envisage how, intramurally and especially in the classroom, humiliation, insult, and ridicule could serve the epistemic ends of the university. While the goal of academic freedom may be to unsettle epistemic certainty in the name of open-mindedness, it is not to undermine intellectual confidence so severely that members of the community are prevented from developing the epistemic courage required to remain open to the event of thought. It is not “civility” that offers a safeguard in this respect since it has long been a tactic of colonizing power designed epistemically and otherwise to discredit Black and brown voices. Rather, what is needed is an attentiveness or attunement to the unequal distribution of the *power to be heard* – something that is wilfully overlooked by the marketplace-of-ideas model.

Unfortunately, the cases cited at the start of this article would appear on closer inspection to have little to do with the defence of either testimonial justice or academic freedom. Instead, they demonstrate attempts to ensure that universities function as far as possible as instruments for the reproduction of state power and state-sanctioned ideology. In a climate in which universities and other cultural institutions are suspected of harbouring and fostering resistance to the ongoing colonialism of the British state, it ought not be left to that state (its media mouthpieces, or its political appointees) to determine the content and scope of academic freedom. That is why, more urgently than ever, scholars – and philosophers in particular – ought to be the ones to put this concept to the test, including the notion of autonomy on which it traditionally rests.

**PERHAPS A KEY INGREDIENT OF ACADEMIC FREEDOM IS NOT SO MUCH SPEECH AS LISTENING**

Reading Nietzsche reading Hegel, Derrida observes that “the autonomy of the university, as well as of its student and professor inhabitants, is a ruse of the State”. He warns that it is precisely when teachers and students are *left* free to their own thoughts that the university is most exposed to being captured, *taken*, and *taken over* by external interests in the guise of a laisser-faire or when the price of that freedom is surrendered to commercial interests. This is *leave it and take it* under the cloak of *take it or leave it*. So whereas Kant seeks to guarantee the unconditional freedom of the faculty of philosophy by withdrawing it from any outside power, Derrida argues that it is not enough to cling onto the right to say anything and everything within the walls of the university. It is beholden on us ceaselessly to question and renegotiate right at the border between the university and the world. In alliances with those in and outside educational institutions, we must resist all attempts at reappropriation by one form of sovereignty or another and to do so in the name of a just dissidence that ruins the purity of dogmatism from the outset.

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