

# **The Dialogue of Democracy and Academic Freedom**

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In Canada, as in much of the West, there have been several incidents of universities suppressing freedom of speech by harassing student groups, prohibiting visiting speakers, and even censoring controversial academics.<sup>1</sup> One high-profile example was University of Toronto professor Jordan B. Peterson, who was threatened with disciplinary action for critiquing proposed legislation regarding transgender pronouns. A less-reported case was that of Tony Hall, professor of globalization at the University of Lethbridge, who was put on leave, initially without pay, after he was accused of denying the Holocaust.<sup>2</sup>

In response, then-Conservative leadership candidate Andrew Scheer proposed that the federal government should restrict funding to universities that fail to uphold freedom of speech, though he later clarified that the University of Toronto's ban on a "Canadian nationalist rally" would not constitute one of these cases.

This paper will not be dedicated to the specifics of Mr. Scheer's proposal, though it will close with a suggestion about how it could be implemented. Instead, this paper will simply address the question of whether, on principle, the government should restrict funding to universities that suppress freedom of expression. It will argue that the only interest the government has in funding universities is their fundamental function of training students to critically engage with, assess, and express different viewpoints, and that this ability is necessary for liberal democracy to function. Therefore, a university that fails to do this is failing to fulfil its function and has forfeited its right to taxpayer money.

### **What is a university and why fund it?**

The question of a university's *primary* function is essential to the issue of public funding. The fact that universities perform some salutary functions, like producing research or socializing its students, is not a sufficient reason for them to receive public funding. I am a member of the Sherlock Holmes Society of Edmonton, which also produces original research and promotes socialization. Yet we are not entitled to public funding because our *primary* function as a group is not essential to the common good. Correspondingly, to justify public funding for the university, we must establish that it fulfills an essential function for a common good.

In the 1850s, John Henry Newman dealt with precisely this question in his text *The Idea of a University*, published as a defense of a Papal proposal for a Catholic university in Ireland.<sup>3</sup> In that book, Newman refuted false ideas about the purpose of a university. One of these is the idea that it exists to cultivate its students into "gentlemen". Another would be that it is to produce research. If this were the case, Newman argued, students would be almost redundant; instead, producing research is the primary function of literary or scientific academies such as the Royal Society. Doubtless Newman would also deny that its main purpose is to help students "get jobs", (an end which liberal arts are notoriously inadequate for), which is the purpose of a technical college or apprenticeship. Finally, Newman argued that the *central* purpose of a university is not even to dispense knowledge. When Newman was writing, technology was rapidly advancing, and the printing press was making facts and information more accessible than ever, a situation even more acute today because of the Internet. Instead, Newman said, the university is meant to train

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<sup>1</sup> The Justice Centre for Constitutional Freedoms releases an annual Campus Freedom Index documenting such cases.

<sup>2</sup> "University of Lethbridge goes to human rights commission over prof accused of anti-Semitism", CBC News, January 16, 2017.

<sup>3</sup> *The Idea of a University*, ed. I.T. Ker (Oxford, Clarendon Press, 1976).

students to reason and assess the information and arguments the student encounters; he calls this “reasonableness”, or the ability to provide an “instinctive just estimate of things as they pass before us”.<sup>4</sup>

This goes all the way back to the origins of the university. The prototype of the university was the Academy was founded by the philosopher Plato, a student of Socrates. Socrates infamously claimed that he knew nothing; his teaching did not consist so much of *making* claims, but rather of *assessing* the claims that he came across in the form of dialogues where pressed his interlocutors to precisely define what they meant when they used words like “justice”.<sup>5</sup> This dialogical tradition was continued in the Middle Ages in the university practice of the *disputatio*, where Jewish, Islamic, heretical, pagan, and even atheistic arguments were dispassionately discussed and considered even as pogroms and Crusades raged around them.<sup>6</sup>

At the Enlightenment, liberal democracy developed based on the conviction that citizens can make rational decisions about civic order and thus should be allowed to choose how they would be governed. This was the reason for the proliferation of universities: if people were to make rational choices about society, they would need their rationality honed as much as possible, and the university would serve to train them in thinking rationally. This is the reason why the government has an interest in funding universities: a rational citizenry is necessary for a functional democracy.<sup>7</sup>

Importantly, since liberal democracy is about choosing between options, the point of the university is not to promote only a single viewpoint, as in a totalitarian regime, but to teach how to critically assess multiple viewpoints. To put it another way, in relationship to society, the university exists to critique and improve social norms, expectations, and laws, not simply to support them, following the precedent of Socrates, who spends the whole of the *Republic* proposing ways to implement a better government and laws.<sup>8</sup> In their letter rebuking Jordan Peterson, the administrators of the University of Toronto urged him to respect human rights legislation. But this is entirely the reverse of the university’s role in a liberal society. The university exists, not to be intellectually constrained by the laws, but to scrutinize those laws, which is precisely what Peterson did in critiquing Bill C-16.<sup>9</sup> To make sure that professors have the financial security to engage in this sort of critical inquiry without threat to their livelihood, universities provide their faculty with tenure and have codes of academic freedom to which they are officially committed, and a university that fails to fulfil its own standard also fails to advance liberal democracy.

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<sup>4</sup> *Idea of a University*, Preface, pg. xvi.

<sup>5</sup> Book I of Plato’s *Republic*.

<sup>6</sup> Alex J. Novikoff, *The Medieval Culture of Disputation: Pedagogy, Practice, and Performance* (University of Pennsylvania Press, 2013). Interestingly, one habit of the medieval university, inherited from Aristotle, was to engage in *per impossible* reasoning, where something impossible would be posited to see what could be deduced from it (“Medieval Theories of *Obligaciones*”, Stanford Encyclopedia of Philosophy). This suggests that they saw merit in engaging with even the most ridiculous and outlandish ideas for the sake of training the mind.

<sup>7</sup> Allan Bloom makes this point on pages 256-262 of *The Closing of the American Mind* (Simon and Schuster Paperbacks, 1987).

<sup>8</sup> A particularly acute example of this may be seen in Book VI, which famously proposes the idea of a “philosopher king”. Plato also gave more pragmatic counsel in his book on the *Laws*.

<sup>9</sup> A transcript of Dr. Peterson’s testimony may be found at <https://sencanada.ca/en/Content/SEN/Committee/421/lcjc/53339-e>.

## Is freedom of speech an academic virtue?

Against this viewpoint, Aaron Hanlon argues that universities have the right to decide what ideas should be given expression on their campus: “[This] kind of value judgment that lies at heart of a liberal arts education... deciding what people needed to know, but also what they don’t need to know.”<sup>10</sup>

Newman, though, would argue that the university’s job is not to decide what ideas are of value, but to train students to make this judgment for themselves. The “formation of mind”, he argued, is what equips students to “arrang[e] things according to their real value”.<sup>11</sup> Similarly, Stanley Fish argues that a process like peer review proves that free speech is not an academic virtue,<sup>12</sup> but this again conflates the research produced by a university with its main function, according to Newman, which is to train students to think, not primarily to give them new information.

Admittedly, one may disagree with Newman’s definition of a university. In that case, however, they must answer the question: *what* institutions in a liberal democracy have the training of reason as their primary function? If no such institutions exist, the next question must be: why is this not a priority in a liberal democracy?

Plato’s argument against democracy was that it would devolve into tyranny because the people would make decisions impulsively and irrationally, and would be easily manipulated by demagoguery.<sup>13</sup> The project of democracy is dedicated to rejecting Plato’s fears by insisting that people *can* be rational, and the free university is the instantiation of that hope. It is meant to train individuals to think rationally and to immunize them against this kind of manipulation. A commitment to democracy necessitates a commitment to academic freedom.<sup>14</sup>

## What about offensive or racist viewpoints?

Some may argue that certain viewpoints, such as Holocaust denial, are so dangerous that they should not be allowed a voice. But this thinking clashes with the foundation of the university. Socrates, whose students founded the first academy, was tried and executed because his views were considered too dangerous—the first example of suppression of academic freedom. Historians have documented how Socrates was critical of the existing government order and effectively advocating a coup that would install a dictatorship, and even argued that Socrates’ political views were the root of modern authoritarian regimes.<sup>15</sup> But silencing him was not the way to stop him; instead, all that did was make his student Plato and those whom he influenced more intransigent opponents of democracy.<sup>16</sup> More effectively, Aristotle, himself a former student of Plato’s

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<sup>10</sup> "Why Colleges Have a Right to Reject Hateful Speakers Like Ann Coulter", *The New Republic*, April 24, 2017.

<sup>11</sup> *Idea of a University*, "Discourse 7. Knowledge Viewed in Relation to Professional Skill", pg. 152.

<sup>12</sup> "Free Speech is Not an Academic Value" (*The Chronicle of Higher Education*, March 20, 2017).

<sup>13</sup> *Republic*, Book VIII.

<sup>14</sup> Interestingly, in rejecting free speech as an academic virtue, Fish also betrays a low opinion of students, calling them "shallow, short-sighted, intolerant, and generally impossible". He urges university administrators to stop thinking of themselves as "free-speech champions" and instead resign themselves to their role as "managers of crowd-control" (op. cit.).

<sup>15</sup> I.F. Stone, *The Trial of Socrates* (Random House, 1988) and Karl Popper, *The Open Society and Its Enemies, Volume One: The Spell of Plato* (Routledge, 2003).

<sup>16</sup> Leon J. Samons, *What's Wrong With Democracy?: From Athenian Practice to American Worship* (University of California, 2004), pp. 275-6.

Academy, refuted his former teacher's arguments and in so doing helped lay the foundation for liberal society.<sup>17</sup> The case of Aristotle also highlights another reason academic freedom is important: Responding to opposing viewpoints can sharpen one's own thinking and lead to the creation of new and better ideas which otherwise might not exist.

Censoring bad ideas often has the unintended consequence of making these ideas seem appealing. Psychological studies have shown that people are more likely to believe a claim if they know that this claim has been censored.<sup>18</sup> The conviction of a liberal society, meanwhile, is that truth has nothing to fear from an open conversation. The best way to prevent people from believing superficially persuasive but bad ideas is to answer them. As the ancient Hebrew sage put it, "The one who first states a case seems right, until the other comes and cross-examines."<sup>19</sup>

When an authoritarian dictator and Holocaust-denier, then-Iranian president Mahmoud Ahmadinejad (himself a former academic), was invited to speak at Columbia University, the university president Lee Bollinger powerfully explained in his introduction that "this event has nothing whatsoever to do with any 'rights' of the speaker but only with our rights to listen and speak."<sup>20</sup> In the Q&A session, Ahmadinejad revealed himself to be a fanatic who denied the existence of homosexuality in Iran rather than the heroic critic of American hegemony he tried to portray himself as.<sup>21</sup> This exposure was made possible by an open dialogue, in the tradition of Socrates, and it exemplifies the way academic freedom advances the common good.

### **Proposal: An academic ombudsman**

Although the purpose of this paper is not to make practical policy proposals, it will close with some preliminary suggestions about how this could be implemented at a federal level in accordance with Mr. Scheer's proposals.<sup>22</sup>

The proposal is that the government should put an ombudsman in charge of federal university funding, and those who believed that their free speech had been suppressed by a university could appeal to this ombudsman for a hearing. This ombudsman might have a code of academic freedom which would serve as a standard for Canadian universities to follow, though the pre-existing codes for individual universities may already suffice. (If there were a universal standard, then religious institutions could apply for certain exemptions in the interest of preserving their denominational or confessional character.) The ombudsman would judge whether universities had failed to act in accordance with that standard. If so, they would be given an opportunity to rectify the situation within a certain amount of time or else lose their funding. (Mr. Scheer's opinion of any given case would be irrelevant.)

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<sup>17</sup> James McLean Watson, *Aristotle's Criticisms of Plato* (Oxford University Press, 1909), pp. 72-75.

<sup>18</sup> Arnold and Baker, Worchel, "The Effects of Censorship on Attitude Change", *Journal of Applied Psychology*, 1975, 5, 3, pp. 227-239.

<sup>19</sup> Proverbs 18:17, NRSV.

<sup>20</sup> "President Lee C. Bollinger's Introductory Remarks at SIPA-World Leaders Forum with President of Iran Mahmoud Ahmadinejad", September 24, 2007 (available at <http://www.columbia.edu/cu/news/07/09/lcbopeningremarks.html>).

<sup>21</sup> The transcript of that Q&A session can be found at <http://www.globalresearch.ca/full-transcript-of-ahmadinejad-speech-at-columbia-university/6889>.

<sup>22</sup> The basic idea proposed here (subsequently refined in conversation with university administrators) was suggested by Keith Pridgen, who successfully took the University of Calgary to court to protect the free speech rights of its students.

Some may be concerned that this would lead to government overreach in university affairs. More likely, it would incentivize university administrators to seek creative internal solutions, precisely to *avoid* having to undergo the ombudsman's scrutiny, and thus actually decrease government involvement.

Moreover, if universities are going to receive taxpayer money, it seems fair that there should be accountability in how it is spent. If a university wishes to take a partisan position, that is its right, but then it is acting like a private rather than a public institution and should rely on private funding.

### **Conclusion**

Civilization is always a dialogue. Socrates modeled how dialogue could be fruitful, the university institutionalized his method, and democratic society took up the challenge of letting every citizen into that dialogue. To interrupt that dialogue for fear of the consequences is to turn down the road towards the goblet of hemlock.

A democratic government demands intelligent assessment by its citizenry. Withholding funding from censoring universities is a statement of confidence in the people's ability to think critically. It is a declaration of commitment to the democratic principle.