

THE FREE SPEECH UNION

*Threats to
Academic Freedom
in Britain*



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Threats to Academic Freedom in Britain

Introduction

Academic freedom in the UK is very much under threat from two of the forces named in the UN Call for Submissions: institutional regulations and a specific variety of public pressure which together amount to a soft form of authoritarianism. No-platforming is the most visible aspect of this illiberalism, which stems almost entirely from pressure from a network of people on the left, often involving activists in student unions or student societies. A list of these incidents has been compiled and shows a noticeable rise in recent years,¹ yet the biggest threat to academic freedom in Britain is hidden from view. This concerns political discrimination against dissident academics within the universities that works through threats of dismissal and other forms of disciplinary action, as well as biases in hiring, promotion and the work environment which compel these academics to censor their academic work. Hidden institutional forms of censorship concern the allocation of research resources, teaching and administrative tasks; as well as social interaction, whose manipulation is used to discipline staff who do not conform to the sacred values of the cultural and political left which, for the purposes of this submission, we will refer to as the “cultural-left network”. This network brings external pressure to bear on universities via open letters in the media, mobbing campaigns on social media platforms like twitter and, in some cases, protests which interdict academic freedom. Most importantly, the cultural-left network weaponizes university policies – around equity and diversity, workplace harassment and policies that prohibit “bringing the uni-

¹ [The Banned List](#), Academics for Academic Freedom, accessed 27th April 2020.

versity into disrepute” – to enhance its formal power to harass or remove academics whose work it disapproves of. A good recent example is the dismissal of Cambridge post-doctoral fellow Noah Carl, fired after a campaign involving student protests and open letters accused him of racism for taking a pro-free speech stance in favour of permitting research on race and intelligence.² This episode and others like it has the effect of policing the boundaries of acceptable research and public speech within British universities.

Soft Authoritarianism

British law, the media and the public are very much on the side of academic freedom, which means the nature of the problem is different to that faced by academics working in illiberal or autocratic societies. In Britain, the threat stems from the fact that the laws designed to protect academic free speech are honoured more often in the breach than the observance; and second, that case law is not specific enough, and therefore contains loopholes which the enemies of freedom of expression exploit.³

Whereas the primary challenge to free speech in illiberal countries comes from conservative public mores or state ideology, the authoritarian threat in Britain, as in other liberal democracies, stems from a highly-organised cultural-left political network which is based, to a large degree, within the university system. That is, academic activism interacting with a culture of conformity in academic institutions is the threat, not external pressure from the state or the wider society.

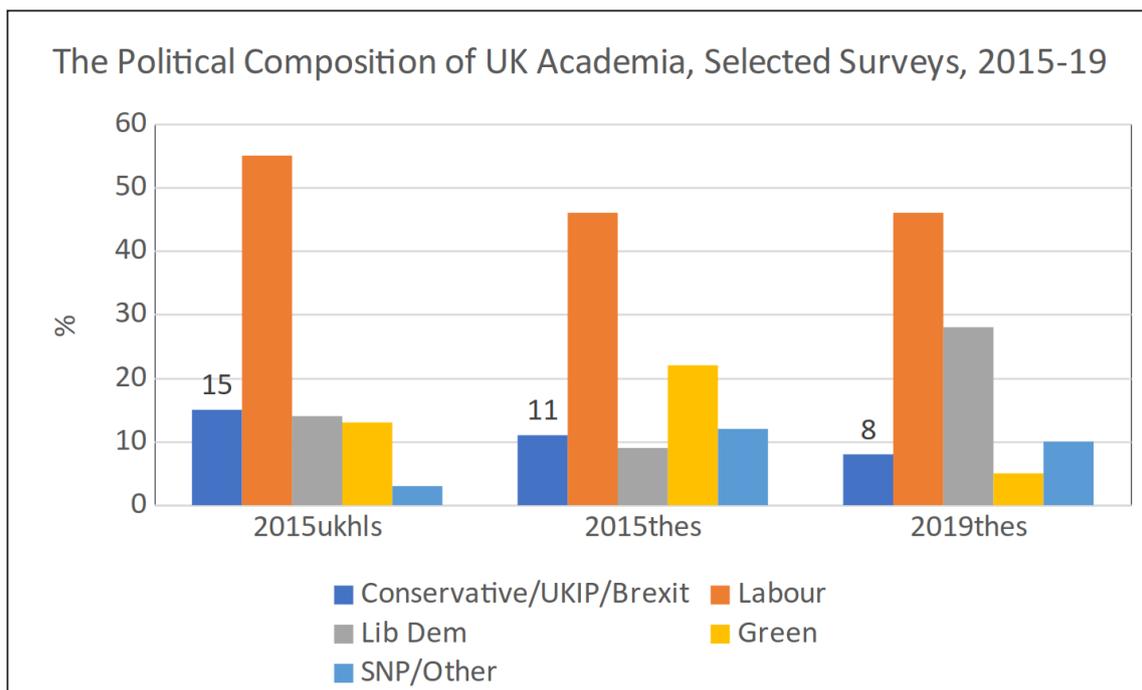
Like the “leaderless jihad” of self-organising terrorists who are inspired by Salafi jihadism but not directed by a formal power structure, self-organising enforcers of left-wing ideology can exert a “flat” form of power over speech which is as effective as state-sponsored repression.⁴ This is especially so in view of the fact that there are few cultural conservatives among UK academics or students. A summary of surveys

² [The Problem With Open Letters — Noah Carl and Beyond](#), Heterodox Academy, 7th Dec 2018.

³ Murray, James, [Does international law mitigate the threat to Academic Freedom of Speech in the UK?](#), Taylor Vintners, 3rd May 2019.

⁴ Bousquet, A., “Complexity theory and the War on Terror: understanding the self-organising dynamics of leaderless jihad”, *Journal of International Relations and Development* 15(3): 345-369 (2012).

of the voting behaviour of UK academics appears in figure 1, which shows that under 15% of British academics vote for the Conservative Party or other right-wing parties. Surveys of UK students show that the same is true of them, with between 11% and 20% voting for right-of-centre parties.⁵ The same applies to other “culture war” issues. The share of students supporting the Leave side in the Brexit debate has been measured at 13-14% in two surveys, compared to 52% among those who voted in the EU Referendum.⁶ This creates a learning environment with a strongly left-wing skew.



Note: “UKHLS” refers to *Understanding Society* data, “THES” to *Times Higher Education Supplement* surveys.

Source: Carl, Noah, “*The Political Attitudes of British Academics*,” *Open Quantitative Sociology and Political Science* (2018); Hanretty, Chris, “*Is the left over-represented within academia?*”, *Medium*, 9th March 2016.

The Harvard Law School professor Cass Sunstein notes that when viewpoint diversity declines three things happen: dissenters feel compelled to self-censor, the meaning of what’s considered normal changes, and extreme positions become much more commonplace. Three right-wing judges on a panel tend to render a more ex-

⁵ Hillman, Nick, [Keeping Schtum?: What students think of free speech](#), Higher Education Policy Institute, report 85 (2016); Grant, Jonathan et. al., [Freedom of expression in UK universities](#), King’s Policy Institute, p. 43 (2019).

⁶ Grant et. al, p. 43; Simpson, T., and Kaufmann, E., [Academic freedom in the UK](#), Policy Exchange, (2019).

treme judgment than a mix of two right and one left judge.⁷ Strong conformist pressure is exerted on liberal-minded centrists and leftists who do not wish to be identified as opposing progressive values and are eager to be seen to be protecting members of “vulnerable” groups who are supposedly offended by certain viewpoints. This leads to minimal internal checks on cultural-left authoritarianism.

The pressure from the cultural-left network is amplified because it is able to leverage powerful social taboos against racism, sexism, homophobia and transphobia, as well as the public equality duty established by Britain’s Equality Act 2010. The Act appears to open the possibility for numerous limits on freedom of speech due to its prohibition on offending or discriminating against disadvantage groups, with said groups being able to subjectively define what constitutes “offense” or “discrimination”. This is a dangerous development with authoritarian implications unless strict limits on how widely those prohibitions can be enforced are carefully defined in law.

Abstract Policies

The problem here is not with abstract policies on academic freedom, which all British universities sign up to, but the fact that in practice considerations of social justice and not “bringing the university into disrepute” often override the institutional commitment to free speech. Campaigners are aware of these clauses, and twitter mobs frequently invoke the language of university codes and of public relations when bombarding official university twitter accounts demanding the dismissal of those whose views they’re seeking to censor. “Hello @KingsCollegeLon. I suggest you address this PR nightmare real quick...Fire him @KCLalumni,” read a 22nd May 2019 social media post, urging KCL to sack a dissident academic. The use of the alumni handle sends an important signal that the complaint is brought by a potential donor: universities can use this to charge an academic with damaging the interests of the university. Another tweet mentions that the offending academic is “bringing his profession and organisation into disrepute”.⁸ Note the emphasis on the bureaucratic term “disrepute”, which

⁷ Sunstein, Cass. 2019. *Conformity* (New York, NY: New York University Press), p. 80.

⁸ *KCL lecturer calls remainder a “f*cking traitor” and pokes him with flagpole*, *The Tab*, 23rd May 2019.

keys into the language of university policies to facilitate formal complaints and other forms of officially-sanctioned harassment. Activists use this language in the knowledge that it jibes with the procedures of universities, will illicit the sympathies of university administrators, and will trigger their sensitivity to what the cultural-left inside and outside the university believe they should be doing to police the speech of their employees.

Feedback from social media mobs is typically conveyed in a bureaucratic manner to academics via emails from their managers, generating a powerfully chilling effect and including a veiled threat that if their public pronouncements continue to attract complaints they will be jeopardising their careers. Pressure from the cultural-left typically concerns any area of public speech or research that violates its narrow orthodoxy on race, gender and sexual orientation, as well as hot-button culture war issues like immigration and abortion. Examples of the sorts of speech the cultural-left tries to censor include mainstream conservative attitudes, such as taking pride in Britain's history; academic research which has conservative implications for policies on immigration, welfare and Brexit; research that provides explanations for outcome discrepancies between different racial or gender groups that don't rely on concepts like 'systemic racism' or 'unconscious bias'; and any research that suggests average gender differences in personality and behaviour are rooted in biological differences. For instance, hundreds of academics and students signed open letters seeking to prohibit Oxford Professor Nigel Biggar's work on assessing the ethical pros and cons of empires.⁹

It isn't just conservative academics whose intellectual freedom is under threat. Many progressive liberals have ended up being targetted because they have remained true to their original values while a majority of their colleagues in the academy have shifted leftwards, and some democratic socialists – such as the former Evergreen State College professor Bret Weinstein – have ended up as intellectual outcasts. A recent incident, which the Free Speech Union lodged a formal complaint about, was the no-platforming of Selina Todd, Oxford Professor of Modern History, from an international women's conference at Exeter College, Oxford,¹⁰ and a separate incident five days later, also at Oxford University, involved the no-platforming of a former Con-

⁹ Wilson, Jon, [A Collective statement on "Ethics and Empire"](#), 21st Dec 2017.

¹⁰ Young, T., [Reply from Exeter College and the Free Speech Union's Response](#), The Free Speech Union, 12th April 2020.

servative Party MP and senior female politician by a student society bearing the imprimatur of the UN.¹¹ This power is further enhanced when members of the cultural-left network, or those who fear it, hold line management positions – or less formal power – over academics’ careers. They achieve institutional power in the university when their ideological allies serve on disciplinary panels and college committees which draft policy, or when radical students or staff are able to make formal complaints to chill the free speech of professors and lecturers who transgress their sacred values.

Department heads, for example, or other senior administrative posts in academic departments – which are often allocated informally – have considerable sway over academics’ teaching and administrative roles. They can, via feedback to college administrators and panels, affect academics’ promotion prospects, internal research funding and the ability to apply for grants. Short of this, they can bring overwhelming psychological hostility to bear in academics’ workplace environments. The latter is important as ostracism and social pressure can make it so unpleasant for dissidents that they are compelled to leave the institution, or even the profession. For instance, at the University of Lincoln, Andrew Dunn, a right-leaning Social Policy lecturer, was forced out due to social pressure from colleagues, backed by a supportive administration.¹²

Survey Evidence

A 2017 study, supported by the Universities and Colleges Union, the main academic union in Britain, asked 2,284 British academics whether they had suffered any of the following due to their “academic views”:¹³

- Denial of promotion – 12%
- Demotion to a lower position – 4%
- Being moved to another department/centre/unit – 4%

¹¹ Young, T., *Letter of Complaint to the Oxford University Proctors’ Office about the No-Platforming of Amber Rudd*, The Free Speech Union, 6th March 2020.

¹² Turner, Camilla, “University lecturer has ‘no legal right to be anti-PC’ after claims he was ‘hounded out’ by left-wing colleagues”, *The Daily Telegraph*, 12th Jan 2019.

¹³ Karran, T., and Mallinson, L., *Academic freedom in the UK: legal and normative protection in a comparative context*, report for the University and College Union, 7th May 2017.

- Being given different/fewer/additional administrative tasks – 12%
- Being given different/fewer/additional teaching or research duties – 13%
- Removal of research funding/facilities/equipment – 7%
- Bullying by academic colleagues – 23%
- Another form of sanction – 10%

Just 6% of those surveyed identified as being on the right, and many of the complaints arose from methodological disputes, showing that there are considerations other than ideology which can affect academic freedom.

While the above was not broken down by ideology, subsequent research finds that right-leaning academics report far greater levels of hostility than those on the left. For instance, a recent study of philosophy academics and graduate students in western countries found that just 14% identified as right-leaning, but they accounted for three times as many complaints about hostility and discrimination as left-leaning respondents.¹⁴ This echoes findings from two other studies which show that conservative academics are significantly more likely to say they work in a hostile climate for their political beliefs.¹⁵ This is also true of students. A 2019 study of over 500 UK university students found that fewer than 40% of Leave-supporting students felt they could express views on Brexit in front of their classmates compared to nearly 90% of Remain supporters.¹⁶

Leftist concerns, by contrast, centre on threats from outside the university. These include the PREVENT duty, which requires academics to report student radicalism to the authorities, constraining academic and student freedom to question British or American foreign policy, support non-violent forms of Islamism or back the Palestinian cause.

It is vitally important that both the research and public speech of academics is protected. If not, then this leaves the field wide open for persecution on the basis of non-academic public writing on blogs, social media micro-blogs and in the press. Many contro-

¹⁴ Peters, U., et al., “[Ideological diversity, hostility, and discrimination in philosophy](#)”, *Philosophical Psychology*: 1-38 (2020).

¹⁵ Inbar, Y. and Lammers, J., “Political diversity in social and personality psychology”, *Perspectives on Psychological Science* 7(5): 496-503 (2012); Honeycutt, N., and Freberg, L., “The liberal and conservative experience across academic disciplines: An extension of Inbar and Lammers”, *Social Psychological and Personality Science* 8(2): 115-123.

¹⁶ Simpson and Kaufmann, p. 5.

versies spring up as a result of academics' public comments, especially on social media. These are often broadly related to their area of academic interest, but can include sardonic commentary or humour – forms of legally protected speech which can be unearthed by “offense archaeologists”. These activists scrutinise the social media feeds of academics seeking to find portions of text – a practice known as “quote mining” – that may be taken out of context and tendentiously framed as offensive to the disadvantaged race, gender and sexuality groups that are objects of veneration for the radical cultural left.

The evidence that the cultural-left network marshals to back a charge of racism/sexism/transphobia is often drawn from the testimony of its own members on social media, or among student and staff activists. The use of multiple allegations helps build up a profile of repeat offending, which strengthens the case against the offender even though employment law in Britain forbids this kind of “double jeopardy”. Universities are often complicit in legitimising these forms of spurious evidence as well as the expansive and tendentious definitions of what constitutes racism, which depart from the definitions of these terms used by the public and the courts.

The Despotism of Custom

Even where the cultural-left network is not directly involved, important limits on academic freedom arise as a result of what John Stuart Mill called “the despotism of custom”. That is, especially in the social sciences and humanities, a majority of British academics and students lean left and there are few cultural conservatives. This means that even modest prejudice against conservatives is magnified at the collective level. For instance, left-leaning individuals are only somewhat more likely to discriminate against the right in academia than vice-versa. A recent study found that about 15% of academics say they would discriminate against a paper expressing a different ideology, 20% against grant applications submitted by those whose political views they don't share and 30-35% against a new hire.¹⁷ But when the left outnumber the right 10:1, as it does in most academic departments, then even similar biases in both directions will result in ten times more discrimination against the right. Grant applications

¹⁷ Honeycutt and Friberg, p. 121.

which violate progressive paradigms are especially likely to be rejected due to the highly competitive nature of the process. This affects conservative academics' ability to be hired and promoted. Known conservatives are also more likely to encounter hostility in academic fora such as conferences, and less likely to receive academic honours. The result is self-censorship. One study of the US legal profession found that students could generally not discern the ideological leanings of the few registered Republicans because these individuals felt the need to "suppress their ideological views by avoiding controversial topics, taking refuge in fields that have little ideological valence, focusing on empirical or analytical work, or simply writing things they don't believe." On the other hand, progressive academics openly espouse their beliefs in their academic work.¹⁸

The peer review process and collegial nature of academia open it up to the conformist pressures outlined by Cass Sunstein, who remarks that where social ties and public values bind an organisation or field, contrarian voices tend to be side-lined and the collective enterprise makes systematic errors. "Group members who care about one another's approval, or who depend on one another for material or nonmaterial benefits... suppress highly relevant information" to fit in.¹⁹

Political discrimination compels conservatives to refrain from asking research questions or challenging dominant left-liberal beliefs such as the prevalence of systemic gender discrimination or the majority-minority paradigm in ethnic relations. In addition to impaired academic freedom, this can result in blind spots which have become manifest in, for instance, academia's poor record in predicting populist voting patterns, or in the replication crisis in social psychology whereby attempts to replicate consensus findings around stereotype threat, discrimination and implicit bias have failed to hold up.²⁰ Beyond the threat to academics' freedom to pursue certain lines of enquiry and the censuring of violators by administering career and social punishments, conformist pressure damages the academic enterprise by distorting the pursuit of knowledge. Truth is sacrificed to ideology.

¹⁸ Chilton, A. S., and Posner, E.A., "An Empirical Study of Political Bias in Legal Scholarship", *The Journal of Legal Studies* 44(2): 277-314 (2015).

¹⁹ Sunstein, p. 93.

²⁰ Jussim, L., et al., "Interpretations and methods: Towards a more effectively self-correcting social psychology", *Journal of Experimental Social Psychology* 66: 116-133 (2016).

The Way Forward

Current UK law suffers from an insufficiently granular definition of racism, sexism, homophobia and transphobia, and a lack of specificity about the level of harm that is required before speech may be curtailed. This legislative vagueness permits moral entrepreneurs to claim that their tendentious definitions of offense have the imprimatur of state authority as well as the approval of the courts. Recent legal cases in the British and European courts have begun to define these limits, penalising employers who have dismissed staff for public speech. They have established a high bar for the level of harm that must be demonstrated before speech can be penalised. These developments are welcome, but considerably more is required. The courts have repeatedly made it clear that they would like governments to define these harms more precisely, and to do so as a matter of urgency.

State intervention is therefore needed to guard against the creeping authoritarianism in academic institutions, especially on the progressive hot-button concerns of racism, sexism, homophobia and transphobia. Legal precedents are unlikely to solve the problem if universities repeatedly evade the law in the name of what they believe to be the higher cause of social justice. If so, then it is incumbent upon a democratically-elected government and the judiciary to enforce the law protecting free speech, and for public bodies involved in the regulation of the higher education sector, like England's Office for Students, to monitor the universities, levying sufficient penalties as are necessary to compel adherence to the law. Enforcement of the law against universities may appear to be a restriction on the organisational liberty of universities, but is urgently required to safeguard the higher cause of individual liberty and academic freedom.

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