



Presentation from the Senior Advisor to the Provosts, Academic Freedom

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Collective Right to Academic Freedom

- Neil Guppy covered many core ideas in his 2016 presentation to the Board (archived).
- I will cover new material, specifically the group or collective right of UBC to academic freedom
- Implications for the Climate Emergency Engagement, the Indigenous Strategic Plan and the Inclusion Action Plan

Revisions to Senate Policy

- Subcommittee led by Paul Harrison of the UBC Senate (Meeting in Fall and Winter Terms)
- Result: a detailed report but recommendations to revise proved unsuccessful
- One change: recast policy to conform with the standard rubric for Senate Policies, including definition of terms
- “Member” will garner definition: should academic freedom pertain only to instructors and students, or include staff, alumni, etc.?

My Advice

- Keep the policy as inclusive as possible
- To exclude is to engender petty tyranny and censorship; this is not the environment we wish to foster
- We have no cause to fear anyone who is part of our community speaking their mind, provided it accords with our mission to forge a respectful environment
- If rights are taken away, this will undoubtedly reduce the willingness of staff or alumni to contribute their time and energy, which is highly elastic in supply and quality.

Examples

- Everyone has much to learn from staff or alumni
- Non-faculty researcher in a laboratory spotting technical dangers that need immediate attention
- Program officer for a campus residence who discerns the need for cultural readjustments
- Academic advisor with a solid understanding of the overarching pedagogical objectives of the department

Controversial Speakers

- Status quo is to uphold freedom of expression
- Policy makes clear that Academic Freedom extends not only to “regular members of the University, but [also] to all who are invited to participate in its forum.”
- Current regulations that insure safety are sound
- No perfect balance; always a matter of trade-offs, but best to avoid censoring speakers, unless it is clear, a priori, that they will break the law

Status Quo

- Most controversial speakers are not officially “invited” and hence are only indirectly governed by our policy on academic freedom, namely to provide a forum, in principle, for open debate on any subject
- Only path forward is to give our Statement on Respectful Environments more clout
- Expect anti-vaxxers to be the topic for controversial speakers in 2021

Has the pandemic reduced academic freedom?

- In appearance, yes, in principle, no
- Research Curtailment; Shuttered Labs, Libraries and Theatres; On-line Teaching; Altered grading schemas; Field trips eliminated
- Underscore importance of the adjective “Academic”
- Members are still free to make academic decisions in research and teaching and extramural expressions
- This is a positive as opposed to negative freedom, that is, enhancing the sphere of choices

Expertise

- Academic freedom, as part of fulfilling the “primary functions” of UBC, “instruction and the pursuit of knowledge,” feeds on expertise and sound judgment.
- Academic decisions are grounded in expert judgment, to endorse one belief over that of all others, or to acknowledge uncertainty if a given proposition lacks full evidential support
- Our students are on the path to becoming experts
- Invited speakers provide and enhance expert judgment

Primary Argument

- “Central to these rights is the freedom, within the law, to pursue what seems to them [members of UBC] as fruitful avenues of inquiry, . . . Unhindered by external or non-academic constraints.”
- This is motivated as follows: Since no one possesses future knowledge by definition, no one is in a position to override or suppress lines of inquiry, however unorthodox

Expertise (and Skepticism) enables Freedom of Inquiry

- Experts stand as peers on the frontier of knowledge, gazing into the ocean of the unknown
- Isaac Newton: “Whilst the great ocean of truth lay all undiscovered before me”

Academic Freedom

- Defined as a “right” and a “privilege”
- Not a legal right (see Lynn Smith’s report)
- It is a right in the sense of an ethical right, motivated instrumentally to achieve good ends
- Pursuit of knowledge best done by unfettered individual inquirers, to choose lines of inquiry or the content of their courses, etc.

Academic Freedom as a Collective Right

- Most rights are individual rights, granted to individuals, but always as members of a larger group, e.g. Canadians, human species, etc.
- There are, however, group or collective rights for the group as an entity, such that the members come and go with each generation
- For example, the Québec people have a collective right to self-determination

Group Rights

- Group rights have as their object “participatory goods,” goods that are intrinsically social
- “A group of individuals has a collective right if their shared interest is sufficient to ground a duty in others, and if the interest of any single member of the group is insufficient by itself to ground that duty. When these conditions are satisfied, the group of individuals possess a right together that none of them possesses separately” (“Group Rights,” *Stanford Encyclopedia of Philosophy*).

Illustration with Academic Freedom

- 1908 University Act that chartered UBC granted significant autonomy, to govern and to pursue its academic mission independently of external influence (political, religious, etc.)
- “A university has the power and capacity of a natural person of full capacity” (46.1).
- Recent government closure of the Central European University in Budapest and forced transfer to Vienna illustrates well when this freedom is taken away

Collective Right is Implicit in our Senate Policy

- Speaks to the “integrity of the University’s forum”
- Mandates the collective obligation to uphold academic freedom: “**All members** of the University must recognize this fundamental principle and must share responsibility for supporting, safeguarding and preserving this central freedom.”

Examples

- Climate Emergency Engagement
- Our experts on global warming emphasize its immediacy, and our experts on public policy the problem of free-riders, such that environmental decay can not be left to individual choice
- Environmental goods are participatory goods
- Everything we do in teaching and learning is for the next generation

Indigenous Strategic Plan

- Our two campuses are situated on the unceded and ancestral territories of the Musqueam and Okanagan peoples
- There is a collective burden to expand our understanding of the troubled history that brought about this outcome
- Must take a collective action to enlighten our community
- This is essential to our self-determination as a university

Inclusion Action Plan

- The recent statement by Santa Ono (June 2, 2020) on the importance of purging our community of racism and injustice captures this very well
- It may restrict speech acts, but it does so in the service of what is essential to our academic mission
- Teaching and the pursuit of knowledge is inhibited in an atmosphere of disrespect for the dignity of all persons

UBC Collective Actions

- UBC can therefore adopt positions based on its collective expertise, using due diligence to insure that all dissent is heard, adjudicated, and tolerated
- Climate Emergency launch and multiple follow-up events (now virtual) does this well

What is best excluded

- UBC, collectively, must refrain from using its expertise to wade into areas that do not pertain unequivocally to its mission, its autonomy and its self-determination as a publicly-supported place for the advancement of knowledge
- Avoid taking a stand on issues for which there is no clear resolution or consensus, e.g. the conflicts in Israel and Palestine, or India and Pakistan, or violations of human rights in other countries

Retain Space for Individual Dissent

- Individual members of UBC are, of course, free to express views on these vexed topics, but must underscore that these are not the views of the University
- Individual members may also dissent from any position that UBC officially adopts, with the one exception (ironically) of the principle of academic freedom
- Group rights and individual rights can coexist and be mutually supportive (Joseph Raz)

UBC is a Beacon

- Knowledge is a public good
- Classic example in economics of a “public good” is the lighthouse
- Zero marginal cost; everyone benefits whether they pay for its services or not
- UBC must “model a different kind of community” (Santa Ono, UBC Broadcast, June 2, 2020).

Universities must lead

- Precisely because UBC advances knowledge, it behooves us to use our hard-earned knowledge to take a stand on issues that pertain to our intrinsic values and self-determination
- Use this collective right to academic freedom to empower you, the Board, to act rather than to be passive