Free Speech and Universities

Roger Scruton

Free speech in a university is a very different thing from free speech in Congress or Parliament, freedom of the press, or free speech in the street. Each milieu has its own conventions and traditions, and each must protect its freedoms for its own purposes and with a view to its own particular good. In everyday conversation, it is not as a rule advisable that all aspects of a question be openly discussed, and laws of libel, public order and sedition protect people from hurtful or provocative language.

Those laws have been radically extended in recent times, with the invention of 'hate speech' as a quasi-legal category, and legislation like the UK 2006 'Racial and Religious Hatred Act', which makes it an offence to 'stir up hatred' towards racial and religious groups. The emerging consensus is that, in the arena of everyday encounters, untrammelled freedom of speech has costs that might well outweigh its benefits, and the law has the right to intervene on behalf of public order.

What, however, should be the rule governing free speech in a university? A modern university is very different from the medieval institution from which it descends. The medieval university contained faculties of law and medicine. And it extended its reach into mathematics and the natural sciences. But it was built around the study of the dogmas and authorities of the Church. A large part of its intellectual labour was devoted to identifying and extirpating heresies, and although you could do this only if you were free to express those heresies in words and to examine the arguments given in support of them, you were not in any real

sense free to affirm them. It would be quite misleading to say that the medieval university was devoted to the advancement of free enquiry, since freedom stopped dead at the exit from faith – even if that exit could be discovered only by a kind of free enquiry.

There are universities in existence today that resemble the medieval pattern – Al-Azhar in Cairo is an evident example, and an unusual one in that it has itself survived from the earliest medieval times, and was the model for the universities that sprang up much later in Christian Europe. For the most part, however, our universities underwent a radical change in their social and intellectual agenda at the Enlightenment, when theology was displaced from its central position in the curriculum, and the humanities – the studia humaniora – came to replace the studia divina. Although scepticism, atheism and heresy were still off the agenda, this was largely because they were regarded as errors, rather than as crimes. By the time that the University of Berlin was founded under Humboldt's direction in 1810, it was assumed on every side that universities were places of free enquiry, whose purpose was to advance knowledge regardless of where it might lead, and to make knowledge available to the rising generation. This emphasis on knowledge applied not only in the sciences, where free enquiry is in any case of the essence, but also in the humanities.

Two interesting intellectual disciplines emerged during the course of the 18th century: the comparative study of religions and the philological study of the scriptures. While neither of those studies was directed against the tenets of the Christian faith, they both had the effect of removing some of the carefully protected certainties at the heart of it. By the beginning of the 19th century it was only an ill-informed person who could believe the Bible to be literally the word of God, or the Christian religion to be the

unique form of religious devotion. When Mill issued his famous defence of free opinion, in *On Liberty*, 1869, it was widely accepted that the free expression of dissenting views is important in all areas of enquiry, and not just in the natural sciences. To quote Mill's now famous words:

"The peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error."

That is fine, so far as it goes; but what if it is not truth that people are seeking, but some other benefit, such as membership, solidarity or consolation? Is freedom of opinion the same benefit in the search for consolation as it is in the search for truth? Clearly not. Religions, Durkheim taught us, offer membership, and that is their social function. They fill the void in the human heart with the mystical presence of the group, and if they do not provide this benefit they will wither and die, like the religions of the ancient world during the Hellenistic period. It is in the nature of a religion to protect itself from rival groups and the heresies that promote them. It is therefore not an accident that heretics are marginalized, murdered, or burned at the stake.

Of course, we Christians no longer engage in those practices, since we have learned the art of putting our religion on hold when dealing with those who do not share it, thereby clearing as much space as possible for the free discussion of alternatives. But this on-going compromise, between religion and free enquiry, is foreign to many other worldviews. We now

have living among us people who believe that errors of religion are punishable by death and that those who carry out this punishment win special favour with the Almighty.

Interestingly enough, however, it is not every error of religion that calls down this response. This fact is of the first importance in understanding our changed circumstances today. A Glasgow shopkeeper, Asad Shah, was recently savagely murdered by a young man called Tanveer Ahmed. Mr Shah's offence was that he belonged to the Ahmadi sect of Islam, a branch of the Shi'a that welcomes open relations with non-believers and extends a Sufi-like goodwill towards those who have yet to obtain salvation – a fact not unconnected with Mr Shah's status as a loved and respected neighbour of the people among whom he had settled. As the murderer was led away to life imprisonment crowds of fellow Sunnis gathered outside the court to proclaim their support, while Mr Ahmed himself, who openly confessed to the crime, expressed no regret for having committed it. On the other hand, Ahmed insisted that he felt no aggression towards Christians, Jews or adherents of some other religion. He was offended by a heresy within Islam, not by the existence of a rival faith. In a peculiar way, trapped as he was by a quasi-genetic imperative of which he was merely the contemptible slave, he wished to vindicate his action in the eyes of his fellow Sunnis, and was entirely indifferent to the rest of the world. It was not error that offended him, but deviation in the heart of his own inherited community.

The example is one of many, and we should learn from it. The heretic offends not because he has acquired the wrong beliefs in the course of his religious enquiries. Christians, Jews and atheists are all in error, so far as Mr Ahmed was concerned. But their errors were not Mr Ahmed's concern,

and in no way offensive to him. Mr Shah, however, was a heretic, one whose errors are not just errors but crimes, since they attack the group from a place within its spiritual territory. Heretics are essentially subversive: to accept what they say is to acknowledge that, in some deep sense, the group is arbitrary, that it might have been put together in another way, and that those currently regarded as members and side-by-side with you in life might have been strangers, even enemies, in the search for spiritual and geographical *Lebensraum*. This thought is subversive of the whole religious project, since it tells you that, after all, truth is not what religion is about, that any old doctrine might have served just as well, provided the benefits of membership flowed from it. In effect, though not in intention, the heretic *relativizes* what must be believed absolutely if it is to be believed at all.

The fear of heresy is not exhibited only in the realm of religious belief. If you look at the history of the communist movement, you will be reminded of the often genocidal disputes over Arianism and Pelagianism in the ancient world, and of the religious inquisitions of the late medieval period, in which heresies were singled out and named – sometimes for the person who first committed them or made them prominent. The Second International gave us 'Menshevism' and 'left deviationism', which were followed by 'infantile leftism', 'social fascism', and in due course 'Trotskyism', all to be contrasted with the 'Marxism-Leninism' which was eventually settled upon as orthodoxy. Once again the real danger was for the heretic within, rather than for the outsider who could, at the time, safely laugh at what was happening – though the time came, as it is coming with Islamism today, when nobody could safely laugh.

The fear of heresy arises whenever groups are defined by a doctrine. No matter how absurd the doctrine may be, if it is a test of membership

then it must be protected from criticism. And the more absurd it is, the more vehement the protection. Most of us can live with false accusations; but when a criticism is true we hasten to silence the one who utters it. In just that way it is the most vulnerable religious doctrines that are the most violently protected. If you mock the claim of Muslims that theirs is a 'religion of peace' you run the greatest of risks: the Islamist proves his devotion to peace by killing those who question it.

In universities today, however, students – and certainly the most politically active among them – tend to resist the idea of exclusive groups. They are particularly insistent that distinctions associated with their inherited culture – between sexes, classes and races, between genders and orientations, between religions and life-styles – should be rejected, in the interests of an all-comprehending equality that leaves each person to be who she really is. A great negation sign has been placed in front of all the old distinctions, and an ethos of 'non-discrimination' adopted in their stead. And yet this seeming open-mindedness inspires its proponents to silence those who offend against it. Certain opinions – namely, those that make the forbidden distinctions – become heretical. By a move that Michael Polanyi described as 'moral inversion', an old form of moral censure is renewed, by turning it against its erstwhile proponents. Thus, when a visiting speaker is diagnosed as someone who makes 'invidious distinctions', he or she is very likely to be subjected to intimidation for being a supporter of old forms of intimidation.

There may be no knowing in advance how the new heresies might be committed, or what exactly they are, since the ethic of non-discrimination is constantly evolving to undo distinctions that were only yesterday part of the fabric of reality. When Germaine Greer made the passing remark that,

in her opinion, women who regarded themselves as men were not, in the absence of a penis, actually members of the male sex, the remark was judged to be so offensive that a campaign was mounted to prevent her speaking at the university of Cardiff. The campaign was not successful, partly because Germaine Greer is the person she is. But the fact that she had committed a heresy was unknown to her at the time, and probably only dawned on her accusers in the course of practising that morning's 'two minute hate'.

More successful was the campaign in Britain to punish Sir Tim Hunt, the Nobel Prize winning biologist, for making a tactless remark about the difference between men and women in the laboratory. A media-wide witch-hunt began, leading Sir Tim to resign from his professorship at University College London; the Royal Society (of which he is a fellow) went public with a denunciation, and he was pushed aside by the scientific community. A lifetime of distinguished creative work ended in ruin. That is not censorship, so much as the collective punishment of heresy; and we should try to understand it in those terms.

The ethic of non-discrimination tells us that we must not make any distinctions between the sexes, and that women are as adapted to a scientific career as men are. That view is unquestionable in any territory claimed by the radical feminists. I don't know whether it is true, but I doubt that it is, and Sir Tim's tactless remark suggested that he does not believe it either. How would I find out who is right? Surely, by considering the arguments, by weighing the competing opinions in the balance of reasoned discussion, and by encouraging the free expression of heretical views. Truth arises by an invisible hand from our many errors, and both error and truth must be permitted if the process is to work. Heresy arises, however,

when someone questions a belief that must not be questioned from within a group's favoured territory. The favoured territory of radical feminism is the academic world, the place where careers can be made and alliances formed through the attack on male privilege. A dissident within the academic community must therefore be exposed, like Sir Tim, to public intimidation and abuse, and in the age of the Internet this punishment can be amplified without cost to those who inflict it. This process of intimidation casts doubt, in the minds of reasonable people, on the doctrine that inspires it. Why protect a belief that stands on its own two feet? The intellectual frailty of the feminist orthodoxy is there for all to see, in the fate of Sir Tim.

Is there any reason for thinking that universities have a special role in these matters, either to support free speech in general, or to create a space where it can occur? The answer, I think, is yes, and both University College London and the Royal Society displayed, in their refusal to protect Sir Tim from the cloud of twittering morons, the sad state of the academic world today, which is losing all sense of its role as guardian of the intellectual life – losing it precisely through giving way before the orthodoxies of non-discrimination.

The reasons for the ethic of non-discrimination, and for the moral inversion that has made it into a fierce form of discrimination, directed against whoever transgresses its fluid and unpredictable boundaries, lie deep. As Rusty Reno has eloquently argued, in *Resurrecting the Idea of a Christian Society,* the Enlightenment, which sought for a world in which reason had a head start over prejudice in all public debate, also sowed the seeds of its own destruction, in exalting individual autonomy above every form of obedience. I am my own author, was the Enlightenment slogan; I

can be what I choose to be, provided I do no harm to others. Social conventions, traditional forms of life, divisions of roles and communal identities, even the differences in social status associated with the biological division of labour between the sexes – all such things are of no significance compared with my free choice whether or not to give credence to them. Little by little, as the old authorities slipped away or lost their aura, more and more of human life was stripped of the rules, customs and distinctions that make sense of it, and more and more did everything in life, everything that might matter to me and constitute my personal happiness, become an object of choice, in which only I have the right of action, and nobody else has the right to interfere.

Hence nobody now may impose upon me an identity that I myself have not chosen. My nature as a self-created being is inviolable. Your disapproval of my lifestyle is your problem, not mine; should you object to homosexuality, that proves only that you suffer from homophobia, a disorder of the soul that is also a hangover from an outmoded form of life. There is therefore no room now for argument about homosexuality, still less for criticism. Your objection to Islam and the presence in our midst of its adherents is your problem – a sign of Islamophobia, a mental disease that unaccountably swept across the Western world on the 11th September 2001. Racism, sexism, homophobia, Islamophobia – all the isms and phobias that call down the damning tirades of the orthodox – are the residue of old and vanquished forms of life, last gasps of Western civilization in its vain attempt to cling to its empire among the living. That is what Germaine Greer came up against: a new and unexpected extension of the morality of self-choice, which tells us that we are guilty of

transphobia if we deny of a person that it can decide for herself what gender he is.

This is all very well, you might say, but it does not yet constitute an assault on free speech. And that is true. It is perfectly possible to accept the latest adventure in non-discrimination while allowing others to speak out against it. However, it doesn't work that way. The furore over the 'transgender' issue comes into the general category of identity politics. It is about who you are, not what you think. So thinking the wrong thing, still more saying the wrong thing, is an act of aggression, the equivalent of racist abuse or sexual harassment in the work place. The non-discrimination movement is about extending to others the freedom to choose their own identity; to criticize this is to constrain other people in their deepest being, in those 'existential choices' that determine who they are: it is an act of aggression and not just a comment. Hence it must be punished.

We see here the equivalent of the censorship of heresy in religious communities. The heretic threatens the community by undermining an assumption on which membership depends. He has to be silenced for the community's sake. In the community of non-membership, in which every identity is freely chosen, the heretic who believes in objective distinctions is just as much a threat as the Shi'ite in a Sunni shrine. He must be exposed, punished and if possible silenced.

Hence the ethic of non-discrimination ends up as an assault on free speech in just the same way as the ethic of religious discrimination – namely for fear of the heretic. This suggests to me that we are dealing with a feature of human nature that lies too deep for any lasting remedy. Non-belonging is an identity-forming stance, just as much as belonging.

Threaten the identity that results and you must be exposed, shamed, and if possible silenced.

However, one of the most remarkable features of the new kinds of identity is that they persecute the heretic through a gesture of self-persecution. There is an initial martyrdom moment, as the would-be victims see an opportunity to 'take offence', and to put their vulnerability on display. Traditional education had much to say about the art of not giving offence. Modern education has a lot more to say about the art of taking offence. This, in my experience, has been one of the achievements of gender studies, which has shown students how to take offence at behaviour, at words, at institutions, customs and even at facts, when 'gender identity' is in question. It did not take much education to make old-fashioned women take offence at the presence of a man in the women's bathroom. But it takes a lot of education to teach a woman to take offence at a women's bathroom which biological males who declare themselves to be women are not free to use. But the education is there, and for a mere $200,000 in an Ivy League University you can acquire it.

In similar spirit students today are being encouraged – and again 'gender studies' is at the forefront of the movement – to demand 'safe spaces', where their carefully nurtured vulnerabilities will not be 'triggered' into crisis. The correct response to this, which is to invite students to look for a safe space elsewhere, is not one that universities seem to consider, since after all each student is an addition to the income account, and censorship costs nothing.

This brings me, at last, to the place of the university in the exercise of free speech. It seems to me that the battles between those who unwittingly give offence and those who are experts in taking it can be conducted on the

street, in the restaurant, the bar and the family (if families are still allowed) without losing the precious thing that our civilization passed on to us, which is the love of truth, and the ability to face up to it, whether or not it consoles us. It is my belief – hard to justify, and as much the product of my experience as of any philosophical argument – that an institution in which the truth can be impartially sought, without censorship, and without penalties imposed on those who disagree with the prevailing orthodoxy, is a social benefit beyond anything that can now be achieved by controlling permitted opinion. I can accept that there might be laws, conventions and manners limiting the expression of opinion in the world at large, in those places where this or that group has staked a claim to its identity. I can accept that you must tread softly when it comes to religion, sexual mores, and the expression of loyalties that conflict with your own. But if the university renounces its calling in the matter of truth-directed argument then we do not only lose a great benefit from which all of us profit; we lose the university as an institution. It becomes something else – a centre of indoctrination without a doctrine, a way of closing the mind without the great benefit that is conferred by religion, which also closes the mind, but closes it around a community-creating narrative. We should recall that, when the totalitarian movements of the 20th century began their wars and genocides, the universities were first among their targets – the places where discussion was most urgently to be controlled. The behaviour of the communist and anarchist student cells in Russia, and the Brown Shirts in Germany, was repeated by the student revolutionaries of May 1968 in France, and by many student activists today.

Indeed, my own experience of universities has not, in this matter, been altogether encouraging. I do not think that there is very much

censorship in our universities, other than that imposed impromptu by the students and acquiesced in by a weak establishment. But it has been true for a long time that there are orthodoxies in a university that cannot be easily transgressed without penalty, and that the penalty is not imposed on scholarly or academic grounds but on grounds that could be fairly described as ideological.

It will always be true that a public doctrine holds sway in any civilized community, and that the universities will be expected to conform to it, however obliquely. In our case, however, it is the universities that have created the orthodoxy. The left-liberal worldview that is concealed within the humanities as they are taught today, as an unacknowledged and unquestionable premise, is not orthodoxy in the surrounding community. But it is an astute career move to conform to it, whether or not you agree. Moreover it endorses and is endorsed by the community of non-belonging that is emerging among the students. The left-liberal worldview is not, on the whole, concerned with the wider situation of the world, for all its global pretensions. It is concerned with us, with the Western inheritance. It is an exercise in self-castigation, designed to show in all matters – history, literature, art, religion – the glaring moral faults of a civilisation that has depended on distinctions of sex, race, class, orientation and the rest in order to manufacture a false image of its superiority. At the same time the current orthodoxy carefully refrains from any comparative judgments: gender studies will give you an earful of spite about the treatment of women and homosexuals in Western societies, but carefully pass over the treatment of women and homosexuals in Islam. After all, it is important not to incur the charge of Islamophobia. The university must become a 'safe space' for Muslims, as well as for other vulnerable and marginalised groups

– hence the successful campaign to force Brandeis University to withdraw the honorary degree offered to Ayaan Hirsi Ali. She had spoken truths about Islam, and was therefore a threat to Muslim students, and an invasion of the 'safe space' that the university was obliged to offer them.

Now I too would like the university to be a safe space. But a safe space for rational argument about the pressing issues of our time. In our world today grotesque falsehoods are constantly repeated, for fear of offending the vigilantes of Islam or the thought police of political correctness. We cannot freely discuss the nature of Islam, its sacred text and guiding myths, and its legal status in a secular society. The charge of Islamophobia is designed precisely to shut down debate about the matters that most need to be debated – for example, whether it is really true that, for a Muslim, apostasy means death, adultery means stoning, or that secular law and the nation state mean, as Sayyid Qutb said they mean, blasphemy against the Koran. By not discussing these things we do a great disservice to our Muslim fellow citizens, in not opening avenues to their integration in the only community that they really have. Nor can we freely discuss any of the iconic issues singled out as defining political correctness – such as sex, gender, orientation. We are wandering in a world of utter relativity, but bound by orders that are absolutes – the order not to refer to this, not to laugh at that, and in the presence of all uncertain things to stay silent. In all this we are losing our sense that some things really matter, and matter because they are *true*, and not just because some group of benighted people believe them, or some other group has decided to enforce them. If a university stands for anything, surely it stands for that idea of truth, as a guiding light in our darkness and the source of real knowledge.