

THE REPUBLIC OF DISSENT: A CONSTITUTIONAL THEORY OF ACADEMIC FREEDOM

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TOPIC AND IMPORTANCE

Academic freedom is an implicit agreement amongst society (i.e., a social contract) characterized by a “classically liberal” protection of the right to challenge ideas without punishment, as well as a “republican” spreading of academic decision-making authority. However, since the exact definition of academic freedom is unclear, its grounding in the similar (yet also quite different) idea of freedom of expression plays out in modern culture wars. In particular, there has been a recent rise in calls for various scholars and individuals to be punished or excluded from university spaces for potentially offensive expression. Yet, as this paper argues, true academic freedom means the opinions of the majority shouldn’t control the pursuit of truth that comes about through debating controversial issues.

MAIN ARGUMENTS

In this paper, the author argues that academic freedom is best understood as a “republic of dissent” that balances two key ideas: allowing experts to judge academic content while protecting against censorship. Whereas academic freedom does not produce a zone of total freedom of expression, it is grounded on the tradition of anti-censorship. This protection works as a system of checks and balances between parties—almost like an unspoken, inherent contract—from the individual scholar to the autonomy of academic disciplines. This is meant to offer protection from outside interference and internal threats from colleagues and students.

At the same time, the nature of the university requires some control over content; for example, letting scholars have control over their disciplines or excluding weak ideas. However, this must be balanced with the university functioning as a “marketplace of ideas.” This model of academic freedom should operate in the classroom, in the invited academic lecture zone, and in scholarly autonomy over one’s academic career.

CONCLUSION AND ADDITIONAL CONSIDERATIONS

Although the balanced model is quite different from the idea of freedom of expression, there are ways in which promoting the inclusion of underrepresented individuals and voices also works with freedom of expression and academic freedom. However, cancelling visiting speakers—which has become more commonplace on university campuses around the world—goes against academic freedom when university administration does so by deciding, by itself, what academic content should be heard ahead of time, and deprives the audience of their right to hear and decide for themselves. University members should avoid overturning academic freedom based on the majority opinion, as majority opinion may theoretically turn against any of us, putting any individual's expression at stake.