



Academic Freedom and Cancel Culture

Only government action can protect speech and expression on campuses.

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Academic freedom is in serious trouble in the English-speaking world. Episodes involving no-platforming, Twitter mobs, and efforts to dismiss professors make news regularly. The threat to academic freedom overwhelmingly stems from the identity-oriented Left inside universities, though it can also come from the off-campus Right.

For John Ellis of the University of California at Santa Cruz, the American university has become hopelessly corrupted by left-wing radicalism, with its legacy mission of truth-seeking now eclipsed by the pursuit of “social-justice” activism. Progressive academics often dismiss these charges as anecdotal, but survey evidence tells a different story. In August, I coauthored a report with leading U.K. think tank Policy Exchange on academic freedom in the U.K. that was widely covered in the British press. It shows that no-platforming and attempts to cancel the jobs and reputations of professors are just the tip of an iceberg of intellectual repression on campus. Ideological uniformity and political bias combine with academics’ fear of being cancelled to create a toxic atmosphere, especially for conservative and, in the context of transgender issues, “gender-critical” dissenters.

The solutions, we point out, must involve proactive government oversight of universities’ adherence to academic freedom in order to offset the influence of progressive pressure groups. The hope that moral exhortations will shift opinion, or that market-based solutions can address these threats are, we argue, unrealistic.

Andrew Sullivan remarks that “we all live on campus now,” with social-justice rhetoric and cancel culture common in corporations, the media, the entertainment industry, government agencies, and big tech. Even lower-level employees of organizations can get fired for their social media posts or misinterpreted gestures. A recent Cato Institute survey exposes the scale of the problem among U.S. knowledge workers: six in ten employees with masters or doctoral degrees who support the Republicans say that they “are worried about losing [my] job or missing out on job opportunities if [my] political opinions became known.” Almost half of independents with postgraduate degrees agreed, compared with 25 percent for Democrats.

While the most egregious cancel-culture attacks sometimes make the news, everyday censorship usually permeates organizations below the level of public attention—especially at universities. The key relationship to grasp is the connection between political discrimination and self-censorship. When you fear that your utterances can harm your career, you silence yourself.

Our study of 820 British academics drew on the largest and most representative sample of academic opinion on free expression to date. YouGov maintains a U.K. panel of about 500,000

respondents, the largest in the Western world, including some 1,000 current or retired academics, most of whom completed our survey. They provide a reasonably representative sample of British academia. I have also repeated the study on an opt-in sample of American and Canadian academics, which returned similar results, as did three previous studies finding evidence of political discrimination and “chilling effects” among academics in America and Europe.

Our survey shows that conservative and gender-critical scholars in Britain engage in widespread self-censorship. Just two in ten U.K. academics in the social sciences or humanities who backed the winning “Leave” side in the 2016 Brexit referendum said that a Leave supporter would feel comfortable expressing this opinion to a colleague. This compares with 87 percent of “Remain” voters who said that an academic who backed the losing Remain side would feel comfortable expressing that view. In the North American sample, results are even more skewed. Only 15 percent of all academics, of which the large majority are Democrats, said that a Trump-voting academic would feel comfortable expressing his opinion to colleagues, as opposed to 88 percent who said that a Biden supporter would feel comfortable doing so.

Conservative academics are right to hold their tongue. Using a concealed-list technique, we found that one in three British academics, rising to nearly four in ten in the social sciences and humanities, would discriminate against a known Leave supporter for a job. A similar or higher share would discriminate against a right-leaning grant application. In North America, I found a similar level of bias against Trump supporters and conservatives. Anticipating these penalties, most conservative or gender-critical academics—especially younger and less secure staff—avoid revealing their political opinions to colleagues.

One study that asked students to code the political cast of legal scholars found that the students could not identify the registered Republicans but correctly coded progressive papers authored by registered Democrats. In other words, conservative scholars, anticipating discrimination, self-restrict their academic freedom, focusing on technical subjects rather than pursuing controversial topics or dissenting viewpoints. This helps them evade progressive gatekeepers in hiring, grant applications, and journal refereeing. Progressive scholars, by contrast, freely research problems with a leftist cast, such as racial inequality, while openly espousing policy aims that flow from their ideological leanings.

Fears about career advancement are important but form only one part of the repression equation. Social interaction and collegiality are similarly vital dimensions of job satisfaction. Cass Sunstein writes that people will conform to organizational norms not just to advance their careers but also to ensure a pleasant work environment. Here again, conservatives and gender-critical feminists are acting rationally when they conceal their views: nearly half of academics said that they would be uncomfortable, “neutral,” or unsure about sitting next to a Leave supporter, and barely a third said that they would feel comfortable sitting next to a scholar who supported banning trans women from women’s shelters.

On a more positive note, when asked whether they would support campaigns to dismiss scholars with controversial findings on the family, immigration, the role of the British Empire, and the impact of diversity in organizations, fewer than one in ten academics backed cancel culture. I also find that few academics—even conservatives—have faced disciplinary action or bullying for their views. Even so, most are aware of cases of dismissal or reputational damage. After all, there may be hundreds of applications for every permanent academic post, and it can be virtually

impossible to land another job in the place where you live. For conservatives and gender-critical scholars, it's better to let discretion be the better part of valor and keep one's head down.

It's not that academics discriminate more, or cancel each other more, than people in other professions. The issue is structural. In our data, those on the left outnumber those on the right by a factor of six, rising to a factor of nine among current social-science and humanities faculty. In my U.S. data, the ratio is an even more extreme 14-to-1, in line with other studies.

Discrimination would be much less of a problem if the political ratio were more even. When each side is discriminating against the other at the same rate, but one side outnumbers the other by a factor of ten, the discriminatory *effect* is ten times worse for the Right. A known Brexit or Trump supporter is almost certain to face a biased assessor on a four-person panel, while a Remain or Biden supporter will be as likely to gain from discrimination in his favor as against. The disparity also explains why most academics don't understand what the uproar is about. Most are progressive, so they don't experience discrimination.

The combination of political discrimination and intimidation restricts academic freedom and contributes to a steady narrowing of academic horizons. It's a prime example of what John Stuart Mill calls the "despotism of custom," which he identified as a greater impediment to free expression than government repression.

Beyond academia, the workforce has become increasingly progressive in many other professions. American doctors, tech entrepreneurs, and lawyers are overwhelmingly liberal, though not in the same proportion as academia. This points to a growing problem beyond the university, especially when a person's political views are manifest in his or her work or emerge in conversation. For instance, 80 percent of members of a U.K. arts organization reported that their work atmosphere censored Leavers and conservatives, echoing the Cato Institute results among U.S. knowledge workers.

What happens on campus shapes the direction of the culture, adding urgency to the need for reform. Many conservatives and traditional liberals seem to believe that rational debate and the marketplace of ideas will solve the problem; good ideas will drive out bad ones, and consumers will shift their dollars to freer universities and away from repressive ones. They ignore the first-mover advantage that established universities possess. Reputations, endowments, and powerful alumni with a vested interest in the high status of their alma mater give Ivy League schools, for example, a cachet that no upstart university can hope to match. Meantime, powerful norms and internal pressure groups prevent universities from defying the social-justice agenda. These network effects mean that the only viable path back to open inquiry runs through the reform of existing institutions.

The media already offer considerable viewpoint diversity—albeit increasingly outside traditional mainstream sources. Most resistance to speech restrictions, whether from Sam Harris or Glenn Loury's podcasts, J. K. Rowling's tweets, or the *Harper's* letter, comes from media sources. Cancel culture is on the back foot among many intelligent people. This is certainly the case in Britain, where the notion that emotional safety should trump academic freedom has few supporters in the mainstream press. Indeed, our report got favorable treatment from major newspapers across the political spectrum, from the *Telegraph* and *Times* to the *Guardian*.

But inside specific organizations, it's a different story. Activists know that bombarding a university Twitter feed will result in a chilling email landing in an errant professor's inbox. They

are adept at making formal complaints via university forms, alerting department heads, contacting ethics committees, and organizing harassment campaigns with the help of student radicals. University administrators often share a progressive worldview and are acutely sensitive to public perception; they don't want to be seen as not supporting activists who speak the language of minority oppression. Universities routinely violate the law by maximally interpreting their mandate to enforce "equality," citing damage to their reputations as a justification for overriding dissenters' academic freedom.

Only government regulation of universities can safeguard academic freedom. We recommend that the British government enact an Academic Freedom Bill, creating the post of Director of Academic Freedom within the U.K.'s Office for Students (OfS), the sectoral regulatory body. This individual would be granted ombudsman powers to hear cases from academics whose universities have violated their academic freedom or engaged in political discrimination in hiring, promotion, or funding. (It's important to note that extramural commentary—such as social media—is included in the definition of academic freedom.)

Taking such a step would limit universities' ability to abuse internal disciplinary procedures or take other steps to silent dissent. Universities would be required to issue an annual report on academic freedom, and persistent violators would be fined. We also recommend the establishment of a non-governmental rating agency that can grade universities on their academic freedom and political diversity. Ideally, these scores would be included in university rankings.

Viewpoint diversity on campus serves a vital purpose in an increasingly polarized society. While the leftward skew in academia is mainly the result of self-selection, discrimination is also likely playing a role. Our recommendation is for official university communications to be politically neutral, as they are in the U.K. school system. While scholars must have the right to espouse political opinions in class, official university communications should not do so.

This step may not solve the problem, though. A more effective measure to restore ideological diversity may be to require universities to show equivalence between policies promoting racial and gender equality/diversity and those addressing political discrimination and representation. This bypasses the problem of politicizing academia by allowing institutions to opt for as much or as little equality/diversity as they wish— provided they implement equivalent measures on political diversity.

President Trump's executive order ending the use of Critical Race Theory in diversity training in U.S. federal agencies—training that is compulsory, discriminates against whites, and brooks no dissent—is an important illustration of how democratic politics can change illiberal and discriminatory practices within elite institutions. The administration's revised Title IX guidelines provide another example of government action putting a stop to forms of progressive overreach that persistently violate the due process rights of the accused. Any attempt by a Biden administration to reinstate the status quo ante will be viewed, correctly, as ideologically motivated.

Universities control immense resources, which they use to reinforce their status. Many are now in thrall to radical activist networks, which leverage powerful social taboos to amplify their power. The only way to limit them is by circumscribing the ability of fearful university administrators to punish dissent. Reformers who insist on libertarian purity and a non-governmental approach are just clearing the way for unchecked progressive activism,

entrenching the illiberal status quo. The responsibility for upholding due process and free speech cannot devolve to individuals whose rights are already being abridged.

The only way for free speech to prevail over the progressive goal of emotional safety is for governments to apply the law to institutions proactively—that is, individual autonomy must be prioritized over institutional autonomy, even as we endeavor to safeguard as much institutional freedom as possible. This is what the U.S. federal government did when it required southern universities to open their doors to black applicants in the early 1960s. It is also the strategy followed by the British government in dealing with Muslim-majority public schools that fell under the sway of Islamist leaders and were thus restricting the rights of their female students. Government should be limited—but this doesn't mean that it isn't sometimes required to protect people's rights.

In short, reform of the university system—meaning close government oversight—is the only realistic option.