

Academic Freedom and the Duty of Care

Reframing Media Coverage of Campus Controversies

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Introduction

In recent years, there has been an enormous amount of media attention paid to the supposed free speech crisis on university campuses.¹ Whether the story concerns a no-platformed speaker, a “cancelled” professor or a silenced student, it is typically framed around freedom of expression. However, that framing gets the story wrong. The freedom that is proper to university campuses is academic freedom.

In this chapter, I examine three “free speech” controversies from a single Canadian university in order to illustrate how the media reported the incidents, how the media influenced the incidents, and why it is important to frame such reportage around academic freedom instead of freedom of expression. I argue that using an academic freedom frame best captures the academic mission of universities, as well as universities’ duty of care to students and employees. It also supports richer reportage that, in addition to being better journalism, reduces the vulnerability of both the media and universities to manipulation by bad actors.

Three Campus Events

In a sense, it was the media that first sparked my interest in academic freedom. Over the course of three incidents at my previous university, I became increasingly aware of the ways in which the media’s use of a free expression frame rather than an academic freedom frame paints universities into a very tight and inapt corner. In this section, I share my memories of these three incidents.

These recollections trace my own growing understanding. I was a bystander in the first case, and an organizer in the second and third. Further, between the second and third – precisely because I became an organizer – I acquired more expertise about academic freedom and freedom of expression. I had no special expertise about either type of

freedom before the second incident. However, by the time of the third incident, I had become deeply interested in academic freedom, and had been blogging about it daily, as well as discussing it in both traditional and social media. Thus, the cases below are described from three distinctive perspectives that I successively occupied: non-specialist bystander, non-specialist participant, and specialist participant. In the years following the final incident, I began researching and publishing peer-reviewed scholarship on academic freedom. Thus, the three perspectives are ultimately filtered through my current lens as a scholar of academic freedom.

Case 1: Blatchford

In 2010, I was an assistant professor at the University of Waterloo (UW), a large, comprehensive university in Waterloo, Canada. The UW is 60 km away from a town called Caledonia. That period marked an interregnum in what was known as the “Caledonia crisis”, a treaty land claim dispute between Indigenous peoples, land developers, and other local residents. Three years earlier, at one of the peaks of the crisis, theatre students from the university had visited Caledonia and collaboratively created a multi-media production, *DIFFER/END*, that examined the crisis (Houston, n.d.). By 2010, the critically acclaimed production had had three successful runs, the first of them in UW’s Hagey Hall. For many non-Indigenous people at UW and in the surrounding community, *DIFFER/END* opened a window into two centuries of colonial mismanagement and dispossession of the treaty land on which the dispute was occurring.

In 2010, Canadian journalist, Christie Blatchford, who had been covering the Caledonia story for the *Globe and Mail*, published *Helpless: Caledonia's Nightmare of Fear and Anarchy, and How the Law Failed All of Us* (Blatchford, 2010). The book was divisive because of Blatchford’s focus on the police response to what she termed “overt native lawlessness” without any attention to the history of colonialism that formed the background to the Caledonia crisis. One of the stops on her book tour was Hagey Hall for an event sponsored by UW’s book store. Blatchford’s talk was greeted by a “teach-in” elsewhere in the building and by protestors at the talk itself. Before Blatchford could begin, five students took the stage in protest, with three of them seated in the middle of the stage chained together. About 20 other protestors throughout the theatre shouted slogans. Officials at the UW cancelled the event because they worried that Blatchford

would not be able to speak over the protestors' chants and because they "had no interest in providing a photo op of... security dragging three people off the stage" (Buckler, n.d.).

Very soon, the UW issued an apology to Blatchford and a public statement that read in part that "The university considers Friday's events as an attack on its presence as a place where issues are explored, discussed and at times debated" (Redmond, 2010). The cancelled talk quickly became a national news story. The editorial board of the *National Post* published a column citing the incident as evidence that universities are "bastions of censorship" in which "definitions of free speech equality and political rights all have been reworked to show favouritism to those espousing leftist ideology" (National Post View, 2010). Blatchford returned to campus a few weeks later for a rescheduled talk. She was smug and triumphant. The full house erupted into laughter and applause when she ironically thanked the student who had organized the protest "for all he's done to help sell my book" (*The Cord*, 2010).

I did not attend and was not involved in these events, but, from the sidelines, I was disturbed. UW's campus is covered by the same treaty as the Caledonia site that was under dispute. UW is 80 km away from Canada's most populous First Nations reserve, and 60 km from one of Canada's most notorious Indian residential schools, whose painful history is entangled with both the reserve and the treaty.² In this context, I was disturbed that UW had scheduled a marquee event for a popular "true crime" book that decried Indigenous "lawlessness" without providing any context about settler-colonialism, the residential school system, or the particular treaty in question.

The residential school system removed thousands of Indigenous children from their families, their cultures, and their languages. Among the lasting legacies of that unjust history are a deep distrust of educational institutions by many Indigenous people and a concomitant underrepresentation of Indigenous students in Canadian higher education. Against this background, the fact that the event was scheduled at all struck me as irresponsible and as a betrayal of UW's closest Indigenous communities and students. I agreed with the protestors that UW should never have been a stop on Blatchford's book tour.

I was also disturbed by UW's response to the protest, and by the response of the Canadian media. UW's statement spoke to the importance of intellectual freedom and debate, but it had nothing to say to Indigenous students and community members who watched the events unfold. Similarly, the story that blew up in the national media was about thin-skinned students who were intolerant of differences of opinion. The media paid scant attention to the substantive criticism of Blatchford's book – that it was misleading and irresponsible to treat the Caledonia crisis as a “true crime” story devoid of its colonial context – or to the appropriateness of the university hosting the event. During a painful and complicated chapter in settler-Indigenous relations, the responses of both UW and the media privileged intellectual freedom over responsibility to Indigenous peoples. In the end, Blatchford got a boost in her book sales, and the media stories fuelled panic about a university free speech crisis.

Case 2: The Pascal Lecture

Two years later, Notre Dame University legal scholar Charles Rice was invited to UW to deliver the Pascal Lecture on Christianity and the University. The more-or-less annual Pascal Lecture series was launched in 1978 by “members of the University of Waterloo, wishing to establish a forum for the presentation of Christian issues in an academic environment” (About the Pascal Lectures on Christianity and the University, n.d.). The series is run by a long-time chair, who is a UW professor. The series is not funded by UW, but is supported by donations, some of which are made via UW's website. Thus, while the lecture series is in some sense at arm's-length from UW, UW furnishes it with various in-kind supports.

News of Rice's invitation produced an uproar at UW. Rice had, in his work, characterized homosexuals as “morally disordered” and falsely implied that they are disproportionately child molesters. As in the Blatchford case, I thought that the invitation to Rice ought not to have been extended. However, I thought that it was important for the event to proceed in order to avoid repeating what happened with Blatchford. I worked behind the scenes with likely protestors, but also with campus police and administrators, to plan not a protest but a celebration. We called it the Rainbow Celebration, in honour of the rainbow flag of the 2SLGBTQ+ (two-spirit, lesbian, gay, bisexual, transgender, queer) community. We reserved the quad beside the building in which Rice's talk was

scheduled, and told people to bring their rainbow paraphernalia, their families, pets and musical instruments. We made clear that we were gathering not to obstruct Rice's talk, but to make a visible show of support for the 2SLGBTQ+ community. Many more people took part in the Rainbow Celebration than attended the Pascal Lecture, and no one disrupted Rice's talk.

The news stories that came out the next day were about our positive, peaceful event. Unlike in the Blatchford case, those stories devoted as much or more space to our criticisms of Rice as they did to his views. However, these stories were primarily in local venues, unlike the national media attention the Blatchford story got. Unfortunately, there is, arguably, not much media appetite for a story about a bigoted speaker who draws a small audience while families peaceably gather outside with rainbow flags and banjos. The reports of the Rainbow Celebration were outnumbered by the newspaper pieces in the days leading up to the Rice talk that pre-emptively chastised no-platformers. It was satisfying to prove those journalists wrong.

The asymmetry of media coverage of Blatchford's and Rice's visits was striking. In the first case, 20 protestors produced a national media uproar. In the latter, a much larger counter-event got just a couple of local news stories. This asymmetry reflects an asymmetry within the media more broadly. Disasters, scandals, crimes, and bad news stories get more media attention than things going well. Readers have a particular interest in bad news stories, and media outlets live and die by the size of their readerships. However, this asymmetry produces a feedback loop in intellectual freedom stories that it does not produce in stories of natural disasters. Earthquakes do not occur because tectonic plates are looking for media attention. However, in recent years, far-right ideologues and grifters have learned that by staging odious events, they can draw protestors and, with them, media attention. The last of my three campus stories concerns just such an (attempted) event.

Case 3: Laurier Society for Open Inquiry (LSOI)

In November of 2017, Canadian graduate student Lindsay Shepherd rose to North American media prominence over a free expression controversy in a class for which she was a teaching assistant (Wilt, 2017). In the aftermath, she formed a new campus club, Laurier Society for Open Inquiry (LSOI).³ For the next year or so, LSOI ran a speaker

series (originally dubbed the “Unpopular Opinion Speaker Series”) that brought controversial figures from across the country to the city of Waterloo, where Shepherd was based. The “unpopular opinions” that LSOI focused on were typically white nationalist, anti-Indigenous, or anti-trans. The events had such titles as “Ethnocide: Threaten Open Inquiry?”, and “Does Trans Activism Negatively Impact Women’s Rights?”. Within weeks of their formation, LSOI were flying in speakers from across the country and regularly making their way into both the local and national news.

Some of this media coverage was due to the distastefulness of the speakers and some was due to Shepherd’s own media prominence, but much was the result of the backlash to LSOI events in the community. A pattern quickly emerged. LSOI would announce a controversial speaker and topic; the announcement would be met with threats of protest or no-platforming; the event would be moved to another venue, cancelled or postponed, or would proceed amid protest and alternative events. The media gobbled it up; LSOI worked the formula and enjoyed a year of non-stop media attention. It was surprising to me how much of the media coverage naïvely portrayed Shepherd et al. as genuinely interested in free inquiry, and not just cynically “owning the libs”.

In April of 2018, LSOI rented space at my university (which neighbored Shepherd’s) and announced a panel event: “In Conversation: Dr Ricardo Duchesne and Faith Goldy”. Duchesne was a Canadian professor who described himself as “the only academic in Canada, and possibly the Western world, who questions the ideology of diversity while advocating white identity politics” (Duchesne, 2018). The previous year, he had published his book *Canada in Decay: Mass Immigration, Diversity, and the Ethnocide of Euro-Canadians* (Duchesne, 2017). Goldy is an alt-right journalist who was fired by the far-right Rebel Media for livestreaming the notorious 2017 Unite the Right rally in Charlottesville, Virginia, and subsequently appearing on a podcast of the neo-Nazi website *The Daily Stormer*. After reciting the Fourteen Words (a Nazi slogan) on a far-right podcast, she was banned by Patreon, PayPal, and Facebook. In short, Duchesne and Goldy are terrible people. LSOI wished to bring them to my university in the name of open inquiry.

This was LSOI’s second planned event with Goldy. They had organized a talk by Goldy a month earlier at Shepherd’s university. That event was greeted by protestors and

cancelled after someone pulled a fire alarm, forcing an evacuation. Afterwards, LSOI invited Goldy back on the putative grounds that they did not wish to “concede victories to no-platformers”, warning that a second attempt to no-platform Goldy would only “result in more media attention being given to an event” (LSOI 2018a).

Behind the scenes, I and a small group of colleagues in my faculty association had learned about the panel before it was announced. This gave us time to plan a way to avoid welcoming neo-Nazis to campus without feeding a media story about the “intolerant left”. We connected with Black and Indigenous student groups on campus to ensure that we had their support. Then, on the morning that LSOI announced its event, we launched an online crowdfunding campaign called “I Support a Multicultural UW” and published a blog post urging community members to express their opposition by making a small donation in support of Black and Indigenous students and leaving a comment on the donation site. Within a few hours, we had raised \$5000, and dozens of people had posted comments saying how much they valued our inclusive, multicultural university community.

Our response was swift and effective. However, the event’s ultimate cancellation arguably resulted not from our campaign, but from one of the worst mass murders in Canadian history. Just hours after LSOI announced the panel, Alek Minassian intentionally drove a van onto a crowded sidewalk in downtown Toronto (90 km away from the UW), killing 10 pedestrians and injuring 15 others. Within minutes, Goldy was on the scene, livestreaming her “report” on social media. In multiple livestreamed videos she baselessly claimed that the attacker was Middle Eastern and that officials had labelled the attack as terrorism. She also tweeted out images of tarp-covered corpses before victims’ families had been notified of their deaths (Domise, 2018). Goldy’s false and irresponsible reportage helped to fuel racist and xenophobic disinformation that was soon revealed as such. In the days that followed, Goldy was criticized in such media outlets as the *Toronto Star*, *Macleans*, and *The Guardian*.

When LSOI announced the cancellation of the event on April 26, 2018, its Facebook post about the cancellation referred to security fees and (somewhat vaguely) to the van attack:

Yesterday we were informed by the University of Waterloo that the security & police cost for this event would be \$28,500, instead of the original sum of \$1,400-1,600.

It appears as if an unanticipated “community response” is the reason for this price hike, as well as the recent tragic events in Toronto. (LSOI, 2018b)

At the UW, outside groups that book space on campus for events are responsible for security fees that are calculated not by the UW but by the local police force. The calculation is based on the size and type of event, as well as the predicted community response. Our fundraising campaign went viral and attracted attention to the planned LSOI event just as Goldy was receiving national condemnation for her predatory handling of a mass murder that had devastated the country. Given this confluence of events, the police determined that more security personnel would be required to maintain order at the Goldy-Duchesne panel.

It may well be that LSOI cancelled the event solely because it could not afford the security fees. However, the increase in fees may also have provided LSOI with a pretext to cancel the event and thereby avoid further association with Goldy. It is noteworthy that despite multiple offers of donations from its supporters on social media, LSOI did not use crowdfunding to try to raise funds to cover the security. When the security fees increased for subsequent LSOI events, the group turned to GoFundMe. In this case, though, they refrained from doing so.

Whatever the reason, by the time the event was cancelled, our campaign had raised more than \$12,000. Most of the media stories focused on the university community’s support for Black and Indigenous students rather than free speech and no-platforming. Unlike the case of the Pascal Lecture, these good news stories were reported nationally, including in the *Toronto Star* and the *Globe and Mail*. Again, though, the wide, positive coverage may in part reflect the aftermath of the van attack. Much of the Canadian public and Canadian media had been horrified by the racist coverage of the attack by far-right “journalists” like Goldy. The country was ready to be galvanized by a feel-good anti-racist campaign, and there was very little public or media appetite to defend Goldy’s expressive freedom or that of any group platforming her.

While the three incidents got very different media coverage, all of that coverage was framed in terms of freedom of expression. In the remainder of this chapter, I argue

that academic freedom is a more helpful framing, both because of universities' distinctive academic mission and because of the need to ensure that universities are just and supportive places to learn, work, and live.

Which Freedom?

The usual media framing of campus intellectual freedom stories is around freedom of expression.⁴ However, for many, if not most, of these campus stories, the more relevant freedom is academic freedom. These two freedoms are entwined but distinct. Reporters on the campus beat need to understand the difference.

Freedom of expression is extended to all persons in democratic societies. In some countries, such as the United States and Canada, freedom of expression is enshrined in the constitution. In countries like the United Kingdom and New Zealand that don't have codified constitutions, freedom of expression is protected by precedent. The primary purposes of freedom of expression are individual self-realization or self-fulfilment and the support of democracy (Dea, 2021a). Freedom of expression is not unlimited: for instance, neither threats nor libel are protected by freedom of expression. However, beyond those sorts of limits, there is no expectation that free expression requires quality control. People have the right to express their views even if they are mistaken or offensive. The point is a proliferation of views, not their accuracy.

By contrast, academic freedom is extended to a small subset of society for a specific purpose that brings with it the responsibility to engage in quality control. The purpose of academic freedom is to permit scholarly personnel at universities to conduct the university's academic mission to seek truth and advance understanding in the service of society. Academic freedom – in some places enshrined in collective agreements – provides a basis for universities to insulate their personnel from attacks over their work.

Where freedom of expression focuses on communication, academic freedom covers all aspects of scholarly work – not only dissemination, but also the choice of research questions and methodologies, the conduct of research and creative activities, the dissemination of research (including the choice about what form that dissemination should take), teaching and learning, and university library holdings *inter alia*.

Across this broad array of activities and materials, scholars maintain quality control within expert communities. Academic freedom prohibits my university telling me

what to research. But when I seek to disseminate that research, peer reviewers and editors have a duty to ensure that it meets disciplinary standards before they publish it.

Unlike bloggers who can just press “publish” on anything they write, most academics have a long trail of rejected work behind them. On one recent account, about 32% of articles submitted to academic journals are accepted, but the number is probably much lower if predatory journals are excluded (“Journal Acceptance Rates”, n.d.). Journals aim both to publish the highest quality research and to ensure that the research they publish reflects the state of the art in the discipline. Peer reviewers look at everything from the literature review to methodology and replicability to ensure that the article is careful, accurate, and original. An article that uses evidence poorly or that is just an expression of opinion untethered from evidence isn’t publishable in an academic journal. Of course, sometimes bad work gets through. In such cases, journals issue revisions or retractions in order to maintain their scholarly standards.

Peer review is of crucial importance in academia, including in academic hiring. It provides evidence that a scholar meets or exceeds appropriate scholarly standards. These standards in turn help to ensure not the mere proliferation of views but the capacity to seek truth and advance understanding according to rigorous scholarly standards.

While freedom of expression and academic freedom are thus quite different, there is overlap between them. Academic freedom at universities derives considerable support from constitutional free speech protections. Moreover, the canonical descriptions of academic freedom include defence of both intramural and extramural expression. These are two special kinds of free speech that extend to academic staff but (unlike freedom in inquiry or teaching) do not require disciplinary expertise. Intramural expression is comment about the institution; extramural expression is comment about matters outside the institution. Unlike the freedom of speech that members of the public have, these distinct academic forms of free expression, like academic freedom in general, are purposive. Protecting intramural expression supports collegial or shared governance by making it safe for professors to take part in frank discussions about university matters. Protecting extramural expression makes it possible for professors to weigh in on matters of public interest. As I often say, we want our Einsteins to be able to speak to the public about world peace, not just physics.

A purposive freedom limited to a small subset of the population may seem unusual, but most people are familiar with it in the context of media freedom. Like academic freedom, media freedom serves a social purpose.⁵ A free press provides members of the public with “accurate information and informed analysis to hold governments to account” (Government of Canada, n.d.). Media freedom permits media personnel to pursue that purpose. As with academic freedom, media freedom covers a cluster of different activities: these include the decisions about which stories to investigate and how to go about investigating them, and the form and content of dissemination. Freedom of the press also protects the media from having to disseminate messages from the state (or indeed from anyone) if they do not wish to do so.

Like media freedom, academic freedom makes it possible for specialized personnel to carry out the specific mission of a particular kind of institution. Moreover, like media freedom, academic freedom supports both the expression of some ideas and the decision not to express some ideas. Media venues and universities have both the right and the duty to make judicious choices in support of their respective missions. Just as journalistic publications are not obliged to run every letter to the editor or to accept every op-ed that is pitched to them, universities have no obligation to provide a platform to every outside speaker.

Indeed, universities have a duty to exercise some degree of quality control in keeping with the academic mission of the university, but also out of a duty of care to their employees and students. Universities are at once residential workplaces and sites of historical and ongoing inequity that continue to be places of mistrust and vulnerability for many members of equity-deserving groups.⁶ The complexities and responsibilities created by this broader context are absent from most media coverage of the putative campus free speech crisis.

Universities’ Duty of Care

Most accounts of academic freedom extend it to academic staff, but not to students, non-academic staff or the public (including invited external speakers).⁷ This means that, if any intellectual freedom applies to the latter groups, it is freedom of expression – the freedom of the town square.

I want to suggest that when we seek to understand questions of intellectual freedom on university campuses, academic freedom is the right frame for everybody – not just academic staff. This is both because students, non-academic staff, and visitors play a part in the university’s academic mission, and because academic freedom, better than freedom of expression, reflects the university’s distinctive, overlapping roles as an academic institution, a workplace, and a home.

In addition to being sites of scholarship, teaching and learning, universities are workplaces, homes, and communities. Tenants have the right to safe, liveable homes. Employees have the right to working environments free from discrimination or harassment. While the free expression framing of campus issues treats universities like town squares, in some senses they are rather like hospitals. It is usual for hospitals to impose a range of restrictions to ensure the safety and comfort of employees and patients. For instance, neighbourhoods surrounding hospitals are often designated quiet zones. In some jurisdictions, there are limitations on protests near hospitals. Likewise, universities are homes and workplaces with a corresponding duty of care to students, employees, and residents.

Further, universities are sites of historical and ongoing power and injustice. In North America, for instance, many universities did not admit women or racialized students until a few decades ago. Today, racialized, Indigenous and disabled students and academic staff continue to be underrepresented at universities. Many universities were built using the labour or the proceeds of slavery. In Canada, some universities were built with funds misappropriated from Indigenous communities. Other Canadian universities stand on unceded (that is, stolen) Indigenous land. Reversing universities’ exclusionary history and ongoing underrepresentation of equity-deserving groups requires not merely admitting underrepresented students and staff, but ensuring they are not regularly assailed by discriminatory and hateful views on campus.

Many of the campus free speech cases in the media in recent years, including the cases I discuss in this chapter, revolve around a tension between the expression of exclusionary views and the duty to support equity-deserving groups on campus. Free expression is an inadequate framework to understand and report on campus controversies because it privileges expression over duty of care. Shifting to an academic freedom

framework strikes a balance by making clear that the freedom to express controversial ideas and the duty of care to students, employees and community members are both crucial for universities to carry out their academic mission. One simply cannot trump the other. Rather, universities must do the difficult work of holding these values in balance. Correspondingly, reporters on the campus beat have a duty to understand the special character of universities and to use the right frame for campus intellectual freedom stories. That frame is academic freedom.

Applying the Academic Freedom Frame

The three events, or planned events, that I described earlier had two things in common: their university venues and their potential to cause hurt or exclusion for members of equity-deserving groups. This is a feature, not a bug, of such events.

Organizers bring events like these to campuses precisely in order to give them the imprimatur of scholarly respectability. Notice that this aim is already premised on the academic mission and scholarly quality control that are at the heart of academic freedom. There would be no reason for groups like LSOI to choose universities in particular as venues, if talks at universities did not create more credibility than talks in other settings.⁸ Media coverage that uses free expression framing rather than academic freedom framing overlooks the very reason that groups like LSOI target universities.

Further, some bad actors sponsor hateful talks on university campuses in order to provoke protest, which can then be parlayed into a media cycle about campus intolerance. By using an academic freedom framing, the media can resist this kind of manipulation while better reflecting the special nature of universities as scholarly institutions, workplaces, and homes.

Notice that such a reframing does not oblige the media to engage less critically with universities, but it does change the character of the critique. Instead of asking university officials “Why did you let protestors no-platform that speaker?” reporters might sometimes find it more appropriate to ask “Why did you welcome such a speaker on campus? How did this event support the university’s academic mission and values?”

These are not straightforwardly, or not merely, questions of quality control. Some professors sometimes do poor quality research, but their academic freedom protects their right to do it (although academic freedom does not increase the likelihood that the work

will receive ethics clearance or pass peer review). Whatever the ups and downs of their scholarly work, their professorial role is tied to the core academic mission of the university. Thus, the answer to the above line of questioning will sometimes be that the speaker has academic freedom because they are a member of the university, or that the academic unit that invited the speaker had the academic freedom to do so. Even with an academic freedom media framing, then, universities will still have a duty to defend many controversial speakers and events.

However, such a reply would not be available when outside groups rent event space at the university. Thus, any university who permitted an outside group to organize a hateful event would be answerable for its failure to maintain a safe residential workplace for members of the targeted group. That said, it is not always clear who counts as an outside group, with student clubs offering a particularly tricky case. Non-academic units like the university bookstore that invited Blatchford are likewise borderline cases. This just means that academic freedom reframing and the questioning that goes with that reframing provides plenty of scope to explore the nuances of individual cases – something that is missing in much of the reportage that is framed around free speech. Here is how academic freedom media framing might have played out in each of the above cases.

In the wake of the cancelled Blatchford reading, the media might have asked “Why did you host a public reading of a non-academic ‘true crime’ book that characterizes Indigenous protestors as lawless but neglects the colonial harms that led to the protests?” Such a question could become the basis for the university to apologize to Indigenous community members and commit to doing better. It would also support a media cycle that focuses not on a tired trope about politically correct universities, but instead on a richer story about how universities can pursue their scholarly mission in good relations with Indigenous peoples against a troubled colonial backdrop.

In the case of the Pascal Lecture, the media query might have been something like this: “Why did the university invite a speaker whose homophobic views are well documented?” Since the invitation came from an academic group affiliated with the university and since the speaker was himself a professor whose invited talk was scholarly in character, the university’s answer could have emphasized academic freedom and the

protection it affords scholars who engage in controversial scholarship. That answer would provide little consolation to 2SLGBTQ+ people, but at least the clash of values would be properly framed as one of the complexities of academic freedom rather than a simplistic and groundless privileging of any and all speech over the duty of care to employees and students. Moreover, it is good for universities to communicate to the public the complexities that are inherent in academic freedom and how the university navigates those complexities. Such communication helps to bend the stick in the other direction from simplistic free speech absolutism and keeps universities accountable to the public.

Finally, in connection with the LSOI event, we might imagine members of the media using academic freedom framing to ask why the university would allow a white nationalist event on campus. Rather than contemplate what the university's answer to that question might be, let us pause to note that if the media used an academic freedom framing for stories about campus controversies and, hence, started with questions like the foregoing, universities would be much less likely to accept such bookings in the first place.

In the current media landscape, the default assumption is that universities should prioritize free speech at all costs. This paints universities into an impossible corner. They can either accept bookings like LSOI's and permit hateful events on campus, or they can risk a media storm, with corresponding complaints from alumni and donors. It is this tight corner that leads many universities to permit these events to begin with. Reframing media coverage around academic freedom rather than free expression would mean that universities would face greater reputational damage for admitting white nationalist speakers than barring them, thereby better allowing them to fulfil their duty of care to employees and students, which in turn supports those employees' and students' pursuit of the university's academic mission.

The reframing I am suggesting not only does a better job of getting the story about universities right, it also produces better and more varied reportage. Consider the differences between the three cases: a thoughtless decision by a university bookstore to invite a journalist to read from her problematic book; an invitation by conservative Christian professors to another conservative Christian professor to give a scholarly talk; a white nationalist talk organized by grifters with no association with the university. These

are very different scenarios – the first a regrettable but remediable error in judgement; the second a standard thing that happens at universities, whatever one might think of it; the third a cynical ploy that is at odds with everything a university stands for. Free speech framing treats these cases as if they were the same kind of thing, turning three very different cases into a single kind of story. Reframing around academic freedom would produce three quite different stories, leading to reportage that is more accurate and more interesting.

The final benefit of academic freedom framing for campus stories is that by dissolving the myth of a campus free speech crisis, the new framing would permit members of the media to discern genuine threats to academic freedom. These threats include universities’ growing reliance on a precarious scholarly workforce, increasing attacks on scholars and whole areas of scholarship by governments, and state and corporate threats to institutional autonomy. At the end of the day, the real crisis at universities isn’t the cancellation of ill-judged events that were never a part of the academic mission; it is the ongoing erosion of academic freedom. It is time for the media to understand that erosion so that it can help to sound the alarm.

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Further Reading

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Notes

¹ One of the chief purveyors of this content is *The Atlantic*, which from March 2018 to October 2019, published 20 campus free speech stories in its Koch Foundation-funded The Speech Wars series. See (Dea, 2021b).

² ‘Indian’ is still standardly used in histories of the residential school system and by many Indigenous groups.

³ Named after her university, Wilfrid Laurier University.

⁴ Some advocacy groups like the Foundation for Individual Rights in Education (FIRE) and Heterodox Academy also favour free speech framing for campus controversies (Dea, 2021a).

⁵ But see the chapter in this volume by Robert Simpson and Damien Storey on differences between the two freedoms.

⁶ In his 2019 installation address, as Vice-President and Principal of University of Toronto Scarborough, Wisdom Tettey advocated reframing ‘equity-seeking groups’ as ‘equity-deserving groups’ (Tettey, n.d.).

⁷ Note though that Latin American conceptions of academic freedom typically include students. (See Pereira, 2019)

⁸ Something similar might be said of libraries, which have also been preferred venues for groups like LSOI.