

Academic Freedom in Times of Conflict

Academic freedom, like all expressive freedoms, is particularly vulnerable during periods of war, conflict, and social unrest. The widespread dismissals of controversial professors and subsequent constraints on academic discourse during and after the two world wars of the last century serve as warning that politically motivated restrictions on academic expression must never be countenanced.

Today, the war between Israel and Hamas has become the subject of increasingly intense and acrimonious debate.^[1] The nature of this debate has prompted questions about what expression by academic staff is covered by academic freedom, what limits there may be, and what institutions and CAUT member associations can do to ensure that academic freedom rights are upheld. CAUT policies provide guidance about how we can navigate these difficult questions.

Extramural Academic Freedom

CAUT's policies provide that all academic staff have the right to engage in public debate, both within and outside of their areas of disciplinary expertise. The protection, within the law, of their extramural expression, including the ability to espouse highly controversial and unpopular views, fulfills an essential mission of universities and colleges. As the [CAUT Policy Statement on Academic Freedom](#) states: "Academic staff must not be hindered or impeded in exercising their civil rights as individuals including the right to contribute to social change through free expression of opinion on matters of public interest. Academic staff must not suffer any institutional penalties because of the exercise of such rights." Consequently, any institutional reprisal against or censorship of a member for expressing, within the law, their views on matters of public interest would violate their academic freedom.

This protection extends to comments expressed through social media. The [CAUT Policy Statement on Academic Freedom, Electronic Communications and Social Media](#) emphasizes that academic freedom is not diminished when academics engage in commentary and debate on social media: "The rights of academic staff to exercise their academic freedom do not vary according to the medium in which they are exercised. These rights are as essential to academic activities undertaken electronically as to those undertaken in speech, writing, and/or other media. The right to exercise academic freedom is the same regardless of whether that exercise takes place within or outside the bounds of any particular institution."

The Limits and Non-Limits of Academic Freedom

Academic freedom has limits. It is not a license to break the law, such as libeling someone, engaging in harassment or discrimination, violating hate speech laws, or disregarding professional duties and responsibilities. It is not a defense against academic dishonesty or breach of ethical and disciplinary standards.

However, these legal and professional limits do not preclude vigorous debate, intemperate language, or sharply negative criticism. Academic staff need not be gentle, nice, or diplomatic in their expression, so long as they do not violate the law or their professional obligations.

Targeted Harassment Undermines Academic Freedom

Academic freedom does not confer immunity from criticism. That an academic may face harsh critique or condemnation from colleagues, students, or members of the public is not

in itself a violation of academic freedom. On the contrary, it is academic freedom that permits robust discussion and debate, including often pointed and heated exchanges.

However, if an academic is subject to malicious, libellous, abusive, threatening, or harassing speech, then their ability to exercise their academic freedom is compromised. In such instances, as specified in the [CAUT Policy Statement on Targeted Online Harassment of Academic Staff](#), college and university administrators have “a positive obligation to protect academic freedom” and should take decisive action to defend academic staff from such harassment. If institutions fail to defend academics from illegal harassment or true threats, they violate their obligation to uphold academic freedom.

Freedom from Political Interference

The exercise of academic freedom requires that institutions are autonomous from outside pressures and political interference. Universities and colleges have a responsibility to resist such external influence, including any attempt by governments, politicians, or pressure groups to target academic staff and students for exercising their expressive rights within the law.

Alarming, in the current political environment, some politicians have violated this principle. Ontario’s Minister of Colleges and Universities recently targeted and named several students and professors in the provincial legislature and called for them to be punished. In a [letter to the Minister](#), CAUT condemned these comments as, amongst other things, violating institutional autonomy and academic freedom.

Defending Academic Freedom

Politically controversial cases involving college and university teachers in part helped motivate the founding of the CAUT in 1951. The Cold War period witnessed many professors unjustly fired and blacklisted. Typically, academics were targeted and dismissed not because of what they taught in their classrooms or published in scholarly journals, but because of their political views and social activism.

This history shows that it is during times when political threats to academic freedom intensify, that the need for academic staff to contribute to public discourse becomes even more important. CAUT’s role is not to weigh in on the subjects being debated, but rather to ensure that all academic staff in Canada can exercise their right to engage in controversial discussion free from reprisal or penalty by the administration. For academic staff associations, collective agreement language on academic freedom provides a solid legal basis, backed up by mandatory arbitration, for the enforcement of this right. CAUT encourages member associations to closely monitor any threats emerging to academic freedom, and to bring cases to our attention so that we may collectively defend academic freedom at this critical time.