

Academic freedom, free speech,  
and fashionable hypocrisy

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First I'd like to thank Ellie, Miri and everyone for inviting me to share with you some ideas about the freedom of expression and academic freedom.

So let me start with some vignettes.

Three years ago, the Conservative government under Boris Johnson introduced its Higher Education (Freedom of Speech) Bill, drawing attention to what Universities Minister Michelle Donelan called “the growing chilling effect on our campuses which is silencing and censoring students, academics and visiting speakers”. The following year, Donelan passionately extolled “free speech, the absolute cornerstone of Western democracy . . . the beating heart on which all freedoms do rest”. The current Tory government, she said, unlike previous governments, was “standing up for free speech and the open exchange of ideas in our universities”.

The Bill was clumsily drafted and in many ways much too weak — and was weakened further, before passage, by amendments limiting alleged victims’ right to sue — but, even so, its overall effect on the higher-education sector is likely to be modestly positive.

Flash forward to October 2023. Three days after the Hamas atrocities, Home Secretary Suella Braverman urged police to “use the full force of the law” against people who “invite support for Hamas”, display Hamas flags, or even use chants like “From the river to the sea, Palestine will be free.”

Not to be outdone, Donelan, now Science Secretary, exhorted UK Research and Innovation (UKRI) — the public body in charge of research funding — to disband an advisory group on equality, diversity and inclusion because two of its members, speaking solely as individuals, had been “sharing some extremist views on social media”. What were those extremist views? One called Braverman’s crackdown on free speech “disturbing”; the other condemned violence on both sides but charged the Israeli government with “genocide and apartheid”.

The reaction in the academic community to Donelan’s UKRI letter was swift and negative. Thousands [full disclosure: including myself] signed open letters urging UKRI to resist this heavy-handed political interference. University and College Union (UCU) General Secretary Jo Grady wrote an exceptionally eloquent letter pointing out the multiple flaws in Donelan’s position. The UCU Left faction was equally impassioned:

Academic freedom, and the freedom of expression associated with it, including the right to hold controversial views within the law, is a central foundation of a functioning higher education system. Paradigms are developed, tested, abandoned and overturned by new paradigms in a process in which intellectual inquiry is at its core. To delineate [*sic*] the extent to which this intellectual inquiry can be bound is to undermine the basic idea of ‘intellectual inquiry’ itself.

As a trade union, UCU . . . must ensure that freedom of speech and academic freedom are defended and debated throughout all levels of the union. Academic freedom is central to UCU as the UK trade union for academic related, academic and researcher staff. No-one else will defend it unless we will.

But this too was an abrupt turnaround. In October 2021, when trans-activist students and staff were demanding that Sussex philosophy professor Kathleen Stock be sacked — falsely alleging that she is “transphobic” — Sussex’s Vice-Chancellor

stood up for her but her own union threw her under the bus. The union’s long “Statement in Support of Trans and Nonbinary Communities at Sussex” did, it is true, devote one sentence to conceding that “we do not endorse the call for any worker to be summarily sacked”. (Of course not: let’s sack Professor Stock after due process.) That betrayal led Stock to throw in the towel and resign. The old union battle cry, “an injury to one is an injury to all”, went by the wayside.

Nor was this a one-off. In December 2022, the Edinburgh branch of UCU called on the university to cancel the screening of the film “Adult Human Female”, contending, remarkably, that this “has nothing to do with a freedom of speech”. In October 2023, the same branch attempted to block a public event launching a book of gender-critical essays. Other UCU branches have been accused of conspiring against gender-critical members.

Also UCU Left has (or had) a peculiar view on freedom of speech. Its 2022 election manifesto proclaimed:

The Higher Education Freedom of Speech Bill has nothing to do with freedom of speech. Its effect will be to allow anti-trans advocates, Holocaust deniers, anti-vaxxers, supporters of Israeli apartheid and others to espouse their views on campuses with the full protection of college authorities.

UCU Left is thus horrified that Zionists and gender-critical feminists (tendentiously and misleadingly called “anti-trans”) should be allowed to express their views on contested social and political issues “with the full protection of college authorities”.

Nor were these just a few rogue branches or factions. In August 2022, the *Times* revealed leaked minutes showing that central UCU, with Grady in attendance, planned to “get information about how many HR and senior HR staff/consultants are gender critical and then to inform branches . . . Some of the EDI consultants are transphobes and prominent gender critical activists.”

The minutes went on: “Supporting branches in combating transphobia is important through education but there are a small core of people who are so entrenched in their views and the UCU needs to address this issue . . . It is important to look at ways of tackling these transphobes [beyond education] as they put forward hostile views which make campuses very unsafe places for trans people.”

But times have changed: now UCU is keen to defend the freedom of debate concerning Israel and Palestine — and rightly so. Has the UCU belatedly channeled its own inner John Stuart Mill and Frederick Douglass? Or perhaps (since they call themselves leftists) the great socialist revolutionary Rosa Luxemburg, who famously stressed that “freedom is always and exclusively freedom for the one who thinks differently”? Will UCU now zealously defend also the freedom of expression of Zionists and gender-critical feminists, even while disagreeing with their arguments?

Perhaps, but onlookers could be forgiven for some skepticism. After all, both the Tories and UCU have maintained a consistent position throughout: the Tories keen to protect the expression of Zionist and (after some hesitation) gender-critical views while seeking to suppress pro-Palestinian voices, the UCU doing the reverse. Their grand pronouncements of principle look like nothing more than window-dressing.

So maybe we should analyze a bit more closely the reasons that can be given in favor of the freedom of debate, and then some of the arguments commonly made in favor of limiting or circumscribing it.

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John Stuart Mill, in his famous essay *On Liberty* (1859), gave a two-pronged argument for the freedom of debate. He wrote:

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.

The first side of this bifurcation is clear: though we all naturally think that our current opinions are correct, we still ought to be willing to admit that we are not *infallible*. And that means, if you really care about truth, that you ought to be open to hearing arguments against your current opinions, and open to changing those opinions whenever the counterarguments turn out to be cogent.

The other side of Mill's bifurcation is less obvious, so let me quote Mill again:

He who knows only his own side of the case, knows little of that. His reasons may be good, and no one may have been able to refute them. But if he is equally unable to refute the reasons on the opposite side; if he does not so much as know what they are, he has no ground for preferring either opinion.

Nor is it enough that he should hear the arguments of adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations. That is not the way to do justice to the arguments, or bring them into real contact with his own mind. He must be able to hear them from persons who actually believe them; who defend them in earnest, and do their very utmost for them. He must know them in their most plausible and persuasive form . . .

Ninety-nine in a hundred of what are called educated men are in this condition; even of those who can argue fluently for their opinions. Their conclusion may be true, but it might be false for anything they know: they have never thrown themselves into the mental position of those who think differently from them, and considered what such persons may have to say; and consequently they do not, in any proper sense of the word, know the doctrine which they themselves profess.

Mill's two-pronged argument concerning the freedom of debate is in fact a crucial ingredient in legitimizing knowledge in all fields; and it's striking that, to illustrate it, Mill used an example from a subject not usually thought of as controversial: namely, physics (or as it was called in those days, natural philosophy). Here's the story: Isaac Newton published his celebrated laws of motion in 1687; and by the time Mill was writing in 1859, scientists had accumulated overwhelming evidence, from both terrestrial and astronomical observations, that Newtonian physics was correct (even to the point of predicting

accurately, in 1846, the existence and precise location of the hitherto-unknown planet Neptune). But, Mill points out, if at some point the government (or even just the scientific societies) had decided that, in view of the overwhelming evidence of the correctness of Newtonian mechanics, it would henceforth be forbidden to dispute it, then we would now have *much less reason* to believe in the correctness of Newtonian mechanics! It is precisely the fact that Newtonian mechanics has held up in the face of free and open debate that gives us such justified confidence in its correctness. In Mill's words,

The beliefs which we have most warrant for have no safeguard to rest on, but a standing invitation to the whole world to prove them unfounded. If the challenge is not accepted, or is accepted and the attempt fails, we are far enough from certainty still; but we have done the best that the existing state of human reason admits of . . . This is the amount of certainty attainable by a fallible being, and this the sole way of attaining it.

When that freedom of debate is curtailed, even true ideas stop being rationally justified. That was Mill's very important observation.

But there is an added twist to this story, which illustrates the *first* side of Mill's argument, though Mill unfortunately didn't live to see it: it turns out that Newtonian mechanics is *not* exactly correct (though it is an extremely accurate approximation in many circumstances); this was discovered in 1905, by Albert Einstein, more than 30 years after Mill's death. But this important fact might never have been discovered — or at the very least, its discovery would have been delayed — if criticism of Newton's theory had been forbidden.

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So I'd like to pass now to the arguments that people often give nowadays for limiting or circumscribing the freedom of debate.

But first let me make a trivial observation: Everyone supports the freedom of speech for people who agree with us; even Hitler and Stalin would have no complaint about that. The real question is whether, and to what extent, you support freedom of speech for people who *disagree* with you — and who perhaps disagree profoundly, on issues that concern you viscerally. Calls for restricting the freedom of expression are *always* calls for muzzling one's opponents, and *only* them: Free Speech for Me, but Not for Thee, as the American civil-libertarian journalist Nat Hentoff put it.

Furthermore, everyone agrees that the freedom of speech does not include crimes that are by their very nature committed by speech — for instance, fraud, extortion, bribery, or threat of violence — or incitement to immediate criminal acts. If Peter is holding a gun to Paul's head and Mary tells Peter to shoot, then Mary is clearly guilty of incitement to murder, whether or not Peter actually pulls the trigger. Likewise if Mary encourages Peter to shoplift.

But nowadays people surround their endorsement of the freedom of expression with many qualifications and hedges that go far beyond these uncontroversial exceptions. I'd like to examine in detail some of these qualifications, and the reasons given for them.

One commonly asserted exception to the freedom of expression is “hate speech”. Of course this term is woefully ambiguous, and its possible definitions, as well as the proper responses to such speech, have been extensively discussed by philosophers. It would be too lengthy to enter into that debate here; instead, I’d simply like to look at some contemporary real-life examples of how the “hate speech” appellation has been applied in practice.

Consider, for instance, a conservative Christian who sincerely believes that homosexual sex is sinful, and says so publicly. Is he guilty of “hate speech”? Many of the advocates of the “hate speech” exception would say yes, but on what grounds? This person *might* hate homosexuals, but if so, that would have to be proven by other evidence; there is nothing inherent in his view that entails any form of hatred. Indeed, as a Christian he might sincerely profess to *love* homosexuals and simply wish to persuade them to see the error of their ways — just as a feminist might seek to persuade a sexist, or a vegetarian seek to persuade a carnivore.

If this is pointed out, the advocate of the “hate speech” exception might concede that what is involved here is not really hate, but insist nevertheless that it involves the denial of gay people’s human rights. But is that really so? Even if one agrees (as I do) that any two (or more) consenting adults, regardless of their sex, have the right to engage in sexual relations if they so choose, asserting that homosexual sex is sinful does nothing to deny gay people that right. Gay people’s rights would be denied only if the conservative Christian argued not only that gay sex is sinful, but that it should be criminalised — as it was in the UK until 1967 — *and* Parliament enacted that prohibition into law. And even in that case, it would be the government that violated gay people’s human rights, not the conservative Christian; at most he would be guilty of advocating for a policy that in the critic’s (and my) opinion would be morally wrong.

But ought *that* be an exception to the freedom of speech? If so, people who believe that human life begins at conception would be equally justified in denying the freedom of speech to the advocates of legalised abortion. Or rather, they *would* be justified unless one added the condition that freedom of speech should be curtailed only when the policy being advocated is *actually* morally wrong — and that would raise the obvious question, who decides?

Of course, if one were to hold that gay people not only have the right to have sexual relations with any consenting adult of their choice but *also* have the right to prevent others from criticising their sexual choices, then gay people’s rights would indeed be infringed by the conservative Christian. But that is a radically totalitarian view; in a democracy, no one’s views or behaviour ought to be immune from critique. Everyone has the right to criticise, and everyone has the right to respond. Moreover, those who implicitly hold this view wouldn’t dream of applying it consistently: gay people’s sexual choices may be immune from critique, but conservative Christian theology most certainly is not.

In recent years, “progressive” advocates of censorship have applied the concept of “hate speech” in an even more extreme way against gender-critical feminists, whom they misleadingly label as “transphobic”. These feminists do not, it goes without saying, hate transgender people; on the contrary, they stress that transgender people should be free to live their lives as they wish and should be fully protected from violence,

discrimination and harassment. But gender-critical feminists disagree with some aspects of gender-identity ideology: that subjective gender identity should take precedence over biological sex in all social and legal situations; that transwomen (that is to say, biological males who consider themselves to be women) and natal women should be treated in the same manner in all situations (including single-sex changing rooms and women’s sports); or that teenagers questioning their gender identity should routinely be “affirmed” and prescribed puberty blockers. These disagreements on contested philosophical, social, political and medical issues are summarily labeled by trans-activists as “hate speech”, with a clear double aim: to discredit the gender-critical position as “prejudice” or as questioning “trans people’s right to exist”, and thereby to avoid confronting the actual substance of the debate; and, if possible, to block its expression entirely.

For instance, Saira Weiner, the recent candidate of UCU Left for General Secretary of the University and College Union, offered an eloquent defense of academic freedom and the freedom of expression, going on to apply it (absolutely correctly in my view) to recent debates concerning Israel and Palestine. But when a Twitter user — oops, sorry, I mean X user — expressed pleasure “to see a UCU candidate coming out in favour of academic freedom”, Weiner hastened to clarify that “I do not support anyone’s right to hate speech that denies or questions people’s choice to determine who they are.” Indeed, the only reference to “freedom” in her election manifesto occurs in the remarkable sentence,

We must protect the concepts of freedom of speech and academic freedom from those who seek to abuse and distort their meaning to attempt to justify transphobia.

Black is white, apparently, for UCU Left. Similar sentiments were expressed by another faction, UCU Commons. The Australian political philosopher Holly Lawford-Smith has written a detailed analysis of the question, “Is gender-critical speech hate speech?”, and I’d urge anyone who is interested to read her article.

The same tactic has, alas, also been used on the right, by those who insist that characterising Israeli government policy in the occupied territories as apartheid is “antisemitic”. Aping the “progressives” but with an opposite target, they argue not only that such “hate speech” is unprotected by law, but that universities are in fact legally obliged to *suppress* it, based on a rather extreme interpretation of the Public Sector Equality Duty in the Equality Act 2010. (Ironically, on the other side, UCU Left wants to deny a campus platform to “supporters of Israeli apartheid”.)

Similarly — as I mentioned earlier — Home Secretary Suella Braverman has urged police to “use the full force of the law” against people who “invite support for Hamas”, display Hamas flags, or even use chants like “From the river to the sea, Palestine will be free.” She asked not only whether this chant “should be understood as an expression of a violent desire to see Israel erased from the world” — an interpretation that could in *some* instances be accurate — but whether using it should “in certain contexts” be regarded as a criminal offence under Section 5 of the Public Order Act 1986, which forbids “threatening or abusive words or behaviour . . . within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby”. This is a criminalisation of political speech, tendentiously recharacterised as hate speech and harassment.

Finally, even when hatred really is involved, the law sometimes takes bizarre turns. For instance, although in the UK there is no law forbidding “hate speech” as such, there is a law forbidding incitement to racial and religious hatred. That sounds reasonable — but think about it for a second. In a democracy, everyone has the right to hate whomever they want. Alice hates TERFs and Tories; Bob hates blacks and Jews. None of these hatreds are particularly nice, if you ask me; but they are lawful, and rightly so: it is not the business of the state to be policing people’s private thoughts. Of course, some *actions* predicated on hatred are unlawful — for instance, physical violence or employment discrimination — but hatred itself is not. But it is now a crime in the UK to incite people to do something that is in itself perfectly lawful. And that is bizarre even if the crime is limited, as it is here, to situations involving “threatening, abusive or insulting words or behaviour”. (Of course, threatening behaviour can constitute a crime in its own right when it provokes a reasonable fear of immediate violence — a law that is perfectly sensible.)

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One of the oldest canards, in circumscribing the freedom of speech, is that it does not permit “shouting ‘Fire’ in a crowded theatre”.

First of all, this phrase is a misquotation. What U.S. Supreme Court Justice Oliver Wendell Holmes actually wrote was:

The most stringent protection of free speech would not protect a man in *falsely* shouting fire in a theatre and causing a panic. [emphasis mine]

Moreover, this quote comes from an ignominious 1919 decision in which, as the late Christopher Hitchens has eloquently pointed out,

[Holmes] was sending to prison a group of Yiddish-speaking socialists . . . opposing President Wilson’s participation in the First World War and the dragging of the United States into this sanguinary conflict, which the Yiddish-speaking socialists had fled from Russia to escape.

In fact it could be just as plausibly argued that the Yiddish-speaking socialists, who were jailed by the excellent and overpraised Judge Oliver Wendell Holmes, were the real firefighters, . . . the ones shouting “fire” when there really *was* a fire, in a very crowded theatre indeed.

And as Hitchens observed, “who is to decide?”

For what it’s worth, Holmes himself changed his mind after reading Zacharia Chafee’s *Harvard Law Review* article “Freedom of speech in war time”, and he dissented in a similar case later that same year. Holmes observed that

Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power, and want a certain result with all your heart, you naturally express your wishes in law, and sweep away all opposition.

But, echoing John Stuart Mill, he continued:



But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas . . . That, at any rate, is the theory of our Constitution. It is an experiment, as all life is an experiment. Every year, if not every day, we have to wager our salvation upon some prophecy based upon imperfect knowledge. . . . I think that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country.

Gradually the Supreme Court retreated from the panics of the Red Scare and, later, McCarthyism and appreciated the wisdom of Holmes' dissent. This evolving jurisprudence was finally consolidated in the 1969 case of *Brandenburg v. Ohio*, which held that all political speech — even the advocacy of violence or other unlawful conduct — is protected by the First Amendment unless it is aimed at inciting *imminent* lawless action. The rationale is simple: If an orator harangues an enraged mob and says “kill the Jews”, there is a serious danger that the mob might carry out the suggestion before anyone had an opportunity to present counterarguments. But if someone publishes an article or a tweet with the same vile message, sane people have ample opportunity to respond.

It goes without saying that this is a contested doctrine — though it is by now firmly established in American law — and people on both sides of the Atlantic are perfectly free to disagree with it and to argue against it on both philosophical and political grounds. Indeed, the current law in the UK enshrines — unfortunately in my opinion — a vastly narrower view of free speech, arising from parliamentary sovereignty and the absence of a written constitution, with only the notoriously hedged Article 10 of the European Convention on Human Rights serving as a partial constraint. The gross illiberalisms of our Terrorism Act — criminalising many forms of nonviolent political speech — are one scandalous example.

But don't ever let anyone get away with saying blandly that “freedom of speech is not absolute”. Instead, demand that they make precise *which* restrictions on the freedom of expression they are arguing for, and on what grounds. Demand that they answer Mill's two objections to restrictions on the freedom of debate. And make sure that they answer Hitchens' question: “Who decides?”

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Let me now pass to the concept of academic freedom, which overlaps with the concept of the freedom of expression but has — as many people have pointed out — some significant differences.

Freedom of expression is a general legal and moral right that belongs to all people, concerning their expression on all subjects. Academic freedom, by contrast, is a more limited concept, which belongs to lecturers, researchers and (I would also argue) students and concerns their expression on academic subjects — primarily though not exclusively within their domain of professional expertise — as well as on related social and political issues, and issues concerned with the management of their universities.

The current law in the UK defines academic freedom rather narrowly as

[the] freedom [of academic staff] within the law —

- (a) to question and test received wisdom, and
- (b) to put forward new ideas and controversial or unpopular opinions,

without placing themselves at risk of being adversely affected [by] ...

- (a) loss of their jobs or privileges at the provider; [or]
- (b) the likelihood of their securing promotion or different jobs at the provider being reduced.

The American Association of University Professors 1940 Statement of Principles on Academic Freedom and Tenure is more detailed:

1. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties ...
2. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. ...
3. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

(I would observe that this final point — concerning the responsibilities that go along with the exercise of academic freedom — is somewhat ambiguous. Are these *mandatory* responsibilities, such that failure to fulfill them would cause the person to forfeit in that instance his or her rights of academic freedom? Or are they simply *goals* that every lecturer and scholar should strive to attain? Unfortunately, the free-speech codes of some British universities are even more ambiguous on this crucial point.)

In a recent article, Robert Simpson and Amia Srinivasan have appealed to the distinction between freedom of speech and academic freedom in order to defend some instances of no-platforming: that is, “blocking, or attempting to block, an individual from speaking at a university because of her expressed moral or political views”. They point out, quite correctly, that

in the public square we tolerate the speech of flat-earth cranks, shills paid to undermine climate science, and revisionist historians who espouse conspiratorial misreadings of the evidence. As long as they don’t harass anyone we let them say their piece. But such people aren’t owed an opportunity to teach History 101 or publish in scientific journals ... It is permissible for disciplinary gatekeepers to exclude

cranks and shills from valuable communicative platforms in academic contexts, because effective teaching and research requires that communicative privileges be given to some and not others, based on people's disciplinary competence.

This is what justifies academic disciplines in amplifying the speech of experts and marginalizing the speech of non-experts. These processes are ubiquitous and routine. The professoriate decides which candidates have earned doctoral credentials. Editors of journals and academic presses exercise discretionary judgment to decide whose work will be published. . . .

...

. . . It is no intrinsic affront to the intellectual culture of the university . . . that a person should be deprived of a platform to express her views because of a negative appraisal of her credibility and the content of her views.

This is true, as far as it goes. Biology departments don't habitually invite creationists, and history departments don't habitually invite Holocaust deniers, because those people in most cases (though not all) lack competence in the field in question and employ methodologies that clash with those of the field in question (for instance, appealing to sacred Scripture rather than to observation and experiment).

And from there Simpson and Srinivasan venture — albeit gingerly — into deeper water, when they discuss the no-platforming of feminist Germaine Greer at Cardiff University in 2015 because her views were allegedly “transphobic”. On the one hand, they disapprove of this no-platforming on the grounds that

Disciplines in the humanities and social sciences that are heavily influenced by feminist theory are riven by deep theoretical divides, not just over the question of whether trans women meet the necessary metaphysical conditions (whatever they may be) to properly count as women, but also over whether that question is a legitimate object of inquiry. Some scholars with apparent institutional and disciplinary credibility — in fields like cultural studies, sociology, anthropology, philosophy, gender studies, and queer studies — will insist that the questions of what a woman is and whether trans women qualify are central to feminist inquiry. Other scholars in those same fields, with similar credentials, will insist that the question has been settled and is no longer reasonably treated as open to inquiry. . . . The fact that there is live controversy over the relevant standards in the relevant disciplines suggests, on its face, that there are not any authoritative disciplinary standards that can be invoked in order to characterize Greer's no platforming as a case of someone being excluded for lacking disciplinary competence.

But then they go on to say that

disciplinary controversies sometimes resolve. At some point it may cease to be a matter of controversy — among experts with broadly comparable credentials in relevant disciplines — whether Greer's view represents some kind of failure of disciplinary competence. If ascendant trends in feminist theory continue, it is possible that Greer's trans-exclusionary views might one day be rejected by all credentialed experts in the relevant humanities or social science disciplines.

And in that case, they imply, the denial of a platform to Greer would be justified.

But here is where we have to slow down, and distinguish between situations that are sociologically analogous but epistemically different. Consider the following two cases:

- Biology departments in the UK today do not habitually invite creationists to give seminars.
- Biology departments in the Soviet Union in the 1930s and 1940s, when Lysenko was in power, did not habitually invite geneticists to give seminars.

In both cases, the out-group was no-platformed because their theoretical and methodological commitments contradicted those of the in-group. That's the sociological commonality. But the epistemic status of the two cases is radically different. Biology departments in the UK today decline to invite creationists because there has been, over the past two centuries, free and open debate about paleontology, geology and cosmology, and it is now firmly established that the earth is several billion years old, not several thousand; that biological species, including humans, have evolved; and that Darwin's theory of natural and sexual selection gives a broadly correct explanation of that evolution. Biology departments in the Soviet Union in the 1930s and 1940s, by contrast, declined to invite geneticists because Lysenko's anti-Mendelian views were the official party line, and anyone who dared to disagree with that party line would be fired, imprisoned or shot.

So now we have to ask: Suppose that, at some point in the (probably very near) future, "all credentialed experts" in Women's Studies or Gender Studies come to agree that sex is a social construction, not a biological fact. Would that situation be more analogous to biology departments in the UK today, or to biology departments in the Soviet Union in the 1930s and 40s?

Well, there are some obvious differences between Judith Butler and Trofim Lysenko. Butler's disciples are not sending gender-critical feminists to the gulags — not yet, at least. So their *methods* for enforcing the party line are somewhat gentler. But it seems increasingly clear that there *is* a party line — not a free and open debate — and the loud calls for no-platforming are one piece of evidence of that, among many others.

The other issue — which Simpson and Srinivasan, to their credit, do address, albeit too briefly — concerns "controversies between disciplines". Even if in the Women's Studies and Gender Studies departments there is (or will soon be) unanimous agreement that sex is a social construction, in the Philosophy department that claim is vigorously contested, and in the Biology department it is understood to be radically false. Under these conditions, the Women's Studies and Gender Studies departments would be perfectly entitled not to invite Greer to speak in *their* seminars, but would they have the right to prevent the Philosophy department, or the Biology department, or a student group from inviting her?

And, finally, there is an important issue that Simpson and Srinivasan raise, but only in a footnote, and which they don't really address in any detail: namely, the question of "which fields of inquiry *qualify* as academic disciplines properly construed" [emphasis mine]. After all, they observe,

Special prerogatives are accorded to academics ... because they are required in order for academics to carry out the rigorous, technical, and specialized intellectual practices that are conducive to knowledge-creation within their disciplines.

And here “knowledge” doesn’t just mean socially shared belief; it means, as the philosophers define it, “justified true belief”. That’s an epistemic concept, not a sociological one. That’s why universities nowadays have departments of Astronomy but not departments of Astrology. (And it’s why, if you ask me, they should not have departments of Theology: because theology is not a genuine knowledge-creating discipline.<sup>1</sup> But of course no one asked me.)

So the question now arises: On purely epistemic grounds, is the Gender Studies department more akin to Astronomy or to Astrology? For instance, when questions of fact about the external world are at issue, do gender-studies scholars propose clearly formulated, falsifiable theories and then attempt to test them by gathering empirical data and analysing those data as objectively as possible? Or do they set up controversial propositions as unimpeachable truths, and then proceed from there?

OK, I think I’ve gone on for too long now. So I’d like to thank you all for your patience in sitting through this long diatribe, and to open the floor to all the comments and criticisms that you’d care to throw at me.

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<sup>1</sup>By contrast with History of Religion, Sociology of Religion, Psychology of Religion, Anthropology of Religion, Economics of Religion, and Philosophy of Religion — all of which *are* genuine knowledge-creating disciplines.