STEPHEN DAVIES
May 2021

iea

CULTURAL AFFAIRS

Paper 2

GROUNDS FOR DEBATE

The challenges to free speech in universities

Contents

About the author

Stephen Davies is Head of Education at the Institute of Economic Affairs. From 1979 to 2009 he was Senior Lecturer in the Department of History and Economic History at Manchester Metropolitan University. He has also been a Visiting Scholar at the Social Philosophy and Policy Center at Bowling Green State University, Ohio and a Program Officer for the Institute for Humane Studies in Arlington, Virginia. His many publications include *Empiricism and History* (Palgrave Macmillan 2003) and *The Wealth Explosion: the Nature and Origins of Modernity* (Edward Everett Root 2019).

Summary

- There is currently much concern with questions of freedom of speech and expression, much of it focused on the appearance of so-called 'wokeness' and its manifestations in corporate life, the media, and (most notably) the academy.

- Historically the idea of free expression was seen as dangerous or a heresy. But this has changed over the last 250 years, as a combination of technological change and active campaigns for free expression established the principle of a right to free speech. This led to the emergence of an infrastructure or ecology of places and institutions that supported it, of which the university was one but by no means the most important.

- An absolute and unlimited right to free speech and expression has never existed because that right is always qualified by other ones, including notably the very ones that also sustain free expression, such as private property, freedom of association and freedom of contract (including contracts of employment). Historically universities were not centres of free expression but were concerned with the articulation, exploration and defence of orthodoxy.

- The current problems with free speech at universities are real but overstated (as this is actually a problem primarily found in elite institutions and only in the Anglosphere) and come primarily from the lack of intellectual diversity in the sector as a whole and between institutions rather than in any one institution.

- They reflect a wider problem in society - the decay of the ecology or infrastructure built up in the nineteenth and early twentieth centuries. This decline was caused not so much by technology (which commonly gets the blame) as by the growth of both government and certain kinds of private funding, the corrupting effect of the predatory and

dysfunctional US legal system, and the increasingly intense intra-elite status competition produced by the combination of meritocracy and elite overproduction.

● Direct measures by governments to impose on universities a duty to provide a platform for speakers are an unwarranted imposition on private bodies. This illustrates the problems with government funding and the lack of genuine university independence and variety within the sector.

Introduction

Freedom of thought, speech and expression is currently a prominent topic of public debate. There are forceful claims that this freedom is under threat, not least in higher education, once thought of as the great fortress of free expression.

Increasingly, there are rejoinders to the effect that these concerns are overstated, or are merely the whining of current losers of debates. Some are moving on to argue that the value of free thought and speech is exaggerated and that it always exists in a qualified form not an absolute one, so the debate should really be about the form those limits take.

Whatever we may say about the contemporary contretemps, this is an old and recurring disagreement. Much of the pessimism is overdone (as in the related case of 'fake news') but there are also serious grounds for concern – including ones that get little attention. Thinking analytically makes all of this clearer: the key is to put abstract arguments about rights to one side and focus instead on what can be learned from disciplines such as history, sociology and economics.

Stories about the threat to free speech are a staple of the contemporary news. Many of these focus on incidents in higher education such as protests against speakers and attempts to deny people a platform or opportunity to speak (Friedersdorf 2016; Grant 2019). More recently there has been increasing concern about the wider phenomenon of what is usually called 'cancel culture'. This is actually a question begging term but it is usually understood to mean a hostile environment in public debate, particularly on social media such as Twitter, in which the expression of opinions that dissent from an orthodoxy leads to abuse, social ostracism and being driven off such outlets and silenced. There is also concern that expressions of opinion by people in their private capacity can, if they attract

the attention of the online would-be censors, lead to both social shaming and the loss of employment (Romano 2020). Finally, there is alarm over the degree to which public argument is corrupted by the impact of new technology and the perceived spread of fringe and cultish ideas and belief systems, particularly when these become associated with actual political movements (Smith 2019).

Much of this concern is either overstated or misunderstands what is actually happening. That is not to say that there is no cause for concern – there is – but that the things that attract a lot of media attention are not the ones we should be most worried about. As ever, historical perspective aids in understanding both where we are now and how it compares with the past.

The brutal reality is that for most of recorded history the idea of open discussion and free speech - at least as far as the common people were concerned – was a heresy. In most historic states and eras, the public doctrine and the general attitude are that it is a bad idea to allow people to believe whatever they like and an even worse one to have them express the ideas that they have. This general rule is also usually qualified however. One important example is the principle of *Quod licet Jovi, non licet bovi* as Romans used to say. In other words, those of high status are allowed greater licence than those of average or lower status.

One common form this takes is tolerance of scepticism of religion and other important beliefs among the elite, as long as they keep those opinions to elite circles. This found expression in the argument of people such as Charles Maurras that social stability and tradition required that most people be religious believers (preferably Roman Catholics) but it was alright for members of the intellectual elite like himself to be atheists. Another example was the prosecution of Annie Besant and Charles Bradlaugh for circulating a work on birth control in a cheap edition – the problem was making it available to the working classes (it had long been available in an expensive edition).

In addition, people in certain social roles are often allowed more room to think and say things that would bring censure on others. The fool at the royal court was an example but sometimes scholars and clergy were given greater liberty (although sometimes the opposite was true – they were supervised more closely). The final exception to the general principle of restraint was that much freer speech than the norm was tolerated in certain protected spaces or at certain special times - such as carnival, or the feast

of the Lord of Misrule in medieval and early modern Europe. The idea of a location where the bounds of speech are wider is important for contemporary debate because of the idea that the university in particular is such a place, or at least should be.

However, in most developed countries the position that there should be freedom of thought and expression is nowadays the orthodoxy. For some time, robust defences of the need to control thought and expression and the benefits of doing so have not been made. Few people now would mount a full-throated defence of the Index of Forbidden Books for example (for someone who does, see Vermeule 2017). Instead, we get arguments that are frequently disingenuous, to the effect that while freedom of thought and speech is desirable in the abstract it should not apply in certain cases or under certain circumstances.

Freedom of thought

The reason for this shift in the official pieties about freedom of thought is a complex story. The main element, which was both a cause and effect of the shift, was the sustained innovation of all kinds that is the central feature of the modern world. Freedom of thought and speech of a certain degree was essential for this to get started and then sustain itself. This meant, amongst other kinds of change, technological innovations that made effective freedom of thought and expression easier. (For example, the powered and rotary printing press). So, there was a self-reinforcing cycle. Many powerful people have tried to allow free discussions of science and technology (because of the benefits in terms of economic growth and military power) while restraining the conversation in other areas (for fear of the social and political consequences), but experience so far suggests that this is not sustainable.

Alongside what we may call the spontaneous change in attitudes and practices towards speech brought about by technological innovations there was also sustained political and intellectual campaigning. This took the form of campaigns against official censorship and controls and also against entrenched social attitudes and practices. It is easy to forget how hard-fought these were and how recent many of the victories were. In many places this long-term change went along with a decline in the social and political importance of organised religion, given the importance of that as a source of both tacit and explicit barriers to free thought and speech. What the campaigns over specific questions did was to lead to the articulation of generalised arguments in favour of those freedoms, which remain familiar. These arguments in turn were the basis for further objections to controls or limits, so once again a positive feedback loop was created. Finally, alongside the now elaborated arguments was the emergence of institutions that embodied and realised freedom of thought such as the press, publishing, the book trade, the other media (particularly radio and

television, and more recently social media) and (perhaps) educational institutions, above all universities. This also included the appearance of other places and institutions that facilitated discussion even though that was not their primary purpose, from pubs and social clubs, to hairdressers and beauty salons (Oldenburg 1989).

Limitations on speech

Speech is still subject to limitations, however, and these come from the very institutions that in other ways make free discussion possible. The first of these is property. One of the rights making up the bundle called 'property' is that of being able to regulate or prohibit certain kinds of speech and expression. To take an everyday example, any person has the perfectly legitimate power to prohibit certain kinds of speech or expression in the house that they own. This can be extended to corporate persons or property-owning institutions such as companies or universities. Ayn Rand made this point in her discussion of the Free Speech Movement at the University of California, Berkeley in the 1960s, arguing that there was no right to free speech on somebody else's property - in this case the university's (Rand 1971: 47). (This argument had added force in her case since she was a strong proponent of a Lockean notion of natural rights). Similarly, a company or employer has a perfect right to regulate or ban certain kinds of expression on company property. As Rand pointed out, this does raise problems where public space and property are concerned, but in predominantly market-based societies this is not a general problem.

The second is the role of institutions or corporate bodies, and the powers that they have over members or employees as a part of their function. In the case of companies as employers this is straightforward. When someone enters into a contract of employment the contract may include stipulations as to what the employee may say or express in the way of ideas and opinions, in their capacity as employees or while on company property or business. In this case a distinction is made between this area, which is regulated, and what the employee does in their private capacity outside their employment, which should be their business rather than the employer's. In many cases though there is a prohibition against 'bringing the employer into disrepute' and this is trickier because of the difficulty of defining what this means and the possible result of the employees surrendering the

ability to express themselves as they wish *anywhere*. Quite apart from the wider impact on open discourse should this become widespread, there is the separate point that this is an unwarranted extension of private power over individuals into areas that are appropriate only for governments – if even then. (This point is made extensively in Anderson 2019). In recent times there have been increasing examples of corporations and other employers trying to control their employees' speech (in the shape of spoken words, tweets and emails) in this way.

The historical basis of university freedoms

The major institutions however that are relevant for contemporary discussions of free expression are educational ones, above all universities. Most of the angst and alarm focuses on them, although they are starting to shift to concerns about public debate and conversation in general. The focus is on arguments that universities are or should be the central institutions for free enquiry, speech and discussion and that these functions are being systematically undermined. When combined with wider social developments, it is feared that this will restrict conversation and debate of all kinds, intellectual and political. This is because higher education is thought to be critical in maintaining a dynamic balance in society between free discussion and the social rules that both enable and constrain it. The reason is that the university is held to be a special place, where there is greater latitude for expression and argument than in society at large. Thus, they are the places where intellectual innovation and debate of all kinds can happen before it then spreads out into wider society. Is this accurate though? The answer is that historically it was not, but it did indeed gradually become so in the last hundred and fifty years.

Universities are, in their origins, self-governing communities of scholars with a corporate identity that is recognised in law (Rashdall 2010). They are found in several of the world's great civilisations in slightly different forms (Lee 2000). The mission is everywhere the same – to pursue scholarship and to thereby increase knowledge and understanding. In the twenty-first century understanding this means that scholars, university faculty and students should be free to express themselves in almost any way and to explore and develop and debate all sorts of ideas, including ones that are regarded by the wider society as subversive or blasphemous. The only limits should be the respect given to fellow intellectuals so that

they have an equal right to speak, and the universal limits against speech that deliberately incites criminal acts or provokes immediate danger. Universities are therefore special places with a special function, to push debate and discussion to its limits in every field of study and thought. In their corporate capacity they are self-governing and self-regulating, while the position and income of members is unusually secure with dismissal allowed only for a very limited range of egregious breaches of professional standards. This is meant to protect dissenting scholars from sanction by university administrators or their colleagues.

This is the theory, and in many parts of the world it has been the reality since the end of the nineteenth century. However, it was not the norm historically. The dominant historical view of the university's function was indeed that of discussing and exploring ideas and arguments so as to come closer to the truth or at least to identify the uncertainty. But the underlying presumption was that there was a definite Truth that was known in outline at least – the job of scholars was to refine that Truth and fill in the details. This body of True knowledge was identified with the claims of revealed religion (particularly in the Christian and Islamic civilisations) or with an authoritative tradition (as in the intellectual traditions of Hinduism, Buddhism and Confucianism).[1]

The first was more restrictive but both ways of thinking imposed strong limits on what could be done in an institution of higher learning. Their mission was to explore, refine and strengthen an orthodoxy. We can see this until as recently as the nineteenth century in the UK, when members of the two ancient universities of Oxford and Cambridge were obliged to sign the Thirty-Nine Articles of faith and undertake that all of their teaching and writing would conform to their principles and doctrine. This meant that only those prepared to subscribe to the tenets of orthodox Anglicanism could be members of Oxford or Cambridge. There was a similar requirement to comport with the principles of the Church of Ireland at Trinity College, Dublin, and to those of the Kirk at the four ancient Scottish universities. Exactly the same pattern was found at universities in the Catholic parts of Europe, both before and after the Reformation, with conformity to the doctrine of the Church by scholars supervised by orders such as the Jesuits and Dominicans (and ultimately the Holy Office).

---

1   For the Confucian case see Glomb, Lee and Gehlmann (2020).

The university as an arena of protected and unrestrained debate is actually one of the more recent achievements of the movements for free discussion that were referred to earlier. Until as late as the 1900s most of the real exploration and discussion of ideas did not happen in institutions of higher learning. It happened instead in the pages of the press, above all the very varied and intellectually heavyweight periodical press (Shattock 2019). It also took place in the plethora of private discussion and debating societies and in several important social institutions, above all the pubs and clubs or associations.

In nineteenth-century Europe, public discussion was more varied and widespread because it took place in a much wider range of institutions in both an informal and formalised way. Moreover, in Britain the response of those excluded from participation in the intellectual life of the university, both Catholic and Dissenter, was to create their own institutions. Initially there were Dissenting Academies and many of these developed into institutions that ultimately were given university status, such as the constituent parts of the University of London. Roman Catholics for their part created institutions such as University College Dublin, founded in 1854. This pattern of setting up institutions to explore dissent was a recurring feature of Chinese history as well.

Challenges to free speech in universities

If we look at the complaints being made (typically by conservatives but increasingly by people from the centre-left as well) on both sides of the Atlantic we can see that they have three main elements. The first is over pressure from students to have certain forms of speech either hedged about with warnings or even banned outright (Haidt and Haslam 2016; Friedersdorf 2016). In some cases, the pressure from students takes the form of physical protests and attempts to prevent talks from taking place. The second is that of pressure or sanctions against academics by university administrators, in response to either pressure from the student body or to a media furore (usually on Twitter) over things said or supposedly said by a member of staff (McCulloch 2020). This is more serious than the first because students do not actually have power – it is only the administrators who can act and impose sanctions. Third, particularly common in the USA but increasingly heard in the UK and Commonwealth, is that of ideological uniformity among faculty – they may not have to formally subscribe to a contemporary version of the Thirty-Nine Articles but they might as well. This complaint is well founded – there are many surveys of American faculty for example that show a remarkable degree of political consensus among them (Maranto, Hess and Redding 2009; Jaschik 2017). The three specific complaints are united by a more general observation, which is that on the evidence of university students, younger people are peculiarly intellectually fragile and unwilling to confront ideas that they find uncomfortable and challenging (Haidt and Lukianoff 2019).

What should we make of this? The first point to make is that as regards the first two elements of complaint, these are genuine, but overstated. The number of actual incidents is small in proportion to the size of the sector and the number of students. The incidents that happen attract a

lot of attention, but that is because they are in fact unusual (Grant 2019). Moreover, if we look at the actual events a very clear pattern emerges, which is that they overwhelmingly happen at elite (and in the American case, very expensive) institutions. This is clear in the United States where prominent incidents have happened at top twenty research institutions or leading liberal arts colleges but hardly ever at state institutions, much less community colleges. A similar pattern can be seen in the UK, where the major incidents have happened at Cambridge, Oxford and parts of the University of London. This strongly suggests that many of the ructions about free speech in higher education are not internally generated but arise from something going on outside the university in wider society.

What though about the third, and better founded, concern, over the ideological uniformity of faculty? In this connection the points already made about companies also apply to universities, as does the one about property. University administrators who are (in theory at least) acting on behalf of the corporate body of the institution as a whole can perfectly correctly prohibit certain kinds of speech or even specific content of speech if they wish to. In addition, many universities still have a specific corporate mission such as officially Catholic ones where part of the institution's mission is to teach and explore the Faith as defined by the Church. In such cases it is perfectly appropriate for the institution to say that certain kinds of view or argument are incompatible with that mission and cannot be expressed by faculty members if they wish to remain members of the faculty. Many in higher education today seem to have a similar view that the university's role is to promote and explore a particular vision of the truth or at least to systematically exclude certain views and perspectives (heresies in other words). The precise content of this orthodoxy is what is being debated, hence the heat and argument.

This suggests that the problem is not lack of intellectual diversity within the faculty of any one university. The problem is lack of such diversity *between institutions*. If higher education (including journals) had the range of intellectual diversity that we find in the press or think tanks then the fact of one of them having above 90 per cent of its faculty with the same kind of political views would not matter anything like as much. People do not think it is a problem that socialist views are not published in the *Daily Telegraph* or conservative ones in *the Guardian*. If an orthodoxy has become established then the thing to do is to imitate dissident Confucian scholars or nineteenth century Dissenters and to set up separate and independent institutions. What is not appropriate is the kind of legal

intervention proposed in the 2021 Queen's Speech in which universities would be subject to sanctions such as fines if they 'deplatformed' a speaker. Intervention of that kind is an intrusion of political power into the internal affairs of a private body and would be rightly resisted if it were attempted elsewhere. There is an argument that governments have a right to do this because they fund so much of what universities do, but this just illustrates the point Rand made, that public funding undermines university autonomy and the correctly understood role of such institutions. The real problem, as said, is not that people are barred from any one institution but that the ideological orientation of the whole range of institutions is so similar.

Why though is the response of creating new, alternative institutions on the Confucian or Dissenter model not done? There are two reasons. The first is the overwhelmingly dominant role of government funding in higher education, even in the USA. A heterodox institution would have to eschew all of this, to the extent that government is aligned with the dominant orthodoxy, and this is a serious disincentive for both investors and possible faculty. The main reason though is the second one, which is the main role of higher education in the contemporary world. This is not scholarship or research or debate but the certifying of young people so that they have a chance of access to highly paid and high-status roles (Caplan 2018). This is why students are prepared to pay large sums of money in tuition and accept the opportunity cost of taking three or four years out of the paid labour force. This actual function of higher education creates a high barrier to entry for those thinking of creating new institutions in the way nineteenth century Dissenters and Catholics did. The problem is that without official recognition they would not be able to perform that function. They would still be able to function as communities of scholars engaged in study, research, teaching and debate, but not enough students are currently prepared to pay for that. If an institution cannot play its part in certification, it will not attract enough students or other private finance, as well as not getting government money.

This is part of a wider problem

This means that there may be problems of free discussion and expression in contemporary societies, but that it is a mistake to focus too narrowly on higher education as the centre of this problem. Rather, that is where a wider problem is manifesting itself most dramatically. What though is that wider problem? In very general terms we can identify several major aspects or facets to it. The first is the one just identified, the way the combination of government funding (and increasingly also corporate funding) and the meritocratic labour market has corrupted the purpose and nature of the academy. Another is the impact in this area of the predatory and dysfunctional American legal system.

Many of the actions against free expression at present come not from governments but rather private firms and institutions such as university administrations. These are driven in many cases by the fear of costly lawsuits brought in the US and this means that any firm that trades in the US, or has business relations with institutions there, will be affected by this. In the case of the academy, particularly in Anglophone countries, the problem is the enormous influence of the US higher education system on its counterparts worldwide, particularly at the elite level.

Indeed, we can clearly see that if there is a problem of attempts to constrain speech in 'liberal democracies' (as opposed to overtly authoritarian states such as China, where this has always been a feature of the regime) it is one with its epicentre in the United States. There it is a part of the wider phenomenon of the progressive crisis of the American political and social order, which we can see working out in real time in news bulletins. Much of this is peculiar to the US and grows out of that country's particular history and institutions, but other elements are found elsewhere as well. It is just that these phenomena are more pronounced in the US, or, alternatively, they have been exported from there to the rest of the world.

The mud fight

The first thing to note is that we do not have an overwhelmingly powerful movement imposing a set of norms and limits on thought, much as some would like to see it that way. The whole point is that there is enormous controversy and debate - that is why this topic is constantly in the news. What is actually going on is an argument about where the boundaries for acceptable speech should be, with provocateurs on all sides trying to push the boundaries out in the direction they favour while looking to push it back on the side they oppose. There are at least two such groups that want to restrict freedom of expression significantly, for a range of putative reasons. One is a form of populist conservatism. The other, which gets more attention, is a species of radical leftist politics that has intellectual roots in post-modernism and critical theory. Both of these competing factions see themselves as embattled and edgy, in conflict with an establishment, while being portrayed by their opponents as themselves powerful and agenda-setting. The reality is more like a confused mud fight, with intellectual and political tendencies putting a huge amount of effort into trying to define and enforce new limits on what is acceptable and to then tighten them.

It is vanishingly unlikely that any one of them will succeed in doing this in a contemporary developed society. That is because there are many people and (more importantly) resources opposed to any one position. In addition, new technologies have made it much easier for dissenting views to find expression by reducing the direct cost of expressing them, in the way that the rotary printing press and linotype did over a hundred years ago. If any single intellectual faction seems to be gaining the upper hand it will provoke organised dissent and the creation of rival institutions (news networks, journals, think tanks, educational institutions) on the part of its opponents. This could be dealt with by resort to censorship and overt force, but so far few people are advocating this. The overwhelmingly likely outcome will be a process of 'pillarisation', with the consolidation of distinct intellectual and cultural cultures (Wikipedia 2020). This would be better than outright authoritarian censorship but would still be costly in terms of reducing the amount of cultural and intellectual innovation that takes place.

Right now, one of the competing factions is particularly noisy and aggressive and is increasingly provoking a response from others, beyond its mirror image on the populist side. Why though is this faction (the so-called 'woke' or 'social justice' left) in particular making so much noise? This has a

sociological explanation. It is because the people who collectively form this movement are from a distinct social formation, members of which are disproportionately found in certain places and institutions, above all the mass media, social media and academia. This is the class of graduate professionals who are the product of a small number of elite institutions (they are themselves a subset of the wider social class of metropolitan graduate professionals). Because people from this class origin occupy a massive preponderance of positions in the media, including publishing, and also academia, and play a crucial role in contemporary politics, their concerns and agitations receive disproportionate attention.

So, the mud fight over the location of the limits to speech has two fronts. One is between the graduate professional class in general and the opposition it has provoked in the shape of a so-called populist politics. The other is within the professional class, between a majority committed to a kind of generic liberalism or social democracy and a militant minority that espouses a collection of positions and beliefs including a form of identity politics that manages to somehow combine radical subjectivism, a form of essentialism and radical environmentalism. This is a competition for social status within what is an elite. It is fierce for a simple reason. The source of position within this social formation is by using accreditation from top ranked institutions to get high-status jobs and roles. The problem is that there is an overproduction of qualified graduates and not enough positions, leading to a competition which increasingly has a generational quality. Why though should this take the form of an argument about what is said at universities?

Intra-class conflict

One reason is that several of the key institutions of the so-called 'new class' are ones centrally involved in the production and dissemination of ideas, such as universities, publishing and the media. Limiting what can be said and purging dissenters is a way of winning the struggle to control access to these increasingly valuable positions. This spills over into other important forms of employment for the professional graduate class, such as management in corporate industry and public services, where the tension caused by an increasing supply of qualified people and stagnant or declining numbers of positions is also becoming acute.

This is a materialist explanation based on people adopting strategies in accordance with economic interests. The other explanation is ideas-

driven and relates to the dominant idea of the contemporary educational world - which is a central belief for the professional class - the idea of meritocracy. In this, success is down to merit, defined as talent plus effort and measured by academic attainment. One problem is that the system in practice works in ways that advantage some social groups and disadvantage others, which in terms of the belief itself is seen as illegitimate. Another is that merit in this way of thinking means not just demonstrated ability but moral standing and praiseworthiness. It is this that explains the emphasis on purity of thought that is such a feature of current arguments. One way of showing that you have more merit than someone else who has the same formal qualifications is to show that you have greater virtue and purity or praiseworthiness and are therefore more deserving while they are not. Arguments about what should or can be said are a way of demonstrating this while trapping the unwary who find they have not kept up with the programme.

This kind of intra-class conflict and political tension plays out in arguments over expression and attempts to limit it. It would be no more than an amusing spectator sport were it not for other features of the contemporary world, which have weakened the social framework for free thinking and expression that developed over the last three hundred years. One is the way that the university and a relatively small number of media outlets have become the dominant location for the more unrestricted exploration of ideas. If we compare the present situation to that of even fifty years ago, it is clear that there has been a dramatic decline in the number and range of places where discussion takes place.

Most important is the decline of the 'third place' - locations that are neither workplace nor the home and which are also not public but not private in a strictly exclusive sense (Oldenburg 1991, 2000; Lasch 1995). In theory this has been replaced by the internet, with chatrooms and message boards providing a replacement for the pubs, beauty parlours and barbershops. However, there are obvious differences between the physical face-to-face contact and exchange of third places and their virtual counterparts and it is not clear that the latter can ever be a complete replacement for the former. One problem with the internet and social media is that while the content is far more diverse and pluralistic than that of the older media, there are only a small number of platforms or providers. There is only one Twitter or YouTube, no matter how many people tweet or post. This has two obvious risks, that the platforms will be regulated by the state on some pretext, or that the platforms themselves will act to restrict speech and

expression. It is the second that has increasingly happened but demands for the first are growing.

It is that decline in pluralism and range that is the real threat to free and open thinking and discussion. The transformation of the university's purpose and its involvement in the intra-class manoeuvring that is going on and in which competitive virtue-signalling is so important is a part of this, but this would not be such a difficulty if there was more pluralism as far as institutions for discussion and expression of ideas were concerned. This situation has a number of causes as we would expect for a complex phenomenon. One is technology and in particular the impact of the specific technology of television. Another is the role of government and the way in which government funding and subsidy has crowded out more varied but less lucrative private provision. This is most obvious in higher education but we can see it elsewhere, even for example in stand-up comedy. Nor should we simply blame government here – the role of sponsorship and subsidy by large private firms has also played a large part. All of this is exacerbated but not caused by the dysfunctional politics that meritocracy increasingly leads to.

The kind of free thought and discussion that we have in the modern world and which is in such marked contrast to the historically normal situation can be defended straightforwardly on economic grounds, without any need for recourse to foundational principles such as rights. It is essential for, even the central part of, the process of sustained innovation that has transformed the world and brought enormous benefits. As such, its benefits clearly exceed the costs and it should be supported and guarded. This does not mean though that there can be or should be an 'anarchy of free expression', if by that is meant a situation with no rules or institutional framework.

Just as other social institutions such as markets and language depend upon a range of institutions, social structures and conventions to function, so the 'marketplace of ideas' or, perhaps more accurately 'the conversation of mankind' is embedded in and structured by a range of social norms and institutions. Part of the way in which parts of the world moved from the historical norm to the more expansive conversations of modernity was through the spontaneous development by voluntary action and cooperation of a range of institutions that facilitated free discussion and expression, as well as the reform of older ones such as the university. It is this ecology of thought that has become impoverished and is in danger of becoming,

if not a monoculture, then several distinct and separate conversations with only limited communication and cross-fertilisation. This all suggests practical action that can be taken, which is in the first instance to look to recreate and sustain those informal institutions and to look for ways to reduce barriers to entry in other areas, both old (such as universities) and new (such as online platforms).

References

Anderson, E. (2019) *Private Government: How Employers Rule Our Lives (And Why We Don't Talk About It)*. Princeton University Press.

Caplan, B. (2018) *The Case Against Education: Why the Education System is a Waste of Time and Money*. Princeton University Press.

Friedersdorf, C. (2016) The Glaring Evidence That Free Speech Is Threatened on Campus, *The Atlantic*, 4 March (https://www.theatlantic.com/politics/archive/2016/03/the-glaring-evidence-that-free-speech-is-threatened-on-campus/471825/).

Glomb, V., Lee, E-J. and Gehlmann, M. (eds) (2020) *Confucian Academies in East Asia.* Leiden: Brill.

Grant, J. (2019) Threats to Free Speech at University Have Been Blown Out of Proportion. *The Times,* 5 December (https://www.thetimes.co.uk/article/threats-to-free-speech-at-university-have-been-blown-out-of-all-proportion-wg9f66nmq).

Haidt, J. and Haslam, N. (2016) Campuses Are Places for Open Minds – Not Where Debate is Closed Down. *Guardian,* 10 April (https://www.theguardian.com/commentisfree/2016/apr/10/students-censorship-safe-places-platforming-free-speech).

Haidt, J. and Lukianoff, G. (2019) *The Coddling of the American Mind: How Good Intentions and Bad Ideas are Setting Up a Generation for Failure*. London: Penguin.

Holland, T. (2019) *Dominion: The Making of the Western Mind*. London: Little, Brown.

Jaschik, S. (2017) Professors and Politics: What the Research Says. *Inside Higher Ed*, 27 February (https://www.insidehighered.com/news/2017/02/27/research-confirms-professors-lean-left-questions-assumptions-about-what-means).

Lasch, C. (1995) *The Revolt of the Elites: and the Betrayal of Democracy*. New York: Norton.

Lee, T. H. C. (2000) *Education in Traditional China: From the Beginning to CA 1900*. Leiden: Brill.

Maranto, R., Hess, F. and Redding, R. (eds) (2009) *The Politically Correct University: Problems, Scope, and Reforms*. Washington, D.C.: AEI Press.

McCulloch, M. (2020) Liked Tweets Nearly Cost Me My University Job. *UnHerd*, 29 June (https://unherd.com/thepost/liked-tweets-nearly-cost-me-my-university-job/).

Oldenburg, R. (1989) *The Great Good Place: Cafes, Coffee Shops, Community Centers, Beauty Parlors, General Stores, Bars, Hangouts, and How They Get You Through the Day.* St. Paul: Paragon House.

Oldenburg, R. (1991) *The Great Good Place*. New York: Marlowe & Company.

Oldenburg, R. (2000) *Celebrating the Third Place: Inspiring Stories about the 'Great Good Places' at the Heart of Our Communities.* New York: Marlowe & Company.

Rand, A. (1971) The Cashing-In: The Student Rebellion. In *The New Left: The Anti-Industrial Revolution*. New York: New American Library.

Rashdall, H. [1895] (2010) *The Universities of Europe in the Middle Ages: Volume 1.* Cambridge University Press.

Romano, A. (2020) Why We Can't Stop Fighting About Cancel Culture. *Vox,* 25 August (https://www.vox.com/culture/2019/12/30/20879720/what-is-cancel-culture-explained-history-debate).

Smith, J. (2019) *Irrationality: A History of the Dark Side of Reason*. Princeton University Press.

Shattock, J. (ed.) (2019) *Journalism and the Periodical Press in Nineteenth-Century Britain*. Cambridge University Press.

Vermeule, A. (2017) A Christian Strategy. *First Things* (https://www.firstthings.com/article/2017/11/a-christian-strategy).

Wikipedia (2020) Pillarisation (https://en.wikipedia.org/wiki/Pillarisation).

The Institute of Economic Affairs
2 Lord North Street
London SW1P 3LB
Tel 020 7799 8900
email iea@iea.org.uk