

## **Asking the Right Question: Academic Freedom, Diversity, Inequality, and Student Flourishing in Higher Education**

Amanda Udis-Kessler, unpublished essay, M.L. King Jr. Day (January 17), 2022

When academic freedom and support for racial or other kinds of diversity in higher education come into conflict, faculty and administrators are usually quick to affirm that such dilemmas involve competing moral goods and that the problem is one of balance. Academic freedom is, of course, to be highly cherished and protected; diversity is to be sought after and prioritized. The challenge becomes one of making sure that academic freedom and diversity are both taken seriously, of finding a way for them to coexist, however uneasily.

In this brief essay, I propose a different way of engaging with both terms, one that I believe still protects academic freedom to a great extent while challenging the idea that academic freedom is inherently and always a morally good thing. (This essay focuses only on issues of academic freedom in the classroom, not on the relationship between academic freedom and scholarship.)

To put academic freedom in its proper context, we need to begin with the valuing of diversity, and to put diversity in its proper context, we need to begin with a much broader point. Academic freedom and diversity are both principles. Most approaches to ethics are built around principles: virtue, duty, care, freedom, justice. Ethics and politics meet around principled values such as equality and rights, and some political language, such as couching opposition to abortion as “pro-life,” similarly claims a principle at its core.

As meaningful as principles are, they do not always help us parse the morally right thing to do, nor do they necessarily lead to politics that are good for people. The problem with principles and values based on them is that they can be claimed by multiple sides of an ethical or political debate. I recall a right-wing slogan from decades ago, “Family rights forever! Gay rights never!” People opposed to gun safety laws often couch their opposition in terms of “gun rights.” States with “right to work” laws are notably bad for employees, as such laws free employers from certain obligations to their employees. Freedom can mean the “freedom to marry” (“marriage equality”) or the freedom to pollute the water, soil, and air. If we want to understand whether a principle is good or bad for people, we need to clarify the context in which it is being used and the implications of its use. Which is to say, we need to ask whether reliance on a particular principle leads to human well-being or human suffering, to planetary flourishing or planetary suffering.

This approach to ethics begins with people rather than principles, asking whether a particular principle or value, belief or action, practice, law, or institution helps or hurts people – and, at least as importantly, who benefits and who pays a price.

Freedom is not a universal value in the United States, for example. White people are freer to speed while driving, to open carry, to browse slowly through stores while shopping than Black people. Men are freer to have whatever kind of sex lives they want without judgment or consequence than women. People in male-female relationships are freer to be open about who they love than people in same-sex relationships. For white people, men, and people in male-

female relationships in these examples, their freedom specifically involves a lack of negative consequences; for Black people, women, and people in same-sex relationships, the consequences of engaging in these actions can be brutal and even fatal. Freedom is not evenly distributed; it is proportional to how valued we are as people based on the social groups to which we belong.

If our goal is to help all people have good lives, as I believe it should be, we need to start with the conditions under which people can flourish, rather than with the principles themselves, since any principle can be used in ways that support flourishing or that lead to suffering. A principle (or value, action, cultural norm, or institution) is morally good insofar as it leads to well-being and morally problematic insofar as it leads to suffering.

We can apply this ethical approach to the debates over academic freedom and diversity. Why do we care about diversity? What is good about diversity? There are various answers, but any answer that does not grapple directly with the reality of systematic inequality (racism, class inequality, and sexism, among other forms) misses a key point.

Why do our institutions of higher education need to pay attention to diversity in the first place? Why were they not diverse to start with? Why is diversity an aspirational goal rather than the normal order of things? Both historically and sociologically, the answer comes down to the complex cultural and institutional workings of systematic inequality, in the past and today. Diversity may be a way for all students to prepare to live in a complex world with different kinds of people, and it may be a way to get a greater range of ideas on the table, always good for problem-solving. But ultimately, in a society in which race, class, gender, and other identities can either limit or expand life options profoundly, diversity is a commitment to enabling all students (and faculty and staff) to flourish, especially those who are not yet present in sufficient numbers at our institutions. To value diversity in the abstract without treating it as a response to systematic inequality is to care more about the principle than about the people involved. To value diversity as a statement about, protest against, and challenge to systematic inequality means raising questions about any other principle that might limit diversity's importance or the ability of institutions to prioritize diversity.

This point leads us back to academic freedom. Why do we care about academic freedom? What is good about academic freedom in the classroom? These questions might seem ridiculous, but it's worth articulating both the values and potential limits of academic freedom (which is conceptually and legally more limited than "free speech," though we could have the same conversation about free speech more broadly). Academic freedom is good because it enables professors to structure classes in ways that they believe will maximize student learning and growth. It enables professors to discuss intellectually and emotionally difficult topics and to help students discuss such topics. Academic freedom protects professors from being punished for having unpopular opinions in situations where such opinions can enhance student thinking. In these ways, academic freedom helps professors to flourish, and it provides them space to help students flourish.

That said, academic freedom, like any principle, can be used in ways that harm as well as ways that help. Some opinions are unpopular because they devalue certain students; when academic freedom is used to protect professors from the consequences of devaluing students, especially

students from groups penalized by systematic inequality, academic freedom becomes a moral problem. Some topics are difficult because they treat as a legitimate possibility the claim that people from some social groups are intellectually, morally, or otherwise inferior to people from other social groups; when academic freedom is used to justify devaluing a group of people, it becomes a moral problem. Some classes are structured in ways that reproduce inequality, as with the assigning of materials that reinforce racism, sexism, heterosexism, or other forms of inequality; when academic freedom is used to legitimate such a course structure, it becomes a moral problem. Put simply, academic freedom is a moral problem when it harms students, especially students from devalued groups that face systematic inequality. Academic freedom is a moral problem when it is used to reproduce systems of inequality and protect professors from being held accountable for causing harm.

If we begin with the idea that a key goal of higher education is to help all students flourish, and if we take seriously the claim that systematic inequality limits and damages flourishing, and if we further agree that academic freedom can be used either to deepen the well-being of all students or to reproduce systematic inequality, we wind up with the right question, the question that will help us understand both the value and limits of academic freedom.

The right question about academic freedom in any given classroom situation is simply this: Is academic freedom being used in a way that helps all students – especially students that face systematic inequality because of their group identities – to flourish? To extend the question: is academic freedom helping all students learn? Is it helping all students understand the world and how to negotiate it? Is it empowering students whose agency has been limited by inequality? Is it inspiring students to understand the world's failures so that they can work to improve human and planetary well-being? Is it surprising students with hope, with insights, with a sense of possibility that does not rely on some people being more highly valued than others?

Academic freedom in the service of these goals and values is indeed a profound moral good, and one that is not in tension with diversity, for diversity (done right) shares these goals.

Academic freedom used to reproduce inequality, to justify harm, or to protect the person causing the harm, is a moral problem. Academic freedom used in these ways is deeply in tension with diversity, for it functions to support inequality and therefore to limit the well-being of some students.

Admittedly, this is an unusual way to think about academic freedom. I offer it here not with the expectation that it will receive widespread agreement, but rather in hopes that it will invite different questions and raise the possibility of different criteria with which to evaluate the uses and abuses of a deeply cherished, profoundly important, and sometimes worryingly problematic concept. Protecting academic freedom is important; protecting student well-being is more important. Our work, and our opportunity, comes in discerning how to do both at the same time in service of creating societies where academic freedom is fully free because it is never harmful.

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