

**Prof. Dr. Judith Butler, University of California, Berkeley**  
**Tuesday, 24 April 2018**  
**Scholars at Risk Global Congress in Berlin**

### **What is Free and Open Inquiry?: Academic Freedom and Political Expression**

I am pleased to be here today to speak at the *Scholars at Risk* conference with so many people who have dedicated themselves to expanding the network of support for scholars who find themselves subject to censorship, imprisonment and exile; who have lost their positions and worry whether they will ever find again institutional support to carry on their research and their teaching. For many, they have not only been deprived of their academic position on the basis of their political viewpoints, or sometimes on the basis of conjectured or attributed political viewpoints and affiliations they do not have, but they have also lost their vocation. An academic position can be lost for many reasons, and another one can sometimes be found, but for those who are forced to leave their country and their position of employment they also lose their communities of belonging and forfeit a vocation for which they have worked for years.

A vocation names the accumulated history of a life of research, its direction, and its commitment: one thinks and studies a certain way, one is dedicated to a form of inquiry and a community of interlocutors and collaborators. A faculty position makes it possible to pursue a vocation; it provides the crucial infrastructural conditions for writing, teaching, and research; it pays the salary that sets a life free to pursue dedicated work in one's field. Scholars in exile lose as well their ability to work in their own language or in their own country; they lose the power and freedom to pursue their passion, their commitment, the scholarly trajectory of their lives.

A scholarly career can be destroyed by universities or governments on the grounds that the content of the work, real or imagined, is determined to be a threat to existing powers. Perhaps it was the syllabus for a course or the topic of a dissertation thesis that one advises that brings down the wrath of the state; or perhaps it was occasioned by the political positions one has taken within the university or outside its walls – unionization, demilitarization, opposition to nationalism. Those political positions are distorted by the censors, and by those with the power to destroy a career and expel a citizen; these positions are the exaggerated, demonized, and sensational version of the political positions that the scholar may hold. For instance, a call for democracy is interpreted as sedition; a call for peace mutates into an alliance with terrorism; a call for freedom is taken to be a call to violence. As we know, the actual political viewpoints for which scholars are punished can be directed toward a government or its policies or toward the university and its unfair practices, its modes of exploitation, or its use of the security police to quell open inquiry and public discussion, to conduct surveillance, its ties to corporate or state interests that lead it to police its faculty. And we know that it can be the university that censors and dismisses the faculty, or the regional government, or the state, or a complicitous alliance among these authorities.

It matters whether we are speaking about academic freedom or the freedom of expression – and I will turn to that in a moment. The punishments for both, however, take several forms: incessant harassment, threats of violence or actual violence, blacklisting, surveillance, overt or covert censorship of publications, internal hearings or public trials with no due process, open threats, dismissal, and expulsion from the university, from the country, or from both. For scholars at risk

it is, yes, a faculty or research position that is destroyed, but when it is also a vocation, it is a form of life threatened with dissolution, the time and space in which that life has flourished, the country and language in which one has undertaken one's work, the collaborations that take years to form. To understand this we need only think of the two decades of legal persecution against Pinar Selek faulted not only with teaching and advising on the Kurdish question in Turkey, but falsely associated with an explosion in a market without any empirical support for the claim that the explosion was a bomb, but also no empirical evidence to link her to the incident. Evidence is manufactured or distorted, or academic topics are considered so incendiary that the life of the researcher is imperiled. At least three faculty members in gender studies at the Federal University of Bahia were threatened with their lives for working on the topic of gender, specifically the gendered division of labour in the workplace – indeed, increasingly the vicious attack on the so-called “ideology of gender” by right-wing Christian opponents has threatened scholars in many countries. Or consider Mohamed Habibi in Iran whose support of teacher unionization landed him in prison. We are gathered here to reaffirm a commitment to those individuals who suffer in all these ways.

Let us consider for a moment the difference between academic freedom and rights of political expression. Both rights of academic freedom and extra-mural political expression require institutional structures and support within the university, and they require a commitment from universities to support those freedoms. Indeed, the task of the university is undermined when both of these freedoms are imperiled. And though we consider each case of a scholar at risk separately, they are bound together by a larger problem, namely, that universities have either failed or lost the power to safeguard these two freedoms. To exercise that power, that obligation, the institution must resist forms of external intervention which would seek either to control academic inquiry or punish extra-mural speech.

Today I will argue that these two distinct and interlocking freedoms are not only critical tasks of the university, but that the university loses its integrity when external attacks on those freedoms prove successful. We are here in part to know the harm in the present and the future, and to consider how best to organize against the destruction of freedoms which strike at the heart of the university itself. Let us then keep in mind the International Association of Universities, who has argued that it is central obligation of universities to protect academic freedom and to protect and promote those forms of inquiry, however agonistic, that allow for knowledge about the world in its many vicissitudes. Let us add to that a second principle, namely, that scholars ought not to be subject to censorship or retaliation on the basis of their political expression within the public sphere.

As academics today, we can only defend academic freedom by holding educational institutions accountable to its norms and by supporting those organizations that seek to protect academic freedom when colleges and universities fail to uphold those ideals, or have been deprived of the power to uphold them. Academic institutions tasked with keeping critical inquiry open must resist the interventions by state and religious authorities, by corporate funders or granting institutions to intervene in the university and mandate what subjects and courses ought to be taught and valued, and what subjects and courses may not. If and when the government or any other external power intervenes with political interests in the university to mandate or censor its curriculum, its direction, its standards, then the autonomous judgment of the faculty is undermined, knowledge is restricted and distorted by political censorship or corporate interests (or by the university's alliance and complicity with corporate or state interests). When that

intervention is not stopped, the exercise of the freedom to think becomes punishable. And when and where the university loses its autonomy to make such decisions on its own because the state or the corporate funder or the religious power has entered into the university to decide the question of which knowledge is valued and which devalued, which is safe and which is dangerous, then the autonomy of faculty to decide the curriculum, the aims of research, the topics for debate, is undermined or destroyed. And when administrators ally with those external powers who seek to undermine the autonomous judgment of faculty, they participate in the destruction of their own institutions by allowing political pressure to restrict the freedom necessary for thought, the freedom of thought itself, for they are restricting the open-ended inquiry that defines this very specific form of freedom we call “academic” and withdrawing the infrastructural support it requires. Moreover, academic freedom presumes and fosters contesting intellectual views, for only through open and engaged contest does thinking become more nuanced, more grounded, more persuasive, and even more closely allied with the pursuit of truth.<sup>ii</sup> Hence, when that vital contest of viewpoints is suppressed, this, in turn, suppresses the critical potential of thought that the university is obligated to keep alive.

Academic Freedom and Freedom of Expression are not the same.<sup>iii</sup> The professional activities pertaining to one’s academic position should be protected by academic freedom. The extra-mural utterances any of us make about the world we inhabit, the institutions in which we work, or any matter of public concern are should be protected by rights of free expression – that does not mean that academic freedom permits any kind of expression in the classroom, nor does it mean that all political utterances are equally protected as legitimate political expression. And still, however internally complex these rights are, and no matter how open-ended the debate about their limits and meanings, they constitute principles that must be defended – indeed, the open debate about their meaning and limits should be one way that we both enact and defend these principles for an open-ended contest of ideas is precisely one of their aims. The focus of our concerns, however, are those forms of expression that are considered so threatening to an existing power that it resorts to forms of detention, threat, termination of employment, and forced exile to keep that viewpoint from being expressed. Or, perhaps we should think about it this way: the viewpoint is publicly punished through termination of a contract or expulsion from a country precisely in order to strike fear and terror into the hearts of those who might consider taking a public and critical stance toward that same power. Although the figure of a “wall” separates academic freedom from political expression, it is a porous wall with windows and doors; the light of the outside casts its shadow within; and the intensity of work within those walls often outside spills out into the halls and onto the streets. That is, in fact, one way to define a good academic seminar.

A consideration of both of these two freedoms elucidates the global obligations of universities in the present time to oppose censorship, the criminalization of knowledge, and the destruction of the vocational life of those who come under attack for their real or imagined viewpoints. Universities have obligations to many publics; not only to their local, regional, and national communities, but to the broader global community, and that is not partially because research now depends on global exchange, translation, and international publications. Abiding by international norms of academic freedom should become a norm so that the erosion or destruction of that principle remains a global commitment. Indeed, only an expansive and vigilant global solidarity of higher education institutions can illuminate and defend these two interlocking freedoms, object to the persecution of scholars, and seek to stem the tide of growing anti-intellectualism and censorship, the open and shameless contempt for open inquiry that insists on telling histories

of the subjugated that governments would prefer no one knows. By insisting on the freedom of thought under conditions of constraint, we give support to those who would question the legitimacy of unjust political forms – including the political structure of the university itself when it offers its fate to corporate interests or state powers – those who pursue forms of knowledge that contest established beliefs that support racism, misogyny, the exploitation of workers; those who think critically about authority, power, and violence; who struggle for the unionization of academic work, for critical inquiry that refuses to ratify state ideologies.

Academic freedom is a right, a power, within the university and only to the extent that it is exercised and guaranteed within its institutional forms. The right does not precisely belong to the individual – it is not a personal liberty - but emerges from the compact made between the institution and the faculty member, one that must be rigorously protected from intervention from the external authorities. In fact, it is a compact between the academic researcher, the university, and the state, for the state must accept the academic freedom of institutions and agree to restrain themselves from intervention into matters that only those appointed within the university are entitled to decide. Since scholars, however, are also citizens – or members of the public – with their own concerns about public life, they are entitled to extra-mural speech, speech that happens outside the walls of the university, public speech that expresses political viewpoints on any number of political issues, including the actions and policies of states themselves, the actions and policies of the university. If and when public speech is critical of the state – and those criticisms can range from specific state policies to the legitimacy of the state itself – then what guarantees, protects, or enables such speech?

Academic freedom includes the provision that academics are entitled, like all citizens, to engage in political expression in the public domain. In the case where extra-mural expression takes the form of political dissent against authoritarian regimes, the university has an obligation not to let the state inside the door of the university. The resistance of the university to external political interference demonstrates the relation between academic freedom and the idea of the university as a sanctuary where police are not welcome. As we know, sanctuary is a vanishing ideal within the new security state, but one worth reanimating not only for scholars at risk, but for the undocumented and those who engage in political dissent – in other words, all those who have reason to fear the state by virtue of their precarious position in these times.

This brings us to political dissent. In principle, a state must allow for the expression of dissenting views, even when those views criticize the policies or the legitimacy of the state itself. And yet, we know that many states fail to hold consistently to this principle, all too quickly identifying public criticism of the state with treason or a threat to security. [Ideally, a government should commit itself to transparency and welcome open scrutiny of its own decisions and policies, its laws governing citizenship and migration, its entrenched forms of discrimination against racial and religious minorities, is one that holds itself accountable to its citizens.] Open and public criticism of a state can become political dissent when it is voiced by a citizen represented by the state, but it becomes a different kind of political critique when it is voice by those who are deprived of citizenship or others who live outside its borders. The practice of critical inquiry cultivated in the academy often looks suspect to those states which seek to shield themselves from public criticism or open political opposition. They transmute their fear into destructive power, and censorship and retaliation are too often the consequences.<sup>iv</sup>

We would not be gathered here if censorship had not worked to destroy voices and careers, had not been effective in dispossessing scholars and exposing them to precarious economic conditions. And yet, censorship as a form of power shows its weakness: it indirectly admits the deep fear that censoring authorities have of the power of speech, of critique, of open-ended inquiry, which can and does include calling into question the justification for governmental actions, raising the question of what is just and what is unjust. We can see that overtly authoritarian regimes – and they seem to be on the rise – permit open critique of the government only when they are sure that critical thought has no political power. Censorship is always an indirect confession of fear. The censor exposes himself as a fearful being. He fears speech, and seeks to contain what he imagines to be the power of another’s speech. His fear attributes to speech a power that speech may or may not have. Fearful, he seeks to produce fear in others. And when the censors start to come after the seminar, unionization, heterodox views, new forms of study that call into question established forms of economic and social domination, then we are getting the message: they fear thought, they fear the political power of thought in speech, they fear that critical inquiry protected by academic freedom sustains deep alliances with open political contestations of authority? Are they right to fear this?

In a sense, yes, authoritarians have grounds to fear both sorts of freedom, academic freedom and the freedom of political expression. Since only when the state is restrained from intervening in the censorship or punishment of academic work regardless of how it represents the state, and only when the state is restrained – or ideally restrains itself - from taking retaliatory action against those who exercise rights of political dissent, can both of those freedoms flourish. So if the regime opposes freedom, then they have every reason to fear those who claim rights to freedom.

Although academic freedom and freedom of political expression are not the same, punishing academics for their real or imagined political power tells us something about the role of universities within democratic life. Yes, universities produce ideas that have a life of their own; the free circulation of those ideas is part of democratic political culture, and the protection of that very circulation is an obligation of democratic societies. Perhaps the structured form conflict that defines academic freedom implies a broader conception of how to approach conflict resolution in other domains. Scholars invariably disagree, and their disagreement is crucial to the growth of new fields and new knowledge. Cultivating productive forms of conflict is what we seek to do both within the walls of the university as we pursue knowledge and outside those walls as we engage in furthering democratic practices of debate and contestation within the public sphere.

When our Turkish colleagues, 1128 of them signed their Petition for Peace in 2016, they sought to reanimate a diplomatic negotiation between the Turkish government and the Kurdish political movement. They stood for speech, for a diplomatic negotiation between two groups and opposed violent conflict. They asked for demilitarization, for a dialogue that would be open, difficult, oriented toward achieving a form of reciprocal engagement in which violence would become a thing of the past. But for the Erdoğan regime, the call for peace by these academics could only be construed as an alliance with Kurdish militants cast as terrorists. They were accused of making propaganda that supports terrorism. The call for peace could only be interpreted as support for violence when the political map consists of two violent positions and nothing more. The effort to break out of that framework to imagine peace was immediately resituated within the logic of war. More than 69,000 students are behind bars; more than 5,000

academics have been purged from their positions, and 15 universities have been shut down. And when Palestinian and Israeli scholars call for the end to the occupation or when they affirm the Palestinian right to political self-determination, even the right to return, or call for a boycott as a non-violent means to bring the state into alliance with international norms, why are they not regarded as searching for a peaceful resolution to an ongoing form of colonial rule? Instead, they are accused of treason and of seeking a violent overthrow of the state. It appears that for those who are at war, for those who cannot think outside the framework of war, the critique of war can only be heard as a war cry. And what about the Iranian scholars who have been jailed or expelled, and the great threat to higher education now taking place in India where the support for the rights of the Dalit can land a scholar in jail? What we call open debate or freedom of speech is cynically construed as an excuse, a ruse, an instrument for an opposition party to destroy the authoritarian. Authoritarianism is fueled by the desperate passion to amass power and to censor not just explicit political expressions of opposition, but to stop politically oppositional speech before it even has a chance to be heard.

Academic freedom relies on democratic public institutions, and democratic forms of government that are committed to the principle of non-intervention by states, religious authorities, and corporate powers on issues related to the production and dissemination of knowledge. Thus, the struggle for academic freedom belongs to a struggle for democracy. Academic freedom belongs to the university, and yet universities belong to their locations and polities. And the walls are, yes, more porous than legal distinctions sometimes allow.

What the authoritarian seems to fear is that some thought openly discussed in a university seminar will move outside those walls, and they are right to fear the circulation of ideas that are in the main unpredictable and uncontrollable. And they are right to fear those ideas that contest the legitimacy of authoritarian rule, or fascism, or racist regimes since once the unjust character of those regimes is openly demonstrated and discussed, once public life is given to those forms of intellectual critique, people may well identify and oppose unjust rule and rise up to demand the end to injustice.

This leads me to a final question: what obligations do governments and institutions have toward those who have been forced to leave their scholarly careers, their homes, their networks of kinship and their friends, their countries, for fear of persecution or arrest on the basis of their real or imagined political views? The task is, in part, to fortify national organizations dedicated to defending academic freedom, which includes the right to extra-mural political expression, but another task is to build transnational ties, new modes of cooperation that share wealth, workspace, community, and which give scholars at risk a new way to imagine and pursue their vocational future. We should create the widest possible network of solidarity dedicated to the right to think and speak which is an integral part of the power of freedom itself. Together, we must think further about the kind of support, financial, institutional, and cultural, to be offered to scholars who have lost the guarantee and the conditions upon which freedom relies - both their academic freedom and their freedom of political expression. A multi-lingual and multi-regional alliance is called for, one that provides sanctuary when universities or governments become persecutory, that supports freedom of expression in the face of its criminalization. Against this persecution of the free mind that exposes a life to destitution, we must find and form a mindful and vital solidarity, one willing to make public its judgment of what is just and unjust, one with the power to unleash freedom as a contagious ideal.

---

i <https://iau-aiu.net/>

ii For instance, an hypothesis never knows in advance whether it will turn out to be true. It is an imagined possibility, a wager, a way of asking a group of thinkers to consider together whether the thesis put forward stands a chance of being true. Hypotheses happen across the disciplines. They are not flights of fancy, although they engage the imagination, and they constitute a free operation of thought. It is free because it is not immediately constrained by established ways of knowing; and yes, it is conditioned by history, by the course and stage of our thought, the resources available for thinking, and the language in which we think. Hypotheses are, as it were, invitations to imagine together without preemptive restrictions with the hope or perhaps only a felt sense that valuable or true knowledge can be discovered through this means.

iii See Joan Scott's lucid essay on this distinction: <https://www.aaup.org/JAF8/free-speech-and-academic-freedom#>.

iv We can express political viewpoints in the classroom, but because it is a classroom, they are subjected to contestation and debate, questions about how they are grounded, whether they are coherent, and what might demonstrate or refute the claim. Since in the classroom we seek to understand what grounds the viewpoints that we have, and we subject them to critical scrutiny. *Critical scrutiny is not destruction* – although it is as likely to lead there as to affirmation. It is a form of engagement that centrally involves the operation of critique, namely, what grounds do we have to accept what is put forward as true, and how would we justify to one another the claims we seek to make? When we claim that a discussion is a “critical” one, we do not mean that it is purely negative. We mean only that we willingly subject our views to contestation in order to ground them more persuasively and justifiably or even to change or abandon them, if they cannot be adequately demonstrated. When we speak about the *critical* potential of the university, we refer precisely to this open-ended contestation in which the grounds for judgment are examined and evaluated, and we hold each other accountable for the claims that we make, and we make room for one another to pursue an unfinished thought, a mode of experiment, a new way of thinking.