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Philosophical Perspectives on Education Policy

How can universities promote academic freedom? Insights from the front line of the gender wars

Judith Suissa and Alice Sullivan

WILEY

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Written by leading general philosophers and philosophers of education, IMPACT pamphlets bring philosophical perspectives to bear on current education policy in the UK. They are addressed directly to policy-makers, politicians and practitioners, though will be of interest also to researchers and students working on education policy.

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Editorial introduction

The UK Government's *Higher Education (Freedom of Speech) Bill* (2021) is currently progressing through Parliament. The purpose of the bill is to strengthen free speech and academic freedom in higher education in England. If passed into law, it will give the Office for Students (OfS) new powers to monitor and enforce freedom of speech in universities, introduce a complaints system and redress for breaches of free speech duties, extend those duties to student unions, and require the appointment of an OfS Director of Freedom of Speech and Academic Freedom.

In his introduction to the White Paper that preceded the bill, then-Education Secretary Gavin Williamson writes:

> *There are some in our society who prioritise 'emotional safety' over free speech, or who equate speech with violence. This is both misguided and dangerous… The rise of intolerance and 'cancel culture' upon our campuses… directly affects individuals and their livelihoods. Students have been expelled from their courses, academics fired and others… forced to live under the threat of violence. These high profile incidents are but the tip of the iceberg. (DfE, 2021, pp.4-5)*

Much of the controversy surrounding the bill has focused on the question of whether the 'rise of intolerance and cancel culture' in universities is as steep or as troubling as the Government suggests. Doubters have pointed to OfS statistics indicating that, in 2017–18, 'only 0.09 per cent of the total number of event requests made under an external speakers process were refused permission' (OfS, 2019, pp.10-11). Former Education Secretary David Blunkett is sceptical about the scale of the problem and the need for legislation to address it: 'if there is a small problem, and I think there is, sorting this out should be entirely down to

the university and the student unions' (Weale, 2021). Jack Ballingham, a Student Union Officer at the University of Durham, insists that the bill 'addresses a problem which is largely confected, jumping at the shadows of 'cancel culture' and 'no-platforming' generated by a media class intent on whipping up a moral panic around academia and universities' (Ballingham, 2021).

In *How Can Universities Promote Academic Freedom? Insights from the Front Line of the Gender Wars*, Judith Suissa and Alice Sullivan shed important new light on this question. To determine whether or not universities are facing a crisis of academic freedom, they argue, we need to attend to the detail of specific cases. And when we look closely at 'the contemporary reality of suppression of debate on sex and gender', there can be little doubt that the crisis is real. The evidence catalogued by Suissa and Sullivan of suppression of research, of blacklisting, harassment and smear campaigns, of no-platforming, disinvitations and shutting down of events, is incontrovertible. The recent experience of scholars and students wishing to discuss 'the material reality and political salience of sex' makes complacency about academic freedom a luxury we cannot afford.

Suissa and Sullivan set out a powerful argument for the role of academic freedom in pursuing truth within the academy and developing democracy beyond it. They effectively counter attempts to narrow the scope of academic freedom so as to render it compatible with no-platforming. And they lay out a series of practical steps administrators can take to ensure that universities are 'places where an expansive and pluralistic intellectual climate prevails'.

This is a timely and compelling intervention in a vexed but urgent public debate. For their clear-sighted diagnosis of where and how academic freedom has been eroded in our universities, and for their judicious account of what must be done to rebuild it, Suissa and Sullivan deserve a wide and attentive hearing.

* * * * * *

This is the twenty-seventh IMPACT pamphlet. Written by leading general philosophers and philosophers of education, the IMPACT series brings philosophical perspectives to bear on education policy in the UK. Pamphlets are addressed to policy-makers, politicians and practitioners, though will be of interest also to researchers and students whose work has a policy focus. IMPACT is an initiative of the Philosophy of Education Society of Great Britain.

Previous pamphlets have tackled issues across the spectrum of education policy. Pamphlets on the organisation, management and distribution of schooling include Harry Brighouse's on educational

equality, Mary Warnock's on provision for pupils with special educational needs, Janet Orchard and Christopher Winch's on initial teacher education, and Matthew Clayton and colleagues' on the regulation of faith schools. New perspectives on curriculum subjects are set out in Kevin Williams' pamphlet on modern foreign languages, Philip Barnes' on religious education, Andrew Davis' on the teaching of reading, and Robert Eaglestone's on the study of literature. And ways for schools to address challenging topics in the public eye are explored in Mary Midgley's pamphlet on intelligent design theory, David Archard's on sex education, Michael Hand's on patriotism, and Randall Curren's on character education. A full list of previous titles can be found at the end of this pamphlet.

Each IMPACT pamphlet is launched with a seminar or panel debate at which the issues it raises are further explored. Launches have been attended by government ministers, shadow ministers and other MPs, by representatives of government departments, non-departmental public bodies, professional associations, trade unions and think tanks, by education journalists and researchers, and by teachers and students.

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Michael Hand
IMPACT Editor

Overview

- In recent years, universities have faced novel threats to academic freedom, driven by a new authoritarianism among some political activists both within and outside universities, and exacerbated by the opportunities that social media and global connectivity provide for the policing of speech and research. Institutions have struggled to understand and address these new challenges.
- It is common to hear academics dismiss the idea that there is a crisis of academic freedom without engagement with the empirical detail. We focus on the specific and highly topical issue of the silencing of discussion on sex and gender, although the threat to academic freedom extends beyond this issue. We believe that the facts of specific cases are important and illuminating. In order to argue that there is a real crisis of academic freedom facing universities in Britain and more widely today, we need to be able to describe, in detail, exactly what is going on and why it is a problem.
- While no-platforming of guest speakers often attracts attention and is a focus of recent policy and academic debates, it is a symptom of a wider chilling climate. The suppression of research, publication, teaching, and discussion is a more systematic and difficult problem than no-platforming. The role of harassment and bullying in undermining academic freedom has not been well understood by university leaders and managers.
- The pursuit of knowledge and truth are central to the mission of universities, and underpin principles, policies and laws on academic freedom. Our defence of academic freedom is based on (a) the importance of engagement with others and of sharing ideas and evidence for a community of scholars and students and (b) the importance of knowledge as a public good in a democracy. Universities have a duty to vigorously uphold these values.

- The boundaries of academic freedom are highly contested. We argue against attempts to restrict the scope of academic freedom by appeal to either disciplinary authority or unexamined notions of 'harm' or 'safety'. Ironically, campaigns of silencing and harassment precisely prevent the possibility of the university as a 'safe space' for open discussion.
- We recommend a number of steps university managers and leaders can take in order to maintain the university as a pluralistic space which welcomes diverse views:
  - avoiding institutional endorsement of ideological viewpoints
  - educating staff and students on academic freedom and productive disagreement
  - promoting collegiality and tackling harassment
  - providing security of tenure
  - signalling institutional support for academic freedom
- In an era of polarised political discourse, often fuelled by and fuelling 'outrage mobs', universities should be places where an expansive and pluralistic intellectual climate prevails.

1. Introduction

In recent years it has become common to see newspaper headlines, blog-posts and articles warning about a 'crisis in academic freedom'. Equally common are publications by authors arguing that there is no real crisis, and that the claim that there is forms part of a right-wing push-back against progressive ideas and scholars within universities or a manufactured 'culture war'. Debates over the legitimacy of expressing particular moral and political beliefs within universities and the relationship between individuals' beliefs and their academic work are, of course, nothing new. The limits of academic freedom and its relationship with free speech are the subject of considerable academic literature within philosophy and legal studies (see, for example, Barendt, 2012; Fish, 2014; Hudson and Williams, 2016; Lackey, 2018; Menand, 1996) and are frequently played out in the public realm in response to contemporary cases, such as the recent cases of David Miller at Bristol (Hall, 2021) or John Finnis at Oxford (Sherwood, 2019). In recent years, the prevalence of social media and its use by students and academics has presented new and complex challenges.

We focus here on a set of issues at the front line of these conflicts, namely questions regarding sex, gender, and gender identity. As a philosopher and a sociologist, we aim to elucidate the costs of curtailing discussion on fundamental demographic and conceptual categories. We argue that these costs are educational in the broadest sense: constricting the possibility of shared learning and knowledge production, which in turn are vital to a functioning democracy.

Philosophical arguments regarding academic freedom can sometimes appear removed from the real conflicts playing out in contemporary universities and it is common to hear academics dismiss the idea that there is a crisis of academic freedom without engagement with the empirical detail. Many authors of texts on academic freedom write at a level of abstraction; others reach for hypothetical examples or historically

famous landmark cases. Direct engagement with the contemporary reality of suppression of debate on sex and gender is rare, and some authors have admitted to us that they avoid this topic as it is just too difficult. Thus, ironically, the failure of writers on academic freedom to get to grips with the issues involved in one of the current focal points of struggles over academic freedom and its limits, is itself a further indication of the extent of the crisis.

We will argue that current conflicts around sex and gender are not about trans rights per se, which we fully support, and which are already protected under current UK legislation, but about the imposition of ontological claims underlying a particular ideological position. Often associated with the intellectual traditions of post-modernism and Queer Theory, this position entails denying the material reality and political salience of sex as a category, and rejecting the rights of women as a sex class (Jones and Mackenzie 2020). Disallowing discussion on these points is a feature of and, as we will argue, fundamental to a prominent strand of activism associated with this position, which we will refer to here as gender identity ideology. Academics and students who have insisted that sex is a real and socially significant category have been subject to harassment. Most prominently, the philosopher Kathleen Stock felt compelled to resign her post at the University of Sussex following a three-year campaign of harassment.

Academics and students who have insisted that sex is a real and socially significant category have been subject to harassment

In Britain, these questions have taken on a particular urgency in the wake of the Government's recently announced plans to protect freedom of speech and academic freedom in universities through a set of measures, laid out in the 2021 Higher Education (Freedom of Speech) Bill. In response to announcements of these measures, which include appointing a 'free speech champion' to regulate England's campuses, the National Union of Students have stated that there is 'no evidence of a freedom of speech crisis on campus', and the Russell Group of leading universities has issued a statement expressing concerns about universities' institutional autonomy.

Discussions about academic freedom involve moral, political and conceptual questions, touching on issues to do with the relationship between individual academics and institutions, the relationship between universities and governments, and the role of universities in society. In developing our own position, we do not claim to have resolved these debates once and for all; indeed, part of our argument is that these discussions are ongoing and demand constant, rigorous engagement by

the academic community. What we hope to establish, through reflection on and analysis of the contemporary situation, is that dismissing concerns over academic freedom as 'manufactured' or politically motivated is both short-sighted and dangerous. Understanding what academic freedom is and why it matters is vital for universities to continue to function as public institutions concerned with education and research, and the costs of failing to robustly defend academic freedom have political implications that transcend left-right divisions.

2. Academic freedom and free speech

Discussion of the related ideas of academic freedom and free speech is a thread which runs through the paper, as, while these notions are conceptually distinct, they are intertwined in significant ways in universities.

Academic freedom is often described as a 'foundational value' in Higher Education (Harland and Pickering, 2010; Davies, 2015), and is enshrined in the charters and statutes of most universities. The legal underpinning of the associated rights and duties, in the UK context, is the Education Reform Act 1988, section 202(2)(a), which states: 'Academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions'. In addition to this level of protection of individual academics from undue interference by their employers, academic freedom is also commonly understood to operate at the level of the institution, protecting the autonomy of universities against interference by governments and other external agents.

While the right to academic freedom is not synonymous with the right to freedom of speech, scholars differ in their interpretation of the relationship between these two ideas. In particular, questions can be posed about the parameters of academic freedom, and whether it should extend to the sphere of extra-mural speech. As Lackey and others have noted, these questions have become more pressing in the age of social media (Lackey, 2018). In this context, Moody-Adams has argued that academic freedom constitutes a framework of professional rights, including '(1) the right to determine the content of research and publication, (2) the right to make important decisions about the content

and terms of teaching, and (3) the right to speak or write as citizens without fear of institutional censorship' (Moody-Adams, 2018, p.36).

Academics in UK universities are protected by the legal frameworks of both academic freedom and the right to freedom of expression. The right to freedom of expression is enshrined in the Universal Declaration of Human Rights (Article 19), which states that 'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers'. The Education Act (No. 2) 1986 (Section 43) requires universities to 'take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers'.

However, while the principles of free speech and academic freedom can be seen as 'symmetrical and overlapping, not synonymous' (Olivas, 1993, p. 1838), neither of these principles translates into an unrestricted right of individuals to say whatever they like.

As the phrase 'within the law' in the above legal text indicates, there are significant constraints on these freedoms, in line with existing legislation on the prevention of disorder or crime, protection of the reputation or rights of others, and protection of national security and public safety. The Criminal Justice and Public Order Act (1994) expressly forbids communication which is 'threatening or abusive, and is intended to harass, alarm, or distress someone', and similarly the Racial and Religious Hatred Act (2006) forbids the harassment of individuals and incitation to racial or religious hatred. But these unlawful acts are narrowly defined and require in general either 'threatening, abusive or insulting words or behaviour' or conduct that 'creates an intimidating, hostile, degrading, humiliating or offensive environment' for another individual, with particular reference to the protected characteristics under the Equality Act 2010.

In practice, as we argue below, academic freedom is intertwined with free speech, as the free exchange of information and ideas, both within clearly defined professional roles and in the broader public sphere, is fundamental to research and teaching, and to the capacity of scholars to use their knowledge for public benefit.

3. Transphobia and 'no debate'

The contemporary climate described below, in which questions have arisen about the limits of academic freedom, is one in which various expressions, speech, positions and claims, and the people expressing them, are described as 'transphobic'. It may seem, on the face of it, and in light of the legal framework mentioned above, as if this is an unproblematic case akin to the case of expressions of racist, sexist or homophobic ideas or claims, where we might reasonably conclude that the limits of free speech, in universities as elsewhere, are defined by the legal and moral prohibitions on hateful, discriminatory or threatening speech towards individuals or groups.

However, as we explore below, these analogies are unhelpful, and current accusations of transphobia cannot be understood without some discussion of the ideological position behind a contemporary and prominent strand of the trans activist movement. This ideological position goes beyond the simple demand that trans people be recognised as a minority deserving of protections against discrimination – as indeed they are in the UK, where 'gender reassignment' is one of the nine protected characteristics in the Equality Act 2010.

The particular strand of activism, which we refer to in what follows as gender identity ideology, holds that everyone has a 'gender identity', and that this identity trumps people's sex when it comes to access to services and legal rights.

For gender identity campaigners, simply asserting that sex exists as a meaningful category, distinct from people's self-declared 'gender identity', is thus sufficient to attract accusations of transphobia. Lobby groups such as Stonewall demand affirmation of the mantra 'Trans Women Are Women', with explicit and repeated calls for 'No debate'. The statement

'Trans Women Are Women' could be assumed to be a polite fiction. Indeed, the claim that a man who has undergone a sex change and is in possession of a Gender Reassignment Certificate can be legally regarded as a woman is commonly acknowledged as a legal fiction subject to clear limitations in significant legislative contexts (Asteriti and Bull, 2020). However, the slogan functions not as an empirical statement but as a demand to adhere to the ontological position that claims about people's 'gender identity' trump claims about their biological sex. Gender identity ideology is in this sense, absolutist, demanding that we ignore material evidence of the relevance of sex in any context. Repetition of the mantra 'Trans Women Are Women' obstructs any attempt at a nuanced discussion about the circumstances under which sex might be relevant. Thus, epistemological scepticism regarding scientific discoveries and the truth of empirical facts is combined with profound moral certainty (Wight, 2021). The view that it is transphobic to acknowledge natal sex as even potentially relevant has led gender identity campaigners to demand that social and human scientists must not collect data on sex, and philosophers must not use sex as a conceptual category.

The view that it is transphobic to acknowledge natal sex as even potentially relevant has led gender identity campaigners to demand that social and human scientists must not collect data on sex

Such demands, as we document below, are associated with a range of practices that constitute restrictions on academics' freedom to discuss empirical and conceptual points within their teaching and research. Yet defenders of the tactics that we describe below often argue that this situation either does not constitute a breach of academic freedom; or that, if it does, it is morally justified.

Such arguments typically rely on a combination of two distinct claims. First, it is often suggested that the kinds of verbal attacks and threats described are simply part of the legitimate academic practice of rejecting people's arguments, or protesting at the allegedly damaging consequences of articulating these arguments in the public sphere. We will go on to discuss the problems with eliding the distinction between the norms of content-based peer review, which can involve reward and rejection of academic research and scholarship, and the suppression of the expression of ideas. A second claim made in this context is that the targets of such tactics are transphobic bigots, and that gender identity advocates are simply defending a marginalised group. Key to understanding this charge, and the far-reaching significance of its effects, is an exploration of the way the term 'transphobia', and arguably the term 'trans' itself, has

become conceptually and politically intertwined with the particular ontological position underlying gender identity ideology.

Stonewall defines transphobia as 'The fear or dislike of someone based on the fact they are trans, *including denying their gender identity or refusing to accept it*' (Stonewall, no date, our italics). This statement is open to interpretation, particularly given the lack of clarity and public understanding regarding the notion of gender identity (see Burt, 2020; Byrne, 2019; Murray Blackburn Mackenzie, 2020b; Reay, 2014).

In practice, the kinds of statements that routinely lead to people (overwhelmingly women) being denounced as transphobes include: that humans, like all mammals, have two sexes, male and female; that females are the sex that produce large immobile gametes called ova; that males are the sex that produce small mobile gametes called sperm; that women are adult human females; that women do not have penises; that homosexuality is same-sex attraction; that only women have cervixes; that a transwoman who transitions as an adult has not always been female; that non-gender conforming young children should not be encouraged to believe that they may have been 'born in the wrong body' and that they can change their sex.

Most people could in principle fall foul of the charge of transphobia, but in practice it is most commonly applied to women who have articulated and defended an account of women's rights that assumes the biological reality of the male/female distinction and, accordingly, defines women as a sex class. Many but not all of these women are also feminists, in that they believe that gender is a socially constructed system that maintains male privilege and oppresses females on the basis of their sexed bodies. On this view, in Susan Okin's words, gender is 'a social and political construct, *related to but not determined by* biological sex' (Okin, 1998, p. 26, italics in original). This theoretical position, which conceptualises hierarchical systems of gender as historically and socially contingent, rather than as an innate feature of individuals, is at odds with the view that everyone *has* a personal gender or gender identity, and they must be categorised based on their gender identity, rather than their sex, for all purposes.

In discussing 'transphobia' it is also important to clarify what is meant by 'trans'. Many assume that the word 'transgender' refers to transsexual people, i.e. people who experience or have experienced dysphoria with their natal sex and who are undergoing, or have undergone, some form of medical transition. However, it is important to note that the term 'trans' is now used as a term of self-definition, and that one need not have dysphoria nor any intention of undergoing any medical intervention or

'sex change' operation to call oneself trans. Indeed, a recent systematic review reports that the majority of individuals identifying as transgender do not undergo any modifications to their body, with less than 0.1% of the trans community undergoing genital surgery each year (Collin et al, 2016). In other words, the vast majority of males who identify as women retain their male sexual organs and male hormones. The Stonewall definition of trans is as follows:

> *Trans is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, non-binary, or genderqueer. (Stonewall, 2019)*

It is interesting to note that, until just a few months ago, this list of terms on the Stonewall website read 'transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois' – the rapidly shifting definition of trans identities being indicative of the conceptual problems we discuss here.

Liberals should not have any problem extending tolerance to male cross-dressers, transsexuals, or any other form of gender non-conforming behaviour. In the same way as it is homophobic to discriminate against someone based on their sexual preference, it is prejudiced and unjust to discriminate against someone based on their failure to comply with prescriptive gender roles and the socially normative visible trappings of these roles. However, the view that males who reject the gendered forms of presentation and behaviour typically associated with males should not suffer discrimination or abuse for doing so is entirely different from the view that doing so equates to 'identifying as a woman', thereby constituting their 'gender identity', and that this equates to the claim that such a person *is* a woman. Yet it is this latter view that forms the core of the political demands made by gender identity ideologists; demands which include legal and social inclusion in the category of women for a range of practices, from competitive sports to single-sex accommodation, all-women shortlists, and data collection.

Whether or not one subscribes to a version of Queer Theory, according to which human biological sex is merely a social construct – or,

the denial that humans are sexually-dimorphic mammals appears, at the very least, problematic for a range of scientific disciplines

in Butler's words, a 'categorical fiction' produced by a 'medico-legal alliance emerging in nineteenth century Europe' (Butler, 1999, p.42-43) – the denial that humans are sexually-dimorphic mammals appears, at the very least, problematic for a range of scientific disciplines. And the belief that sex is not real and determined at conception but merely 'assigned' at birth as a social label, whereas gender identity is real and innate (Ehrensaft, 2012), has implications for a range of social and political questions. Yet these beliefs are so fundamental to the orthodox gender identity position that merely to point out the contentious nature of the ontological claims on which they rest and the tensions they give rise to is to attract accusations of transphobia.

The absolutism of the orthodox gender identity position, we argue, militates against reasoned debate. If the above definitions of transphobia, much less the shifting public understanding of what it is to be 'trans', cannot even be discussed, then there is certainly no space for questioning the political implications of these conceptual claims. If the campaigning slogan 'Trans Women Are Women' is taken as true in an absolute and literal sense, then there can be no scope for discussion of the ways in which the possession of a male body may be relevant in different contexts, from sex-segregated sports, to changing rooms, to prisons, to lesbian relationships, and no scope for compromise regarding women's concerns and boundaries. The refusal to acknowledge biological categories also impinges on our ability to collect data according to sex.

Disagreement with the ontological foundations of gender identity ideology is routinely condemned as constituting or legitimating discrimination against individuals for being trans, even when the targets of this charge uphold the moral and legal importance of guaranteeing the existing rights of trans people. Nor does the routine description of such views as 'anti-trans' acknowledge the range of views amongst trans people, some of whom are attacked by gender identity activists for dissenting from the orthodoxy. Indeed, as Pilgrim notes, there is an ambiguity within trans-affirmative politics regarding the role of medicalisation, leading to the epithet 'truscum' (pronounced 'true scum') being applied by gender identity campaigners to transsexual people who wish to make a distinction between themselves and those trans people who simply 'identify as' the opposite sex without medical intervention (Pilgrim, 2018, p.317).

We can draw a parallel with religious belief here – one can respect the rights of members of religious groups to practise their beliefs without necessarily respecting their beliefs, in the sense of seeing these beliefs as well-founded, and certainly without sharing their beliefs. Indeed, the possibility of respecting people without sharing their beliefs is essential in a pluralist society.

The obfuscation in many official documents, popular discourse and policy language between 'sex' and 'gender' has contributed to the difficulties of articulating critical intellectual positions on these issues. But policy, law and research cannot work, let alone make changes and advances, without clear and commonly understood definitions. If large swathes of the population are talking at cross purposes when they use basic terms like 'sex', 'gender' and 'gender identity', it is imperative for spaces to exist where we can discuss what we mean when we use these terms, and what is implied by their use in different contexts. If universities, of all places, can't provide these spaces, it is difficult to see how they can fulfil their function of contributing to public understanding.

4. The suppression of academic freedom on sex and gender

This section documents some examples of the suppression of academic freedom on sex and gender. It is not intended to be exhaustive, but to give a sense of the terrain. We focus primarily, but not exclusively, on instances in Britain. Our aim here is to document these tactics, as advocates of gender identity ideology often deny that any silencing of opponents of their position is taking place, or diminish its extent and significance. A further aim in detailing these examples is to inform the subsequent discussion of the value of academic freedom and the conceptual distinctions involved in justifications for attempts to limit freedom of expression. As our discussion will make clear, although most incidents of course do not receive publicity, the prevalence of practices such as these has an inevitable wider chilling effect on academics who avoid saying anything in anticipation of the potential consequences (Stock, 2019; GC Academia Network, no date).

Some of the examples that we document constitute obvious violations of academic freedom in that they involve overt attempts to prevent academics from carrying out research or to remove them from their professional roles; others may seem more appropriately regarded as threats to the basic right to freedom of expression, enshrined in the Universal Declaration of Human Rights (Article 19).

Suppression of research

The extreme tactics used by gender identity campaigners to suppress research, including the use of defamatory allegations against researchers, have been described by social historian Alice Dreger (2008, 2016). Dreger

documents the campaign against psychologist J. Michael Bailey, which included targeting his family, and false allegations that he sexually abused his children. For exposing the abuse of Bailey, Dreger was targeted by the same group of activists (Dreger, 2016). She received threatening messages mentioning her family, and referring to her five-year-old son as her 'precious womb-turd'. Slanderous allegations were made that Bailey had paid for Dreger's work. Vexatious ethics charges were filed against her, and organised complaints were directed at institutions that invited her to speak.

Whereas research on gender identity may have seemed a niche interest when Bailey (2003) was writing about adult male transsexuals, the stakes are now much higher, as the number of young people expressing trans identities has risen. The first research paper to examine the broader social and psychological reasons for the surge in gender dysphoria among teenage girls (Littman, 2018) prompted protests from gender identity campaigners. Brown University bowed to pressure by removing publicity on the paper from their website, while the journal which had published the peer-reviewed paper, PLOS One, carried out a post-publication review. This vindicated the analysis and results, yet the journal insisted on some 'reframing' of the paper in a corrected version (Heber, 2019). In the UK, proposed research on people who 'de-transition' (Revesz, 2017) has been blocked by Bath Spa University, apparently due to concerns about potential reputational damage to the university. Meanwhile, rising numbers of people who regret medical transition suggest a profound need for such research (Holt, 2020). Research on the wider implications of these issues for women's rights is also affected – a publisher applied pressure to have a peer reviewed paper on policy capture in this area spiked (Murray Blackburn Mackenzie, 2020).

The first research paper to examine the broader social and psychological reasons for the surge in gender dysphoria among teenage girls (Littman, 2018) prompted protests from gender identity campaigners

Blacklisting, harassment and smear campaigns

Several academics have faced attempts to get them sacked. The most prominent example is philosopher Kathleen Stock, who has faced a long campaign of calls for her dismissal by student activists angered by her articulation of concerns about the conceptual assumptions behind the slogan 'Trans women are women', and about the potential effects of allowing males to claim the status of women based on self-declaration (Stock, 2021a). The campaign against her has employed tactics that can

only be described as bullying. For example, when Stock was invited to give a lecture on aesthetics at her own institution, graduate students invited a twitter-troll known primarily for her obsessive interest in Stock to give a talk denouncing her at the same time. Stock told *The Times*, 'Forty faculty attended. I was very upset. I cancelled my lecture and went off sick with a breakdown' (Turner, 2021).

The campaign against Stock escalated when activists plastered the entrance to her building on the Sussex University campus with posters denouncing her. The activists made a statement on Instagram, objecting to Stock speaking in favour of single-sex spaces and to her role as a trustee of the lesbian-led gay rights charity LGB Alliance. The statement concluded: 'Our demand is simple: fire Kathleen Stock. Otherwise you'll see us around'. This was accompanied by images of the activists in black balaclavas letting off flares. An academic colleague at Sussex tweeted his support of Stock's persecutors. Sussex's Vice Chancellor made a statement supporting Stock's academic freedom in response. Yet the university's inaction during the preceding three years appears to have emboldened those engaging in harassment. Unable to continue to endure this harassment, Stock resigned in October 2021.

Attempts to remove academics from their posts can take the form of co-ordinated campaigns of (often anonymous) complaints to university administrators, which, though they may fail in the goal of getting the target fired, often trigger a stressful and time-consuming administrative process. One example is the campaign of blacklisting and smears against women academics orchestrated by a lecturer at Goldsmiths University's Department of Educational Studies, Natacha Kennedy, who plotted to oust feminist academics from their jobs by accusing them of hate-crimes. Kennedy was supported by some Goldsmiths students, who argued, in all earnestness, that their opponents should be sent to the Gulag for re-education (Woolcock and Bannerman, 2018).

Another tactic is to launch a petition calling for an academic with dissenting views to be fired. This technique was deployed against disabilities scholar Michele Moore in an attempt to remove her from the editorship of the journal *Disability and Society* for expressing concern about the narrative that children can be 'born in the wrong body', and the fact that vulnerable and autistic children are disproportionately likely to be referred to gender identity services (Yeomans, 2019). Similar tactics were used to fire Sarah Honeychurch, a fellow at the University of Glasgow's business school, from her role as editor of the academic journal *Hybrid Pedagogy* (Fazackerley, 2020). Physical threats and intimidation are part of the gender identity activist arsenal. The history faculty at the University of Oxford has received credible threats against the historian

Selina Todd, forcing them to provide security at her lectures. There are many lower profile cases of (mainly) female academics facing campaigns of defamation and campaigns to have them sacked (see Stock, 2019). The personal costs of such processes, in terms of mental and emotional stress and financial insecurity, especially for those on precarious contracts, should not be underestimated.

Public denunciation is a hallmark of gender-identity activism. When colleagues at the Open University set up a Gender Critical Research Network (OUGCRN), they faced sustained efforts to force the university to close it down, including from the OU Pride Network. The LSE Gender Studies Department posted a highly defamatory statement on the LSE website, claiming that the network constituted an attack on trans, non-binary and gender non-conforming people, and demanding that the Open University urgently rescind its support for the network. The statement also claimed that GCRN is an attack on gender studies. It is true that gender-critical scholarship challenges the Butlerian framework in which much of contemporary gender studies typically operates, but this is a legitimate intellectual debate within a broad field. To respond to intellectual challenge with a febrile statement of condemnation, rather than, for example, writing an article or organising a seminar to debate the issues, seems to us a novel approach, not witnessed in UK universities until the last few years.

Simply defending academic freedom is enough to draw accusations of transphobia

Simply defending academic freedom is enough to draw accusations of transphobia. Signatories to letters in the press (Stock et al, 2018) about academic freedom to discuss sex and gender have been subject to campaigns of harassment by students (Griffiths, McStay and Gee, 2018). After becoming aware of how fellow academics – overwhelmingly women – were being harassed, bullied, verbally abused and threatened for voicing a particular view on sex and gender, we published three short pieces expressing concern about the shutting down of academic freedom on these issues (Sullivan and Suissa, 2019; Smith, Suissa and Sullivan, 2019; Sullivan, Suissa, Smith and Gourlay, 2019). Since doing so, we have had colleagues refuse to work with us, been disinvited from talks on topics that have nothing to do with sex and gender, had complaints about our views directed at our managers, been subject to calls for students to avoid our classes, and have had to report death threats to the police. A flyer featuring a photograph of Suissa, denouncing her as a fascist, was displayed in her faculty building. In Sullivan's case, advocating for accurate sex-based data collection led to de-platforming from a research methods seminar (Griffiths, 2020).

'Cancel culture' on campus is often characterised as a conflict between students and academics. The truth is more complex. A small minority of students and university staff are active in the harassment of their peers, and students are also targeted. For example, Bristol University is being sued by a student, Raquel Rosario Sanchez, who has experienced over two years of harassment by transactivists (Somerville, 2020). Neither are non-academic staff exempt from persecution. Kevin Price, a college porter at Clare College Cambridge, resigned from his role as a Labour councillor rather than support a council motion containing the slogan 'Trans Women are Women'. For this principled political action, entirely unrelated to his duties as a porter, the Students' Union called for him to be sacked (Watson, 2020). This case highlights the tendency for universities with a disproportionately upper-class student body to be most afflicted with student demands for those with differing views to be sacked or punished.

No-platforming, disinvitations and shutting down of events

Public attention is often focused on the no-platforming of individual speakers including well-known figures such as Germaine Greer, Julie Bindel and Jenni Murray, a tactic often described as McCarthyite because the woman herself is banned, regardless of the topic she may be due to speak on on any given occasion. Activists have also targeted events organised by individuals with gender-critical views, even where these views are not the topic of the event, as in the case of a planned Open University conference on prison reform which was cancelled after pressure from activists, or a talk on women's art by the artist Rachel Ara.

Activists have attempted to silence discussion of women's rights in the context of proposed legislative change within universities as well as without. An event at Edinburgh University to discuss women's sex-based rights in June 2019 was subject to a campaign of intimidation, including attempts to sabotage the booking system, defamatory allegations against the speakers made using university channels, a petition to get the meeting shut down, and a rally outside the event with banners showing misogynistic slurs. The university was forced to provide a high level of security. Upon leaving the venue, one of the speakers, Julie Bindel, was confronted by a trans rights activist.[1] As one of the organisers has pointed out, 'We did not face traditional academic criticism for the event, based on engagement with the ideas discussed. We faced a gloves-off concerted attempt to stop it from going ahead and thereby silence a discussion of

1. The individual was found to have behaved in a 'threatening or abusive manner'. The matter was settled by fiscal fine instead of prosecution.

women's rights' (Benjamin, 2019). The university had hosted several trans-rights events in the preceding months, which had faced no disruption of any kind.

An event scheduled for 2019 at Edinburgh University on the teaching of gender identity in Scottish schools was cancelled following complaints (Davidson, 2019). Given that DfE guidance for English schools on this matter was changed some months after the cancellation of this event, this illustrates the way in which a culture of silencing prevents academics, policymakers and practitioners from coming together to discuss matters of public importance, with potentially damaging consequences for policy and practice, and in this case, for young people (Davidson, 2019).

The University of Essex commissioned a report following two instances of no-platforming (Reindorf, 2021). The criminologist Jo Phoenix, from the Open University, had an invitation to speak on trans rights in prisons withdrawn following protests from activists who objected to her raising questions about possible tensions within the criminal justice system (Fazackerley, 2020). This decision was made due to credible threats from students and the circulation of a flyer displaying a gun-toting figure captioned 'Shut the fuck up, TERF'. Reindorf notes that the initial cancellation was justified due to security concerns, but this was on the basis that the talk would be rescheduled. However, the sociology department subsequently decided not only not to reissue the invitation but to blacklist Phoenix from any future invitation. Reindorf states:

> *The later decision to exclude and blacklist Prof Phoenix was also unlawful. There was no reasonable basis for thinking that Prof Phoenix would engage in harassment or any other kind of unlawful speech. The decision was unnecessary and disproportionate. Moreover the violent flyer was wholly unacceptable and should have been the subject of a timely disciplinary investigation. (Reindorf, 2021, p.1)*

Rosa Freedman of the University of Reading was invited to take part in a roundtable on antisemitism as part of the University of Essex's programme for Holocaust memorial week. The invitation was rescinded after concerns were raised about her views on sex and gender. Freedman wrote to her MP and to the Universities Minister, and spoke to the press, and as a result the invitation was reinstated. A member of academic staff at Essex responded with a tweet comparing Freedman, who is Jewish, to a Holocaust denier. Reindorf notes:

If the invitation had not been reinstated she would have been subjected to an interference with her right to freedom of expression. This would have been particularly egregious given that the topic on which she was due to speak was entirely unconnected to the question of gender identity and was a matter of academic expertise. (Reindorf, 2021, p.2)

Reindorf's thorough investigation of events at Essex University provides vital insights into the processes through which universities fail to act in line with their stated commitment to academic freedom

The Reindorf Report is a landmark document. The facts surrounding cases of no-platforming are often highly contested. Reindorf's thorough investigation of events at Essex University provides vital insights into the processes through which universities fail to act in line with their stated commitment to academic freedom Notably, the evidence gathered by Reindorf pointed to a wider climate of fear for staff wishing to express views outside the orthodoxy of gender identity ideology. Reindorf suggests that Essex may be in breach of its Public Sector Equality Duty to foster good relations between persons with particular protected characteristics: 'Excluding and silencing individuals does not foster good relations; that can only be achieved by resolving disputes through peaceful dialogue in an environment which supports and protects those who are distressed by the discussion of challenging issues'. In addition, Reindorf notes that suppressing gender-critical views may constitute indirect sex discrimination, given that the academics targeted are overwhelmingly women.

5. Why does academic freedom matter?

In this section we outline our understanding of academic freedom and its educational and societal importance.

Academic freedom and the possibility of learning

As an empirical social scientist and a philosopher, we rely on conceptual distinctions such as that between sex and gender in our teaching and research, whether in collecting data about sex differences in education, or discussing theories about the gendered division of labour in the family and how it can be addressed as part of a theory of justice. Crucially, what we do when we employ such concepts and tools is not just go out and design and carry out research, write papers, or present well worked-out positions. Nor do we only speak to people who are already immersed in our disciplinary frameworks. Underpinning our activity is a form of thinking aloud: putting forward ideas which conversational companions – whether students, colleagues or members of the public attending academic events – engage with and may disagree with. In the course of such conversations, people may express ideas that are not fully developed or defended. They may say things that we disagree with, but we try to make sense of the disagreement, clarify what we mean by the terms and positions we describe, explore their implications, and reach towards a common understanding; or, at least, a shared view on what it is we disagree about and why.

This activity is precisely what is enabled when the university is really an environment bound not just by the principles of academic freedom, but by a broader commitment to free speech. Recognising this does not mean that we collapse the distinctions between academic freedom and free speech articulated by theorists writing on this issue (see Simpson, 2020; Post, 2012). But it does require that we acknowledge that this

distinction does not map neatly onto the reality of academic life. Nor does the insistence that the commitment to free speech is an integral part of academic life, rather than separate from it, commit us to versions of this commitment that invoke a 'battle of ideas' or the 'marketplace of ideas' envisaged by classic liberal theorists, where the best argument will win out and human progress will be achieved in a relentless march towards the Truth. A somewhat different emphasis, based on an account of the essential pluralism of thought and action, comes from Hannah Arendt, who argues:

> *We know from experience that no one can adequately grasp the objective world in its full reality all on his own, because the world always shows and reveals itself to him from only one perspective, which corresponds to his standpoint in the world and is determined by it. (Arendt, 2005, p.128)*

For Arendt, freedom of speech means that we will always hear other opinions, other perspectives, and other arguments than our own. Free speech is the foundation of all serious thinking:

> *If someone wants to see and experience the world as it 'really' is, he can do so only by understanding it as something that is shared by many people, lies between them, separates them, showing itself differently to each and comprehensible only to the extent that many people can talk* about *it and exchange their opinions and perspectives with one another, over against one another. Only in the freedom of our speaking with one another does the world, as that about which we speak, emerge in its objectivity and visibility from all sides. (Arendt, 2005, pp.128-129)*

On this view, it is not only truth about the world which we are striving for, but the viability of the world as a shared place to create, to improve and to live in. As academics, we already share this world with students and colleagues whose experience of it is often different from ours. In coming together in a spirit of intellectual enquiry, we are not only engaging in abstract theoretical debates or trying to defeat opponents with knock-down arguments, but trying to make sense of this world, to offer explanations that make sense of our lives within it and help us think about how we can change it for the better. It is this ability to conduct such forms of thinking aloud that is frozen out in the current climate. When students and staff have whispered exchanges in corridors rather than thinking out loud in seminar rooms and lecture halls, we all lose out,

because these seminar rooms and lecture halls become places where 'the world as that about which we speak' is less likely to emerge as a shared place.

In a context where shared understanding of basic concepts such as sex and gender has substantive implications for a range of social issues, not least for children's education, one might think that the existence of widespread and deep disagreement would call for more, not less, discussion. Opposition to gender identity ideology comes from a range of perspectives and is not limited to feminists. Yet the effective silencing of voices and self-censorship, as a result of tactics such as those described above, is now commonplace, as reflected in our own frequent experience of being contacted by students and colleagues who say they agree with us but are too frightened to express their views in class or in public. Often these are junior staff on casualised contracts, members of minority groups, or young women at the start of their careers.

The refusal to engage with 'offensive' views directly, reflected in the tactics described above, means that certain views are widely available only in a misrepresented form. The historian Mary Beard provides an example in a recent review of Germaine Greer's book on rape (Greer, 2018). Beard shows, with careful quotes from the book, how a lot of what Greer is accused of saying about rape (mostly based on a talk she gave at the Hay festival) completely misrepresents her arguments. Beard notes that perhaps 'Greer is being punished for her much-quoted remarks on the trans community' and that 'the anger at what she has said on that topic has clouded fair judgement of her arguments on rape' (Beard, 2019). A vicious circle of ignorance and offence follows: once an individual has been denounced, her work can be freely misrepresented, since her opponents will not give it a fair reading (or any reading at all). This process is similarly illustrated by the case of Rebecca Tuvel, a scholar who was subject to ad hominem attacks and online shaming, accompanied by a striking failure to engage with what she had actually written (Singal, 2017; Tuvel, 2017). The book-burnings and #RIPJKRowling hashtag provoked by J.K. Rowling's latest novel before it had been generally released exemplify the capacity for those so-minded to be outraged by words they have not read (Cohen, 2020). Kathleen Stock has written of the way her views have been misrepresented in order to demonise her, including in an open letter which had to be corrected with an erratum because a central claim was patently false (Stock, 2021b).

A vicious circle of ignorance and offence follows: once an individual has been denounced, her work can be freely misrepresented, since her opponents will not give it a fair reading

To speak about women as a sex routinely leads to hyperbolic accusations of offences such as 'literal violence' against trans people and 'denying trans people's existence'. When intellectual engagement is replaced by denunciation, the possibility of learning is lost.

Discrimination and harassment directed at trans students or staff should of course be treated with the relevant disciplinary procedures. But if statements, claims, theoretical positions and conceptual definitions are denounced as transphobic by definition, irrespective of the actual views or theoretical arguments that the speaker is trying to articulate, these arguments are never heard, and never engaged with on anything other than the most superficial level. Thus the discursive realm in which anyone can make any useful social or political argument about sexism, gender roles or sexuality is narrowed. This is surely detrimental to the people for whom universities should provide, amongst other things, access to a broad intellectual domain and the tools to navigate it. This state of affairs is not only profoundly anti-intellectual and anti-democratic, but educationally disastrous.

Academic freedom and democracy

The ability to engage the public beyond the university lies at the heart of the connection between academic freedom and democracy. Indeed, the University and College Union (UCU) statement on academic freedom notes that:

> *One of the purposes of post-compulsory education is to serve the public interest through extending knowledge and understanding and fostering critical thinking and expression in staff and students, and then in society more widely. Academic freedom is essential to achieving these ends and therefore to the development of a civilised democracy. (UCU, 2021)*

As Calhoun puts it, 'The issue is not just whether free speech is repressed, important and basic as that is, or whether individuals suffer in their careers for expressing controversial views. It is whether and how universities bring knowledge, diverse perspectives and competing analyses into the public sphere' (Calhoun, 2009, p.578). For Calhoun, this delivery of knowledge as a public good is both a right and a responsibility, demanding a notion of academic freedom as a positive freedom rather than simply an absence of outright repression. The responsibility to share knowledge and insights with the wider public can also be seen as a logical extension of the educational function of the university.

It should be a basic right for all workers to take part in the democratic process without fear of losing their livelihoods. But for academics, public engagement has a special importance, because it is essential that policy discussions, in the widest sense, are informed by reasoned argument and evidence. Free speech and academic freedom are conceptually distinct, yet interdependent values. In a climate where discussion is being shut down and threats are used to silence opponents, it is particularly important that universities provide a space where discussion can occur without fear. Indeed, as universities are not the only organisations that are engaged in knowledge production and sharing in contemporary society, there is a case for extending the rights and responsibilities entailed by academic freedom to research organisations outside academia.

These debates about sex and gender are not abstract. In the UK, they have been triggered partly by proposed legislative change, in the form of changes to the 2004 Gender Recognition Act, which would allow individuals to change their legal sex on the basis of self-ID, without meeting any diagnostic or other criteria. As noted above, in the UK context, transgender people are already protected from discrimination under the 2010 Equality Act, which lists 'gender reassignment' as a protected characteristic as well as sex. Beyond this proposed legislative change, gender identity lobby groups are campaigning to remove the existing legal protections for single-sex spaces (WPUK, 2018), and for the effective erasure of sex as a category in language, law and data (Jones and Mackenzie, 2020). Lobbyists such as Stonewall have been highly effective in achieving 'policy capture' of organisations, meaning that, without achieving the proposed legislative change, the status of the category of sex in policy and practice has been eroded with extraordinary rapidity, and without proper democratic scrutiny (Biggs, 2020a; Murray and Blackburn, 2019). Similar processes have occurred internationally (Burt, 2020; Murray, Blackburn and Mackenzie, 2020).

The need for academic freedom to research and discuss sex and gender identity seems clear-cut given the wide range of questions at stake

The need for academic freedom to research and discuss sex and gender identity seems clear-cut given the wide range of questions at stake, and the implications of these questions for policy and practice. Gender self-ID has implications for equalities monitoring and women's legal rights to sex-based protections (Asteriti and Bull, 2020), for single sex services (Greed, 2019), and for girls' and women's sports (Devine, 2021; Hilton and Lundberg, 2021; Pike, 2021). The narrative that one can be 'born in the wrong body' has implications for adolescent development and education (Brunskell-Evans and Moore, 2019).

Given that the rapid growth in the numbers of young people, especially girls, presenting with gender dysphoria (psychological distress relating to one's bodily sex) is not well-understood, there is a prima facie public interest in facilitating scientific research in this area. These are not purely theoretical questions. Professionals working in this field have a duty to ensure that children turning to them for help and support receive the most appropriate treatment based on rigorous research and evidence. Yet there are serious concerns that experimental treatments are not receiving the scrutiny that one would expect (Biggs, 2019; see also Dower, 2018; Evans, 2020; Heneghan and Jefferson, 2019). The Tavistock Clinic in London reports that referrals to its Gender Identity Development Service clinic for teenagers have more than doubled in recent years, while referral of girls has multiplied by a factor of 44 from 2009–10 to 2017–18, with teenage girls now constituting 70% of those referred (Gilligan, 2019). The wider context is one of a crisis in adolescent girls' mental health, with 24% of 14-year-old girls in the UK classified as depressed, compared to 9% of boys of the same age (Patalay and Fitzsimons, 2018). There is also an apparent overlap between gender dysphoria and other underlying conditions, including mental health diagnoses and autism (Shumer et al, 2016; Warrier et al, 2020). In this context, a lack of open academic scrutiny is likely to harm rather than help vulnerable people. In particular, a lack of normal scientific process in assessing medical interventions has serious risks (D'Angelo et al, 2021). An article raising concerns in the *British Medical Journal* notes 'We sought the views of methodologists and clinical trial statisticians, but few were prepared to speak publicly for fear of reprisal' (Cohen and Barnes, 2019). Academics who have raised the alarm about such matters may consider themselves vindicated by the case of Keira Bell (Bell vs Tavistock, 2020), a young woman who took action against the Tavistock Clinic following her medical transition and subsequent regret and decision to 'de-transition'. The judgment highlighted the lack of data collection and evidence for the treatments provided. The case illustrates the dangers to the mental and physical health of vulnerable people when professional standards of scrutiny, safeguarding and research ethics are abandoned in the face of ideological demands (Biggs, 2020b; Griffiths, 2021).

Women who have attempted to discuss girls' and women's rights and their experience as a sex class in this context have faced concerted attempts to have their meetings shut down and to silence them (Kirkup, 2018a; Aaronovich, 2019). Woman's Place UK was formed after a meeting to discuss proposed legislative reform was targeted for harassment and a 60-year-old woman was assaulted by male gender identity activists (Turner, 2017; Coulter, 2018). Yet women's organisations that campaign within the law to protect women's existing rights, such as Woman's Place

UK and Fair Play for Women, are slandered and denounced as 'hate groups'. Accusations of fascism abound, directed at life-long socialists and trade-union activists, in order to justify denying these women a platform by any means. It is worth noting that the traditional Left basis for no-platforming fascists is often misunderstood. This rests on the view that fascists will shut down democratic debate and organising through the use of violence against opponents (Trotsky, 1944). The argument was not that fascist speakers have dangerous ideas which might influence their audience, but that there is no sense in trying to reason with violent thugs. Careless use of the term 'fascist' is far from new (Orwell, 1944), and the parameters of the 'no-platform for fascists' policy have been contested throughout its history from the early 1970s (Smith, 2020). But it seems that no-platforming has now been turned on its head, as those who oppose the democratic civil liberties of freedom of speech and association use no-platforming to silence dissent (Ditum, 2014). None of the feminists who have been no-platformed for gender-critical views have committed or incited violent acts. Accusations of fascism and 'literal violence' levelled against these women may appear comical, but have real consequences in dehumanising and monstering them, thereby justifying harassment and even violence against them.

no-platforming has now been turned on its head, as those who oppose the democratic civil liberties of freedom of speech and association use no-platforming to silence dissent

The rights and humanity of women have historically been discounted, and attempts to silence women with threats of violence and slanderous attacks on our reputations are as old as history. Yet we have been shocked by the outpouring of hatred directed at women, typically accompanied by the term 'TERF', effectively used as a replacement for epithets such as 'witch', 'bitch' or 'cunt' (see Cameron, 2016). The treatment of J.K. Rowling, subjected to a tidal wave of requests to 'choke on a basket of dicks' and similar, in response to a strikingly thoughtful and empathetic essay, is simply the highest profile case of a commonplace phenomenon (Rowling, 2020; Leng, 2020). Rowling's intervention was prompted by the fact that women who speak publicly on these issues face campaigns of harassment, including attempts to get them fired. Prominent legal cases like those of Maya Forstater (Kirkup, 2019), Allison Bailey (Bailey, 2020) and Sonia Appleby (Barnes and Cohen, 2020) represent the tip of the iceberg. The role of the police in restricting free speech on sex and gender has also been challenged in a number of legal cases, some of which are ongoing at the time of writing (Phillimore, 2020).

The policing of women's language and political activity is particularly evident within the Labour movement. During the 2020 Labour

Leadership campaign, all candidates barring the winner (Keir Starmer) signed a pledge demanding the expulsion of women who support women's sex-based rights from the party. The policing of women's language regarding our own bodies is illustrated by the hounding of Labour MP Rosie Duffield, who 'liked' a tweet commenting 'do you mean women?' in reply to a campaign recommending cervical cancer screening to 'individuals with a cervix'. To imply that cervix-bearing people might prefer to be described as women, or that only women have a cervix, was sufficient for her to face calls for the removal of the Labour whip (Hayton, 2020). Beyond the Labour movement, parliamentarians across the political spectrum are reported to be afraid to speak their views on these matters (Kirkup, 2018b).

The need for academics to communicate evidence and rational analysis is all the more apparent when political discussion is constrained by fear and intimidation. Yet dehumanising name-calling, mindless slogans and associated threats are not restricted to Twitter, but appear in peer-reviewed journals (Allen et al, 2019) and in teaching materials. The lack of a vigilant and robust defence of a positive conception of academic freedom risks allowing those engaged in what amounts to bullying to set the parameters of what can and cannot be discussed.

The current debates about sex and gender provide an illustration of the way in which threats to free speech in the wider society tend to impinge on academic freedom, and also demonstrate the importance of maintaining universities as places in which uncomfortable truths can be spoken. Academics have both a right and a duty to engage in research and discussion that illuminates questions of public and policy importance. To stifle such research risks real harm, particularly in a climate of post-truth politics, polarisation and intolerance. Critics are right to point out that claims about objectivity in the pursuit of academic freedom can sometimes mask the way in which supposedly 'neutral' scholarship and research can reflect political agendas and power relations. However, as Williams points out, challenging ideological bias 'by abandoning objectivity and establishing a political position not only prevents academics from aspiring towards contestable truth claims, it enforces consensus and political conformity on academic work that curtails questioning and criticality from the outset' (Williams, 2016, p.16).

Other theorists have explored the connection between the truth-function of the university and the defence of democracy. As Michael Lynch explains, in articulating how the social-political justification of academic freedom is bound up with its epistemological justification, 'The unhindered pursuit of truth matters not only because of the nobility of its end, but because the pursuit itself serves as a means to present those ends – to speak them – to power' (Lynch, 2018, p.33).

6. Academic practice and disciplinary boundaries

Recent media coverage of issues of academic freedom in the UK often focuses on high profile cases of 'no platforming'. The cases in question, some of which are described in Section 4 above, generally concern external speakers who have been invited to give talks on university campuses, whether as part of an internal, academic event or for an event open to the general public. As such, then, questions around 'no platforming' touch on the broader question of the parameters of academic freedom and its relationship with free speech.

In this section, we discuss some recent philosophical work on the conceptual distinctions between academic freedom and free speech, including an argument that attempts to square the practice of no-platforming with a defence of academic freedom. The positions defended in this work are, we argue, illustrative of the tendency to ignore how specific examples of threats to academic freedom are playing out on the ground. As such, they both underestimate the extent to which academic freedom and free speech are inextricably intertwined in the life of academics, and contribute to the public perception that any alleged crisis of academic freedom is overblown and limited to visible cases of no-platforming.

Some theorists writing on this topic have argued that universities should be thought of as comprising two distinct but interrelated zones, reflecting both their role as institutions for learning, teaching and research, and their role as outward-facing, public institutions. Robert

Simpson (2020) refers to this position as 'the standard view', summed up in this quote from Chemerinsky and Gillman:

> *We should think of campuses as having two different zones of free expression: a professional zone, which protects the expression of ideas but imposes an obligation of responsible discourse and responsible conduct in formal education and scholarly settings; and a larger free speech zone… where the only restrictions are those of society at large. Members of the campus community may say things in the free speech zones that they would not be allowed to say in the core educational and research environment. (Chemerinsky and Gillman, 2017, p.77)*

Simpson is critical of this standard view, according to which 'academic freedom and free speech are importantly distinct, but both kinds of freedom have important – and complementary – roles to play in the university's organisation and governance' (Simpson, 2020, p.2). In his view:

> *we have good reasons to uphold free speech as a basic civil liberty, and good reasons to accept academic freedom as a governing principle in universities. But we don't have particularly good reasons […] for thinking of the university as a special venue for extra-academic speech, or for making that extra-academic speech immune to content-based restrictions, as if it were just another form of free-speech-protected public discourse. (pp.2-3)*

Rejecting the view that sees the proper function of the university as, not just academic excellence, but the maintenance of a 'free speech zone' that covers all extracurricular activities, Simpson argues that all university activity should be subject to the standards of rigour that define and limit academic freedom: 'Universities can be run as discriminating, intellectually regimented discursive arenas. We aren't obliged to turn universities into totally wide-open marketplaces of ideas' (p.3).

The same position informs Simpson's argument in an earlier paper, co-authored with Amia Srinivasan, that offers a liberal defence of no-platforming. Drawing similar distinctions, they argue: 'No platforming should therefore be acceptable to liberals, in principle, in cases where it is used to support a university culture that maintains rigorous disciplinary standards, by denying attention and credibility to speakers without appropriate disciplinary credentials' (Simpson and Srinivasan, 2018, p.1).

the free exchange of information and ideas is fundamental to the everyday practices that underpin academic life

However, as we argued above, the free exchange of information and ideas is fundamental to the everyday practices that underpin academic life, and thus to the ability of academics to use their knowledge for public benefit through teaching and research. In practice, not only is academic freedom intertwined with free speech but, as Thomas Docherty has argued, 'academic freedom in thinking, then, cannot be circumscribed by disciplinary boundaries' (Docherty, 2016, p.105).

Simpson and Srinivasan are dismissive of concerns raised, for example by Lukianoff and Haidt (2015, 2018), that activists pose a threat to academic freedom, claiming that this is a distraction and a misrepresentation of what academic freedom really consists in. They write:

> *No platforming, trigger warnings, safe spaces, and calls for curriculum reform are the bugbears of some self-appointed champions of academic freedom. But in the end they may distract from more potent threats to the independence of academic experts from outside influences. When it comes to political interference in academic research, threats from the pro-Israel lobby or the anti-climate science lobby seem to exert much more pressure than student activists. And when it comes to factors that passively incentivize academics to direct their research away from some topics and towards others, the influence of corporate sponsorship, private grant-making bodies, and government research agendas is stronger, and in some cases more pernicious, than the influence exerted by students. (Simpson and Srinivasan, 2018, p.23)*

We suggest that in making these claims, Simpson and Srinivasan fail to engage with the reality on the ground. We do not disagree that 'the communicative climate of the campus at large [should be] characterised by similar kinds of rigour, thoughtfulness, and deference to academic expertise as the lecture theatre or faculty research seminar' (Simpson, 2020, p.13). Yet it seems to us that the values of thoughtfulness and rigour are precisely those under attack.

Simpson and Srinivasan's characterisation of discussions on gender as a 'hard case' for academic freedom is significant. They suggest that the

reason it is such a hard case is that 'there exists deep disagreement – either intradisciplinary or interdisciplinary – over whether a particular speaker possesses disciplinary competence of a relevant kind' (Simpson and Srinivasan, 2018, p.17):

> *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… 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. (pp.17-18)*

The claim that the question of 'what a woman is' has been settled in favour of the view that womanhood is determined by identity rather than sex is surprising, not least because the statement 'Trans Women Are Women' has typically been accompanied by the demand for 'no debate', which, as we discuss above, has been highly successful in preventing open dialogue on these questions. The list of disciplines deemed here to have a stake in these questions is remarkably narrow, with the notable omissions of biology, history and economics. If some scholar has made the argument that 'the woman question' was at some point open to discussion, but is now settled, we would be interested to see their case (while regretful that we missed the window for debate). Such a claim implies that a scientific revolution has occurred, overturning millennia of evolutionary data and a wealth of empirical evidence for the physical and social relevance of biological sex. Yet, in support of the view that, for some scholars, the sex question is settled, Simpson and Srinivasan cite Paris Lees, a journalist and activist, not a scholar with 'disciplinary credibility'. Lees' piece (2016) is littered with the misogynistic slur 'TERF', and simply denies the need for debate, while branding those who disagree as bigots. Simpson and Srinivasan's labelling of Germaine Greer's views as 'trans-exclusionary', without any engagement with those views, is also disappointingly prejudicial.

the debate over gender self-identification is a matter of public significance, subject to potential legislative change, with far-reaching implications over a range of social contexts

In portraying controversies over the no-platforming of feminists such as Greer as a reflection of the fact that 'the governing disciplinary standards in this arena remain deeply contested' (p.18), Simpson and Srinivasan fail to acknowledge that the debate over gender self-identification is a matter of public significance, subject to potential legislative change, with far-reaching implications over a range of social contexts. The implicit suggestion here is that this legislative change does not in and of itself raise complex issues on which there is no consensus amongst academics, and which requires an informed and rigorous discussion, including about conflicting rights claims.

It is all very well to argue, with Simpson, that 'Universities can be run as discriminating, intellectually regimented discursive arenas' (Simpson, 2020, p.3). But if we are to accept that some views will not find a platform, we need to at least pose the questions 'Who decides?' and 'How?'. Intellectual discrimination has typically taken place within disciplinary and subject-based boundaries, for example in the form of peer review. But content-based academic discrimination is not absolute – a paper may be rejected by one journal, only to be accepted by another, and not all academic speech is expected to meet the standards of peer review. There is scope for radical ideas to be developed, even if they are not initially (or ever) accepted by the relevant scientific or scholarly community (Kuhn, 1962). There is a fundamental difference between the processes via which research is rewarded or not (through publication, funding, etc.) and silencing tactics such as no-platforming.

Crucially, the very existence of sound, content-based norms by which positions can be explored and argued with, depends on academics being able to function within a climate where they can talk and express ideas freely with their colleagues and students. If a range of prima facie unproblematic content is proscribed or self-censored, the result is that the scope of the academic discussions within which content-based judgement and distinctions are made in the first place becomes thin.

A notable element of gender identity ideology's assault on academic freedom is that it does not operate within the intellectual and professional parameters that Simpson and Srinivasan assume. For example, academics

who have never used population data have lobbied to prevent the UK Census from including data on sex (Sullivan, 2020a, 2020b, 2021). Similarly, university staff who attempt to shut down events on women's rights may come from the natural sciences or the English department or from technical services – their intervention is grounded in an ideological position, not any relevant disciplinary expertise. Within such a climate, it is possible to be no-platformed and harassed for expressing views which are quietly shared by the majority of one's peers. Simpson and Srinivasan give no consideration to the power dynamics and processes involved in such cases, whereby some academics and students are able to silence others. As co-convenors of the Women's Liberation 2020 conference at UCL, we gained first-hand experience of the role of university administrators in assessing 'risk', in terms of physical threat and reputational management, which is central to this. Because events discussing women's rights have faced threats of violence and campaigns of smears, they are deemed 'high risk'. In contrast, there are no documented cases of university events organised by gender identity campaigners facing such threats, hence these events pose no special risk. This generates a perverse incentive, and a power imbalance between those who are willing to use intimidatory tactics and those who are not. And this has nothing to do with disciplinary standards or the exercise of intellectual discrimination.

In attempting to theorise current debates over no-platforming on the basis of the conceptual distinction between academic freedom and free speech, commentators like Srinivasan and Simpson side-step the problems posed by current restrictions on academics' speech. 'Principles of academic freedom', they argue, 'unlike principles of free speech, positively support the exclusion of speakers and viewpoints for content-based – rather than merely procedural – reasons' (Simpson and Srinivasan, 2018, p.22). That may be so, yet the distinction between content-based and procedural reasons is difficult, if not impossible, to maintain in practice, and has been completely blurred in current examples of policing academics' speech. One reason it can be so easily blurred is because what counts as unproblematic content in one discipline often gets framed as problematic when it is referred to within another.

Many philosophers draw on empirical data in their work. In teaching philosophical theories of justice, for example, one may refer to examples of injustice or structural inequality, such as the fact that women are more

One such theoretical framework is that which sees patriarchal systems as, at base, a way of controlling women's bodies because of their reproductive capacity

likely than men to encounter obstacles to participation in the political sphere. This is a simple fact, easily backed up by objective data. But if part of the job of philosophy is to offer explanations as to why our social world is the way it is, this involves offering conceptual distinctions and theoretical frameworks that make sense of this world. One such theoretical framework is that which sees patriarchal systems as, at base, a way of controlling women's bodies because of their reproductive capacity.

Another is the connected body of work that theorises the very distinction between the 'public' world of politics and the 'private' world of the home as based on the gendered distinction between productive and reproductive labour. These theoretical ideas are at the heart of a body of feminist theory that explains the ongoing inequality between men and women, its historical origins and its role in political theory and practice (see Okin, 1998; Pateman, 1983). But one cannot articulate, much less defend, this theoretical analysis without assuming the basic distinction between biological sex and gender.

Srinivasan and Simpson's argument may allow one to claim, rightly, that this distinction is not one which could reasonably be rejected on the basis of disciplinary norms of academic rigour. But most academics are not insulated in disciplinary silos, and rely on being able to freely refer to facts about the social world and different views about these facts. If this involves invoking the idea that the terms 'female' and 'male' refer to the biological categories that apply to all species that reproduce sexually, but this idea, when expressed in public, routinely attracts accusations of bigotry and transphobia that serve to silence and intimidate anyone expressing it, then it is not much help to tell academics that they can invoke disciplinary norms of academic rigour in defending their right to make such statements. When the basic facts of human biology become unspeakable, something is amiss (Hilton et al, 2021).

In the current climate, the effect of the above-described accusations of 'transphobia' is to prevent individuals from articulating ideas and positions based on such statements: the idea, for example, that it is not just a coincidence that the people who have historically experienced sexism and misogyny happen to be the ones with vaginas and wombs, and that gendered social differences have to do with women's child-bearing capacity. Although the objections to the original statements may not be framed as 'content-based', their effect is to prevent people

from hearing, much less engaging with, certain content. This in turn has the effect of shutting down forums for exploring ideas, creating a cycle of misunderstanding that impoverishes the intellectual quality and educational purpose of academic life.

Theoretical arguments that delineate the distinctions between free speech and academic freedom fail to capture the educationally damaging effects of the contemporary situation – effects that become apparent only when one analyses the details of this debate. For the distinction between content-based and procedural is precisely what is at stake in these contexts. In the current climate, what may appear to be a new content-based disciplinary set of accepted standards and norms is actually often the result of people's fear to speak out, or of their being prevented from doing so.

One of the effects of current dismissals of particular views and speakers as 'transphobic' is to ascribe positions and opinions to people that they do not actually hold. This creates a vicious circle in which people are not given the opportunity to articulate their views, and other people are prevented from hearing and critiquing them.

Universities should not be places where students or staff feel threatened or unsafe, and campaigns of silencing and harassment precisely prevent the possibility of the university as a 'safe space' for open discussion. In light of the need to address the way in which claims about harm are in fact frequently used to restrict academic freedom, it may be more useful to focus not on a robust definition of the content-based norms of disciplinary rigour, but on the procedural norms that govern restrictions on free speech.

7. Conclusion and recommendations

The defence of academic freedom is the collective responsibility of the academic community. Current challenges to upholding this value include a marketised system in which students are seen by university leaders primarily as customers rather than learners (Jones and Cunliffe, 2020), encouraging an instrumentalism at odds with educational traditions which strive to teach how to think rather than what to think. The erosion of academic governance has allowed universities to lose sight of their purpose in pursuit of the bottom line. Increasing precarity among academic staff makes the exercise of academic freedom, both in teaching and research, too risky for many colleagues to contemplate. The trend for university administrators to police the boundaries of academic freedom within the parameters of 'risk assessments' and 'reputational damage', rather than seeing academic freedom as a matter for the academic community, is central to the problem. Social media creates the conditions where small numbers of academic staff and students can loudly demand the censure of others, but it does not force universities, publishers or scholarly bodies to acquiesce to these demands.

In rejecting the anything-goes permissiveness of free speech and defending the view that academic standards of intellectual rigour can and should be used to make decisions on who gets to speak on campus, Simpson proposes that the way for universities to vet speakers is to call on 'the intellectual expertise and judgement of the institution's own academic experts' (Simpson, 2020, p.31). Yet the above discussion shows not only that this is manifestly not occurring in universities at present, but that a central threat to academic freedom comes not primarily from the no-platforming of invited speakers, but from the fear and intimidation that leads academics to suppress and self-censor particular

ideas and views due to a surrounding climate of political intolerance. A commitment to free speech and academic freedom does not and should not constitute a defence of harassment or attempts to close down the speech of others (for some helpful recent work on the different meanings of 'harm' and 'safety' in this context, see Ben-Porath, 2017; Callan, 2016). Universities must take appropriate disciplinary action against students and staff who engage in campaigns of harassment against other students and staff. While Lackey is undoubtedly correct to point out that 'a threat of physical harm by an Internet troll could potentially be far more effective in silencing academics than the fear of, say, a minor sanction by an administrator' (Lackey, 2018, p.9), staff will be far more likely to resist threats, and able to cope with their costs to their personal and professional lives, if they work in an institution where administrators and managers proactively uphold and defend academic freedom. Our recommendations include concrete suggestions for universities on how to do so.

Academic research undertaken in good faith and by experienced researchers can be, and regularly is, criticised for its methodology, for its underpinning assumptions, and for what it does not say, as well as what it does say. But in an era of 'post-truth' and 'alternative facts', when we are witnessing the incremental but unmistakable rise of forms of totalitarian political discourse, it seems imperative to be careful and accurate in distinguishing rigorous academic research from dogma and ideology. The language of harm and safety must be treated critically and seriously. While we should all be vigilant in addressing the disadvantage and discrimination faced by various minority groups, students and staff should be able to distinguish between the expression of dissenting views and actions and speech which constitute overt forms of harassment, intimidation and threats towards individuals.

students and staff should be able to distinguish between the expression of dissenting views and actions and speech which constitute overt forms of harassment

Opponents of free speech and academic freedom in some sections of the Left increasingly assume that there is something right-wing about upholding these values (Wight, 2021), which they see as elitist (Chatterjee and Maira, 2014). Yet this is both historically illiterate and grossly short-sighted. It perversely ignores the power dynamics at play, and the fact that abandoning academic freedom as a value to be upheld by the academic community means ceding decisions about what can and cannot be said to administrators who may equally be swayed by government, financial donors, or social media mobs. As this pamphlet focuses on academic freedom, we have emphasised the case of academics and

quasi-academic workers, but there is also a complementary case for strengthening free speech as an employment right for all workers, given that the absence of such protection tends to expose organisations to policy capture, weakens democratic discourse, and can only be detrimental to the ability of policymakers to know the views of the people they represent. Universities are not ivory towers, and our ability to defend academic freedom, and to deliver knowledge as a public good, is undermined by a wider climate of censorship.

Academic freedom requires that universities are committed to pluralism, and should not have a corporate view of the truth. Dworkin articulates this view in his defence of academic freedom, which, like freedom of speech, is not and should not be protected in cases of 'statements or displays whose principal motive is to cause injury or distress or some other kind of harm', but does not extend to 'a right to respect, or a right to be free from the effects of speech that makes respect less likely' (Dworkin, 1996, pp.13-14). Invoking an ideal of 'ethical individualism' as a core commitment of universities in a liberal society, signalling the overriding duty of academics to discover and teach what they find important and true, Dworkin argues that:

> *Ethical individualism needs a particular kind of culture – a culture of independence – in which to flourish. Its enemy is the opposite culture – the culture of conformity, of Khoumeni's Iran, Torquemada's Spain, and Joe McCarthy's America – in which truth is collected not person by person, in acts of independent conviction, but is embedded in monolithic traditions or the fiats of priesthood or junta or majority vote, and dissent from that truth is treason. That totalitarian epistemology – searingly identified in the finally successful campaign of Orwell's dictator to make his victim believe, through torture, that 2 and 2 is 5 – is tyranny's most frightening feature. (p.12)*

This resonates deeply in the context of the demand for assent to the claim that 'Trans Women Are Women'. Universities regularly face pressure to take a stand on political issues, from gender identity ideology to Israel-Palestine. Those making such demands typically assert that, by failing to take a particular view on a given issue, the university fails to stand with the disadvantaged or the oppressed. Yet, while we agree that universities should not, as institutions, engage in practices that undermine the basic human rights of any individual or group, they are also legally bound to support the rights of all those within the university. These include the rights to freedom of belief enshrined in legal

documents such as the Equality Act 2010. To the extent that potential conflicts of rights are a real and complex feature of any shifting policy context, the university must refrain from taking a substantive position, as an institution, in such contested political debates. To do so would undermine its vital function as a forum for constructive disagreement. To protect the university as a pluralistic space, we must make a distinction between, on the one hand, supporting the rights and dignity of all students and workers within the university, and, on the other, taking corporate political and ontological positions.

It is not possible to combine support for individual freedom of conscience with the imposition of a collective ideology

It is not possible to combine support for individual freedom of conscience with the imposition of a collective ideology. Institutions need to give serious consideration to whether some of the organisations they work with operate in a way which is incompatible with the core value of academic freedom. Lobby groups such as Stonewall and Gendered Intelligence provide training at many universities. Stonewall has historically been a hugely important organisation in advancing gay rights in the UK, but since 2014 its primary focus has been on promoting gender self-identification, which has led to conflicts with some lesbian and gay rights activists, who define their sexuality as same-sex attraction, and with feminists. Stonewall is deeply embedded within universities via its Diversity Champions scheme and Global Workplace Equality Index, which encourage organisations to perform in Stonewall's league table by complying with its policies. Yet these organisations promote a particular perspective on gender and face serious criticisms for their role in silencing debate. Stonewall encourages universities to set up activist networks which promote its agenda, and these networks have been involved in soliciting anonymous complaints against staff. The Reindorf Report warns that the University of Essex's relationship with Stonewall has contributed to the impression that gender-critical academics can legitimately be excluded from the institution, and recommends that the university should give careful and thorough consideration to its relationship with Stonewall. We would add to this that Equality, Diversity and Inclusion (EDI) departments, in conjunction with external lobbying, and often in the absence of academic governance of their activities, have failed in their functions, particularly in relation to sex discrimination, diversity and freedom of belief. All university policies should be assessed to ensure their alignment with academic freedom. Universities are legally bound to protect both gender reassignment *and* sex as protected characteristics under the Equality Act: it is not acceptable that they should impose an official ideological view on

gender identity that erases sex (Biggs, 2018). 'Policy capture', where a small number of powerful lobbyists determine policy without proper scrutiny (Murray and Blackburn, 2019), has driven policy on sex and gender identity at our universities as it has at other institutions.

Many academics have only recently become aware of the political project to deny the material reality of sex and the restrictions it aims to place on the conceptual and empirical landscape. This pamphlet has focussed on the threat to academic freedom in the case of sex and gender, not because it is a hard case, but because it is an easy one, with implications across the disciplines. If we cannot defend academic freedom in such a case, we cannot defend it at all.

Central to the mission of universities is the pursuit of knowledge and truth and this is the reason for principles, policies and laws on academic freedom. The following recommendations are designed to help university administrators and leaders take practical steps to defend the core value of academic freedom.

1. Maintain the university as a pluralistic space which welcomes diverse views

- Political lobby groups should not be invited to shape policy or provide training. In particular, any organisations which seek to silence discussion must not be welcomed into positions of influence within the university administration.
- Universities, and departments or sections within universities, should not make institutional statements or provide training espousing particular ideological viewpoints which may undermine the pluralism of the university. Training should be accurate and evidence-based and adhere to existing legal frameworks. The university, as a body comprising individuals with diverse viewpoints and beliefs, is bound by a moral and legal duty to uphold the rights of all those within its community, irrespective of their beliefs.
- Activist networks have a place within the university, but they must be independent of the university administration. Such networks should not be embedded within university structures, including EDI structures.

2. Educate staff and students on academic freedom and the value of productive disagreement

- There is a need for universities to develop and provide training on academic freedom for staff and students across the disciplines. Such training should include an introduction to: i) the legal

framework protecting academic freedom in the UK including the legal limits to free speech; ii) the philosophical arguments and debates underpinning the value of academic freedom; and iii) the concept of productive disagreement, including an explanation of valid and invalid arguments (the latter including ad hominems, hyperbole, etc.).

3. Promote academic freedom alongside equality

- EDI departments and roles often attract activists with a particular agenda. Attention to the oversight of EDI departments is therefore essential to upholding academic freedom. It is also essential to upholding the rights of all groups and individuals, given the risk that prioritizing the political agendas of certain groups may lead to direct or indirect discrimination against other protected groups, including women and those with protected beliefs.
- Provide a clear mechanism for reporting and action in instances where parts of the administration are suppressing academic freedom. Activist overreach can affect the administration at all levels. One concrete example is ethics committees refusing permission to collect data on sex or race on ideological grounds.
- Assess all university policies to ensure their alignment with both academic freedom and equality legislation.
- Appoint a champion for academic freedom within the senior leadership team, in order to ensure that there is a voice positively promoting academic freedom and that it forms part of the discussion of all university policies and practice. Part of the role of the academic freedom champion would be to ensure that all policies that may intersect with academic freedom are subject to the scrutiny of the academic governing body.
- Ensure that the senior leadership team has access to impartial specialist legal advice on equalities law.
- Ensure that EDI staff receive training explaining their duty to uphold the university's duties towards *all* protected groups, as well as upholding the university's public sector equality duties under the Equality Act (2010).

4. Promote collegiality and tackle harassment

- Universities must recognise that a commitment to free speech does not constitute a defence of harassment or attempts to close down the free speech of others. Remedial action should be taken in cases of harassment and defamation by staff or students. Inaction in such cases effectively emboldens bullies, to the

detriment of the possibility of a collegial intellectual community. There may be a need to develop guidance and training to help managers to address new challenges, such as online bullying and defamation.

- Where staff or students are facing harassment or defamation from outsiders to the university, including staff at other institutions, university managements should provide support, including legal support where necessary.
- Management must recognise that vexatious complaints are themselves a form of harassment. Universities which treat patently unreasonable complaints with undue seriousness allow vexatious complainants significant power, as effectively the process becomes the punishment, even when the subject of the complaint is ultimately vindicated.

5. Provide security of tenure

- Increasing precarity in the academic workforce has contributed to a climate where academics are afraid to appear 'controversial' in case it should affect their future prospects. Reducing reliance on temporary, short-term contracts is essential to tackling this issue.

6. Signal institutional support for academic freedom

- Develop a statement affirming the university's commitment to academic freedom and display this on the university website and other university materials (for example, student handbooks).
- Where staff or students face campaigns against them by individuals or groups who oppose their freedom of expression (for example, calling for them to be sacked or silenced), senior management should take the opportunity to publicly emphasise their support for academic freedom and to support the members of the university who are under attack.

7. Defend the pursuit of truth

- In cases where the above principles are perceived to come into conflict, universities must prioritise the pursuit of truth as the core principle underlying university education and research. As a general rule, universities should resist practices which may deter staff or students from asking pertinent questions, stating material facts or collecting salient data.

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References

Aaronovich, D. (2018) 'Assaults on free speech are led by the left', *The Times*, 14 June 2018, https://www.thetimes.co.uk/article/assaults-on-free-speech-are-led-by-the-left-l2r8t9t9p.

Allen, S.R., Finneron-Burns, E., Leng, M., Lawford-Smith, H., Jones, J.C., Reilly-Cooper, R., and Simpson, R.J. (2019) 'On an alleged case of propaganda: reply to McKinnon', *PhilPapers*, https://philpapers.org/rec/ALLOAA-3.

Arendt, H. (2005) *The Promise of Politics*, New York: Shocken Books.

Arendt, H. (1973) *The Origins of Totalitarianism*, New York: Houghton Mifflin Harcourt.

Asteriti, A. and Bull, R. (2020) 'Gender self-declaration and women's rights: how self identification undermines women's rights and will lead to an increase in harms: a reply to Alex Sharpe', *Modern Law Review*, https://www.modernlawreview.co.uk/asteriti-bull-sharpe/.

BBC News (2017) 'Bath Spa University blocks transgender research', 25 September 2017, https://www.bbc.co.uk/news/uk-41384473.

Bailey, J.M. (2003) *The Man Who Would Be Queen: The Science of Gender-Bending and Transsexualism*, Washington DC: Joseph Henry Press.

Ballingham, J. (2021) 'Universities should oppose, not just refine, the Free Speech Bill', *Wonkhe*, 3 October 2021, https://wonkhe.com/blogs-sus/universities-should-oppose-not-just-refine-the-free-speech-bill/.

Barendt, E. (2010) *Academic Freedom and the Law: A Comparative Study*, London: Bloomsbury.

Barnes, H. and Cohen, D. (2020) 'NHS child gender clinic: Staff concerns shut down', *BBC News*, 19 June 2020, https://www.bbc.co.uk/news/health-51806962.

Beard, M. (2019) 'The Greer method', *London Review of Books*, 24 October 2019, https://www.lrb.co.uk/the-paper/v41/n20/mary-beard/the-greer-method.

Bell vs Tavistock (2020) Royal Courts of Justice, Case no: CO/60/2020, https://www.judiciary.uk/wp-content/uploads/2020/12/Bell-v-Tavistock-Judgment.pdf.

Benjamin, S. (2019) 'UCU needs to defend freedom to discuss sex and gender', *Morning Star*, 26 July 2019, https://morningstaronline.co.uk/article/f/ucu-needs-defend-freedom-discuss-sex-and-gender.

Ben-Porath, S. (2017) *Free Speech on Campus*, Philadelphia: University of Pennsylvania Press.

Biggs, M. (2018) 'How queer theory became university policy', *Uncommon Ground*, 24 November 2018, https://uncommongroundmedia.com/how-queer-theory-became-university-policy.

Biggs, M. (2019) 'Britain's experiment with puberty blockers', in M. Moore and H. Brunskell-Evans (eds) *Inventing Transgender Children and Young People*, Newcastle upon Tyne: Cambridge Scholars Publishing, pp.40-55.

Biggs, M. (2020a) 'The transition from sex to gender in English prisons: human rights and queer theory', *SocArXiv Papers*, https://osf.io/preprints/socarxiv/43f2t/.

Biggs, M. (2020b) 'The Tavistock's experimentation with puberty blockers', *Transgender Trend*, https://www.transgendertrend.com/product/the-tavistocks-experimentation-with-puberty-blockers/.

Brunskell-Evans, H. and Moore, M. (eds) (2019) *Inventing Transgender Children and Young People*, Newcastle upon Tyne: Cambridge Scholars Publishing.

Burt, C.H. (2020) 'Scrutinizing the US Equality Act 2019: a feminist examination of definitional changes and sociolegal ramifications', *Feminist Criminology* 15 (4), pp.363-409.

Butler, J. (1999) *Gender Trouble: Feminism and the Subversion of Identity*, New York: Routledge.

Byrne, A. (2019) 'What is gender identity? The elusive true gender self', *ARC*, 9 January 2019, https://medium.com/arc-digital/what-is-gender-identity-10ce0da71999.

Callan, E. (2016) 'Education in safe and unsafe spaces', *Philosophical Inquiry in Education* 24 (1), pp.64-78.

Cameron, D. (2016) 'What makes a word a slur?', *Language: A Feminist Guide*, https://debuk.wordpress.com/2016/11/06/what-makes-a-word-a-slur/.

Calhoun, C. (2009) 'Academic freedom: public knowledge and the structural transformation of the university', *Social Research* 76 (2), pp.561-598.

Chatterjee, P. and Maira, S. (eds) (2014) *The Imperial University: Academic Repression and Scholarly Dissent*, Minneapolis: University of Minnesota Press.

Chemerinsky, E. and Gillman, H. (2017) *Free Speech on Campus*, New Haven: Yale University Press.

Cohen, N. (2020) 'JK Rowling's latest novel isn't transphobic', *The Spectator*, 15 September 2020, https://www.spectator.co.uk/article/j-k-rowling-s-latest-novel-isn-t-transphobic.

Cohen, D. and Barnes, H. (2019) 'Gender dysphoria in children: puberty blockers study draws further criticism', *British Medical Journal* 366: l5647.

Collin, L., Reisner, S.L., Tangpricha, V. and Goodman, M. (2016) 'Prevalence of transgender depends on the 'case' definition: a systematic review', *Journal of Sexual Medicine* 13 (4), pp.613-626.

Coulter, M. (2018) 'Transgender activist Tara Wolf fined £150 for assaulting exclusionary radical feminist in Hyde Park', *Evening Standard*, 13 April 2018, https://www.standard.co.uk/news/crime/transgender-activist-tara-wolf-fined-ps150-for-assaulting-exclusionary-radical-feminist-in-hyde-park-a3813856.html.

D'Angelo, R., Syrulnik, E., Ayad, S., Marchiano, L., Kenny, D.T. and Clarke, P. (2021) 'One size does not fit all: in support of psychotherapy for gender dysphoria', *Archives of Sexual Behavior* 50, pp.7-16.

Davidson, G. (2019) 'Scottish schools transgender event cancelled amid fears for speakers' safety', *The Scotsman*, 3 December 2019, https://www.scotsman.com/news/scottish-news/scottish-schools-transgender-event-cancelled-amid-fears-speakers-safety-1400793.

Davies, M. (2015) 'Academic freedom: a lawyer's perspective', *Higher Education* 70 (6), pp.987-1002.

Department for Education (DfE) (2021) *Higher Education: Free Speech and Academic Freedom* (White Paper), https://www.gov.uk/government/publications/higher-education-free-speech-and-academic-freedom.

Devine C. (2021) 'Female Olympians' voices: female sports categories and International Olympic Committee transgender guidelines', *International Review for the Sociology of Sport*, OnlineFirst, 24 June 2021.

Ditum, S. (2014) '"No platform" was once reserved for violent fascists. Now it's being used to silence debate', *New Statesman*, 18 March 2014, https://www.newstatesman.com/politics/uk-politics/2014/03/when-did-no-platform-become-about-attacking-individuals-deemed-disagreeable.

Docherty, T. (2016) 'On academic and other freedoms', in C. Hudson and J. Williams (eds) *Why Academic Freedom Matters*, London: Civitas, pp.96-111.

Doward, J. (2018) 'Gender identity clinic accused of fast-tracking young adults', *The Observer*, 3 November 2018, https://www.theguardian.com/society/2018/nov/03/tavistock-centre-gender-identity-clinic-accused-fast-tracking-young-adults.

Dreger, A.D. (2008) 'The controversy surrounding *The Man Who Would Be Queen*: a case history of the politics of science, identity, and sex in the internet age', *Archives of Sexual Behavior* 37 (3), pp.366-421.

Dreger, A. (2016) *Galileo's Middle Finger: Heretics, Activists, and One Scholar's Search for Justice*, New York: Penguin Books.

Dworkin, R. (1996) 'We need a new interpretation of academic freedom', *Academe* 82 (3), pp.10-15.

Ehrensaft, D. (2012) 'From gender identity disorder to gender identity creativity: true gender self child therapy', *Journal of Homosexuality* 59 (3), pp.337-356.

Evans, M. (2020) 'Why I resigned from the Tavistock', *Quillette*, 17 January 2020, https://quillette.com/2020/01/17/why-i-resigned-from-tavistock-trans-identified-children-need-therapy-not-just-affirmation-and-drugs/.

Fazackerley, A. (2020) 'Sacked or silenced: academics say they are blocked from exploring trans issues', *The Guardian*, 14 January 2020, https://www.theguardian.com/education/2020/jan/14/sacked-silenced-academics-say-they-are-blocked-from-exploring-trans-issues.

Bailey, A. (2020) 'I am suing Stonewall to stop them policing free speech', *Filia*, 27 June 2020, https://filia.org.uk/news/2020/6/27/allison-bailey-i-am-suing-stonewall-to-stop-them-policing-free-speech.

Fish, S. (2014) *Versions of Academic Freedom: From Professionalism to Revolution*, Chicago: University of Chicago Press.

GC Academia Network *(no date)*, https://www.gcacademianetwork.org.

Gilligan, A. (2019) 'Tavistock clinic reveals surge in girls switching gender', *Sunday Times*, 30 June, 2019, https://www.thetimes.co.uk/article/surge-in-girls-switching-gender-pwqdtd5vk.

Greed, C. (2019) 'Join the queue: including women's toilet needs in public space', *The Sociological Review* 67 (4), pp.908-926.

Greer, G. (2018) *On Rape*, London: Bloomsbury.

Griffiths, S. (2021) 'Autistic girls seeking answers are seizing on sex change', *The Times*, 9 January 2021, https://www.thetimes.co.uk/article/autistic-girls-seeking-answers-are-seizing-on-sex-change-3r82850gw.

Griffiths, S. (2020) 'Stonewall's new boss Nancy Kelly let census expert be no-platformed', *The Sunday Times*, 24 May 2020, https://www.thetimes.co.uk/article/stonewalls-new-boss-nancy-kelley-let-census-expert-be-no-platformed-ljsnw6v3r.

Griffiths, S., McStay, J. and Gee, G. (2018) 'Activists thwart work on gender law reforms' *Sunday Times*, 28 October 2018, https://www.thetimes.co.uk/article/activists-thwart-work-on-gender-law-reforms-jx6lwd6tf.

Hall, R. (2021) Bristol University sacks professor accused of antisemitic comments, *The Guardian*, 1 October 2021, https://www.theguardian.com/education/2021/oct/01/bristol-university-sacks-professor-accused-of-antisemitic-comments.

Harland, T. and Pickering, N. (2010) *Values in Higher Education Teaching*, London: Routledge.

Hayton, D. (2020) 'Labour's transgender civil war has hit a new low', *The Spectator*, 12 August 2020, https://www.spectator.co.uk/article/labour-s-transgender-civil-war-has-hit-a-new-low.

Heber, J. (2019) 'Correcting the scientific record on gender incongruence – and an apology', *PLOS Blogs EveryONE*, 19 March 2019, https://everyone.plos.org/2019/03/19/correcting-the-scientific-record-and-an-apology/.

Heneghan, C. and Jefferson, T. (2019) 'Gender-affirming hormone in children and adolescents', *BMJ Evidence Based Medicine Spotlight*, 25 February 2019, https://blogs.bmj.com/bmjebmspotlight/2019/02/25/gender-affirming-hormone-in-children-and-adolescents-evidence-review/.

Higher Education (Freedom of Speech) Bill (2021) (HC Bill 167, 2021–22), Parliamentary Bills, https://publications.parliament.uk/pa/bills/cbill/58-02/0167/210923.pdf.

Hilton, E.N. and Lundberg, T.R. (2021) 'Transgender women in the female category of sport: perspectives on testosterone suppression and performance advantage', *Sports Medicine* 51, pp.199-214.

Hilton, E., Thompson, P., Wright, C. and Curtis, D. (2021) 'The reality of sex', *Irish Journal of Medical Science* 190, p.1647.

Holt, A. (2020) 'NHS Gender Clinic should have challenged me more over transition', *BBC News*, 1 March 2020, https://www.bbc.co.uk/news/health-51676020.

Hudson, C. and Williams, J. (eds) (2016) *Why Academic Freedom Matters*, London: Civitas.

Jones, L. and Cunliffe, P. (2020) 'Saving Britain's universities: academic freedom, democracy and renewal', Cieo, 11 August 2020, https://www.cieo.org.uk/research/saving-universities/.

Jones, J.C. and Mackenzie, L. (2020) *The Political Erasure of Sex 1: Sex and the Census*, University of Oxford, https://thepoliticalerasureofsex.org/wp-content/uploads/2020/10/The-Political-Erasure-of-Sex_Full-Report.pdf.

Kirkup, J. (2018a) 'Why are women who discuss gender getting bomb threats?', *The Spectator*, 21 June 2018, https://www.spectator.co.uk/article/why-are-women-who-discuss-gender-getting-bomb-threats-.

Kirkup, J. (2018b) 'Even our MPs are afraid of the transgender mob', *The Spectator*, 20 October 2018, https://www.spectator.co.uk/article/even-our-mps-are-afraid-of-the-transgender-mob.

Kirkup, J. (2019) 'Women are being silenced from talking about transgender rights', *The Spectator*, 6 May 2019, https://www.spectator.co.uk/article/women-are-being-silenced-from-speaking-about-transgender-rights.

Lackey, J. (ed) (2018) *Academic Freedom*, Oxford: Oxford University Press.

Leng, M. (2020) 'Harry Potter and the reverse Voltaire', *Medium*, 12 July 2020, https://medium.com/@mary.leng/harry-potter-and-the-reverse-voltaire-4c7f3a07241.

Littman, L. (2018) 'Parent reports of adolescents and young adults perceived to show signs of a rapid onset of gender dysphoria', *PLOS ONE* 13 (8), e0202330.

Lukianoff, G. and Haidt, J. (2015) 'The coddling of the American mind', *The Atlantic,* September 2015, http://www.theatlantic.com/magazine/archive/2015/09/the-coddling-of-theamericanmind/399356/.

Lukianoff, G. and Haidt, J. (2018) *The Coddling of the American Mind: How Good Intentions and Bad Ideas are Setting Up a Generation for Failure*, New York: Penguin Books.

Lynch, M.P. (2018) 'Academic freedom and the politics of truth', in J. Lackey (ed) *Academic Freedom*, Oxford: Oxford University Press, pp.23-35.

Menand, L. (ed) (1996) *The Future of Academic Freedom*, Chicago: University of Chicago Press.

Merched Cymru (2021) 'Welsh universities need to drop Stonewall', 29 June 2021, https://merchedcymru.wales/2021/06/29/welsh-universities-need-to-drop-stonewall/.

Mill, J.S. (1991) [1859] *On Liberty and Other Essays*, Oxford: Oxford University Press.

Moody-Adams, M. (2018) 'Is there a safe space for academic freedom?' in J. Lackey (ed) *Academic Freedom*, Oxford: Oxford University Press, pp.36-60.

Murray, K. and Blackburn, L.H. (2019) 'Losing sight of women's rights: the unregulated introduction of gender self-identification as a case study of policy capture in Scotland', *Scottish Affairs* 28 (3), pp.262-289.

Murray, K., Blackburn, L.H. and Mackenzie, L. (2020) 'Reform under the radar? Lessons for Scotland from the development of gender self-declaration laws in Europe', *Edinburgh Law Review* 24 (2), pp.281-289.

Murray Blackburn Mackenzie (2020a) 'Statement about Edinburgh University Press and our *Scottish Affairs* article', 1 August 2020, https://murrayblackburnmackenzie.org/2020/08/01/statement-about-edinburgh-university-press-and-our-scottish-affairs-article/.

Murray Blackburn Mackenzie (2020b) 'Defining transgender identity in the Hate Crime and Public Order Bill and beyond', 17 August 2020, https://murrayblackburnmackenzie.org/2020/08/17/defining-transgender-identity-in-the-hate-crime-and-public-order-bill-and-beyond/.

Office for Students (OfS) (2019) *Prevent Monitoring Accountability and Data Returns 2017–18: Evaluation Report*, https://www.officeforstudents.org.uk/media/860e26e2-63e7-47eb-84e0-49100788009c/ofs2019_22.pdf.

Okin, S.M. (1998) 'Gender, the public, and the private', in A. Phillips (ed) (1998) *Feminism and Politics*, Oxford: Oxford University Press, pp.116-141.

Olivas, M. (1993) 'Reflections on professorial academic freedom: second thoughts on the third "essential freedom"', *Stanford Law Review* 45 (6), pp.1835-1858.

Orwell, G. (1944) 'What is Fascism?', *Tribune*, 24 March 1944, https://www.orwell.ru/library/articles/As_I_Please/english/efasc.

Patalay, P. and Fitzsimons, E. (2018) 'Development and predictors of mental ill-health and wellbeing from childhood to adolescence', *Social Psychiatry and Psychiatric Epidemiology* 53 (12), pp.1311-1323.

Pateman, C. (1983) 'Feminist critiques of the public/private dichotomy', in S.I. Benn and G.F. Gaus (eds) *Public and Private in Social Life*, London: Croom Helm, pp.281–303.

Phillimore, S. (2020) 'Freedom of speech awakens', *The Critic*, 21 December 2020, https://thecritic.co.uk/insults-are-not-illegal-yet/.

Pike, J. (2021) 'Safety, fairness and inclusion: transgender athletes and the essence of rugby', *Journal of the Philosophy of Sport* 48 (2), pp.155-168.

Pilgrim, D. (2018) 'Reclaiming reality and redefining realism: the challenging case of transgenderism', *Journal of Critical Realism* 17 (3), pp.308-324.

Post, R.C. (2012) *Democracy, Expertise, and Academic Freedom: A First Amendment Jurisprudence for the Modern State*, New Haven: Yale University Press.

Reay, B. (2014) 'The transexual phenomenon: a counter-history', *Journal of Social History* 47 (4), pp.1042-1070.

Reindorf, A. (2021) 'Review of the circumstances resulting in and arising from the cancellation of the Centre for Criminology seminar on Trans Rights, Imprisonment and the Criminal Justice System, scheduled to take place on 5 December 2019, and the arrangements for speaker invitations to the Holocaust Memorial Week event on the State of Antisemitism Today, scheduled for 30 January 2020', University of Essex, https://www.essex.ac.uk/blog/posts/2021/05/17/review-of-two-events-with-external-speakers.

Revesz, R. (2017) 'Academic blocked from researching people who reversed their gender assignment surgery speaks out', *The Independent*, 25 September 2017, https://www.independent.co.uk/news/uk/home-news/psychotherapist-gender-assignment-surgery-reverse-research-stop-trans-bath-spa-university-james-caspian-a7965281.html.

Rowling, J.K. (2020) 'J.K. Rowling writes about her reasons for speaking out on sex and gender issues', *In* My Own Words, 10 June 2020, https://www.jkrowling.com/opinions/j-k-rowling-writes-about-her-reasons-for-speaking-out-on-sex-and-gender-issues/.

Sherwood, H. (2019) 'Oxford students call for professor's removal over alleged homophobia', *The Guardian*, 9 January 2019, https://www.theguardian.com/education/2019/jan/09/oxford-students-call-for-professors-removal-over-alleged-homophobia.

Shumer, D.E., Reisner, S.L., Edwards-Leeper, L. and Tishelman, A. (2016) 'Evaluation of Asperger syndrome in youth presenting to a gender dysphoria clinic', *LGBT Health* 3 (5), pp.387-390.

Simpson, R.M. (2020) 'The relation between academic freedom and free speech', *Ethics* 130 (3), pp.287-319.

Simpson, R.M. and Srinivasan, A. (2018) 'No platforming', in J. Lackey (ed) *Academic Freedom*, Oxford: Oxford University Press, pp.186-210.

Singal, J. (2017) 'This is what a modern day witch hunt looks like', *Intelligencer*, 2 May 2017, https://nymag.com/intelligencer/2017/05/transracialism-article-controversy.html.

Smith, E. (2020) *No Platform: A History of Anti-Fascism, Universities and the Limits of Free Speech*, London: Routlege.

Smith, H., Suissa, J. and Sullivan, A. (2019) 'Should feminists be no-platformed?', *Morning Star*, 16 May 2019, https://morningstaronline.co.uk/article/f/should-feminists-be-no-platformed.

Sokal, A. and Bricmont, J. (1998) *Intellectual Impostures*, London: Profile Books.

Somerville, E. (2020) 'Student to sue university over transgender bullying', *The Times*, 25 May 2020, https://www.thetimes.co.uk/article/student-to-sue-university-over-transgender-bullying-vmpdnzkdq.

Stock, K. et al (2018) 'Academics are being harassed over their research into transgender issues', *The Guardian*, 16 October 2018, https://www.theguardian.com/society/2018/oct/16/academics-are-being-harassed-over-their-research-into-transgender-issues.

Stock, K. (2019) 'Are academics freely able to criticise the idea of gender identity in UK universities?', *Medium*, 3 July 2019, https://medium.com/@kathleenstock/are-academics-freely-able-to-criticise-the-idea-of-gender-identity-in-uk-universities-67b97c6e04be.

Stock, K. (2021a) *Material Girls: Why Reality Matters for Feminism*, London: Hachette.

Stock, K. (2021b) 'I refuse to be bullied into silence', *Mail on Sunday*, 17 January 2021, https://www.dailymail.co.uk/news/article-9155659/I-refuse-bullied-silence-PROFESSOR-KATHLEEN-STOCK.html.

Stonewall (2019) 'What does trans mean?', 27 March 2019, https://www.stonewall.org.uk/what-does-trans-mean.

Stonewall (no date) 'List of LGBTQ+ terms', https://www.stonewall.org.uk/help-advice/faqs-and-glossary/list-lgbtq-terms.

Sullivan, A. (2020a) 'Sex and the census: why surveys should not conflate sex and gender identity', *International Journal of Social Research Methodology* 23 (5), pp.517-524.

Sullivan, A. (2020b) 'Response to Fugard and Hines', *International Journal of Social Research Methodology* 23 (5), pp.539-540.

Sullivan, A. (2021) 'Sex and the Office for National Statistics: a case study in policy capture', *The Political Quarterly* 92 (4), pp.638-651.

Sullivan, A. and Suissa, J. (2019) 'The gender wars, academic freedom and education', *BERA Blog*, 25 January 2019, https://www.bera.ac.uk/blog/the-gender-wars-academic-freedom-and-education.

Sullivan, A., Suissa, J., Smith, H. and Gourlay, L. (2019) 'UCU must stand up for academic freedom on sex and gender', *Times Higher Education*, 19 April 2019, https://www.timeshighereducation.com/blog/ucu-must-stand-academic-freedom-sex-and-gender.

Trotsky, L. (1944) *Fascism: What It Is and How To Fight It*, New York: Pioneer.

Turner, J. (2017) 'The battle over gender has turned bloody', *The Times*, 16 September 2017, https://www.thetimes.co.uk/article/the-battle-over-gender-has-turned-bloody-2wpkmnqhh.

Turner, J. (2021) 'The silent majority must stand up to student bullies', *The Times*, 8 October 2021, https://www.thetimes.co.uk/article/the-silent-majority-must-stand-up-to-student-bullies-h6q8w0mxr.

Tuvel, R. (2017) 'In defense of transracialism', *Hypatia* 32 (2), pp.263-278.

University and College Union (UCU) (2021) 'UCU statement on academic freedom', 15 October 2021, https://www.ucu.org.uk/academicfreedom.

Warrier, V., Greenberg, D.M., Weir, E., Buckingham, C., Smith, P., Lai, M., Allison, C. and Baron-Cohen, S. (2020) 'Elevated rates of autism, other neurodevelopmental and psychiatric diagnoses, and autistic traits in transgender and gender-diverse individuals', *Nature Communications* 11, 3959.

Watson, S. (2020) 'Cambridge is censoring any dissent on trans issues', *UnHerd*, 11 November 2020, https://unherd.com/thepost/cambridge-is-censoring-any-dissent-on-trans-issues/.

Weale, S. (2021) 'UK government criticised over plans to oversee free speech at universities', *The Guardian*, 16 February 2021, https://www.theguardian.com/education/2021/feb/16/uk-government-criticised-over-plans-to-oversee-free-speech-at-universities.

Wight, C. (2021) 'Critical dogmatism: academic freedom confronts moral and epistemological certainty', *Political Studies Review* 19 (3), pp.435-449.

Williams, J. (2016) *'Why academic freedom matters'*, in C. Hudson and J. Williams (eds) Why Academic Freedom Matters, London: Civitas, pp.1-18.

Woolcock, N. and Bannerman, L. (2018) 'LGBTQ+ society: gulags were enriching', *The Times*, 12 September 2018, https://www.thetimes.co.uk/article/lgbt-society-gulags-were-enriching-mfzdzrxwc.

Woman's Place UK (WPUK) (2018) 'Evidence of calls to remove single sex exemptions from Equality Act', 25 June 2018, https://womansplaceuk.org/references-to-removal-of-single-sex-exemptions/.

Yeomans, E. (2019) 'Journal editors quit in protest over 'transphobic' academic', *The Times*, 26 June 2019, https://www.thetimes.co.uk/article/journal-editors-quit-in-protest-over-transphobic-academic-6tvq3cwfv.

About the authors

Judith Suissa is Professor of Philosophy of Education at the UCL Institute of Education. Her work explores the intersections between political ideas and educational practice, particularly concerning the justification of state schooling and the underlying political and moral assumptions of pedagogical relationships outside institutional forms of education. She has written about radical and anarchist educational theory and practice, parent-child relationships, political education, and issues of belonging and identity. Her publications include *Anarchism and Education: A Philosophical Perspective* (Routledge, 2006) and (with Stefan Ramaekers) *The Claims of Parenting* (Springer, 2012).

Alice Sullivan is Professor of Sociology at the UCL Social Research Institute. Her research focusses on social and educational inequalities in the life course. She has made extensive use of secondary data analysis of large-scale longitudinal data sets in her research, with a particular focus on the British birth cohort studies of 1958, 1970 and 2000. Her publications include work on social class and sex differences in educational attainment, cultural capital, reading for pleasure, social mobility, and health inequalities. Recently she has written on the need to retain data on sex, including 'Sex and the Office for National Statistics: a case study in policy capture' (*Political Quarterly, 2021*) and 'Sex and the census: why surveys should not conflate sex and gender identity' (*International Journal of Social Research Methodology, 2020*).