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RESEARCH ARTICLE

Academic Freedom, COVID-19 and Other Challenges to Academic Debate

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ABSTRACT

COVID-19 has raised issues of academic freedom, principally where there are divergences of opinion over the legitimacy of COVID-related vaccination. This, in turn, has cast the spotlight onto the nature of academic freedom in other contentious areas within society and therefore within the academy. While the notion of academic freedom has wide acceptance in theory, it regularly encounters obstacles when it appears to give academics a platform to oppose government policy or even university policy. Two areas are highlighted.

The first considers COVID vaccines in academic debate, where the challenge is to balance the freedom not only for academics to speak out in support of vaccination, but also against it. The demands posed by vaccine mandates have brought this tension into prominence. Additional issues include the protection of academics acting as quasi spokespeople for governments, plus the temptation to critique other academics promulgating minority viewpoints based on dubious scientific credentials. This raises the need to protect academics with unpalatable viewpoints.

The second dimension explored is that of the status of indigenous concepts of science. While this discussion has no relationship to COVID-19, it brings to the surface a similar range of tensions related to academic freedom. Although the details will vary between indigenous groups in different cultures, they raise a fundamental consideration: 'what is science?' For some there are elements of science that are culture dependent; others vigorously disagree. The question is how a university copes with such fundamental disagreements, and what may and may not be acceptable within academia. Does academic freedom allow approaches that appear to be at fundamental odds with one another? The way in which this question is answered has a bearing on approaches adopted to COVID-19 debates.

Keywords: Academic freedom, COVID-19, Anatomy, Experts, Academic integrity, MMR vaccine and autism, Cultural aspirations

Aims and Scope

At first glance there is no more connection between academic freedom and a pandemic than between academic freedom and many other topics. At one level that is correct, and yet what has emerged is that the pandemic has raised a host of contentious social issues that have exposed differences of opinion within academia itself. The same applies in a range of other culturally contentious areas. These tensions challenge the notion of academic freedom and its ability to cope with academic staff who deviate from generally accepted viewpoints within their disciplinary areas and who express these viewpoints publicly. This is especially problematic when the topics under discussion are of widespread relevance for the health and wellbeing of society. The aim of this article is to understand the freedoms provided by academic freedom and also the limitations it imposes on academic debate.

1. Academic Freedom and its Cultural Accommodations

A number of years ago my co-workers and I wrote a monograph on the role of academic freedom in universities.¹ In this it was argued that academic freedom is inseparable from a university's role as critic and conscience of society. The reason for stating this was that, in the authors' view, academic freedom can only exist within an environment that encourages creativity, radical ideas and criticism of the status quo. On this basis freedom is fundamental if academics are to be in a position to criticize and assess ideas and concepts. More specifically, academic freedom is generally expressed along lines such as: 'the freedom of academic staff and students, 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 within their institution.'^{2,3}

Definitions along these lines are vague, in that they fail to specify whether freedom of this nature spans the whole of the intellectual spectrum, or whether it is to be constrained by the area of staff members' expertise. For instance, does it give an anatomist freedom to express views on economic policy, the interpretation of earthquake fault lines, or Chinese historiography? The answer generally given is that is not the case as an academic expert, but it possibly is as a member of the general public. In

other words, there are limits to academic freedom - those imposed by the extent of one's disciplinary expertise. But how is expertise defined? For instance, human anatomists do not constitute a homogenous population, since the discipline of anatomy can be interpreted in remarkably broad interdisciplinary terms, encompassing subsets from clinical and functional anatomy and biological anthropology, to reproduction and development, genomics, and on to neuroscience. Nevertheless, even here there are boundaries, since no one individual has comparable expertise across each of these domains. An underlying theme running through all these component parts of anatomy is that of structure or organization of the body, especially the human body. In other words, rather than being disparate fields they form a coherent whole, to which all individual anatomists contribute.

The implication for academic freedom is that those outside these fields are not to restrict, let alone censor, what is taught or researched in them, simply because they promulgate political or social views held by others within the institution or society. There is, however, a proviso, and this is that the views expressed by anatomists or their interpretation of data accord with the highest expectations of relevant journals and professional bodies. In other words, academic freedom does not support the expression of views that fail to meet legitimate quality criteria, even by those who may be deemed disciplinary experts.

For anatomists as for those in other disciplinary areas, there is a continuum, from a well-defined professional realm, through areas where professional expertise informs viewpoints, to others where it has little influence. In this instance, the biomedical context is significant, and is both a strength and a limitation. There are no infallible rules, but there is sufficient guidance to provide a robust foundation for assessing the relevance of academic freedom when entering controversial territory. The highly contentious relationship between gender identity, reproductive biology and transgender self-identification is an example of an issue where expertise in any one discipline is not considered sufficient to satisfy the range of interested parties.^{4,5}

It is unlikely there will be contentious public debate over the musculature of the arm, the components of the brachial plexus, or the distribution of the vagus nerve. In no way does this preclude vigorous academic debate over detailed aspects in any of these areas based on recent technological

innovations and revised concepts. The question is how far this expertise extends beyond the narrowly anatomical into applied areas, such as treatment for muscular injuries or damage to peripheral nerves. This is where limits on anatomists' expertise become evident, since they lack training in diagnosing injuries, quite apart from prescribing appropriate treatment regimes. Their understanding, while greater than that of economists in biomedical fields, has limits.

What then of anatomical insights into cultural and ethical spheres affecting the manner in which anatomists approach the human body, interpret their findings and publicize them to the general public? This is where anatomical expertise meets the cultural and religious expectations of the society and university in which the anatomists are functioning. The acceptance of human body dissection for teaching and research is not a given, as seen by the hard fought battles over many years that have opened the way to the availability of human bodies for anatomical study in one country after another.^{6,7} While these battles have not usually been viewed within the context of academic freedom, this is precisely what they are. They mark the acceptance of human dissection as a legitimate academic activity that anatomists are free to pursue.

Anatomists anticipate being free to undertake anatomical studies and publish the results of their studies, no matter how controversial some of these may be. The presumption is that research on the human body is accepted culturally within their society. If a university were to restrict this on academic grounds, it would be imposing limitations on anatomists' academic freedom. There are competing tensions here between broad cultural considerations and far more specific academic ones, demonstrating that academic freedom is not an island isolated from the many competing cultural forces that from time to time impinge upon academia. The presumption though is that universities are to lend support to the work of their academic staff, even if at times it comes into conflict with social mores.

2. The role of experts

The debate about academic freedom takes for granted that there are experts, and that experts carry a legitimacy of their own.⁸ However, even this has come under fire in recent times especially in relation to the COVID-19 pandemic. It all started a

long time before COVID-19 when, during the debate on British membership of the European Union, leading British politician Michael Gove made the comment that "I think the people of this country have had enough of experts with organisations with acronyms saying that they know what is best and getting it consistently wrong."⁹ Whatever he intended in that heated debate, the message has resonated. In some quarters experts are distrusted, and may even be regarded as the predominant problem rather than the solution.

Responses to COVID-19, with their reliance upon a welter of expert advice, have thrown the spotlight onto experts in an unusually tense fashion. They are omnipresent in the media, and some academics have acquired media celebrity status far removed from the unobtrusive life normally associated with academia. They present the science, and the science is to be followed if the population is to be protected from a rampant viral infection, no matter that the postulated solutions may impinge upon normally expected freedoms. Hence the frequently heard mantra: 'follow the science.' More problematic though is the reality that the recommendations of experts sometimes vary, leading to a questioning of their reliability. The science may not always be correct, even if it is taken seriously. Moreover, no matter how accurate the science is, the policies enacted by governments vary.

It is into this melting pot that academic scientists require the shield of academic freedom since they are entering largely unexplored territory, scientifically, culturally and politically. While those whose advice is accepted and appreciated by the powers that be, may have nothing to fear, the same cannot be said for those with a minority viewpoint, who may be severely criticized in public debate and within their own academic communities. Academic freedom is seen to be functioning effectively when universities are prepared to defend the legitimacy of minority viewpoints that may not be welcome to most within society.

In the early stages of the pandemic, choices had to be made: should everyone be protected as far as possible, should some groups be protected more than others and hence some less than others, how much was people's freedom of movement to be restricted? What criteria were to be used? These are not technical matters alone but have sensitive public health policy implications; discretionary choices are being made based in part on technical recommendations, but involving political, cultural and ethical input.¹⁰ Expert judgements do not exist

in a vacuum but within specific social and political contexts.¹¹ There are always tacit assumptions within expert knowledge claims, including how the public will respond to expert advice.¹⁰ This reinforces the central importance of expert knowledge, as long as implementing it is seen as a social and participatory process.

Expertise is generally taken to refer to a person with a high level of knowledge or skill relating to a particular subject or activity. This is generally taken to imply that the person has studied the subject or trade under trained mentors. People also want to be assured that so-called experts have satisfied the authorities that they are now competent to practise their craft. Scepticism of experts comes to the fore in the health sciences, but far less so in engineering or aerospace. People with major reservations about vaccines, for instance, appear to have few reservations regarding the engineering behind the cars they drive or the planes in which they fly.

It is troubling when one hears of someone with no background in immunology and viruses or even biology, claim that by watching many hours of videos on the internet they have acquired more expertise in viruses than a virology researcher with years of advanced training and research experience. The researcher is fallible, but they have earned the right to be protected by university authorities as an outworking of academic freedom. By contrast, an academic historian has not earned an equal right to promulgate minority views on immunology based on study of internet-based antivaccine sites. Their expertise in historical study does not extend to immunology.

Respect for expertise is important within any institution or society, since those who wish to discredit experts usually want to advance a particular agenda. They may want to reject government control and the perceived power of the elite within society, or they stress the centrality of bodily autonomy and a form of alternative/natural medicine. Experts are seen as furthering the interests of the elite and the powerhouses within medicine. The advent of the internet and social media has emerged as a means of counteracting this by giving ordinary citizens a voice, unencumbered by those who society and professional bodies deem to be experts. Any such widespread lack of trust in experts, accompanied by an increase in cynicism within the population at large, may have profound implications for academic freedom within universities. This is because criticism of experts by the general public

makes it easier for academic institutions to become uneasy about those within their ranks who are deviating from accepted societal norms. Academic freedom is needed to protect such employees, even while the legitimacy of their contributions is stringently assessed.

3. Academic freedom and academic integrity

The wealth of publications produced in response to the COVID-19 pandemic have revolved around public health, epidemiology and virology. However, the debate has been far from a cloistered academic one, as it has spilled out each day into the public domain on account of its obvious relevance for the health of the population. The debate has also had diverse political and social repercussions that inevitably have impinged on the strictly scientific messages. The scientific consensus has been strongly in favour of the efficacy of the vaccines produced to combat COVID-19, and hence their central place in public health measures employed to varying degrees by all societies.¹² Consequently, academics speaking out in favour of such measures have relished the freedoms they have experienced as academics to utilize their expertise to combat the forbidding challenges provided by a novel and catastrophically damaging viral infection.¹³

While most academics in the health sciences have flourished in this environment, there have been those who have not conformed. For instance, there have been a small number of biomedical scientists who have not supported vaccination and/or have queried vaccine mandates.^{14,15} The challenge here has been to uphold the freedom academics have to speak out against generally accepted viewpoints and their responsibility to uphold the highest academic standards. This is especially problematic where the staff members' area of expertise is directly relevant to, say, immunology or epidemiology. This may be taken as legitimizing their views since they have appropriate expertise and can be taken as expressing well-informed perspectives.

The danger here is that their alternative perspective, while open to debate within the ranks of their peers, may not be seen in the same terms by non-experts in other areas, both inside and outside the university. The prestige bestowed by the aura of expertise does not assure correctness. While academic freedom should allow for the expression of minority viewpoints, it should also

demand close investigation of the basis on which they are being made, and, therefore, their legitimacy. At the most basic level, have the data on which they are based been subject to peer review and published in reputable high quality journals? It is here that universities may be found wanting if they lack appropriate policies and procedures to investigate suspect views.

Academic freedom is a constrained freedom, since it depends on the soundness of the studies underlying the claims being made. While this is not a novel situation, it has become fraught when the claims concern such a provocative matter as the safety of COVID-19 vaccines or the legitimacy of vaccine mandates.¹⁶ Universities are obliged to defend the freedom of their members to explore new ideas, to test received wisdom and to challenge established truths.¹⁷ Hence, opportunities should be provided to enable those who do not ascribe to orthodox thought forms with the opportunity to express their position until, and if, this emerges as untenable scientifically and socially. The last thing a university should attempt to do is muzzle its researchers in the absence of compelling evidence that this is a necessary last step. In other words, researchers who stand on the margins are to be given every opportunity to justify their stance before they are compelled to retract it. But they are to be held to account.

In a publicly combative environment, such as that presented by COVID-19 vaccination, universities are placed in an invidious position when, say, public health staff adopt high profile stands opposing the general consensus on vaccination. This is especially the case when these staff align themselves with vociferous anti-vaccination organizations, whose position is in part based upon conspiracy thinking. There is tension here between the core content of an area of expertise and socially questionable standpoints loosely associated with it. Academic staff members, who align themselves with disputatious activities, may bring the university into disrepute and in doing so may have moved beyond the protection afforded by academic freedom.

Universities are to uphold the dual requirements of academic freedom and academic excellence, the actual work itself and its ethical standards. A researcher in immunology or epidemiology is not a repository of all truth about vaccines when their views are at odds with the overall consensus of epidemiologists and immunologists.^{17,18} In routine academic debate, minority viewpoints have an opportunity to contest any generally accepted

position through the free flow of information and ideas. This becomes problematic when the minority viewpoint is aligned with highly sceptical views of vaccination among sections of the general public. The notion of academic freedom does not extend to misleading people on the basis of ideas extraneous to the core tenets of the academic's discipline.

An alternative angle on the role of academic freedom is provided by those academics who emerge as prominent spokespeople of the majority position on vaccines and strategies for controlling the spread of COVID-19 within the community. They can emerge as quasi-spokespeople for governments and those in authority, and as a consequence become the target of vitriol from members of the public.¹⁹ Under these circumstances what responsibility do universities have to stand up for their staff and provide protection for them if necessary? The staff are utilizing their academic freedom in the public square, rather than behind the closed doors of academia, and this is a manifestation of their acting in the role of speaking truth to power.

Two academics, who have garnered high-profiles within the community through their major contributions to the pandemic response in New Zealand, sought protection from their university following harassment in the public sphere.¹⁹ The University in response urged them to keep their public commentary to a minimum, since they were not expected or required to provide public commentary on COVID-19 as part of their employment. The academics argued that the University had not adequately responded to their safety concerns and request for protection, and made a complaint to the Employment Relations Authority.²⁰ It is debateable what protection a university can be expected to provide, especially since other high-profile academics on the receiving end of vitriolic attacks from members of the public have not raised any concerns with their universities.²¹ However, academic freedom bestows upon university authorities duties to acknowledge the expertise of academics and support the promulgation of reputable findings in public debate. If the environment is a hostile one, there is even greater reason for universities to acknowledge and support the public-facing work of their academic staff.

Although the emphasis has been on debate surrounding COVID-19, these principles have much wider application. Take the case of Andrew Wakefield, who was a senior lecturer and honorary

consultant in gastroenterology at the Royal Free Hospital School of Medicine in London, and hence employed by a university and protected by academic freedom. In 1998 he published what became a notorious paper in *The Lancet*, in which he and his co-workers postulated a link between the measles, mumps and rubella (MMR) vaccine and autism. More specifically, it was touted as a novel form of enterocolitis linked to autism.²² This allegedly was a “new syndrome” of autism and bowel disease.

It emerged that the paper was flawed and critics quickly pointed out that it was a small case series with no controls, linked three common conditions, and relied on parental recall and beliefs, and was based on 12 children. Repeated studies by other workers have consistently found no evidence of a link between the MMR vaccine and autism. However, the paper was not retracted until 12 years later, by which time Wakefield had been crossed off the Medical Register for fraud. However, what stands out in this whole sad story is that the demonstration that the paper was the result of an elaborate fraud was the work of a journalist, and not the medical school.²³ Initially, Wakefield was supported by his institution as he sought to exploit the ensuing MMR scare. In this case, therefore, academic freedom failed, in that it allowed him to benefit from his fraud until journalists, researchers and organizations external to the medical school revealed the extent of the inadequate basis for his claims and his duplicity. The world-wide consequences of his subsequent anti-vaccination activism and its negative implications for public health are well-known, even after retraction of the original paper by his co-authors²⁴ and his disgrace in medical circles.

There can be no clearer evidence that, if academic freedom is to function satisfactorily, there has to be an intimate link with academic integrity. The Wakefield affair demonstrates in stark fashion the appalling consequences of a university/medical school being prepared to support highly speculative claims, particularly when these are potentially inflammatory and with far-reaching consequences for the public sphere. By being prepared to benefit from the highly dubious claims, the medical school failed in its accountability and demonstrated its lack of understanding of the intimate link between academic integrity and academic freedom.

4. Academic freedom and cultural aspirations

A second dimension is that of the place of indigenous concepts of science. While the details will vary between indigenous groups in different cultures, they raise a fundamental consideration: “what is science?” Are there elements of science that are culture dependent? Some contend that this is the case, whereas others vigorously disagree. In introducing this debate, the intention is not to attempt a resolution, but to enquire how university authorities have responded and where academic freedom enters the picture.

It has been suggested that a debate about the nature of science has become a litmus test for academic freedom in New Zealand.²⁵ This may not be completely accurate since the debate revolves around whether some leading academics should be expelled from the country’s leading academy rather than their universities. Nevertheless, academic freedom has never been far from the surface of this on-going debate. The origins of the debate stemmed from a letter written by a group of academics to the editor of a weekly magazine criticizing plans to embed Māori knowledge in the school science curriculum.²⁶ In other words, it is over the character of science, whether it is universal, whether it has been a tool of colonisation, and whether there is a place for indigenous knowledge and an indigenous contribution to contemporary science. In short, the writers of this letter were unequivocal in stating that while indigenous knowledge may help advance scientific knowledge, it is not science. This letter was swiftly followed by a series of articles explaining some of the background to the issues brought out by the letter,²⁷ as well as counter-letters and statements by a range of academics and scientific organizations objecting to the views expressed in it.^{28,29} The New Zealand Association of Scientists contended that science has an ongoing history of colonising when it privileges a Western-dominated view of science.³⁰

Of particular note were the responses of the President and Chair of the Academy Executive Committee of the Royal Society rejecting the notion that indigenous Māori knowledge is not a valid truth, and rejecting “the narrow and outmoded definition of science outlined in the letter.”^{31,32} Perhaps the most significant response in terms of academic freedom was that of the Vice-Chancellor of the academics’ University. She stated: “While the academics are free to express their views, I want to make it clear that they do not represent the view of the university.”³³ The statement further stated that

their view had caused considerable hurt and dismay among the university's staff, students and alumni. In a subsequent statement the Vice-Chancellor expressed the University's unwavering commitment to academic freedom and freedom of expression. She stated that "our seven academics were free to express their views on mātauranga Māori and science. Others in our community were free to disagree and to present the logic of their objections."³⁴

The relevance of this debate lies not in the details of the debate itself, but in the freedom of academic staff to express viewpoints at odds with some within their society. Even if they were to be egregiously wrong, they were expressing what for many in other countries would be regarded as self-evidently correct. But it crossed a cultural line within their own country that for many was too much to bear. In order to make this point even clearer, the Royal Society, of which three of the letter writers were fellows, set up a formal investigation to determine whether these academics had breached any of the Society's obligations.^{32,35} If they were found to have breached any of them, they could be expelled from membership. Subsequently, the academy discontinued disciplinary action against the letter writers on the ground that it was beyond the panel's scope.³⁶

There is a difference between the academic freedom promised by a university environment and that of an academic society, and yet the two do not exist in separate universes. It demonstrates a mindset that unpalatable views, albeit ones with cultural overtones, should not be expressed in print. This concern is accentuated when the academics' employer, namely, the Vice-Chancellor, enters the debate in such a categorical fashion. The area of cultural disagreement and disquiet is far less clear than that of scientific evidence and interpretation as encountered in the previous section on COVID-19.¹⁶ However, in both, academic integrity is fundamental and inevitably a degree of caution is required in assessing the calibre of the publications at the centre of the controversy or, as in this instance, the letter.

If there is one lesson to take away from this debate, it is that immediate responses that give the impression of being off-the-cuff reactions are unhelpful. It also throws light on the cross-over of disciplinary expertise here as in many other realms. It has to be asked whether the scientific understanding of the writers of the original letter was matched by their understanding of Māori

knowledge (although one of the writers did have such understanding), let alone of the philosophy of science.³⁷ And yet even if these concerns are upheld, they do not justify preventing these academics from writing a letter along the lines they did. Their academic freedom allows this. But what academic freedom encourages is subsequent dialogue in the wake of the original letter, and not the instigation of efforts to silence the academics and ensure their public condemnation. Dismissive name calling is the last device one would expect to encounter within an academic community. Debate and dialogue constitute the only ways forward, no matter how outlandish viewpoints are thought to be. They can only be shown to be outlandish in the wake of measured academic debate, respecting the integrity of the authors of the dissenting views, and opening up a pathway for high-quality intellectual debate involving a range of those with a wealth of disciplinary insights.³⁸ The parties concerned have to enter into meaningful dialogue with each other, but this will have been made that much more difficult if there has been intemperate condemnation of one of the parties in advance.

Academic freedom calls for the highest of ethical standards, as it does for freedom of inquiry, and the absence of any interference that would corrupt the integrity of research and the dissemination of research findings.³⁹ Dissenting views are crucial, even when they ruffle feathers and tread on toes. A healthy university environment, encompassing academic freedom, will seek them rather than attempt to close down uneasy discussion.

5. Academic freedom as a bastion of academic debate

Freedom is a two-edged sword; supportive of academic debate for some, but appearing to restrict it for others. This is brought out in a debate not covered in this article, that of the relationship between reproductive biology and gender, territory of considerable relevance to anatomists in the reproductive anatomy territory as well as to social scientists. This is a delicate path for feminists, when expressing views critical of transgender rights, and being condemned as transphobic. In this instance, there will be academics with competing commitments, each side expecting to utilize their academic freedom and receive support from the university. At face value, support for the academic freedom of one party negatively impinges upon the academic freedom of those with a conflicting

message. Far removed as this is from the perplexities of the COVID-19 debate, there are common principles and it is to these that far more attention needs to be directed than has been the case up to now.

The difficulties encountered in these and other debates stem from the fact that the contribution of academic freedom has been downplayed or largely ignored. The argument of this article is that it is time to bring this critical notion into the centre of contemporary debate, not as a theoretical conception, but as a means of grounding

contemporary academic debates. The value provided by academic freedom lies in its potential to pinpoint the freedom to be provided to academic staff to explore challenging territory, while at the same time outlining the boundaries within which this freedom is to be expressed. Both individual academics and their employers are to function within this paradigm, even though in the midst of highly emotive debates it may prove onerous.

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