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## Academic Freedom versus Academic Legitimacy

*David Schraub*\*

What does it mean when a university department invites a person to speak? It clearly does not mean that the department endorses the speaker's views. Persons are regularly invited to speak in a university setting whose views are opposed by many, if not most, of their audience—often including the very people who invited them. Rather, the invitation indicates that the department believes the speaker is *academically legitimate*: their contribution is one that, whether right or wrong, usefully advances scholarly discussion. It is probable that most members of a university community believe that both Newt Gingrich and David Duke are “wrong”, but only one's views are illegitimate.

Academic freedom and academic legitimacy map imperfectly onto one another. Academic freedom is content-neutral: it does not attempt to distinguish between “correct” and “incorrect” views. Academic legitimacy, by contrast, is very concerned with content: it asserts that certain views should not be considered valid entrants into a productive scholarly discussion. But these two concepts are often conflated. A university facing criticism over a controversial speaker will often respond by invoking “academic freedom.” This is a valid response at one level: academic freedom implies that even a David Duke cannot be barred from speaking if invited by an authorized member of the university community. But at another level, it misses the point entirely. The problem is not that Duke was *allowed* by some higher university authority to speak, the problem is that he was *invited* in the first place; that a department or research center or student group believed his views were academically legitimate. To structure the question in terms of academic freedom—should he be banned—misstates the good being pursued. The demand is not for formal barriers against such horrible views but to not need such barriers at all.

To see why this distinction matters, consider another obvious truth: David Duke is not invited to speak at colleges. This is not because “academic freedom” is being systematically breached, but rather because the academic community has voluntarily decided that Duke's views do not make any useful scholarly contribution. And that we've made that decision is a very good thing; we would rightly worry about the caliber of an academic community that could not come to a general intersubjective

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agreement that Duke's views are illegitimate.

But what happens when this consensus doesn't exist? Efforts to restrict allegedly malign ideologies are assumed to be a tool of the strong, but often they are a tactic of the weak—people who are *not* confident that their community will unify in agreement that the ideology is in fact oppressive. That there now is massive intersubjective agreement that overt White supremacist ideology is illegitimate gives people of color nothing more than what Whites long enjoyed effortlessly, and if that consensus were threatened minority students would be rightly concerned.

Many controversies labeled as ones of “academic freedom” are actually about academic legitimacy. Is Pat Robertson properly analogized to David Duke? Is Gilad Atzmon? The Black Panthers? BDS activists? David Horowitz? What about “scientific” creationists or climate change denialists? It is fair game to argue that a well-functioning university community would not view any or all of these persons as academically legitimate, and that position itself is perfectly consistent with believing that agreements regarding academic legitimacy cannot be enforced through explicit bans or sanctions. That is all that “academic freedom” contributes to the discussion: a constraint on remedies. Enlisting it to do more confuses two distinct questions and sidesteps the true nature of many academic controversies.