

Doing Collective Inquiry Better

The Alignment between Equality, Diversity and Inclusion,
and Academic Freedom / Free Speech, in UK
Universities

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1. Introduction

Can universities become more egalitarian institutions while maintaining a serious commitment to free speech? Does academic freedom inevitably lead to the exclusion of students and staff from oppressed groups? More generally, is there a fundamental conflict between these two sets of ethical ideals in the higher education (HE) sector – between *Academic Freedom and Free Speech* (AFFS), on one hand, and *Equality, Diversity, and Inclusion* (EDI), on the other?

Discussion of these issues today often takes place in the context of turbulent culture wars. I do not want to dismiss the concerns that drive those conflicts. But I want to try to step back and examine our two sets of ideals in a more conciliatory spirit. I'm going to offer a more optimistic perspective on how the values behind these conflicts are related to each other.

I will argue that these two sets of ideals, AFFS and EDI, are not opposed in any fundamental way. On the contrary, I want to show how they are aligned. When I say they are *aligned* what I mean is that there is a shared ethical foundation that underpins our commitment to them. The questions “why should universities protect Academic Freedom and Free Speech?”, and “why should universities promote Equality, Diversity, and Inclusion?”, can be given a unified answer.

The shared foundation that I have in mind is ‘Collective Inquiry’ i.e. the acquisition and dissemination of knowledge that serves society’s collective interests. Collective Inquiry is a valuable public good. It is the main reason why modern societies set up and fund universities (see Section 3.2). But universities are not always well-placed to carry out Collective Inquiry. They have a harder time at Collective Inquiry if they are ideologically conformist. AFFS supports Collective Inquiry, then, by countering ideological conformity. Universities also have a harder time carrying out Collective Inquiry when they exclude people in a discriminatory manner, based on identity-related factors. EDI supports Collective Inquiry, then, by working against this.

The pursuit of Collective Inquiry is not our only reason for caring about AFFS and EDI in universities. But it is one of the reasons, and crucially for our purposes, it is a reason that is applicable to both AFFS and EDI. It is what aligns the university’s commitment to these ideals.

I will call this *the Alignment View*.

This isn’t an eccentric, fringe viewpoint that I am trying to popularise. Naturally there are some people who disagree with this view, e.g. because they adopt more radical

interpretations of either EDI or AFFS (see Section 5). Still, the Alignment View is a position that many people with an interest in HE policy and practice will be happy to endorse.¹

I am defending it in response to a growing anxiety in the UK HE sector that irresolvable tensions are destined to arise if we try to draw on both AFFS *and* EDI as guiding ideals for HE policy. This has been brought to a head by the passage of the UK's Higher Education (Freedom of Speech) Act 2023, which establishes new legal duties for universities in protecting AFFS (see Section 2). The worry is not just that universities have practical dilemmas to address, in which the demands of EDI and AFFS need to be balanced against each other. Anyone with an interest in HE practice can see the reality of those challenges. The deeper worry is that the ideals themselves are at loggerheads – that a meaningful commitment to AFFS will tend to undermine EDI, or vice versa.

This is what my defence of the Alignment View is trying to address. I argue that a commitment to EDI need not undermine AFFS, or vice versa. Universities that take their mission seriously must remain committed to both sets of ideals. This dual commitment gives rise to policy complexities. But negotiating those complexities is an in-built part of doing Collective Inquiry.

My argument in defence of this is divided into five sections.

+ Section 1 – The Higher Education Act

Here I summarise the issues that have driven the UK government's new HE legislation, with its emphasis on AFFS, and the worries that this legislation has precipitated in turn, about potential conflicts with EDI. I describe three policy issues – No Platforming, hiring practices, and syllabus reform – in which tensions between AFFS and EDI are evident.

+ Section 2 – Key concepts

Here I present an overview of the key concepts and ethical theses that are relevant to my argument in support of the Alignment View. I discuss these under six headings: 1. the mission of the university (Section 3.1); 2. Collective Inquiry (3.2); 3. academic freedom (3.3); 4. free speech (3.4); 5. equality and antidiscrimination (3.5); and 6. diversity and inclusion (3.6).

+ Section 3 – The Alignment View

Here I expand on my main line of argument, as outlined above. Collective Inquiry is an integral part of the university's mission, and both AFFS and EDI support Collective Inquiry. Therefore, notwithstanding the practical/policy tensions that arise between AFFS and EDI, these ideals are fundamentally aligned in advancing the university's mission.

¹ As an example of an author in the scholarly literature explicitly defending this sort of stance, see e.g. Ulrich Baer, *What Snowflakes Get Right: Free Speech, Truth, and Equality on Campus* (Oxford: Oxford University Press, 2019).

+ Section 4 – Radical alternatives

Here I discuss the radical interpretations of EDI and AFFS that I alluded to above – the robust libertarian interpretation of AFFS, which sees expressive rights as taking strict priority over other ideals, including EDI-related ideals, and the anti-liberal interpretation of EDI, which sees AFFS as being fundamentally complicit in HE's structural inequalities. I argue that AFFS and EDI are better aligned with Collective Inquiry under their moderate interpretations, and that these are therefore to be preferred to the more radical interpretations.

+ Section 5 – Integrity and engagement

Here I discuss how HE institutions can work to operationalise these two sets of ideals. I argue that within the existing legal parameters, there is not a one-size-fits-all policy schedule for universities to adopt in deciding how to negotiate pragmatic trade-offs between AFFS and EDI, in pursuit of Collective Inquiry. Given the institutional diversity across the HE sector and the complexity of the policy decisions, universities should be cultivating an ethos of procedural integrity and continual engagement, in relation to both sets of ideals.

2. The Higher Education Act

The UK's Higher Education (Freedom of Speech) Act 2023, is a piece of law primarily aimed at galvanising AFFS in universities.² It has its origins in ongoing concerns, especially among conservatives and classical liberals, about the suppression of conservative viewpoints across university campuses.³ Similar concerns are in play in conflicts around HE policy in many countries.⁴ The goal of strengthening AFFS in universities was pledged in the Conservative Party's manifesto for the 2019 UK general election.⁵ Draft legislation was introduced into the House of Commons in May 2021, later being carried over to the 2022-23 parliamentary session, and eventually passed into law on the 11th of May 2023, after several rounds of amendments based on issues raised during the Act's review in the House of Lords.⁶

The key features of the Act can be summarised as follows: (I am roughly paraphrasing here from the government's own summary of the Act's nature and purposes.⁷)

- + The Act places more responsibility on universities to enable students to speak freely at universities, and strengthens protections for academics teaching potentially offensive material.
- + The Act enables people who believe they have suffered some form of loss, due to the infringement of their expressive rights, to make complaints and seek damages from universities. Complaints will be investigated by the UK's main HE regulatory body, the Office for Students.
- + The Act's implementation, including the complaints scheme and subsequent investigations, will be overseen by a newly-created leadership role, the Director for Freedom of Speech and Academic Freedom, housed in the Office for Students. Arif

² The full text of the act can be found at <https://www.legislation.gov.uk/ukpga/2023/16/enacted>.

³ Examples of opinions pieces pressing concerns of a crisis of academic freedom and free speech at UK universities, in recent years, include Toby Young, "The free speech crisis at Britain's universities," *The Critic*, February 2020, <https://thecritic.co.uk/issues/february-2020/the-free-speech-crisis-at-britains-universities/>; Tom Slater, "Of course there's a free speech crisis on campus," *The Spectator*, 18th February 2021, <https://www.spectator.co.uk/article/of-course-there-s-a-free-speech-crisis-on-campus/>. The academic and journalist Joanna Williams is an author who has defended this sort of view, with a focus on UK universities, in numerous pieces, including in her book *Academic Freedom in an Age of Conformity: Confronting the Fear of Knowledge* (London: Palgrave Macmillan, 2016).

⁴ There have been literally dozens of books examining the tensions between AFFS and EDI in American universities published in recent years. The most prominent of these is probably Greg Lukianoff and Jonathan Haidt, *The Coddling of the American Mind: How Good Intentions and Bad Ideas Are Setting Up a Generation for Failure* (London: Penguin, 2018). The issue has been debated in elite scholarly journals too, for decades. See e.g. Andrew Altman, "Liberalism and Campus Hate Speech: A Philosophical Examination," *Ethics* 103/2 (1993): 302-17. Plenty of examples from other countries could be given too. The perception of an existential crisis in the conflict between EDI and AFFS is a current-day issue, to a greater or lesser degree, in HE systems in pretty much every liberal democratic society.

⁵ See https://assets-global.website-files.com/5da42e2cae7ebd3f8bde353c/5dda924905da587992a064ba_Conervative%202019%20Manifesto.pdf, p. 37.

⁶ For a complete account of amendments made to the bill through the review process, see <https://commonslibrary.parliament.uk/research-briefings/cbp-9295/>.

⁷ UK Department of Education, "Freedom of Speech Act: How it will affect university students," 30th May 2023, <https://educationhub.blog.gov.uk/2023/05/30/freedom-of-speech-act-how-it-will-affect-university-students/>.

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- + Ahmed, a Professor of Philosophy from the University of Cambridge, has been appointed to take up this position.⁸
- + The responsibilities and protections prescribed by the Act do not extend to unlawful speech, e.g. verbal harassment, incitement to violence, inciting or encouraging terrorism.
- + The Act also introduces new controls upon universities' use of non-disclosure agreements to silence people who make complaints about harassment, bullying, or sexual misconduct.

One prominent policy controversy at universities, which the Act seeks to address, is the use of No Platforming practices to deny speaking opportunities to certain speakers, based on the allegedly objectionable nature of their views.⁹ No Platforming is a policy issue on which real tensions arise between ADFS and EDI. If we want to promote EDI that gives us some reason to limit speech that demeans, stereotypes, or otherwise promotes the unequal status of certain groups. Conversely, if we want to protect ADFS, that gives us a reason to protect the speaking opportunities of people with controversial views, including views that may demean, stereotype, or otherwise promote the unequal status of certain groups. It is true that there are some instances of No Platforming that properly-specified principles of ADFS will not condemn.¹⁰ It's also true that there are sometimes calls to No Platform instances of speech that are not plausibly stereotyping, demeaning, or otherwise promoting any group's unequal status.¹¹ Nevertheless, there are still many cases in which the disputes are not just surface-level quarrels, e.g. about the harmfulness of the views that are being contested. There are many cases in which disputes over No Platforming reflect a deeper disagreement over which ideals, either ADFS or EDI, should be given priority in a specific context.

Another policy controversy which the Act aims to address relates to the hiring and termination of staff who publically express views that are (or are perceived to be) sexist,

⁸ The Office for Students' announcement of Professor Ahmed's appointment is at <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/office-for-students-announces-its-first-director-for-freedom-of-speech-and-academic-freedom/>.

⁹ The key passages in the Act, in this respect, are as follows: "(1) The governing body of a registered higher education provider must take the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take in order to achieve the objective in subsection (2). (2) That objective is securing freedom of speech within the law for (a) staff of the provider, (b) members of the provider, (c) students of the provider, and (d) visiting speakers. (3) The objective in subsection (2) includes securing that (a) the use of any premises of the provider is not denied to any individual or body on grounds specified in subsection (4), and (b) the terms on which such premises are provided are not to any extent based on such grounds. (4) The grounds... are (a) in relation to an individual, their ideas or opinions; (b) in relation to a body, its policy or objectives or the ideas or opinions of any of its members."

¹⁰ The most straightforward (although still not entirely uncontroversial) case of this, would be the case in which a person's lack of relevant intellectual credentials is the main reason for them not being given a platform in explicitly academic speech contexts at a university, for discussion see e.g. Robert Mark Simpson and Amia Srinivasan, "No Platforming" in Jennifer Lackey (Ed.), *Academic Freedom* (Oxford: Oxford University Press, 2018): 186-209; Neil Levy, "No-Platforming and Higher-Order Evidence, or Anti-Anti-No-Platforming," *Journal of the American Philosophical Association* 5/4 (2019): 487-502, <https://doi.org/10.1017/apa.2019.29>.

¹¹ The straightforward examples of this are those cases where someone is No Platformed based on moral objections to past inequalities they have made, but which aren't linked to the topic they are scheduled to speak about in the event for which they are being No Platformed. The idea that allowing such speech to proceed would harm or subordinate members of a target group seems to rely upon the (at minimum, highly controversial) thesis, that inequality will be perpetuated by any public speech from a person who has previously expressed egalitarian views.

racist, Antisemitic, Islamophobic, homophobic, transphobic, ableist, or in some other way contributing to identity-based inequalities.¹² If we want to promote EDI, that gives us good reason to try to hire and retain staff who positively contribute to an egalitarian, diverse, and inclusive institutional culture, and thus, some reason to have hiring policies that favour staff with pro-EDI viewpoints.¹³ Conversely, if we want to protect ADFS, that gives us a good reason to have policies which are solely geared towards hiring staff with demonstrated expertise in their fields, and upholding procedural, academic-freedom-based employment protections for continuing staff.¹⁴ Again, debates in this area, about whether EDI-related criteria have any role to play in policies around the hiring and termination of academic staff, reflect a foundational disagreement over which set of ideals, either ADFS or EDI, should take priority in this policy area.

A third policy controversy to note is syllabus and degree programme reform. If we want to promote EDI that gives us some reason to adopt policies, e.g. decolonising the curriculum-style initiatives, that encourage staff to take EDI-related factors into account in the design of their syllabi, including in the topics and learning materials they assign.¹⁵ On the other hand, if we want to protect ADFS that gives us a reason to have policies that insulate staff from pressures in this direction, and empower them to design syllabi based exclusively on their subject-level expertise, and their judgement about what students studying that subject need to learn in order to gain disciplinary competence.¹⁶ Again, debates around whether Decolonising-style initiatives can or should be used to shape pedagogical practice and HE programme offerings reflect a deeper political dispute about which set of ideals, either ADFS or EDI, should take priority in this policy area.

The precise, concrete policy implications of the Act are yet to be seen, as the Office for Students is expected to provide further guidance on implementation and compliance in due course and there is not yet a body of case law around it. But in principle, the Act's aim with

¹² The key passages in the Act, in this respect, are as follows: "(6) In this Part, "academic freedom", in relation to academic staff at a registered higher education provider, means their freedom within the law (a) to question and test received wisdom, and (b) to put forward new ideas and controversial or unpopular opinions, without placing themselves at risk of being adversely affected in any of the ways described in subsection (7). (7) Those ways are (a) loss of their jobs or privileges at the provider; (b) the likelihood of their securing promotion or different jobs at the provider being reduced... (9) ... where a person applies to become a member of academic staff of the provider, the person... [must not be] adversely affected in relation to the application because they have exercised their freedom within the law to do the things referred to in subsection (6) (a) and (b)."

¹³ For example, these kinds of claims have been used by activists to justify pressure campaigns calling on universities to terminate the appointments of Professor Kathleen Stock, at the University of Sussex (see Patrick Kelleher, "Students demand Sussex uni fire anti-trans professor Kathleen Stock: 'We've f**king had enough'," *Pink News*, 7th October 2021, <https://www.thepinknews.com/2021/10/07/kathleen-stock-university-sussex/>), and Professor John Finnis, at the University of Oxford (see Harriet Sherwood, "Oxford students call for professor's removal over alleged homophobia," *The Guardian*, 9th January 2019, <https://www.theguardian.com/education/2019/jan/09/oxford-students-call-for-professors-removal-over-alleged-homophobia>).

¹⁴ For an account of worries about the increasing role of EDI criteria in the US HE sector's hiring practices, see "American universities are hiring based on devotion to diversity," *The Economist*, 4th February 2023, <https://www.economist.com/united-states/2023/02/04/american-universities-are-hiring-based-on-devotion-to-diversity>.

¹⁵ See Sections 3.5-3.6, and Section 5, below.

¹⁶ The Act doesn't refer to syllabus reform policies, in any of its specific clauses, but these policies are straightforwardly implicated in the Act's requirements, insofar as the protection of autonomy and disciplinary expertise, in relation to the content of degree programmes and modules, is a key feature of all definitions of academic freedom.

respect to each of the three controversies I have mentioned is to place a ‘thumb on the scales’ in favour of ADFS. Of course, the Act’s supporters may argue that this is actually a corrective measure, to counterbalance existing policies in most UK universities which they see as placing a thumb on the scales in favour of EDI.¹⁷

As I suggested in the introduction, I do not want to downplay the difficulty of resolving the policy dilemmas in these areas. What I want to challenge is a particular view about what those dilemmas mean – roughly, that they reveal some deep, irreconcilable schism between these two sets of ideals that are pulling different people in different directions. I say more in Section 5 about how we can approach the resolution of these controversies, practically and procedurally. However, in order to get things right, practically, we first need a clearer sense as to whether the ideals at stake in these dilemmas are actually misaligned, and if not, then what underpins their alignment.

3. Key concepts

3.1 The mission of the university ¹⁸

Historically, universities were (mainly) institutions for training clergy. The modern university has its origins in reforms pioneered in Germany and the US (and the UK) through the 19th century and into the early 20th century.¹⁹ Whereas traditional universities primarily offered ecclesiastical training, the modern university is secular; it trains professionals and leaders for a range of vocations. Where traditional universities aimed to impart integrated knowledge across many fields of study, the modern university is disciplinary, i.e. it aims to impart specialised expertise in particular disciplines of inquiry. Whereas, in traditional universities, scholars were required to conform to authoritatively-prescribed orthodoxies, the modern university is heterodox, i.e. scholars and students are not required to uphold prescribed orthodoxies and are instead accorded intellectual credit based on competence in their disciplines. In keeping with broader civil rights reforms, traditional universities’ exclusionary

¹⁷ See e.g. Nigel Biggar, “Changing course – restoring free speech to Britain’s universities,” *Politeia*, 27th January 2023, <https://www.politeia.co.uk/changing-course-restoring-free-speech-to-britains-universities/>.

¹⁸ The following is supposed to be a general account of how HE practices are organised and publically justified across liberal democratic societies, as opposed to it being a UK-specific analysis. Having said that, this account broadly aligns with the claims about the purpose of a HE system outlined in 1997’s *Dearing Report* (aka, the reports of the UK National Committee of Inquiry into Higher Education), which was the last systematic government review of UK HE policy; see <https://education-uk.org/documents/dearing1997/dearing1997.html#07>.

¹⁹ Contemporary histories of the origins of the modern university, with its Secular, Heterodox, Disciplinary structure, typically focus on the reform of the German university system under the philosopher Wilhelm von Humboldt, and the subsequent adoption of a Humboldtian model in American research universities in the late 19th century, see e.g. Chad Wellmon, Louis Menand, and Paul Reitter (Eds.), *The Rise of the Research University: A Sourcebook* (Chicago: University of Chicago Press, 2017). But the UK has a place in the history of these reforms too, notwithstanding the conservative influence of the long-predominant medieval model at the Universities of Oxford and Cambridge. Scottish universities became drivers of heterodox learning and inquiry, rivalling other influential European universities in the 18th century. University College London started as a secular alternative to Oxbridge in the early 19th century, and became influential in emerging disciplines like political economy and modern literature. And the English Catholic theologian, Cardinal Newman, encouraged greater openness to reform among traditionalists, by articulating a hybrid vision of the university, somewhere between the traditional and modern approaches, in his influential *The Idea of a University* (1852).

policies were replaced in 20th century universities with policies of non-discriminatory admission, irrespective of sex, race, class, etc. And in the post-war era, in the UK and elsewhere, the university has turned in an increasingly vocational/ direction. Training that once happened in special vocational institutions, like engineering, medicine, teaching, and fine arts colleges, has been incorporated into the modern university's disciplinary matrix.²⁰

In most countries today universities are partly subsidised by public funds. Thus the question arises as to what public mission the university serves, that justifies its public subsidisation. Apart from the contingencies of tradition, why would it make sense for societies to invest significant resources in funding universities?²¹ There are two main ways of answering this question, both of which trace to the 19th century reforms of the German university system under the philosopher Wilhelm von Humboldt – reforms that codified some of the key structural features noted above, e.g. secularity, disciplinarity, and heterodoxy.²² First, universities have an epistemic mission. They produce knowledge and knowledge-related benefits, e.g. expertise, understanding, practical skills, various forms of data, and informational and material archives.²³ Second, universities have a civic mission. They foster a particular kind of social-cultural ethos, by placing their participants in a social environment where the diversity and depth of human understanding is especially salient.²⁴

3.2 Collective Inquiry

Collective Inquiry is the term I will use to refer to the various activities at universities that aim at producing knowledge, and thus fulfilling the epistemic part of the university's justifying mission. (From this point on I will use Knowledge capitalised as a shorthand way of denoting

²⁰ Naturally, this is a massive simplification of a complex history, that evolved in fits and starts across a long period of time, multiple continents, and hundreds of institutions. For detailed critical histories of these long-range institutional developments, see e.g. William Clark, *Academic Charisma and the Origins of the Research University* (Chicago: University of Chicago Press, 2006); James Axtell, *Wisdom's Workshop: The Rise of the Modern University* (Princeton: Princeton University Press, 2016); John C. Moore, *A Brief History of Universities* (Dordrecht: Springer, 2018).

²¹ Granted, there is much variation across different national systems, and across different eras, in the extent of subsidies and funding, and in the organisational models that different HE systems use to deliver them. For the sake of simplicity I will assume that the justificatory burden is basically the same regardless of whether public funds are partly or wholly subsidising HE, whether funds are allocated to teaching or research to a greater or lesser extent, whether research funds are disbursed in administrative block grants, or via more overtly competitive schemes, etc. One may, in principle, hold that different funding approaches necessitate different kinds of ethical / political justifications.

²² See e.g. Chapters 1 and 2 of Matthew W. Finkin and Robert C. Post, *For the Common Good: Principles of American Academic Freedom* (New Haven: Yale University Press, 2009).

²³ To quote Keith Whittington, an American political scientist who has become an important figure in these debates as the founder of the influential Academic Freedom Alliance in the US (see <https://academicfreedom.org/>), "At heart, the mission of a university is to produce and disseminate knowledge. Not every university can or should want to do that in the same way. No university seeks to produce knowledge simply, or disseminate it indiscriminately. Choices must be made about how to advance that general mission, but all universities are recognizably engaged in that common enterprise of advancing and disseminating knowledge." Keith E. Whittington, *Speak Freely: Why University Must Defend Free Speech* (Princeton: Princeton University Press, 2018): 13.

²⁴ The Humboldtian term for this ethos is *Weltbürgertum*, which roughly translates as 'cosmopolitanism.' Henceforth I will be mainly focusing on the university's epistemic mission, which I take as primary, rather than its secondary, civic mission. As Whittington says, while "universities are critical molders of democratic citizens," this is best viewed as "a by-product of universities performing their primary mission of educating students"; *Speak Freely*, 18. The quick argument as to why the epistemic mission should be seen as primary, and the civic mission as secondary, is that there are a variety of other public institutions that cooperate with universities in cultivating a society's cosmopolitan civic ethos. Universities contribute to that collaborative civic mission. By contrast, they play a more central and pivotal role than other public institutions in the fulfilment of the epistemic mission, i.e. in the pursuit of Collective Inquiry.

the full range of knowledge-related goods I noted above, e.g. including understanding, skills, etc.)

The production of Knowledge via Collective Inquiry can be thought of as having two dimensions. First, there is the acquisition of Knowledge via research. This takes different forms across different disciplines, given their diverse subject-matters, and correspondingly, their diverse methods of inquiry. Second, there is dissemination of Knowledge via teaching. Different notions of Knowledge-dissemination can be found in different fields (and different institutions), ranging from more traditional, top-down models, to more collaborative models, with the academic acting as a facilitator of student-led learning. While many universities employ staff in teaching- or research-only roles, the modern university is still roughly organised around the idea that these aspects of Knowledge-production are mutually-supportive, and that academics should therefore, in general, carry out the work of both Knowledge-acquisition and Knowledge-dissemination.²⁵

Universities do not support every conceivable field of inquiry. They do not have departments dedicated to the study of sports trivia, celebrity news, alchemy, phrenology, or to counting blades of grass on the lawn. In principle, what qualifies a field of inquiry as a suitable discipline of teaching and research at the modern university, is that it serves society's collective interest in Knowledge, and thus contributes to the epistemic part of university's epistemic mission.²⁶

In simple terms, there are things that all of us, as a complex social collective, have a shared interest in knowing, understanding, and keeping a record of. We have an interest in all varieties of natural science, in the technological application of scientific Knowledge, and in the hybrid, theoretical-practical Knowledge that's exercised in learned professions. We also have an interest in knowing the histories of the cultures and practices that define us as humans, as explored in the humanities and social sciences.²⁷ Academic disciplines are supposed to implement research methods that are suitable to the acquisition of Knowledge

²⁵ A recent statement on behalf of the UK's Russell Group of universities, on the benefits of this combined teaching and research format, suggests that there are "significant benefits for students in grounding their learning in a culture of research and inquiry, which is strengthened by involving expert academic staff in teaching," in particular, "the focus on students becoming active participants in the production of knowledge, rather than passive recipients or consumers"; see <https://russellgroup.ac.uk/policy/case-studies/proactively-bringing-teaching-and-research-together/>.

²⁶ The point I am adverting to here should not simply be conflated with philosophy of science's *Demarcation Problem*, i.e. roughly, the problem of distinguishing properly scientific inquiry that has the potential to produce Knowledge, from pseudoscience. After all, from the point of view of public justification, the issue isn't only whether a field of inquiry can produce *bona fide* Knowledge (however we characterise that, exactly), but also whether the knowledge it can produce is appropriately connected to the collective interests of the population that sponsors its production. A comprehensive archive of sports trivia and memorabilia is a source of knowledge, under the everyday definition of that term. But we don't see anything amiss in the absence of academic disciplines that aim to acquire and disseminate sports trivia.

²⁷ There is an enormous scholarly literature on the distinctive significance and value of the humanities, much of which is interested in how the kind of intellectual goods produced by research and study in the humanities are distinct from (and different in their value to) the products of natural science, see e.g. Martha C. Nussbaum, *Cultivating Humanity: A Classical Defence of Reform in Liberal Education* (Cambridge MA: Harvard University Press, 1997); Stefan Collini, *What are Universities For?* (London: Penguin, 2012); Helen Small, *The Value of the Humanities* (Oxford: Oxford University Press, 2013). For Nussbaum, the point of the humanities is largely about inculcating the civic ethos of *Weltbürgertum* (see note 24). Collini emphasises certain conceptual difficulties in characterising the kind of Knowledge produced by the humanities, suggesting that its dissimilarity to scientific Knowledge may lead to its being discounted as Knowledge at all, within a culture that treats scientific Knowledge as a paradigm of intellectual success.

in a specified domain of inquiry, and to disseminate this to students through teaching.²⁸ Interdisciplinary inquiry supplements this, by exploring how different fields of inquiry complement, extend, and constructively problematise each other.²⁹

3.3 Academic freedom

I have presented a (very quick) summary of some key background ideas about Collective Inquiry and its part in the university's mission. The point of this is to lay the theoretical foundations of the classical argument for academic freedom, which I am now going to outline.

Academic freedom is not just another word for free speech at universities. Nor is it meant to be an arcane privilege that academics are awarded as a prize for their intellectual accomplishments. Academic freedom is a policy device, intended to support Collective Inquiry.³⁰ It has secondary purposes as well, which include fostering a cosmopolitan ethos in line with the civic part of the university's mission that I noted in Section 3.1. The primary point of academic freedom, though, is to advance the epistemic part of the university's mission; it is to help produce Knowledge.

Historically, universities were set up to impart official orthodoxies. Nowadays they are meant to be heterodox and disciplinary. But many of the social forces that promote orthodoxy in teaching and research, at the expense of heterodoxy and disciplinarity, remain. Where universities are publically funded, there is persistent background pressure on university staff – on management, and by extension, on academics – to promote viewpoints in teaching and research that align with the ideological or practical agenda of the government that administers HE funding. Where universities are privately funded, in whole or in part, there is pressure on staff to align teaching and research with the agendas of the funders who hold the purse strings. And regardless of immediate economic incentives, where particular ethical opinions predominate in social discourse, there is pressure on academics to align their teaching and research with those opinions.

In short, there are pressures on academics to use their teaching and research to support certain externally-prescribed viewpoints, instead of (in research) applying their methods of

²⁸ See e.g. Finkin and Post, *For the Common Good* (note 22); Michele Moody-Adams, "What's so special about academic freedom?" in Akeel Bilgrami and Jonathan R. Cole (Eds.), *Who's Afraid of Academic Freedom?* (New York: Columbia University Press, 2015); Brian Leiter, "Why academic freedom?" in Donald Downs and Chris W. Surprenant (Eds.), *The Value and Limits of Academic Speech: Philosophical, Political, and Legal Perspectives* (New York: Routledge, 2018).

²⁹ Influential modern work on the nature and importance of interdisciplinarity (and on the significance of interdisciplinarity as a critical concept in its own right) includes Julie Thompson Klein, *Interdisciplinarity: History, Theory, and Practice* (Detroit: Wayne State University Press, 1990), and Joe Moran, *Interdisciplinarity* (London: Routledge, 2001).

³⁰ To cite one of the canonical statements of this conception of academic freedom, the American Association of University Professors' *1940 Statement on Principles of Academic Freedom and Tenure* says that "Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition", and that "Academic freedom is essential to these purposes."

inquiry to their subject and sharing the findings, and (in teaching) trying to impart their best understanding of the state of Knowledge in their field. The point of academic freedom is to counteract this pressure, and make it easier for teaching and research at universities to be guided by the disciplinary standards of the academic practitioners appointed to do it. In short, academic freedom “protects the academy from efforts to impose restrictions on free inquiry, internally and externally.”³¹

What academic freedom means, in practice, is that we institute policies which make it relatively more difficult, compared to typical workplace contractual arrangements, to discipline or terminate staff due to content-based complaints about how they do their work, i.e. on the basis of what they say in lectures, how they set their syllabi and assessments, the topics on which they conduct their research, the viewpoints they defend in their research, and the opinions they express when participating in public discourse.³² Academics are not appointed in order to vindicate authoritatively-prescribed orthodoxies, or to be dutiful spokespeople for the official organisational viewpoints that their institutions endorse.³³ They are appointed to apply their demonstrated expertise, as practitioners and leaders of the disciplines they operate within, in order to carry out teaching and research that contributes to the public good of Collective Inquiry. The privileges and protections of academic freedom exist in order to support that endeavour.³⁴

³¹ Matthew Goldstein and Frederick Schauer, “Academic freedom: some considerations” in Akeel Bilgrami and Jonathan R. Cole (Eds.), *Who's Afraid of Academic Freedom?* (New York: Columbia University Press, 2015): 248. See also the citations in note 28, as well as Chapters 2 and 3 of Eric Barendt, *Academic Freedom and the Law: A Comparative Study* (Oxford: Hart, 2010), and William van Alstyne, “The Specific Theory of Academic Freedom and the General Issue of Civil Liberty” in E. L. Pincoffs (Ed.), *The Concept of Academic Freedom* (Austin: UT Press, 1972).

³² There is a secondary aspect of academic freedom which concerns the independence of institutions from government, as distinct from the protections afforded to academics within institutions, for discussion see e.g. Ronald Dworkin, “We need a new interpretation of academic freedom” in Louis Menand (Ed.), *The Future of Academic Freedom* (Chicago: University of Chicago Press, 1997). For present purposes I will just focus on the latter protections. The forms that these protections take differ across different legal contexts, so, for example, whereas the institution of tenure plays a key role in the protection of academic freedom in American universities, it isn't as central to how academic freedom is embedded in the UK or European systems. For a comparative legal analysis of the measures used to protect academic freedom across three legal jurisdictions (the UK, Germany, and the US), see Barendt, *Academic Freedom and the Law* (note 31). On the specific complications around protecting the opinions academics express in public discourse, see Keith E. Whittington, “What Can Professors Say in Public? Extramural Speech and the First Amendment,” *Social Science Research Network*, 18th October 2022, <https://ssrn.com/abstract=4251803> or <http://dx.doi.org/10.2139/ssrn.4251803>.

³³ One element in some theories of and justifications of academic freedom is that universities in fact shouldn't endorse ‘organisational viewpoints’ in the first place. My argument in what follows doesn't hinge on this, though.

³⁴ There are some authors who insist, against all this, that academic freedom is something loftier than a policy device designed to aid Collective Inquiry – that it is, rather, “part of the ordinary freedom that is the birthright of citizens in a democracy”; see David Bromwich, “Academic Freedom and its Opponents” in Akeel Bilgrami and Jonathan R. Cole (Eds.), *Who's Afraid of Academic Freedom* (New York: Columbia University Press, 2015): 39. The problem with this, though, is that it makes the privileges of academic freedom very difficult to justify, insofar as these benefits don't redound to the community at large, only to a privileged few who acquire positions of relative power and security in HE. On this account, arguments for academic freedom start to resemble Stanley Fish's unflattering caricature of them, as simply a demand on the part of professors to enjoy luxurious terms of employment; see Stanley Fish, *Versions of Academic Freedom: From Professionalism to Revolution* (Chicago: University of Chicago Press, 2014).

3.4 Free speech

Free speech is a broad civil right enshrined in the constitutional law of most modern states and in all major international human rights treaties.³⁵ The core of the right is a limitation on the state's power to restrict citizens' expression, especially the exchange of information and opinions.

Any account of this right assumes a starting point of general individual liberty. That is, it assumes that people are free to act as they please as long as they are not harming others. If the state is to be justified interfering with people's conduct, it must be doing this for good reasons – like trying to prevent harm, or to curtail rights-violations – rather than arbitrary or sectarian reasons.

To recognise a right to free speech is to say there are additional constraints that states must abide by, in exercising power, beyond this generic “good reasons” constraint. Standard accounts of free speech distinguish two such additional constraints. One is a Thumb on the Scales constraint. If the state wants to restrict speech, in order to prevent some harm, the harm whose prevention purportedly justifies the restriction must be greater than if the restriction were applied to some other (non-speech) action. In other words it should be harder for the state to restrict speech compared to restricting other kinds of conduct. The other constraint is Viewpoint Neutrality. Even if a government has a good reason to restrict speech, it cannot act on this if its actual goal is to suppress some viewpoint. Restrictions on when, where, and how speech is performed are justifiable, in principle, e.g. you cannot hold a loud protest in a residential street at midnight. What is forbidden is state action whose aim is to suppress heterodox opinion. The right to free speech is constituted by the government's duty to abide by these constraints in law and policy-making.³⁶

Free speech and academic freedom are both about protecting speech against restrictions by authorities. But they are distinct from each other in several respects. First, free speech rights apply to everyone, in most public interactions. By contrast, the privileges of academic freedom apply only to academic practitioners in the context of HE appointments and activities. Second, the profession-based nature of academic freedom also means that the freedom it gives academics in their work is bounded by the requirements of professional competence. Academic freedom gives the scholar a right to teach and research as she sees fit, but it allows that these activities, unlike regular free speech, are “subject to quality controls on the basis of general professional standards of accuracy and coherence.”³⁷ The whole point of academic freedom is to support Collective Inquiry. The privileges that it

³⁵ As in Article 19 of the Universal Declaration of Human Rights (1948), and Article 19 of the International Covenant on Civil and Political Rights (1966).

³⁶ For canonical statements of these two sub-principles of free speech, see Frederick Schauer, *Free Speech: A Philosophical Enquiry* (Cambridge: Cambridge University Press, 1982): 7-8, Eric Barendt, *Freedom of Speech*, 2nd Edition (Oxford: Oxford University Press, 2005): 6.

³⁷ Barendt, *Academic Freedom and the Law* (note 31): 20.

assigns are not unconditional, then. They are conditional on academics competently performing the teaching and research work through which they contribute to Collective Inquiry. These sorts of caveats do not apply when it comes to free speech. People do not forfeit their civil status or privileges if they exercise their free speech badly, e.g. by saying things that are stupid or gratuitously offensive. But an academic can forfeit the status and privileges of academic freedom if they carry out their academic work in a manifestly incompetent fashion.³⁸

Given these differences, why do we bundle academic freedom and free speech together – into a compound ideal, AFFS – when we talk about speech in universities? The standard answer is that these two principles are mutually-reinforcing in the university context, in supporting the aims of Collective Inquiry. There are two complementary discursive zones in universities: an academic zone, where teaching and research take place, and a broader campus zone, in which staff, students, and visitors interact as free citizens, and engage in the various forms of ethical, political, aesthetic, and relational expression that comes along with this.³⁹ Academic freedom in the academic zone supports Collective Inquiry, by insulating academic staff against the pressures towards orthodoxy and intellectual conformity, as explained in Section 3.3. Free speech in the broader campus zone supplements this, by cultivating a spirit of open discussion and idea-sharing, among the members of the university community, which counteracts groupthink, and allows *de facto* orthodoxies (or near-orthodoxies) to be more easily recognised, challenged, and revised.⁴⁰

3.5 Equality and antidiscrimination

A general principle of civic equality says that all people have equal moral status, and that this equal status must be reflected in our laws and social customs. If we endorse such a principle of equality then policies of antidiscrimination will automatically be a central pillar of HE practice.

As I alluded to in Section 2.1, universities were, historically, like most social institutions, directly discriminatory. They had policies of unequal treatment that made it impossible (or orders of magnitude harder) for people to study or research if they did not belong to a formally-privileged identity group, i.e. affluent white men. The civil rights reforms of the 20th century were partly spurred by activism in universities, and they led to policy reforms at

³⁸ On this point, in addition to Barendt's point cited above, see e.g. Robert C. Post, *Democracy, Expertise, and Academic Freedom: A First Amendment Jurisprudence for the Modern State* (New Haven: Yale University Press, 2013); Robert Mark Simpson, "The Relation Between Academic Freedom and Free Speech," *Ethics* 130/3 (2020): 287-319.

³⁹ The most comprehensive argument for this position, from which I'm drawing the 'two zones' terminology, is Erwin Chemerinsky and Howard Gillman, *Free Speech on Campus* (New Haven: Yale University Press, 2017).

⁴⁰ In a similar vein to Chemerinsky and Gillman's 'two zones' account, Whittington argues that "if universities are to remain valuable institutions... [they] will need to preserve the college campus as a sanctuary for serious debate of unorthodox ideas... Universities must organise themselves in a way that allows the campus community to advance the central mission of the production and dissemination of knowledge, and those organisational principles must necessarily include a basic commitment to a robust conception of free speech"; Whittington, *Speak Freely*, 56-57.

universities in turn. Under UK law, the Equality Act 2010 (and associated legislation and case law) assigns universities a range of duties of non-discrimination. The Equality Act is civil law, as opposed to criminal law, which means that it is concerned with the rights of individual people or organisations, who can then enforce those rights before the civil courts (in this case, the Equality Act allows victims of discrimination to enforce their rights). Section 4 of the Act specifies the protected characteristics to which the Act applies: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.⁴¹ The Act prohibits not only direct discrimination (where someone is treated less favourably because of a protected characteristic, such as a university refusing to hire staff or to admit students because of their race or sexual orientation), but also indirect discrimination (in which a nominally neutral policy or practice ends up disadvantaging those with a certain protected characteristic), as well as harassment, (in which people receive unfavourable treatment, on the basis of a particular protected characteristic, in a way that creates an intimidating or demeaning or environment for them). Universities also have positive duties of equality, under the Act, which require them to consider how they can eliminate discrimination and harassment, promote equality of opportunity, and foster positive relations between members of different groups.

As noted above, the applicability of antidiscrimination law in universities can be justified in fairly generic terms, as an implication of a general principle of civic equality. But the fact that universities provide valuable employment credentials and other kinds of social and economic capital adds a layer of urgency to these generic demands of equality. Put simply, without a university education it is harder to gain entry to professions that are more lucrative, or which have a greater influence on social policy.⁴² Universities therefore have an important role to play in the longer-term reformation of identity-based social hierarchies.⁴³ A failure to implement effective antidiscrimination policies at universities makes it harder to change the ongoing underrepresentation of members of oppressed groups in positions of political, economic, and cultural influence.⁴⁴

⁴¹ See the text of the Act at <https://www.legislation.gov.uk/ukpga/2010/15/contents>, in particular Part 6, Chapter 2.

⁴² This isn't a deeply controversial claim. Still, to cite one statistic that provides some *prima facie* evidence for it: based on 2020 data, UK workers with any completed tertiary qualification earned 151% of the median salary, on average, and workers with a completed master's or doctoral qualification averaged 177% of the median salary. Across the Organisation for Economic Co-operation and Development's (OECD) 38 member states, those figures rise to 159% and 196% respectively – which is to say that the competitive advantages of a university education, in terms of salary, are marginally *less* pronounced in the UK, in comparison to OECD averages. The OECD's complete breakdown of these data can be viewed at https://stats.oecd.org/Index.aspx?DataSetCode=EAG_EARNINGS.

⁴³ Universities UK (UUK) has been making a concerted effort at closing the attainment gap for students of colour in recent years. UUK's July 2022 report on "Closing Ethnicity Degree Awarding Gaps: Three Years On," reports that "the gap between the percentage of white students and students from Black, Asian and Minority Ethnic... backgrounds awarded a First or a 2:1 in their degree has reduced by 4.4%, from 13.2% in 2017/18 graduates to 8.8% in 2020/21"; see <https://www.universitiesuk.ac.uk/sites/default/files/uploads/Reports/closing-the-gap-three-years-on.pdf>.

⁴⁴ This point echoes Section 5.11 of the *Dearing Report* (see note 18), which specifies the shaping of an inclusive, democratic culture as one of the four purposes of the UK HE system.

3.6 Diversity and inclusion

Ideals of diversity and inclusion call for people in underrepresented groups to have (i) increased representation, and (ii) a greater stake and influence in social practices. Increased representation in HE applies at many sites. We can promote an increased proportion of underrepresented groups among the staff and student bodies at large, among high-achieving students specifically (via policies that help disadvantaged students overcome barriers to success), among senior academic staff, i.e. the professoriate, and among management. An ideal of diversity also calls for a re-evaluation of syllabus content, in cases where the underrepresentation of e.g. women or scholars of colour is a result of bias or some other kind of arbitrary exclusion. The creation of inclusive institutional cultures can take any number of forms. Procedurally speaking, it involves empowering and working with people in underrepresented groups to reshape social practices in a way that better reflects their views about what a good community of teaching and learning looks like.⁴⁵

Policies that aim to realise these ideals can be thought of in two ways, broadly speaking. On one hand, they can be seen as a way of trying to fulfil the egalitarian aims of antidiscrimination policy. We want everyone have the same status and opportunities at university, irrespective of the groups they belong to. Antidiscrimination policies remove one barrier to this goal. But antidiscrimination policies alone cannot fulfil the goal, because various forms of inertia, e.g. in the cultural composition of staff, or in the topics and texts that define our degree programmes, perpetuate the de facto inequalities that were set in place, historically, by overtly discriminatory practices.⁴⁶

On the other hand, policies of diversity and inclusion can be seen as trying to realise something beyond equality of status. We may see diversity as something laudable in its own right. We may think homogeneity is dull, and that there's something better, for everyone, in working in a community comprised of different kinds of people with different backgrounds, flourishing in different ways. In today's culture wars such views on diversity are sometimes seen as being in tension with a liberal view of individual rights. But it bears remembering, for those attracted to a classical liberal idea of justice, that some of classical liberalism's canonical figures and popularisers, most notably, John Stuart Mill, celebrated diversity in something like the terms I have used here.⁴⁷

⁴⁵ Representative examples of scholarly discussion of these kinds of initiatives, including critical analysis of the problems with superficial antidiscrimination or diversification practices, in the absence of more thoroughgoing cultural reforms, include Bryan McKinley and Jones Brayboy, "The Implementation of Diversity in Predominantly White Colleges and Universities," *Journal of Black Studies* 34/1 (2003): 72-86; Sara Ahmed, *On Being Included: Racism and Diversity in Institutional Life* (Durham: Duke University Press, 2012); Roxana-Diana Baltaru, "Universities' Pursuit of Inclusion and its Effects on Professional Staff: The Case of the United Kingdom," *Higher Education* 77/4 (2019): 641-56.

⁴⁶ See e.g. Suanne Gibson, "When Rights are Not Enough: What is? Moving Towards New Pedagogy for Inclusive Education within UK universities," *International Journal of Inclusive Education* 19/8 (2015): 875-86.

⁴⁷ See in particular Chapter 3, "Of Individuality, as One of the Elements of Well-being," in Mill's seminal account of liberal political morality, *On Liberty* (1859). Officially, Mill's argument is that non-conformity makes an important and irreplaceable contribution to human well-being. But at various points Mill seems to suggest that there is something about the diversification of human forms of life that is ethically or aesthetically valuable in its own right, e.g. when he says: "it is not by wearing down into uniformity all that is individual in themselves, but by cultivating it, and calling it forth, within the limits

Whether we regard diversity and inclusion as a means to equality, or as a distinct ethical ideal, it is customary in UK HE today to bundle these ideals together under the label EDI, as a shorthand way of referring to a network of complementary policy initiatives attaining to these ideals.

4. The Alignment View

The idea that there is a profound conflict between AFFS and EDI does not seem downright absurd, given the picture I have sketched in Section 2 about what these ideals involve and why universities should endorse them. At face value these ideals rest on separate ethical foundations. AFFS is about helping to fulfil the epistemic part of the university's mission. EDI is about implementing a principle of civic equality in universities. So when we encounter practical tensions between AFFS and EDI that is a natural result of their disparate normative foundations.

But this quick summation does not account for the way that EDI supports Collective Inquiry, and thus dovetails with AFFS in helping to fulfil the epistemic part of the university's mission. Principles of civic equality apply to all public institutions, including government bodies, the health system, the arts sports and cultural sectors, and to private employment. It is unjust for people to be treated as second-class citizens in universities, just as it is unjust for people to be second-class citizens in legal trials, hospital wards, or job interviews. In the HE sector, though, there is a further, complementary reason to use EDI ideals to shape policy and practice, which is that universities ultimately do better at Collective Inquiry – and by implication, they better fulfil the epistemic part of their mission – when they are more egalitarian, more inclusive, and more diverse.

I'm going to present three arguments in support of this claim, and thus, in support of the Alignment View. The first is one we can call the Aptitude Argument. One dimension of Collective Inquiry is the acquisition of Knowledge via research. People's ability to perform research to a high standard depends on them having suitable intellectual and practical aptitudes. In terms of intellectual strengths and practical skills, not everyone is equally capable of contributing to a thriving research community in physics, history, medicine, anthropology, or education. Therefore, absent some reason to think that the aptitudes that conduce to research excellence in academia are disproportionately found in a particular sex, race, religion, class (etc.), we need policies that remove the formal and informal barriers

imposed by the rights and interests of others, that human beings become a noble and beautiful object of contemplation... by the same process human life also becomes rich, diversified, and animating, furnishing more abundant aliment to high thoughts and elevating feelings, and strengthening the tie which binds every individual to the race, by making the race infinitely better worth belonging to."

making it harder for talented would-be researchers from marginalised groups to acquire the relevant credentials and work opportunities.⁴⁸

The Aptitude Argument also applies Collective Inquiry's other dimension, the dissemination of Knowledge via teaching. Teaching is more effective to the extent that its proximate beneficiaries (i.e. students) have the talent needed to achieve desired learning outcomes to a high standard, and to disperse their Knowledge back into society through their vocations and local communities. So, again, we should remove barriers that filter out students based on arbitrary facts about their identity and background, rather than based on their aptitude for educational attainment.

Boiled down, the Aptitude Argument rests on a simple conjecture – that a HE system can not function at its best when it is not equally open to everyone, because it cannot effectively tap into society's pool of talented students and researchers. This gives us a reason to think that EDI advances Collective Inquiry, and thus, a reason to endorse the use of EDI as a guiding ideal for HE policy, which is applicable independently of any fairness-based arguments in support of EDI.⁴⁹

The second argument is one we can call the Perspective Argument. This argument primarily applies to the Knowledge acquisition aspect of Collective Inquiry. People's life experiences affect the evidential and interpretative starting points they bring to research. It shapes the kinds of things that strike people as good questions or problems to explore. It affects which working hypotheses or unorthodox ideas people consider to be worthy of investigation. And it affects how people interpret the relative significance of different pieces of evidence, argumentation, and insight. Other things being equal, a greater level of homogeneity in the demographic make-up of academic researchers seems likely to correlate with a greater degree of homogeneity in people's life experiences, and thus, the starting points that shape their contributions to Collective Inquiry. If we assume that research better generates Knowledge under conditions of diversity, compared to homogeneity, in respect of all of the above, then EDI policies that help diversify the researcher pool, by removing prejudicial barriers to entry, will promote the aims of Collective Inquiry.⁵⁰

⁴⁸ This line of argument is broadly aligned with the concerns expressed in a July 2023 "Regional STEM Skills Inequity Report", published by the UK's All-Party Parliamentary Group on Diversity and Include in STEM. The report states that "investigations into inequity in STEM education and the STEM workforce where our research found that inequity endures, with complex, intersectional barriers beginning early in education, developing throughout secondary, further and higher education settings and continuing into the workforce. The inquiry into inequity in STEM education states that we must look to consider geography in addition to gender, economic disadvantage, and ethnicity when examining inequity. Where a person lives, or originates, and the education and skills they have access to because of that invariably contributes to their involvement in – or exclusion from – STEM opportunities"; see <https://www.britishtscienceassociation.org/regional-stem-skills-inequity>.

⁴⁹ For further discussion see e.g. Lee Bollinger, "Why Diversity Matters," *The Education Digest* 73/2 (2007): 26-29. Ken Sloan, "What Has Being Enterprising Got to do with Equality, Diversity and Inclusion?", *Higher Education Policy Institute*, 1st December 2022, <https://www.hepi.ac.uk/2022/12/01/what-has-being-enterprising-got-to-do-with-equality-diversity-and-inclusion/>.

⁵⁰ Again, these assumptions about the Knowledge-conducive significance of diversity are not grounded in illiberal, social justice-oriented precepts, but quite the contrary, assumptions that were popularised by seminal Liberal authors like J. S. Mill, whose arguments about free speech shaped the tradition that advocates of AFFS are defending, and which have been defended in turn by contemporary liberals working in the epistemology of science, e.g. Philip Kitcher, *The*

As an illustration of the Perspective Argument, consider the increasing (indeed, overwhelming) mass of evidence in medical science, indicating how the predominance of male researchers, and of male research subjects, has inhibited scientific Knowledge of how diseases, injuries, medicine, and surgical treatments, affect women's bodies.⁵¹ This vividly illustrates the issues that the Perspective Argument speaks to, but these issues are in play in other fields too, if not so starkly. Perspectival epistemologies are especially important in the humanities, given that methods of inquiry there have a deeply hermeneutical character, i.e. they are centred on practices of interpreting meanings of variously interpretable bodies of textual, historical, and other evidence.⁵² Still, the example from medicine indicates that this isn't just an issue for the humanities. All disciplines of inquiry have starting points that reflect their practitioners' experiences, and which influence projects of inquiry. Homogeneity of perspective is never good news for Collective Inquiry.

Here is a third argument, based on the idea of an Epistemic Bubble. This argument primarily applies to the Knowledge dissemination part of Collective Inquiry. Epistemic Bubbles are social networks where there is widespread false belief, due to lack of exposure to relevant counterevidence or alternative viewpoints.⁵³ The efficient dissemination of Knowledge, via a HE system, is limited to the extent that Epistemic Bubbles are in effect in the wider society, shielding people (and their beliefs) from the productive disruption of outside evidence and viewpoints. This generates a justification for EDI policies in student admissions and attainment in a HE system, insofar as at least some Epistemic Bubbles exist among identity-groups that are relatively underrepresented or marginalised within universities, e.g. certain national or religious minorities. Knowledge dissemination works better, at a societal level, if people from all social groups are in a position to disseminate Knowledge back into their communities through established social networks. Again, as with the Perspective Argument and the Aptitude Argument, this is a reason to believe that EDI supports Collective Inquiry, and to endorse it as a guiding ideal for university policy, which applies independently of any fairness-based arguments in support of EDI.

To reiterate what I said in Section 1, the pursuit of Collective Inquiry is not the only reason we have to care about AFFS and EDI in universities. EDI can be defended via an appeal to Collective Inquiry, but also by invoking a generic principle of civic equality. AFFS is primarily justified by its role in supporting Collective Inquiry, but for some liberals, free and open discussion may be seen as intrinsically valuable, irrespective of their intellectual payoffs. What is crucial for our purposes, again, is that the appeal to Collective Inquiry is a

Advancement of Science (Oxford: Oxford University Press, 1993). It bears remembering that for Mill, the achievement of our epistemic aims, through free speech and free inquiry, were wholly aligned with the goal of emancipating women and providing education and a decent standard of living to the poor; for rich discussion of Mill's robust egalitarianism, see Helen McCabe, *John Stuart Mill, Socialist* (Montreal: McGill-Queen's University Press, 2021).

⁵¹ Two mainstream works summarising these bodies of research are Maya Dusenbery, *Doing Harm: The Truth About How Bad Medicine and Lazy Science Leave Women Dismissed, Misdiagnosed, and Sick* (San Francisco HarperOne, 2017); Gabrielle Jackson, *Pain and Prejudice: A Call to Arms for Women and their Bodies* (London: Piatkus, 2019).

⁵² See especially Stefan Collini's chapter on "The Character of the Humanities" in *What are Universities For?* (note 27).

⁵³ C. Thi Nguyen, "Echo Chambers and Epistemic Bubbles," *Episteme* 17/2 (2020): 141-61.

justificatory approach that is applicable to both AFFS and EDI. We have good evidence, across various eras and disciplines, that conformity and homogeneity tend to inhibit serious inquiry. The homogenising forces that undermine the epistemic part of the university's mission come in a number of forms, but their effects are similar, and epistemically objectionable in a similar way. So far as we care about Knowledge production, we have reasons to object to uniformity of belief and perspective, irrespective of whether its origins lie in conformist social pressures, or in demographic homogeneity borne of exclusion.

Those liberals who regard EDI ideals as being in a state of irreconcilable rivalry with AFFS are, at least in part, misinterpreting these ideals. Inclusive and diverse communities of learning enhance the exercise of academic freedom and free speech. The key instrumental reason why we care about these freedoms, in universities, is because we value Knowledge. And both the acquisition and dissemination of Knowledge are liable to go better if historically exclusionary HE systems are able to see through the ongoing process of egalitarian reform which they have embarked upon.

5. Radical alternatives

I want to briefly discuss some more radical ways of interpreting AFFS and EDI. These have been off-stage, in my argument for the Alignment View across Sections 2-3. But they have their advocates in certain parts of the HE sector and it would be remiss to simply ignore them.

First there is a robust libertarian interpretation of AFFS, which sees expressive rights as taking strict priority over other ideals, at universities, including EDI-related ideals. On this view, even if it is correct that AFFS and EDI both support Collective Inquiry, it does not follow that we should address the pragmatic conflicts between them, in HE policy-making, by trying to strike a balance. We answer to the demands of AFFS first and foremost, and then consider how EDI ideals can be promoted within the parameters that are set in place, having prioritised AFFS.

Can a credible justification be offered in support of this?⁵⁴ One might argue that AFFS consists in rights, which must be respected, whereas EDI involves goods, which we merely try to promote. The main ethical feature of rights is that they set limits on how we pursue

⁵⁴ I should clarify the scope of this question. There are certain overtly academic settings – e.g. a critical discussion in a departmental research seminar, involving intellectual debate among advocates of different positions – in which, under UK law, AFFS generally *does* take priority over EDI. For a summary of the practicalities of this see for instance the UK's Equality and Human Rights Commission's *Freedom of Expression: A Guide for Higher Education Providers and Students' Unions in England and Wales*, at <https://www.equalityhumanrights.com/sites/default/files/freedom-of-expression-guide-for-higher-education-providers-and-students-unions-england-and-wales.pdf>. The question that I am posing here is not whether AFFS should be accorded priority in those specific contexts. The question is whether we should recognise this same priority ordering between AFFS and EDI *in general*, across all contested areas of HE policy.

goods and goals. If workers have a right to a fair wage, then letting companies pay workers a pittance cannot be justified by virtue of this benefitting the economy. The individual right trumps the instrumental benefit. Or to illustrate via an extreme example: people have a right to life, so the fact that a healthy person's organs could be harvested to save several lives – the fact that, on this course of action, more people will live, overall, despite one person's death – does not make it okay to kill and harvest. The individual's right to life trumps the arithmetically-minded goal of saving the greater number.⁵⁵

Still, even given this way of understanding the relationship between rights and goods, the conclusion we are entertaining does not follow, because there is no good reason why EDI-related ideals are to be viewed as mere goods. These ideals can also be conceived of as consisting in rights and corresponding duties, e.g. rights to not suffer unlawful discrimination on the basis of protected characteristics.⁵⁶ The rights that are in play (on both sides of the debate) are not natural rights, but institutional rights.⁵⁷ They are rights we recognise, in the set-up of our institutions, in order to secure or advance certain interests.⁵⁸ In any case, the burden is on supporters of the Robust Libertarian view of AFFS to explain why there is a disparity here – why EDI-related ideals cannot be conceptualised as rights, while AFFS can (and/or must) be conceptualised in this way. The prospects of this view being vindicated seem dim, given that even full-blooded defenders of academic freedom and free speech in HE have defended them in terms of their instrumental utility in advancing Knowledge (see Sections 2.3-2.4).⁵⁹

⁵⁵ The surgery example was made famous by Judith Jarvis Thomson, "The Trolley Problem," *Yale Law Journal* 94/6 (1985): 1395-1415. Some examples of authors in the philosophical literature on free speech defending this way of conceptualising the relatively priority of expressive rights, in comparison to other ethical-political ideals, include Thomas Nagel, "Personal Rights and Public Space," *Philosophy & Public Affairs* 24/2 (1995): 83-107; Eric Heinze, *Hate Speech and Democratic Citizenship* (Oxford: Oxford University Press, 2016).

⁵⁶ Granted, there are different ways of understanding precisely how rights (and their corresponding duties) take effect in relation to EDI-related ideals. Rather than asserting a right to equality *per se*, the UK Equality Act 2010, in line with key international human rights treaties, like the *International Covenant on Civil and Political Rights* (1966), enumerates a large schedule of specific rights, while requiring that those rights be recognised in an egalitarian fashion, i.e. "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (ICCPR Article 2.1). However, these different formulations don't make any real difference with respect to my argument here. My point is simply that when tensions arise between EDI and AFFS, if we are aiming to be responsive to both sets of ideals, then there are rights to consider on all sides of the tensions.

⁵⁷ This isn't to deny that there are some natural rights, i.e. rights that we have independently of any institutional recognition. Plausibly, each of us has a right (e.g.) not to be arbitrarily imprisoned. Laws that prohibit arbitrary imprisonment don't create that right, they institutionalise it. By contrast, the rights we are interested in, e.g. rights to academic freedom, or to gain admission to a university degree based on merit, or to not be denied a speaking platform on ideological grounds, are rights that are in some essential way parasitic upon the institutions within which they apply, and / or the existence of a broader legal framework of rights within which those institutions operate.

⁵⁸ An influential defence of this interest theory of rights comes from Joseph Raz, on whose account a person, X, "has a right if X can have rights, and, other things being equal, an aspect of X's well-being (his interest) is a sufficient reason for holding some other person(s) to be under a duty"; *The Morality of Freedom* (Oxford: Oxford University Press, 1986): 166. The main philosophical alternative to this interest-based theory of rights is a *will-based* theory of rights, on which rights function to give their bearer some form of control over the duties that other people are subject to.

⁵⁹ Another way to try to argue for the same conclusion would be to say that AFFS-related duties have a kind of stringency or immediacy that EDI-related duties don't. Maybe universities have a duty to act in concrete ways to protect academic freedom, whereas their duties in relation to equality and inclusion are merely duties to take these ideals into account in university policies. But this argument isn't promising either. If we have reasons to take EDI-related ideals into consideration, then presumably we also have reasons to take the concrete actions that those ideals recommend. Moreover, from a purely legal perspective, the EDI-related duties specified in the UK's Equality Act go beyond a duty to merely take equality into account, and instead they create a requirement to take action.

Another possible defence of the robust libertarian account of AFFS would simply insist that the utility of AFFS, in promoting Collective Inquiry, is far greater than the utility of EDI, in promoting Collective Inquiry, and that this justifies AFFS's prioritisation. But is this a plausible claim? The comparative thesis here is hard to assess, because it contrasts an historically observable condition with a number of unknowns. We can see the ways in which ideological conformity has inhibited Collective Inquiry in certain historical contexts. It is harder to confidently estimate the overall impact of demographic homogeneity on Collective Inquiry, because the reforms we are interested in assessing, i.e. replacing demographic homogeneity in universities with real diversity and *heterogeneity*, are still in a transitional stage. Having said that, there are cases like the medical science example, above, or examples from the humanities and social sciences, of research programmes in which demographic homogeneity seems just as blameworthy, for inhibiting and distorting inquiry, as any ideological or methodological narrowness.⁶⁰ These put pressure the claim that ideological conformity is a *much* greater threat than demographic homogeneity, vis-à-vis the aims of Collective Inquiry, in a way that would justify a strict prioritisation of AFFS over EDI.

Shifting focus, what about the *Anti-Liberal* approach to EDI?⁶¹ This approach reinstates a fundamental conflict between our two sets of ideals, insofar as it sees AFFS as complicit in HE's identity-based inequalities. We can grant that academic freedom has sometimes abetted identity-based inequalities in universities, by entrenching the status quo (sociologically, methodologically, ideologically), and marginalising the heterodox viewpoints of people in underrepresented groups.⁶² But any ideal can be misapplied or given undue priority over other ideals. The pertinent question is not whether AFFS can function like this, but whether it necessarily and inevitably does, such that it needs to be generally deprioritised, relative to EDI, in terms of how it shapes HE policy.

To see the difficulties with this approach, imagine a university (or an entire HE sector) that treats EDI as taking general priority over AFFS. Consider: how should this university deal with conflicts between different groups, where those conflicts play out through the public expressive acts of the group's members? If members of one marginalised group, A, are

⁶⁰ To take one pertinent example in the UK context, consider how *The Black Jacobins* (1938), by the Trinidadian historian C. L. R. James, upended dominant understandings of the history of abolition, with their downplaying of the agency of enslaved people in achieving emancipation. It seems absurd to regard the distortions of the once-dominant historical understanding as being purely due to methodological or ideological narrowness on the part of the historians who produced it. Whatever else is in play, we can also see demographic homogeneity's role in enabling that methodological and ideological narrowness – the fact that the histories weren't written by people descended from, or otherwise significantly culturally affiliated with, the enslaved people whose agency was being written out of them.

⁶¹ What I'm trying to do with this terminology is to distinguish an overtly Anti-Liberal view of the university's mission – which rejects, wholesale, the epistemological assumptions that underpin standard accounts of academic freedom – from a more moderate *Decolonizing* approach, which involves “efforts to free theory and ideology from distorting bias which is the effect of colonial or neocolonial power relations”. Although the latter approach is strongly critical of existing practices in typical universities, it broadly accepts the epistemological assumptions that underpin standard accounts of academic freedom. This is because a moderate Decolonizing approach still sees inquiry as something that may succeed or fail, as opposed to it being nothing more than a way of exercising or trying to legitimise power. The moderate Decolonizing approach “aims to expose incorrect claims which are the result of bias, replacing them with correct theoretical conclusions”; see George Hull, “Some Pitfalls of Decoloniality Theory,” *The Thinker* 89/4 (2021): 63-74.

⁶² For discussion of this intellectual inertia and exclusion, and the role that academic freedom sometimes plays in enabling it, see Akeel Bilgrami, “Truth, Balance, and Freedom” in Akeel Bilgrami and Jonathan R. Cole (Eds.), *Who's Afraid of Academic Freedom?* (New York: Columbia University Press, 2015).

publically expressing views that plausibly contribute to the marginalisation of another group, B, what advice do EDI ideals offer? Do we protect A's voices, in the name of inclusion and equality? Or do we suppress them, on the grounds that they perpetuate B's unequal status? These tensions arise across a number of sensitive and contested issues, including debates around trans inclusion and gender critical feminism, and the Israel-Palestine conflict. To take a concrete example: consider the *prima facie* conflict between the right of conservative Muslims, to publically express their conservative views on sex, sexuality, marriage, etc., and the right of members of the LGBTQ+ community to be free from public discriminatory treatment and hostile environment discrimination. What do EDI ideals, considered in isolation from other ideals, tell us to do in this case? Would the suppression of this speech be justified, in order to counteract homophobia and misogyny? Or would that suppression itself be an instance of discrimination against members of the relevant religious community?⁶³ To state the overall problem in a straightforward way: there are deep ideological conflicts that cut across different marginalised identity groups, and which are implicated in how members of these groups express themselves in both the academic and civic zones of HE institutions.

To a rough approximation, the solution to this problem would be seem to be to have some guidelines around protected speech, in research, teaching, and other campus settings, to try to ensure that the views of people in all marginalised groups are not unfairly suppressed, while also setting reasonable limits on the exercise of those same expressive prerogatives. But that suggests that the fulfilment of EDI ideals requires EDI and ADFS to operate in concert. This in turn casts doubt on the view that ADFS necessarily and inherently undermines EDI ideals in universities.

Another radical critique of ADFS argues that the epistemological commitments implicit in these ideals – the ideas about Rationality, Evidence, and Justification that they rely upon and privilege – are actually ideological constructs, which legitimate identity-based inequalities.⁶⁴ A fair-minded assessment of this would need to engage with a range of controversial issues in critical theory and science and technology studies. But even if the argument comes out of this looking cogent, difficulties arise when we return to the question

⁶³ This remains a live controversy in UK universities. The International Holocaust Remembrance Alliance's (IHRA's) working definition of antisemitism identifies the claim "that the existence of a State of Israel is a racist endeavor" as an example of speech that could be antisemitic, depending on the context in which it is performed; see <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>. Universities UK broadly supports the adoption of the IHRA's working definition of antisemitism at universities, saying that "the IHRA definition should not be seen as restricting free speech or academic freedom, and universities that choose to adopt the definition should make sure it is used and understood in combination with other duties and protections"; see *Tackling Antisemitism: Practical Guidance for UK Universities*, June 2021, p. 7; at <https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2021-08/tackling-antisemitism-practical-guide.pdf>. Wherever exactly the lines get drawn, though, there are going to be problems cases at the borderline – instances of public criticism of Israel by Palestinian activists which could be plausibly viewed as Antisemitic (depending on certain contextual subtleties), but the suppression of which could also be plausibly viewed as a form of anti-Palestinian discrimination.

⁶⁴ One influential example of a feminist critique of notions of scientific objectivity, towards something like the radical conclusion stated above, is Donna Haraway, "Situated Knowledges: the Science Question in Feminism and the Privilege of Partial Perspective," *Feminist Studies* 14/3 (1988): 575-99. An influential example of a more race- and nationality-oriented critique of scientific objectivity is Walter Dignolo, *The Darker Side of Western Modernity: Global Futures, Decolonial Options* (Durham: Duke University Press, 2011).

of why societies fund universities. If we say that all putative Knowledge is mere ideology in the service of power, it is hard to see a good justification for the state subsidising a HE system. If all that this funding does is bankroll the power-legitimizing discourses of certain cultural sects, it seems impossible to justify any form of compelled public sponsorship for it. The principled stance, if this is our epistemology, would be to withdraw financial support from universities and leave them to operate as commercial enterprises.

Ideals that lead to this endpoint cannot provide foundations for HE policy in a publically-funded system. The moderate thesis to revert to, then, is one that does not dissolve the philosophical foundations of Collective Inquiry, as a public good, but instead challenges the underrepresentation of particular viewpoints in universities, and calls for ideological and/or methodological diversification across different fields of inquiry.⁶⁵ But if something like this is one's epistemological starting point, there should be nothing inherently problematic about AFFS. Indeed, AFFS will have a role to play in protecting viewpoints and approaches that contest the intellectual status quo.

In summary, the Robust Libertarian view of AFFS unjustifiably downplays EDI's positive contribution to Collective Inquiry, whereas the Anti-Liberal view of EDI undermines the epistemological and discursive foundations of a culturally diverse community of inquiry and learning. Therefore, the moderate Liberal interpretations of AFFS and EDI that we were working with in Sections 2 and 3 – the ones on which AFFS and EDI are complementary ideals, that are aligned in supporting Collective Inquiry – are to be preferred, as ethical reference points for HE policy.⁶⁶

⁶⁵ E.g. something more along the lines of Helen Longino's work, arguing that Knowledge production can be achieved, in some objective sense, but that its objectivity is a function of its responsiveness to the concerns of the diverse community of inquirers who cooperate in its production; see *Science as Social Knowledge: Values and Objectivity in Scientific Inquiry* (Princeton: Princeton University Press, 1990).

⁶⁶ Notice that the argument here doesn't rely on the contentious claim that a moderate Liberal view of the university's mission is somehow morally or political *neutral*, in a way that the more radical interpretations of AFFS and EDI are not. Our reason for preferring the more moderate interpretations is because they are more conducive to the public good – Collective Inquiry – whose realisation is the University's core, justifying purpose.

6. Conclusion: integrity and engagement

What is to be done, then, concerning the practical tensions between ADFS and EDI, in relation to No Platforming, hiring protocols, syllabus reform, and other areas of HE policy? UK law imposes some general parameters that university policies and practices have to abide by. Students and staff cannot be subjected to identity-based harassment in the name of free speech. It is unlawful under the Equality Act for universities to simply stand back and allow such treatment. Conversely, universities cannot, in an attempt to shield students or staff from offense (or totally speculative claims of harm) adopt policies which have the aim, or the foreseeable effect, of suppressing speech that expresses lawful, critical viewpoints, or policies that thwart the opportunities for success available to staff and students who endorse those views. Such policies are unlawful. Under the terms of the new Higher Education Act, English institutions will need to consider how to proactively support ADFS, which will bring these practical tensions and incidents of conflict on campus into sharper relief. Again, because this is new legislation, it remains to be seen exactly how the duties that it imposes are going to be translated into more detailed, concrete policy frameworks for universities, and practical guidance for individuals. These details can be expected to gradually come into focus as a body of case law builds up around the Act.

However, while the current state of limbo in this area is gradually going to resolve, there will still be various grey areas – decisions around HE policy and practice where EDI and ADFS ideals are both plausibly implicated, and where the legal parameters do not dictate precise courses of action, in terms of striking a balance between them. So how should universities be approaching the task of putting these two sets of ideals into practice, within those grey areas?

There is a lot of institutional diversity across the UK HE sector. Universities have diverse staff and student bodies, wider or narrower ranges of teaching and research focus, enormous disparities in resources, and variable strengths and weaknesses, culturally, in relation to EDI, ADFS, enterprise and engagement, international outreach, and staff and student satisfaction. Moreover, the policy decisions in play are ones that reasonable people can have reasonable disagreements about, even when they are working within the parameters of a single institution.

Given this combination of diversity, complexity, and reasonable disagreement, the focus for policy should be on procedural integrity and continual engagement, in relation to both EDI and ADFS. By procedural integrity, I mean that deliberations around EDI- and ADFS-related policies ought to generally be transparent, consultative, collaborative (both within and between HE institutions), and open to critique and feedback from staff, students, and other stakeholders. By continual engagement, I mean that our deliberations should approach “getting things right”, in relation to EDI and ADFS, as an iterative work-in-progress, not a one-time policy decision.

Operationalising these ideals is not about setting up a timeless charter of rights and duties. It should be an area of practice that involves ongoing assessment and improvement. We can liken it to the way that international human rights law and practice are operationalised. Tensions between different rights have to be continually monitored, and policies adjusted accordingly. Human rights charters and treaties identify a wide range of rights that we have to consider, in this process, but then the work of human rights practice is about continually translating those abstract considerations into concrete, action-guiding policies. It is a process of continual engagement.

Some people who place greater weight on either EDI or AFFS seem to reject this, and talk as if the prioritisation of their favoured ideals can be an uncontroversial fixed-point that other policy decisions just navigate around. An analogy may be useful in seeing the problems with this. Suppose a business is devising organisational policies which, in line with the relevant legal requirements, seek to strike a balance between egalitarian ideals and expressive ideals, within the workplace. The ultimate point of this process, from a commercial perspective, is that the business ends up creating value that benefits stakeholders. Even within the law's constraints, there are ways that an exclusionary or otherwise unequal culture can inhibit a business's commercial success. And intellectually conformist cultures can obviously detract from that too. But there is no reason to think that we can rely on abstract ethical reasoning to devise an integrated suite of policies that prioritise different ideals in different parts of a business, in order to achieve commercial success. The law sets parameters for this, e.g. by disallowing discriminatory employment practices that economically disadvantage certain people. But within these parameters, well-run businesses need to have processes of review and change management in place, to gauge how different ideals are operating, and to realign practice when a neglect of certain ideals is disadvantaging some staff, or discouraging candour and cooperation, or otherwise undermining commercial success.

Obviously universities are not the same as ordinary profit-seeking businesses. But there is an analogy here at a broad structural level, and this is the thing I'm trying to highlight. Both businesses and universities are defined by their instrumental purposes. From a public-political perspective, these are not entities that we value intrinsically, regardless of what they achieve. Their value is in what they produce. Where businesses engage in commerce, in order to produce wealth or value, universities engage in Collective Inquiry, in order to produce Knowledge. Granted, universities have various secondary social purposes. (Businesses do too.) Nonetheless, universities still have a primary purpose, which justifies them in having their special cultural status and public subsidisation, and the realisation of which is our primary yardstick in evaluating them. Organisations that exist in order to fulfil an instrumental aim can and should use that aim as a reference point when thinking about how to strike pragmatic balances between various ideals in their policies and practices. And this generally speaks in favour of a dynamic and iterative approach to policy-making around AFFS and EDI in universities, rather than a once-and-for-all decision.

What is to be done, then, about the practical tensions between AFFS and EDI, in HE policy? How should universities be operationalising these ideals, in the policy grey areas where law's requirements don't tell us exactly what's to be done? Universities should invest in ongoing policy review, to assess how the relative prioritisation of EDI or AFFS concerns, in various areas of practice, will impact on the university's contribution to Collective Inquiry, and how an improved balance may be struck in respect of this goal. Universities who see one set of ideals as totally subordinate to the other are not taking their mission of Collective Inquiry seriously enough. Universities that take their mission seriously must remain committed to both sets of ideals. Practical complexities need to be managed, as a result of this dual commitment. But to repeat what I said earlier, negotiating these complexities is ultimately an in-built part of pursuing Collective Inquiry. Universities can do Collective Inquiry better, if they recognise that AFFS and EDI both make important contributions to this goal, as opposed to them existing in some form of zero-sum rivalry.⁶⁷

⁶⁷ Thanks to David Bass, Ruth Gilligan, and Tim Soutphommosane for input and comments on an earlier draft of this piece, and thanks also to Michael Ignatieff, Gerald Lang, and Amia Srinivasan, for helpful conversation / debate on the issues being discussed here.



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