

The Moral Responsibility of the University

Carolyn Hughes Tuohy, PhD, FRSC

The recent congressional testimony of three leading American university presidents, and its aftermath, drew to a climax an escalating debate about the role and responsibility of the university in responding to issues of social concern. When presented with the question of whether university policies would prohibit members of the institution from calling for the genocide of Jews, these three leaders at the pinnacle of higher education apparently felt constrained by their institutional roles from addressing the moral (as opposed to the legal) responsibility of the university in that context.¹ The focus of much of the resulting controversy has been on the alleged lapses of judgment shown by the individual presidents, and has resulted directly or indirectly in the resignations of two of them. But the issues raised go far beyond individual officials - they are fundamental questions of institutional responsibility and of the role of the university in liberal democratic society.

This episode sits at the confluence of four value-laden streams of debate within and about the university, all having to do with the interpretation of the university's historic and enduring mission to preserve, advance, create, discover and disseminate knowledge as widely, freely, and openly as possible.

- The first stream is the long-standing debate over what limits, if any, can legitimately be placed on the freedom of individual academics to pursue and present lines of inquiry and argument according to their own intellectual curiosity.
- The second stream flows from more recent attempts to widen the reach of the university to include historically marginalized groups and a broader range of critical perspectives and fields of inquiry, raising questions of the appropriate scope and limits of measures of targeted outreach and preferential access, and fueling contests of “identity politics” as the pace of measures of inclusion lagged behind rising expectations on the one hand, even while generating backlash on the other.
- The third brings these two streams of controversy together in a debate over what limits on speech and behavior on campus can legitimately be adopted as part of attempts to provide a welcoming academic environment for previously marginalized groups, and whether such limits constitute a double standard if similar constraints are not placed on members of historically marginalized groups themselves.
- The fourth concerns the speech of the university itself as an institution. As a pillar institution of liberal democracy, should the university through its official leadership take a position on issues of deep public concern, such as war or racially motivated violence?

The confluence of these streams has resulted in roiling debate about the role of the university in liberal democratic society. At its core, the university offers a venue in which inquiry can be pursued, and ideas presented and tested, driven only by the curiosity of its members. But such “academic freedom” does not mean “anything goes.” Academic “disciplines” are rightly named - they establish and constantly develop standards to govern collegial exchange. Keeping those standards alive to the evolution of knowledge underscores the importance of representing the widest possible set of perspectives in the process of exchange. These standards establish the terms

¹ I set aside here the premise of the questioner that chants such as “from the river to the sea, Palestine will be free” amount to calls for the extermination of Jews in Israel; the question as posed was whether university policies would prohibit calls for the genocide of Jews.

of debate within and among disciplines. It is the responsibility of the university as a whole to establish a broad institutional template for these disciplinary and interdisciplinary exchanges.

In thinking about the requirements of an institutional template for “academic debate,” we need to understand that it establishes a second filter on speech, beyond the basic legal limitations on speech that apply universally to a given population at large. *Academic* discourse means discourse that is carried out within or under the aegis of the university – physically on campus, virtually on institutional websites (including those of organizations such as faculty, student and staff associations and bargaining agents using the university’s names) or otherwise invoking the imprimatur of the university (for example, by the use of professional affiliations). Members of the institution are not bound by these terms in any other venues in which they chose to participate, but when speaking *as members of the institution* they must accept this second filter. This requirement lies at the heart of the much-remarked-upon distinction between “academic freedom” (which is subject to the terms of academic debate) and “freedom of expression” (which is free of those requirements and subject only to legal constraints).

The university’s knowledge-focused mission implies the following terms of academic debate:

1. Give reasons, grounded in evidence and/or persuasively-constructed argument
2. Be open to contrary evidence and argument from a diverse range of perspectives and be prepared to modify one’s position accordingly.
3. Respect the right of all who accept the terms of debate to participate

The second of these terms is particularly challenging. It requires an “epistemic humility,” as the president of University College London recently put it, “an openness to the possibility that I might be wrong, even about my passionate convictions, and even when I believe those convictions to flow from my own experience . . . that I regard as identity forming.”² It requires not necessarily the acceptance of other views but rather respect that those views may also be rooted in personal experience, they may be held with passion as powerful as one’s own and that there may be something to be learned from giving consideration to these opposing perspectives.

These three terms derive from the intellectual imperatives of the university’s mission. But there is a fourth term that derives from the university’s “formative” role: that is, from its moral responsibility as an institution. Intellectually, the university’s mission requires the pursuit of inquiry without preference as to where the inquiry will lead. But what are the moral implications of this mission? Historically, the university saw itself as a crucible for the “formation” of scholars within confessional traditions. More recent understandings of institutions, including universities, continues to recognize their role in the moral formation of their members, albeit outside confessional parameters. Scholars such as Kathleen Thelen have defined institutions as sets of “collectively enforced expectations” that govern behaviour. Although Thelen and her colleagues see these expectations as enforced upon members of the institution “regardless of what they would want to

² Michael Spence, “Balancing humility and conviction is the art of disagreeing well,” *Times Higher Education* August 31, 2023 <https://www.timeshighereducation.com/opinion/balancing-humility-and-conviction-art-disagreeing-well>

do on their own,"³ others such as Hugh Hecló⁴ and Yuval Levin see institutions as inculcating an internalized ethic of behaviour. Levin describes this formative role of an institution as posing to its members "[t]he duty-laden institutional question - "Given my position here, how should I behave?"⁵.

If the university's moral role is to establish an ethic of behaviour for its members, what should that ethic be? Let's begin by considering what that ethic is NOT. It would be fundamentally inconsistent with the university's mission for it to take an institutional position on moral issues, much less to enforce allegiance to a particular moral stance upon its members.

But it IS the responsibility of the university to provide a forum in which such issues can be debated, and to establish the terms of debate to ensure as careful and inclusive a set of moral considerations as possible.

A recognition of the university's moral responsibility adds a fourth term to the framework of academic debate.

4. Recognize, address and be prepared to defend the moral implications of one's position.

This fourth term requires not only intellectual clarity but also moral sensitivity. It requires a consideration of the moral consequences of one's conclusion or position, and the moral principles according to which those consequences can or cannot be justified (such as, in the case of the Israel-Gaza conflict, respect for the equal dignity of human life, or the requirements of a "just war"). The university itself should not specify those principles, but should promote their exploration and establish the expectation that moral consequences will be taken into account, and incorporate that expectation in its policies. All who participate in academic exchange should be held, at least potentially, to this expectation. Those who do not meet it can legitimately be called to account. In turn, the university has a responsibility to foster the skills necessary to engage in such exchange – to demonstrate and inculcate not only "epistemic humility" but also a basic understanding of the essential requirements of moral reasoning.

None of this is to give licence for the wielding of moral claims as trumps, subject to no rebuttal other than declaring another suit as trump. Only unproductive combat can result from such tactics. Rather, it is to argue that all four terms of debate as I have set them out here are necessary – none alone is sufficient. Reasoned, evidence-based and critically appraised arguments may have moral implications or consequences which may or may not be intentional and which may be subliminal, disregarded or ignored. Interrogating one's own arguments to uncover and acknowledge those implications, or at least being open to such interrogation, is integral to academic inquiry. But moral reasoning itself requires the giving of reasons and evidence for the application of particular moral principles in particular contexts – those principles are not justifications in and of themselves.

³ Wolfgang Streeck and Kathleen Thelen, "Introduction: Institutional Change in Advanced Political Economies." In *Beyond Continuity: Institutional Change in Advanced Political Economies*, edited by Wolfgang Streeck and Kathleen Thelen, New York: Oxford University Press, 2005. 1-39.

⁴ Hugh Hecló, *On Thinking Institutionally* New York: Oxford University Press, 2008

⁵ Yuval Levin, *A Time to Build* New York: Basic Books, 2020: 194.

The institutional enforcement of these requirements means that there must be clarity about the terms of academic debate under university aegis. This places an onus on university governance to set out expectations of the university community in institutional policies – for example, a code of conduct governing events. One can then conceive of a scale of engagement between academic leaders and those making public statements and organizing demonstrations under university aegis. The first step is to work with the leadership of such groups to set the terms for these actions. During my own years in university administration I was very impressed with the ability of our student affairs professionals to do this. But if these terms are not respected, the next step up the scale for university leaders is not disciplinary action but more speech - namely, the issuance of official statements that the event or missive in question does not meet the standards of discourse and behaviour expected at the university, outlining why, and dissociating the institution from the occurrence.

Notably, these terms apply to the university itself in the development and implementation of its own institutional policies. This process requires moral deliberation at each stage, and that requirement underscores the importance of having a leadership team that is inclusive of diverse life experiences and viewpoints. Especially in the heat of moments requiring an immediate response when broader consultation is not possible, this inclusivity is essential to the formulation of that response.

It might be argued that, on the terms I have set out here, this deliberative process could in extreme cases lead senior university leaders and governors to suspend the principle of institutional neutrality on moral values, and instead to take a definitive moral position, because not to do so would have unsupportable moral consequences and could call the institution into disrepute. In theory this counterargument holds. But in practice, the choice of such exceptional cases and the formulation of a moral stance requires trade-offs across moral values. It requires weighing some moral consequences against others and against some moral principles. Where trade-offs are involved there will inevitably be different weightings by different deliberators within the institution. An adjudication of these differences by leaders wielding institutional authority could be seen as chilling the climate for academic discourse and associating all members of the university with conclusions to which their own work as individual scholars does not lead them.

The overseeing and enforcing of the moral responsibilities of the university is a central component of institutional leadership. All who exercise institutional authority – presidents, vice-presidents, deans, chairs and others – are bound by this obligation. This means that, insofar as they speak and act in the name of the university, these institutional leaders should refrain from expressing particular moral stances and should instead focus on facilitating debate on the terms described here and on enforcing those terms. In their own scholarship and personal lives, these individuals of course remain free to express their own views, including their moral convictions.

The university's policies include those that govern its relationship with donors. In all major universities, these donors are important supporters and valued members of the university community. And inherent in that membership is the requirement that they too understand, appreciate and, in their relations with the university, accept its institutional ethic. The inculcation of that understanding is a key part of the university's cultivation of its donor relationships. In the three cases at the core of the current American episode, a few wealthy donors have evinced no such understanding or acceptance and have played an outsized role in calling for universities to take a particular moral stand.

What does this imply for the university in the current context? First, difficult though this may be, it means that the university should not take an institutional position on the Israel-Gaza war, nor should members of the university call upon the institution to do so. Second, it means that the university should provide forums for debate and indeed for demonstrations of protest. Third, it means that participants in such forums must respect the right of those with opposing views to be heard, and must be open to challenge to justify their positions, including their moral implications. Faculty and student members of the institution, and those invited to speak under university aegis, will include controversial speakers, all of whom should be permitted to speak as long as they, and their audiences, respect the fundamental terms of debate. The mass-rally protest format does not lend itself to such moral discourse, to say the least, but the leadership of protests can be held to account in other forums that allow for moral argument.

In short, the central moral value of the university as an institution is that morality matters. It is as integral as reason and evidence to academic inquiry and to the development of the stock of human knowledge. And as members of civil society, we should understand and accept the distinctive role of one of our pillar institutions, and not expect the university to be what it is not – another advocacy group.