

A Victory for Academic Freedom but the War Can Still Be Lost



Joanna Phoenix

by Theodore Dalrymple

Any victory in the so-called culture wars is welcome, but no such victory is final or irreversible—which is perhaps as well, for final and irreversible victories are the dream of dictators and totalitarians.

Still, I was pleased when professor Joanna Phoenix, of the Open University in England, won a case she brought against her employer for harassment and wrongful dismissal. That university is, or at least once was, an admirable institution. It offered, by means of correspondence courses at modest cost, tertiary education to people who had missed it earlier in their lives. Its standards were high: Indeed, it often maintained such standards better than more established

universities.

That she had to bring such a case at all illustrates how low we in general, and the university in particular, have sunk, for Ms. Phoenix is a proponent of an idea that, until very recently, would have seemed so self-evident that it wasn't worth stating, namely, that people can't change their sexes at will.

A man can dress and behave like a woman, can be treated as, and referred to, as a woman, can be made by various means, surgical and hormonal, to appear like a woman, but cannot *become* a woman. Such a man doesn't change into a woman *simpliciter*: If he could, there would be no difference between a woman and a transgender woman, and everyone knows that this isn't so. The view that Ms. Phoenix held, which is surely the view that 99.9 percent of humanity would hold if asked (not that such a majority would by itself make it true, for truth isn't a matter of democratic vote), doesn't entail any ill-usage of anyone.

The professor was the object of what might be called persecution in the university because of her views. Her academic freedom was imperiled. The judgment of the employment tribunal to which she appealed for justice was quite clear on this. Nevertheless, the whole case was far from reassuring, and [the judgment](#), 150 pages long, supportive of the professor as it was, leaves grounds for disquiet.

To begin with, we enter a world of acronyms, which now seems to be the natural environment of academic life. No doubt the use of acronyms is to some extent inevitable: USA, after all, is an acronym, and no one would insist that it should never be used. But the number of acronyms in the judgment is astonishing: For example (I take a few at random), *HERC*, which stands for Harm and Evidence Research Collaborative, *SRA*, which stands for Strategic Research Area, or *REF*, which stands for Research Excellence Framework. Even when you know what the

acronym stands for, you have little more concrete idea of what's actually meant. The alphabet soup is the ocean in which bureaucrats and ambitious mediocrities swim.

But there's much more to be alarmed about. For example, the tribunal asked the witnesses "for their pronouns," that is to say, the pronouns by which they wished to be referred by the tribunal. Thus, one of the witnesses was referred to as *they*, and I have no idea whether that witness was a man or a woman. But to ask people by what pronoun they wish to be referred is already to accept their preposterous ideology; it reminds me of the scenes I have witnessed in supermarkets of mothers bending over their tiny children and asking them what they would like to eat for their evening meal.

There's no reason why, if I demand that you should refer to me as x, that you should do so. After all, whether or not I'm x isn't purely a matter of my self-identification. If I insist that I'm really a hedgehog, there's no reason for you to accept it, for whether I'm a hedgehog is a matter of biological fact. If I insist on you calling me a hedgehog, I'm merely exercising power over you (if I'm successful, that is). The fundamental situation isn't altered, even if I have managed by a campaign of intellectual intimidation to get the law changed in the direction I want. The law, however, can't change me into a hedgehog: reality is reality.

Another reason for disquiet is the university's policy on the matter of academic meetings. One such meeting was canceled because of "a gender critical" researcher's projected appearance at it, Ms. Pheonix alleging that the cancellation was unjustified according to the university's own policy.

This policy makes for dispiriting reading, however. I quote:

"So far as is reasonably practicable, the University will ensure that freedom of speech and Academic Freedom can be exercised by enabling O[pen] U[niversity] events ... to take

place unless ... the OU cannot reasonably guarantee the health, safety or welfare of the individuals involved in an event ...”

This is the trojan horse for strict censorship, for nowadays distress at hearing opinions that one finds distasteful is held to lead to psychiatric disorder, and psychiatric disorder is held to be no different, categorically, from a broken leg. Words spoken in a meeting or a conference are held to be as damaging to health and welfare as baseball bats or pickaxes.

Nothing is easier than to work oneself up into a state of extreme distress, however, and from thence into a state of psychiatric disorder. Therefore, hearing anything that one dislikes can and should be forbidden on the grounds of protection of one’s health and welfare. In these circumstances, everyone—at least everyone on the right side of any question—develops an eggshell sensibility, such that the slightest disagreement will produce in him or her extreme distress.

In arranging an academic meeting or conference, the university is supposed to carry out “a risk assessment” as to whether anyone’s health or welfare might be harmed by it, in other words whether any opinions are likely to be expressed during it that will upset anyone so greatly that his or her health or welfare will be compromised. This requirement, I need hardly add, would entail much bureaucracy, and is incompatible with the free exchange of ideas such as it was once the function of universities to encourage.

So, while Ms. Phoenix has won a small victory, the war can still be lost.

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