

# AGAINST “IDEOLOGIES”: “FREEDOM” OF SCIENCE AT STAKE IN CULTURE WARS

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## Abstract

The subject of this article is the analysis of selected institutional activities, including drafts of legislative initiatives and social actions that took place between 2018 and 2020 at Polish universities (and outside of them). Its goal is to define what can be expressed, who is entitled to speak within the academic realm and what can be said by an academic teacher or scientist during a public debate. These social actions and legislative initiatives are discussed in the broader context of activities of social movements having a clear ideological face (either left- or right-wing), protests against lectures, debates organised at universities that were labelled as “ideological”, as well as projects intended to promote specific visions of academic freedom along with corresponding regulations for universities.

*Keywords: university, freedom of speech, academic freedom, ideology, social movements, conflict, public debate*

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This article analyses selected institutional actions and social actions undertaken recently (between 2018 and 2020) in Poland at universities and outside them, which frame what (and to whom) can be said within the academy and what can be said by a scholar who takes part in the public debate.

I will discuss selected actions in Poland: actions related to disciplinary proceedings against Prof. Aleksander Nalaskowski and Prof. Ewa Budzyńska, as well as the draft amendment to the Law on Higher Education and Science in a broader context: activities of social movements with a clear ideological orientation (leftist and rightist), objections to organising what is considered ideologically-driven lectures and debates at universities, initiatives for the freedom of debate at universities (also in other countries). I have dealt with one of these contexts – the practices of disrupting lectures by opponents of their subject matter or of the speaker – in a separate article (Zimniak-Hałażko 2019), so I will not refer to this issue here.

In my view, investigating the broader background of current discussions of academic freedom may help to better understand the place of the academy in the culture wars and the related spheres of public debate. It is not the case that the academy can avoid entanglement in the culture wars. Such entanglement is largely inescapable, not least in the form of defending some values or impartiality: existing practices in this area are already partly conventionalised, yet uncodified. In this paper, I would like to examine whether these practices are worth institutionalising and how this can be done.

I understand culture wars here, following Wojciech Burszta (2013), as a type of normative conflict in post-traditional society that runs between conservatives (“fundamentalists”, “right-wing” groups) and liberals (“relativists”, “left-wing” groups) and takes the form of a moral dispute, understood by the parties in terms of the battle between Good and Evil, and thus leading to their repeated attempts to eliminate what they regard as hostile ideas from public space and social life.

Unfortunately, there is no room in this text for a detailed reconstruction of the dynamics of culture wars in Poland and their institutional and organizational frameworks (including the efforts to precisely define the "right" and the "left": here I will rely on the actors' self-definitions and on how they position themselves within the matrix of culture wars).

It is worth noting, however, that in 2013 the culture wars are entering a new phase owing to the ideological and organizational mobilization of conservatives. The fight against "gender ideology", defined by the right-wing groups as a tool for deconstructing traditional identities and social ties, is intensifying (for an analysis of the media conflict over gender, see Duda 2016). "Gender ideology" operates in the right-wing worldview as a synecdoche: it includes all phenomena that destabilise the traditional order: "LGBT" and queer ideology, "neo-Marxism", and "multiculturalism."

In 2013, the network of European conservative organizations, Agenda Europe (cf. [agendaeurope.wordpress.com](http://agendaeurope.wordpress.com)), which seeks to actively restore a conservative order in Europe, and its Polish partner institution, the Ordo Iuris Institute for Legal Culture, were also founded. The latter is one of the main protagonists of this discussion.

This analysis is a cultural study of selected cases of how disputes are framed in the media space. In each instance, I tried to select texts and statements which were publicised in the media (the Internet, magazines, and, in the case of Professor Nalaskowski, also a book), which constituted the framework of the dispute, and which were voiced or posted by the interested parties themselves or institutions acting on their behalf, as well as other actors directly involved in the conflict (students, and institutions of higher education).

It was, therefore, not my goal to trace all the media material related to the cases described, nor to try to reach the relevant actors in order to verify their opinions and the circumstances of the events. I believe that the media image is more important here than "facts", and the latter are practically impossible to reconstruct in the face of emotions aroused by

the disputes, as well as the strategy of establishing their presence in the information space (by individuals or institutions).

This discussion fits into the burgeoning and well-established research on academic freedom, the essence of which is considered again and again in the context of successive events or incidents, usually related to cultural and political conflicts (cf. e.g. Fish 2014; Fish 2019; Nelson 2010; Wallach Scott 2019 *Academic Freedom in the Post-9/11 Era* 2010; *Who's afraid of academic freedom?* 2015). Stanley Fish (2014: 7) calls this new discipline academic freedom studies.

Pluralism of debate or an academy free of non-scientific content?

The cases of university disciplinary proceedings against academics described in this subsection are still pending at the time of writing (August 2020). However, they have been held long enough that interesting regularities can be discovered. In both cases, professors with extensive teaching and research experience were accused of abusing the rights of freedom of speech: Prof. Budzyńska during a lecture that she was giving, and Prof. Nalaskowski – in a column published in right-wing press.

The charges of unscientific and ideological line of argumentation were raised only in the case of the lecture, but obviously not the column; both academics were accused of using inappropriate words, “hurtful speech” directed against certain groups of people (on the concept of “hurtful speech”: Butler 2010). The indicters maintained that the role of a university teacher does not permit this type of speech: not only within the walls of the academy, but also outside it. The defendants unswervingly argued that their statements were in line with the conventions of the genre (lecture, column) and that they were fulfilling the mission inherent in the social role of an academic when making these statements. They perceived the actions of the accusers as an attack on freedom of speech motivated by political correctness and leftist ideology, an attempt at censorship and silencing of opinions that were, in the

opinion of the accusers, inappropriate, but from their stance – which espoused traditional values and norms.

Both disciplinary proceedings, taking place in the context of culture wars from the very beginning, sparked a renewed debate on the limits of freedom of speech at universities and the place of ideology in discussions organised within the academy. The proceedings, though formally carried out within the academy, independently of the rector's authority, external pressures and political bodies, involved non-academic organisations, political decision-makers and the media at various stages. Accusations were made against the world of science and universities, especially in the conservative and right-wing media, which claimed that universities succumb to ideological fashions and pressures, and apply censorship to the research and statements which are incompatible with these trends.

In this way, the independence of academia became a stake in the game: since the world of science cannot defend itself against ideological temptations, perhaps it needs an external body to help it define and observe the principles of independence? In the public debate, a well-established argument from the times preceding the higher education reform returned: the academy is doing badly (as evidenced by the low positions of Polish universities in world rankings, even when the accusations concern those indicators which were not measured in rankings<sup>1</sup>), and can only be repaired by external forces, with the help of appropriately drafted legislation.

Professor Budzyńska's lecture

The case of Ewa Budzyńska (owing to the confidentiality of the documentation drawn up in the investigation and disciplinary proceedings at the University of Silesia) is available only through the accounts of the

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<sup>1</sup> I cite an example of this type of argumentation in the second part of the article.

feuding parties, organisations supporting them, and media usually siding with one of the parties. In the course of (usually emotional) footage, events are reinterpreted and positions radicalised.

In December 2018, Ewa Budzyńska, Ph.D., Professor of the University of Silesia, delivered a lecture as part of the optional class “Intergenerational ties in world families” on the Christian family model, with particular emphasis on Catholicism (family models in other religions were discussed in earlier lectures). It is known that in the lecture the professor touched upon such issues as the function of marriage, contraception, abortion, phases of prenatal development, upbringing of children in non-heteronormative families and nursery care. The accounts of the parties – the students who submitted a complaint about Prof. Budzyńska and of the Professor herself – about the way the content was handled are different. The verbatim opinion of the students, which I accessed through the English-language newsletter of the research organisation Atgender (so as we can see that the issue has gained publicity) and was published on the website of the Campaign Against Homophobia, contained, e.g. such testimonies:

“In 2018, we had classes with the lecturer who tried to persuade us in class that abortion is murder, who stigmatised different faith groups, and who spread falsehoods about children from LGBT families. In her lectures, we were told that Muslims come to Europe to rape women and that newspapers should inform the readers about the religion of the rapists so that people realise that it is mainly Muslims who rape. During her classes, we were also presented with false information about contraception: the lecturer said that using an IUD leads to a monthly abortion and that children of IUD users will be born with antennas in their heads. Dr Budzyńska equated emergency contraception and abortifacients. She also taught us homophobic content, when claiming that children brought up by people of the same sex are always unhappy. She also warned boys not to »lend their sperm« to lesbians. And these are only some of the absurdities we heard in class. (...) Universities must remain

free of prejudice, and lecturers who, instead of scientific knowledge, convey their own views and ideology to their students, should stop this practice. Messages based on disinformation and the denial of scientific knowledge should have no place at the university.

We want universities to be free from hatred. We want knowledge and science, not backwards ideologies!" (*Oświadczenie studentów/ek Uniwersytetu Śląskiego: Chcemy Uniwersytetu wolnego od nienawiści!* 2020)

Apart from teaching knowledge that is inconsistent with contemporary research, the students also accused the lecturer of homophobia, intolerance and an attempt to impose Catholic-radical views. In an interview with OKO.press, they claimed that the lecturer presented mainly her own views and videos from TV Trwam, not the current state of research (Leszczyński 2020<sup>2</sup>). Budzyńska did not agree with any of the allegations, and said that she was merely sharing knowledge, not stigmatising social groups and life choices in any way:

"I do not impose anything, but present and inform. Information about the stages of child development is, after all, the transfer of objective, scientific content, which is, moreover, covered in the curricula from the fourth grade of primary school. (...) Today, talking about a full, married, stable family, in which children are born, about having numerous family relations, is perceived as stigmatising. Soon an educator will no longer be allowed to lecture on a full, permanent and happy family as the best environment for raising a child, because he or she will be accused of stigmatising people who form other relationships" (Grajewski 2020).

When asked in an interview whether she would consider adjusting the syllabus of her classes, she does not see any need for change:

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<sup>2</sup> It is worth noting that Adam Leszczyński's article is critical not only in its assessment of the quality of Budzyńska's teaching practice (here the author relies on his interlocutors – students), but also of her scientific output. Budzyńska's classic sociology, whose conservatism consists primarily in the selection and framing of topics rather than in the manifestation of conservative views, also has positive reviews (cf. Kwak 2018).

“I would not change anything in my lecture also because, in exercising the right to academic freedom, I am teaching students about the most fundamental values, such as the family and the right to life. From the disciplinary commission representative’s argument, however, I infer that the university should draw up a list of content forbidden to be taught in the university space” (*Ibidem*).

In the same interview, Budzyńska suggests the parallels between her fate and that of her father, who was forced into early retirement because of a denunciation of the YPU collective<sup>3</sup>. While highlighting the lack of support from the academy, she talks about the support coming from outside the academy:

“There are a lot of e-mails with words of support and solidarity, and also assurances of prayers, that are being sent to the university address. Some of them report that it already happened that the university promoted gender ideology or that some lecturers openly introduced themselves as homosexuals during their classes, but no one dared to react. The students feared problems with passing exams or being ridiculed or stigmatised in the group by lecturers or supporters of those views. This, in turn, means that an element of fear forcing individuals to keep a low profile, not to reveal one’s own views, is already present in society” (*Ibidem*).

Any reconstruction of events on the basis of personal testimonies of the parties is always hypothetical, but one can guess what probably happened. The lecturer was conducting elective classes on a topic closely related to her specialisation and publications, so she probably used materials that she had gathered in the course of research. Since she felt confident in the topic, she could, to some extent rely on improvisation and make digressions (this is evidenced by the students’ statements quoted in the interview for OKO.press). It can be presumed – I find such a thought experiment useful for considering another possible way of

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<sup>3</sup> In November 2019, Prof Budzyńska terminated her contract with the university by mutual agreement and retired.



framing events, although it is not substantiated in the collected materials – that when discussing some issues important to her, she assumed the role of an educator and tried to shape attitudes according to her understanding of the academic ethos and of the right to interpretation. In presenting what she considered to be facts, she followed the classical correspondence definition of truth: she probably cited research which confirmed the selected facts (given the lack of data, it is difficult to judge the quality of this research). The students' objections seem to centre around precisely those parts of the lectures which did not fit into the scenario of an academic course, so they implicitly assumed compliance with the syllabus (contract) and neutrality of the lecturer's worldview (or possibly: presenting her opinions as one of the possible ones). Such a description of the conflict would make it possible to indicate the lecturer's teaching-practice mistakes as a possible cause: an academic of considerable seniority did not tailor the classes to the changing expectations of students (lack of tolerance for improvisation, digressions, expression of the lecturer's personality and worldview, her adopting of the role of an educator).

Accepting such an understanding of the conflict would open the way for mediation. One effect of successful mediation could be an adjustment of the syllabus, the scenario of classes and the manner of presentation of these issues (however, not a complete reformulation of the syllabus or the necessity to hide the lecturer's views). Such a revision could make the lecturer more fully realise her didactic goals, however, establishing that it is worth doing, would require the suspension of privileges related to a specific form of academic pedagogical authority (the principle of independence in creating curricula without questioning the content of the lectures and the teaching methods used in the classes, expressed, for example, in the reluctance to introduce peer review principles in didactics). In a sense, therefore, it may have been easier for the experienced lecturer to adopt the ideological frame of conflict

and position herself within the opposition of true/false, good/evil, independence/ideology, rather than within the framework of a didactic failure, which requires thinking about classes in terms of effectiveness/ineffectiveness.

Worldview conflict, triggered when the issues from the repertoire of culture wars are raised in the classroom, has thus become entrenched as the only interpretative framework of the dispute. The materials related to the investigation and disciplinary proceedings are secret; however, it can be presumed that in the course of the investigation the parties self-asserted themselves in the adopted framework, which made effective mediation impossible and resulted in the motion of the Disciplinary Commission Representative of the University of Silesia to punish Dr. Ewa Budzyńska with a reprimand. The justification given was that the lecturer was imposing a value-laden worldview and manifested intolerance, and the motivation was the need to take preventive measures (excerpts from the justification quoted by the press).

The moment when Professor Budzyńska engaged as her defence attorneys lawyers from the Ordo Iuris Institute for Legal Culture, one of the most active organisations in Poland acting in the field of culture wars on the right-wing side was pivotal in strengthening and intensifying the world-view framework of the conflict. The Institute publicised the case in its newsletter, on its website and in the media, it also launched a petition ([bronmyprofesor.pl](http://bronmyprofesor.pl)) in defence of the lecturer, which was signed by over 38,000 people. In this petition, under a symbolic illustration, depicting a petite woman, who is pushing away a huge fist swinging at her against a background of a rainbow flag, one can read that:

“All signs suggest that the accusations against Professor Budzyńska are part of a campaign of intimidation against university lecturers who dare to stand up for the family and enter into polemics with the demands of gender ideology and LGBTQ organisations.

The use of a definition of marriage consistent with the Polish constitution, i.e. as a union of a man and a woman, as well as the presentation of scientific research findings confirming the negative effects of raising children by same-sex couples, was deemed to be the so-called homophobia... The University of Silesia should be a bastion of freedom of speech and freedom of scientific research as well as an exemplar of applying the same standards and ethical requirements to all members of the academic community, not a propaganda platform for aggressive lobbying groups and ideologies that attack marriage and family!" (*Brońmy Profesor!* 2020).

Ordo Iuris represents Ewa Budzyńska both in disciplinary proceedings and in the proceedings of the Prosecutor's Office which were initiated as a consequence of the report on the possibility of committing a crime under Article 235 of the Penal Code (fabricating false evidence resulting in prosecution<sup>4</sup>). Prof. Budzyńska is painted by the Institute's lawyers as the wronged party: especially wronged by what was, in their opinion, unfairly conducted investigation and disciplinary proceedings. In the prosecution proceedings, students were interrogated in the presence of Ordo Iuris lawyers (usually depicted in the right-wing discourse as victims of the left-wing ideology). A number of scientific groups published protests against this, accusing the Institute of trying to intimidate them.

In July 2020, the prosecutor's office ended the proceedings and the Institute lodged a complaint against this decision. In June, the disciplinary commission representative of the University of Silesia accused by Ordo Iuris, threatened Ordo Iuris with a lawsuit and demanded that information about the case be removed from the Institute's website. The Rector of the University of Silesia and the staff of the Faculty of Law and Administration of the University of Silesia appealed for non-interference in the proceedings at the university, stopping the spread of disinformation and antagonising the academic community.

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<sup>4</sup> The proceedings were initiated on the basis of a report of a suspected offence in disciplinary proceedings filed by a Solidarna Polska activist from the Śląskie voivodship.

However, the story has taken on a life of its own in the media. On the basis of fragmentary information obtained from the parties, right-wing and liberal media outlets presented their own assessment of the events. At the same time, the interpretations had less and less to do with the case and more and more with the adopted worldview framework. In the eyes of the right, the case of Prof. Budzyńska is yet another skirmish with “gender and LGBT ideology”, a fight against “neo-Marxism” and political correctness in social life. Freedom from the domination of ideology, defence of academic freedom and defence of family and tradition are often reiterated. The emerging disjuncture between the call for pluralism and freedom of interpretation and the call to remove “gender ideology” and the “LGBT lobby” from the academy is not problematised in detail. The demand to free the academy from gender and Marxism is couched as uprooting of what is “unscientific”. Admittedly, religious ideologies are not scientific either, but their presence in academia can be advocated otherwise: by appealing to the natural order (the essential truth) and the constitutionally enshrined tradition (the legal order).

Interestingly, in public debate, representatives of science also resort to a definition of truth which is similar to the classical one (science based on research and evidence, also in the social sciences) and the performative one (expressing approval of judgements), while inside the academy – especially in the humanities and social sciences – they use epistemic, hermeneutic, communicative theories of truth more often, which allow capturing the complexity of phenomena and the processes of cognition.

As Harry Collins notes, what inside science is a debate on doubt, outside the world of science is represented as a set of polarised certainties around which battles are fought (Collins 2018). The notion of “truth”, including “scientific” truth, cannot therefore be the ground on which worldviews meet, because the notion of truth always occurs in an “ontological package” (Ziemiańska 2013) with other concepts (fact, judg-

ment, reference) and a particular vision of the world. Therefore, the demand included in the petition of the lecturers of the University of Silesia, in solidarity with the interrogated students, to distinguish between "knowledge, opinion and dogma" in the world of academia and to respect the principles of "scientific consensus" turns out to be difficult to achieve in practice (*Solidarnie z przesłuchiwanymi studentkami i studentami Uniwersytetu Śląskiego* 2020).

The concept of scientific truth used in public discourse can be regarded a kind of rhetorical fiction. Scientific findings are always embedded in a social context: there are no clear-cut boundaries between the social world and the world of science. There are, of course, convincing attempts to separate experts from non-experts, but it is more difficult to unambiguously identify which positions are closest to the "truth" within the academy itself (Collins 2018; Fish 2016).

Academics are a social group that, like other groups, including experts, is susceptible to the influence of groupthink, that is, rejecting the possibility of considering other perspectives in the name of unity and harmony. The reason for succumbing to groupthink may be conformity, a fashion for certain approaches, resource intensity associated with changing perspectives, group interest or the struggle for status (Allen, Howell 2020). The reason why certain topics are not raised in research and teaching can sometimes be the desire to avoid controversy (Cole 2015). Science is linked to the social ideas of its time, social power relations and ideologies in the broadest sense. The notion of ideology, as Krzysztof Świrek (2013) rightly notes, is used hesitantly in analyses today owing to connotations with totalitarianisms or para-religious doctrines. Scholars are more willing to talk about discourse, as this notion allows them to show the relationship of epistemological orders with systems of power. Another reason for the averseness to use the term may be, according to Pietro Daniel Omodeo (2019), negation of the ideological character of ideology by ideology (here the author cites the theories of Louis Althusser) or striving for the transparency of ideology, which

should be perceived as neutral (such a comprehension of ideology derives, according to Omodeo, from the writings of Antonio Gramsci).

In the literature on the relationship between science and ideological systems, Thomas Kuhn's concept of paradigm shifts in science, the strong sociology of knowledge, and science and technology studies (STS) are often cited as examples of pertinent analyses (and as inspiration for one's research). Anton van Harskamp (van Harskamp 2003) observes that the strong sociology of knowledge and STS indicate the importance of cultural conflicts for scientific findings (also in the sciences); the author also emphasises the relativising effects of Kuhn's concepts on scientific cognition: since truth is fractional and reliant on social circumstances, it is difficult to choose between alternative theories. Conflict, van Harskamp argues, is always inherent in science; this is particularly true of the social sciences, tied with the world of values and the subjectivity of the subjects studied.

The significance of conflict as an integral part of science is also recognised by Omodeo, who states that different visions of science are associated with different visions of the future: to choose a particular paradigm is to choose the promise of the future (Omodeo 2019: 5). Omodeo warns both against a positivist understanding of science, which favours projects of cultural hegemony, and against relativism, which opens the way to populism and the domination of the "truth" of the stronger.

Zbyszko Melosik (2015) spots a similar threat in relativism when writing about postmodernism: since truth does not exist, the following question arises: what purpose does the university serve and will it not become an arena for the struggle to impose views? Each of the cited authors offers their proposals for dealing with the conflicts and effects of relativistic epistemologies. Melosik proposes not to give up the notion of truth, but the attempts to impose a universal truth instead, as according to the author, the coexistence of different truths and forms of knowledge is valuable.

Omodeo also suggests dispensing with not so much ideology as universalism: it is worth presenting one's own concepts with the awareness of their entanglement in ideology, and bear witness to various particularisms. Similarly, van Harskamp advises exploring multiple perspectives. However, he also notes that it is not always realistic to strive for consensus and rationality in communication, as this is not always in the interests of the parties.

Of course, the situation becomes more complicated when social forces outside the academy are involved in the dispute, forces which use disparate (often everyday, non-conceptualised, idealistic or instrumental) interpretations of truth, knowledge and ideology. They articulate contradictory demands towards the academy, which are legitimised by the subservient role of science towards society: the academy should serve the truth, be free of ideology and open to the freedom of debate, thus becoming a forum for voicing beliefs and truths, but excluding false and ideological ones. Whether it is possible to meet these requirements (and under what conditions), I will deliberate in the next chapter. For the moment, I would still like to refer to the very practice of academic disputes in which external organisations are implicated.

Organisations which are external to the academy – often empowered within it in the form of student movements, study groups or the employment of individual activists, but acting for ends other than scientific cognition – strive to redefine disputes about "truth" and academic freedom to suit their discursive framework. This is exemplified by the juxtaposition of terms quoted earlier, i.e. suggesting to audiences outside the academy that the struggle for "academic freedom" is identical to the struggle for the traditional family and one against "gender ideology". In this way, the academy and its constitutive values (freedom of research and teaching) become embroiled in a worldview conflict whose objective is not consensus but hegemony. The academy becomes a resource and a space where one can try to establish one's own epistemological order.

The dynamics of escalation in such battles are well described by Sarah Schulman (2016) in her book *Conflict is not abuse: overstating harm, community responsibility, and the duty of repair*. Parties to a dispute are keen to assume the role of the victim, by exaggerating their harm and framing the accusations according to the biased optics which they have adopted, which excludes self-criticism. Such a conceptualisation leads to radical reactions and makes agreement impossible. Schulman points to the responsibility of the social environment for the way disputes are presented and conducted. She postulates that we should strive for dialogue: however, she believes that agreement can only be reached in direct interpersonal communication, without the mediation which decontextualises and distorts the meaning: preferably face to face, possibly by telephone, but not by e-mail.

Professor Nalaskowski's column

The second issue that I would like to analyse in the context of the mediation of academic disputes concerns a slightly different area: statements by scholars in the public debate. Thus, this is a situation when the scholar himself or herself goes outside the academy, and publishes his or her statements in the media.

The dispute about the limits of academic freedom of speech outside the academy, which I would like to describe here, was instigated by Professor Aleksander Nalaskowski's publication of his column *Wędrowni gwałciciele* [*Wandering rapists*] in the weekly magazine "Sieci" on 26 August 2019 (Nalaskowski 2019). In this case, the material to be studied is not only the media texts, but also Nalaskowski's detailed account, which he included together with the documentation of the case in his book *Wielkie zatrzymanie. Co się stało z ludźmi?* [*The Great Halt: What's happened to people?*] (Nalaskowski 2020, chapter *Redefiniowanie uniwersytetu*).



In his column, which is a criticism of equality marches, the professor wrote:

"They crawl out into the streets of Polish cities. Intoxicated by an evil ideology, ordinary wretches who have been infected by the rainbow plague. (...) They raped Warsaw, Poznań, Wrocław and Gdańsk long ago. Recently they have brutally defiled Białystok. (...) One lover per week. This ideology loves instability. That is why it rapes everything it encounters on its way. (...) Let us not turn another cheek. We have only two, and both are already well beaten. One by communists and contemporary leftists, and the other by sodomites. (...) Let us not shake hands with the propagators of the rainbow plague, let us convert the undecided and the »objective«. Wake up, professors, while your robes are still black and not rainbow-coloured! Let our resistance be firm, loud and open. (...) I deal with pedagogy, and more specifically with time in child development. But how can I devote myself to this discipline if the values and sources on which pedagogy is based are being perversely violated. If I allow the roots to be undercut, all the rest will die".

Although Professor Nalaskowski did not list his academic affiliation in the quoted publication, on 11 September 2019 he was suspended from his duties as an academic teacher for three months with the launch of an investigation in connection with a suspected disciplinary offence. In justification of the decision, the vice-rector of the Nicolaus Copernicus University in Toruń stated that:

"The proceedings were commenced in connection with the article described above, in which you included your thoughts on non-heteronormative people, calling on, among others, members of the academic community (professors) to certain actions. What is important is that in the content of your article you referred to your professional work (...) In the case law of common courts it is accepted that behaviour that offends the dignity of an academic teacher should be understood as behaviour that is unbecoming, contrary to the axiological standards that make up the ethos of an academic teacher, not only in the professional sphere, but

also in public activity and private life. (...) As a person with higher education, you must have realised that the article you published will stir emotions among society and will result in ample complaints, including those directed to the Rector of the Nicolaus Copernicus University in Toruń, as your employer. (...) The purpose of this decision is (...) to send a signal to society, and at the same time to the academic community, that at the University there is no consent to the spread of hate speech and questioning of fundamental human rights to which all people are entitled, regardless of their sexual orientation” (cf. Nalaskowski 2020: 264-266).

The vice-rector points out that, among other things, the reason for the vehement objection to the column, was the complaints lodged by non-university organisations (such as the Association against Antisemitism and Xenophobia “The Open Republic” and the Association for Lesbians, Gays, Bisexuals, Transgendered and Queer People “Diversity Workshop”) and the necessity to take a firm stand in the worldview dispute.

This time Nalaskowski himself inscribed himself in an ideological frame with his column: “LGBT ideology” (it is not clear what attitude it adopts to people of non-normative sexual orientation), allied with the left (the legacy of communism), threatens the foundations of civilisation and the basic values that must be defended. In his column, Nalaskowski links the idea of culture wars with the duties of scientists as those who should resist the “rainbow plague” and in doing so also save the possibility of conducting research. He also claims in the book that journalism is a way for him to “implement” and popularise his conclusions from his scientific work (*Ibidem*: 243).

As in the case of Prof. Budzyńska, both the liberal and right-wing media took polarised positions at every stage of the investigation, which was discontinued in December 2019 after an appeal filed by Prof. Nalaskowski and his lawyer, and then resumed in April 2020 due to a complaint against the discontinuation filed by the “Diversity Workshop” Association and the finding of procedural mistakes in the proceedings,

such e.g., that Prof. Nalaskowski failed to provide explanations in the case. Social organisations became involved in the conflict, including the Centre for Life and Family Foundation, active in the area of culture wars, which published a petition online entitled "Standing behind Professor Aleksander Nalaskowski", which was signed by over 50,000 people. The petition page states that:

"Universities must be places of free debate, freedom of scientific research and application of equal standards and ethical requirements to all members of the academic community. We cannot allow them to turn into incubators for neo-Marxist ideology and havens for its devotees. (...) It is hard to resist the impression that under the slogan of »fighting discrimination« we are dealing with the imposition of the worldview of a radical minority on the general public" (*Murem za Profesorem Aleksandrem Nalaskowskim* 2020).

Both right-wing media and organisations, as well as Professor Nalaskowski, draw attention to the lack of symmetry in the treatment of left- and right-wing ideas in the academic space. Nalaskowski additionally complains about self-limitation of university autonomy in resolving internal conflicts:

"It is difficult (...) to imagine any freedom of speech or search for truth inside the university succumbing to external pressure. Meanwhile, the passivity and even helplessness of the academic community in the face of attempts to impose on it methods and lines of action is increasingly visible" (Nalaskowski 2020: 214).

Both in the case of Budzyńska and Nalaskowski, the accused professors stressed insufficient involvement of the university in explanatory or mediatory activities, and the disproportionate involvement in responding to outside pressures. Nalaskowski further criticised the language of the public debate in the dispute over his case (overly harsh and inappropriate formulations) and the quotations of the column which were selective and inconsistent with his authorial intentions (*Ibidem*: 202, 204, 218). He neglected to discern the same flaws (the crude wording,

the narrow-minded view) in his text, to which (regardless of the genre convention of the column) he attributed not only the function of expressing personal views and impressions, but also the popularisation of science.

In the conflict over Nalaskowski's text, what I find most interesting and important are the opinions on the condition of public debate and on the related duties and limitations of scientists. In justification of the decision to halt the disciplinary proceedings, the university authorities refer to the opinion of an expert linguist who said that:

“Some of the expressions used in the column have negative social connotations, but in the context of the discourse that takes place in the media space, they express the views of the author of the columns and are not insulting in nature. They should rather be treated as a way of formulating opinions, which is part of the broader framework of public debate”  
(*Ibidem*: 279).

A different opinion was conveyed by the Presidium of the Conference of Rectors of Academic Schools in its position statement of 23 September 2019:

“In the academic community, we should respect knowledge and refer to it when formulating our stance. We should set an example of restraint in the use of language: language can hurt. The use of the word »the plague« has already provoked some to »decontaminate« cities. We call on both sides not to stoke tensions any further. Even the side that recognises the freedom of art without restrictions can sometimes leads to offences against the feelings of believers by mocking religious symbols. Increasingly, radicals from both sides are influencing the general social atmosphere. Further escalation of this conflict is dangerous for everyone!”  
(*Ibidem*: 273).

Perhaps if Aleksander Nalaskowski had used more precise language and shunned inflammatory rhetoric, he would have achieved his goal better. The concern expressed in the last paragraph of the column about the

status of traditional values in modern society and their relation to specific fields of science is worth considering without the discursive framework of culture wars, which prevents deeper thought. The restriction of the freedom of speech of scholars taking part in the public debate as suggested in the standpoint of the CRASP Presidium – the use of neutral language, quoting research, and thus also aspiring to formulate problems in a comprehensive and specific way – is such a limitation of personal freedom, which makes it possible to pursue the academic ethos and acts not only in the interest of the society, but also in the interest of the avowed beliefs: in the case of the column in question, conservative ones.

The fact that the most prominent spokespersons of the idea of conservatism in the public space are the activists of the culture wars makes it easy and unfair to discredit them, precisely because of the discursive and factual abuses connected with the ideological framework (such as the fragmentary and biased portrayal, associative conceptual sequences which are invoked regardless of the context, emotional language of the message, in which apocalyptic tropes are overused, putting oneself in the position of the victim and representing others as cunning enemies).

Similarly, the close association in the space of culture wars between the interests of non-heteronormative people and leftist ideology, especially queer theory, which is hardly understood by the wider public, does not necessarily benefit the interests of this group and makes it possible to avoid a debate about these interests under the guise of dismissing the claims of radical minorities<sup>5</sup>. The difficult role of academia would be to try to move beyond this impasse by changing the form and content of the predominant messages in the public space. If academics embrace this role, it means less freedom to communicate personal feelings and views, but it does not mean giving up one's convictions.

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<sup>5</sup> I think it is worth separating here the interests of social groups from the effectiveness of selected actions of their advocates. The effectiveness of actions is a resultant of various factors, and the interests of non-heteronormative people are sometimes perceived differently by them (cf. e.g. Mizielińska 2017).

As Stanley Fish (2019) observes, academics' freedom of speech in public spaces has nothing to do with academic freedom (freedom of research and teaching). The academic, as a citizen, can say whatever he or she wants: freedom of speech here means freedom from state interference, but not from the consequences of speech. These consequences, Fish argues, are something that we always have to bear both in our personal and professional lives. Most academic disputes over professors' freedom of expression should, in Fish's opinion, be viewed not in the light of academic freedom or freedom of speech, but as conflicts between an employee and an employer: conflicts over the obligations and constraints of one's professional role. Freedom of speech, Fish insists, is not an academic value, yet, precision of speech is.

In this regard, it is worth recalling the interesting findings of Michael S. Evans (2016) on the American public space; it seems that a similar study in Poland could yield similar results (due to the similar polarisation of worldview related to culture wars as in the US). In the book *Seeking Good Debate: Religion, Science, and Conflict in American Public Life*, the author reports the outcomes of his research on media discourse and opinions about the condition of public debate, collected through in-depth interviews. According to the author's study, the public debate on religious issues in the US has been dominated by the religious right, while science is represented by well-known personalities with non-deliberate views.

These main domains influence the choice of keenly discussed (culture wars repertoire) and marginalised (e.g. poverty) issues. They also make the case that for moderate representatives of science and religion, credibility means staying out of the public sphere. Evans' respondents, irrespective of their worldview orientation, rated the quality of public debate to be low. They were critical of representatives taking definite positions in the debate against other standpoints, and using arguments that are not conducive to discussion.

It is not necessarily the case, then, that public debate articulates the sentiments of a polarised society, or even of wider social groups on whose behalf the dominant figures in the debate speak. It only expresses the views and interests of the narrower groups who loudly and firmly make their voices heard: the rest anticipate a more open debate, but are excluded from it (or exclude themselves) because of the adopted framework or the scarcity of media attention. But it is also not the case that the debate as it currently stands does not impinge on social life: it co-shapes both the field of science and religion.

Evans' considerations invite us to think about other ways of shaping public debate so that it better conforms to the widely accepted deliberative model. Science could play an important role in this project, although there are undoubtedly factors other than cultural warfare standing in the way (the market situation of the media, and the non-deliberative way of building the public authority of science as certain knowledge).

What regulations do we need in order to protect academic values?

In recent years, several social initiatives have been launched in English-speaking countries to protect academic freedom of speech. Between 2015 and 2018, with the intention of influencing institutions and public opinion, the annual Free Speech University Rankings of the political (conservative) magazine *Spiked* were published, which rated UK universities according to their degree of freedom from internally enforced censorship. Internal policies and actions such as banning certain speakers were evaluated. Universities were divided into three categories: the red category comprised those that actively censored speech, the yellow category included those that were implementing excessive regulation; and the green category was reserved for schools that were not enforcing restrictive policies and practices. In 2018, 54% of UK universities were awarded the red status, 40% – yellow, and only 6% – green. The worst

performers in this category included the universities at the top of the global quality rankings, such as the University of Oxford.

The administration and student organisations were also graded separately: the latter turned out to be much more rigorous, which corresponds to my observations of Polish restrictive policies and actions: it is ideologically committed students and student organisations, often affiliated with social movements, that are usually the originators of protests, disruptions of events or regulations. The 2018 *Spiked* ranking identifies the major categories of exclusion: it is religious groups, the radical right, transphobia and hurtful speech – the latter eliminated mainly by “Safe Spaces” policies (Safe Spaces, free of hurtful speech) created by student organisations (*Free Speech University Rankings* 2018).

The *Spiked* rankings have been noticed by the right-wing press in Poland, as has another free speech campaign: the American Heterodox Academy, an organisation for diversity of opinion at universities, founded by academics with views that they describe as centrist. According to HA activists, open debate, multiple viewpoints and constructive disagreements prepare students to deal with the complexities of the modern world. Fostering diversity is accordingly more important than making students comfortable in “Safe Spaces”: discomfort is recognised as having an intrinsically didactic relevance.

The HA published the Heterodox Academy Guide to Colleges ranking between 2016 and 2017 and also compiled guidelines for university applicants to follow when choosing a university. The evaluation criterion this time was an atmosphere conducive to free expression, assessed on the basis of student well-being surveys. The questions covered, among other things, the subjectively perceived freedom of expression on political, racial, gender, religious and sexual issues. In 2019, 58.5% of respondents said they found it difficult to speak their mind on at least one controversial topic without fear. The subject depended on the group surveyed (conservatives felt the most reluctant to speak out). 55% of



students rated the atmosphere of their universities as not favourable to an uninhibited expression of ideas (Stiksmá 2020).

HA advises university applicants to investigate whether the university has room for controversial speakers representing different viewpoints and whether their speeches are protest-free. Another criterion that candidates should take into account is the encouragement for dissenting opinions communicated by lecturers in classes and in syllabuses.

For lecturers and administrators, HA suggests conducting a campus atmosphere survey, signalling openness to diversity of opinion in a variety of contexts (e.g. in job advertisements), organising debates and inviting speakers with disparate views, including religious leaders. HA thus combines the attachment to academic standards (culture of debate, grounding in research, judging only using professional competence) with an openness to exploring other types of discourse: it is not explicit about the relationship of these other discourses to the academic discourse: the accent is placed on the value of the expression of differences. A reading of HA documents points to the need for academic values – traditional, ethos-driven, transmitted through practice – to be spelled out explicitly in the form of contracts, declarations and policies (Heterodox Academy nd.).

Both initiatives have been criticised not only as endeavours to curb the unduly strict political correctness and fight against the “cancel culture”, but also as attempts to bolster the presence of conservatives on campuses.

Critics note the HA initiators’ aversion to gender and race studies and note the danger that too much openness will lead to a weakening of academic rigour by having to listen to unscientific judgements and interest groups who may use disinformation (Zabdyr-Jamróz 2017). In numerous studies on academic freedom, demanding unfettered free speech and especially a balance of worldviews and opinions on campuses is recognised as a tactic that serves a particular ideological agenda

(usually conservative) and is directed against other ideologies (Fish 2014; Wallach Scott 2019; Giroux 2010; Wilson 2010; Bromwich 2015; Cole 2015).

As Stanley Fish notes (Fish 2019), the “free marketplace of ideas” touted by conservatives is a valuable tool for the academy (Williams 2016). It does not work to identify the best ideas: that is what the rigour of academic work free from political engagement, founded on expert discussion, is designed to do. The academy is a place of meritocracy, not a democracy of ideas (Fish 2014).

Events such as invited guest speakers on campuses are, in Fish’s view, unconnected to academic freedom because they do not, in the author’s view, contribute to the core mission of the academy: research and teaching. The controversy surrounding them is an administrative problem, and the desirability of hosting such events should be considered in relation to the educational and entertaining role of non-curriculum-related academic life on campuses (Fish 2019). Like Fish, Joan Wallach Scott (2019) argues that academic freedom is not the same as freedom of speech: academic freedom implies a commitment to the quality of research (which precludes a democratic process of knowledge production), and the right to speech does not entail the need to express respect for all proclaimed content.

The legislative initiative of the Ordo Iuris Institute for Legal Culture

In this broader perspective, it is worth analysing the proposal to amend the Law on Higher Education and Science by the Ordo Iuris Institute for Legal Culture, inspired by the ideas of the Heterodox Academy, put forward in the context of the disciplinary proceedings in Professor Budzyńska’s case and then taken up by the Ministry of Science and Higher Education.

The Ordo Iuris Institute proposed that the freedom of speech at universities (which, in the opinion of the Institute, is not properly exercised) should be ensured by law and disciplinary measures. The amendment of the act would include, apart from the already mentioned freedoms – the freedom of research and teaching – also the freedom of “presenting one’s views”. In the situation of cancellation by the rector’s administration of meetings or conferences organised by employees and student organisations, the employees and organisations would be entitled to lodge an appeal: first to the university appeal committee, composed of seven academics from different fields, and then to a committee at the General Council for Science and Higher Education, seven of whose nine members would be appointed by the Minister on the basis of recommendations from various academic bodies. The Minister could also impose a fine of 50,000 zlotys on a rector who restricts academic freedom.

Incidentally, it was also proposed to expand the catalogue of tasks to be performed by the university to include “strengthening the respect for the national value system”, which is not directly related to academic freedom. According to Ordo Iuris, the university should reinforce the value system expressed in the Polish Constitution, by incorporating the “cultural Christian heritage” (other values are not mentioned in the justification to the amendment). This provision is probably meant to protect conservative ideas in a special way, so that they do not suffer from the enforcement of the principles of academic freedom to voice opinions. The rationale of the amendment reveals a direct reason for the need to regulate academic freedom of expression:

“One of the places of particular importance for the exercise of freedom of expression is academic institutions, where the free occurrence of differing world views should ensure respect for social pluralism. In addition, such places have an important function in obtaining and disseminating information. (...) While the possibility of verifying information is higher in, for example, the engineering sciences or the technical sciences

and natural sciences, in the social sciences or the humanities the verifiability of claims is never absolute. Therefore, academic centres bear a particular burden of social responsibility which is to enable the presentation of different views and, consequently, the forging of scientific discourses based on the study and verification of a different way of looking at given problems. (...) The introduction of the regulation in question seems necessary because over the last ten years there have been several dozen cases of restriction of academic freedom. (...) Such actions on the part of university authorities may lead to preventing the exercise of the freedom to present a worldview that relates to important social issues that are the subject of political debate and that find their justification in broadly defined academic discourse" (*Projekt nowelizacji ustawy Prawo o szkolnictwie wyższym i nauce 2020*).

The Ordo Iuris Institute dedicated a separate report to several dozen cases of limitation of academic freedom (*Lista najważniejszych ograniczeń wolności akademickiej w Polsce 2020*). Among the examples cited were disciplinary proceedings against professors Budzyńska and Nalaskowski, as well as cancellations of debates and conferences with the participation of guests (on topics from the repertory of culture wars, e.g. post-abortion syndrome, abortion, and in vitro) and meetings with right-wing politicians. A cancelled pro-life exhibition was also included in the list. As can be seen, the report juxtaposes events from different categories, and most of the "restrictions on academic freedom" concern invited guests from outside the university, not the academics themselves or the violation of their rights.

Ordo Iuris does not mention cases of cancellation of lectures by academics with a left-wing worldview that took place in the years that the study takes into account, such as bioethicist Professor Peter Singer (2010) and philosopher Professor Jan Hartman (2013). Such events are fewer in number, but they are also the consequence of culture wars (protests by right-wing organisations). Ordo Iuris shows the ways in

which universities justify the annulment of events (non-scientific character, lack of a moderator and ensuring a diversity of viewpoints, failure to comply with formal requirements, threat of incidents of disorder) as pretextual and proving discrimination of certain worldviews (violation of academic freedom).

The studies and projects prepared by Ordo Iuris were also promoted on a mailing list. In the newsletter of 26.06.2020 (in the author's archive), they wrote that:

"The suppression of freedom of speech and scientific research is one of the reasons why, once again, not a single Polish university is among the top 500 universities in the world in any of the important rankings. With the help of our Donors we will do our best to make Polish universities a space for free academic debate and a place of serious research aimed at learning the truth about the world around us and the processes occurring in it. Therefore, we welcomed with satisfaction the draft bill on academic freedom presented by the Ministry of Science and Higher Education, which in large part repeats the solutions proposed by Ordo Iuris experts. Now we want to start a widespread social campaign for the urgent adoption of legal changes. The next step should be to reform the system of financing higher education and scientific research, which, in its current form, perpetuates inefficient academic setups and stifles the freedom of the researchers who are ready to boldly challenge the ideological line dominating in many faculties. While millions are flowing into grants devoted to gender studies and queer theory, funding for studies on the family and contemporary threats to civilization remains almost inaccessible. Meanwhile, the only criterion in these matters should be truth and reliable scientific method".

As can be seen from the above list of documents, the Ordo Iuris project may raise similar doubts as did the Heterodox Academy: here academic freedom means not so much the equality of ideas as the fight against some and the defence of others (primarily in the social sciences and humanities), largely with the help of forces installed outside the academy:

social organisations and politicians, whom the academy is obliged to provide with a space for voicing their opinions.

The draft bill<sup>6</sup>, which was submitted on 28 January 2020 by the Ministry of Science and Higher Education, repeated the solutions proposed by *Ordo Iuris* in a large degree; the provision on the protection of the value system of the state was dropped, and the number of members appointed by the minister in the appeals commission, called the “freedom commission”, was reduced (four out of nine members of the commission). Violations of freedom are only referred to in connection with members of the academic community. The provision “no one shall suffer negative consequences of the lawful exercise of freedom” was also added, which reveals the immediate reasons for the legislative initiative: disciplinary proceedings against university employees.

The General Council for Science and Higher Education (*Uchwała nr 132/2020 Rady Głównej Nauki i Szkolnictwa Wyższego z dnia 13 lutego 2020 r. w sprawie projektu ustawy o zmianie ustawy – Prawo o szkolnictwie wyższym i nauce z dnia 28 stycznia 2020 r.* 2020) issued a critical opinion on the proposed amendment, stating that the hitherto guaranteed catalogue of academic freedoms (“freedom of teaching, artistic creativity, scientific research and publication of findings as well as the autonomy of the university”) is exhaustive, and the right to express views is guaranteed to citizens by the Constitution: there is no place in the university for the presentation of views which are not grounded in scientific knowledge. The ESC also found it inappropriate and incompatible with the principle of autonomy to transfer the responsibility for dispute resolution outside the university. The Council recommended to replace the proposed amendments with a provision excluding statements that meet academic standards from disciplinary offences (statements which are formally correct, and not contradictory to scientific knowledge).

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<sup>6</sup> At the same time, on 21 January 2020, the Parliamentary Group for Combating Censorship in Universities, composed exclusively of politicians from right-wing parties, was constituted in the Polish Parliament.

The position of the CRASP was supported by the Presidium of the Conference of Rectors of Academic Schools in Poland (*Stanowisko Prezydium KRASP w sprawie projektu ustawy o zmianie ustawy – Prawo o szkolnictwie wyższym i nauce z dnia 28 stycznia 2020 r.* 2020), which enclosed to its statement the opinion of the CRASP Committee for Organisational and Legislative Affairs (KOiL) and the Resolution of the Committee for Communication and Social Responsibility (KKiOS). KOiL drew attention to the vagueness of the phrase "freedom of expression" and the need for "views" to fit within academic intellectual rigour. It deemed it dangerous for the autonomy of the university to subject all categories of academic freedom (and thus, in fact, the entire operation of the university) to the scrutiny of a committee seated outside the university, consisting of non-experts, whose election procedure opens the way to its politicisation. According to KOiL, the proposed amendment of the legislation may bring about effects opposite to those declared in the intentions of the proposers.

KKiOS stressed that freedom also means responsibility, which requires conducting research and referring to concepts "subjected to thorough evaluation". According to the committee, the guarantee for the exercise of academic freedom is the autonomy of the university, which is not subject to external control in this respect.

Similar arguments were invoked by the National Science Section of NSZZ 'Solidarność' in a critical evaluation of the amendment (*Opinia Krajowej Sekcji Nauki NSZZ „Solidarność” w sprawie projektu ustawy o zmianie ustawy – Prawo o szkolnictwie wyższym i nauce z dnia 28 stycznia 2020 r.* 2020) and social organisations of scientists: Citizens of Science express "firm opposition" (*Opinia ON ws. projektu nowelizacji ustawy Prawo o szkolnictwie wyższym i nauce dotyczącego ochrony wolności naukowej* 2020) and KKHP (*Komitet Kryzysowy Humanistyki Polskiej o inicjatywie min. Jarosława Gowina i Ordo Iuris dotyczącej wolności słowa na uczelniach* 2020). The left-wing student organisation Uniwersytet Zaangażowany [Engaged University], in

its critical opinion, additionally pointed to the context of culture wars and previous disputes over the right to speak at the university – fearing that the amendment could be used to organise non-substantive, but propagandistic and lobbyist events on campuses (*Koniec autonomii uczelni publicznych w Polsce? Minister Gowin i Ordo Iuris w natarciu 2020*)<sup>7</sup>.

A positive assessment of the draft amendment was published by the Ordo Iuris Institute (*Stanowisko Instytutu na rzecz kultury prawnej Ordo Iuris w sprawie projektu ustawy o zmianie ustawy – Prawo o szkolnictwie wyższym i nauce (wersja z 28.01.2020 r.) 2020*). In the comments to the draft, the Institute proposed solutions going much further than those included in their own earlier proposal. The members of the appeal commission external to the university would be appointed largely by the government (Sejm, Senate, President, Constitutional Tribunal): such a decision is explained by the need for “democratic legitimacy” of society. The Commission, instead of recommending a case, would issue administrative decisions immediately (within a maximum of 96 hours) so that the disputed events have a chance to take place.

Ordo Iuris also returns to its idea of imposing penalties on universities that, in the Minister’s opinion, infringe on academic freedom: these penalties would be imposed regardless of the decision of the appeal commission, according to the Minister’s judgement. The Institute stresses the supervisory functions of the commission, the advisability of including also the Polish Academy of Sciences in its supervision and the commission’s annual reports on “respecting the foundations of the system of higher education and science by the institutions that comprise the system”.

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<sup>7</sup> Aleksander Nalaskowski was also critical of the draft regulation, noting the critical opinions on the amendment proposal formulated by scientists regardless of their world-view orientation (Nalaskowski 2020: 215-216).



This time Ordo Iuris writes about the influence of “the party (or coalition) in power” on the composition of the commission, thus the proposal to politicise it is formulated directly and portrayed as democratic participation of society in the control of the institution serving it. In justifying its proposals and actions related to the defence of academic freedom, Ordo Iuris conflates – suggesting their equivalence – academic values (impartiality, reliability, scientific method, and open debate) with the goals of its own organization (defence of traditional values, with particular emphasis on the family and Christian religion, by strengthening them in the Polish legal system) and counteracting processes that undermine them.

For Ordo Iuris, science institutions are one of the important platforms for consolidating the “traditional social order” due to their mission of educating the elites. Therefore, the Institute proposes sweeping changes in the system of science: such plans correspond well with the media discourse that has become prevalent in the last two decades, and which is dominated by criticism of numerous university “pathologies” and the demand to rectify them with top-down legal measures.

In the newsletter of 10 January 2020 (in the author’s archive) Ordo Iuris announces:

“In our upcoming plans, we are also preparing further projects to protect academic freedom and prevent attacks on scientists who are faithful to their conscience. First of all, it is necessary to regulate the issues related to the transparency of research funding and transparency of *doctor habilitatus* degree granting”.

Conditions for the realisation of academic freedom

Attempts to ensure top-down (legal, regulatory) diversity of outlooks at universities (also in those cases where their authors actually strove for pluralism rather than achieving hegemony) are usually criticised as counter-effective, not serving academic freedom. A case in point is the

assessment of the US Academic Bill of Rights initiative by Maria Alexandra Vanney, an author who also raises concerns about the domination of liberal ideologies that are eliminating conservative ideas from campuses in the academic world (Vanney 2019).

The Academic Bill of Rights (ABOR) is a collection of demands from Students for Academic Freedom, an organisation founded by conservative David Horowitz. Conservative voices in defence of free speech do not always plug into the eradication-oriented logic of the culture wars. For conservatives, who are in the minority in American universities, supporting pluralism can be a guarantee of greater freedom of expression. The creators of ABOR propose institutionalising diversity by hiring for a plurality of perspectives and methodologies and ensuring that diverse viewpoints are represented in curricula. As Vanney suggests, legally mandating similar principles (which has not yet happened in the US) could lead to hiring for viewpoints and the suppression of controversial issues from classrooms – in the absence of a clear understanding of what an appropriate plurality of viewpoints is and how to evaluate it. No less important is the question of establishing a rights review body external to the academy.

“As in many debates on academic freedom, the big question is not only what the relevant rules should be, but also who will have the right to enforce them. (...) Academic freedom rests on the institutional autonomy of universities. The Academic Bill of Rights, with its stated attempt to strengthen academic freedom, actually impairs it, if not destroys it” – comments Vanney (2019: 96).

The author reminds us who is entitled to academic freedom and what purpose it serves:

“Academic freedom protects those in the university who pursue knowledge or truth within the scope of their expertise. It is not the right to express views on any subject or in any way. Its justification is not the right or good of the individual academic, but the good of society, which is the potential beneficiary of the advancement of knowledge” (*Ibidem*: 84).

Freedom so conceived presupposes both the possibility of error and openness to verification – that is, a scientific path to the discovery of intersubjective consensus, construed as "truth". Socially valuable knowledge is that which opens the way for further questions and directions for research (*Ibidem*: 94).

As Zbyszko Melosik remarks, the prerequisite for academic freedom of expression is that it is grounded in the expertise of the discipline, linked to responsibility and the sometimes necessary self-restraint. The price of academic freedom is the need to undergo a continuous process of peer review by professionals (Cole 2015; Melosik 2017).

Transparency, openness, and open access to scholarly publications are obviously desirable, but they can give a false sense that the quality of research can be assessed by those outside the academy or discipline. The quality of research, its importance and the thoroughness of the review process cannot be understood without knowledge of the broad context of the problems studied, i.e. without years invested in research in a discipline. Harry Collins regards as reliable academic knowledge only that interactional expert knowledge which is produced in the debate of specialists, in the process of peer review. When functioning outside the professional community, no one is able to acquire such knowledge: it is insufficient, for example, to study publications in a discipline independently, even if rigorously and over many years (Collins 2018).

Similarly, the evaluation of teaching should remain an internal affair for the academy and for reviewing bodies composed of competent academics. Academies seem to have a range of tools to deal with problem classes: syllabus reviews, peer reviews, collaborative work on classes within institutions. Taking disagreements outside the academy, i.e. creating a situation where incomplete information is being provided to a broad audience without any relevant context, is not helpful in resolving conflicts in a substantive and interpersonal way, but leads to escalation and instrumental use of conflicts for other, unrelated social purposes.

The most difficult question to consider seems to be that of the relationship between the academy and the outside world, boiling down, in the context of the issues under consideration, to the question of who can speak at the university, what and how. Examples of “restrictions on academic freedom” – both those cited by the Ordo Iuris Institute and by activists of other initiatives that have been described in this text – very often concern the cancellation or barring of invitations of guests from outside the university, which, according to Stanley Fish (2019), should not be regarded as related to academic freedom at all.

In this case, “academic freedom” means the right of members of the university community (academics and student organisations) to invite selected academics from outside the university and other representatives of society whose voice is important for the academic purpose of deliberating on a particular issue. The inviters must meet certain formal requirements: obtain the approval of their supervisors, ensure the safety of the participants, and provide an academic framework for the meeting (a didactic activity with a learning purpose, a meeting with a moderator on a specific problem), a debate in which the complexity of the issue is presented. It is, therefore, difficult to consider the reasons listed in the Ordo Iuris report for the cancellation of meetings by universities as pre-textual. Rather, the opposite thesis may be defended – in the case of events of this type, which are extra-curricular in relation to the main tasks of universities; the procedural aspects gain particular significance.

Two fundamental issues seem important in this context. The first is related to the question of whether academic research and teaching goals can be achieved by allowing representatives of openly ideological, political and religious groups to have a voice at the university. The second pertains to the status of whoever speaks at the university: is their position well understood and communicated? Is he or she always the one who speaks the “truth” because of the place from which he or she speaks? Does his or her opinion acquire a reputable status because of the space in which it is formulated? As a person who conducts classes

on the problems of social movements and invites various representatives of social movement organisations (among others, the Ordo Iuris Institute), I have repeatedly faced dilemmas connected with both problems.

Arkadiusz Chrudzimski (2016) in his text *Neutralność światopoglądowa* [*Worldview Neutrality*] argues that certain types of discourse (ideological, worldview) are harmful to public institutions based on rational cognition, including universities. It is hard to disagree with Chrudzimski when thinking about the foundations on which these institutions are built, but it is also hard to deny that an ideological, religious or purely practical point of view can constitute socially valuable knowledge in the sense that Vanney writes about: to provide inspiration for new questions and new directions of research.

This brings us to the second question: what is the status of an ideologue speaking at the university at the invitation of the academic community? Michal Zabdyr-Jamróż (2017), who believes that the voices of those outside the university help scholars to identify important social problems, cautions, however, that guests should not be given the floor: their contributions should take the form of panel debates (which provide an opportunity for other speakers to counter their views) or take the shape of testimonies (confronted with others, analysed), as clearly distinguished from lectures.

Seemingly, therefore, the criteria seem straightforward: at the university, the speaking actors are the scholars (those whose statements we evaluate according to academic criteria), and the other statements are the subject of analysis, an extension of the domain of cognition, sometimes (these are less obvious cases, which may raise objections) a symbol of good mutual relations between the academy and the other institution whose representative it hosts. However, there are many instances of the academy and the social sphere permeating each other: eminent practitioners may teach selected courses, academics may combine research with social action (there are branches of engaged research

that produce solid literature on the subject), and finally the academy and institutions may embark on joint initiatives in which only the synergy of different kinds of knowledge yields the desired effect. These projects are usually clearly communicated, their objectives and the character of the parties' participation are clear.

It may be different when an activist from a religious or ideological movement is invited to teach, or when a scientific society announces an open meeting with a well-known pro-life activist on Facebook. In each of these cases, it is worth taking care to explain to all interested parties the purpose of the planned meeting, because most problems in this type of events are caused by misunderstandings in communication.

Although I have always tried to present to my guests the educational purpose of the classes I invited them to, I was sometimes asked whether they were acting as “lecturers” or “research subjects”. The former role is perceived as ennobling, the latter as objectifying. However, they do not appear in either of these roles, although the meeting can undoubtedly be analysed and inspire research for the students and lecturers, and for the guests to take action. The meeting is a space where we together discuss the problems of our world and discover each other's ways of understanding them. We often disagree, but we talk: direct communication fosters deeper reflection. The precondition for success, however, is that all participants have a good understanding of the situation and accept the academic framework.

In the event of an open meeting with a pro-life activist, communicated publicly, especially through electronic media, the probability of decontextualisation, misunderstanding of intentions, instrumental use by opponents and ideological supporters is much greater. Hence, it is worth further clarifying the purpose of the meeting and its context at every stage: from the invitation to the conclusion. If we know that the pro-life activist usually gives testimony, and not problematises the field in which she works – it is worth introducing this speaker in this way. Then the problematisation lies with the inviters: perhaps the testimony

will help to notice those problems of women in unplanned pregnancy which are ignored in the public debate? And here it is necessary to respect the academic framework and the rules of the space in which the meeting takes place (learning objectives, the culture of the debate).

In my view, these rules do not necessarily include requiring ideological balance in the debate: the presence of a pro-choice activist at the same meeting will not necessarily make the audience's understanding of the issue more complete. It is more likely to reduce the parties' arguments to those familiar from the culture wars and diminish the cognitive value of the meeting. What seems to me to be enough in such a case is reliable communication and adherence to the formal requirements of a given university, established by its competent bodies (including, for example, ethics committees). Maintaining these conditions should, I believe, make unnecessary legal and regulatory attempts to manage worldview diversity in universities.

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