

# the spectre of woke and the reality of academic freedom

Gijs van Oenen

Woke culture may clash with academic freedom. Controversial statements about e.g. sexuality or gender by academics can either be seen as protected by academic freedom, or conversely as inadmissible attack on LGBT-affiliated co-workers. Using a recent Dutch university case as a model example, this article investigates the relation between freedom of speech and academic freedom, especially as it applies to woke culture. Core issues in the culture wars around woke are identified and discussed in relation to cultural disruption represented by philosophies like that of Derrida and Foucault. It is concluded that although woke philosophy drew crucial inspiration from such philosophies, it ironically drew completely opposite conclusions regarding freedom expressed in and as language.

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A spectre is haunting the university: the spectre of woke. It haunts those who inhabit the castle, without them being able to precisely locate, or arrest, the source of this unrest. Witness the recent Laurens Buijs controversy at the University of Amsterdam. This instructor in Interdisciplinary social science published an op-ed piece in the university's weekly magazine in which he characterized non-binarity as 'an empty hype of high modern society, without a scientific basis in biology, psychology and anthropology'. Otherwise, remarkably, he was a solid supporter of LGBT culture and emancipation. Because of the considerable social and institutional pushback Buijs experienced because of this view on nonbinarity, he identified as a whistle-blower, denouncing the 'culture of fear' that woke forces would have created in the University. A committee headed by the former provost of Leiden University Carel Stolker was installed to investigate the substance of this claim. Predictably, the committee found no culture of fear. Yet, somewhat at odds with this absence, it offered a list of suggestions 'to shore up academic freedom' (Stoker, Stolker & Waaldijk, 2023). The production of a report like this is institutionally prudent, yet it solves or changes nothing. For this unsatisfactory result we should however not blame the investigators, but the nature of the 'woke' phenomenon they investigated, which seems to elude investigation, arrest, or regulation.

Is woke then a chimera? Not quite. Woke is like a veil, or filter, or field through which thought is polarized, purified, and framed. Woke is a force difficult to grasp, yet unmistakably present. Claims on woke divide the academic world as well as the social world into two camps – roughly left versus right – which both claim to exist only through the misguided qualifications applied by the other. This constellation infallibly reveals the presence of ideology: a phenomenon inherent in the modern world in which camps or positions have no natural 'station' but only identify in and through their relation to their opponent. Think only of the class opposition, or that of gender.

We should grant that next to woke, there are other fields, filters or veils active that somehow frame, polarize or purify thought, not only in the social but also in the academic world, both now and in the past. And this of course creates a dilemma. On the one hand, we should not conclude that all academic thought is biased, or somehow necessarily politically slanted. The question of value-free social science continues to haunt academic practice ever since Max Weber. Especially since even critical theorists may subscribe to the ideal of value free science, in the sense that they do not want their academic views to fall hostage to their political convictions, or to the ideological fashion of the day. The Enlightenment has charged science with the duty to distance itself from all prejudice prevalent in society. Even more emphatically than society itself, science should heed the call formulated by Kant in his essay *Beantwortung der Frage: Was ist Aufklärung?*: Sapere aude – dare to think! Science should combine this mission with Habermas’s ‘herrschaftsfreie Diskussion’, discussion free from domination (Habermas 1968, p. 98). But also, with methods related to the disciplinary nature of science, in the double sense of the term: they validate the differentiation between domains of science within the university, but they also imply a ‘disciplining’ of thought. Science depends on ‘chastening’ through method: all claims must be methodologically warranted.

But on the other hand, academic thought is liable to multiple kinds of acknowledged or unacknowledged preconceptions and rationalizations, which cannot easily be assessed or eliminated. This idea was recognized in philosophical hermeneutics over two centuries ago, it found expression through the ‘masters of suspicion’ Marx, Nietzsche and Freud (Ricœur, 1965), and can more recently be found in for example Foucault’s archaeology and genealogy, and in Derrida’s deconstructivism. Framing is expressed in the confrontation between positivism and critical theory. Or in the persistent opposition between analytical and continental philosophy – an opposition as strenuously confirmed as denied by both parties. Or in the division between modern and postmodern.

## Academic Freedom versus General Freedom of Speech

Somewhat paradoxically, the claim that science is disciplined by method threatens to restrict academic freedom, rather than protect it. We find this point exemplified in an argument made regarding the Buijs case by Sarah Bracke, professor of social science at the University of Amsterdam, in the progressive Dutch weekly magazine *De Groene*. The general right to freedom of speech, her argument goes, is the right to say whatever – like Donald Trump may lie with impunity that the 2020 election was stolen from him. But academic freedom, Bracke claims, is more circumscribed: claims should be based on scientifically warranted facts or insights, and should “somehow relate to knowledge broadly accepted in the field” (Bracke, 2023, p. 39). Academic freedom is thus narrower than freedom of speech.

This view runs counter to the legally more widely accepted view that academic freedom provides *more* protection than general freedom of speech, at least when academics speak from within their field of expertise. In such cases, restrictions on their freedom are less easily justifiable (Gestel, 2021, p. 337). And we should add another important consideration, left unmentioned by Bracke. The general right to freedom of speech protects you from governmental interference, while academic freedom implies the right to espouse views that may displease or offend your employer: the university board, or the faculty dean. In this respect, the position of the academic importantly differs from that of the civil servant.

In the case of Laurens Buijs this is a crucial point. Director of education Michaela Hordijk had

communicated to the students that she herself, but also any and all in the Faculty “had emphatically distanced themselves from the judgments and hurtful utterances on non-binarity by mr Buijs”. (Wolthekker, 2023) And even the minister of education joined the fray. Rebutting accusations by member of parliament Harm Beertema from the right-wing PVV (Party for Freedom) that he took sides in this matter, minister Dijkgraaf (left-liberal, and a former president of Princeton’s IAS) replied that for him, the director of education had merely expressed “that everyone is welcome in the program and all will be respected, and that a view of one member of the faculty is not an expression of the policy of the organization” (Tweede Kamer, 2023, p.3).

Yet it is hardly likely that Hordijk, before sending her message, had conducted an open conversation with any and all in the Faculty resulting in unanimous judgment. Her message comes across more like an ukaze. Who in her department will dare to stand up, Kantian style, and pronounce: ‘Actually, I disagree!’. In fact, using her position as education director, Hordijk enlists all the employees in her department to reprimand, or in fact cancel, Laurens Buijs. Rather than the legitimate exercise of authority, this smells of intimidation – of Buijs, but also of the whole department. And the minister of education is not beyond blame either, with his euphemistic reformulation of Hordijk’s ukaze as a call for peace and friendship.

Somewhat comparable is a call issued in 2022 by Amsterdam mayor Femke Halsema (Green Left Party) admonishing religious organisations, and especially mosque governors and administrators, to join a petition condemning violence against members of the LGBTQI+-community. Such organisations should state that they “completely reject discrimination of and violence against” this community (Meesterburrie, 2022). Along similar lines, the Dutch soccer association KNVB requested that captains of soccer teams in the Eredivisie (Premier League) wear a so-called OneLove armband. Now of course violence and discrimination are illegal already, and hardly any organisation will propagate them. Requests like these are therefore purely symbolic, but precisely for this reason also problematic. The law requires only behavioural conformity, but these kinds of requests demand a confession of – emancipatory – faith. That is not the business of a municipal government, sports administrators, or directors of education.

Returning to the academic context, one could perhaps argue that although Laurens Buijs is a scientist, he is not a particularly good one: 40 years old, yet not a professor, no PhD, no relevant scholarly publications. Hence perhaps he does not deserve the protection of academic freedom. This argument has some merit. Maverick scientists with poor reputations are more often disruptive influences in public debates. They perhaps do not deserve the full protection of academic freedom or the professional prestige of validated skill and expertise. However, it is a dubious path to make academic freedom, or professional status, contingent on perceived scientific quality or recognition. As John Stuart Mill rightly saw, the protection of eccentrics and mavericks is crucial to freedom of speech, and we may say the same for academic freedom. In any case, distinguishing good science from bad is tricky business – especially when this would be up to administrators, judges or politicians. But even within the academic community proper, making such a distinction can be a very sensitive issue, especially where societally controversial topics are at stake.

In the case of Laurens Buijs, the substantive issue was whether academic freedom covers the view that non-binarity lacks any scientific basis. And whether this view is obviously ‘hurtful’. The earliest use of the term ‘non-binary’ in its present meaning dates about twenty years back. In a 2019 review article on ‘Non-binary and genderqueer’ in the *International Journal of Transgenderism*, Surya Monro writes that in the United Kingdom “non-binary is now an increasingly recognized social

identity in the UK” (Monro, 2019, p. 126). Therefore it seems implausible that non-binarity is now a fully established and uncontroversial notion. Admittedly, the presumed lack of a biological basis is a somewhat different, more technical issue. But when we consider the initially somewhat counterintuitive claim by Judith Butler (1990, p. 7) that sex is the product of gender, and thus nature in a way a product of culture, doubt about the biological basis of non-binarity already becomes less unintelligible or obviously hurtful. For Butler here in fact also denies the validity of any biological verification of sexual identity.

Similar observations can be made about earlier controversial views in philosophy on gender and sex. Take for example Jacques Lacan’s provocative statement that “la femme n’existe pas”, “woman does not exist” (Lacan, 1975, p. 68). One could easily find this statement unintelligible or hurtful. But as a psychoanalytic philosopher, and thus an archetypical antipositivist, Lacan means here that femininity cannot be subsumed under one single denominator, and that this ‘fluidity’ enables women to thwart the attempt by men to grasp, or ‘arrest’ them. Similarly, Lacan argued that there is no such thing as a sexual relationship, meaning that while sexuality most certainly exists, it does not imply social connectedness (Badiou & Cassin, 2017). Hence Lacan is not that far removed from Simone de Beauvoir’s famous avantgardist thesis, offered on the first page of the second volume of *Le deuxième sexe*, that “On ne naît pas femme, on le devient”, “one is not born, but rather becomes, woman” (de Beauvoir, 1949, p. 13).

The point is therefore not just whether views like that of Laurens Buijs can be deemed acceptable within the academic context, but also whether and why such views are perceived as offensive, or otherwise ‘improper’. Here we should note the confluence of several factors that together may explain why Buijs’ statement created such a controversy. First, it concerns sexual identity, which next to race or ethnicity is the most explosive issue in woke territory. Next, such explosivity has to do with the strong sensibility, or touchiness, that nowadays exists regarding matters of identity, especially sexual identity. This finally is importantly related to language: woke also entails an ethics of how to speak, write, and address others.

## Sexuality, Woke, and Academic Freedom

I am probably not the only one who is surprised by how fast lgbtqi+ claims have found resonance in both science and society. Especially the BTQI+-side, as homosexuality (the LG-side) has for a long time already been the most influential and best organised emancipatory movement, next to feminism. Many government representatives actively support LGBTQI+; I already mentioned the initiative by Mayor Halsema of Amsterdam. But there is also important institutional accommodation. For instance, in the Netherlands, a recent law has officially laid down that where laws mention ‘gender’, this should now be read to include “gender characteristics, gender identity, and gender expression.” (See the *Memorie van Toelichting in Kamerstukken II, 34650, nr. 3, 2017*, p. 6, note 26.)

One could well ask how many people, inside and outside of academia, could coherently explain what the term ‘gender expression’ – legal and all – refers to. As a law journal from 2018 notes, this concept first arose in the 1990s, in connection with “performative gender theories which aim to show how disciplinary norms are imposed upon all members of society” (Kirkup, 2018, p. 80). And this is indeed the time when authors like Eve Sedgwick and Judith Butler made the concept of ‘queer’ philosophically, but also politically and practically, fashionable and acceptable. Queer refers to the irreducible multiplicity of lesbian, gay, bisexual and transgender perspectives, and stands for

the refusal to frame sexuality in any dominant perspective whatsoever.

As I discuss at length in my recent book *Culturele veldslagen* (Van Oenen, 2022), this is philosophically and politically speaking a fascinating, consistently Foucauldian idea. Not least because it resists institutionalization, or whatever form of authority or hierarchy, on principle. This more or less inevitably leads to an ever further expansion of implicitly or explicitly juxtaposed qualifications, as already evinced in the concatenation LGBTQIA+. And for instance, in the overview provided in a 2015 article in the *International Review of Psychiatry*, of the (then) known gamut of gender, which includes (but is not restricted to) “androgynous”, “mixed gender”, “pangender”, “bi-gender”, “genderfluid”, “trigender”, “other gender”, “genderqueer”, or even “genderfuck”. Then again there are persons without gender, who identify as “a-gender”, “genderneutral”, “non-gendered”, “genderless”, “neuter”, or “neutrois” (Richards et al., 2016, pp. 95–96).

This matter is so delicate that hardly any distinction can be allowed between socially experienced and officially recognized gender forms. Witness the intricate institutional handling of ‘trans’, nowadays probably the most sensitive barometer of the culture wars. Two experienced researchers at Radboud University in Nijmegen were interviewed in the national newspaper NRC about the reasons behind the strong rise in the demand for transgender care. The mere question of whether more trans care is necessary or possible already puts the researchers on guard. They confirm that the demand for trans care rises faster than the capacity available, but why they cannot say. Above all, the matter is very, very complex; “we know very little about how gender identity develops”. The researchers see merit in questioning whether answers should be sought in medical care, but simultaneously call the demand for care “very clear” and are positively unwilling to say that trans people are perhaps not best served by being on the waiting list of gender polyclinics. True, at least half of the adolescents that apply have considerable other issues: problems at home, autism, and trauma. The researchers caution, however, that we should think twice before drawing conclusions here, or anywhere in this field. Identity development, they conclude, is a process that takes decades, and “in the end you don’t find the truth” (Sedee, 2022, n.p.). All very considerate, and frankly also convincing, but one senses that the researchers are walking on eggshells here. Literally every conclusion they could offer is potentially stigmatizing – even the conclusion that more care is needed, or that more than care is needed.

This brings us directly to the second point, that of strong sensibilities. In woke environments, offense is easily taken (cf. Fourest, 2020). Anyone perceived to be out of line is at risk of being ‘cancelled’: the present-day version of catholic excommunication, or islamic fatwa (Van Oenen 2022, p. 251). Which can happen fast. For instance, when your teaching or research shows appreciation of another culture, that can easily be considered ‘appropriation’, and thus found reprehensible. Not giving the proper, that is politically correct, credits is academically suspect; think of the ‘patent’ ascribed to the Combahee River collective on the term ‘identity politics’, and to Kimberlé Crenshaw on the term ‘intersectionality’ (Mercer a.o. 2016). They must *always* be credited. Or watch the embarrassing YouTube clip in which a guy called Felix Braffith, at that time directing a federally funded program to support disadvantaged student groups at the politically correct Evergreen State College in Olympia, Washington, subjects university administrators to humiliating rituals of self-debasement. Less directly invasive but basically proceeding along similar lines are the many demands nowadays to authorities to apologize for injustices past and present that they symbolically represent (see already Lübbe, 2001).

This also manifests the dangerous conformist tendency inherent in movements like woke, shared by all dogmatic movements such as classical communism, or religious sects. If not driven by conviction itself, this tendency is fuelled by fear of being perceived as apostate. The uptight tone of woke pronouncements, the inflexibility of their formulations, and the characteristic lack of humour or irony betray the fear of violating official dogma. That this dogma is nowhere written down, as woke activists often claim in defence, in fact, makes the matter even more problematic – as was traditionally the case in communism regarding the ‘party line’. Precisely because you are never sure when or where you might cross the line, you frantically try to guard against transgression and to stay on the correct side of the line, preferably surpassing the other in conformity. As woke-critic Douglas Murray writes: “if everyone is applauding a trans person, you should make sure that you are the last person to resume your seat” (Murray. 2019, p. 201).

This is a dangerous mechanism for multiple reasons. It is never explicitly recognized within a movement – woke, communist, or otherwise. That would be like designating oneself as an ideological dope, or useful idiot. And reversely: anyone who does blow this whistle, is labelled either an opponent or a renegade. The process is also insidious, as the pressure to be at least as correct as others, or even more correct, inevitably makes the invisible ‘party line’ ever more compelling, dogmatic and authoritarian – even if none of those involved intend this outcome. And then there is the equally evasive, and invasive, mechanism of self-censorship, pertinent to freedom of speech and a fortiori to academic freedom. For fear of being cancelled, or even fired, academics cautiously weaken their claims, or refrain from joining the fray at all. This elusive process is hard to evaluate, for things absent cannot be noted. And even when you actively go looking, as the UvA-committee did, no one will easily admit to having cowed down in the face of possible threats, or formal repercussions. Reporting that you yourself do not notice any pressure is much better for your self-esteem.

And then there is language, a crucial element in all the fuss around woke and political correctness, as I discuss in *Culturele veldslagen*. Well known examples abound. ‘Slave’ should be: ‘enslaved’. Persons not queer are ‘cis’. ‘Blank’ (in Dutch) should be ‘white’. Black should (most often) be ‘of colour’ (and certainly not: ‘coloured’). Words like ‘negro’ or ‘nigger’ are banned altogether, even when cited in a specific historical context, and when inevitable to be represented in print as n\*\*\* (in the same way as f\*\*\*). Gay or lesbian are still acceptable terms, although preferable is: ‘people from the LGBT community’. In my book, I discuss more extensively issues arising in translations of *The hill we climb* by Amanda Gorman, the spoken word poet who performed at the inauguration of Joe Biden and Kamala Harris. For instance, a straightforward translation of “skinny”, in the phrase “skinny black girl”, was deemed improper because it might “conjure up images of an overly thin woman” – an absurd idea, if only because Gorman used this word to describe herself, rather than someone else (Oenen, 2022, p. 11). We could make a comparable point about the use of the word ‘negro’ – James Baldwin for example used it, as more recently, for different reasons, did Achille Mbembe (2015).

The deployment of woke ‘language police’ is a direct threat to academic freedom, even when we recognize that the way the academic ‘language game’ as it is traditionally practiced has exclusive effects on women and minorities, as was convincingly shown by critics like Nancy Fraser and Iris Young, already a generation ago (Dorrien, 2021). And in a different way by Edward Said, from a postcolonial perspective. Attempts to ‘free’ academic language by politically correct means however almost always put new, and possibly oppressive restrictions in place. References like Sarah Bracke’s (2023) to methodical understandings won’t help, as such understandings are as foundational as they

are contested – especially in philosophy. Think only of Derrida’s deconstructivism, which is shunned by more traditional academics (some of which tried to block his honorary doctorate at the University of Cambridge) yet by its very nature represents and expresses the freedom of language, and resists all forms of power claimed over language – a theme that of course features prominently in the work of Michel Foucault as well.

The paradox as well as the tragedy of the culture wars is that the proponents of woke have drawn precisely the opposite conclusion from the work of authors like Derrida and Foucault. For woke, language police is crucial. Language is not a game, but dead serious. Habermas, Foucault and Derrida, who normally cannot easily be subsumed under the same denominator, will be *bien étonnés* together that their thought has produced a generation that is equally disdainful about the idea of ‘herrschaftsfreie Kommunikation’ as about the view that one should leave the establishment of one’s identity to the police, and not impose discipline on language.

This all befits the spectre-like character of woke: it is a ghost conjured up by the philosophy of the 1960s and 1970s, which however assumed a completely different appearance than could ever be envisaged by this philosophy back in the day. The ‘generation in the offensive’ has paved the way for the ‘generation offended’, as former Charlie Hebdo contributor Caroline Fourest (2020) put it. The spectre of woke represents the irony of history, the return of the repressed, or to speak with Hegel: the dialectics of history.

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### **Gijs van Oenen**

Gijs van Oenen is associate professor at the Erasmus School of Philosophy, Erasmus University Rotterdam. He publishes on topics of political theory, political culture, democracy, and rule of law. His most recent book (in Dutch) is *Culturele veldslagen* (Boom, 2022), a philosophy and history of the culture wars.