

When Is It Okay to Ban Research (Funding)?

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The modern conception of academic freedom was partly motivated by a desire to insulate academia from the monied classes. In perhaps "the most famous breach of academic freedom" of the era, the economist Scott Nearing was terminated in 1915 from his position at the University of Pennsylvania (Whitfield 1974, 43). Nearing was a successful researcher and massively popular teacher, but he was socially radical, advocating against exploitative child labor in the manufacturing state that most heavily relied upon it. Among other reforms, Nearing wanted children to go to school one half-day per week and the legal working age raised from thirteen to fourteen. The Trustees of the university represented many firms directly or indirectly relying on child labor, e.g., gas, coal, banking, railroad. They didn't appreciate his campaign or his other progressive opinions.

Summarizing the dismissal, Harrison S Morris, son-in-law of Joseph Wharton, wrote

one of the best loved and best teachers of the university, has been dropped by the stand-patters in the board of directors for expressing views opposite to those held by...corporations which depend on corrupt politics for their profits... The University of Pennsylvania is not a free agent. It is supported by great sums appropriated by our corrupt Legislatures, and it must obey their wishes, which are equivalent to demands of the great corporations. (*The Public*, June 25, 1915, 619)

The *New York Times* felt differently. In an editorial that encapsulates a common contemporary attitude about academic freedom, their industry-friendly editors wrote:

Men who through toil and ability have got together money enough to endow universities or professors' chairs, do not generally have in mind that their money should be spent for the dissemination of the dogmas of Socialism or in teaching ingenuous youth how to live without work. Yet when Trustees conscientiously endeavor to carry out the purposes of the founder by taking proper measure to prevent the misuse of the endowment, we always hear a loud howl about academic freedom.

At issue is whether academic freedom is simply a "guild" norm (Fish 2014) developed to insulate universities from hostile takeover — or something more. The *New York Times* had an extreme version of the guild concept in mind, as they were of the view "that the Trustee and not the professor is the final judge of what constitutes academic orthodoxy," complains Jacob H Hollander, a professor at Johns Hopkins, in a letter to the Editors.

The *New York World* satirized the *Times's* opinion of the decision:

If Dr. Scott Nearing has been a self-respecting man he would have made it his first duty to find out the opinions held by the trustees and the interests they represent and to have been guided subserviently by them in classroom and in public. He was a faithless employee and the corporations have entered his name on the university's blacklist as a warning to all other instructors who may feel prompted not to see their souls" (quoted in Nearing 1972).

Founded only months before by distinguished faculty, including philosophers John Dewey and Arthur Lovejoy, the American Association of University Professors investigated Nearing's dismissal. They determined that his academic freedom had been violated. In part motivated by his case, the AAUP that year articulated what became the most influential definition of academic freedom. Academic freedom, they declared in their seminal 1915 statement, is composed of three principles: "freedom of inquiry and research," "freedom of teaching," and "freedom of extramural utterance." The organization went on to become the most powerful champion of academic freedom in the world.¹

Fast forward to today. The corporate forces that Nearing ran up against still influence academia. Industries seeking to delay regulation employ the so-called "tobacco strategy" (Oreskes and Conway 2010, Michaels 2020). Tobacco knew even before the public that their products were addictive and lethal. They could not beat the science proving this, but they could sow the seeds of doubt in the public and in policy makers. They funded distracting research at major universities, medical centers, and even cancer research institutes to deflect attention away from harms of tobacco, and also to build relationships with experts who might, in potential court cases, testify to the scientific "uncertainty" surrounding the causes of cancer and other tobacco-related illnesses. The strategy worked. Despite killing an estimated 100 million people in the twentieth century, tobacco delayed regulation and even benefitted from public subsidies for decades, reaping billions in profits. The vastly larger fossil fuel industry is now following the same playbook, and this time the stakes are higher.²

Funding academics and universities plays a central role in this strategy. A 1998 memo from the American Petroleum Institute explicitly describes a program for "undercutting the 'prevailing scientific wisdom'" by "funding for research contracts" that would introduce uncertainty about climate change. the 2024 US Congressional hearings on Big Oil and disinformation uncovered much more.³ As universities vote to divest their financial assets from fossil fuel and pledge to meet climate goals, they are accepting billions of dollars from fossil fuel. Academia has been "invisibly colonized" by fossil fuel money (Franta and Supran 2017). In modern research universities, it infiltrates every nook and cranny, from individual faculty grants to gifts at the institutional level (Ladd 2019). The thought leaders tasked with finding a way out of climate disaster are often funded by those standing in the way of climate action.

In response some have called for a ban on fossil fuel money for climate research. The group Fossil Free Research produced a [letter](#), now signed by more than 800 academics, asking universities to ban fossil fuel funding for climate research. Brown University announced a task force designed to create a policy that would cut off funding from organizations known to promote climate science denialism. Princeton University meanwhile [voted](#) to disassociate from 90 fossil fuel companies and

¹ Academic freedom as a concept has a much longer history, of course. See Wilholt 2010 for some discussion of the European context and references and the classic Hofstadter 1955 for US history.

² Industries apart from tobacco and fossil fuel engage in the tobacco strategy too, e.g., especially agrochemical and data science (see, e.g., Mullins and Nicas 2017 and Novotny 2022). The [UCSF Industry Documents Library](#) houses millions of documents providing evidence of this strategy in tobacco, opioids, chemical, food, drug, and fossil fuel. I'll focus on the fossil fuel industry (oil, gas, and utility) as it is the most prominent illustrative case, but none of the philosophical conclusions hang on this choice. Brulle 2018 estimates that the fossil fuel industry spent one-two billion dollars on deceptive climate policy from 2000-2018.

³ https://www.budget.senate.gov/imo/media/doc/fossil_fuel_report1.pdf

Vrije Universiteit Amsterdam announced a moratorium on any new funding from groups not aligned with the Paris climate treaty.

But similar bans against tobacco funding for research were widely opposed by faculty and the AAUP. Two decades ago, Harvard's schools of public health and medicine adopted a ban on tobacco funding in 2002 and 2004, respectively. Johns Hopkins, Ohio State and more followed. Other schools had protracted battles about bans and ultimately rejected them, e.g., Stanford, University of California. Most have no ban. The main reason offered against a ban was academic freedom. In a decision that affected the University of California's deliberations, the AAUP declared that a ban on funding from tobacco violated the right to research. The 2007 UC Senate Council felt similarly, voting down a proposed ban 43-4, due to "grave issues of academic freedom."

Calls for fossil fuel industry bans are in their infancy, but already we can see the same arguments lining up. Schools are resisting bans against fossil fuel funding because they're claimed to violate academic freedom. Cambridge University, for example, recently issued a report that allows a ban but limits its targets because it "would seriously restrict academic freedom" (Topping 2023). Stanford University's Dean of the Doerr School of Sustainability responds to disassociation demands by saying finding partnerships are "personal choices" dependent on how researchers wish to "exercise their academic freedom" (Majumdar 2023).

Academic freedom began its life fighting against corporate influence in academia and a century later is being used to defend corporate influence in academia. There is no logical inconsistency in holding these two positions. A rejection of bans doesn't imply that one wants to cede academic control over employment. Nonetheless there remains a kind of material tension or at least awkwardness.

With that background, we can now turn to the question this paper addresses: are research funding bans permissible, i.e., compatible with academic freedom, rightly understood? As we'll see, this is a tricky issue because there are compelling concerns on each side. Once the brush is cleared away, however, I think a tolerably clear path emerges for the conclusion that bans are permissible. J.S. Mill argued that one cannot use the liberty of free expression to sell oneself into slavery, for that "defeats in his own case, the very purpose which is the justification of allowing him to dispose of himself" (CW xviii, 299 [v, 11]). I'll argue similarly that one cannot use academic freedom to defend taking resources from agents of disinformation without thereby undermining the very grounds for academic freedom.

1 Background to Free Inquiry

Academic freedom is a murky topic, but on virtually any understanding it includes the freedom to research. The freedom to research typically includes the freedom to choose

- (a) one's topic of study
- (b) one's method of investigation
- (c) one's own conclusions
- (d) whether to publish.

Let's make a few observations and distinctions that will be useful.

First, at least initially, we can distinguish between what Willholt 2010 calls the *freedom of ends* (choice of research topic) and *freedom of means* (the resources required to support research). A restriction of the latter is consistent with no restriction on the former. However, as we'll note in a moment, most research in a modern university is heavily dependent on external funding.

Second, academic freedom is normally understood as a negative freedom (Berlin 1958), a freedom from outside interference. For research, it is the ability to research independently of pressure from (for example) religion, popular opinion, corporations, trustees, and politics. Note that those who oppose funding bans are *not* claiming that they have a positive freedom of means. They are not saying that they are owed research support. Rather, the relevant situation is that they have located an external support opportunity and believe that academic freedom demands that the university not prevent this support.

Third, as in US First Amendment analysis, we can distinguish between *content-specific* and *content-neutral* restrictions. There has been much discussion about the former (e.g., Kitcher 2001, Kourany 2016). Is some knowledge too dangerous to support? Study of chemical and biological warfare, Strategic Defense Initiative, “gain-of-function” work in virology, racial differences in IQ, and more, are types of research whose content is potentially so harmful that it raises the question of bans. The content-neutral question arises too. When the University of Delaware in 1990 tried to deny funding from the Pioneer Fund, a group with racist ties, they wanted to focus on the nature of the funder as their target, not the content of the research.

Fourth, although faculty often declare that the freedom to research is absolute, no serious commentator holds this view.⁴ Like all rights it has limitations. The most obvious is that the freedom to research is conditioned by the professional standards prevailing in the field. Society does not owe the researcher funding from a peer-reviewed grant competition. There are also plenty of legal restrictions, such as export control and intellectual property restrictions. Here are a few other (often controversial) restrictions that are good to bear in mind as we progress:

- Ethics. Outrage over medical experimentation on subjects without their consent, such as in the infamous Tuskegee syphilis study, motivated the formation of Institutional Review Boards in US universities. IRBs review experimental design to ensure that consent is obtained and scrutinize many other ethical matters, e.g., animal welfare protocols. These reviews can intrude directly upon any of (a)-(d). While there are constantly tensions on every campus about particular IRB decisions, there is a wide consensus — now⁵ — reflected in US federal law that some ethics should infringe on how one does research.
- COIs. Due to concern over “academics for hire” by pharmaceutical groups and other industry, the US federal government demanded that universities receiving most types of federal funds have conflict-of-interest offices that handle perceived and real financial conflicts of interest, e.g., faculty owning shares in the company funding their research. Most universities extend this review to non-federal funding sources. External funds may also be rejected if the university judges that the money comes with strings attached such that the researcher loses academic control over their outcomes. These rules — which were also fought, but are now part of the consensus⁶ — are attempts to build a wall around academic matters, insulating it from non-academic influence.

⁴ In the University of California tobacco wars the Vice Provost for Research, Lawrence Coleman declared that “academic freedom has to be absolute or no one has it” (Schubert 2005).

⁵ In 2006 Malcolm Greeley, then president of the AAUP, argued against internal review boards for social science in his controversial presidential address, as did the AAUP’s 2006 Report, *Research on Human Subjects: Academic Freedom and the Institutional Review Board*, which had ethicist Judith Jarvis Thompson as its lead author.

⁶ See Parascandola, M. (2007) and Thacker, P.D. (2020).

- Classified research. Research whose content cannot be published or made publicly available triggers a variety of responses, with some universities banning it, some allowing it, and some siloing it off-site. The most common rationale for a ban is that classified research is by definition contrary to the goals of free and open inquiry. It cannot be shared with the academic community, reviewed by faculty experts, taught to students. Notice that these sorts of rationale tend to be content-neutral. Sometimes it is not because nuclear weapons kill that the research is banned, but because the classification constraints make it inimitable to the mission of the university. In the cases, e.g., Strategic Defense Initiative, the embargo is content-dependent.
- National Security. In 2019 Berkeley, MIT, Oxford, Stanford, UC San Diego, Waterloo, and others placed funding moratoriums on the Chinese telecoms company Huawei. The rationale is that Huawei is presumed to be inseparable from the Chinese government and involvement with US universities would then accelerate Chinese advances on strategic technology. There are also intellectual property concerns. Some faculty object that this ban violates academic freedom. Travel bans due to security might also be considered a limitation on research, for these restrictions can impact who a research group can hire.

In sum, free inquiry is always limited and is at best a Weberian ideal.

2 Academic Freedom For and Against a Ban

When the University of California considered banning research funds from tobacco companies, the ban was shot down, as I mentioned, for “grave issues of academic freedom.” The other side also invoked academic freedom. Stanton Glantz, the tobacco scientist and reformer, held that “declining tobacco industry money is necessary to protect academic freedom” (Glantz 2005). Similarly, today Fossil Free Research hold that a ban on fossil fuel industry money is important because the funding “compromises researchers’ academic freedom” (FFR 2022), yet Cambridge University tabled their vote on a ban due to academic freedom. Both sides point to important concerns.

For Funding Bans

The ethics of research grants is a morally fraught area. Does accepting research funds imply some kind of alignment of goals with the funder? Most academics face this question in one way or another. Granted that (a) is ceded by the conditions of the grant, many feel that any funding source guaranteeing conditions (b)-(d) above is acceptable, e.g., see Jones 2005’s response to Glantz 2005. One should not surrender “academic control”. “The funder didn’t dictate my research outcomes” is a common refrain. When Wei-Hock Soon of Harvard-Smithsonian took money from coal to write an article saying that the polar bears are doing fine (Callender 2022), the problem wasn’t that he took the money—where he crossed the line was when he ceded academic control to industry.

Few are naive. Industry is out for profit. The pharmaceutical company Pfizer has been fined billions of dollars, including over a billion in criminal fines. However, because effective drugs are profitable drugs, the goals of researchers, industry, and the public can align in socially beneficial ways.

Slippery slopes threaten on all sides, but one can make out a kind of line that is crossed by some industries. What tobacco did wasn’t simply vigorous marketing. All companies advertise. Many companies lobby against regulations that might damage their profits. The “tobacco strategy” is more than that. It is the shaping and undermining of unfavorable research, the willful misrepresentation of science, controlling, suppressing and attacking science and scientists, the creation of front groups to

amplify industry's anti-science message, the heavy use of manufactured science in policy-making forums, and the concealment of industry's hand in all of these actions. In the case of tobacco, the actions were criminal. For knowingly orchestrating a deception about the health effects of smoking, tobacco was fined approximately 250 billion dollars in the 1998 Tobacco Settlement.

Fossil fuel sits in a very similar place as does tobacco. There is plenty of evidence that the industry has adopted the same strategies tobacco did. Fossil fuel secretly funds white papers that state natural gas is the way to go, and then they use these white papers as "independent" sources to amplify their message with policy-makers and stakeholders. They fund front groups that attack electrification and try to scare people with unfounded myths. See Legg, Hatchard, and Gilmore 2021 and below. Fossil fuel companies have not yet been found guilty of promoting criminal conspiracy, but torts, consumer protection, and liability lawsuits are piling up.

The AAUP has for many years tried to draw a line that would allow researchers to take whatever industry funds they want so long as academic control is maintained. It wants academic majority committees to be in charge of academic matters, such as deciding tenure, promotion, teaching assignments, course content, etc. Faculty should never sign agreements telling them what or whether they can publish. And so on. In a statement about the China-sponsored Confucius Institutes, the AAUP writes that "Allowing any third-party control of academic matters is inconsistent with principles of academic freedom, shared governance, and the institutional autonomy of colleges and universities" (AAUP 2014).

Studying what fossil fuel and some other industries have done makes it clear that this line cannot hold. The billions of dollars pumped into universities are allowing third-party control of academic matters. Exposés are being released almost monthly detailing the influence this buys.⁷ AAUP's line cannot withstand the assault from the revolving door between jobs in academia and industry, gifts from industry, departmental reliance on industry for student support and scholarships, institute partnerships, capture of journals and societies, and more.

What is absolutely crucial to see is that normal measures of academic control (e.g., peer review) are often powerless in the face of this onslaught. Academic control can be circumvented in many ways. As Fernández Pinto and Fernández Pinto 2023 emphasize, meta-analyses show that industry-funded studies are more likely to find results favorable to industry than studies not funded by industry (see, e.g., Lundh et al 2017). However, these same meta-analyses also show that this work tends to be good, at least in the sense of not having bias due to plagiarism, data fabrication, or other forms of scientific misconduct. Hence it will not be caught by normal mechanisms of professional review.

There are probably dozens of mechanisms responsible for this result, e.g., not publishing unfavorable results. One that is important to keep in mind as we progress is "industrial selection bias" (Holman and Bruner 2017). This is a *group-level* effect, not a bias at the individual level. If organized the "right" way, a network can lead investigators away from the truth. (Holman and Bruner 2017; Mayo-Wilson, Zollman, and Danks 2011; O'Connor and Weatherall 2019). Proctor calls this "distraction science" and describes an example (Galison and Proctor 2020, 29): the Council for Tobacco Research funded research into possible causes of harms such as "carpet fumes, radon, occupational exposures, genetic dispositions." This work deflects attention from tobacco's role and muddies and even distorts the epistemic landscape. (See Fabbri et al 2018; Thacker 2022;

⁷ See, for example, Banks, et al. 2021, Data for Progress, Feb 2023, Fossil Fuel Divest Harvard 2021, Lowe 2021, Oxford Climate Justice Campaign 2021.

Washburn 2010. Yet the work might be good. Arguably, something like this is happening with carbon capture and storage research today. Controls over academic quality such as peer review and tenure are helpless in the face of this kind of influence.

It's also vital to keep in mind that many academic products and choices are outside the ambit of peer review. Centers and institutes produce white papers often with little to no review, fake journals accept anything, special issues from industry-captured journals invite articles, faculty write op-eds and other popular pieces, faculty comment on Congressional notices, and more.

Given our understanding of how the broader network can weaponize academic research, the traditional defense of taking fossil fuel money — “it doesn't affect my outcomes” — sounds hollow. Indeed, it sounds like the “guns don't kill people; people do” argument against gun control. The defense is too individualistic. The person who purchases an assault weapon may have only love and peace in their hearts. Zoom out, however, and we know that assault weapons can change the individual, their options, their contexts, and society at large, ultimately leading to more gun deaths. Similarly, one's research integrity may be impeccable, but there is a reason the funding is coming in. Evidence strongly suggests that it's ultimately in service of delaying action that will fight climate change (Cohen 2022, Oreskes and Conway 2010, Fabbri et al 2018, Lamb 2020, Michaels 2020, Almond, Du and Pap 2022, Thacker 2022, Stokes 2020, Callender 2022).

Third-party control of academic matters is happening, even if faculty pursue their research with integrity and no formal agreements ceding academic control are signed. Upon seeing the broader network, it seems naive to think this line isn't being crossed, akin to thinking that “big money” has no outsized influence in politics. For this reason reformers claim that disassociation from the fossil fuel industry *promotes* academic freedom.⁸ It insulates researchers from sources of bias and control from industry.

Against Funding Bans

To begin, let's state the obvious: a prohibition on a particular type of funding is strictly consistent with (a)-(d) above. Suppose the ban covers funding from British Petroleum. Your controversial work on the formation of clouds challenges the usual doom and gloom message from established climate science. An embargo on BP support doesn't mean you can't still pursue your heterodox ideas. Nor does it say you can't draw your own conclusions, anti-consensus though they are. You absolutely can. You can even get funding for this research, e.g., from the US National Science Foundation. The university will then run that grant and allow you to study the formation of clouds in the way you wish. A funding ban is strictly consistent with (a)-(d).

The enemy of funding embargoes, however, will respond that bans *effectively* can prohibit a type of research. Research is not like speech or thought. It is an action, and that action in the modern university typically requires labs, machines, personnel, teaching releases, and much more. The performative aspect of research requires funds. No opportunity to funds, no genuine freedom to research. Suppose now that the ban not only singles out BP but extends to all fossil fuel corporations, as Fossil Free Research would have it. Suppose also that these are the *only* entities who would fund your contrarian ideas about cloud formation. Then the ban means that research on this topic won't happen. It crosses the line by effectively denying (a), the freedom to choose one's research topic.

⁸ See Cohen 2022, Knox 2022, Lowe and Chung 2022. For the creation of conflicts of interest in the case of tobacco, see Brandt 2012.

Note that our climate contrarian is not arguing that they have a positive right to funding. They do not believe that they are entitled to resources. They acknowledge that it depends on availability and competition. What they do think, however, is that one should have the opportunity to get research funding without ideological interference. Put this way, they can argue that their freedom to research, even understood as a negative freedom, has been impacted by the ban.

Furthermore, given variable political environments, the same ideological interference could happen for any type of research. For example, the gun lobby's hold on the US Congress kept the Dickey Act in place for more than two decades. This Act prohibited federal funds from being used for research on gun control or harms from guns. Research persisted only due to funding from the private sector. However, a ban on funds from the Joyce Foundation, Kaiser Permanente, RAND, and a score of others would have effectively shut down gun control research in the US. Although on the surface a funding ban doesn't seem to threaten academic freedom, when you remove the veneer it is arguably the same kind of political interference faculty have always faced.⁹

Dilemma

We find ourselves in a kind of Kantian antinomy: academic freedom both demands a ban and no ban. The essence of academic freedom is about keeping academic activities free from non-academic interference. The case for the ban sees non-academic interference from the fossil fuel industry effectively capturing major research universities. The case against a ban sees non-academic interference by the university.

Ways of negotiating consistency with academic freedom in both cases seem to involve adopting naive or willfully ignorant views. The AAUP wants complete freedom in accepting money and advocates building a firewall around who has academic control. Academic freedom, Angela Davis said long ago in a different context, is "an empty concept which professors use to guarantee their right to work undisturbed by the real world, undisturbed by the real problems of society." Members of Fossil Free Research might sympathize with this sentiment as they watch the climate change while faculty use academic freedom to take money from fossil fuel. On the other side, one could point out that bans are consistent with any type of research and funding could come from other sources. Yet that position is disingenuous, for research in the modern world clearly requires access to funding opportunities. Neither response seems to adopt a realistic picture of how individual psychology, universities, or societies work.

3 What is Academic Freedom?

⁹ Of course there are other arguments against bans that don't involve academic freedom. One is that bans are too coarse. Maybe ExxonMobile shouldn't fund climate policy, but why not a STEM preschool project? (The Sally Ride Science Academy was funded by ExxonMobil.) If overall the funding does more good than bad, then perhaps it should be permitted. The President of Stanford recently made this argument for accepting fossil fuel funds at the new Doerr School of Sustainability (Majumdar 2022). Another argument appeals to the notorious slippery-slope. What about Big Sugar? Big Chemical? Big Agriculture? Defense? Where do we draw the line? Sliding down the slope we will end up banning almost all industry funding, incapacitating the modern university. Jones 2005 makes this case in a reply to Glanz. I personally find neither argument compelling, but our topic is academic freedom and bans.

Ever since the AAUP 1915 declaration, most commentators begin with the observation that although academic freedom is often invoked no one knows what it is. These admissions probably undersell the confusion, as they assume that there is one static thing that is academic freedom. I cannot survey this vast literature here (see, e.g., Bok 1982, Dworkin 1998, Fish 2014, Post 2012), but the general contours of the discussion will become apparent. These contours will suffice as the freedom to research has been the least theorized of all the liberties associated with academic freedom.

To begin, as is customary, we'll assume that academic freedom is something stronger than an employment contract and something weaker than an individual civil liberty or right. If the employment contract a professor signs states that the university will process grants from any legal funder, then not processing that grant due to the funder's identity violates that contract. Our question, however, is whether there are normative reasons to make contracts like this. We'll also assume that this is not a basic human right or civil liberty. Not all people have academic freedom; in fact, most academics don't have academic freedom, e.g., doctoral students, postdoctoral scholars, lab scientists. So it's hard to argue that it is a civil liberty like free expression or free association.¹⁰ Faculty sometimes speak of the right to academic freedom as a kind of Lockean natural right sprinkled upon the elite when they earn tenure track faculty positions.¹¹ Yet no one seriously defends any such view.

If not a contract or a civil liberty, what is it? On one "weak" conception of academic freedom, which Stanley Fish calls "It's Just a Job", academic freedom is simply the freedom to do the job for which you're hired. It is a set of guild norms set up by academics as they tried to establish some autonomy. These norms arose as a reaction to the view (for example) that the *New York Times* had when discussing the Nearing case. On this picture, academic freedom is like the norm in baseball that managers make "on field" decisions free of interference from the front office. "Managerial freedom" is bought with expertise. Managers' understanding of baseball strategy warrants the non-interference from above. The promise of managerial freedom often helps an employer recruit good managers, and this has led to this kind of norm.

No grander reason for it need exist. No one need hold that baseball teams with "free" managers win more games than those who don't. That is an empirical claim that may not prove true. The bombastic former owner of the New York Yankees baseball team, George Steinbrenner, so regularly violated the norm of front office non-interference that he was given the nickname "Manager George," yet his team was often successful. Nor is there any hint of a claim that managerial freedom is good for the game or the social good.

The content of the norm of academic freedom on this weak conception might still be arbitrarily restrictive, so it may preclude research funding bans. However, with so little behind academic freedom on this conception, it may be that a ban violates academic freedom but it doesn't matter

¹⁰ For instance, on a Rawlsian view, the basic liberties are those necessary for a person to develop a conception of the good life and a sense of justice. Is academic freedom necessary for either? If attached to anything like we normally mean by academic freedom — where it is restricted to professors — then any argument for it being a basic liberty has the consequence that only professors can develop these two moral powers. Other non-Rawlsian groundings for basic liberties will have similarly absurd consequences.

¹¹ The *NYT* lampoons this view when reviewing the AAUP's report on Nearing: "If we understand the report of the committee, a Professor is not an employe. He is a sacred character, to be dismissed by the Trustees only with the advise and consent of the Faculty." *New York Times*. The Professors' Union. *New York Times* 21 January 1916, 8.

too much. A funding ban for faculty grants might be similar to limiting the vendors that a university's catering team can use.

Most conceptions of academic freedom, however, make it more important and more substantive than Fish thinks. Two are prominent: an epistemic argument and a political argument. There is also a weaker position based on practical rationality. Sometimes all three get mixed together. If only to set it aside, let's begin with the epistemic argument. This argument is the most famous rationale of academic freedom and finds its origins in J.S. Mill's "marketplace of ideas" argument for free speech. Mill felt that learning the truth would help us maximize happiness. Free inquiry, he argued, would lead to learning the truth. This claim is mirrored in the AAUP's 1940 statement that "Freedom in research is fundamental to the advancement of truth."

With Brink 2013, let's call this Mill's *truth-tracking* rationale. Mill's argument is that without free inquiry we might get locked into an error. For example, geology was dominated by so-called fixists, those who held that the continents and oceans were fixed. Thanks to academic freedom, however, advocates of drift theory were free to challenge the dominant paradigm. Ultimately drift theory became what is now known as plate tectonics, the currently accepted theory.

This argument hangs on an empirical premise, as Leiter 2018 emphasizes, which is that free inquiry leads to truth better than other methods. Paradigmatic examples of abuses of academic freedom support this claim. Stalin's advocacy of Lysenkoism, for instance, put Soviet biology back a decade or more against the state of the art. Yet it's probably fair to say that Mill's truth-tracking rationale enjoys more assent than is strictly warranted. After all, so much good research has been accomplished in conditions lacking academic freedom. Science thrives in the corporate world and in autocratic countries, neither of which enjoy academic freedom in the usual sense (see, e.g., Sarewitz 2016). It's hardly clear that Mill's truth-tracking justification for free expression succeeds when it is transferred to free inquiry at universities.¹²

For this reason I want to remain agnostic about whether this empirical premise holds. Where I want to begin is with a little known argument by Scanlon 1975 involving practical rationality.

4 Disinformation and the Mission of a University: Scanlon's Monarch

Like us, Scanlon 1975 is interested in finding a defensible conception of academic freedom that is not reducible to more general rights or mere contracts and that doesn't appeal to Millian consequentialist arguments for academic freedom. He may have to resort to the latter, he admits, but he wants to show that not having academic freedom is inconsistent with other goals. Schabas 1988 extends Scanlon's argument in a fascinating paper on whether or not to ban classified research. Here I follow Schabas but apply Scanlon's rationale to our question, is it permissible for the university to ban research funding from particular sources? As a first pass at an answer, I think it provides a loud and clear verdict on our tricky problem.

Scanlon motivates his idea with a thought experiment. Imagine a monarch who does not have the time or inclination to do research, so they hire a counselor to do it for them. The counselor is charged with investigating subjects and reporting back their findings. Scanlon says that it would be irrational for the monarch to try to influence the counselor's reports. "All that is involved here is the truism that," he writes, "if you are paying to hear someone's opinion because you think his opinion

¹² Similarly, Brink 2013, 46, is not convinced in the context of censorship for reasons that coincide with ours (Section 5).

likely to be correct, it is irrational to try to get him to give you something else in place of his true opinion” (239). While the monarch might desire certain research outcomes, it would be inconsistent with their charge for them to influence the reports. Scanlon writes, “The narrow doctrine of academic freedom that I wish to defend is just the extension to universities of the principle that a monarch should avoid the kind of irrationality I have just described.” When extended to universities, the counselor now becomes a small army of counselors, and counselors may or may not be organized into teams who may or may not interact, form disciplines, and so on. If the university is charged with finding the truth and reporting its findings, then internal or external interference will be inconsistent with its function.

Scanlon’s rationale is independent of the empirical premise because there is no assumption that hiring the counselor is a good idea. Perhaps hiring the counselor isn’t an efficient way to get at the truth. Perhaps getting the truth won’t maximize the social good. All we get is a fairly weak consistency constraint: if the monarch hires a counselor with that charge, it is instrumentally irrational for the monarch to try to influence the findings. Academic freedom then depends on the function or functions of a university.

Suppose that a private religious school has the goal of defending a fundamentalist version of the Bible. They forbid faculty from researching evolution and natural selection. On Scanlon’s theory faculty at that religious school cannot complain that their academic freedom is violated, for academic freedom is a function of the institution’s mission, and truth in biology is not the goal of that school. One can of course say that it should be, that banning evolution is inconsistent with other goals of the school, and so on, but strictly speaking, the complaint (as narrowly understood here) would be without merit.¹³

Thomson 1975 complains that Scanlon’s theory of academic freedom is weak. She is right. It is doubly so. First, it is conditional, in the sense that it is conditional on the functions of a university, as we just saw. Second, the conditional constraint is only one of irrationality. The monarch who influences their counselor is not immoral or violating any deep principle of justice or undermining the social good, but merely exemplifying irrational behavior. Firing Nearing was irrational, not wrong. The flip side of this complaint is that Scanlon’s notion is substantive (not reducible to contracts or civil liberties) and yet easy to defend. Thicker notions of academic freedom are typically hard to defend, as we just witnessed with the Millian argument.

Let’s modify Scanlon’s parable. Suppose you are the monarch. You have hired counselors to work on various topics, from climate science to the causes of lung cancer. You are rich, but unlike Scanlon’s monarch, your resources are somewhat limited. When some external parties come to you and say they will fund some of your counselors, you are tempted. More money means more reports, more information, and more guidance. You worry, however, for as Scanlon himself points out, it’s of paramount importance “for the monarch to shield his counselors from any influence or pressure that might motivate them to report anything other than their best judgment on the matters they are asked to investigate” (245).

The very core motivation for academic freedom on this conception is fulfilling the mission of the university, which is assumed to be the production of knowledge. The whole point of the counselors is to get unbiased knowledge. So when you, the monarch, learn the findings of the past two

¹³ Scanlon’s position would therefore not rule out Liberty University’s doctrinal statement that all faculty must sign. This statement affirms many content-specific claims relevant to both teaching and research, e.g., that Christ’s imminent return will “be followed by seven years of great tribulation.”

decades of work on agnotology (e.g., Proctor and Schiebinger 2008, Oreskes and Conway 2010, Michaels 2020), you should be more than ready to pull the plug on research funding if it biases what you're getting. After all, this work demonstrates not merely that the counselors may be wrong — provide you with *misinformation* — but that they may be intentional spreaders of falsehood, agents of *disinformation*.

To make this judgement that a counselor is an agent of disinformation requires that you make an inference to the best explanation as you would in any court case. You may have smoking guns, such as the API memo referenced earlier, but the weight of evidence can be sufficient even without such direct proof of intentional deceit. Is the funder

- suppressing the publication of unfavorable outcomes by pressuring authors, their institutions, or journals?
- ghost authoring papers?
- attacking internal whistleblowers?
- concealing their own funding with non-disclosure contracts?
- creating fake journals without serious peer review?
- funding a lot of science that looks like distraction science?
- attacking unallied scientists with threats through their institutions or with baseless lawsuits?
- re-analysing data after the fact with sketchy statistical techniques?

The reader can consult the magisterial Legg, Hatchard, and Gilmore 2021 for a more exhaustive menu of techniques employed by agents of disinformation in various fields. As you ask these questions, eventually you may find that the best explanation for the funder's pattern of behavior is that they are intentionally trying to deceive you for their own ends. What threshold to use — probable, beyond a reasonable doubt, and so on — is of course a tricky matter, and often there will be insufficient evidence to conclude one way or the other. That is hardly unique to this case. What is important for my purposes here is that sometimes the evidence is overwhelmingly clear that a funder is an agent of disinformation.

You want the unvarnished truth from your counselor system. You now have evidence that a counselor is trying to deceive you. It's abundantly clear what to do: fire them! Why would you lease your research infrastructure to a party determined to sway you to their own goals and not yours? For these reasons, I think it's clear that on any theory of academic freedom like Scanlon's — theories that give pride of place to the advice produced by universities — it is permissible to turn away funders who are likely to bias the information produced. Agents of disinformation threaten the very mission of the university.

Note that this ban is permissible on even a very weak conception of academic freedom. Importantly, it also shows that we can have a ban without it functioning as a political litmus test. None of the above questions assumes a conception of the public good. Insofar as this is possible, the ban would be content-neutral. If ExxonMobil were placed on the naughty list, it would not be because their products are harmful, as Princeton's disassociation would have it, but rather because their behavior runs contrary to the mission of the university as a producer of knowledge. Bans, on this weak understanding, are about practical irrationality. If Big Solar was found to employ the "merchants of doubt" strategy, that too might warrant an embargo, even if their tactics contributed to the common good.

5 Democracy, Academic Freedom, and Misinformation

The dominant rationale for a more substantive sense of academic freedom appeals to the importance of knowledge institutions in democracy. Scanlon's position is conditional. Whatever the mission is, it's irrational to support actions contrary to it. If the mission is furthering fundamentalist Christian faith, then it's okay for the school to ban the teaching of evolution; if the mission is furthering the goals of a dictator, then it's fine to ban work unfavorable to the dictator's interests. A connection to democracy lessens this mission relativism. It can provide an anchor for a more robust sense of academic freedom.

The literature on academic freedom and democracy is vast, but a major argument — dating all the way back to Condorcet's report to the French Legislative National Assembly in 1792— is that the university's epistemic function, the production of knowledge, is of crucial importance to democracy. Condorcet argues that the state requires continual criticism to flourish, so letting it influence academic matters would “contradict the purpose of the whole social institution: the perfecting of the laws” (Caritas 1968, 523). Mill's truth-tracking argument is that academic freedom was the *optimal* way to make progress. Scanlon's is that it arises from *practical rationality*. The current one holds that *democratic competence* requires this independence.

Invocations of democracy make the argument for free inquiry feel abstract, but there is nothing mysterious about it. Many institutions play special roles in democratic societies. A free press is vitally important. A downstream consequence of this is that journalists have the freedom to not reveal their sources. Similarly, an adversarial judicial system demands that clients are able to speak freely to their legal representation. Attorney-client privilege is hence a long-standing principle of common law, pre-dating the US legal system. Attorneys and clients become “privileged” individuals. They enjoy a confidentiality others do not. Yet no one mistakes this privilege as a kind of individual basic liberty. The privilege arises from the institution's role and the institution determines who counts as clients and attorneys.

Same goes here. Academic freedom is justified in virtue of the role universities play in democracies. Individual faculty do not get this liberty due to their inherent brilliance or from wearing tweed jackets. They get it from their job, just as a lawyer acquires attorney-client privilege. This liberty is determined by the important role the institution plays in a democratic society. Contra Scanlon's conception, academic freedom is not simply conditional on whatever the mission of an institution happens to be. Knowledge institutions are an important pillar of any good democracy. Academic freedom is crucial to them fulfilling this role.

Why? Authoritarian regimes need bridges that don't break. Rising seas won't care if the crops they flood are planted in a democracy or dictatorship. Both democracies and authoritarian regimes need academic excellence if they are to rationally plan their economy, build technologically advanced railroads and computer chips, and so on. If the Millian truth-tracking argument is correct (on this we are agnostic), then authoritarian regimes should also organize their knowledge institutions with academic freedom to get the benefits of a diversity of views. Both democracies and non-democracies require certain material pre-conditions to flourish (national security, economic policy, agriculture, medicine, etc). If academic freedom is instrumental in bringing these conditions about, that does not distinguish democracy.

However, in a deliberative democracy the goal is not merely the satisfaction of preferences but of *well-informed* preferences. Democracy, on this view, is not simply about aggregation of actual preferences. Central to the democratic ideal is the exchange of arguments and information (Cohen 1989) and reasons (Susstein 1997). For example, as Lynch 2018 points out, a democracy is a place where everyone gets a say, so we also want good deliberators, not merely the production of truths. Good deliberators will understand each other's arguments and see reasons behind their opponents'

views.¹⁴ They need access to good evidence. We don't want citizens to simply believe the right thing. We want them to deliberate and believe the right things for the right reasons. The university is seen as an institution that contributes to the production of well-informed preferences, a process that is itself part of a functioning democracy.

What distinguishes democracies is that they do not need/want this knowledge production to be independent of the political powers. A functioning democracy needs to hear if (say) climate change exists and is a threat even if that is inconvenient to some political powers. An authoritarian regime does not. In a letter to *Nature*, the Chinese Academy of Science wrote that there is no daylight between them and the central government (Zhang 2019). In such a regime it is not part of the mission of a science academy to do anything contrary to the ruling party's interests. The same may be true for universities. For a democracy, by contrast, the knowledge-producing institutions (academia, journalism) must be free from the political powers if it is to flourish.

Post 2012 is probably the most influential articulator of this view. Public opinion, he holds, must be "educated and informed" if it is to serve its democratic goal. Universities are special because of their "disinterested pursuit of disciplinary knowledge" (132) and exercise of disciplinary norms. Political influence of knowledge production can undermine a citizen's ability to form well-informed preferences. For instance, the knowledge that smoking causes lung cancer is important in the formation of preferences that may matter to one's vote. Academic freedom stops the state from "obliterating independent sources of expert knowledge" (135), which is crucial to democratic competence.¹⁵

Current affairs seem to support this argument. Living in a "post-truth" world, or the Disinformation Age (Bennett and Livingston 2020), we are regularly witnessing encroachment on knowledge institutions by political powers. If Scanlon's counselor is Donald Trump, it *is rational* for him to influence his counselors. In the Trumpian worldview, the mission is not anchored by democracy but by service to his interests. Even plain facts are under assault — the size of crowds, the path of Hurricane Dorian, the votes in a past election — in addition to basic science. The Varieties of Democracy Institute has recently claimed that misinformation is instrumental in the "autocratization" of democratic or formerly democratic nations (Boese et al 2022).

This position does not imply that democracy cannot legitimately influence the course of science. Threats from breast cancer, highly transmissible viruses, the impacts of climate change, and so on, create needs that may rightly influence what a state funds. In the US, for instance, the federal funding bodies such as the NSF and NIH will have special initiatives that (when things go well) indirectly reflect the will of the people. How academia can feel the hand of democracy is a delicate question. Many feel that the post-World War II Vannevar Bush doctrine that hoped to completely insulate basic science from any democratic influence is hard to justify, that the people who pay for science should get some kind of say in shaping it (Bush 1945, Douglas 2009, Kitcher 2001). Even on this school of thought — which I share — influence can be legitimate if it represents the well-informed preferences of the population.

¹⁴ Here I am focusing on the right to research, but I note that this argument is highly relevant to justifications of academic freedom in the classroom. Schools do not simply convey truths to students, but teach them to become citizens.

¹⁵ Post makes this argument in support of a more ambitious legal case for protection of academic freedom under the US Constitution's First Amendment. I lack the expertise in jurisprudence to say whether this is compelling.

Relatedly, this position is not committed to Post's claim that universities are bastions of the "disinterested pursuit of disciplinary knowledge." We know from science studies that science has never been independent of political and social influence (Brown and Guston 2009). We should not assume a "value-free model" of academia (Douglas 2009). However, a more nuanced position exists. Non-epistemic values in academic research can be democratically legitimate and illegitimate.¹⁶ There is a big difference between letting one's racist ideology guide choices in public health science and letting one's concern for women affect the design of a clinical trial. One can admit that academic research is not value-free without collapsing the difference between the epistemic mission of a university and choosing sides in politics. We simply need to admit that "the mission of a university" includes some democratically legitimate non-epistemic values.

With this view of the mission of the university, when industry adopts "merchants of doubt" tactics it is not only a violation of instrumental rationality (Scanlon) but also an indirect assault on deliberative democracy. The very rationale for knowledge institutions and academic freedom is the production of disciplinary knowledge for democratic competence. Merchants of doubt tactics weaponize these knowledge institutions to erase this independent knowledge production. If the means of such perversion of the institution's goal is funding — and we know that it can be — academic freedom will not stand in the way of the university defending itself. Otherwise its entire mission is jeopardized. Funding bans must therefore be permissible, even on a conception more substantive than Scanlon's.¹⁷

Because disinformation often takes us away from the truth, it is easy to see my argument blur into Mill's truth-tracking rationale for academic freedom. But they are very different. Suppose, to take an extreme case, industry employed merchants of doubt strategies that *didn't* take us away from the truth. We saw that this is one way agents of delay work, not by creating poor research but by selectively picking topics and altering the research landscape, e.g., good research on genetic dispositions to lung cancer. My position finds fault with this too, even if that research is likely to lead to truths. The reason it is problematic is that the knowledge production isn't independent.¹⁸

On Brink 2013's perfectionist reading of Mill, Mill has a second argument for free expression that connects nicely with mine. The position is that the exercise of our deliberative capacities is essential to human happiness. Reflective decision-making is important to fulfill our nature as progressive beings. Mill's worries about truths becoming dogma provides a second argument for free expression. Dogma, even if true, does not promote the exercise of our deliberative faculties. This deliberative rationale for free expression is different from the truth-tracking rationale, for it would object to a censor who censored only false beliefs, just as my account objects to a "disinformation" agent who provides truths but distorts the overall body of evidence. Mill finds free expression in the

¹⁶ Recently the problem of teasing apart the difference between the two has been called the New Demarcation Problem (see Douglas 2023, Holman and Wilholt 2022, Schroeder 2021 —and Longino 2002 for earlier discussion).

¹⁷ Compare with Irzik and Kurtulmus 2021's argument that the "basic epistemic structure" of a democratic society is subject to two principles of justice, (1) a fair distribution of epistemic goods, and (2) providing officials with the knowledge necessary for effective democratic governance. They do not discuss academic freedom, but they see a justice-motivated rationale for knowledge institutions to defend themselves from agents of disinformation.

¹⁸ Compare on this point with Kronfeldner 2021, who also challenges the truth-tracking rationale.

value of deliberating, and I likewise find academic freedom in the value of knowledge institutions' role in a deliberative democracy.

Opponents of bans are correct to worry that the distribution of privileges to faculty — such as those incurred when processing a grant — might be made on ideological grounds. Yet there is a lot of space between protecting the epistemic mission of a university and choosing sides in political debates. This space leaves room for the permissibility of funding bans against agents of misinformation.

6 Open Questions

If I am right, it is sometimes consistent with academic freedom for a university to not process external funding for grants — when the funder is an agent of disinformation. We have been speaking in the abstract about the permissibility of a funding ban, not whether one should actually impose one (say, as Fossil Fuel Research recommends) in particular cases. Let me end with a few comments about translating these considerations into the real world. The first and most striking fact about real world situations that they are incredibly messy. I have written about *the* funder, *the* tobacco strategy, *the* funding embargo, and *the* university's mission. Yet the use of the definite article in each case is inaccurate. Really there are all types of funders, disinformation strategies, embargoes, and missions. Each falls on a spectrum. How to act hangs on making some hard choices.

- Trigger. As mentioned in Section 4, to impose a ban one needs to answer the tricky question of when disinformation goes too far. Money always has effects, whether from the NSF or Chevron. Not all industries accused of following the tobacco strategy have engaged in identical behavior (see Fernandez Pinto 2017 and Legg, Hatchard and Gilmore 2021). At the time of writing, the President of Brown University's goal to "not conduct business with individuals and organizations that directly support the creation and dissemination of science disinformation, defined as knowingly spreading false information with the intent to deceive or mislead" is perhaps closest to that articulated here. Which parties fit this criterion? There is no simple algorithmic way to do this; ultimately it will require a judgement based on the best explanation of the evidence. However, we shouldn't fall prey to the slippery slope fallacy. My expectation is that certain companies have behaved so disgracefully in pushing climate misinformation that they will be robustly above threshold for almost any reasonable choices necessary for action.
- Enlarging the mission? Once we acknowledge that non-epistemic values feature in a university's mission, we run the danger of encroaching on academic freedom through an ideological test. But if the values represent the well-informed legitimate preferences of the population, perhaps it's defensible to appeal to missions other than knowledge production. In 2019 more than 7,000 universities declared a "climate emergency" (UN Environment 2019) and pledged to go carbon-neutral by 2050 at the latest, to devote more resources to tackling climate impacts, and to increase teaching about climate change. Having made this pledge, is this part of the mission of each of these universities? Other restrictions on academic freedom such as those motivated by ethical experimentation and national security already show that the mission of a university is typically assumed to be more than epistemic.
- Public vs private. Does my argument extend to privately funded universities? In the US private non-profit universities are exempt from paying federal, state and local property taxes due to their educational mission. Similar benefits exist in most other countries. These very substantial tax-exemptions are granted because the universities play the role of knowledge institutions in a democracy, so I believe my argument does extend to private universities.

To make a case for a real world ban, one must dive into many gray areas and draw some sharp lines. Even after making that determination, one would then have to judge whether a funding disassociation is for the best all things considered. What I hope to have achieved is merely to remove the “in principle” objection to research funding bans from academic freedom.

8 Conclusion

In June 1915 the Trustees of the University of Pennsylvania voted not to rehire Nearing. Who were these Trustees? The writer Upton Sinclair tells us that “You could not tell a chart of the University of Pennsylvania [trustees] from a chart of the United Gas Improvement Company [directors]” (Sinclair 1923). For this reason Sinclair dubbed the educational institution the “University of U. G. I.”

U.G.I. had a long history of meddling in academic affairs. Upton describes episodes in 1886, 1898, and 1912. Before his firing, Nearing was already being squeezed. Trustee Randall Morgan (of U.G.I.) remarked to an acquaintance of Sinclair’s that Nearing “may stay until he’s bald-headed, but he’ll never get promoted.” However, that sentiment didn’t last long and Nearing was removed. U.G.I.’s directors, including Morgan, were later indicted in 1922 by the federal grand jury for criminal activities, including charges to have “circulated or caused to be circulated false and misleading reports concerning competitors for the purpose of preventing competition” (Sinclair 1923).

Today the company’s contemporary instantiation, UGI Corp, remains a powerful natural gas and electric power company. It is a major force behind so-called and controversial “renewable natural gas.” UGI Corp is described as one of Pennsylvania’s “dirty dozen” most polluting firms. And it is circulating misleading reports, as it was exposed as secretly fighting electrification and promoting renewable natural gas with misinformation via a lobbying group called “Consortium to Combat Electrification.”

Academic freedom was born to protect faculty from companies like UGI; now it is invoked to defend the right to take money from them. If I’m correct, however, academic freedom does not cover taking funds from agents of disinformation. In the words of Nearing, “That the Trustees have an essentially undemocratic power and have used it irresponsibly does not warrant you confirming them in it. You must think of your students and of the University’s mission.” The mission is the production of knowledge to help secure democratic competence. Free inquiry arises from this mission and cannot be used as a reason to undermine it.

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