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Do We Still Need Academic Freedom?

EDWARD SHILS

SIDNEY HOOK ONCE TOLD ME of an observation made by John Dewey in his last years. Dewey, according to Hook, remarked rather wryly that, when the American Association of University Professors was formed in 1916, a committee A and a committee B were established. One was intended to deal with academic freedom and tenure and the other with academic obligation. The activities of the committee on academic freedom and tenure made up most of the agenda of activities of the Association; the committee on academic obligations had never once met, according to Dewey's recollection. The American Association of University Professors was a product of the situation in which some of the leading university teachers in the country thought that, because the academic profession was entitled to respect as a calling, they were entitled to academic freedom. Even in the second decade of the twentieth century, powerful persons outside the universities, and within the universities—trustees, presidents, and deans, or heads of departments—still regarded their academic staffs as hired hands to be appointed and dismissed at will. Such persons were regarded as the enemies of academic freedom. Although there are still some rough-handed presidents and deans in back-country colleges and state universities, on the whole these traditional enemies of academic freedom are seldom any longer to be seen.

In the minds of the American academics who were active in the early years of the Association, academic freedom and permanence of tenure were indissolubly associated with each other. At that time, it was said that the latter was needed to guarantee the former.

Academic freedom was declared to be an assurance that new ideas would be discovered, that sound old ideas would be appreciated in a more critical way, and that unsound ones would be discarded. The argument for academic freedom was roughly the argument for liberty in general put forth by John Stuart Mill in *On Liberty*. It was also

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assumed by their proponents that academics, even if they did not discover new ideas, should be free, in their teaching and writing, to say what they believed. It was further assumed that they would not be arbitrary in what they believed and taught; it was accepted that they would try to tell the truth as it was understood by them from their study and rational reflection.

Since the chief sanction against academics who honestly spoke their beliefs in teaching was dismissal, the best protection for their academic freedom seemed to be the guarantee that such a sanction would not be exercised against them. Permanent tenure seemed to be that guarantee.

Permanent tenure now has gone off on a career of its own. It has become a self-evident good in itself; it has become "job security." Permanent tenure—or plain "tenure," as it is now called—is an object of great desire among academics, especially the younger generation who are preoccupied by it. I seldom hear it mentioned as an assurance of academic freedom. Yet whenever some modification of the current practice of providing permanent tenure after a probationary period or on the attainment of a particular rank is proposed, the argument that it is necessary for academic freedom is brought to life again. In those circumstances it is restored to its former status as the main argument for permanent tenure. This, however, is rather infrequent since the institution of permanent tenure is nowadays rather firmly established in American universities and colleges.

Academic freedom, too, has taken a path of its own. It is no longer thought that it has any close relationship to the search for or the affirmation of truths discovered by study and reflection. It has become part of the more general right of the freedom of expression. Expression is not confined to the expression of reasoned and logically and empirically supported statements; it now pretty much extends to the expression of any desire, any sentiment, any impulse.

II

University teachers in American society, since the Second World War, have become privileged persons. In the leading universities at least, they have a rather light stint of teaching. They have long vacations, they often have interesting young persons as students and friends, they sometimes have interesting colleagues. They can usually, in most universities much of the time, teach courses in which they are interested and not teach courses in which they are not interested. They are usually allowed, with or without the consent of their colleagues and administrators, to shift their academic interests within their fields, and they can vary their teaching and research accordingly. They are generally free to

choose their subjects of research in accordance with their intellectual interests, within the limits imposed by financial resources, equipment, and the like. Compared with persons in many other occupations, they have immense privileges. Academic freedom is one of these privileges.

Academic freedom is not a universal or human right, enjoyed in consequence of being a member of the human race. It is not entirely a civil right of participation in the political activities of a liberal democratic society. It is not identical with the freedom of the citizen to act in the political sphere. The American university is an institution of the civil sphere; whether a private or state university, it is an autonomous institution with its own rules and standards of decision with respect to its characteristic activities—namely, academic activities. Academic freedom is a qualified right; it is a privilege enjoyed in consequence of incumbency in a special role, an academic role, and it is enjoyed conditionally on conformity with certain obligations to the academic institution and its rules and standards. It is an immunity from decisions about academic matters taken on other than academic or intellectual grounds, by academic, governmental, ecclesiastical, or political authorities.

Academic freedom has two parts. One, the most important, is the freedom to do academic things without the threat of sanctions for doing them. The sanctions may range from arrest, imprisonment, torture, dismissal, withdrawal of the right to teach, expulsion from learned societies or refusal of admission to learned societies, censure by academic administrators, refusal of due promotion, and imposition of exceptional or onerous tasks, to personal abuse and the disruption of classes.

Academic freedom, in this first sense, is the freedom to do academic things, to express beliefs which have been arrived at by the prolonged and intensive study of nature, human beings, and societies and of the best works of art, literature, etc., created by human beings, and by the reasoned analysis of the results of those prolonged and intensive studies. These beliefs, arrived at by careful study and reflection, must be made as true as they can be. Thus, academic freedom is the freedom to seek and transmit the truth. Academic freedom postulates the possibility of arriving at truthful statements and of discriminating among statements as to their truthfulness in the light of the evidence which is available to assess them.

The criterion of truthfulness is inherent in the activities of teaching and research. This means the freedom to teach according to the teacher's convictions about the matter taught, arrived at by careful study and with due respect to what is thought by qualified colleagues, without any of the sanctions mentioned above or others. It certainly includes the freedom

to disagree with colleagues about matters of substance and to do so in accordance with reasonable evidence and arguments. It means the freedom to teach in ways which the teacher regards as effective as long as respect is shown for the rules of reasonable discourse, for the dignity of the student, and for general rules of propriety. It means the freedom to choose one's problems for research, to use the methods one thinks best, to analyze one's data by the methods and theories one thinks best, and to publish one's results. Academic freedom, in its specific sense, is the freedom to do academic things within the university.

Academic freedom is also the right of the academic to participate in those activities within the university which affect directly the performance of academic things. The right to participate in these activities also carries with it the obligation to do so. The privilege of academic freedom confers the rights and imposes the obligations of academic citizenship. In the first instance, this includes the right and obligation of the academic to participate in the decisions regarding the appointment of teachers and research workers who will work in his or her own department. It also includes the right and obligation to participate in decisions regarding the substance and form of courses of study, examinations, the marking of examinations, and the awarding of degrees. At this point, academic freedom becomes the right and obligation to participate in academic self-government.

In all cases, this freedom is hedged about by academic and intellectual traditions. These traditions, which are difficult to delineate, include not only the substantive intellectual traditions of disciplines and of fields of study and research, but also rules of conduct toward colleagues and students. These traditions must not, however, be so interpreted that they restrict the intellectual freedom of the academic; at the same time, their imprecision is not a license according to which anything goes.

Academic freedom is thus not an unlimited freedom of teachers to do anything they want in their classrooms or in their relations with their students or to work on just anything in their research by whatever methods they wish and to assert whatever they wish in their publications. There has to be, above all, concern to teach the truth, to attain the truth, and to publish the truth.

In matters of academic appointment, the decisive and overriding criterion must be the candidate's mastery of established truths, his achievements in discovering new truths, his respect for truth in teaching. The traditions regarding what is true, what are the best methods, and the rest, are not absolutely and unquestionably precise. They have to be interpreted, but they must be interpreted with respect for truth—and reliability—as the chief value of academic life.

The provision of academic freedom does not provide for the right to

publish the results of one's research in any particular journal, regardless of the assessments of the editor and his referees about the scientific or scholarly merit of those results. Academic freedom does not include the right to obtain financial support for one's research regardless of the assessment of the intellectual merit of the proposed investigation rendered by qualified referees or peers. At the same time, the refusal of publication or of financial support on political, sexual, racial, or religious grounds is an infringement on academic freedom. It introduces other than intellectual criteria—that is, criteria derived from the central academic value of truthfulness—into decisions about academic matters.

The protection of the academic engaged in the performance of academic actions from sanctions imposed on him or her on the basis of political, religious, or sexual criteria is the central function or justification of the guarantee of academic freedom.

There is another set of activities which are to be protected from sanctions by the guarantee of the freedom of academics. This is the right of academics to the performance of legal political actions, to be members of or otherwise associated with legal political parties or societies, to participate in the activities of these bodies as freely as any other citizen of a liberal democratic society. Political activities such as the practice of terrorism, kidnapping, or assassination are not to be protected by the invocation of the principle of academic freedom, any more than they are assured by the right to political freedom of any citizen, academic or non-academic. The polemical justification or praise of terroristic activities in a liberal, democratic constitutional order is a marginal case.

Thus, there are the two sides of academic freedom. The first is obviously the most important for the pursuit of the values of academic life. The second—the civil freedom of academics—is of great importance to academics because it frees them from special burdens which are not imposed on other citizens. In that respect, it might also contribute to academic freedom in the first sense in that, by freeing the academic from a degrading discrimination, it allows him to perform his academic obligations with his mind untroubled by anxiety.

The civil freedom of academics does not extend to the conduct of political propaganda in teaching. It is easy enough to avoid this in the teaching of mathematics and the physical sciences. It is more difficult in the disciplines dealing with human beings and their works. In courses of political science, anthropology, economics, and sociology, the subject matter of which overlaps with the objects of political activity, the avoidance of political propaganda is more difficult; it is certainly not impracticable. The university or college teacher must strive to discipline himself in this matter. This is not because academics may properly be restricted in their political beliefs and in the expression of those beliefs

but because the university is not an institution for the pursuit of partisan political objectives.

There are marginal phenomena which are close to academic freedom to which reference should be made. These include the freedom of individual students or associations of students or of senior members to invite non-academic persons to speak at non-academic assemblies on the premises of the university or college; they include the freedom of those speakers to express their views without obstruction or disruption. They include also the freedom of individual students or associations of students to express their views on political topics outside of classes but on the physical premises of the university.

These rights to freedom of expression of members of universities and colleges are not part of academic freedom. The right to discuss, outside the classroom in meetings open to the public on a university campus and in a rational way, differences between ethnic or sexual groups, or between religious groups, and so forth, is a civil right as much as the right to vote in elections or to stand for political office. Although the discussion takes place on the premises of the university or college, if it is "extracurricular"—if it takes place in a public meeting or in a conversation between two or three individuals—infringement on that right is not an infringement on academic freedom in the specific sense. But it is nevertheless an infringement on the freedom of the citizen, just as is the dismissal of a teacher who, outside the university in his capacity as a citizen, declares his support for one legal political party or another.

Historically, there have been other restraints on the actions of teachers in colleges and universities which, although infringements on their freedom, have not been infringements on academic freedom. The actions which they restrained were those which contravened primarily sexual morality. Adultery, for example, if exposed was often followed by dismissal; homosexuality likewise. Unmarried cohabitation, the same. "Keeping bad company," giving or attending "wild parties" at which alcohol was consumed and women smoked cigarettes might not alone be grounds for dismissal but, coupled with other infringements on conventional rules of conduct, could be grounds for dismissal or at least for the withholding of promotion or rises in salary. Nevertheless, those restraints on the freedom of conduct of academics were not regarded as infringements on academic freedom. The American Association of University Professors did not enter the lists on behalf of their victims. In recent decades the performances of such actions by academics scarcely causes an eyebrow to be raised, to say nothing of not calling forth substantial sanctions. In any case, they have never been seriously regarded as falling under the protection of the right to academic freedom.

III

It is possible, if John Dewey's recollection was correct, that the reason for the inactivity of the committee B—the committee on academic obligations—lay in the assumption of the leaders of the American Association of University Professors that academics were, on the whole, fairly strict in their observance of their obligations in teaching and research and that this was generally understood by university administrators. It was assumed that academics were, by and large, dutiful with regard to the tasks of teaching—it was mainly teaching at that time—and in meeting the obligations of academic citizenship in the sense of the observance of the rules of academic life.

In most colleges and universities a moderate conservatism prevailed. The American Association of University Professors accepted that there might be reasons for dismissal; it did not come to the rescue of professors dismissed for adultery or homosexuality. Its concern was with the freedom of belief in political and religious matters, mainly political; it did not gainsay the right of colleges ruled by churches or sects to demand religious conformity. It was interested in the security of tenure, less because security of tenure was its main concern than because dismissal was the most frequently exercised sanction for the expression of political beliefs. The objectives sought were the academic freedom and the civil freedom of the academic; security of tenure was the chief means of protecting that freedom.

As long as it was concerned with the protection of the civil freedom of academics, the Association did not venture to limit the powers of the administrators of universities to require their teachers to do their academic duty and to conduct themselves in what were believed to be morally respectable ways.

It did not attempt to define the substance of teaching. It understood teaching to require that teachers teach their subjects or disciplines as these were laid out in the best literature of the field and to add to and improve on that literature in their research and teaching. It was recognized that knowledge about some topics was not always certain, and for that reason, such topics were to be presented so that the student would be enabled to distinguish the certain from the uncertain, the more probable from the less probable. Teachers were not to be interfered with or threatened with any penalty by any authorities within or outside the university, as long as they conscientiously taught the subjects which they were appointed to teach. They were, above all, not to be interfered with on political or religious grounds—that is, on grounds of political or religious statements outside the classroom.

The committee on academic freedom and tenure was not unmindful

of the obligation of the teachers, whose academic freedom was to be assured, to teach their subject up to the level to which it had been raised by the work of the best scientists and scholars in their fields, up to the level of their own abilities, conscientiously exercised, and up to the level of the students' capacities and level of attainment. The teachers were to be assured of freedom of conscience or judgment, but they were not, without good reasons growing out of their own study and research, to wander far from the consensus of the respected authorities in their own branches of science and scholarship. Their freedom to diverge from the prevailing consensus in their subjects was to be guaranteed as long as the divergence was based on conscientious study, research and reflection, and their own understanding and appreciation of the traditions of their disciplines.

Academic freedom certainly extended to intellectual originality. It was for the departmental colleagues of their own university and their peers outside their own university, when one of them departed from that consensus, to decide whether the individual in question was being original, or divergent within reasonable limits, or eccentric to the point of mental incapacity, or impermissibly arbitrary, indolent, or otherwise irresponsible. Sanctions for their failure to conform with accepted intellectual standards could not be denounced on the grounds that they infringed on the right of academic freedom. Nor could frequently recurrent and unexcused absences from scheduled classes fall under the prerogatives to be assured by academic freedom.

Academic freedom did not include freedom to substitute a subject or topic for another subject or topic which had nothing to do with the subject or topic a teacher had been appointed or assigned or had agreed to teach. If a teacher were not reappointed—tantamount to dismissal—or not promoted on grounds of intellectual eccentricity, mental incapacity, or intellectual irresponsibility, that was not to be regarded as an infringement on academic freedom.

In other words, the protection afforded by academic freedom did not extend to the point of protecting the teachers in their derelictions from their obligation to seek and respect the truth in their teaching and research, according to their best lights and capacities. Similarly, if teachers fabricated, falsified, or plagiarized the results of their research, they could not claim the protection of academic freedom. Nor could they claim the protection of academic freedom for statements for which they had no evidence or which were flagrantly and arbitrarily contrary to the prevailing interpretation of the available evidence.

There are sometimes genuine difficulties in the way of deciding whether the departure of a teacher from the consensus of the best workers in the field or discipline is an original discovery or an arbitrary

and baseless assertion. Furthermore, if the originality of thought is presented in teaching, then it is not easy for colleagues or superiors to discover what has in fact been said in the classroom. Of course, the difficulty of discovering what really goes on in the classroom has certainly afforded freedom, de facto, to academic malpractices which were, in principle, certainly not entitled to that freedom.

There was, I think, general consensus between university administrators and trustees, most academics and the American Association of University Professors that teachers were not entitled to claim the protection of academic freedom for the attempt to persuade students in classrooms to accept the teacher's own points of view on political or parochial religious topics which were not germane to the subject matter of the courses being taught.

IV

The American Association of University Professors sought the immunity of the individual academic from actions which would drive him from the path of the discovery and disclosure of truth or, in a more humble formulation, truths about things about which truth can be discovered. The American Association of University Professors seems to have thought that if individual academics could be protected, then all would be well. But a university as a collective undertaking to find and transmit the truth must not only be concerned to protect in their pursuit of the truth those persons who are already in it; it must be no less concerned to bring into itself persons who are zealous to discover the truth. If it does not do so, academic freedom will lose its justification.

For this reason, the process of selecting teachers who are going to be serious scientists and scholars is a precondition for the continued existence of the university as a corporation in pursuit of the truth. Life within the university—if it is a good university and is more than a technical or professional training college—strengthens the desire of the individual for the truth. But that strengthening can occur only in those who already possess the disciplined propensity and who have given evidence of it. The process of appointment must discover such persons; they are the persons who merit appointment to the university as teachers, scientists, and scholars.

Many American universities have not been as attentive to the process of appointment as they should have been, and the quality of the universities has suffered accordingly. In excuse for this slipshoddiness it can be said that there was a need for more teachers than there were well-qualified persons. This is probably true, but it was not an excuse for disregarding the criteria of achievement and promise of achievement. It

may also be said that the capacity of assessors on appointment for accurate and reliable assessment is not as good as it ought to be and that mistaken assessments are inevitable. This is true, but it, too, is no excuse for acting contrarily or for being indifferent to the proper criteria of academic appointment.

It must be said, furthermore, that university and college teachers, where they are the assessors, and administrators—deans, provosts, and presidents, when they must assess the assessment—are often not as scrupulous as they ought to be. Nevertheless, all these things being said, the fact remains that in the leading American universities in the first two-thirds of the present century, considerable progress was made against the adduction of criteria of religious, political, and ethnic congeniality and of original social status in academic appointments, and parallel progress was made in the strict application of academically relevant criteria.

Appointments are not matters to which the category of academic freedom in the specific sense applies directly. But they are intimately connected with academic freedom because they are determinants of the concern for the attainment of the truths at which academic activity must aim and which academic freedom must protect. If persons who do not care deeply for truth are appointed, the university enlarges the part played by persons who care little for the objectives which merit the protections provided by academic freedom.

V

The situation of academic freedom in the United States is now very different from what it was three-quarters of a century ago, even half a century ago. Boards of trustees have become more refined; they are not as puritanical and self-righteous as they used to be and they are not as arrogant; they no longer regard their trusteeship as a police function or as a moral custodianship of the institution which they must protect from political radicalism or sexual impropriety. Presidents no longer act like headmasters of private secondary schools before the First World War. They do not watch their academic staff so closely and distrustfully, and, if they do, they are very reluctant to do anything which would cause the academics to complain against them. They have largely transferred their responsibilities for the internal affairs of universities to provosts and academic vice presidents, and these, too, are very reluctant to do anything to arouse the disapproval of their academics.

Churchmen, especially when they sat on the boards of trustees or when their sects, denominations, or churches had a statutory and financial relationship with the particular college or university, were

often instigators of infringements on academic freedom. Now, except for the colleges ruled by fundamentalist religious sects, they no longer tamper with the freedom of their teachers. They are too skeptical, too liberal, and too fearful of being called illiberal to exert themselves as they once did to keep university teachers on the strait and narrow path of orthodox political and religious belief and puritanical sexual conduct.

The small-town press as well as the popular metropolitan press used to be among the institutions, external to the college or university, which from time to time raised a stir about the radicalism of a teacher in the local college or university. Now, to the extent that these small-town newspapers still exist, they practically never express the view that a teacher who criticizes any of the existing institutions of society should be removed from his post. Small-town editors are nowadays not very different from the writers of editorials and columnists and other journalists of the metropolitan press, which is far more sympathetic with collectivistic liberalism and antinomianism than it used to be.

More important is the fact that there has been a rather fundamental change in opinion in the United States, so that what was once a ground for disapproval is not even noticed anymore. In the days when American academics were moved to found the American Association of University Professors, to denounce the state government or the government of the United States, to accuse it of being a "tool of the interests," and above all, to assert such criticisms in time of war, to proclaim oneself as, in one way or another, a socialist, and—from 1917 until about a decade after the end of the Second World War—to praise or justify or apologize for or exculpate the Soviet Union could land a college or university teacher in trouble. The trouble might culminate, from time to time, in abrupt and unseemly dismissal, sometimes in a more patient biding of time so that a teacher could discredit himself by a scandal in his private life and therefore be dismissed with good conscience, or he could be encouraged to leave by denial of promotion.

University administrators are nowadays very reluctant to dismiss, suspend, or take any other action against teachers whose conduct falls short of the traditional expectations of morality or respectability. Dereliction of duty in teaching, always difficult to prove, is likewise viewed with a blind eye. More important for the matter under discussion here is the abstention of administrators from any sanctions against academics for radical political views or for political agitation in their classrooms. Administrators are, it is true, concerned to prevent "hate language"—usually by students—but this has little to do with the traditional occasions for the application of sanctions against academics. Where administrators do attempt to impose restrictions on verbal or graphic expression, it is usually on behalf of aggrieved and demanding groups of

homosexuals, feminists, blacks, and Hispanics in the student body. The sanctions are not of the conventional sort; the imposition of attendance at a course of "sensitivity training" is a common sanction, sometimes imposed on teachers. Sometimes the provision of another course in the same subject is ordained by administrators who receive complaints from students that a particular teacher is insufficiently compliant with their demands or holds views of strictly academic subjects expressed in conventional academic journals that are contrary to the plaintive students' views on racial or sexual matters.

The point of these observations is that administrators are nowadays very fearful of taking actions of a sort which were, until about a quarter of a century ago, regarded as infringements on academic freedom proper or on the civil freedom of academics. Indeed, they lean over backward to avoid such infringements. Having broken down first in the face of the policies of affirmative action of the federal government, they have now often become pawns in the hands of "minorities" in their student bodies. It goes without saying that many teachers now enjoy a high degree of freedom to infringe on the obligations of academic life, such as conscientious teaching, respect for evidence, etc.

Even on issues which are intellectual or academic in the narrow sense—having to do with substance of teaching and research—university administrators have tended to avoid drastic action which would appear to be an intrusion into the academic side of the university. This has been evident in the way in which universities have responded to the discoveries of dishonesty in research. The falsification of evidence is surely one of the most dastardly actions in which an academic can engage. It is admittedly difficult to determine with complete finality that falsification has been committed, but even when the evidence has appeared to be conclusive, university administrators have been inhibited in their response. Is this because they have been persuaded over the course of many decades to abstain from intrusion into any academic matters? If that is so, then the inhibition is a gain for academic freedom, but it might still be a damage to the university. Perhaps it shows a deficiency in academic freedom, which is supposed to protect the search for truth but which, in these cases, protects the promotion of untruths.

The passivity of senior university administrators in the face of actions which would have called forth from their predecessors severe sanctions has moved hand in hand with the greatly increased frequency of the performance on the part of academics of actions which their predecessors would, out of fear of such sanctions, have abstained from or concealed. In other words, on the one side, there are more actions which were once proceeded against by administrators, and on the other, there

is more indifference or timidity among administrators when confronting such actions.

VI

About 1960 the American Association of University Professors changed the order of its agenda by placing security of appointment and other matters related to the terms of appointment (salaries, requirements of the amount of teaching, and promotions) on the first part in its agenda. This was an indication that the threats to the civil freedom of academics and to the freedom of academics in sexual and political matters had diminished—almost to the vanishing point. The civil freedom of academics was never deleted, but it took second place in the concerns of the Association, which in fact became a trade union claiming the legal right of collective bargaining on behalf of its academic members.

This was an acknowledgment—unacknowledged in any explicit statement—that the civil freedom of academics, and of course the more specific substantive academic freedom, was now so well established that the academic profession and the officers of the American Association of University Professors could cease to be anxious about its protection.

The decision of the American Association of University Professors to become a trade union might also have been a response to the fact that many American college and university teachers had come to regard their academic appointments as "jobs" for which they were "hired" and from which they could be "fired," rather than as a calling or profession with its own proper moral and intellectual dignities and obligations. There certainly has been such a development. But most important in this shift in the view of the Association has been the fact that by the 1960s and 1970s, academic freedom and, above all, the civil freedom of academics had ceased to be the pressing issues that they had been in the first half of the century. Academics are certainly concerned about "tenure" or "job security," but they do not fear the abridgment of their academic freedom in any of the traditional senses conveyed by that term. In fact, they now take its existence very much for granted.

Another indication of how much the situation has changed in American universities in recent years has been the acceptance of the notion that a person who regards his or her task as a university teacher to make propaganda for socialism or for revolution among the students is not being unfaithful to his academic obligations and is therefore entitled to the protection of academic freedom. Nowadays, some teachers even think that the necessity and desirability of the destruction of the existing society and its cultural traditions should be incorporated into the syllabuses which they prepare for their students. They think that, as

university teachers, they have a unique opportunity as well as a moral obligation to further the cause of revolution. Naturally they think that such activities should be carried on with all the guarantees afforded by the rule of a full academic freedom.

This conception of the obligation of a university teacher is a far cry from the original intention of the American Association of University Professors to protect academics from dismissal or from other penalties for the expression, outside the university, of political or religious views of an even moderately unconventional sort. The American Association of University Professors never contended that teachers should be assured of a right to conduct political propaganda before their students in class.

After the flurry of Senator McCarthy's hearings, academics, at first intimidated and humiliated, discovered during the agitation about the war in Vietnam that their academic freedom was as extensive as they wished to have it. They gained courage from the example of the students who affronted, mostly with impunity, the authorities of their universities and the government. But even without the agitation about Vietnam, a change had been taking place over a long period in the attitudes of university and college administrators. The antinomian inclination of the change was accentuated by the silent fear of injury arising from Senator McCarthy's menacing investigations. Intended to curb the radicalism and pro-Communist sympathies of many academics, McCarthy's activities, in the end, aggravated them. They came out all the more strongly once it became safe to abuse their own government and their own universities.

VII

The movement of university presidents away from the domineering, imperious attitudes which they had previously expressed toward their academic staffs has been a part of the weakened position of institutional authority in Western countries over the past half century and particularly in the United States. This has gone hand in hand with a quite separate tendency toward the elevation of the status of the academic profession in the United States and the elevation in its self-esteem. This has been neither a unilinear trend nor a homogeneous one. It reached its peak several decades ago and has either stood still or declined since then.

Ever since the formation of the three new universities—Johns Hopkins, Clark, and Chicago—in the last quarter of the nineteenth century on the model of German universities, a new type of university teacher appeared in the United States. Energetic in the determination to discover new truths by research, the professors of this type insisted on facilities for research and for independence from authorities outside the

universities. They would not accept a status of inferiority to a person who was not himself a scholar or scientist. They were on the whole not opposed to businessmen, but they would not be bullied by them either.

This change in the regard in which academics held themselves was probably relatively rare at the turn of the century. It was not found in many universities. It occurred first in those that sought to appoint persons of outstanding intellectual achievement or promise of achievement. They were in many instances persons who had studied abroad, particularly in German universities. The proud German professor was their model. Service on the sufferance of the president was not compatible with that ideal.

The change in attitude toward their own status was not a movement initiated or borne by radical university teachers. In fact, there were very few radical teachers at that time. The increased unwillingness to be subordinated by administrators was related to pride in being a scientist, especially, but also in being a scholar. Academics were aware that they were members of an international community of learning. They felt akin to the great Germans whom they regarded as among the greatest figures of living generations, and as such they would no longer be treated as "hired hands." The movement went very slowly until even as late as the 1930s. Most academics, however, quietly accepted their subordinate status.

University presidents gradually understood the message communicated by the spoken attitudes and unspoken bearing of their professors. Gradually the real constitution of the universities began to change. The statutes and bylaws probably did not change in written form until the second half of the present century, but in fact the "real constitution" began to change in the leading universities by the 1920s. The greatest change occurred when new appointments to departments began gradually to be made by the professors in the departments and were no longer made by presidents and deans. There has never been a legally self-governing university in the United States in the sense of the self-government of Oxford or Cambridge colleges, in which the governing body consisted of the master and the fellows. Nevertheless, although very unevenly, the leading American universities moved toward department- and university-wide self-government in academic appointments and in other academic matters.

With this, they also moved, in the leading universities, into a period of greatly increased academic freedom. University teachers gained civil academic freedom. They gained it at a time when, given their growing interest in politics and the prevalence of the earlier pattern of the concentration of authority in the university, they would have been on a collision course. The course, even when the administrators showed

willingness to withdraw, still was by no means one of perfectly safe navigation. It has not been an unswervingly unilinear movement.

American academics became more interested in politics around the beginning of the fourth decade of the present century. There had been little interest in politics before that. There had been a few radicals, but they were relatively isolated in their universities. In the 1930s, such radical attitudes became more common among academics, but they were still relatively scant in number. Many were swept into the wake of the New Deal, yet even they were a minority of the academic profession, concentrated among younger teachers and primarily in the humanities, social sciences, and theoretical subjects. There began to develop a hostile attitude toward the traditional economic, political, and cultural orders in the United States.

With that hostility, the situation of academic freedom also changed. A new category was added to the justification for infringement on the civil freedom of academics. Whereas before the First World War, radical "political" academics were charged with being inimical to private capitalism, to puritanical individualism and its sexual morality, and with being sympathetic to socialism, they were now, additionally, or instead, charged with loyalty to the Soviet Union and to the communistic social system which was even more abhorrent than its socialist variant.

The character of the infringers also changed. Coalitions of trustees of the colleges or universities, local businessmen, and newspaper editors had once been the chief agents of infringement. The presidents of the colleges or universities had been their agents. Sometimes they were not their agents but acted independently, perhaps in anticipation of the prospective reactions of the external persecutors, perhaps in accordance with the dictates of their own rectitude.

Before the Great Depression, federal politicians paid practically no attention to universities. State politicians had hitherto taken little notice of universities, except to vote generous appropriations for them. Sometimes a legislator might be aroused to action against a state university by an angry constituent, but, by and large, universities were esteemed by state legislators and they forbore to intrude. There were other reasons, too, for the good relations between state legislators and their state universities. The state universities stood high in popular esteem, and, by their training and services, they served the governments and the people of their respective states well.

Populistic political radicalism was relatively acceptable in certain states—although not always or uniformly so. Xenophilic radicalism, bohemian radicalism, radicalism which extolled the working classes over farmers and businessmen did not go down so well. The decades between the two great wars saw an increase, at first very slight, in

xenophilic—particularly Russophilic—radicalism in the universities. So slight was it that at the beginning of the 1920s, the xenophobic Lutz Committee of the New York state legislature—passionately hostile to radicalism—left the universities practically unnoticed in its quest for subversive intentions and actions. Ten years later, when the marked increase in political interest began in the universities, anti-radical investigative committees of state legislatures proliferated, and they gave considerable attention to the universities. The epidemic lasted for about twenty years; then it lost its force.

The decade before the Second World War and the first post-war decade were years of menace to the civil freedom of academics. The number of academics brought before these investigative committees was fairly small. There were some dismissals and much anxiety among some of the academics who had been fellow travelers or members of the Communist party in the 1930s. There is no evidence that academic freedom in the more exact sense—freedom in teaching and research—was affected by the harassment conducted by the investigative committees. Nevertheless, their consequences were very significant.

At first, they had a very intimidating effect. Even at a university where academic freedom was as assured as it was at the University of Chicago, and where there was so little sympathy with communism, some of the teachers thought that they should step carefully lest they be attacked. It was a period when academics were rather prudent and tried to avoid doing anything which might arouse the curiosity of Senator McCarthy. This was a period when the word "fascist" as a description of a major feature of American society came readily to the minds of academics. The inquisitorial senators and congressmen and state legislators and their unwholesome informants and junior persecutors were regarded as forerunners of a fascist regime in the United States. The congressional hearings confirmed apprehensive academics in their collectivistic liberalism and in their admiration for the Soviet Union, where they thought honest men were not persecuted. The intimidation was accompanied by severe alienation from American political, economic, and social institutions. The intimidation lasted only until the latter part of the 1950s. The alienation still persists and expands. A polymorphous alienation has taken hold in departments of the modern humanities and in the "soft" social sciences. Antinomianism runs through them all.

VIII

In the face of the far-flung expansion of the new forms of radicalism and, above all, of emancipationism, college and university presidents, provosts, and deans have been very complaisant. Many of them approve

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of the new trends of antinomianism, either because they think that emancipation from all traditional norms is right or because they are fearful of the angry criticism of the minority of their teachers and students who are enthusiasts for emancipation. They combine autocracy with supineness.

The situation is of a mixed complexion at present. There are still colleges and universities where the president acts as college and university presidents acted a century ago, although their number has been decreasing. They and their deans and vice presidents frequently do as they wish; they appoint, promote, refuse to promote, and dismiss as they wish. But most of them, including many who are tyrants in other respects, also accommodate themselves to the emancipationists. Hence, in such universities and colleges the imperious actions of the administrators are not directed against radicals and bohemians and others who were previously the object of the restriction of the civil freedom of academics. As far as academic freedom proper—the freedom of the academic in academic matters—has been concerned, the administrators have seldom interfered except in denominational colleges where the biblical accounts of cosmogony and geology and the history of ancient Judaism were contradicted by the achievements of geochronology, geophysics, paleontology, the "higher criticism," and evolutionary biology.

IX

The concern about academic freedom on the part of the teaching staffs of the American colleges and universities well into the 1950s was not by any means shared by most of their colleagues. The fact is that even in the time of its greatest prosperity, the American Association of University Professors never attracted to its membership more than a minority—often only a very small minority—of the teachers in any college or university. Most academics have not and do not give much thought to academic freedom. For many of them, it has not been an issue at all. They did not dream of doing any of the things which might have been the object of sanctions and for which the protection of academic freedom would have been adduced. They have usually been indifferent when sanctions were visited on a colleague in some remote department for having expressed himself outside the university on some political or social issue.

Some teachers, especially in schools of medicine, business, engineering, and agriculture, think that the persons whose academic freedom is being infringed upon are in fact being given their just desserts. Many are simply indifferent. Only a minority has become exercised about infringe-

ments on academic freedom. They have become extremely indignant that some of their colleagues have been deprived of academic freedom or have been threatened with such deprivation; they have usually insisted that those colleagues were blameless. But of those who thought that way, many were usually too intimidated to complain in public. They were simply cowardly.

It has sometimes been thought that university teachers are bound to be fervent in their devotion to academic freedom. It has been thought that even those who are not impassioned for it in principle would not look with favor on the restriction of the academic freedom of their colleagues. In fact, however, the situation has been quite otherwise.

There are many academics who disapprove of those who rock the boat, who cause commotion, who instigate external criticism of the university, who attract the disfavor of prominent persons outside the university. They are often unsympathetic with colleagues who become the objects of restrictions on their academic freedom. There are many reasons for this: they might not like their political views; they might dislike them personally; they might not like to have the reputation of their college or university darkened by criticism of government, and so on.

I mention in passing what happened at Columbia University about two decades ago. The department of the history of art would not turn over to the agents of the United States Department of Labor charged with the enforcement of the policy of affirmative action the records of its deliberations and other documents bearing on the appointment of teachers in the department. Thereupon the federal government, at the behest of the Department of Labor, ceased or threatened to cease all payments on grants or contracts with the university or grants to it. Naturally, this was bound to affect severely the medical school and the departments of physical and biological sciences. There was much resentment in the latter sections of Columbia University against the department of the history of art for insisting on the autonomy of the university; they wanted to get on with their research and they did not want to be hampered by the obstinacy of the department of the history of art in refusing to yield to the federal government. When, about two decades before that, a small group of brave academics, led by Edward Tolman of the University of California at Berkeley, refused to subscribe to a loyalty oath to be imposed on university teachers by the state government because they regarded it as an infringement on academic freedom, they were bitterly castigated by many of their colleagues for "creating a fuss" and for endangering the position of the University of California before public and political opinion in California.

The situation is a paradoxical one. The academic profession, taken as

a whole—all fields, departments, and disciplines included—is not especially concerned with academic freedom. A small number of persons of high principle, such as John Dewey, Arthur Lovejoy, and Glenn Morrow, and others, were very concerned with it. Those whose academic or civil freedom was threatened, or who were in danger of sanctions for having acted in ways in which they were reproved, or who had already suffered such sanctions, invoked academic freedom as a means of protecting themselves. How much they cared for academic freedom in principle is unclear. Academic Communist party members or admirers of the Soviet Union never concerned themselves about the academic or civil freedom of university teachers in the Soviet Union. Yet many of them were the first to invoke the protection of academic freedom when they were being harassed or when sanctions were in prospect against them and their kind.

The freedom of academics to do the things for which sanctions were in the past inflicted on them has, in the past several decades, never been in a more impregnable position. Academics in the United States enjoy unprecedented freedom to say and do things which fifty and seventy-five years ago were the objects of severe sanctions by academic administrators, supported or pressed by businessmen, politicians, clergymen, and others. In that sense, the founders of the American Association of University Professors have been nearly completely successful. Seldom has an ideal been so nearly attained as that of academic freedom. The particular freedoms which they sought are now, at least for the time being, secure.

Nevertheless, in some respects, academic freedom is more infringed on now than it has been for several decades. These latter infringements are not unilaterally imposed by university administrators or instigated by the old external custodians—often self-appointed—of the university. They are imposed by incumbent academics, encouraged by the policies of the federal government, which is a relative newcomer on the academic scene. Infringements on academic freedom are nowadays, to a greater extent, infringements imposed from within the university and even from within the teaching staff. But these internal enemies of academic freedom do it with confidence in their external support.

X

The executive branch of the federal government of the United States had never, until the 1960s, sought to enter into the heart of the university. It is true that, since the Second World War, it had become the chief patron of scientific research in universities. This patronage gave it great power over the choice of research projects and over decisions as to

which fields of research are to be cultivated. On the whole, it has exercised these powers with as much tact and consideration for academic interests as its financial power and its interest in the practical application of scientific discovery have permitted. At various times, it has gone a little astray, but on the whole these deviations have been rare. As far as the conduct of research, once undertaken, it has let investigators be very free to follow their own lights.

This regard for the primacy of intellectual interests in academic institutions has, however, not been a uniform policy of the federal government. In its desire to guarantee that discrimination against blacks be brought to a halt, it has adhered to a policy of what has been called "affirmative action." In the execution of this policy, the executive branch of the federal government has for two decades intruded into the process of academic appointment through its insistence that the universities follow the stipulations of the Equal Employment Opportunity Commission in the appointment of "minorities," meaning blacks, women, Hispanic-Americans, etc. In a variety of ways, a steady pressure has been exercised on universities to appoint individuals of the categories previously discriminated against. The threat of withholding grants and contracts for research and for scholarships on which the universities have become dependent has compelled the universities to accept the policy of affirmative action as their own. The incumbency of Republican, reputedly conservative, presidents has not diminished or attenuated the pressure for affirmative action in academic appointments.

As evidence of good faith, universities have appointed affirmative action officers to see to it that the policy of affirmative action is followed. These administrators have frequently been a goad to those who appointed them to use their authority to press for more appointments of "minority teachers." A consensus among senior administrators, with or without the representations of the affirmative action officer, puts the burden on departments to carry out this policy. Within each department in the modern humanistic and in the "softer" social sciences (that is, the social sciences other than economics), it is commonly understood that the higher administrators will look favorably on recommendations for appointments of candidates from "minorities."

Now there would be no reasonable objection if this policy were intended to suppress discrimination against "minority" candidates. The fulfillment of the policy goes much further. Departments and whole divisions of distinguished universities make commitments that a determinate proportion of all their appointments will be made from among candidates of the groups hitherto discriminated against.

This policy is inimical to the ideal which is to be served by academic freedom. To put it simply, the decision to give precedence to appoint-

ments of persons from "minorities," hitherto discriminated against, very frequently entails disregard for the criteria of intellectual achievement and promise of intellectual achievement. This means that the criteria of the candidates' determination and capacity to pursue and transmit truths about the matters taught, investigated, and studied in universities are given a secondary position in the making of appointive decisions.

Such decisions have a self-accentuating tendency. Once one such appointment is made, it is a precedent for other such appointments. Such appointments become the normal thing. They also generate within a department a group of proponents of more such appointments.

The governmental policies of affirmative action and "positive discrimination" have an expansive tendency. They are accepted as self-evidently right by university administrators and teachers. Recently, the Middle Atlantic States Association, one of the accrediting associations which has been assigned the task of testifying to the educational genuineness of institutions seeking financial aid from the federal government, has sought to compel colleges and universities which wish to be accredited to comply with its demand for "diversity." "Diversity" is a euphemism for the appointment of more African-Americans, women, and Hispanic-Americans, for offering more courses in black studies, women's studies, gay/lesbian studies, and for reducing the preponderance in the syllabuses of the cultural achievements of older, white, male persons of heterosexual orientation. The investigative teams of the accrediting association which have wished to impose this standard of "diversity" on colleges and universities are also academics and academic administrators. Their conduct is evidence of how compliant university and college administrators are to the governmentally required, or encouraged, suspension of academic criteria. The United States Department of Education, in a reversal of federal governmental policy, refused to renew the accreditation of the accrediting body. This was a momentary check on the drive toward enforced "diversity." The demand for "diversity," at the expense of academic freedom traditionally understood, continues nonetheless.

There is something else to be said about the policies of affirmative action and "positive discrimination." These policies have been put forward and adopted at a time when the traditions of ethnic discrimination were already being discarded. These policies have greatly accelerated the movement. This improvement of civility in the United States has, however, coincided with and also contributed to a more general turning against American society and Western civilization among academics in the humanistic subjects and in certain of the social sciences. This does not mean that all the beneficiaries of the policy of "positive discrimination" have become exponents of this hostile attitude toward

the traditions of American society and of Western civilization in general.

The confluence of the valiant and long-overdue, if misguided, effort to eliminate discrimination against blacks and women with the emancipationist attitudes which were latent in collectivistic liberalism, and with an uprooted and disillusioned Marxism, has touched the foundations of academic freedom. It has touched the most crucial point in the justification of academic freedom. Academic freedom is only justified if it serves the causes of the discovery and transmission of truth by scientific and scholarly procedures.

XI

An aggressive and intimidating body of antinomian academic opinion has gained in strength. It has objectives very different from those which the American Association of University Professors once sought to protect.

In its view the equality of "genders," the equality of "races," the equality of "cultures," the normality of homosexuality are the only real values, while the criteria of truthfulness are illusory, deceptive, and fundamentally intended to exploit women, people of color, homosexuals, and the poor. The value of academic freedom is denied; it counts for nothing alongside these other values, since the truth which it would protect is declared to be an illusion.

The theory of academic freedom rests on the view that the truth can be achieved and that it can never be attained by coercion or by fear that the political, economic, or religious powers will inflict sanctions for any view which is contrary to their own. If there are no criteria of validity or truthfulness, because no statement can ever be truer than any other statements, then it is useless to attempt to assess the validity of the achievements of scholars and scientists. It is useless to attempt to assess the scientific or scholarly achievements of candidates for appointment or to decide which students have done well or poorly in their dissertations and examinations. What is there for academic freedom to protect except security of tenure and the prerogative of frivolity. That is not what the founders of the American Association of University Professors had in mind when they took in hand the strengthening of academic freedom in American colleges and universities.