

Knowledge, Power, and Academic Freedom
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Introduction

On the future of academic freedom

These essays are variations on the theme of academic freedom. They return again and again to the founding documents of the principle, written in the heyday of the Progressive Era, the end of the nineteenth and the beginning of the twentieth centuries. Some of them cover similar ground from different perspectives because they were written for different occasions. They explore the tensions, paradoxes, and contradictions of the principle, as well as its practical applications. And they are based on my reading of the many scholarly musings on its meaning, as well as on my experience as a member of the Committee on Academic Freedom and Tenure of the American Association of University Professors (1993-2006 and 2013-2018). The essays are also avowedly political, invoking academic freedom in response to attacks on it and on the enterprise of higher education in the United States more generally. Some of the ideas in them were contained in the Wellek Library Lectures, that I gave at the University of California, Irvine in 2008. I postponed publishing those lectures because I thought I needed time to think hard (and long) about the topic; as a result, this book arrives much later than anticipated. But I think history has been on my side--developments since 2008 have sharpened the stakes and raised issues I could not have addressed as fully at that time.

Academic Freedom Under Fire

In my life-time, academic freedom has been repeatedly under threat. In the 1950's, in the McCarthy era, hundreds of teachers were interrogated about their political beliefs and summarily fired, whether or not those beliefs had anything to do with the subject-matter they taught.¹ In the 1990's, "political correctness" was the term used by conservative critics of the university to attack the results of affirmative action and the subsequent increased diversity of students, faculty, and

the curriculum. The first essay I wrote on the subject of academic freedom (chapter one in this volume) was for a series of lectures sponsored by the AAUP and subsequently published in 1996 in a book edited by Louis Menand. His introduction sought to reply to those who had denounced “multiculturalism” and “post-modernism” as philosophies that were antithetical to the truth-seeking project of the academy. He argued, as many of us did in our essays, that the presence of once excluded groups in the university (women, African-Americans, gays and lesbians) required new forms of knowledge production; indeed we pointed out that the supposed objectivity of an earlier curriculum was often a mask for entrenched patterns of discrimination. Challenges to disciplinary orthodoxies need not be violations of academic freedom, we insisted, but—when pursued with rigor and scholarly seriousness—were precisely exercises of that freedom.² The success of the new programs, and their widespread adoption, is testimony to the ways in which academic freedom can at once preserve the integrity of scholarship and enable dramatic expansion of what counts as legitimate knowledge. (Chapters one and two take up these issues.)

The question of academic freedom has come to the fore again in the early decades of the twenty-first century as right-wing groups have intensified their assaults on the university as a place of critical inquiry. Climate-change deniers go after climate scientists; anti-abortion activists attack those engaged in stem-cell research; lobbyists for the state of Israel demand the dismissal of scholars in Middle Eastern Studies programs; and all manner of groups charge that interdisciplinary programs in women’s, gender, sexuality, race, and ethnic studies are modes of indoctrination, not education. These attacks have been underwritten by a well-oiled propaganda machine, funded by right-wing individuals, foundations, and institutes (Heritage, Koch, Bradley, Amway, Goldwater) determined to discredit the critical thinking and intense debate long associated with a university education and to replace it with an exclusive emphasis on civility, conservative pedagogy, and vocational training. (See chapters three and six.) The election of Donald Trump invigorated these groups and, with his anti-elitist, anti-intellectual, and white supremacist bias, gave political backing to them in the form of administrative orders

and cabinet appointments. (For educators, the dismaying example is Trump's Secretary of Education, Betsy DeVos, whose family supports the Amway Foundation, a leading funder of attacks on public education at all levels, including the higher education "establishment.")

These groups are especially eager, as was Lynne Cheney when she headed the National Endowment for the Humanities (1986-1993), to protect a vision of national history that underplays, if it does not entirely ignore, slavery, racism, working class and feminist protest, imperial outreach, economic inequality, and campaigns for social justice.³ To further the attack on the academy, rightist foundations have funded on-line media sites such as the Professor Watch List, that purports to identify dangerous left-wing professors and hopes to call their credentials into question and so to rid campuses of them. They have reduced critical scholarship to partisan politics, which is a different matter from what might be called the politics of academic knowledge—that is debates about what counts as knowledge and how we determine it, including the way in which ethical commitments influence the things we study. Turning-Point USA, which defines itself as "a youth organization that promotes the principles of fiscal responsibility, free markets, and limited government," has been given millions of dollars for its campus campaigns to elect conservative student governments and also to secretly tape lectures and classroom discussions in the interest of "outing" the so-called leftists who control what its founder Charlie Kirk refers to as "islands of totalitarianism"—that is existing college campuses.⁴ A concerted campaign during 2017-18, to bring a succession of controversial speakers (few of them serious academics, most of them right-wing cable news commentators) to campuses, by many of these deep-pocketed foundations has—astonishingly—sought to present white conservatives as victims of leftist intolerance. They have tested the limits of free speech on campus as far as possible and sought (sometimes successfully) to provoke the forms of resistance to their hate speech (calls for speaker bans, heckling, silencing of speakers, unruly demonstrations) that will provide evidence of their victimhood and so lead to programs of "affirmative action" for conservatives! In the process, free speech and

academic freedom have been invoked repeatedly, as if they were the same thing—they are not. (See chapter six.)

What is academic freedom?

Academic freedom is an ideal, an aspiration. The South African literary scholar, John Higgins, refers to its definition as a “startling paradox,” because “reference to it is usually motivated by its absence.” “Academic freedom,” he writes, “rarely if ever names, refers to or describes an existing state of things; rather it is always a normative ideal, called up precisely at moments when it is lacking or appears to be under threat.”⁵ Yet the ideal of academic freedom is crucial to our conception of the university. Menand calls it “the legitimating concept of the entire enterprise.”⁶ That said, he finds it “inherently problematic,” because it is traversed by contradiction: free inquiry is essential to its definition, but it is inquiry patrolled and legitimated by disciplinary authority—a disciplinary authority that, in turn, warrants autonomy, the freedom of scholars from external pressure. The university provides knowledge essential to the operations of democracy, but knowledge production is not a democratic process because it rests on the expertise of researchers and teachers. (Chapter two)

The university is not a market-place of ideas in the sense that any opinion is worth hearing; it is, rather, a place in which “one voluntarily subjects one’s own speech to the rules of some sort of ‘truth procedure.’”⁷ There is a difference, writes the legal scholar Adam Sitze, between “the pursuit of truth, on the one hand, and the unfettered exchange of opinions, on the other.” “On these terms...,” he adds, “free inquiry in academia is predicated on voluntarily assumed forms of unfreedom that are unique to the academy.”⁸

Academic freedom, then, is not about unfettered freedom of speech. It is at once a negative concept that calls for truth-seeking by credentialed scholars free of interference from external powers (states, administrators, trustees, philanthropists, business interests, lobbyists, politicians, political activists). It is also a positive concept, insisting, in the words of the regents of the University of Wisconsin in 1894, that “Whatever may be the limitations which trammel inquiry elsewhere, we believe

that the great state *University of Wisconsin* should ever encourage that continual and fearless *sifting and winnowing* by which alone the truth can be found.”⁹

Over the years since its articulation more than a century ago, the ideal has been debated and variously interpreted. Still, its general components can be named: autonomy of the university from state intervention; freedom of individual faculty to pursue research and to teach in their areas of expertise, as well as the teacher’s right—that of any citizen—to express political views outside the classroom; an accused faculty member’s right to due process and to the judgment of his or her peers. These protections are granted academics as a self-regulating collectivity in recognition of their vital and unique contribution to “the common good,” the prosperity, happiness, and general welfare of the nation as a whole. The legal scholars Matthew Finkin and Robert Post put it this way: “Academic freedom rests on a covenant struck between the university as an institution and the general public, not on a contract between particular scholars and the general public.”¹⁰ Distinguishing between individual rights and academic responsibility, they add: “If the First Amendment protects the interests of individual persons to speak as they wish, academic freedom protects the interests of society in having a professoriat that can accomplish its mission.”¹¹

The covenant Finkin and Post refer to dates to the Progressive Era, the moment of the establishment of major private and public research universities, their separation from sectarian religious influences, the professionalization of the professoriat, and the emergence of disciplinary societies. It rests on two assumptions. First, that higher education provides the nation with a *public good*, a set of benefits that advances not only the well-being of students, but the nation as a whole. Critical advances in science, technology, social science, the arts and humanities cannot be assessed in purely economic terms; they enrich the quality of the lives of the nation’s people, even those who do not go to school. These benefits come from the production of knowledge, a process whose course cannot be predicted, whose effects are both long and short term. And—this is the second assumption—the process of the production of knowledge can only happen when the faculty is allowed to function as a self-regulating body.

The connection between higher education and the public, or common good, was articulated in the United States first in 1915 and elaborated in the 1940 “Statement on Principles on Academic Freedom and Tenure,” a joint declaration of the AAUP and the Association of American Colleges.

Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition....Academic freedom can serve the public good only if universities as institutions are free from outside pressures in the realm of their academic mission and individual faculty members are free to pursue their research and teaching subject only to the academic judgment of their peers.¹²

This belief in the importance of higher education for promoting the common good is, in a sense, the infrastructure that has sustained the principle of academic freedom, its enduring utility (despite its many contradictions) over the years. Can the principle survive without that infrastructure? Has it lost its purchase in a new twenty-first century context?

The University in Ruins?

In these essays, I explore the concept of academic freedom and I argue for its continuing utility. But I also am worried about whether it can endure in the face not only of the presidency of Donald Trump and his Republican majority, but of the long years of the devolution of higher education—a transformation that Bill Readings described as “the university in ruins” and that Chris Newfield refers to as “the great mistake.”¹³

The transformation has taken place under Democratic and Republican administrations, and at the national and state levels; it is as much an effect of the implantation of neoliberal capitalism as it is of party politics. In the realm of higher education, it has involved dramatically decreased public funding for colleges and universities; greater reliance on student tuition and a dramatic increase in student

debt; greater need for private support, accompanied by increased intervention in academic decision-making by wealthy donors; the substitution of contingent employees for permanent, tenured faculty; a widening gap between richer and poorer institutions (one that parallels the widening gap between rich and poor in the population at large); the introduction of corporate management styles by academic administrators and boards of trustees and a consequent diminution of faculty participation in university governance; the substitution by university administrators of calculations of risk for evaluations of the quality of ideas; and measuring the value of a university education exclusively in economic terms, as the enhancement of students' human capital instead of their cultural and intellectual resources. "Public higher education has undergone a financial and conceptual shift," writes the journalist Scott Carlson. "Once an investment covered mostly by the state to produce a workforce and an informed citizenry, today it is more commonly shouldered by individuals and families, and described as a private benefit, a means to a credential and a job."¹⁴

Wendy Brown, analyzing neoliberalism's reduction of all aspects of human life to economic calculation, describes its impact on higher education this way: "Knowledge is not sought for purposes apart from capital enhancement, whether that capital is human, corporate, or financial. It is not sought for developing the capacities of citizens, sustaining culture, knowing the world, or envisioning and crafting different ways of life in common. Rather, it is sought for 'positive ROI'—return on investment—one of the leading metrics the Obama administration propose[d] to use in rating colleges for would-be consumers of higher education."¹⁵ As knowledge has been instrumentalized in this way, so the vision of the common good has eroded as well. Brown notes that "when the domain of the political itself is rendered in economic terms, the foundation vanishes for citizenship concerned with public things and the common good....The replacement of citizenship defined as concern with the public good by citizenship reduced to the citizen as *homo oeconomicus* also eliminates the very idea of a people, a demos asserting its collective political sovereignty."¹⁶ Carlson points out the racist dimension to this. "As the student population has diversified, the language that many people use to

define the value of a college degree has shifted, from a public good to an individual one. Is that merely a coincidence?"¹⁷

A heightened ideology of individualism and its concomitant practice of privatization have replaced belief in the common good—a belief on which the covenant between the university and the public good rested, and which recognized academic freedom as an essential aspect of the agreement. Nothing symptomatizes this as clearly as the increasing tendency to treat academic freedom as synonymous with free speech, and with the unfettered right of a student to his opinions in the classroom. The question of rights—defined as private properties belonging to individuals—has, in turn, overshadowed any discussion of the distinction between opinion and scholarship. In this view, everyone’s opinion has equal weight, whatever their qualifications to justify it. Those who have pushed legislators to pass student bills of rights argue that the university is a ‘marketplace of ideas’ in which all ideas are of equal value—the market will decide which is right or wrong. So any student has as much right to insist that creationism is a valid ‘theory’ as his professor does to insist on evolution. So a professor whose teaching is critical of slavery is denounced as a racist by students who believe in defending white privilege. So students (right and left) dispute professorial teaching in the name of the authority of their personal experience. So a university insists that it cannot prevent a controversial speaker from advocating white nationalism or expressing misogynist ideas, even if his speech violates federal requirements that there be no hostile climate to undermine students’ pursuit of education.¹⁸

The neoliberal privatizing ethos has undermined belief in a common good and, in consequence, eroded public faith in the mission of higher education. Increases in tuition and the enormous student debt that has ensued have alone led to charges of mismanagement and fraud, to the notion that universities are responsible for social inequality, and to the belief that academic freedom shelters elite professors from public accountability. These charges, encouraged by reactionary groups, are disturbingly widespread. And even when universities are proclaimed as furthering the national interest, it is an interest that is not defined in terms of public goods or collective well-being; rather it is conceived as an open

playing field on which there are winners and losers, judged according to their ability to accumulate and deploy their economic capital in their own interest. Donald Trump's campaign slogan, "Make America Great Again," was a promise to restrict that field to white Americans; his actions—to cut income taxes (the concrete embodiment of shared responsibility for our collective well-being) and so justify slashing spending on social services, health care, education, environmental and consumer protection—will constitute a final blow to what was left of any commitment to or belief in the common good.

Critical voices

Even as these changes occur, there has been important resistance to them. It has taken many forms—unionization of faculty, student protest, studies by educational associations, books and articles denouncing the loss of belief in what Finkin and Post call "the social good of advancing knowledge,"¹⁹ and organizations that define their mission as promoting the continuing value of higher education (as we knew it) for the public good. Some of these efforts too easily buy into neoliberal economic logic, measuring the public good mainly in terms of returns to the state on its investment dollars.²⁰ Others emphasize the need to protect democracy and so the importance of education in producing critical, discerning citizens.²¹ The AAUP focuses on the protection of academic freedom itself as one of its primary preoccupations.

Some scholars have gone further, questioning whether academic freedom can exist in conditions of social inequality. So, for example, John Higgins asks (from the South African perspective, but with much broader implication) "What does the right to academic freedom mean in a society where the material foundations for its practice are lacking or unevenly distributed because of material inequalities?"²² For him, the material foundations have to do with who has access to education and in what forms. The apartheid state granted a measure of autonomy to institutions that supported its policies, but not to the 'open universities' that challenged them—to what extent could academic freedom be said to exist in that situation? In post-apartheid South Africa, is the differential availability of resources to support teaching and research an issue of academic freedom or something else? Are

prohibitively high student fees an aspect of this freedom? What about segregation? Discrimination? Extending the question to Israel/Palestine, we might ask (as those of us protesting the Occupation have) how the practices of the Israeli government have impeded Palestinian rights to academic freedom. Can academic freedom be said to exist in Israel if it is denied to Palestinians? How universal does the application of academic freedom have to be to be considered a valid operational practice? Who gets to count as a legitimate researcher in the unending pursuit of knowledge and truth? And what is the common good to which their thinking contributes?

These questions go beyond the scope of the essays in this book, but they deserve consideration. My response is that academic freedom is an ideal, an ethical aspiration (as I argue in chapter one). There is value in protecting the ideal as an ideal—that’s what makes it such a useful instrument. If there is a material aspect to it, it has to do with the autonomy of the faculty as a self-regulating body; without that practice the ideal cannot be attained in any form. Beyond that, we can debate the varied implementations (or violations) of academic freedom as they occur; we can point to a climate (campus, state, national) that is favorable to it or not. We can expose the hypocrisy of its one-sided application, as in the Israeli case, even as we invoke it to condemn threats to the research and teaching of Israeli scholars. To defend academic freedom is to defend the production of knowledge—the pursuit of truth—as an open, unending process by a faculty “sifting and winnowing” its truth claims, always conducted with a certain discipline and rigor. Jonathan Cole puts it this way, “These...two components—tolerance for unsettling ideas and insistence on rigorous skepticism about all ideas—create an essential tension at the heart of the American research university. It will not thrive without both components operating effectively and simultaneously.”²³ In a similar vein, Edward Said described intellectual discourse as “the freedom to be critical: criticism *is* intellectual life and, while the academic precinct contains a great deal in it, its spirit is intellectual and critical, and neither reverential nor patriotic.”²⁴ (See Chapter five)

But the defense of academic freedom also means the defense of the covenant on which it rests, a belief that there is something we conceive of as a public good

and that that public good cannot do without critical thinking of the kind Cole and Said describe. Critical thinking, as John Dewey noted, is greatly resisted because it appears hostile to “habits and modes of life to which the people have accustomed themselves...and with which the worth of life is bound up.”²⁵ But, he concluded, it was academic freedom that must protect critical thinkers from potential public wrath. The university has historically provided a shelter from that wrath; under its aegis, scholars should be permitted to produce the knowledge without which the common good would suffer irreparable harm. Academic freedom is precisely the privilege and the protection accorded to scholars to investigate the inequalities Higgins refers to and to propose more just social arrangements and the new forms of knowledge of which those arrangements are both cause and effect. It is the abstractness of the principle, and its embodiment in an autonomous faculty, that enables its varied uses and its concrete applications and that leaves it open to continuing interpretation and challenge. It is, in that way, one of the pillars of a democratic society, one we allow to crumble at our peril. When redefined as an individual right, a marketized free-for-all, no different from the right of free speech, academic freedom loses its purchase.

The fight for academic freedom, I have been arguing, cannot be done on the grounds of that freedom alone; without some concept of the common good, as Dewey and his fellow Progressives articulated it, academic freedom will not survive. Those of us looking to (re)articulate some notion of a common good need academic freedom to protect the spaces of our critical inquiry. In turn, the survival of the concept of academic freedom depends on our ability to come up with that rearticulation. The future of the common good and of academic freedom are bound up together. The one will not survive without the other.

NOTES

I am grateful to Peter Coviello for his criticisms and suggestions.

¹ Ellen Schrecker, *No Ivory Tower: McCarthyism and the Universities*. Oxford: Oxford University Press, 1986. Marjorie Heins, *Priests of Our Democracy: The Supreme Court, Academic Freedom, and the Anti-Communist Purges*. NY: NYU Press, 2013.

² Louis Menand, ed. *The Future of Academic Freedom*. Chicago: University of Chicago Press, 1996. See also, Michael Bérubé and Cary Nelson, eds, *Higher Education Under Fire: Politics, Economics, and the Crisis of the Humanities*. NY: Routledge, 1995.

³ Diane Ravitch, "The Controversy Over the National History Standards," *Bulletin of the American Academy of Arts and Sciences* 51:3 (1998); Gary B. Nash, Charlotte Crabtree and Ross E. Dunn, *History on Trial: Culture Wars and the Teaching of the Past*. NY: Knopf, 1197.

⁴ Jane Mayer, "A Conservative Nonprofit that Seeks to Transform College Campuses Faces Allegations of Racial Bias and Illegal Campaign Activity," *The New Yorker*, December 21, 2017.

⁵ John Higgins, "Abstract Human Right or Material Practice? Academic Freedom in an Unequal Society," in *State of the Nation: Poverty and Inequality: diagnosis, prognosis and responses*. Crain Soudien, Ingrid Woolard and Vasu Reddy, Eds. HSRC Press: Cape Town 2018. See also, Higgins, *Academic Freedom in a Democratic South Africa: Essays and Interviews on Higher Education and the Humanities*, Bucknell University Press, 2014.

⁶ Menand, *The Future of Academic Freedom*, 4.

⁷ Adam Sitze, "Academic Unfreedom, Unacademic Freedom," *the Massachusetts Review* 58:04 (Winter 2017), 597.

⁸ Ibid, 599. In this connection, Sitze points to the limits of the marketplace metaphor: "the more this doctrine monopolizes our thinking, the more it fails on its own terms, all while also authoring a profound academic irresponsibility in its adherents: rather than ask what our responsibility for what academic discourse can or should be, we simply let the market decide instead. The truth of the doctrine of the marketplace of ideas is that it excludes any truth except the laws of the marketplace itself." Ibid, 597.

⁹ <https://kb.wisc.edu/page.php?id=10452>

¹⁰ Matthew W. Finkin and Robert C. Post, *For the Common Good: Principles of American Academic Freedom*. New Haven: Yale University Press, 2009, 42.

¹¹ Finkin and Post, *For the Common Good*, 39.

¹² <https://www.aaup.org/file/1940%20Statement.pdf>

¹³ Bill Readings, *The University in Ruins*. Cambridge MA: Harvard University Press, 1996; Christopher Newfield, *The Great Mistake: How We Wrecked Public Universities and How We Can Fix Them*. Baltimore MD: Johns Hopkins University Press, 2016.

¹⁴ Scott Carlson, "When College Was a Public Good," *The Chronicle of Higher Education*, November 27, 2016. <https://www.chronicle.com/article/When-College-Was-a-Public-Good/> See also, Michael Fabricant and Stephen Brier, *Austerity Blues: Fighting for the Soul of Public Higher Education*. Baltimore: Johns Hopkins University Press, 2016; and Denise Cummins, "Think tenure protects you? With wealthy donors and less public funding, think again," PBS Newshour, October 1, 2014. <http://www.pbs.org/newshour/naking-sense/think-tenure-protects>

¹⁵ Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution*. Brooklyn NY: Zone Books, 2015, 178

¹⁶ Ibid, 39

¹⁷ Carlson, "When College was a Public Good"

¹⁸ Judith Butler, "Limits on Free Speech?" *Academe Blog* December 7, 2017. <https://academeblog.org/2017/12/07/free-expression-or-harassment/>

¹⁹ Finkin and Post, *For The Common Good*, 44.

²⁰ An example is American Academy of Arts and Sciences, *Public Research Universities: Serving the Public Good*. (2016),

²¹ See, for example, the American Association of Colleges and Universities "2018-22 Strategic Plan: Educating for Democracy." <https://www.aacu.org/about/strategicplan>
See also, Robert B.Reich, *The Common Good*. NY: Knopf, 2018.

²² Higgins, "Abstract Human Right"

²³ Jonathan Cole, "Academic Freedom Under Fire," in Akeel Bilgrami and Jonathan R. Cole, eds. *Who's Afraid of Academic Freedom?* NY: Columbia University Press, 2015, 51.

²⁴ Edward Said, "Identity, Authority, and Freedom," in Menand, ed. *The Future of Academic Freedom*, 223.

²⁵ John Dewey, "Academic Freedom," in *John Dewey. The Middle Works: 1899-1942*. Ed. Jo Ann Boydston. Carbondale and Edwardsville: Southern Illinois University Press, 1976, 62-63.