

## **The Future of Academic Freedom**

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What do we speak about when we speak of academic freedom? As Louis Menand has written, “Academic freedom is not just a nice job perk. It is the philosophical key to the whole enterprise of higher education.” Since the AAUP’s 1915 *Declaration of Principles on Academic Freedom and Academic Tenure* and especially since the 1940 joint *Statement of Principles on Academic Freedom and Tenure* by the AAUP and the Association of American Colleges, “the AAUP definition of academic freedom has become the standard formulation.”

According to these foundational texts, academic freedom encompasses three fundamental freedoms to which college and university faculty members should be entitled: freedom in research and in the publication of the results, freedom in the classroom in discussions of their subjects, and freedom to speak or write freely as “citizens, members of a learned profession, and officers of an educational institution” on matters of public or institutional concern. The institution of tenure—indefinite appointment following a suitable probationary period, with dismissal permitted only for “cause” and after appropriate due process procedures—derives from the need to protect academic freedom, which can exist “only to the extent that its exercise is institutionally supported and guaranteed.”

Especially in the wake of the 2016 election, academic freedom has come under

renewed assault, and there is growing interest among faculty as well as university administrators in understanding the challenges of the current environment and in the principles that underpin higher education's past success. But if it is still the case, as Neil Gross has suggested, that "most professors simply have not given all that much thought to the concept," then practical education about the importance of academic freedom is of the highest priority. To adequately defend it, we need to better understand its meaning, the nature of the hazards it faces, and its relation to freedom of expression more generally.

While academic freedom is one of the foundations of greatness in the American higher education system, it has always been—and always will be—contested and vulnerable. Today, few American colleges or universities fail to claim to embrace some version of academic freedom, albeit not always in the manner that the AAUP has defined and defended it for more than a century. Even the enemies of academic freedom are often compelled to disguise their assaults on it by employing the language of academic freedom itself. Nevertheless, it is difficult not to recognize that, in key respects, the present situation is painfully reminiscent of that faced a century ago by the AAUP's founders.

The AAUP was created in the context of the expanding economic and social inequality and concentration of corporate power associated with the Gilded Age. Conditions today are eerily similar. Economic inequality has reached a level not seen since the 1920s or earlier. The expanding influence of wealth on politics, society, and culture cannot be ignored. Moreover, if those who founded the AAUP were justly concerned, as are we, about the untoward influence of corporate and business interests

on higher learning, today's universities—and many smaller colleges too—now function increasingly like business enterprises themselves. Governance at these institutions is progressively more hierarchical, and the focus is more and more on “the bottom line.” What Sheila Slaughter and Gary Rhoades have labeled “academic capitalism” has increasingly subordinated higher education's dedication to the public good. As a consequence, “market behaviors have come to permeate almost all aspects of colleges and universities, from research to instruction.”

Some of the major challenges to academic freedom today may be illustrated by two incidents.

First, on September 7, 2016, Nathaniel Bork, a part-time philosophy instructor at the Community College of Aurora near Denver, drafted a letter to the school's accrediting agency. He was concerned about a new curriculum imposed on the faculty, which he believed was watered down and not appropriate for a college course, but first he submitted the draft to the school's administration to ensure that his letter did not contain factual inaccuracies. Two days later an administrator visited his class, and on September 13 he was summarily dismissed from his position. The college would claim that a routine, coincidentally timed classroom observation revealed instructional deficiencies so severe that they necessitated Bork's immediate removal, but an AAUP investigating team concluded that such a rationale “strains credulity.” He had, the investigation pointed out, previously received numerous stellar evaluations from peers and students alike. As a part-time adjunct off the tenure track, Bork had no access to a grievance procedure. Indeed, the AAUP investigation found “a total lack of due-process protections” for the school's part-time adjuncts, who constitute 80 percent of its faculty.

Second, in June 2017, Johnny Williams, a tenured professor in sociology at Trinity College in Hartford, Connecticut, posted an online response to a police shooting. “It is past time for the racially oppressed to do what people who believe themselves to be ‘white’ will not do, put [an] end to the vectors of their destructive mythology of whiteness and their white supremacy system,” he wrote, adding a hashtag that some interpreted as advocating violence. The post was quickly picked up by Campus Reform, a right-wing website that “monitors” faculty expression, and spread to other outlets, and within hours Williams and his family had received multiple death threats. The harassment grew so severe, extending to others at the college, that Trinity administrators felt compelled to close the campus for a half day. Two Republican legislators called on Trinity “to immediately, and permanently, remove Mr. Williams from the ranks of the school’s faculty.” Trinity quickly placed Williams on involuntary leave, failing even to speak to him in advance. Only after the campus AAUP chapter and other faculty members, supported by the national AAUP, exerted pressure did the school acknowledge that a faculty member’s expression as a citizen is protected by academic freedom.

In many respects the Bork case encapsulates some of the gravest and increasingly widespread threats to academic freedom. First, Bork was clearly dismissed in response to his exercise of his right to institutional criticism. If academic freedom and shared governance are to survive, much less flourish, faculty members must be at liberty to call their administrations to task and to speak freely to outside trustees, politicians and accrediting agencies.

In addition, Bork's dismissal highlights a growing and dangerous trend in which curriculum is imposed upon faculty members in ways that not only violate their academic freedom but endanger learning itself. To be sure, instructors are not always free to determine what subjects they will be assigned to teach or even, in multiple section courses, which textbook they will use. But responsibility for these decisions must at minimum reside collectively with the faculty in the discipline concerned. Yet in Bork's case it was an administrative committee, with hand-picked faculty representatives from outside his discipline, that made the major decisions. These kinds of efforts are typical of the emerging trend to encourage "student success" by enacting "reforms" that violate faculty rights and often "dumb down" course material.

But by far the most important implication of the Bork case is how it highlights the often near-total lack of academic freedom and job security of the growing army of so-called "adjunct" faculty. At present, only about one-fourth of all those who teach in higher education are included in the tenure system. As of 2017, some 40 percent of 1.6 million postsecondary teaching positions were part-time, with only a handful tenured; another 14 percent were graduate student employees. It is not only the explosion of part-time appointments that is to blame. Since 1993, a majority of new full-time appointments have also been off the tenure track.

To be sure, there is a rightful place in the academy for some temporary part-time appointments, but compelling allegedly "adjunct" faculty to cobble together the semblance of a career from a series of part-time jobs is not only an unconscionable abuse of those colleagues but also an ominous threat to the academic freedom of all faculty members and, indeed, to the integrity and quality of higher education in general.

As AAUP president and University of Chicago physiologist A. J. Carlson put it in 1938, “Tenure in academic ranks is a sine qua non for academic freedom. . . . Without tenure, freedom is at the mercy of the administrator, and the myopic or dictatorial administrators will foster a faculty full of fear and assiduous in apple polishing rather than in teaching or research.” Today, there is no more critical task in the defense of academic freedom than a renewed fight to make the overwhelming majority of faculty appointments once again full-time and probationary for tenure.

If the Bork case illustrates some of the challenges to academic freedom generated in good measure internally, the Johnny Williams case reveals some of the external threats faculty face. Williams is but one of far too many faculty members, disproportionately minorities and women, who have been harassed and threatened on social media and, often, by more direct means. As the AAUP, the Association of American Colleges and Universities (AACU), and the American Federation of Teachers (AFT) noted in a September 2017 joint statement,

At a variety of institutions—public and private, large and small—individual members of the faculty have been singled out for campaigns of harassment in response to remarks they have made, or are alleged to have made, in public speeches, on social media, or in the classroom. Vicious threats of violence and even death have been directed against individual faculty members and their families, including their children. . . .

The threats are often accompanied by calls for college and university administrators to summarily dismiss or otherwise discipline the offending faculty member. Sometimes the threats are also directed at those administrators or the

institutions themselves. In some cases the comments made by the faculty member were highly provocative or easily misconstrued, but in other cases the allegedly offensive remarks were misattributed or not even made at all. In all cases, however, these campaigns of harassment endanger more than the faculty member concerned. They pose a profound and ominous challenge to higher education's most fundamental values.

Much of this activity may be attributed to the work of well-funded private groups and media outlets. They act at times as effective blacklists. By far the most significant and influential of these groups are the websites Campus Reform, College Fix, and Professor Watchlist. The last site, a project of Turning Point USA, purports to identify faculty members who "discriminate against conservative students and advance leftist propaganda in the classroom." It lists names of professors with their institutional affiliations and photographs, thereby making it easy for would-be stalkers and cyberbullies to target them.

Unfortunately, too many college and university leaders have treated these incidents as if the main concern were institutional image. In some cases faculty members have been disciplined or had their statements denounced without any effort to explain or defend their academic freedom. But the harassers cannot be appeased by disciplinary actions, including dismissals.

The involvement in the Williams case of Republican legislators, who called for his dismissal, is representative of an alarming tendency by politicians and members of governing boards to intervene in matters appropriately left to campus administrators and faculty. At the University of Missouri, for example, legislators and board members were

instrumental in the forced dismissal of a tenure-track instructor without any genuine due process. In North Carolina, legislators and board members combined to terminate funding for a legal rights clinic in retaliation for the political speech of its director.

The 1966 *Statement on Government of Colleges and Universities*, jointly formulated by the AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges, declares, “The governing board of an institution of higher education, while maintaining a general overview, entrusts the conduct of administration to the administrative officers—the president and the deans—and the conduct of teaching and research to the faculty. The board should undertake appropriate self-limitation.” The statement affirms that “when ignorance or ill will threatens the institution or any part of it, the governing board must be available for support.”

Unfortunately, too many boards, legislative bodies, and governors ignore this wise guidance.

The founders of the AAUP, largely privileged and from elite institutions, defined for themselves and future generations the principles of academic freedom and the fundamental concerns and standards of the profession. They understood viscerally that in jointly expressing and advocating these principles there is strength. It is a tribute to the profession that the organization they founded has survived, albeit not without challenges to its reason for being.

Today, however, too many faculty members take the AAUP and, more importantly, the very existence of academic freedom for granted. Too often they regard academic freedom more as an inviolable (and frequently misunderstood) inheritance



from the past than as an imperiled gain that must repeatedly be won anew. There are powerful forces in our society today that would not only restrict the faculty's academic freedom but also seek to transform our institutions of higher education into engines of profit instead of sources of enlightenment. But these forces pale before the challenge of the faculty's own apathy and indifference.

If assaults on academic freedom, shared governance, and what the AAUP's founders called "the common good" are to be resisted successfully, the faculty must step forward not only as individuals but also as a collective body, uniting wherever possible with sympathetic administrators, students, and concerned citizens. U.S. institutions of higher learning urgently need a renewed commitment from faculty, students, and community allies to reclaim the possibilities threatened by academic capitalism.

"Nothing will serve but organization," wrote the Marxist literary scholar Granville Hicks following his 1935 dismissal from the faculty at Rensselaer Polytechnic Institute, which was investigated by the AAUP. "Conditions in education, if left to themselves," he wrote, "are not going to become better but worse. If teachers do not want to be reduced to a nauseating, boot-licking slavery, they had better start organizing now."

That warning remains timely.