

KNOWLEDGE, POWER, AND ACADEMIC FREEDOM¹

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.”²

Yet the ideal of academic freedom is crucial to our conceptions of the university. Louis Menand calls it “the legitimating concept of the entire enterprise.”³ 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. 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. 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.’”⁴ 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.”⁵

Academic freedom is at once a negative concept that posits 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."⁶

Over the years since its articulation more than a century ago, the ideal has been debated and variously interpreted. As a result, 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 principles were articulated more than 100 years ago; they have been echoed in Supreme Court judgments and codified in statements and reports of the American Association of University Professors (AAUP).⁷ They have sometimes proved effective, sometimes not, in reversing state interference and faculty firings. The complexities of the term have made it at times difficult to realize and defend, but they have also continued to provide the grounds on which resistance can be organized.

Academic Freedom Under Fire

In my life-time, it seems that academic freedom has been repeatedly under threat. In the 1950's, in the McCarthy era, hundreds of teachers (my father among them) were interrogated about their political beliefs and summarily fired, whether

or not those beliefs had anything to do with the subject-matter they taught.⁸ 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 was for a series of lectures sponsored by the AAUP and subsequently published in 1996 in a book edited by Menand. His introduction sought to reply to those who had characterized what were popularly referred to as the demons of multiculturalism and post-modernism, movements taken to be anathema to the truth-seeking project of the academy. The terms were used to denounce what were said to be politicizing operations, subversive of the objectivity that had hitherto prevailed. Many of us argued 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. The success of the new programs, and their wide-spread 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.

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 groups 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 undermine 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. 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 and on what she refers to as 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. 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. 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.⁹ A concerted campaign, 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 during 2017-18 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!

The University in Ruins?

In the essays in my book, 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, but of the long years of transformation of higher education—a transformation that Bill Reddings concluded had resulted in “the university in ruins” and that Chris Newfield refers to as “the great mistake.”¹⁰

The transformation has taken place under Democratic and Republican administrations, and at the national and state levels. It has involved dramatically decreased public funding for colleges and universities; greater reliance on private support and on student tuition; 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 the value of a university education measured exclusively in economic terms (as the enhancement of a student's 'human capital' instead of his or her cultural and intellectual resources). Wendy Brown, writing on the impact of neoliberalism on higher education, puts it 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."¹¹ Brown adds, ominously, that the transformation has deprived our democracies of the educated citizenry needed for their survival: "A citizenry left to its (manipulated) interests and passions, especially in an epoch of unprecedentedly complex powers, inevitably comes to be governed by what Alexis de Tocqueville termed the 'gentle despotism' of these powers, even as it continues to travel under the sign of democracy and imagine itself 'free.'"¹²

These changes are both cause and effect of the erosion of 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 protects elite professors from public accountability. These ideas, encouraged by reactionary groups, are disturbingly widespread and they undermine our ability to appeal to the principle of academic freedom as a shared social value. Can academic freedom work as a powerful principle of protection for higher education in a moment when its underlying premise has been weakened, coopted, or effectively disappeared?

That premise dates to the Progressive Era—the late nineteenth and early twentieth centuries—the moment of the establishment of major private and public research universities, their separation from sectarian religious purposes, the professionalization of the professoriat, and the emergence of disciplinary societies. It asserts that higher education provided the nation with a *public good*, a set of collective benefits that advanced not only the well-being of students, but of the nation as a whole. These benefits came from the production of knowledge: critical advances in science, technology, social science, the arts and humanities that could not be assessed purely in economic terms because they enriched the quality of the lives of the nation’s people, even those who did not go to school. The connection between higher education and the public, or common good, was articulated 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.¹³

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

Reclaiming the common good

The prevalence of the term academic freedom has not diminished in this new century, but it has lost its connection to an idea of the common good. More often, it is taken to be the individual right of a faculty member either to her pedagogy, to her extra-mural speech, or to guarantees of procedural due process. It is also said to be the right of a student to his opinions in the classroom. The question of rights—defined as individual properties—has overshadowed any discussion of the common good and of the distinction between opinion and scholarship. The First Amendment right of free speech is frequently conflated with the ideal of academic freedom; in

this view everyone's opinion has equal weight, whatever their qualifications to justify it. The university is depicted as a "marketplace of ideas," where everyone has a right to their say; gone is the idea that the pursuit of truth requires rigor and expertise, the sorting of good ideas from bad, of truth from falsehood.

Critical voices have emerged to remind us of the distinction between opinion and academic discourse; they are a symptomatic of the extent to which a shared assumption about the value of scholarship to society has been lost. 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 who is right or wrong. So a student has as much right to insist that creationism is a valid "theory" as his professor does to insist on evolution. So a university cannot prevent a controversial speaker from advocating white nationalism, even if (as in the case of Milo Yiannopolus) his speech violates Title IX requirements that there be no hostile climate to undermine students' pursuit of education.¹⁴ 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."¹⁵ Matthew Finkin and Robert Post, distinguishing between individual rights and academic responsibility, put it this way: "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.”¹⁶

But, ask other critics, what is the power of academic freedom to address the apparent inequalities that prevail in societies of which universities are an integral part? 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?”¹⁷ 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, how have the practices of the Israeli government 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 principle? 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 are questions that are outside the topics dealt with in my book, but they illustrate the possibilities for our thinking beyond them and beyond the current

moment. One thing is clear to me: the discussions we need to have cannot be limited to individual rights and confined within neoliberal frameworks. They need, instead, to take up and debate the meanings of the common good in all their complexity. A common good that goes beyond economic well-being—a theme over-stressed in the American Academy of Arts and Sciences booklet *Public Research Universities: Serving the Public Good*. Although gestures are made to democracy in that publication, the emphasis is almost entirely on economics: innovative technology, student upward mobility, and the “enormous returns” yielded to state investment in education.¹⁸ That kind of appeal reaffirms the neoliberal framework whose exclusive emphasis on economics has undermined the vision of the common good on which academic freedom (and the future of universities) depend.

It may be that strategically this seemed a good way to argue the case of universities in the face of the assault on them, but it is not a strategy for the long run. That will require our insistence that true democracy requires collective commitments to one another, whether in the form of graduated income taxes, measures to address differences with justice and equity, or universal access to the kind of critical liberal arts education that once defined higher education in America. Brown reminds us that “the survival of liberal arts education depends on broad recognition of its value for democracy. The survival of democracy depends upon a people educated for it, which entails resisting neoliberalization of their institutions and themselves.”¹⁹ She is pessimistic about our ability to meet this challenge, but she also suggests we have no choice but to try. And there is ample evidence—in the recurrent use of the term the common good—to suggest that the effort is underway.

Finkin and Post’s book carries that title, as does Robert Reich’s.²⁰ The American Association of Colleges and Universities strategic plan for 2018-22, “Educating for Democracy,” endorses the concept even if it doesn’t use the word. And “for the common good” continues to be the motto of the AAUP. There is a great deal at stake in reanimating that principle, even against great odds. The future of academic freedom—to say nothing of democracy—depends upon it.

NOTES

¹ This talk is based on the introduction to Joan Wallach Scott, *Knowledge, Power, and Academic Freedom*, Columbia University Press, 2109.

² John Higgins, “Abstract Human Right or Material Practice? Academic Freedom in an Unequal Society,”

³ Louis Menand, ed. *The Future of Academic Freedom*. Chicago: University of Chicago Press, 1996, 4.

⁴ Adam Sitze, “Academic Unfreedom, Unacademic Freedom,” *the Massachusetts Review* 58:04 (Winter 2017), 597.

⁵ *Ibid*, 599.

⁶ <https://kb.wisc.edu/page.php?id=10452>

⁷ In the case of *Sweezy v. New Hampshire*, Justice Felix Frankfurter supported the majority, who upheld the right of Paul Sweezy to refuse to answer questions about his socialist beliefs, in these terms: “It is the business of the university to provide

that atmosphere which is most conducive to speculation, experiment and creation. It is an atmosphere in which there prevail 'the four essential freedoms' of a university—to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study..." *Sweezy v. New Hampshire* 354 U.S. 234 (1957)

⁸ 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.

⁹ 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.

¹⁰ Bill Reddings, *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.

¹¹ Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution*. Brooklyn NY: Zone Books, 2015, 178

¹² *Ibid*, 179

¹³ <https://www.aaup.org/file/1940%20Statement.pdf>

¹⁴ Judith Butler, "Limits on Free Speech?" *Academe Blog* December 7, 2017. <https://academeblog.org/2017/12/07/free-expression-or-harassment/>

¹⁵ Sitze, "Academic Unfreedom," 597

¹⁶ Matthew W. Finkin and Robert C. Post, *For the Common Good: Principles of American Academic Freedom*. New Haven: Yale University Press, 2009, 39.

¹⁷ Higgins, "Abstract Human Right"

¹⁸ American Academy of Arts and Sciences, *Public Research Universities: Serving the Public Good* (2016), 13. See also, *Public Universities: Why They Matter* (2015).

¹⁹ Brown, *Undoing the Demos*, 200

²⁰ Robert Reich, *The Common Good* NY Knopf, 2018.