Intellectual Freedom and the University

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Because the university is preeminently an institution in which knowledge is sought, fostered, and imparted, we have come to accept the view that it must be a place of intellectual freedom where any subject may be examined from all points of view, and where there is no institutional or external control over such an interplay of ideas. This is an ideal, perhaps never fully attained at any university now or in the past. That it has been accepted is extraordinary. As Walter Metzger and Richard Hofstadter point out in their superb study of academic freedom in the United States, "No one can follow the history of academic freedom in this country without wondering at the fact that any society, interested in the immediate goals of solidarity and self-preservation, should possess the vision to subsidize free criticism and inquiry, and without feeling that the academic freedom we possess is one of the remarkable achievements of man. At the same time one cannot but be appalled at the slender thread by which it hangs, at the wide discrepancies that exist among institutions with respect to its honoring and preservation . . ." (*1*, p. 506).

There has been a long struggle for the academy to be a place of free discussion, a struggle which began at least as far back as Socrates and his defense against the charge of corrupting the youth of Athens through his teaching. Academic freedom, as we know it, dates back to the 1870's when the German universities had such a marked influence on American higher education. In the German view, academic freedom was "the distinctive prerogative of the academic profession and the essential condition of all universities" (*1*, p. 387). One had to be free to examine bodies of evidence and to report his findings. There had to be freedom of teaching and freedom of inquiry.

Such an idea was relatively unknown to the early American colleges largely, I suspect, because these colleges were founded by religious groups to furnish an educated clergy and to advocate a particular religious outlook on life. These institutions were not meant to be intellectually free nor did most of their faculty aspire to such freedom.

The slavery issue and the question of secession, the teaching of Darwinism, and the growing disagreement between teachers and trustees over questions of political economy and social reform gave the German idea of academic freedom immediate relevance. Eventually the American Association of University Professors was established, and its diligent efforts strengthened the concept of academic freedom and brought about its acceptance in the academy.

Such acceptance was not achieved without great difficulty. All too often, administrators and teachers disagreed over matters of teaching or public issues. All too frequently legislatures, alumni, veterans organizations, and chambers of commerce tried to determine who could speak on campus and who could not. Even today universities are not free from external attack. As recently as the 1960's the North Carolina Legislature placed limits on those who could and could not speak on campus, and in California the regents exercised control over who was to speak at its universities. However, the crass interference in the universities that one saw in the action of the trustees of the University of Pennsylvania when they discharged Scott Nearing in 1915 because they considered him "a liability that the University should not carry," (*2*) and in Columbia University when it fired McKeen Cattell (*1*, pp. 495–506) because of his views on World War I has become rare indeed, although one wonders at the University of California regents who, while claiming no political test will be applied to faculty appointments, seem to be doing just that.

Many of the issues involved with academic freedom have been problems of external influence or of conflict between a teacher and administrator, and this has been reflected in the positions taken by the American Association of University Professors. From its earliest days, the Association has been concerned with threats to the autonomy of the university which were at one and the same time threats to the livelihood of its members. Little concern has been shown for the rights of students, particularly if they conflict with those of the faculty, or with faculty infringements on the rights of other faculty. As a result, academic freedom has become identified with problems of faculty employment, tenure, and limitation of administrative arbitrariness. For that reason I prefer the expression "intellectual freedom"; it is more inclusive and better describes what the situation should be in the university. Certainly the problems of intellectual freedom are not limited to the external difficulties I have briefly described. While I believe such external interferences must be resisted with vigor, they do not, in my view, now constitute the major threat to intellectual freedom. Other more serious threats to intellectual freedom exist, and these are internal, not external.

Threats from Within

Internal threats are frequently much more subtle than outright restrictions on courses and speakers, and for that reason more difficult to discuss. It is possible, for example, for a university to so select its faculty, student body, and administration that the institution becomes inhospitable to certain ideas or retains views only from a single position. Selection may be based on social position, economic background, or religious affiliation. Religious tests were required at Oxford, Cambridge, and Durham universities, and these excluded all who were not members of the Church of England from full mem-

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bership in the universities (and until 1854 from any degree); and it was only by act of Parliament in 1871 (*3*) that all religious tests were abolished at these universities. It is not so many decades ago that some American institutions of great distinction were so homogeneous in outlook that their graduates, in large measure, conformed to a pattern.

Intellectual freedom as I see it is a positive quality and not merely the absence of suppression. A university that is intellectually free recognizes that diverse experiences enrich and enliven a campus and reduce academic provincialism. Moreover, an intellectually free university maintains an atmosphere wherein one can profit from diversity. Unfortunately, because universities have been largely concerned with the needs of the white majority and not with those of the ethnic minorities, many in the university resent the adjustments and accommodations that must be made: One immediately thinks of the difficulties black students have experienced within predominantly white institutions. I believe that if a university is to be intellectually free, it must absorb these differing viewpoints and cultures and reflect them in its social and educational structures and in its teaching.

While the lack of diversity within some institutions and the failure of many schools to profit from such diversity are threats to intellectual freedom, I believe that more serious threats to that freedom exist. Too often a student's right to intellectual freedom is ignored by the faculty.

Students complain that, instead of getting a curriculum which helps them uncover and pursue their interests, they have a curriculum that is primarily tailored to the needs of the faculty. They find, too, that many professors are interested only in students who are themselves potential scholars and who can be prepared as future colleagues, and that too few teachers seem willing to help the individual student grow in his own direction. Worse still, many faculty members still believe that the student must learn what the teacher is minded to teach; the student is not to reason why but is to sit quietly at the foot of the master.

Perhaps no group is more doctrinaire than a faculty. Though they may be liberal politically, when it comes to their educational views they can be extraordinarily conservative. If one should suggest changes in a curriculum, if one should speak about the serious involvement of students in the planning of their education, the banners of privilege and authority are unfurled. One is reminded of the old academic saying that trying to change a curriculum is like trying to move a cemetery; ironically, while professors are boldly reshaping the world outside the classroom, they are neglecting corresponding changes within.

Though I recognize full well that, in the final analysis, the faculty should control the curriculum and degree requirements, I believe, too, that the student's demand for a voice in the planning of his education is part of a legitimate demand for intellectual freedom in his life. If our institutions are to be free and collegial, we must find a mechanism for student input into the development of their education, a mechanism which does not infringe on the academic freedom of the faculty or weaken the academic standards of the institution. We must also be certain that instruction in the classroom becomes a means of a student acquiring knowledge and seeking truth, of having the opportunity to express his doubts and ideas. He should not be expected to accept and reproduce the statements of his instructor. A faculty member who insists on conducting his classes in a contrary manner is guilty of imposing the same kind of academic orthodoxy on his student that he would repudiate if imposed on himself.

While faculty intransigence can be an infringement on a student's intellectual freedom, the demand of students for greater relevance in their course work can be just as destructive of intellectual freedom.

Student demands for relevance can be shallow. All too often relevance means that ideas must be simple and immediately comprehensible and that all intellectual activity must have immediate results. All too often relevance means having courses as up to date as the morning newspaper.

Public problems and proposed solutions change so fast that this kind of relevance can quickly become irrelevant. An educated person has a need of philosophy, natural and social science, history, art, and literature. An educated person must have some sense of historical perspective and analysis. I for one believe that a course in theoretical economics better prepares a student to deal with social problems than does a course in urban poverty. A student who restricts his attention to current problems and disciplinary techniques may well have difficulty recognizing new problems or developing new techniques of analysis and criticism.

Unfortunately, far too many of our students and faculty do not want precise knowledge; they want, instead, emotionally satisfying answers. Many are so caught up in contemporary problems that they have become impatient with disciplined study and impatient with intellectual analysis and logic. Theirs is a flight from reason.

Another aspect of this problem is that of some black students who dismiss the university's curriculum as being irrelevant largely because of its orientation toward white culture and history. There is considerable truth in this indictment. Black history and culture should not be ignored, as it all too often has been. However, as Yale Dean Robert Brustein has pointed out, demands for courses in black law, black economics, and black medicine put the university in danger of "becoming the instrument of community hopes and aspirations, rather than the repository of an already achieved culture. It is only one more step before the university is asked to serve propaganda purposes . . ." (*4*).

External Influences

Perhaps the greatest threat to intellectual freedom within the university is the pressure being exerted to involve the university in social and political problems. Some students and faculty wish the university to go into the community to build houses, prevent pollution, combat poverty, and take political and social stands which, they think, will exert an influence on government and bring about reform. These students and faculty believe that universities are the only institutions that can spearhead social reforms; they would use the university as a political weapon. Here I would join them with my heart, but not my head, for surely this is the way not of social reform but of destruction of the university. Their victory would change the university into an institution no longer dedicated to intellectual virtues or to the furthering of knowledge, but dedicated, instead, as Bruno Bettelheim puts it, "to the belligerent reshaping of society" (*5*).

The university is a place for the free exchange of ideas; it must allow

for all shades of opinion. It is, however, difficult to maintain the requisite freedom. If the university as a body takes official positions on controversial issues or becomes an active participant in combating community problems, it opens itself up to political attack, as well as to losing any objectivity it might have regarding issues and problems. Additionally, there is a very great danger that by taking an official position, the university would jeopardize or stifle the views of its minority, views which may contain the seeds of future social, economic, and political reform.

Already a minority of students and faculty members, in their manic sense of commitment to their ideals, have shown a repressive intolerance for the commitment of others. During this year as well as in the immediate past, students at some universities have disrupted classes of teachers whose subject matter—or political opinions—they disapproved of, attempted to prevent interviews with recruiters, occupied laboratories of faculty doing research work they believed wrong (*6*), forced cancellations of plays they did not agree with, and heckled and booed speakers. There are even faculty members who have insisted on using the university as a sanctuary in which they can do anything, but who have seen nothing inconsistent in their disrupting the research of colleagues with whom they disagree.

Such actions have, of course, resulted in attempts to restrict the university's intellectual freedom. In California, for example, the regents now carefully scrutinize all faculty appointments and promotions, noting in particular those whose political or war views are considered radical; some faculty members have been cautioned not to speak about current political and social problems in their classrooms; and citizens have voted down bond issues for higher education.

Father Hesburgh, the president of the University of Notre Dame, has warned that a "new fascism" (*7*) may threaten the campuses, and in this I concur. Many of the actions of the New Left today remind me of what happened in the German universities during the rise of the Nazi party.

The New Left—made up of those who most actively want the university to take official positions—believes that only the voices which they approve should be heard. Tolerance is considered a weakness rather than a strength in intellectual inquiry, and impositions on majority rights are justified by appeals to the moral imperative—the view that some ideas are evil and should not be allowed to be expressed—and to the doctrine of complicity which argues that, by allowing others to present their ideas, the university commits an act of complicity with them.

Because Arthur Jensen's study of racial differences would seem to impugn blacks, the New Left would suppress it. Because W. W. Rostow has supported the war in Vietnam, he and his opinions would also be suppressed. A faculty member who should persist in assigning the Jensen work or carrying on dispassionate discussions of it or a faculty member who should agree with Rostow might well be ostracized by his colleagues and booed by his students, and his classroom may be disrupted by nonmembers of his class.

The doctrine of complicity probably dates back to the Nuremberg trials and their accompanying concept of collective guilt (*8*) while the moral imperative has its roots in Herbert Marcuse (*9*) who believes that tolerance is repressive because it is used to prevent social, radical, and political reform. Both concepts are grossly destructive of intellectual freedom when applied to the university, particularly so when they are used to determine who may speak and who may teach.

Resolution of Problems

A university is not a place designed to make people comfortable. It should be a place where one hears what he doesn't expect to hear. A university should not only be attentive to where students are, it should challenge them to go where they have never been.

While there is no doubt that one can hide behind tolerance as an evasion of the wrongs of society, I don't believe this has to be the case. University members do not forfeit their rights and obligations as citizens. Many have shown righteous indignation at social, economic, and educational wrongs. Similarly, some academic administrators, in spite of their obligation to protect the university, have found it possible to give their institutions moral and intellectual leadership. Those who have done so have in return received the support of their faculty and students.

Although it is a small percentage of students and faculty who disrupt the life of the university, I am disturbed because the great moderate center of faculty and students often do not believe that this very disruptive minority should be disciplined for their more serious offenses. Perhaps even more reprehensible are the faculty members who instigate demonstrations only to hide in their studies while their instructors and students man the barricades.

Far too many faculty and students believe that the campus is a sanctuary from law. Because of this attitude, because of the abuses of intellectual freedom within the university, and because students and faculty members often feel strongly on current issues, I believe it is essential that the university adopt a written code guaranteeing the right of protest, including demonstrations, but setting limits on the time, place, and nature. Such a code should also make clear the nature and conduct of any disciplinary hearings for alleged breach of the proscribed conduct.

If such a code on open expression can be written by the faculty, students, and administration and then be approved by the trustees, by faculty and student governments, or by referendum, a firm basis may be set which allows a high degree of responsible freedom and greatly reduces the danger of violence.

If we destroy the intellectual freedom in the universities, where will it be maintained in American society? Intellectual freedom must be reaffirmed and defended against all those who would obstruct the rights of scholars to investigate, teachers to teach, or students to learn. This is not to claim for the university special privileges that put it above the law or that free it from critical public appraisal. Rather, it affirms that the university must maintain a basic institutional integrity to function as a university.

The American Council of Education's Special Committee on Campus Tension (*10*) has perhaps best summed up my feelings on this issue. The Committee points out that, while universities cannot hope to solve all problems affecting society, they cannot afford to be indifferent to these problems either. Through educating decision-makers, conducting research, disseminating knowledge, setting intellectual standards for the community and proposing solutions to social problems, colleges and universities can greatly influence decisions that affect the nation. In each of these roles, universities serve society best by being centers of free inquiry, where conclusions are openly arrived at and where there is a receptivity to new ideas. Efforts to politicize the uni-

versity risk consequent restrictions on free inquiry. Likewise, intimidation and violence are repugnant to the spirit of free inquiry. The search for truth becomes the first casualty.

If intellectual freedom is to survive within the university—indeed if the university itself is to survive—there must be a commitment to intellectual openness and a respect for the dignity of the individual. Only thus can the integrity of the academy be maintained.

References and Notes

1. R. Hofstadter and W. P. Metzger, *The Development of Academic Freedom in the United States* (Columbia Univ. Press, New York, 1955).
2. E. P. Cheyney, *History of the University of Pennsylvania, 1740–1940* (Univ. of Pennsylvania Press, Philadelphia, 1940), p. 369.
3. L. L. Shadwell, *Enactments in Parliament* (Clarendon, Oxford, 1912), vol. 4, pp. 14–17.
4. R. Brustein, "The case for professionalism," *New Republic*, 26 April 1969, p. 17.
5. B. Bettelheim, in a speech delivered before the House Subcommittee on Education, 20 March 1969; in *Change* 1, No. 3, 18 (1969).
6. In many universities, criticism has been directed toward both individual and institute research on the basis of the nature of the research—particularly if it is of defense-related character—the source of its funding and whether it is conducted in secret or not. There is little doubt that such criticism can result in a real infringement of a faculty member's right to choose his area of study. I personally do not believe that research should be condemned either on the basis of its nature (although there is some research that I would refuse to involve myself in) or for the source of its funding. For example, Department of Defense funds have been a major factor in significant advances made in medicine. I am, however, opposed to secret research being conducted on the campus. Such secrecy means limitation of access to information and limitation of freedom of discussion; it also requires government clearance of faculty, graduate students, and administrators. Several universities have adopted, by democratic means, regulations that do not permit the use of university facilities for research when the results are not freely publishable (though the confidentiality of data supplied by an outside source can be honored) or when an outside agency passes on who may be employed in the research. Though this may be a restriction on individual freedom, it is one that may be essential to the freedom of the institution.
7. T. Hesburgh, *New York Times*, 28 February 1969, p. 18.
8. There are several good books on this subject. See, in particular, R. Jackson, *The Nürnberg Case* (Knopf, New York, 1947); J. Applemen, *Military Tribunals and International Crises* (Bobbs-Merrill, New York, 1954), pp. 40–45; F. Hermans, "Collective guilt," *Notre Dame Lawyer* **23**, 431 (1948).
9. H. Marcuse, "Repressive tolerance," in *A Critique of Pure Tolerance* (Beacon, Boston, 1965).
10. Special Committee on Campus Tensions, *Campus Tensions: Analysis and Recommendations* (American Council on Education, Washington, D.C., 1970).

NEWS AND COMMENT

Decision on 2,4,5-T: Leaked Reports Compel Regulatory Responsibility

The decision to maintain the existing restrictions on the use of the herbicide 2,4,5-T, announced this week by Environmental Protection Agency (EPA) Administrator William D. Ruckelshaus, was made in direct contradiction to the advice trundled out by the decision-making machinery Ruckelshaus has inherited. In the 5 years since 2,4,5-T was first suspected of causing fetal deformities, the government regulatory machinery has taken almost no initiative to safeguard the public health —except in response to external pressure caused by the release of secret reports.

The use of 2,4,5-T on crops, near water, and around the home was canceled on 15 April last year. Two of the manufacturers, Dow Chemical Company and Hercules Incorporated, exercised their right to petition for a scientific advisory committee to review the decision as it applied to crops. A committee duly set up with the help of the National Academy of Sciences turned in a report this May which advised the administrator to lift all restrictions on the use of the herbicide, including the home and water uses, which the manufacturers were not contesting.

This week Ruckelshaus repudiated the committee's recommendations by announcing that the cancellation order for the use of 2,4,5-T on food crops will remain in force until the next and final stage in the appeals process—a public hearing to be held in the fall. (The "cancellation" order does not prevent the use of the herbicide on food crops while the appeals process is still in motion. But, since they were not challenged by the manufacturers, the cancellation orders on the home and water uses of 2,4,5-T became effective last year).

Ruckelshaus's rejection of the committee's advice is also a rejection of the system that produced the advice. Ruckelshaus has already instituted an important change in the system by ordering that the reports of scientific advisory committees on pesticides shall be made public as soon as they are completed. The old policy, which was followed when pesticide affairs were handled by the Department of Agriculture, was to suppress the reports, even after an official decision on their recommendations had been taken. Aides say that Ruckelshaus never knew the 2,4,5-T report was meant to be secret.

Ruckelshaus might have had little cause to seek independent advice on the 2,4,5-T issue had not the report of his advisory committee been leaked to the scientific press in June. Independent scientists joined a member of the committee who had contributed a dissenting minority report in severely criticizing the committee's attitude, methodology, and conclusions.

These criticisms seem first to have penetrated to the upper echelons of the EPA after a press conference held last month by the Committee for Environmental Information, publisher of *Environment*, and Ralph Nader's Center for the Study of Responsive Law. After the appearance of newspaper accounts of the conference, the two principals, Samuel S. Epstein of the Boston Children's Cancer Research Foundation and Harrison Wellford of the Nader Center, were thanked for their criticisms by staff in the office of David D. Dominick, one of EPA's assistant administrators. Dominick's office thereupon set about soliciting outside advice from the Surgeon General and other individuals to whom copies of the advisory committee's report were mailed.

The request to the Surgeon General brought in advice from Food and Drug Administration (FDA) scientists who had not been consulted by the advisory committee and whose extensive experiments on the teratogenicity of 2,4,5-T had been, in their opinion, either ignored or distorted by the advisory committee. A report signed by Leo Friedman, head of the division of toxicology, and by other FDA scientists, detailed some of the major omissions of the EPA advisory committee's report and recommended that the present re-