

UNIVERSITY MISSION AND ACADEMIC FREEDOM: ARE THEY IN CONFLICT?

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Academic freedom is generally understood to refer to the right of university faculty to follow their research wherever it leads them, and to teach their students based upon their own best understanding of the truth. Thus understood, it is a precious individual right to freedom of thought, painfully won against both overt and more subtle threats and, as such, recognised as having a significance which goes well beyond the interests of professors. As the United States Supreme Court pointed out in *Keyishian v. Board of Regents* 385 U.S. 589 (1967), “Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment [to the American *Constitution*], which does not tolerate laws that cast a pall of orthodoxy over the classroom.”

Academic freedom is not *only* an individual right, however; it is also a right sought or possessed by universities as institutions, the right to be self-governing with respect to academic matters. This right implies also the right to make academic decisions on the basis of a commitment to a particular viewpoint. A university need not be (though it may be) a sort of shopping-mall of viewpoints which reflect nothing more than the diverse positions of its faculty.

Educational freedom (I will contend) depends upon the freedom to shape – and (for individuals) to choose to study in or teach in – distinctive educational institutions. This implies an obligation upon faculty who have chosen to commit themselves to such an institution to teach in a way which engages positively with its educational project. Policies that provide scope and encouragement for schools and universities to represent distinctive and coherent viewpoints are an essential condition of educational freedom in a pluralistic society.

But in what respects is it appropriate for a *university* to have a distinctive character, an identity? By “distinctive character of a university,” I am not referring to the fact that some are especially known for their history departments, while others have physics departments that attract enormous research grants. No, I mean the question in the sense in which I understand the Vrije Universiteit to be seeking to identify certain core values, which do or could characterise its physics and its history departments alike.

* Adapted from remarks at the VU University Amsterdam, December 1998, as part of the university’s “Values Project” (Waardenproject); a much longer version appeared in the *European Journal of Education Law and Policy* 4, 1, 2000.

You might reply that the answer is easy: of course universities have that right! After all, there are hundreds of Catholic universities around the world and many that – like the Vrije Universiteit and my own Boston University – owe their founding to explicitly Protestant efforts. But what does that actually *mean*, “on the ground,” and how does it affect teaching, research, and (above all) decisions about faculty appointment and tenure? Doesn’t academic freedom require that these aspects of university life function in complete independence of the philosophical or religious basis (the *richting*) of the university?

The reality is that contemporary universities find it very difficult to have a coherent mission. It would be bad enough if government made one set of demands, the economy another, students a third, parents had a fourth set of expectations, and teachers had their own goals and ways of understanding their responsibilities. But it is worse than that, since government gives a divided and conflicting message, the economy (in its varied sectors) is constantly sending different signals about what it wants, and students, parents, and teachers vary enormously in their ways of thinking about education.

The common solution has been to try to offer a little something for every interest, taste, and ability. The diffuse – some say chaotic – curriculum offerings of universities have been criticised in recent years as leading to a sort of “Shopping Mall” which is, finally, not really able to educate in the full sense of that word. The incoherent curriculum of many universities has suggested, to their critics, that those who guide and shape them have no coherent sense of what an education is for, even of what constitutes a flourishing human life.

In response to a growing dissatisfaction with universities that seem to drift aimlessly, there are periodic efforts to define the core of a good education in terms of a particular vision of the Good life, whether that vision is ultimately religious or humanistic. After all, university students have considerable freedom to avoid institutions whose religious or philosophical character seem to them a smothering orthodoxy. What is there really to fear, with respect to the freedom of conscience of students, from universities that maintain and promote a distinctive ethos?

The argument for academic freedom, however, is not ordinarily made in terms of the intellectual freedom of students (unless as a rhetorical device) but of the scholarly integrity of professors. Surely they should not be subjected to any limits upon their freedom of investigation, to the boldness of the questions that they raise and the unorthodoxy of the answers that they offer, or limits other than those defining scholarly integrity!

There can be no question that the conditions, in the early 19th century, out of which the doctrine of *Lehrfreiheit* arose justified this claim of intellectual

independence. New advances in methods of conducting research and the Enlightenment questioning of received knowledge occurred – not by accident – at a time when both Protestant and Catholic orthodoxy seemed intellectually exhausted and was clinging, as a result, all the more stubbornly to authority over the universities. It was in this context and at this historical moment that the insistence of the very small elite of university professors upon their right to pursue knowledge *in their specializations*, wherever it led them, had its moral justification. And this principle continues to apply; as Nisbet wrote during the academic turmoil of thirty years ago, “It was one thing to tolerate the idea of academic freedom when it meant only a physicist’s or sociologist’s right to write and teach *as a physicist or sociologist*. It is something very different when the idea is applied indiscriminately to all aspects of existence.”¹

Something very different is at stake in today’s mass higher education. In 1869-70, there were 5,553 faculty in higher education institutions in the United States; in 2007-2008 there were 1.4 million. Since about half were part-time, this was the equivalent of 927,178 full-time positions, 65 percent in public and 35 percent in non-public institutions. It is not surprising that many of this vast army of faculty members pursue no really significant research interests and have only the most conventional opinions within their own fields, or beyond.

We must not exaggerate; there are of course tens of thousands of university faculty, in the United States as in Europe, who manage to combine lively intellectual pursuits with engaging and useful teaching – indeed, the latter is unlikely to be sustained for long without the former. Their investigations and speculations must be protected, lest the life of the mind wither and, with it, the vitality of our universities. *Within their area of competence*, it is important to subject them only to the discipline of peer review on the basis of scholarly standards. Expecting a university-level teacher of literature, for example, to avoid imposing upon students his uninformed opinions about religious and moral questions which conflict with the ‘educational project’ of the institution which employs him does not prevent him from being as unorthodox as he wishes about the authorship of the plays usually attributed to Shakespeare. Of course he has a right to freedom of speech on any matter on which he chooses to entertain an opinion, but only in his capacity as citizen and not in his capacity as teacher and with a ‘captive audience’ of students.

The American Association of University Professors insists “the professor does not speak for the institution, nor the institution for the professor.”² *In fact the distinction suggested is by no means so clear. For most students, in fact, the professor is the university, at least with respect to matters that the professor*

¹ R.A. Nisbet, *The Degradation of the Academic Dogma: The University in America, 1945-1970*, New York: Basic Books 1971, p. 61.

² A.C. Kors & H.A. Silverglate, *The Shadow University: the Betrayal of Liberty on America’s Campuses*, The Free Press 1998, p. 57.

chooses to raise in her lectures. Before we can explore further the academic freedom of individual teachers, it is important to consider the academic freedom of educational institutions.

The earliest universities were under Church sponsorship and supported by private and ecclesiastical endowments as well as by student fees. One of the early forms of government involvement was the recognition of degrees granted by certain universities, which gave them a monopoly position. Since government was, with the Church, the major employer of university graduates, this was a major but indirect form of support. Thus a royal writ of 1334 referred to “the King’s universities” of Oxford and Cambridge, though in fact the universities were self-governing within the broad jurisdiction of Church officials.³

The autonomy of universities is in much more question today, now that most – in Europe at least – derive their financial support primarily from government. This has led a British historian to insist “it has become necessary to reassert the medieval idea of liberties, to argue that Universities have their own independent sphere of judgment, in which the State should not meddle.”⁴ Financial dependence did not develop overnight, of course; Nisbet traces the elaboration of a theory of academic freedom to the growing role of the German states in relation to their universities.

What the German professors said, in effect, was: the university can no longer be the privileged enclave it has been since the Middle Ages; but even though the power of ultimate direction of finance has been taken over by the government ministry, we, the professors, reaffirm our historic right to autonomy in academic matters.⁵

The extent of government funding of universities has grown enormously since World War II, in Europe as in the United States, with inevitable consequences for their real autonomy. Russell’s warning could be made equally well about the Dutch situation, that “the almost total dependence of British universities on the State for the funding of their basic operations has for a long time left them dangerously vulnerable to the power of the State.”⁶ Decisions continue to be made by university faculty, but it is within the context of budgetary policy-making that can leave them arguing over trifles. This has led to the familiar quip that the reason faculty meetings are so contentious is that the issues are so unimportant!

Nor is the situation very different in the private universities that play such an important role in the United States and Japan. More even than in Europe, it is essential for them to respond to a market – to what students believe it is

³ C. Russell, *Academic Freedom*, London: Routledge, 1993.

⁴ *Idem.* p. 3.

⁵ Nisbet, *ibid.* p.61.

⁶ Russell, *ibid.* p.7.

worth their while to study. Max Weber wrote, eighty years ago, that “the German universities . . . are engaged in a most ridiculous competition for enrollments;”⁷ if only he had lived to see the glossy promotional packages that come in each day’s mail to American high school seniors from universities thousands of miles away!

In both public and private universities, then, whether to build a strong program in Byzantine studies is not simply a faculty decision to be made on the basis of the excellence of the research available and yet to be done, but responds to market pressures either directly or mediated through government decisions. Parenthetically, some of the stranger twists of scholarly emphasis in the humanities may owe more to a perception of what will ‘sell’ to students than to genuine ideological conviction on the part of faculty. Giving a feminist or ‘Queer Studies’ twist to one’s scholarly work may bring in new cohorts of students and help to keep a department afloat!

But government and market pressures do not have to translate into loss of the distinctive character of a university, if we mean by that its ethos (*richting*) as expressed in the flavor that it gives to its instruction as well as its life as a community. I think it probable that the ability of a university to retain a significant degree of operational autonomy in decisions that shape the education it provides is directly related to the insistence with which it holds to a clearly stated mission. Government officials tend to push in where there is no coherent resistance. Generally they have no stomach for conflict with opponents who can articulate clearly their reasons for opposing specific external mandates. That, in fact, is a central conclusion of political scientist Stephen Monsma’s survey of colleges, social agencies, and international aid organisations; those whose religious identity is clearly profiled report less trouble with government than do those that have become unclear about their identity.⁸

Nor is this simply a psychological effect; there is extensive legislation and jurisprudence in several European countries as well as in the United States that grants a higher protection to the autonomy of educational institutions in matters that affect their distinctive character.⁹

Clarity of identity also plays an important role in dealing with the market forces, which have such an enormous impact upon universities in the United States and, to an increasing extent, in Europe. As my colleague on the Advisory Committee, Professor Nicholas Wolterstorff, pointed out, higher education institutions are inclined to seek to improve their market position

⁷ Max Weber, “Science as a Vocation” (*Wissenschaft als Beruf*, 1919), in: H. H. Gerth and C. Wright Mills, editors and translators, *From Max Weber: Essays in Sociology*, New York: Oxford University Press 1946, p.133.

⁸ S.V. Monsma, *When Sacred and Secular Mix*, Lanham (MD): Rowman & Littlefield 1996.

⁹ Discussed in some detail in my *The Ambiguous Embrace: Government and Faith-based Schools and Social Agencies*, Princeton 2000.

by becoming less specific about their distinctiveness, but this often proves a mistake. ‘Generic brands’ tend not to do well in marketplace competition, especially when what is at stake is as expensive and as consequential as higher education.

In short, the possession of some guiding purpose apart from responding to government dictation and market forces is itself an important shield against both. “A liberty, in the medieval sense,” after all, “was no more than an enclave, a corporate autonomy in society that deserved its own freedom to act in proportion to the honor of its mission.” An educational institution without its own distinctive mission is compelled to accept whatever missions are imposed upon it by society. “If the university rides off in all directions at once, it will hardly go anywhere.”¹⁰

There is thus no such thing, today, as a model of what a Protestant, Catholic, Muslim, Jewish or Humanist university should be like. Each must find its own specific way of combining academic focus in discrete disciplines with a common institutional life and sense of purpose that takes forms which students can actually experience. What is essential is that these not be inconsistent one with another; they need to reinforce each other, rather than be in conflict. It is unfortunately by no means always the case that universities calling themselves ‘Christian,’ for example, in fact consciously and effectively work to develop a unity of these components of their life and mission. The identity of a university should not be seen as simply an add-on, but as a fundamental vision working its way through all that the university does.

Doesn’t that describe the fundamental coherence that would make any educational institution coherent and effective? And isn’t that a good working definition of academic freedom as it applies to institutional autonomy? And wouldn’t a university manifesting such coherence be in strong competitive position?

I anticipate the objection that a university should not, by affirming a distinctive character, contribute to the division of society into competing philosophical camps; that its mission is to allow all the voices to be heard in a rich symphony. The Netherlands, after all, have repeatedly been pronounced a ‘multi-cultural society’ (*multiculturele samenleving*) characterised by respect for diversity of viewpoints, though less so in recent years than was the case in the 1970s. But such diversity does not long endure, at least above the level of folkways and prejudices, unless its strands can find supporting institutional form. Reformed Protestantism, as understood by Abraham Kuyper and the other founders of VU University Amsterdam, is one of the strands that make up Dutch society and Dutch culture. It is not the dominating strand, nor could it realistically seek to be, but it deserves to be heard, and not just in the

¹⁰Nisbet, *ibid*, p. 61 and p. 135.

spheres of private conscience or community life but in the full range of intellectual life.

Why should this particular tradition – as expressed in the The VU University Amsterdam’s objective – be privileged over others? Not because of any claim to unique authority or unique access to truth, which would be inappropriate in a pluralistic society, but because perspectives, angles on the truth, need to be nurtured in friendly soil. If, as often happens in classes and discussions, religious viewpoints are ruled out *a priori*, there is no chance that they will be nurtured to the point that they can enter fully into the exchange at a level appropriate to the search for truth. Not only is the faith of the student either withered or stunted at the level of unreflecting childish sentiment, but the wide-ranging discussion which is the essence of university life is impoverished as a result. As one of the wisest observers of the culture of universities has observed, “With a naivete matching that of many believers, the secularist critics of religious belief have sometimes proceeded as though assumptions *a priori* that cannot be proven were exclusively the property of believers, and therefore as if their [own] scholarship and their university were free of presuppositions.”¹¹

In effect, secularist orthodoxy places limits upon intellectual life that is, in its own way, as hostile to academic freedom as were the religious orthodoxies of the 18th century. As a result, “a professed ‘knowledge’ about human life and society, about human history and culture, that is as ignorant about the faith-dimension as is much of the current scholarship of humanists and social scientists in many universities . . . is fundamentally deficient-deficient as knowledge and as scholarship, completely apart from what it may or may not mean for the life of faith.”¹²

The danger today, surely, is not that religious viewpoints will impose themselves tyrannically, but that they will be so excluded from the on-going discussion by which truth is discovered that – even in universities with a religious identity – they will make no contribution. It is unimaginable that, in a university at the turn of the millennium, a religious orthodoxy could obtain the strangle-hold that ‘multiculturalism’ (the ideology, not the sociological reality) has acquired in many of the best American universities. According to well-placed observers, there is now

only one appropriate set of views about race, gender, sexual preference, and culture, and holding an inappropriate belief, once truth has been offered, is not an intellectual disagreement, but an act of oppression or denial. All behavior and thought are “political,” including opposition to politicized “awareness” workshops. The goal of such opposition is

¹¹ J. Pelikan, *The idea of the university--a reexamination*, New Haven and London: Yale University Press 1992, p.47.

¹² *Idem*, p. 39.

[assumed to be] the continued oppression of women and of racial or sexual minorities.¹³

Can anyone imagine a specific religious doctrine coming to have equal authority at a distinguished university today?

But what about individual academic freedom? And doesn't it necessarily come into conflict with a university that is seeking to maintain or reclaim a distinctive character or perspective? I am going to suggest that freedom for the individual professor, at least in her capacity as a teacher, depends at least in part upon a collective freedom, that of the institution of which she is a constitutive member rather than an employee.

Teaching is not a solitary enterprise. We do it in the company not only of our students but of others who have taught and are teaching and will teach them – an invisible presence, to be sure, but none the less essential and subtly influential. Medieval universities were corporate bodies of professors who could take for granted, in large measure, a common worldview and a common faith, who joined at great occasions in common liturgies – how difficult it is today, in a great university, to persuade the faculty to come together for any occasion! It wasn't that they did not disagree; to the contrary, it was precisely what they held in common that permitted their debates to be so lively and so frequently productive. It is an impoverishment of the modern university that we find it hard to disagree on important matters because we hold so little in common intellectually. We have no common ground on which to meet, even to quarrel. Surely the freedom of a professor to teach is enhanced if he can teach within a shared framework of meaning, sustained by what colleagues have taught and will teach.

I am emphatically not saying that tests of orthodoxy are necessary or desirable in a university, but suggesting that a shared ethos, an understanding of what is ultimately important, would contribute measurably to the real freedom of faculty in their capacity as teachers. If our teaching is too often timid, that is because it does not take place within such a shared ethos, so that we are forced constantly to assess whether and to what extent we can raise the deepest questions, call upon our students to stretch their minds, to think about the relationship of our subject – whatever it may be – to questions of ultimate purpose and meaning.

Speaking boldly of such matters, not to indoctrinate but to challenge, is surely one of the essentials of effective teaching. It can occur only in a setting where there is a shared understanding that such questions are legitimate and important. "Education for life" (*vorming voor het leven*) is surely what we who love to teach think that we are about. Not that this reduces to the slightest degree our obligation to the truth and to the discipline of our academic subject. Our contribution to shaping the lives and the character of our

¹³ Kors & Silverglate, *ibid*, p. 215.

students is not achieved by preaching to them, but by the humility and attention with which we search for the truth, and draw our students into that search.

“Humility and attention” . . . I owe the phrase to my Boston University colleague the poet Geoffrey Hill, who thus describes how the poet stands before reality, but it could be applied just as appropriately to the work of a scientist, of an art historian, of a psychologist. I was particularly struck, at the session of the *Waardenproject* in September 1997, with the description of the respectful attention that the Biology Faculty sought to develop in its students, toward the nature of research, toward laboratory animals, toward human beings who will be affected by their work.

This is why ‘post-modernism’ is so destructive of a central value of the university’s mission, with its mocking detachment from the search for truth. This is also why the exaltation of ‘theory’ in the humanities has succeeded in chasing away so many students who simply love poetry or novels for the direct experience of reality, which they offer the attentive reader. And this is why, finally, we cannot accept Weber’s famous claim that *Wissenschaft* must be value-free.

It is a false accusation, which we have been too ready to accept, on the part of those who mock rooted convictions that ‘real science’ cannot be done by believers, that faith imposes a darkness on the mind. If we reflect for a moment we know that is not true, that the posture of “humility and attention” which is essential to all real scholarship and all real teaching are virtues precisely nurtured by the right sort of life of faith, in which the mind as well as the heart is engaged. Of course there are many religious people, as there are many secularists, who lack those virtues, but this is the result of personal shallowness and not of the convictions that they hold. Philosopher William James correctly saw that many religious people approach life’s challenges with enthusiasm and engagement, not with the blinkered narrowness of which they are accused by their secularist mockers.

Surely there is a place, in a pluralistic society, for universities where the outer limits of inquiry are pressed with that enthusiasm and engagement, with that humility and attention, which are an integral part of the Christian approach to life. Surely there is a place for teaching which is coherent and mutually-reinforcing, while avoiding any sort of indoctrination. And surely it can only strengthen a university to define, as The VU University Amsterdam has sought to do, a common ground of core values which relate it to a tradition of serious engagement with ideas. Nothing could be more foolish than to accept the historical inevitability of the continued secularisation of thought, or to assume that the ideas which engaged Abraham Kuyper more than a century ago could no longer help us in our search for truth and for justice today.

