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WHAT IS ACADEMIC FREEDOM FOR?

ROBERT J. ZIMMER

ACADEMIC FREEDOM IS often taken as an unexamined given on university campuses and is often viewed from outside the academy with some bafflement. Both of these situations should be a cause of concern. Properly understood, academic freedom is of enormous importance to our society and to the well-being of our academic institutions, and it is central to the contributions universities can make. The threats to academic freedom come from both outside and within the academy. An examination of academic freedom, its meaning and purpose, can increase understanding outside the academy and also clarify its meaning within the academy, providing us all with better understanding for informed action.

Academic freedom is a complex subject with many aspects and a rich history. Focusing on the question “What is academic freedom for?” can help move us beyond the views of academic freedom as a near theological principle on one hand or as a peculiar entitlement for a privileged few on the other.

My own university, the University of Chicago, has been a significant player in the history and present-day issues of this subject, at least in part because of the particular role Chicago has played in the history of higher education in the United States. My remarks will use some examples from our experience in an effort to illuminate some of the issues.

Academic freedom is a particular feature of universities and colleges, and so a discussion of the purpose and value of academic freedom of necessity begins with the purpose and value of universities. Universities most often

describe their missions as research and education and emphasize in addition the impact of this research and education for the benefit of society. Education, even organized education, and the ideas of discovery and understanding of the world have an ancient history across many cultures, far predating the modern university as we know it. Most date the birth of universities to around the end of the eleventh century, beginning with the early universities in Bologna, Paris, Oxford, Cambridge, and many others across Europe. Typically, they grew from specialized training schools. The name “university” reflects the emergence of institutions with some common whole while offering training in a variety of subjects. The evolution of universities over the ensuing centuries has a rich and fascinating history, full of challenges and debate, each of which must be understood in the context of the times. One of the central themes over the centuries has been the degree of independence from state, church, and other authorities.

A key moment in the history of universities and basic to our topic today was the founding of the University of Berlin in 1810. This was not just another addition to the by then long list of universities in Europe. The University of Berlin was to become the flagship for what became known as the German model of the university, and its founding represents the birth of the spirit of the modern research university as we know it today. The founder, Wilhelm von Humboldt, was deeply influenced by the ferment in thinking about universities taking place in Germany at that time. Moving beyond the idea of providing training in a multitude of crafts, the German model comprised three basic principles: first, that the goal of education was to teach students to think, not simply to master a craft; second, that research would play a role of central importance—and teaching students how to think would be accomplished through the integration of research and teaching; and third, that the university should be independent and not be in direct service to the state.

A prominent contemporary thinker who influenced Humboldt was the theologian and philosopher Friedrich Schleiermacher. Schleiermacher, writing in 1808, imagined universities going beyond training in crafts and described the goal of university education as enabling students “to become aware of the principles of scholarship, so that they themselves gradually acquire the ability to investigate, invent, and to give account. This,” he writes, “is the business of the university.”

This emphasis on developing independence of thought was accompanied by strong views about the relationship to the state. The recognition of the complexity of this relationship and the importance to universities of

independence from the state was explicitly discussed by Humboldt, writing around 1809.

The founding of the University of Berlin and the gradual increase of influence of the German model in Europe during the nineteenth century are essential parts of the prehistory of the University of Chicago and its place in the story of academic freedom. As we know, most of the great research universities on the East Coast, Johns Hopkins excluded, began as small colleges. The University of Chicago began life very differently, as a research university that appeared almost whole from its start. Rather than taking its starting point to be a college for the training of future leaders, the University of Chicago took as its starting point a commitment to rigorous, intense, and open inquiry both in research and education, much along the lines of the University of Berlin, but added to it a spirit of openness and meritocracy derived from its particularly American roots.

At its inception, the University of Chicago purposefully distinguished itself within the landscape of higher education in the United States. It was intended from the start to be, and remains today, an institution where the culture supports open, rigorous, and intense inquiry as the highest value; where education and research are embedded in this culture of inquiry; where intellectual freedom is viewed as essential to open inquiry; and where we are open to all people and all perspectives that can stand the scrutiny of argument. Over the years, most of the universities on the East Coast gradually moved toward aspects of this model themselves, but resonance of the distinctiveness of Chicago remains both in its culture and in policies reflecting that culture.

The University of Chicago's first president, William Rainey Harper, was forceful in articulating his belief in the power of his university to have a profound impact on society and to improve the quality of human life. This has been true of all the major research universities that have emerged in this country since that time. And why is that? The issues society faces are complex without simple answers. And in general, it is universities' openness to ideas, to analytic debate, to rigor, and to questioning, and the provision of an umbrella, and in fact safe haven, for clashing thought and perspectives, that best illuminate societal, scientific, and humanistic issues. In a world that tries to overly simplify, universities should demand analysis of inherent complexity; in a world that has inevitable pressures to uniformity of views, we should embrace diversity of perspective; in a world that creates an "us-versus-them" approach to argument, we should support comfort with divergent views. This is the challenging environment, rather than a more intellectually chilled

environment, that fosters the work of faculty, students, and ultimately alumni. The greatest contributions universities can make to society over the long run are the ideas and discoveries of faculty and students that emanate from the resulting intellectual ferment and the work of alumni across the scope of human activity—alumni whose capacity for invention has been dramatically enhanced through their education in this environment. Moreover, that universities are almost unique in making this type of contribution only highlights their importance to society.

If this is the purpose of universities, the purpose of academic freedom is precisely to preserve this openness of inquiry and freedom of thought. In other words, academic freedom is designed to protect and preserve for the long run the unique capacity of universities to contribute to society.

Most research universities would view the principles I have articulated as resonant with their own values, so how universities should act would seem relatively straightforward. But as usual, principles are easy to state, but both understanding what they mean in practice and how to realize them are much more complex. In particular, each university, even if it subscribes in general to the previously outlined principles, must ask itself what other values may intercede. How often will these principles be trumped by other considerations, whether externally or internally driven? This is where universities differ considerably in their approach and issues of academic freedom figure prominently. And this difference is as much a matter of the culture of the institution as it is of explicit policies, since the policies always need interpretation, and institutional culture will inevitably play a central role in that process. A feature of the University of Chicago's history is that it has been staunch in articulating the previously discussed values as our highest values. We strive to preserve and enhance a culture in which openness can be embraced, although this is a constant challenge. Because of our history, culture, and adherence to these values, we inevitably find ourselves as a focal point on issues of academic freedom.

The challenges to academic freedom can be directed at individuals or at the institution as a whole, and they can come from sources external or internal to the university. There are three categories I would highlight:

1. External forces on the university from the government, other formal authorities, media, financial supporters or alumni to take action against individual faculty members or students for their views; or external pressure directly against individuals themselves

2. Internal forces on faculty or students intended to stifle expression of individual views or perspectives that some deem objectionable (These can be explicit, but are often implicit because of an ambient culture of what is deemed acceptable.)
3. External and internal pressures on the university to take a political position that is widely perceived as just

A key underlying question in all these considerations is the relationship of an individual faculty member to the university as a whole. To what extent does a faculty member represent the university? What should the university expect from its faculty and what does it owe its faculty? The University of Chicago wrestled with this complex question for some time but came to a firm conclusion in the well-known Kalven report produced by a faculty committee led by Harry Kalven, a professor of constitutional law. This report, written in 1967, derives directly from a firm commitment to the principles I articulated a few moments ago regarding the importance of inquiry and the nature of our values and culture.

Before turning to the Kalven report itself, I want to read a statement that was made by University of Chicago faculty William Gardner Hale and Albion Small in 1899 in the discussion of a contentious matter regarding academic freedom. They say: "The principle of complete freedom of speech on all subjects has from the beginning been regarded as fundamental in the University of Chicago as has been shown by the attitude of both the President and the Board of Trustees; this principle can neither now nor at any future time be called into question; it is desirable to have it clearly understood that the University as such does not appear as disputant on either side of any public question; and the utterances which any professor may make in public are to be regarded as representing his own opinions only."¹ This remarkable statement, now 110 years old, is an indication of the culture of the University in which the Kalven report was produced and why its principles have resonated so strongly through the current day.

I will summarize the principles of the Kalven report, adding a few embellishments for emphasis.

First, the focus on rigorous, intense, and open inquiry carried out by the faculty and students of the University must be accompanied by the greatest possible intellectual freedom, in an environment that supports openness and avoids steps that lead to chilling the environment.

Second, it follows that the University, as an institution, should take no political positions and should remain neutral on such matters (except of

necessity those in which it is a direct party), in order to ensure that we have a maximally open environment. Violations of neutrality are a mark against the maintenance of a non-chilling environment.

Third, this University neutrality provides a safe environment for faculty and students to express their own views and take whatever stance they like as individuals. Their views, in turn, never represent the University, which remains neutral.

Fourth, the University needs to protect the academic freedom of faculty and students both by its own neutrality and the protection from internal and external forces that would seek to dampen it.

Fifth, there is recognition of a possible exception. Kalven was a constitutional lawyer, and as such deeply appreciated that a competing interest could trump under unusual circumstances. The exceptions were not spelled out, but rather the emphasis was put on the strong presumption that the stated principles would govern. Much of the focus on the Kalven report in recent times is on understanding exactly where the exception clause applies. The report asserts a “heavy presumption against the university taking collective action or expressing opinions on the political or social values of the day, or modifying its corporate activities to foster social or political values however compelling and appealing they may be.”²

This powerful statement, the culture in which it is embedded, and the way it has been implemented reflect the commitment of the University of Chicago not to have other values intercede in its commitment to academic freedom.

The external pressures applied by the state or other authorities can be extremely powerful. A most horrific example is that the University of Berlin itself was effectively destroyed by the Nazis in the 1930s, and then even after the defeat of Germany in World War II, became a shadow of its former self under the repressive East German regime. While this is a particularly grim example, there are many others in Eastern Europe. In addition, there have been very considerable political pressures on universities in this country. The demands for faculty to be fired for real or imagined connections to the Communist Party embodied a particularly dark moment, demands that some universities acceded to. While less dramatic than those episodes, there is always at least a low-level set of pressures in this direction that must be constantly confronted.

This type of external pressure is often quite explicit, and it is often evident to most of the academic community that the right course is to resist it. Even if dangerous and difficult, these issues can sometimes be conceptually more

straightforward than dealing with other types of pressures. Most universities have struggled with issues created by internal pressures derived from broadly held perspectives, as well as with the pressures on universities to take a political position that is widely perceived as just. Calls for divestment as a means for universities to take a stand on various issues fall into this category. The Kalven report was the basis for the University of Chicago not agreeing with requests that we divest from companies doing business in South Africa or Sudan. There are certainly many ways other than divestment in which the University is encouraged to take a political position. The Kalven report continues to provide guidance for the University of Chicago on all matters related to the University taking a political position.

The Kalven report has most often been discussed as a policy document taken somewhat in isolation. But to understand it, why it has survived at the University of Chicago, and why other universities have gestured toward it but never fully adopted some such statement themselves, I believe it is necessary to contextualize the Kalven report within institutional culture. The commitment to maintain open, rigorous, intense inquiry in an environment of maximal intellectual freedom is not a simple one. It is difficult and to succeed demands a culture and community that will support it. The University of Chicago holds these as its highest values, and we seek to reinforce them at every turn. The Kalven report is a component of this culture. Many other institutions push other values forward as legitimate competing interests, and their culture may not support such a strong position on this particular set of values. Every institution needs to come to its own conclusion as to what it is and what it wants to be. It needs to decide how much weight to give to various competing interests. Kalven only works at the University of Chicago because of these common values at the University and can only be fully understood as a part of the realization of these values.

One of the interesting developments over time has been the way the presidents of the University have understood their own role. It is illustrative of how multiple interpretations and tensions always exist. Robert Maynard Hutchins, the University's fifth president, was a powerful defender of academic freedom. For years he confronted, with unwavering commitment, various calls, many by government, to curtail activities of University faculty and students. Hutchins took as part of academic freedom his own prerogative to speak freely and frequently of his own political views on a wide variety of issues. Were Hutchins's political activities an expression of academic freedom or were

they chilling, given that he embodied the University as its president? Many today, including myself, would question this level of political engagement for a University president. While separating the University from its president in a legal sense is easy enough, it is problematic practically, and thus the potential chilling effect of a politically active president is something I and other of Hutchins's successors have tried to avoid.

Finally, let me give you a question to consider, one that has arisen recently (though not at the University of Chicago). Suppose there is a war that is very unpopular with the faculty of university X. A motion comes before the faculty governing body to the effect that the faculty of X declare themselves opposed to the war and call upon the government to end it immediately. What should happen? Is this faculty expressing their views? Or is it a chilling act that is inappropriate? What do considerations of academic freedom say?

I began with some historical comments about the evolution of the university, and I did that not only to contextualize our discussion but to emphasize another important point. Universities are institutions with a long history and the prospects for a very long future. It is essential to preserve their value, their capacity for inquiry, discovery, and education over time, which will inevitably far outlast any particular political issue of the day, no matter how important it is.

Academic freedom, fundamental to universities' capacity to effectively fulfill their mission, has a long history. It faces challenges both internal and external to the academy. It cannot be taken for granted. Establishing it has been a long struggle, and preserving it will always be a struggle. But for the contribution that we make to society and that we alone can make—for the integrity of inquiry and the quality of our education—vigilance is essential. Discussions and decisions will sometimes be unpopular, even within our own academic community; often difficult; and possibly even dangerous—they have been all of these in the relatively recent past. But all of us, in the academy or without, are stewards of this hard-won legacy, and its preservation and enhancement are incumbent upon us all.

NOTES

1. University of Chicago, *Report of the President* (Chicago, 1900), 208.
2. George Stigler, Harry Kalven, et al., "Report on the University's Role in Political and Social Action," November 11, 1967, www-news.uchicago.edu/releases/07/pdf/kalverpt.pdf.