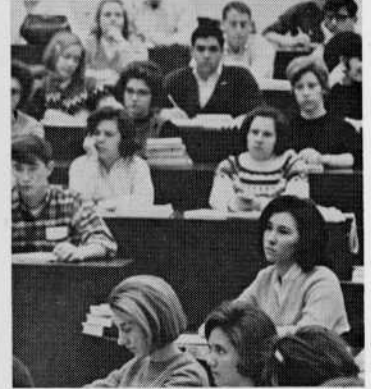
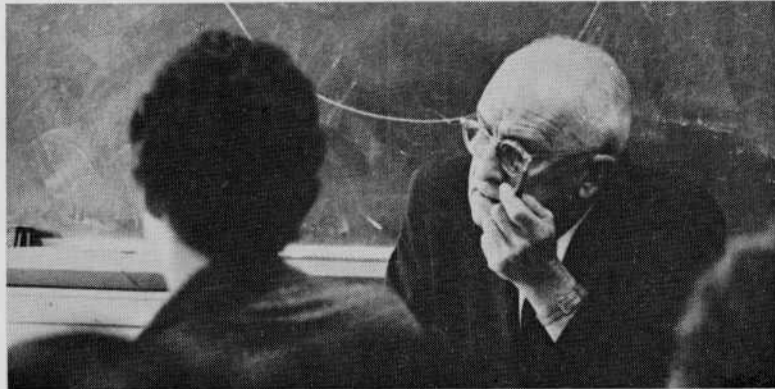
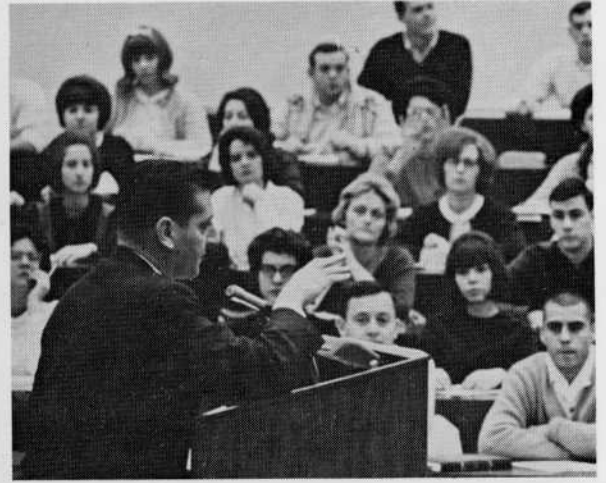
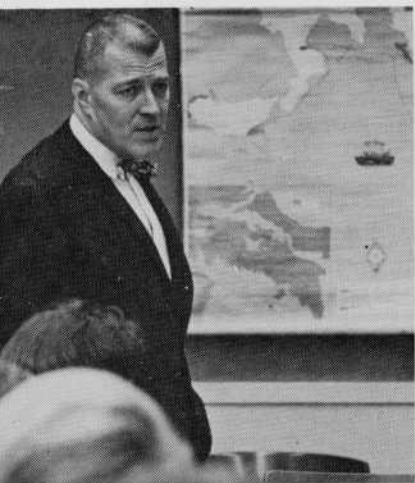


Says the author, a prominent university professor: "The only safeguard of individual self-expression, on which a university's achievement in persuasion depends, is academic freedom." Just what does "academic freedom" mean to you? Why is it, as the author believes, absolutely essential? Why should all of us, in our everyday lives, insist on the guarantees and protection which the principles of academic freedom provide?

"A student wants to hear all points of view, and he wants to attend lectures by professors who feel free to express their own views."



ACADEMIC FREEDOM

By John Robert Silber

What is the essential minimum condition for civilized society? It is not indoor plumbing, modern hospitals, or penicillin; nor is it the stock exchange, large armies, or systems of rapid transportation. Men have lived in civilized groups without any of these conditions, and some societies in which all of these factors were present have been barbaric.

Alfred North Whitehead's view is that "civilization is the victory of persuasion over force," that civilization is present to the degree that ordered human life is achieved by means of rational persuasion rather than by appeal to brute force.

At the most primitive levels, differences among men are resolved by force, and right is defined or declared by the stronger party in physical combat. But if this characterizes life on its most primitive levels, it can scarcely be the mark, but must rather be the antithesis, of civilized existence. The skins of the barbarian are replaced by the clothes of the civilized man as men introduce more and more elements of persuasion and tolerate fewer and fewer appeals to brute force in their achievement of social order and stable individual life.

On this view, a society—no matter how affluent or militarily sophisticated—is not civilized so long as it appeals to force rather than to the consent of the governed in preserving order among its people. That society which determines public policy on the basis of one powerful man's unexamined views rather than on the basis of careful examination of alternative views and the adoption of the one that seems most reasonable and desirable is not civilized. *That individual, moreover, who in private dealings with others gets his way by force—whether by personal, economic, or physical threats—is not civilized.* And, by contrast, the society or individual that proceeds on the basis of rational persuasion, by pointing to facts and arguments, by seeing many sides of each question and by acting on that proposal which most adequately takes into account the important truths in each divergent view, is civilized.

This is not to deny that there is a civilized no less than a barbaric use of power. Ultimately, it may be necessary in the maintenance of order to appeal to force. But in a civilized society force follows the rational determination of policy and is never the justification of the policy it enforces.

If an individual or a group rejects persuasion and is set upon a course that will destroy others or society itself, it may be stopped by the truly civilized use of force employed by those who have persuasive, rational grounds for its exercise. The difference between civilization and barbarism on this view is, admittedly, a matter of degree, for the appeal to force is never totally abandoned nor is the appeal to persuasion ever entirely effective.

Nevertheless, this difference in degree is also a difference in kind. The difference between the civilized recourse to power as a last resort and the wholehearted embrace of power as a way of life is seen in the following contrasts: England under Churchill and Germany under Hitler, India under Gandhi and Russia under Stalin, Al Smith in New York and Huey Long in Louisiana. We can distinguish among our friends and associates, moreover, those for whom rational persuasion and those for whom insensitive domination is the natural mode of self-expression.

But we should not be beguiled into thinking that civilization is something that comes easily to either individuals or nations. The renunciation of power is one of the most difficult of human achievements, and one may ask, without undue cynicism, if power is ever renounced voluntarily. Adler and many other psychoanalysts have joined St. Augustine in insisting that man has a natural craving for power and dominion over others, that man both individually and in groups, far from welcoming civilization, confronts it as a goal toward which he must be encouraged to strive and from which he readily departs at the first opportunity. The urge for and delight in power is so basic and corrosive in man that Lord Acton observed: "Power tends to corrupt and absolute power corrupts absolutely."

Though a pessimistic view of man, this view is well confirmed by history, part of the orthodox position of both Christians and Jews, and the view shared by the Founding Fathers of the American Republic. Observing man's natural resistance to civilization, which is the consequence of his natural craving for power and proclivity to abuse it, men have found only one satisfactory way to control power—namely, to divide it. Division of the powers of government, through the creation of several branches and the institution of elections, and division of the powers in domestic

life, through the emancipation of slaves and women and through the establishment of legal rights for children, have been historically important steps toward civilization, toward the victory of persuasion over force. Where divisions of power have been absent in private and public life, the tendency toward brute domination has increasingly expressed itself, and civilization on both levels has been retarded.

Civilization has waxed in those moments of history in which freedom has been permitted, in which divergences and differences—if not honored—have been tolerated, and in which men—even if prone to use brute force—have been opposed by their equals in power and compelled, therefore, to reach and maintain the seats of honor and influence by rational, spiritual, and artistic means. Civilization, to put the issue in plain examples, is increasingly expressed when the bullfighter is honored more than the butcher, the physicist more than the boxer, and the poet more than the football player. Because there is something brutal and fundamentally power-oriented in the success of the slaughterer, the boxer, and the football player, their successes never approach the high-water marks of civilized achievement.

But what has all this to do with academic freedom? Almost everything, I believe. A university worthy of the name stands at the very apex of civilized achievement in the society in which it is found. It is a community in which rational persuasion and recourse to artistic, spiritual, and intellectual triumph take clear and undisputed precedence over the appeal to brute force. *The power of a university is the power of mind and imagination, not the power of muscles, money, or political influence.* The university more than any other institution in our society exhibits the victory of persuasion over force, and it has achieved this domestication of power through the historically successful technique of dividing the power centers. Power within universities is fractured to a degree unheard of in any other institutions in our society. Each and every professor and student is a power center and asserts his freedom—his right to self-determination and to the determination of at least a part of what the university as a whole stands for and is. *And the only safeguard of individual self-expression, on which a university's achievement in persuasion depends, is academic freedom.*

Academic freedom is both a description of the ideal way of life within an academic community and a basic right claimed by all participants in that community. Even the words “academic freedom” have a power of their own, not unlike the magic word of childhood, “tickalock.” It is “tickalock” that transforms the games of childhood from games in which the swift and strong can always win into games in which each child has a fair chance. And it is in part the magic of the words “academic freedom” which helps free the community of scholars from domination by unqualified but powerful members of society (or occasionally members of the academic community itself) who lack

the civilized attribute of self-restraint, the civilized respect for freedom, independence and difference, and the civilized delight in the difficult and subtle art of rational persuasion.

It is easy for a person not associated with a university to underestimate the importance of academic freedom. But speaking from experience in trying to recruit faculty members, I know that one of the first questions asked by a person considering employment at a university is: Do you have genuine academic freedom? The prospective faculty member is asking: If I come, will I be free to develop in my own way, according to my own interests and my own best judgment? Will I be free of doctrinal domination by the older members of my department? Will I be able to teach courses in which I am particularly interested? Will I be free in class to teach and discuss what I know best? Will I be able to teach without forfeiting my rights as a citizen to engage in the political and social life of the community, state, and nation? And few indeed are the scholars who will accept a position in any university unless all of these questions can be answered in the affirmative.

In the public mind academic freedom is often identified with tenure, with job security for university professors. But this is a serious, if popular, confusion. *In the first place, students no less than faculty members have a right to academic freedom.* A good student wants the right to invite a Thomas Altizer or any other provocative public figure to speak on his campus; he wants to hear all points of view and to argue with those who present them; he wants to attend lectures by professors who feel free to express their own views and not merely those safer views of others; he wants his university to extend all the rights of citizenship to all students; he wants the opportunity to experiment with ideas and movements and to gain wisdom through the relatively harmless undergraduate excursions into folly; he wants to examine many things and to hold fast to that which *he* finds sound and true; he wants, that is, the same independence his parents wanted when they were his age. And in the name of academic freedom he has a right to it. In the words of a very wise college president, “Ideas should not be made safe for students, but students should be made safe for ideas.”

The distinction between academic freedom and tenure is seen, once again, and in the second place, in the fact that *any good university guarantees academic freedom to each instructor from his first day on campus, whether he has tenure or not.* Prior to receiving tenure, each faculty member is subject to examination—not on his personal, political, social, and religious views—but on his knowledge of his field, his promise of originality, and his effectiveness as a teacher. He comes to the campus, not with the assurance of tenure, but with a guarantee that if he is dismissed prior to being given tenure, it will be because his term has expired and there is no permanent place for him, because he has failed to demonstrate sufficient excellence in research and teaching, or because he has been guilty of acts of moral turpitude. No able young man would consider a term ap-

pointment if he thought he would be denied academic freedom until he had been awarded tenure. Thus, tenure does not define the limits of academic freedom either for students or for members of the faculty. Tenure does provide, nevertheless, a powerful safeguard for academic freedom. Tenure regulations directly protect all faculty members who have tenure appointments by limiting the grounds and specifying the procedures under which alone they can be dismissed. (Administrators, who normally have no tenure in their administrative posts, frequently insure their claims to academic freedom by accepting tenure appointments as professors in addition to their administrative posts.)

Generally, no faculty member with tenure can be dismissed except for cause, i.e., incompetence or some serious breach of moral standards. If an administration decides to dismiss a faculty member with tenure, it must inform this member of its intention and state the ground for its action. The accused faculty member then has the right to legal counsel and to a hearing before a special committee of faculty members who are empowered to pass judgment on whether his right to academic freedom has been upheld. Although the administration is not bound by the findings of this committee, it is aware that to disregard an adverse finding would have serious consequences: the general faculty could vote to censure the administration, and the American Association of University Professors, after making its own inquiry, could blacklist the university, thereby substantially reducing its ability to attract outstanding new faculty members and foundation money. *No administration takes lightly the threat of censure either by its own faculty or by the AAUP.* Likewise faculties are aware that academic responsibilities go hand in hand with academic freedom. *Although the faculty will not tolerate restriction of its right to free speech, both in and out of the classroom, it recognizes the obligation to speak and act in a manner befitting a member of an academic community—with reasonable taste, accuracy, and fairness.*

It would be a mistake, however, to suppose that attacks on academic freedom usually come directly from the central administration; this is almost never the case. Attack is far more likely to come from a department chairman who, along with some senior professors, finds the activities of one of his colleagues offensive; or from an alumnus who, because he is influential, supposes he is also wise and competent to decide what is or is not in the best interests of the university; or from a member of a board of regents whose success in business and friendship with a governor lead him to believe that he is an educator and is uniquely qualified to set the course of the university; or from a state senator, perhaps himself an ex-student of the University, who for some inconsequential political advantage prevents the appointment of an outstanding man to the board of regents; or from a student who, more out of fear than out of love of freedom, tries single-handedly to discredit the University YMCA; or from the majority of students who, while

able to work themselves into a three-day sweat over a football game in Dallas, do little or nothing, like apathetic Germans of the 1930's, while some of their classmates are denied basic civil rights and while their own college newspaper is turned into the house organ of the School of Journalism.

In these, as in most instances, the administration finds itself caught in a bloody crossfire between those who would harm the university by curtailing its freedom and those who would militantly defend the free life of the university against any infringements.

Perhaps the general public would be shocked to hear controversy praised for its own sake: to the man on the street this may seem decadent. Should not the university support and defend truth rather than controversy? This brings us to the heart of the issue of academic freedom, because the strongest defense of all freedoms, including academic freedom, lies in the historical fact that open controversy between alternative points of view is far better for mankind than the unopposed presentation of only one set of doctrines whose truth is dogmatically asserted.

In the march toward civilization men have learned that "time makes ancient good uncouth," that the self-evident truths of the past are the patent falsehoods of the present. Men have begun to regret that the greatest benefactors of mankind are so often punished or destroyed by the very mankind they are trying to help. Socrates, Jesus, Galileo, and Semmelweis are only a few of those who were punished and whose contributions to mankind were rejected as heresy by those who claimed for themselves a monopoly on truth and goodness.

The reflective student of history knows the full extent of the danger we run when we stifle controversy and suppress opinions alleged to be false. A part of this danger consists in the fact that without controversy and argument we have no way to discover which are the true and which are the false opinions. John Stuart Mill, in *On Liberty*, gave an unsurpassed statement of this point: "But the peculiar evil of silencing the expression of an opinion is that it is robbing the human race, posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is ever as great a benefit, the clear perception and livelier impression of the truth produced by its collision with error."

The hearty attempt by our forebears to suppress the opinion that the world moves around the sun cost many a good man his life but did nothing to promote knowledge or virtue and greatly diminished the exercise of freedom and intelligence. *Truth and knowledge prosper in the environment of freedom; without argument, diversity of opinion, and varieties of approach to truth, there can be neither freedom nor truth.* Consequently, faculty members, who are aware of these basic facts of history and who profess a faith in truth and a love of knowledge, acknowledge their dedication to and respect for diversity of opinion and argu-

ment as the expression of freedom and the soundest means of truth.

It follows, of course, that professors have faith in the power of truth to win in the free marketplace of ideas, to use Mr. Justice Holmes' phrase. Like our Founding Fathers, university professors have that confidence in reason and truth bequeathed to all of us by John Milton, who wrote in *Areopagitica*—his stout defense of free press and stout denial of the right to censor and destroy books: "As soon kill a man as kill a good book . . . Though all the winds of doctrine were let loose to play upon earth, so Truth be in the field, we do injuriously by licensing and prohibiting to misdoubt Her strength. Let Her and Falsehood grapple; whoever knew Truth put to worse in a free and open encounter?"

University professors and students say with Milton: "Give me liberty to know, to utter, to argue freely according to conscience above all liberties." And like Milton they understand that "Where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions; for opinion in good men is but knowledge in the making."

In dedicating the University of Virginia, Thomas Jefferson made a statement which, unless I am gravely mistaken, would be accepted by both the faculty and the administration of all universities: "This institution will be based on the illimitable freedom of the human mind. For here we are not afraid to follow truth wherever it may lead, nor to tolerate error so long as reason is left free to combat it."

A university cannot deliver to the people the truth they seek unless it can proceed in freedom—with toleration of all points of view and with vigorous criticism of each.

There are those, however, who believe that a university and its faculty were bought and paid for by tax dollars and should therefore be subservient both in doctrine and program to the elected representatives of the people of the state. This point of view was put succinctly by a member of a university faculty who wrote: "To me it is elemental that just as any business can survive only by giving its customers services or products they like, so also can the university survive only so long as it operates in a manner compatible with the social order in which it operates and in a manner acceptable to citizens whose tax payments make its very existence possible."

The implicit assumption is that a university is just another business, that its faculty are hired employees, and that both the business and the employees must please the customers. We can hear the business motto being intoned in the background: "The customer is always right." *But this view is mistaken because a university is not a business, its faculty members are not hired hands, and the people are not always right.* The people of a state establish a university in order to be guided and instructed by it, just as they expect to be guided rather than pampered by a professional consultant.

A university is the treasure-house of civilization in which the attainments of the past are kept alive; but it is also the community's fountain of youth, and as Shaw wrote, "It is all the young can do for the old, to shock them and to

keep them up to date." A university must always be free to appear "unreasonable" to the public because this is the guise in which new insights usually appear. As long as a university hopes to fulfill its function in the discovery and embodiment of truth, it must dare to seem unreasonable in the eyes of the public. The public, in fact, demand this when they establish a university. When a man hires a doctor, he is prepared to be hurt, for there are very few painless cures. Likewise, the public must be prepared to be "hurt" when they call a university into existence, for occasionally a university may have to condemn public opinion as prejudiced ignorance, public art as trash, and public morality as shameless compromise and duplicity.

Whenever a university is *subjected* to the public will, whether in the name of the rights of a majority or on the principle that the customer is always right, that university is destroyed. The existence of a university depends upon its achieving a level of excellence in the sciences, the arts, and the humanities that far transcends the public level. If a university is not permitted to *lead* and *instruct* the public in these matters and to *expose* that public, while they are on the campus as students, to the exhilaration of free inquiry, it cannot be a university at all.

It cannot be denied that regrettably few business, professional, and working men and women enjoy as much freedom as professors and students. How free is a banker to take part with quiet dignity in a demonstration for civil rights? How free is a lawyer to defend a Negro in a civil rights case? How free is a clergyman to rethink some of the ethical and theological issues of his time? How free is a newspaper editor to ignore his advertisers in the formulation of his editorials? How free are the children of the poor to get a good education? How free is a housewife to question the value of her husband's work? How free is a doctor to discuss the problems of public health? How free is a labor leader to consider the problems of feather-bedding in an age of automation? And how much time have any of these people to think deeply and long about issues on which their minds can be open? The degree of freedom exercised by professors and students does indeed surpass that exercised by the public at large.

But why should academics have more freedom than others? The answer is simply: they should not! But it does not follow from this admission that we should curtail the freedom of professors and students. It follows, rather, that we should encourage and enable all men to exercise that same full measure of freedom. And until this goal is reached, our university communities—which are beachheads of freedom—should be cherished, protected, and emulated. *Academic freedom does not exist to give job security to professors; it exists, rather, as an outstanding expression of the continuing movement of mankind toward goals of truth and persuasion.*

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