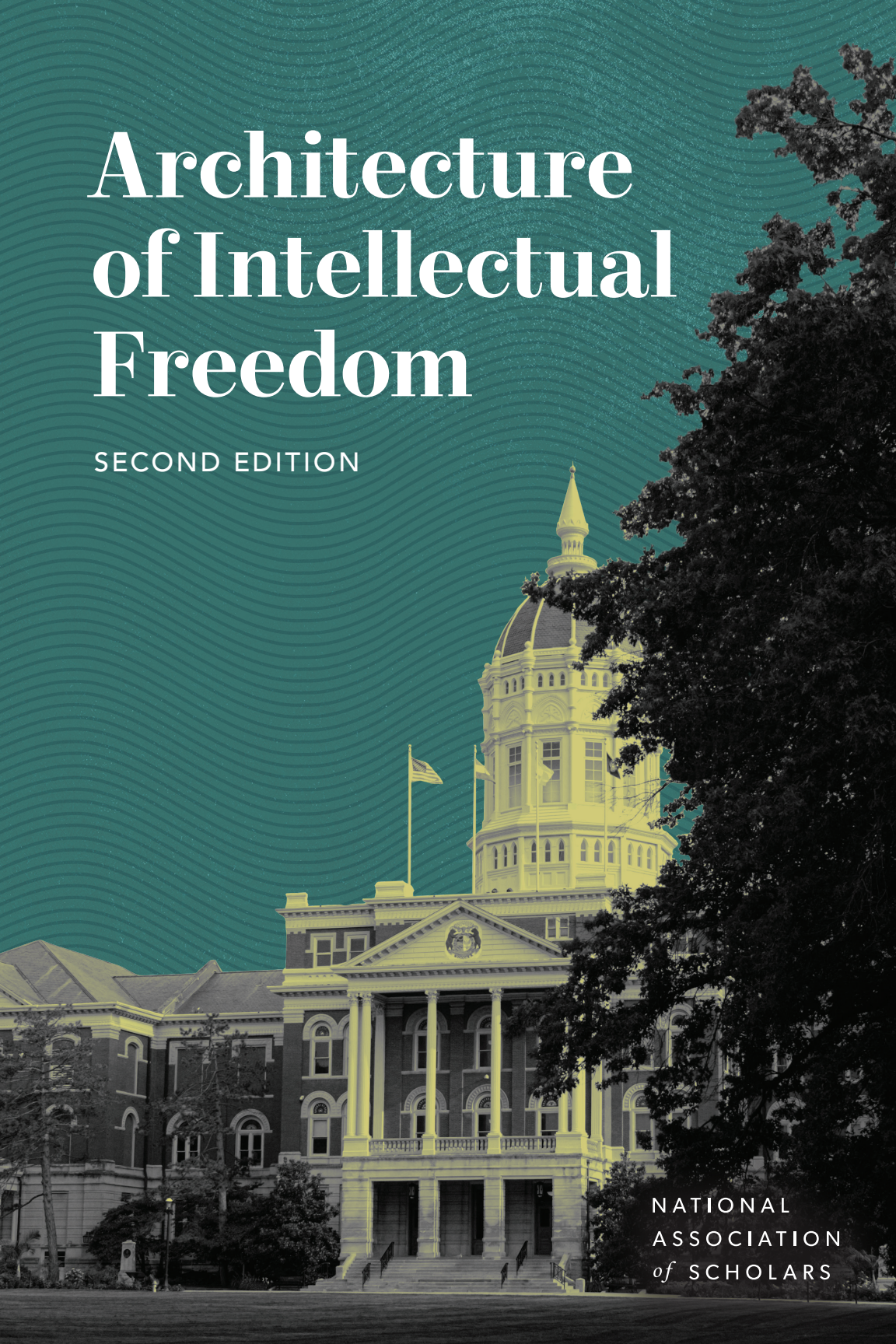
Architecture of Intellectual Freedom

SECOND EDITION



NATIONAL ASSOCIATION *of* SCHOLARS

Architecture of Intellectual Freedom

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Cover Design by Beck&Stone
Published 2016. Second Edition Published January 2018. Third Ed., Pub. 2024.

TABLE OF CONTENTS

PREFACE TO THE SECOND EDITION

THIS ESSAY WAS WRITTEN a few months after the fall 2015 protests at the University of Missouri brought down the university chancellor and the system president. During those months the Black Lives Matter-inspired protests spread to dozens of college campuses, and the protesters in many cases exhibited contempt for other students, faculty members, and the institutions they were attending. Observers often responded by criticizing the colleges and universities for failing to uphold the principle of freedom of expression.

The Architecture of Intellectual Freedom (2016) began as a response to critics who conflated First Amendment freedoms with the sui generis doctrine of "academic freedom." But as the essay began to take shape, I saw the opportunity to assist college presidents, boards of trustees, elected leaders, and others who were plainly worried about the breakdown in civility on campus but who lacked the framework to make sense of what was happening. A "First Amendment absolutist" position, i.e., free speech trumps all other concerns, has the appeal of stark simplicity, but it deeply contradicts the purposes of higher education. To seek successfully for an education, students must defer to intellectual authorities, be they the authors of books or teachers in the classroom. That deference is, in principle, temporary and contextual, but it is also indispensable.

Ironically, some of academic freedom's most vociferous defenders undermine it by making immoderate and insupportable claims on its behalf.

This essay has been well received, though it is not hard to spot college presidents who have yet to weigh its counsel. I trust that this second printing will help it reach those most in need of a better understanding of why academic freedom matters and what we can do to restore it.

Peter Wood
January 2018

PREFACE

Recent campus protests and, more importantly, the often anemic responses to those protests by responsible campus officials, have once again put a spotlight on issues of intellectual and academic freedom. In the past, the National Association of Scholars has been quick to point out infringements of these freedoms and to join larger discussions about the underlying principles.

We decided in the episodes that began in September 2015 to take a step back. We did so because the circumstances seemed to have provoked as much confusion among defenders of academic freedom as among its would-be opponents. Responses in the form of vigorous declarations that the university should uphold academic freedom as a cardinal principle seemed to us inadequate in light of the radical denials of that principle in word and deed by the campus activists. Some of these activists claim the mantle of academic freedom even as they violate it in spirit and in substance. And clearly, some college officials who purport to uphold the principle of academic freedom have proved feckless when put to the test.

A restatement of principles means little if it fails to engage the minds and imaginations of members of the community who must bring those principles to life. Have academic and intellectual freedom become merely stuffed eagles brought out on ceremonial occasions for display? We think that, though weakened, they are still alive, and that what may help them recover is some good counsel to the people whose job it is to help them thrive.

That counsel takes two parts. The first is this document, which

attempts to restore the contexts of academic and intellectual freedom. The second is a separate document that builds on this one to explain how these principles should be applied to liberal arts education.

The argument in this first document is that intellectual freedom is a foundational principle of American higher education, but it is not the only foundational principle. To understand intellectual freedom accurately, it must be considered as part of a complex whole that sustains the university.

I. To Be Free

WHAT ARE THE LEGITIMATE PURPOSES of higher education in the United States today? What specifically should we expect as a society from our colleges and universities?

We rightly expect higher education to address four things: vocation, culture, truth, and character. We, of course, have vigorous debates about the relative importance of these four goals, but America is large and we have room for engineering schools, conservatories, research universities, and religious colleges. Most institutions of higher education seek to weave these elements together. They seek some balance that will prepare each coming generation with the knowledge and skills to succeed in practical careers; endow each coming generation with a worthwhile knowledge of our own civilization and a lively understanding of the broader world; join each coming generation to the pursuit of truth; and shape the character of the individuals who make up that generation so that they become worthy and constructive citizens.

The last of these four may seem the least definite, but it is surely the foundation of the other three. We seek a form of education that teaches young men and women how to be free.

These days, that goal seems more and more elusive. Some in higher education dismiss freedom as an illusion and extol other goals as more worthy: social justice, "safety," global citizenship, and group identity have emerged as ideals that should, in the arguments of their proponents, supplant the ideal of freedom. This

gives urgency to the task of explicating what it means to put freedom at the center of higher education. Teaching young men and women how to be free entails making distinctions among different kinds of freedom and different contexts of freedom, and between freedoms and other foundational principles.

II. Preliminary

The aim of this statement is to assist faculty members, academic administrators, college trustees, and those members of the general public who are actively concerned about the state of intellectual freedom on college campuses. Specifically, it is intended to help those who apprehend that the current situation calls for something more than a simple reaffirmation of older statements or new enunciations of general principles. This document is not intended to take the place of a statement on academic freedom or a similar document, but to help those who might be engaged in drafting such statements to gain a more encompassing view of the terrain. To some extent it can serve as a checklist of considerations.

The literature on intellectual and academic freedom is vast and it can take years of systematic reading to gain even a partial grasp of it. This short document draws from that literature but it does not offer a tour of the major works. It does, however, present (Section III) a summary of three of the most influential statements on academic freedom of the last century. From there it turns (Section IV) to definitions of the relevant freedoms. Following the definitions is a ten-part section (Section V) on the social contexts in which these freedoms are either realized or limited. The essay concludes (Section VI) with observations of five organizing principles of higher education that constrain intellectual freedom in various ways.

III. Declarations

Intellectual freedom is one of the foundational principles of higher education. Colleges and universities exist to further the pursuit of knowledge, through teaching old truths and discovering new ones. Both tasks depend crucially on freedom. Or, more exactly, on a combination of freedoms: the freedom to ask questions; the freedom to challenge assumptions and doctrines; the freedom to criticize; the freedom to speculate; the freedom to reexamine old evidence and to search for new evidence; the freedom to express what one has found; the freedom to hear others who seek to express what they have found; the freedom to engage in dialogue with informed peers; the freedom to read and consider the views of people who lived before one's own time; the freedom to teach what one has, by diligent effort, learned; and even the freedom to refrain from speaking. American higher education has never been silent on this subject. Books and articles about the freedom of college professors abound. In this myriad of statements, a few stand out, such as the 1915 Declaration of Principles[1], which is the founding document of the American Association of University Professors (AAUP); the 1974 Report of the Committee on Freedom of Expression at Yale[2], commonly referred to as the Woodward Report; and the 2015 Report of the Committee on Freedom of Expression at the University of Chicago[3], sometimes referred to as the Stone Report. Each of these, in our view, has distinctive merits.

1. http://www.aaup.org/NR/rdonlyres/A6520A9D-0A9A-47B3-B550-C006B5B224E7/0/1915Declaration.pdf.
2. http://yalecollege.yale.edu/faculty-staff/faculty/policies-reports/report-committee-freedom-expression-yale.
3. https://provost.uchicago.edu/FOECommitteeReport.pdf.

1915 DECLARATION OF PRINCIPLES

The 1915 Declaration of Principles rightly grounds the ideal of academic freedom in the professor's commitment to the pursuit of truth, good character, and commitment to scholarly discipline. Because "progress in scientific knowledge is essential to civilization," the Declaration insists that scholars inhabit a place open to critique and criticism. But the statement puts academic freedom in a special and limiting context:

> The liberty of the scholar within the university to set forth his conclusions, be they what they may, is conditioned by their being conclusions gained by a scholar's method and held in a scholar's spirit; that is to say, they must be the fruits of competent and patient and sincere inquiry, and they should be set forth with dignity, courtesy, and temperateness of language.

The AAUP in subsequent revisions of its principles abandoned these limiting conditions. The 1915 Declaration of Principles mentions the academic freedom of students only in passing. It does warn against faculty members taking advantage of students' immaturity by attempting to indoctrinate them with "the teacher's own opinions."

1974 WOODWARD REPORT

The Woodward Report forthrightly grounds academic freedom in "the primary function of a university," which is "to discover and disseminate knowledge by means of research and teaching." The report primarily addresses a circumstance that the authors of the 1915 Declaration did not foresee: What freedoms should be accorded a speaker from outside the university community who is

invited to campus? The Woodward committee reviewed in detail six cases in which controversial outside speakers had been invited to speak at Yale. Several of these incidences—Governor George Wallace in 1963, General William Westmoreland in 1973, Secretary of State William Rogers in 1973, and Professor William Shockley in 1974 eventuated in the speaker not coming or, in the cases of Westmoreland and Shockley, being prevented by protesters from speaking. The Woodward Report emphatically condemned the dis-invitations, disruptions, and administrative temporizing in these cases as "a willingness to compromise standards." It held that protesters had a right to protest a speaker, but:

> In the room where the invited speaker is to talk, all members of the audience are under an obligation to comply with a general standard of civility.

And:

> The content of the speech, even parts deemed defamatory or insulting, [does not] entitle any member of the audience to engage in disruption. While untruthful and defamatory speech may give rise to civil liability it is neither a justification nor an excuse for disruption, and it may not be considered in any subsequent proceeding against offenders as a mitigating factor.

The Woodward committee also advised that:

> Once an invitation is accepted and the event is publicly announced, there are high risks involved if a University official—especially the President—attempts by public or private persuasion to have the invitation rescinded.

These strictures followed from a larger affirmation near the beginning of the Woodward Report, in which the committee came down firmly on the side of intellectual freedom when its pursuit risked troubling the peace of the academic community. The passage is worth quoting in full:

> For if a university is a place for knowledge, it is also a special kind of small society. Yet it is not primarily a fellowship, a club, a circle of friends, a replica of the civil society outside it. Without sacrificing its central purpose, it cannot make its primary and dominant value the fostering of friendship, solidarity, harmony, civility, or mutual respect. To be sure, these are important values; other institutions may properly assign them the highest, and not merely a subordinate priority; and a good university will seek and may in some significant measure attain these ends. But it will never let these values, important as they are, override its central purpose. We value freedom of expression precisely because it provides a forum for the new, the provocative, the disturbing, and the unorthodox. Free speech is a barrier to the tyranny of authoritarian or even majority opinion as to the rightness or wrongness of particular doctrines or thoughts.

The Woodward Report was prompted by the behavior of students who deliberately interfered with the ability of invited speakers to have their say. Student protest against outside speakers, of course, can itself be an exercise of academic freedom, depending on how the protest is conducted. The report acknowledges this freedom but makes it clear that it exists within a moral context:

> One of Yale's goals [is] to teach its students how to live responsibly in our modern society, how to deal with other

> people in a context of mutual respect and harmony; Yale strives to acculturate people to the larger society outside the university community, and this includes the promulgation of racial harmony, religious tolerance, non-sexist attitudes, etc.

The Woodward Report was accompanied by a strongly-worded dissent from a law student who held that, "free expression is outweighed by more pressing issues, including liberation of all oppressed people and equal opportunities for minority groups."

2015 STONE REPORT

The Stone Report is much briefer (two pages) than the 1915 AAUP Declaration or the 1974 Woodward Report, but it follows the Woodward Report in recounting a past instance of a controversial speaker invited to campus. The Chicago committee members cite the 1932 invitation to William Z. Foster, the Communist Party candidate for president; and they cite the remarks by several University of Chicago presidents over the decades who upheld, in Robert M. Hutchins' words, the principle that "our students . . . should have freedom to discuss any problem that presents itself." The Chicago committee, like the Yale committee, also affirms that concern for civility should not trump freedom of expression:

> Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

This leads to a conclusion that also echoes the Yale report:

> Although members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe.

The Stone Report was adopted with minor modification by the faculty at Princeton; other institutions, such as Purdue, American University, and Winston Salem State University, have been inspired to adopt their own statements drawing on the principles of the Stone Report. It has been extolled as a model by the Foundation for Individual Rights in Education and the American Council of Trustees and Alumni. It is noteworthy that a new declaration of the importance of "free expression" in 2015 should occasion widespread attention.

Apart from the quoted phrase of Hutchins, the Stone Report is silent on the academic freedom of students.

IV. Definitions

"Intellectual freedom" belongs to a cloud of terms with related meanings that are sometimes, incautiously, used interchangeably. There is, however, value in distinguishing them: Academic freedom. A doctrine that pertains to the rights of faculty members within particular colleges and universities. Academic freedom has been mentioned in several Supreme Court decisions but it is not a legal right except to the degree that it is embodied in contracts that colleges and universities have made with faculty members. These contracts define the right in various ways, though many follow the

1940 AAUP revision of its statement on academic freedom and subsequent emendations. As a general definition, it suffices that academic freedom guarantees the independence of faculty members to pursue research, publication, public speaking, and teaching free from pressure by their institution's administrators and trustees to conform to a particular doctrine. Academic freedom is, in fact, a more complicated idea than this, but this will serve for the moment.

Intellectual freedom. This is a broader concept than academic freedom. It refers to the human capacity to escape from received ideas. The term can be used in two quite different ways. It may refer to the existential condition of the individual who, even under duress and confinement, can enjoy the intellectual freedom of his own mind. Or it may refer to a community in which respect for free inquiry is a superintending value. Aleksandr Solzhenitsyn enjoyed intellectual freedom of the first kind even while in the Gulag. The Woodward Report and the Stone Report hold up the ideal of the second kind of intellectual freedom.

First Amendment Freedom. The First Amendment to the U.S. Constitution guarantees freedom of speech and freedom of the press, among other freedoms. Centuries of litigation have established a well-developed body of First Amendment law that protects Americans from government interference with their right to self-expression in most circumstances. First Amendment rights are much broader than the academic freedom doctrine. Academic freedom is a context-specific idea with limited legal basis outside contract law. The First Amendment is pervasive in situations where the individual deals with governmental authority. In public colleges and universities, which are operated by the state, college administrators are effectively government authorities, which means that First Amendment considerations can enter into situations where academic freedom is also at issue.

Other freedoms. Intellectual freedom in the context of higher education, as suggested above, entails a combination of more particular freedoms:

> the freedom to ask questions; the freedom to challenge assumptions and doctrines; the freedom to criticize; the freedom to speculate; the freedom to reexamine old evidence and to search for new evidence; the freedom to express what one has found; the freedom to hear others who seek to express what they have found; the freedom to engage in dialogue with informed peers; the freedom to read and consider the views of people who lived before one's own time; the freedom to teach what one has, by diligent effort, learned; and even the freedom to refrain from speaking.

It is important to add that all of these are heavily dependent on context. There is a time to ask questions aloud and a time to note them quietly to ask later, and so on. A major object of this report, in contrast to those we've cited, is to clarify some of these contextual matters.

V. Contexts

DOCTRINE & CREED

The 1915 Declaration of Principles flatly excluded religious-based colleges and universities from the category of institutions in which academic freedom is possible. Later versions of the AAUP's statement on academic freedom relaxed this ban. Outside of the areas governed by creedal orthodoxy, the AAUP said, academic freedom is possible at religious colleges, and even

within areas of orthodoxy there is usually space for some freedom of thought and expression.

These matters are no longer usually controversial as they pertain to colleges that maintain some faith-based orthodoxy, but they flare up from time to time as when Wheaton College in Illinois, a Christian College with a faith-based mission, announced in January 2016 that it was taking steps to terminate a tenured professor who it said had violated the college's Statement of Faith[4]. The announcement of this step, though it was fully in accord with the college's explicit policies, occasioned considerable distemper in the secular press, as well as discussion of the AAUP'S 1940 Statement of Principles on Academic Freedom and Tenure[5], its 1970 policy note on church-related institutions, and its 1999 report, "Academic Freedom at Religiously Affiliated Institutions." Thus even in the context of institutions founded with the avowed purpose of propagating a community of belief in an explicit religious doctrine, there remains an element of suspicion that such orthodoxies are inconsistent with the intellectual freedoms that should obtain in higher education. The root issue is whether intellectual freedom must be conceived as indivisible or whether it can be compartmentalized. Is freedom of thought irreparably damaged if people voluntarily pledge to uphold certain premises? Or can people who make those sorts of pledges enjoy academic and intellectual freedom within the scope of their pledges?

The answer surely depends both on the content of the pledge

4. The Wheaton College mission is, "Wheaton College serves Jesus Christ and advances His Kingdom through excellence in liberal arts and graduate programs that educate the whole person to build the church and benefit society worldwide." Wheaton's Statement of Faith, composed in 1924, is a 12-part confession of commitment to the tenets of evangelical Christianity, to which all candidates for faculty appointment must commit.
5. Flaherty, Colleen. "Faith and Freedom." Inside Higher Ed. January 14, 2016. https://www.insidehighered.com/news/2016/01/14/can-statements-faith-be-compatible-academic-freedom.

and the topics to which it is applied. Some doctrines are consistent with a broad liberty of intellectual inquiry; others not. And some subjects appear especially vulnerable to intellectual infringement. Defenders of academic and intellectual freedom who ought to be ready to draw these distinctions, often fail to and instead proceed with all-purpose declarations.

The issues of doctrine and creed have also become salient again in another context: the rise of popular movements on campus demanding "safe spaces," "trigger warnings," "academic justice," and—more generally—the prioritizing of "social justice" over intellectual freedom. Together these demands amount to a new creedal assault on the concepts of both academic freedom and intellectual freedom.

It is, to begin with, important to distinguish between faith-based colleges and universities that explicitly frame their mission as rooted in a creedal orthodoxy, and colleges and universities that purport to be secular, open to all views and persuasions, and committed to intellectual freedom in the broadest sense. These latter institutions compromise their stated purposes when they, in effect, embrace a "social justice" agenda that is, in every practical way, a creed.

Sometimes these social justice claims echo the words of the Woodward Report which referred to those who granted "dominant value [to] the fostering of friendship, solidarity, harmony, civility, or mutual respect," over free expression. But these claims can go beyond weighing "civility" as a higher social good than free expression, by moving all the way to declaring that free expression is not a good at all but a social evil that ought to be suppressed. Those who argue in this vein typically say that free expression is itself a mask of oppression worn by privileged elites intent on subjugating others. Those who extol free expression, in this view, are those who are best positioned to make use of it to their social, economic, political, and rhetorical advantage. The articulate know how to

confound the inarticulate, and because of that intellectual freedom needs to be curtailed or eliminated.

Social justice demands that the right to speak be rationed according to a logic of compensatory privilege. Those who feel they have been without voices will gain a platform to be heard and affirmed. Those who have held this power in the past must learn to "check their privilege." "Social justice" as it is currently constructed in much of American higher education is a doctrine antithetical to intellectual freedom, which returns us to the 1915 AAUP Statement. Where such a doctrine is admitted to authority, there can be no academic freedom, nor any intellectual freedom. Moreover, it would seem there could be no liberal arts college or university either.

DOGMATISM

Doctrines that privilege "social justice" over academic freedom are not the only threats to free expression on campus. The human mind often finds certainty where there is none, and this readiness to find and then cling to a "theory" of how the world must be can trap even people of keen perception and high intelligence. Higher education has never been proof against systematic illusions, especially when these have an air of moral urgency. Colleges and universities face a formidable obstacle in human nature itself when they try to create a special kind of community that judges each and every issue on the evidence, the merits of the arguments and probabilities, and the dictates of reason. Dogmatism is always waiting by the door to come inside.

The institution that seeks to uphold intellectual freedom must expect this and be ready to mount appropriate resistance. It is, of course, within the jurisdiction of independent colleges and universities to decide to embrace a dogma. They may decide, for example, to uphold the doctrine of "Animal rights," and disallow any

criticism of or dissent from this doctrine. But an institution that makes such a choice should state forthrightly that it preaches dogma, so as to allow the public to know that its practice places limits on academic and intellectual freedom. Whether such compromises are wise is another matter, one that depends on the nature of the dogma. One question is whether the dogma subordinates the whole of what the college teaches or applies only to a particular domain such as sacred theology.

SCIENCE

The epistemology of modern science was central to the 1915 AAUP definition of academic freedom. At that point, the AAUP's founders upheld the idea that the model of knowledge making in higher education was the natural science method of trial-and-error, experiment, and discovery validated by the ability of other competent investigators to reach the same results by the same methods. This approach did not lend itself well to the kinds of knowledge to be attained by studies in the arts and humanities, and only to a limited extent in the social sciences. Wherever the object of study is human experience in its transience and multitudinousness, the experimental method is limited. Wherever the object of study is subjective experience, the tools of science are even more limited. Moreover, the science of 1915 differed in key ways from the science of today, from statistics to quantum dynamics. Realms of uncertainty have been annexed to the enterprise. Science remains by far the strongest claimant to intellectual authority within the university, but the naïve scientism of the Progressive Era has been replaced by a mature knowledge that the epistemological limits of scientific knowledge mean that it can no longer be used as a paradigm for academic freedom.

The removal of science as a model for academic freedom has left a vacuum. Truth-seeking remains essential to academic freedom,

but how is truth to be determined? One popular answer is that each academic discipline ought to be arbiter of truth claims within its borders[6]. This view treats the university as no more than a collection of disparate epistemologies that need not have any consistency with each other. The "truth" of one discipline may be an illusion, a deliberate falsehood, or mere wordplay to another. The larger truth, it is trusted, will emerge over time as these disparate views jostle and compete with one another for credibility.

Another approach, of course, is simply to jettison truth-seeking as a meaningful guide to academic freedom. Those who espouse this view allow that there may be many little "truths"—statements that hold within a limited range—but that it is futile to go in search of some larger, encompassing truth. This approach, which sometimes calls itself pragmatism and sometimes postmodernism, reduces academic and intellectual freedom to the free play of free minds. [See Section VI.5, "Pursuit of Truth," below.] It disallows the legitimacy of saying the university exists for any purpose beyond providing a designated space for academics to indulge their interests.

Given these two options—the one a form of extreme relativism, the other a kind of nihilism—the appeal of science as a model for truth-seeking has a durable attraction. But even the more chastened and sophisticated forms of contemporary scientific epistemology leave much to be desired. How should we judge the merit of work in the humanities, social sciences, and other areas in which the basic forms of inquiry can never conform to the model of the natural sciences?

It is best to pose it as an open question, for it is not amenable to an easy answer.

6. This idea was endorsed by the American Association of University Professors' 2007 report Freedom in the Classroom: https://graduate.asu.edu/sites/default/files/free-do-classrm-rpt.pdf. The National Association of Scholars critiqued the report in "A Response to the AAUP's Report Freedom in the Classroom." https://www.nas.org/articles/A_Re-sponse_to_the_AAUPs_Report_Freedom_in_the_Classroom.

STUDENTS

The 1915 AAUP Declaration alludes at one point to the German concept of Lernfreiheit—the freedom of students to learn—as a dimension of academic freedom. The Declaration touches on the concept (but not the word) in several other places where it emphasizes that the teacher must speak with "candor and courage," shun "intemperate partisanship," speak with "discretion," and avoid "indoctrinating" students with his own opinions.

The AAUP in later years occasionally glanced at the academic freedom of students but it has never made this a topic of major concern. The Foundation for Individual Rights in Education (FIRE) by contrast has taken student academic freedom as one of its chief concerns. FIRE has successfully challenged dozens of campus speech codes and litigated attempts by academic administrators to suppress students' freedom of speech. Its approach, however, builds less on the tradition of Lernfreiheit than on the First Amendment, and FIRE does not spend much time on the distinction between constitutionally protected free speech and the considerations that make up academic freedom for students.

For students, academic freedom is a combination of freedom from indoctrination and freedom to engage in disciplined inquiry, which includes the freedom to read, hear, and consider views that differ from those of their instructors. The academic freedom of students is not the same as the academic freedom of faculty members. It exists for a different purpose—learning rather than research and teaching—and it has a different dynamic. Students are vulnerable to pressures that differ in important ways from the pressures experienced by faculty members. They are vulnerable to abuses of authority by their teachers, not only in the teachers' control over their grades and letters of recommendation, but also in the subordination of the classroom, where a student can be shamed or humiliated by a hostile teacher. Students are even more

vulnerable to the abuse of authority that consists of professors who withhold important information or present biased views of a topic. Indeed, the bias of faculty members is one of the greatest threats to students' academic freedom because it is often invisible to the students themselves. Students may receive a partial account of a topic and mistake it as impartial; or they may be misled into accepting as authoritative what is only a glib dismissal of an opposing view. The counterpart of the teacher's duty to give fair and full account of the range of opinions on a topic is the student's right to receive that fair and full account.

Students' academic freedom suffers from a widespread attitude among faculty members that such a freedom, to the extent it exists, is merely a second-order version of faculty academic freedom. This view reduces the students' academic freedom to a right to speak out on controversial issues. But that is a misconception. Students do indeed have a First Amendment right to speak out. on controversial issues, but their academic freedom consists of something else: the freedom to pursue an education.

What exactly this means depends, as any form of academic freedom does, on context. The freedom of the student to learn can be impinged upon by other students who party too loudly or too often; who mount disruptive protests in the library or the classroom; or who hijack class discussions to focus on some favored issue or perspective to the detriment of more balanced coverage of a topic. The freedom of the student to learn can also be impinged upon by administrators who inappropriately declare an official position for the institution that rightly should be open for the kind of discussion and debate that would include fair representation of other views.

But the academic freedom of students is also conditioned on the willingness of students to accept that college-level study also requires civil behavior inside and outside the classroom, and willingness to accept some things on authority, at least provisionally. The vulnerability of students to biased teaching arises in large

part because students must necessarily take some forms of instruction on trust. Colleges may favor a system of instruction that emphasizes small groups or the Socratic Method, but even these approaches assign a degree of authority to the instructor that students must respect for learning to proceed. Hence the academic freedom of students depends on the willingness of students, individually and collectively, to balance the claims of free expression with both civil deference to the authority of a teacher and to other students' freedom to learn.

The obstreperous attacks on academic freedom we see from some students on campus today are rooted in no small part in the abuses of academic freedom that the students see around them. The students cannot be expected to respect a core value from which they are excluded. Lernfreiheit must be restored.

ADMINISTRATORS

Do academic administrators have academic freedom? It would seem strange that a tenured professor promoted to dean, provost, or president would suddenly lose his academic freedom. But the topic of how much, if any, academic freedom should be extended to academic administrators has seldom received much attention. The AAUP and other voices of authority on the general topic of academic freedom tend to treat academic administrators as the primary locus of infringements on faculty academic freedom, and they disregard the importance of embedding the administrators in the same web of rights and responsibilities.

The central problem is that when an administrator enunciates a view on a controversial subject, the academic community he serves has to distinguish among several possibilities. Is the administrator venturing a scholarly opinion that is open for criticism and debate? Is he stating a conclusion that will bear on institutional policy? Is he announcing a doctrine that will, effectively, become

institutional policy? Or is he simply uttering a personal view? In principle, these can be distinguished; in practice many administrators are ambiguous about their intent, and some are disingenuous. An administrator may say, for example, that he is stating a personal opinion that is not university policy, but then proceed to act as though the opinion in fact governs policy. This indeed leads to infringements on both faculty and student academic freedom.

On the other hand, academic administrators are appointed in large part because of their seasoned judgment on academic issues. To appoint them to high positions and then expect them to be silent on the important matters at hand can hardly be right. The academic freedom of academic administrators can be compromised in several ways. First is the danger of self-sabotage that comes from the administrator's failure to maintain a hard distinction between his views and his institutional authority. Second is the danger of excessive self-censorship. The administrator who falls mute during a crisis, especially in failing to enunciate guiding principles, has become a distressingly common figure in American higher education. Third, is the danger of the administrator who does speak in a crisis but who temporizes about guiding principles out of fear of criticism or the threat of public disturbance. This figure also has become distressingly common in American higher education.

What we have learned in the last few years is that academic administrators are more likely to misstep through timidity than they are through excessive confidence, though it is easy to find examples of both. The doctrine of academic freedom applied to administrators insists that administrators do have the freedom to state their views publicly, but that they must do so with scrupulous attention to how those views are to be constructed. Administrators must exercise that freedom to foster rather than to inhibit the academic freedom of other members of their institution. Moreover, with this freedom to speak comes the

correlative obligation to speak on matters of foundational importance to the college or university.

INSTITUTIONS

To raise the issue of the academic freedom of administrators is to raise the closely related issue of the academic freedom of the college or university itself. This is another topic that is typically neglected in broader discussions of academic freedom, but it is central to American higher education's tradition of allowing great latitude among colleges and universities to determine their own missions, curricula, faculty appointments, and admission standards. These zones of relative autonomy are not often spoken of as "academic freedoms" but that is exactly what they are: the freedoms of academic institutions to chart their own educational paths.

No freedom is absolute, and this set of freedoms is constrained in several ways. Nearly all colleges seek accreditation from regional accreditors which impose various rules. And many colleges and universities also seek and receive additional accreditation from specialized accreditors, such as the American Bar Association for law schools. Colleges and universities must also receive certification from the U.S. Department of Education to be eligible to receive funds from Title IV student loans. And there are myriad further stipulations from public and private funders that bear on what colleges can and cannot do. Most colleges receive gifts from individuals and some of these gifts are "restricted" so that they can be expended only for particular purposes. Organizations such as the National Collegiate Athletic Association (NCAA) impose still further conditions that affect the freedom of colleges and universities to chart their own paths. Public colleges and universities come under yet another layer of oversight from state authorities.

Colleges that wish to minimize these constraints can, of

course, desist from taking federal student loan money, decline federal grants, forego specialized accreditation, decline to participate in NCAA organized sports, and so on. But even the most robustly independent college falls under some forms of external control that bear on the integrity of its academic enterprise. The Americans with Disabilities Act, for example, has been interpreted by the courts to require colleges and universities to "accommodate" students who have learning disabilities, often to the point of compromising academic standards. Perhaps the greatest threat to institutional academic freedom has arisen from the Office for Civil Rights in the U.S. Department of Education, which issued a series of "Dear Colleague" letters from 2011 to 2015 imposing on colleges and universities a regime of strenuous new regulation. These regulations aim at expanding the definition of "discrimination" to include sexual assault, on the grounds that sexual assault creates a hostile learning environment for women. The regulations include provisions that effectively require colleges and universities to appoint administrators with extensive powers, some of which vitiate the academic freedom of both faculty members and students.

Other threats to institutional academic freedom have arisen within the culture of American higher education. The homogenization of higher education by the spread of academic dogmas is one such threat. The more colleges and universities cluster around a few curricular models and a few salient ideas, the less we have institutional academic freedom. These homogenizing curricular models are roughly of two types: one consists of ideological herding (diversity, sustainability, social justice, etc.); the other of bureaucratic groupthink ("learning outcomes," "student-centered education," "high impact practices," etc.).

The social forces that favor this homogenization include the American model of graduate education, the politicization of higher education, and the overemphasis on credentialing (as opposed

to educating) students. These are larger problems than we can address here, but they bear noting as significant obstacles to restoring institutional academic freedom.

TEACHING

Academic freedom is most often discussed in the contexts of faculty research and publication, but as the 1915 AAUP Declaration made clear, the freedom of faculty members to teach the subjects they have mastered is an indispensable part of academic freedom. We have dealt already with the obligation of faculty members to avoid indoctrination and bias, but to this should be added that academic freedom entails the freedom of the faculty member to present to his students not only material that is well-established within the considered scholarship of his discipline, but also his possible reservations about established views, and his work-in-progress.

The academic freedom to teach, however, is everywhere fraught with perils similar to those that surround the academic freedom of administrators. Students can easily confuse well-established knowledge in a field with what is not-yet-established or speculative. Students are likewise in a poor position to detect certain kinds of bias on the part of their instructors, especially bias by omission. And teachers, because they operate for the most part outside the direct observation of their faculty colleagues, are left to be their own judges of how well they avoid these dangers.

For these reasons, abuse of academic freedom in teaching is all too common. In recent years, the prevalence of cell-phone videos and other recording devices has allowed numerous instances in which faculty members are caught engaging in egregious abuse of their freedom as teachers. These cases are worth bearing in mind, although the less visible forms of systematic bias may be the source of greater harm.

Some faculty members regard it as their responsibility not to mention in the classroom their own views on contentious political matters, as a safeguard against inadvertently swaying students. This is a sound principle but one that is not ordinarily understood as obligatory. Faculty members in the social sciences and humanities who uphold this stricter version of their duty to their students serve as a model of scrupulousness.

SCHOLARSHIP

We value academic freedom to a large extent because we value scholarship. But the concept of scholarship itself is open to abuse. Calling something scholarship does not necessarily make it scholarship, but in the last decade this shallow nominalism has become widespread. It has especially flourished in "studies" departments such as women's studies and advocacy-oriented ethnic studies departments. In these cases, the ideal of a body of learning gained by strenuous examination and reexamination of premises has disappeared. Instead of a search for disconfirming evidence, these fields engage in selective gathering of anecdote and supportive data, and instead of developing methods meant to forestall and thwart bias, they have developed methods intended to cordon off bias from skeptical review.

Such flaws are not unique to the advocacy fields, nor are they new. Researchers have always faced the danger of favoring their own ideas too much, and fraud of various sorts infects every scholarly discipline. But the rise of the advocacy fields has meant for the first time an unembarrassed embrace by many universities of pseudo-scholarship under the privileged banner of academic freedom. In 2007, the AAUP released a report, "Freedom in the Classroom," that made clear that the AAUP's new standard for scholarship was whatever is "accepted as true within a relevant discipline." And it allowed "disciplines" to be self-defining.

Peer review, in this framework, is hollowed out by allowing faculty members to designate as their peers a small collection of the like-minded. In other words, a mere assertion with no meaningful checks and balances would pass the AAUP's definition of scholarship.

This definition is fatal to the ideal of disinterested scholarship, without which the notion of "academic freedom" vanishes into a rhetorical gesture. Why should anyone enjoy a special freedom to engage in unsupported assertion? The First Amendment allows such assertion as free speech, but "academic freedom" is a doctrine that pertains to the special conditions of higher education, where mere assertion has no privileged status.

PUBLIC TRUST

The reason that mere assertion has no privileged status in scholarship or teaching is that academic freedom is a public trust[7]. Academic freedom is sometimes treated as an appurtenance of the faculty, but it does not in fact belong to faculty members. Rather it belongs to the general public, who confer it on college and university faculties through boards of trustees and legislative acts. It is not a natural right or something that comes under the Constitution, although there are those who would like to see it vested there[8].

The public trust view of academic freedom is another way of saying that academic freedom doesn't exist for its own good but to serve a larger purpose. The purpose—the public good—is divisible into several parts: the same four parts declared at the opening of

7. Balch, Steve. "Academic Freedom Is a Public Trust." National Association of Scholars. March 3, 2009. https://www.nas.org/articles/Academic_Freedom_Is_a_Public_Trust.
8. Balch, Steven. "Constitutionalizing." National Association of Scholars. September 7, 2010. https://www.nas.org/articles/Constitutionalizing_Academic_Freedom_Deconstitutionalizing_Free_Speech.

this statement: preparing students for worthy careers, opening the doors of civilization, pursuing truth, and shaping students into good citizens. We can and do disagree about how these goals are best realized in higher education, but academic freedom is a key part of all four, and especially the last two.

FURTHER CONTEXTS

In many of these points we have emphasized how much depends on context. Colleges and universities present many contrasting environments for working out the details of academic freedom. While we have tried to frame some general statements that apply to all, we realize that individual institutions have academic and intellectual priorities that require their own fine-tuning of how to apply these principles.

Does academic freedom apply to whatever a faculty member says, public or private, on campus or off, in his discipline or outside his discipline? The AAUP today, as we have noted, takes a latitudinarian approach: once you are a tenured faculty member, you can claim academic freedom for pretty much anything you do or say for the rest of your life. The National Association of Scholars, by contrast, gravitates to the AAUP's 1915 Declaration, which limits the doctrine of academic freedom to the realms of disinterested inquiry and prudential teaching.

But we supplement that narrow field of applicability with the recognition that academic freedom is not a stand-alone principle. Students, faculty members, and others also have intellectual freedom and First Amendment rights. The Woodward Report and the Stone Report rightly draw attention to the need to let outside speakers come to campus to present controversial views, and to give these speakers a zone of freedom to be heard respectfully and without interruption. Fostering such expression of controversial views is important to higher education but might be better framed

as a matter of intellectual freedom than as one of academic freedom. And to bring that point into sharper focus, we turn to the topic of intellectual diversity in higher education.

VI. Five Other Foundational Principles

DIVERSITY

Intellectual and academic freedom point to a foundational principle of higher education, the freedom to choose your own views. But that is not the only foundational principle. Academic freedom cannot stand on its own. As a principle it is dependent on a handful of other principles that must also be upheld if academic freedom is to be anything more than a hollow phrase.

The first of these principles is intellectual diversity.

The word "diversity" today is typically deployed as a euphemism for racial and ethnic preferences. In higher education, it refers to lower admissions standards applied to black, Hispanic, and Native American students, and lower hiring standards applied to faculty members from these groups. The term arrived at this meaning through a series of U.S. Supreme Court decisions that drew on and later ratified the admissions policies of several public universities[9].

In 1978, the Supreme Court singled out "diversity" as a rationale for racial preferences on the suppositious grounds that racial diversity provides a path to an enlivening and challenging variety of perspectives in the classroom. This was the substance of Justice Powell's opinion in the 1978 case of the University of California

9. Peter W. Wood. Diversity: The Invention of a Concept. Encounter Books. 2003.

v. Bakke, in which he took for granted that a student's race was a reliable proxy for his point of view, and further assumed that a classroom in which a variety of viewpoints is represented is more educationally vibrant than one in which such a variety is absent.

The evidence in favor of race as a proxy for viewpoint is weak. The evidence that students benefit from a genuine diversity of viewpoints is stronger. But the evidence that students benefit from confronting a genuine diversity of ideas is overwhelming. "Viewpoint diversity" may be a faint approximation of diversity of ideas. But "viewpoints" have no claim to particular regard in the university. They consist of assumptions and attitudes untested by critical examination. The most that can be said for "viewpoints" in education is that they can be called into question and disrupted. One task of a college education is to make students aware of their assumptions and, beginning with this awareness, prompt them to look deeper. Sometimes that results in finding merit in the original assumption; sometimes it results in having to supplant it.

Education requires the student to move towards the work of evaluating ideas on their merits. This is true across all disciplines in the sciences, humanities, and social sciences. Mere "perspective" is not an argument or evidence. When a student encounters a variety of "perspectives" in a classroom, it is an experience not much removed from encountering a variety of different forms of ignorance. Students move beyond ignorance only at the point in which they cease to assert "this is my perspective," and assert instead, "Here is a reason, open for all to judge or to rebut, for thinking that this idea is valid."

When students encounter such claims for ideas that conflict with one another, education proper can begin. The task is set: how do we determine which of two conflicting ideas is truer? If they each. reveal the other to be deficient, how do we find a third idea that gets beyond their faults?

Education that embodies this examination of conflicting ideas

has the virtue of intellectual diversity. Achieving such intellectual diversity in the college classroom has proved surprisingly difficult. Filling chairs with people who have particular racial, ethnic, cultural, or socio-economic backgrounds does not do it. Nor does declaring the university to be dedicated to "critical thinking," "global citizenship," or "intellectual exploration." The only secure path to intellectual diversity in the classroom is intellectual diversity in the faculty. And this is a condition seldom met in today's university, where the actual spectrum of ideas present and available for debate is extremely limited.

Can there be meaningful intellectual and academic freedom where there is very little disagreement on key ideas? No. A community of the like-minded can make much of small differences of opinion, and even raise up these small differences into the cause of extended dispute. But wars between adjacent molehills do not acquaint students with the idea of mountains. Genuine intellectual freedom comes from encountering ideas which contrast on the larger scale presented by people who. are capable of marshaling the best arguments and evidence for their positions, while also remaining committed to the fairest possible exposition of other views.

HIERARCHY

Every college and university decides to teach some subjects and not others. Almost every college decides that there is at least a rough order in which courses should be taught. Students must achieve proficiency in First-Year French before they can take Second-Year French, and so on. Knowledge is hierarchical. Some ideas must be mastered before others.

In that sense, intellectual and academic freedom fall far short of describing the basic condition of the university, where such freedom is inherently limited by the need to make distinctions that cut against the freedom to express any idea in any context. The

university has an internal order, a way of privileging some subjects and dis-privileging others. Every college and university has procedures to accomplish this. "Academic freedom" may exist as part of such a process in that faculty members and administrators may have to argue through conflicting views about what should be required, what should be offered, and what should be set aside. But at some point, those arguments end; courses are approved; syllabi are printed; and instruction begins.

These are hierarchical processes, and the hierarchy continues during actual instruction. Even the most digressive of teachers has only so much time, and only so much can be covered. Choices are made. Some subjects lose out. Others win.

Without this tacit hierarchy, the freedom to pursue scholarship and teaching would be meaningless.

INTEGRITY OF THE INDIVIDUAL

Intellectual freedom is the freedom of an individual to make up his own mind. That seems simple only to the simple-minded. All of us are subject to influences, some overt, some subtle, and many part of the cultural surrounding, that influence our thinking. Often we conform to these influences; sometimes we parry or defy them. But to be free to make up our minds requires that we gain a degree of inner independence from the suasions of others sufficient to weigh ideas on their merits. It is doubtful that anyone achieves this in the most radical sense, or that doing so would be good. We live, after all, in society, and to thrive must learn to live well with others. Independence of mind does not mean alienation from humanity, or hostility to the company of others. The integrity of the individual consists of gaining enough perspective to resist intellectual conformity for its own sake, while maintaining due respect for the people around us, including their intellectual freedom. As we hope not to have others impose their opinions on us, we

should refrain from imposing ours on them.

Higher education, however, presents a special situation. Students are often in the midst of forming, dissolving, and reforming their views on basic matters. Teachers are often also in the position of demanding—appropriately—that students take or argue a particular position, at least as an academic exercise. Ideally, the fluidity of the students and the rigidity of the teacher are understood on both sides as circumstances that do not compromise the integrity of the individual. But it is in the nature of higher education that there are risks for students who may be overwhelmed by the intellectual dynamics of higher learning. Students can come to believe their intellectual freedom has been infringed when in reality they have only been challenged. And teachers can sometimes press too far.

The general answer to these concerns is for the college to keep this main principle in focus: the college should foster the freedom of the individual to make up his own mind. That freedom cannot be compromised by the student deciding he wants to inhabit a "safe space," in the sense of a special environment at the college where he will not be challenged by ideas that he finds unwelcome or uncomfortable. Nor can the student decide that the best expression of his intellectual freedom is the choice of sacrificing his freedom for blind allegiance to a doctrine. The college has a responsibility, within limits, to discourage students from taking such refuge as a "safe space" for an ideology may provide.

CIVILITY

The limits of the college in encouraging some and discouraging other forms of self-determination on the part of students are part of the invisible web of restraints that make up civility. Students learn civility from being part of a community that values it. Some aspects of civility can, of course, be turned into hard and fast

rules. Speakers should not be disrupted or interrupted. Protests should not turn into illegal trespass or vandalism. Replies to people should be kept free of personal insults, gratuitous vulgarity, and so on.

Such rules have proven necessary, and it is necessary too that they are backed by real sanctions against those who break them. The Woodward Report correctly said this, and the Stone Report incorrectly omitted it.

But civility in the truest sense cannot be reduced to a set of prohibitions. It is, rather, a positive attitude that infuses a community with an eagerness to listen, hear, and consider, and respond in temperate ways. This is no easy thing for a community to achieve. Some advocates of social change deliberately cultivate tactics of provocation and attempt to outrage people. College campuses are a favorite target for such activists, in part because young students are so easily provoked and so easily stirred to join in the defiance of the seemingly dull norms of everyday expression.

We have seen in the last few years numerous instances of college officials caught flatfooted by activists who are willing to disregard both the spirit of civility and the basic rules of behavior. The administrators in these cases attempt to uphold the standards of courtesy to those who refuse to abide by them. This is rightly understood by the activists as weakness and the inability of a community to uphold its own norms.

Civility proceeds from strength, not weakness. For intellectual freedom to exist with a community, civility must be maintained by authority if and when necessary. Dissent can and should be tolerated but dissent that descends into incivility is unacceptable and must be met with sanctions.

The formation of character is one of the four essential desiderata of higher education—along with developing a sense of vocation, entrusting the legacy of culture and civilization, and pursuing truth. Instilling in students a spirit of civility is surely not the

whole of character formation, but it may well be the indispensable preliminary to any deeper development. We want college to prepare students for active citizenship. Again, character formation, citizenship, and civility are not exactly the same things, but they are closely allied. And achieving basic civility would seem to be the prerequisite to an education that opens the door to the other two.

Civility is, to be sure, only a threshold virtue. A person who learns to act with civility may well be hypocritical in the sense of inwardly regarding with disdain views to which he outwardly shows respect. No college would want to present itself as instilling hypocrisy in its students, and in an age that elevates "authenticity" over kindness and respect, few students would be amenable to a form of education that insisted on pretending to listen to and respect the free expression of others. In this sense, acquiring true civility requires learning more than mere outward forms. Higher education has as one of its roots the hope that students will prove open to inner growth as well. The university always produces its share of graduates who excel at the conveying the mere appearance of good character, citizenship, and civility, while really devoted to selfish ambition. There is no foolproof form of education that can forestall this, but that is no reason to preemptively surrender in the effort to instill the real spirit of good character, as all too many of our colleges and universities have.

PURSUIT OF TRUTH

Intellectual freedom uncoupled from the pursuit of truth is mere drift. It is a raft afloat in the ocean of knowledge, speculation, and imagination. The pursuit of truth gives intellectual freedom its rudder, keel, and compass, at least within the context of higher education.

Opposition to the pursuit of truth within the university currently takes several forms: preference for power over truth;

postmodernism; and pragmatism. Though the three have important connections with one another, they can be treated separately. The first, the preference for power over truth, generally proceeds from the argument that "truth" is merely a label that those who already hold power use to protect the views they favor against criticism. On the grounds that power must be met with power and masks should be ripped away, these revolutionary cynics proclaim that they intend to pursue openly what their opponents do from camouflage. This power-is real-and-truth-is-an-illusion premise has achieved wide acceptance in the humanities and social sciences, to the point where even faculty members who do not believe it have to address it respectfully in their classes. If they don't defer to it, students will insistently bring it up. But this framework, in fact, meets little opposition and is on its way to becoming the normative view, a charter for the domination of the university by. those who reject the classically liberal view of the university as a place devoted to the pursuit of truth.

The second form of rejection of truth-seeking is postmodernism, which designates a congeries of ideas that allow that there may be many particular truths that the human mind can apprehend, but that there is no compelling reason to see these small truths as part. of a larger coherent whole. The postmodern world is one that rejects overarching structures and welcomes discontinuities and contradictions as characteristic of the way things really are. Postmodernism might be thought of as the softer expression of the power-is-everything framework. It is wide open to the power thesis but has a different political tone. The power-is-everything advocates are interested in gaining actual political power. The postmodernists are more interested in the university as a sanctuary for their own pursuits, free from any concern with overarching goals and obligations.

The third form of rejection of truth-seeking, pragmatism, refers to the philosophical school that like postmodernism distances

itself from the pursuit of larger abstract truth in favor of the idea that we should content ourselves with the knowledge of. "what works" within specific contexts. The distinction between postmodernism and contemporary pragmatism is weak, but some self-described pragmatists insist on it by arguing that pragmatism presents a more philosophically coherent worldview.

The idolization of power over truth is by far the most popular of these three rejections. It has roots in the Frankfurt School of Marxism and has become the favored view of many campus political activists. Postmodernism is no longer as fashionable as it was a generation ago on campus but it lingers as a background assumption for many faculty members and is filtered into numerous courses in the humanities and social sciences. Pragmatism, the oldest of three rejections, has a following in some law faculties, and is extolled by the literary critic Stanley Fish, but it might be said to have its strongest hold on faculty members in some of the specialized sciences, where it serves as a convenient way to avoid questions that might complicate the strictly drawn lines of specialized inquiry.

To recognize these rejections of the pursuit of truth as factors within contemporary higher education is not to refute them—a task larger than this statement of principles can accommodate. This much, however, is clear: all three positions are parasitical on the idea of the university as an institution rooted in the pursuit of truth. If "truth" is an illusion employed by the powerful to subordinate the weak, will the weak be better off if the powerful were to accept that proposition and proceed to subordinate the weak by the direct exercise of power? The university in that circumstance would cease to exist as a place where knowledge is pursued for any purpose other than domination, and those who now advocate a preference for power over truth would be summarily excluded. The postmodernists. inhabit small sub-disciplinary worlds that are wholly subsidiary to the university as a sheltering

and protective environment. If their preference for fragmentation were to prevail against the university, their islands of imaginary defiance would be swept away. The pragmatists likewise enjoy a pax Romana maintained by their opponents—the legions of those who believe that the universe is knowable and entire. Shorn of that premise, the institution that permits pragmatists to indulge in playful heuristic dissents would dissolve into the rough and tumble of each having to prove its immediate worth to a doubting world.

These observations, once again, do not suffice to establish that these forms of anti-truth are mistaken. But none of them offers a foundation for the university. Indeed, sometimes all three arguments are referred to as "anti-foundationalism." No one yet has conjured a vision of an anti-foundationalist form of higher education that suits the larger purposes of the institution. We have no Anti-Idea of the University to set beside John Henry Newman's classic.

VII. Conclusion

Intellectual freedom is a foundational principle of higher education, but only one of several. Even taken by itself, it is an idea that is hedged in, governed, and ordered by the various and complicated contexts in which it must be applied. The classroom, the quad, the student newspaper, the advisor's office, and the soccer field are different places that demand different applications. Faculty members, students, administrators, staff, and invited speakers all carry different privileges and different responsibilities. The sciences and the humanities differ too in key ways, and teaching, research, and extramural speech all involve distinctive interpretations of what intellectual freedom can and should mean for higher education. Different kinds of institutions rightly emphasize different aspects of intellectual freedom.

None of this is news. At some level nearly everyone who has written seriously about academic freedom has surveyed this terrain—and there are literally hundreds of books on the topic. Nonetheless, in the current rush to comment on, commend, or condemn recent developments, these distinctions have been brushed aside. We thought it useful to refresh the public memory.

Beyond that, we are concerned over the recent emergence of versions of academic freedom that conflate it with intellectual freedom—and sometimes conflate both academic and intellectual freedom with First Amendment freedoms. This blurring of key distinctions puts all three at risk. Universities are not places where anything can be said anywhere and at any time. They are places where the truth is pursued by disciplined means; where a hierarchy of knowledge prevails; and where intellectual authority is maintained. These matters are sometimes rhetorically downplayed but in practice, they are rigorously upheld.

A university must also embrace intellectual diversity; it must find ways to distinguish worthy from unworthy intellectual pursuits, and important from trivial topics; it must strike a balance between teaching matters of substance and teaching skills; it must establish for students and faculty alike some locus of authority for determining which matters must be taken as settled and which are open to examination—and must also make provision for shifting these categories.

Intellectual freedom and its highly contextualized embodiment, academic freedom, exist in a final sense to make students into free men and women, capable of wise and responsible stewardship of a free society. That's an educational enterprise of dauntingly large scope and on the evidence of our campuses today, we are not doing a very good job of achieving it. We offer these words as a step towards improving the prospects.

NATIONAL
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of SCHOLARS