



“Academic Freedom: An Endangered Species?”

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INTRODUCTION

I am honored to be asked to speak at the 2021 General Assembly of the SGroup. Thank you. I share your belief in responsible and sustainable higher education. Thank you, too, for being a global group---with members from Armenia to the United Kingdom. Today, I want to offer two interwoven propositions:

- 1) That academic freedom today is an endangered species. It always has been---with some periods of respite. Perhaps it always will be—unless the human species changes.

2) That academic freedom is, however, a foundation of responsible and sustainable higher education. As conservationists and ecologists must fight for the oceans and air and non-human species that are indispensable to human flourishing, so academics and our societies must fight for the academic freedom that is part of our legacies. Unlike some historical legacies, this one supports a testing of legacies themselves as part of a tradition of inquiry and innovation that can create useful futures.

To my regret, I will not speak about the effects of COVID on academic freedom. Perhaps we can explore this question in the discussion period. My reluctance to speak is because we are still seeking to grasp what those effects are. However, that said, some are palpable. Clearly and obviously, academic freedom of research and the timely dissemination of research are conditions for a full understanding of COVID, its nature and the range of remedies against it. The science of vaccines operated in conditions of freedom. (Sorrowfully, I add, Big Lies about COVID and vaccinations have added to the toll of COVID in the United States.)

As clearly and obviously, COVID has damaged academic freedom, although how and to what extent will not be known as long as the virus and its variants stalk the globe, continuing to seek and enter vulnerable hosts. So far, one commonly noted effect is the possibilities of increased surveillance by public and private actors. For example, remote teaching can create an insidiously open classroom. COVID and the need for measures of public health provide an excuse for such monitoring. If COVID strains financial resources, it also provides an excuse for cutting programs and eliminating positions. The consequences of COVID for the physical and mental health of all, be they believers or non-believers in academic freedom, are immense.

That said, let me begin with an anecdote from the European Middle Ages during a time of

consolidation of both the Roman Catholic Church and the state. A European university that seems familiar is emerging. In 1079, a brilliant, strong-willed boy was born in Brittany. In English, his name is Peter Abelard. He was to become a theologian, a philosopher, a logician, and a poet. He was a charismatic professor, a rock star, attracting students wherever he went. He was also innovative, outspoken, and controversial, creating enemies as well as admirers. Though a cleric, he secretly married his brilliant pupil Heloise and fathered their son. For this, her uncle had him castrated.

Eventually, his enemies brought him before an Ecclesiastic Council, especially for a book he wrote about the Trinity (Father, Son, and Holy Ghost.) The Council found him guilty of error and gave him another punishment. He writes about this bitterly in his autobiography, The Story of My Misfortunes or The History of My Calamities. "...I went to the council and there, without further examination or debate, did they compel me with my own hand to cast that memorable book of mine into the flames."

At New York University, I have taught a global history of the university. The first texts are selections from Plato, Aristotle, and Confucius. When we explore the emergence of the European university, I ask them to read Abelard's autobiography. When he writes about being forced to burn his own book, all of the students are puzzled about why. The theological controversy seems as distant as a galaxy beyond the Milky Way. However, the students differ in the degree of their surprise about Abelard's censorship and punishment. Many international students are not that surprised about censorship. Nor are United States students who have some knowledge of the Holocaust. However, other United States students are surprised. They take freedom of speech and expression for granted. When we talk about the theory and practice of academic freedom, it seems as much a part of their environment as the library. They are astonished that Abelard, a professor, had to burn his own book--- over a quarrel about theology. History should wipe away this astonishment.

Part of me envies my students' belief that freedom of speech in general and academic freedom in particular is here to stay. Adhering to that belief means one less anxiety in their portfolio of anxieties. . However, another part of me is the professor who worries that academic freedom is an endangered species. She devotes some sessions in her classroom to a brief history of academic freedom in the United States, exploring how hard it was to win and how threatened it can be. We talk about the United States in 1776, a revolutionary society with grievous flaws. We see that the new nation cared about education, especially of white male citizens. We read testimonies about education and about the strong belief in the Enlightenment. We take note of Americans who were asking how to build an American university and yet conceived of Europe as a fountain of usable ideas. In the 19<sup>th</sup> century, about 10,000 Americans went to Europe on overseas study trips. They admired the Scottish universities and the French universities, but above all, they admired the German universities, especially Wilhelm von Humboldt's University of Berlin, itself built after turmoil. They responded to the university as a place of research and teaching, and they responded to the university as a place of freedom and free inquiry.

When these Americans crossed the Atlantic Ocean on a westward journey home, they often built institutions (like Johns Hopkins University) that incorporated von Humboldt's ideas. Often very tactfully, they moved religion to the margins of an institution. There might be Professors of Theology, but Theology was no longer the queen science. Yet, freedom had to be fought for. Educators and scholars found interference from the state, from trustees (the governors of institutions), from donors, and from overweening, bossy university presidents.

Finally, some professors revolted. In 1915, the American Association of University Professors (AAUP), was born and was to become a crucial element of civil society. It issued a "Declaration of Principles." This founding document is aware of both "lernfreiheit," freedom to learn, and "lehrfreiheit," freedom to teach. Indeed, today's faculty must pay more attention to a student's freedom to learn. The AAUP document was more interested in "lehrfreiheit," freedom to teach. Indeed,

it advocated for three freedoms: to teach, to do research, and to speak outside of the university, to engage in extra-mural speech. For example, to oppose a war. This foundational document had other crucial elements:

- a. Academic freedom serves the social good of creating truths and the conditions of truth. In general, universities must serve society. People differ in exactly how.
- b. Academic freedom entails certain responsibilities—for example, accuracy and scholarly care. Academic freedom is not an invitation for blabber-mouths to show off. Nor an invitation to preen, prance, and indulge in fantasies.
- c. Academic freedom is inseparable from professorial tenure. Tenure, job security, make the exercise of freedom far more possible.

Throughout the decades, the AAUP and other associations revised this document, but the founding principles continued. One example: in 1940, the AAUP and the American Association of Colleges issued the 1940 "Statement of Principles on Academic Freedom and Tenure". Its framing doctrine is, "The common good depends upon the free search for truth and its free exposition." In 1970, the groups issued another interpretations of the 1940 document, but again, principles of academic freedom were bedrock.

In the United States, the courts could rule for academic freedom. A milestone was in 1957, "Sweezy v. New Hampshire," a Supreme Court Case (354 U.S. 234) Paul M. Sweezy was a faculty member at University of New Hampshire. The state of New Hampshire thought he was a "subversive." To oversimplify, the Supreme Court ruled that the attorney general of New Hampshire could not investigate his beliefs and associations.

Crucially, there was a growing commitment on the part of religious college and universities to academic freedom. The Rev. Theodore Martin Hesburgh was a towering figure in higher education. Born in 1917, he died in 2015, much honored. From 1952 to 1987, he was the president of the famous Catholic university, Notre Dame. In 1967, Rev. Hesburgh issued the "Land O'Lakes Statement". Land O'Lakes was a retreat in the state of Wisconsin. He announced that a Catholic university must have autonomy and academic freedom in the face of authority of any kind, legal or clerical.

Despite such victories, the defense of academic freedom in the United States continues to be necessary, vigorous and vigilant. Like inquiry itself, the work of such a defense is never done. Let me mention four dangers that now exist. One may seem abstract. It is a belief that higher education must be instrumental. It must meet immediate economic needs and student employment needs. What disciplines matter? Economics, health, Engineering. What disciplines matter much less? The humanities. What methods matter less? The humanities and their stubborn advocacy for critical thinking.

A second difficulty is emerging and may or may not dissipate. It is an attraction to "illiberal democracy" and a conservative infatuation with Victor Orban and contemporary Hungary. For here "real values," often associated with Christianity and patriarchy, may be winning out over those pesky "individual rights," such as press freedom and academic freedom. I hope these admirers of Orban carefully study the state pressures that squashed gender studies, that forced the move of Central European University from Budapest to Vienna, and that enabled anti-Semitic slanders against George Soros, the Hungarian-born founder of CEU.

The third difficulty is far more immediately pernicious, a realistic fear that citizens cannot share a common set of truths. Indeed, today, large groups seem to share a common set of lies, the bigger the lie, the more people cling to it. Did Joe Biden win the 2020 presidential election? Nonsense, a lie, a lie.

Some traditional truth-tellers---some elements of the press, universities-- seem to be unable to overthrow such lies. These traditional truth-tellers seem less emotionally appealing and powerful than brazen lies and demagoguery. You do not need me to tell you about the power of the social media to spread the disinformation that many find so gratifying. Sadly, others who are aware of the lies, are politically manipulative or cowardly. They cower in silence. Americans seem to be updating a struggle between reason and revelation, where reason and solid evidence seem stolid and conspiratorial revelations exciting—no matter how dangerous and foolish and false.

A fourth difficulty is more specific, but it is related to this lack of a common set of truths. America is the site of a harsh quarrel about speech about race and, to an extent, speech about gender. Let me explain. On the “left,” some voices lack a commitment to academic freedom. They believe it protects demeaning speech, even hate speech. They often make freedom FROM hurtful speech a priority over freedom TO speak in ways that might be hurtful. Given the history of horrible and hurtful language about race in America and in American universities, this position is understandable—although I cannot support it. Some such skeptics of academic freedom can go on to argue that opponents of diversity, equity, and inclusiveness (DEI) should not be free to speak on campus.

On the “right,” it is worse. Too many Americans are afraid of the truths about race. As a result, accusations abound that programs about race and ethnicity that speak of systemic racism are at the very least biased. They may also be purveying anti-American propaganda. They demean our Founding Fathers. Again, on the “right,” there are accusations that the “left” is silencing the right and their provocative ideas about race and gender, “cancelling it.” We even have the unedifying spectacle of powerful United States senators who claim that they are being “cancelled” because of their words, including their words about race.

These conservative complaints have morphed into government actions. While president, Donald J. Trump issued a memo to federal agencies that warned against critical race theory, labeling it as “divisive,” followed by an executive order barring any training that suggested the United States was fundamentally racist. Since then, state legislatures have sought to exorcise critical race theory, with no evidence that they might know what it actually is. At least 8 state legislatures have banned the teaching of critical race theory. Perhaps 20 state legislatures are considering bills that, if passed, would do so. On a local level, school boards are also banning “critical race theory” or any teaching that might make children “uncomfortable” about their race. The haters of critical race theory tend to associate it with such other “liberal” sins as mask-wearing, vaccines, and an attack on their “freedoms.” They fight nastily, often viciously. Among their weapons is stalking, a cyberbullying that can include death threats, and, where legally permissible, the open carrying of guns to public protests.

In brief, in the United States we have the banning of books without book burning, and the attempt to crush valid ideas without actually torturing the proponents of these ideas. We have some politicized tenure cases where a job may be lost but no-one goes to jail. Some protest; many do not. For several years, I have argued that in the United States we have “scholars at moral risk.” Such scholars, who may be in administrative positions, are perhaps aware that some book banning and idea crushing is going on. But they have several timid reactions. Some may reckon that the book banning is not that bad; the threats to tenure are not that bad. Others are afraid of annoying or angering some group---be it donors or legislators or trustees or student activists. They duck, or they hide, or they obfuscate, or they suggest a speaker not come to campus.



As you know, the United States---despite the 2020 presidential election---is part of a global movement towards authoritarian and “illiberal” governments. Their power rests on three sorts of imprisonment: first, the imprisonment of the body of opponents or protestors; second, the imprisonment of the mind and culture; and third, the imprisonment of the means of distribution of ideas. At the moment, the new Taliban government in Afghanistan is the most threatening to academic freedom and education, especially for women. Scholars at Risk, for example, saw its caseload of people seeking protection double in September, mostly because of the needs of Afghan scholars and students.

However, violations of academic freedom both precede and accompany Afghanistan. Annually, Scholars at Risk (SAR) publishes Free to Think, a report on the state of academic freedom. Now over 20 years old, hosted at New York University, Scholars At Risk is a network of over 550 institutions. It has three missions: 1) To offer protection and safe places, many within its network, to threatened scholars. 2) To advocate for academic freedom in general and for threatened scholars in particular; 3) To do research and teaching about academic freedom, for example a MOOC and now a podcast.<sup>i</sup>

Fulfilling its missions, in Free To Think SAR profiles a set of countries where it can document at least five incidents of attacks on higher education during the previous year. Although the 2021 edition of Free to Think will not become public until December, I can with confidence report that it will report 330 attacks on higher education in 65 countries and territories. SAR considers these 330 attacks to be the mere tip of an ugly spear. The report will also profile countries and territories that have at least five verified “incidents.” Let me tell you sixteen for 2021: Afghanistan, Bangladesh, Belarus, Brazil, China, Hong Kong, India, Israel and the Occupied Palestine Territory, Myanmar, Nigeria, Pakistan, South Africa, Thailand, Turkey, the United States, and Zimbabwe.

How can we protect academic freedom? In those sixteen countries and elsewhere? And affirm its value to universities and to societies? Why do you bother? I have been asked. Why not have just

enough scientific truths to build bridges that won't fall down or to tell some palatable stories about a nation's culture and people? The answer lies in that 2015 AAUP "Report." Inquiry can have as many twists as a pretzel. Inquiry can be a process of trial and error. Yet, when inquiries arrive at truths and plausible theories, they are a social benefit. Take one example: academic research into molecular biology in the United States, drawing on global networks of science, has been done under conditions of academic freedom. Look now at the results for the treatments of cancer.

Where do we find the defenders and stalwart supporters of academic freedom? Where are the champions? Look, I suggest, in three places. The first is an individual of courage. They can be scholars, or students, or journalists, or artists. A scholar can also be a journalist and an artist. They take risks for their work and for the principles of academic freedom. They refuse to flatter those in power. They can suffer for these risks, enduring a jail cell or the precarity of exile. I think, for example, of Naila Al-Atrash, the legendary Syrian theater director and theater teacher, now in the United States. They are our Galileos, too often unsung. I do not know that I could show such courage in circumstances more perilous than those I am now privileged to enjoy.

A second place to look is at certain principled disciplinary organizations, research centers, and universities. Let me state one truth as clearly as possible. Institutions of higher education can, do, and must have different purposes. For example, the "land-grant colleges" in the United States after the Civil War were to support agriculture and industry in an expanding country. Despite having different purposes, principled institutions should be able to act consistently on the "soft norms" of academic freedom. Such institutions offer, not only formal job protection, but "a commitment to professional disagreement as opposed to demonization; a tacit devotion to scholarly pluralism; a willingness to reject, however respectfully, some student demands." In addition, these institutions have a "principled administrative class that (is) capable of understanding and of honoring the ideals of the institutions they superintend." <sup>ii</sup>

Destructively, not all universities will be or can be so inclined. I often wonder if such places are universities in name only. If many of their members were in Plato's cave, they would sit there, all dressed in caps and gowns, another Medieval legacy. They would not struggle up the road out of the cave towards the light. However, I also know how valiantly some faculty and students can persist, under painful and difficult conditions, in retaining a vision of the light. As I have witnessed, courage comes in many different forms.

The third place to look for champions of academic freedom is in regional and global organizations. When I listed the countries that will be profiled in SAR's 2021 edition of *Freedom To Think*, I listed countries. That is not as stupid a remark as it seems. Countries, nations, are largely responsible for education. However, when academic freedom is being stifled in a nation, a collaborative global network can offer advocacy for this freedom as well as practicing alternatives to an authoritarian nationalism. A collaborative global network can also help scholars and students besieged by that authoritarian nationalism.

Let me note but three: the United Nations, the Magna Charta Observatory, and the Academic Freedom Index.

One such organization is the United Nations. In the 1948 Universal Declaration of Human Rights it globalized a belief in freedom of thought and expression and in education. In 1997, UNESCO issued its "Recommendation Concerning the Status of Higher Education Teaching Personnel." Every five years, the UN Commission on Human Rights conducts a "Universal Periodic Review" process of individual countries and their record of human rights. Champions of academic freedom have asked that the Commission consider academic freedom in that review. In 2020, the Commissioner of the UN Commission on Human Rights did rebuke Turkey. On 4 December 2020, the Commissioner wrote Turkey,

accusing it of intimidating and harassing human rights defenders. In an Annex, “Right to Education,” there is a call to protect academic freedom at the university level.

A second global organization is the Magna Charta Observatory, an advocate for academic freedom and educator about university values. Like others, I am grateful to the members of the SGroup for its belief in the MCO. As you know, on 18 September 1988, 388 rectors and heads of universities from Europe and beyond signed “The Magna Charta Universitatum.” The year marked the 900<sup>th</sup> anniversary of the University of Bologna, although dating the origins of universities can be historically fraught. I understand that 76% of the SGroup member institutions signed that historic document. It outlines principles of academic freedom and institutional autonomy as a guideline for good governance and self-understanding of universities in the future.

In 2018 a multi-national group was formed to review the Magna Charta Universitatum. Why? Because universities and their contexts had changed since 1988. Any revisions were informed by a wide and international consultation, and then adopted by the Governing Council of the MCO in July 2020. Having read both the 1988 and the 2020 document, I can attest that the new MCU, a short but pithy document, removes nothing from the original fundamental values to which universities committed themselves, but it seeks to be responsive to contemporary challenges and concerns. I understand that about 30% of SGroup members have signed this 2020 MCU. It does recognize the more global nature of universities—even as they have a wide range of local responsibilities. It calls for freedom FROM political influence and economic interests and FOR the freedom to do teaching and research. To exercise such freedoms, the university must be a place of debate and inquiry in a networked world in which ideas, as well as goods and services, cross boundaries—despite efforts to halt and halter them.

Finally, the Academic Freedom Index, which is a more recent innovation than the United Nations or the Magna Charta Observatory. A collaborative effort, with a careful research methodology, in 2020 it measured the health of academic freedom in 175 countries and territories.<sup>iii</sup> Its color-coded maps show the health of academic freedom along 5 indicators: 1) Freedom of research and teaching; 2) Freedom of academic exchange and dissemination; 3) Institutional autonomy; 4) Campus integrity; and 5) Freedom of academic and

cultural expression. Like several of us, the advocacy efforts of the Academic Freedom Index call on those global behemoths, The Rankings, to include academic freedom as a criterion of excellence. <sup>iv</sup>

The SGroup is another indispensable global network, but I want you to tell me about it. It would be presumptuous if I were to tell you about it.

## CONCLUSION

Today, over a millennium later, we have Peter Abelards in our midst. Perhaps, under pressure, they are altering a lab report. However, perhaps they are asking how they can leave a country with their family and settle elsewhere. We also have Heloises in our midst, as brilliant as the Medieval Heloise, but as much a part of universities now as Abelard was. I hope these universities are more aware of the dangers of eroticized tutor/pupil relationships than Abelard was. Our Abelards and Heloises now arise from every continent and every social and racial and ethnic group. Their inquiries and their ideas, even if some call them blasphemous, will be architects of the future. Are they a part of an endangered species? Those who think freely? Those who unlock, not a prison cell, but the secrets of the human and natural world? Yes, but an endangered species can be brave, cunning, resilient, tough, and creative. It cannot bear the thought of its own diminishment and extinctive. Because of these qualities, academic freedom, like freedom of speech, will survive.

Thank you again for inviting me to speak with you.

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<sup>i</sup> Full disclosure: I am a member of the board of Scholars at Risk and of the Council of the Magna Charta Observatory.

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<sup>ii</sup> I quote from Len Gutkin, “The Review: From Georgia to Michigan to Yale, Tenure and Self-Governance Are Under Attack,” *Chronicle of Higher Education*, October 18, 2021. Gutkin’s list of “soft norms” is not original, but succinctly said.

<sup>iii</sup> The Index is a collaborative effort, but a primary force behind it is Katrin Kinzelbach and the Global Public Policy Institute.

<sup>iv</sup> See, for example, Catharine R. Stimpson 2018, “Academic Freedom in the Age of the Anthropocene,” *Academic Freedom and Responsibility Toward Society---Who Decides What Science We Do?: Proceedings of the 12<sup>th</sup> Forum on the Internationalization of Sciences and Humanities*. Sponsor, Alexander von Humboldt Stiftung, November 11-12, 2018, Berlin.