Academic Freedom & Responsibility

Each year, a member of the University's faculty is invited to deliver the Aims in Education Address to the entering students in the College. On September 24, 1995, Geoffrey R. Stone '71, provost of the University of Chicago and Harry Kalven, Jr., Distinguished Service Professor of Law, delivered the Aims of Education Address in Rockefeller Chapel. What follows are excerpts from his speech.

Although the struggle for academic freedom can be traced at least as far back as Socrates' eloquent defense of himself against the charge that he corrupted the youth of Athens, the modern history of this struggle begins with the advent of universities, as we know them today, in the twelfth century. In the social structure of the Middle Ages, universities were centers of power and prestige. They were protected, counted and even deferred to by emperors and popes. There were, however, sharp limits on the scope of intellectual inquiry, for there existed a hard core of authoritatively established doctrine which was made obligatory on all teachers and students. It was expected that each new accretion of knowledge would be consistent with a single system of truth, anchored in God, and this expectation was often rigidly enforced by the Church, particularly when the authority of the Church itself was questioned.

As scholars and teachers gradually became more interested in science, and began to question some of the fundamental precepts of religious doctrine, the conflict between scientific inquiry and religious authority grew intense. When Copernicus published his astronomical theories in 1543, he did so very carefully, cleverly dedicating his work to the Pope himself and presenting his theories entirely in the guise of hypotheticals. Partly because of these precautions, his heretical publications did not immediately arouse much of a furor.

But by the time Galileo published his telescopic observations some 70 years later, the situation had changed. Galileo immediately was listed as a suspect in the secret books of the Inquisition and was warned that further discussion of the condemned opinion would have its dangers. Despite this warning, Galileo persisted in his work and, as a consequence, he was summoned to Rome, threatened with torture, compelled publicly to disavow his views, and imprisoned for the remainder of his life.

For the next several centuries, university life remained largely bounded by the medieval curriculum. Real freedom of thought was neither practiced nor professed. As one statement of the then prevailing ideal put the point, the teacher
was "not to . . . teach or suffer to be taught anything contrary to prevalent opinions."

This was the general attitude in America, as well as in Europe, and freedom of inquiry and teaching in America was severely limited by the constraints of religious doctrine. In 1654, for example, Harvard's president was forced to resign because he denied the scriptural validity of infant baptism. Harvard explained that it would not keep as teachers persons who had "manifested themselves unsound in the fayth."

This was the prevailing attitude until the latter part of the 18th century, which saw a brief period of relative secularization as part of the Enlightenment. By opening up new fields of study, and by introducing a note of skepticism and inquiry, the trend toward secular learning began gradually to liberate college work.

The teacher of science introduced for the first time the discovery, rather than the mere transmission, of knowledge into the classroom.

This shift was short-lived, however, for the rise of fundamentalism in the early years of the 19th century, and a growing counterattack against the skepticism of the Enlightenment, produced a concerted and successful effort on the part of the Protestant churches to expand their

By Geoffrey R. Stone
influence and to tighten their control over intellectual and spiritual life. Thus, the American college in the first half of the 19th century was deeply centered in tradition. It looked to antiquity for the tools of thought and to Christianity for the laws of living. It was highly paternalistic and authoritarian. Its emphasis on traditional subjects, mechanical drill and rigid discipline stymied free discussion and stifled creativity.

Three factors in particular contributed to this environment. First, the college professor of this era was regarded exclusively as a teacher. Because academic honors hinged entirely on teaching, there was no incentive or time for research or original thought. Indeed, it was generally agreed that research was positively harmful to teaching. In 1857, for example, a committee of Trustees of Columbia College attributed the low state of the college to the fact “that some of its professors ‘wrote books.’”

Second, educators of this era generally regarded the college student as intellectually naive and morally deficient. “Stamping in,” with all that phrase implies, was the predominant pedagogical method, and learning was understood to mean little more than memorization and repetitive, mechanical drill. Moreover, colleges of this era subjected their students to a dizzying array of rules and regulations that constrained and depressed student life. One university, by no means unique, prohibited any student to leave campus without permission, to sing or talk during the time dedicated to study, to play billiards or cards at any time, to associate with idle or “dissolute” persons, or — this is my favorite — to fiddle on Sunday. Needless to say, a college that regards its students as both gullible and depraved is unlikely to engender an atmosphere that even remotely resembles a marketplace of ideas.

Third, freedom of inquiry was smothered by the prevailing theory of “doctrinal moralism,” which assumed that the worth of an idea must be judged by its moral value, an attitude that is, quite simply, anathema to intellectual inquiry.

The most important moral problem in America in the first half of the 19th century was, of course, slavery. By the 1830s, the mind of the South had closed on this issue. When it became known, for example, that a professor at the University of North Carolina was sympathetic to the anti-slavery 1856 Republican presidential candidate, the faculty repudiated his views, the students burned him in effigy, and the press demanded his resignation. Refusing to resign, he was dismissed by the trustees. There simply was no open discussion of the issue.

The situation in the North was only slightly better. Most Northerners distinguished sharply between those who condemned slavery in the abstract and those who supported immediate abolition. The latter were silenced. A few northern institutions, however, were open centers of abolitionism, but they were no more tolerant than the South of opposing views. At Franklin College, for example, the President lost his post because he was not an abolitionist, and Judge Edward Loring was dismissed from a lectureship at the Harvard Law School because, in his capacity as a federal judge, he had enforced the fugitive slave law.

Between 1870 and 1900, there was a revolution in American higher education. Dramatic reforms, such as the elective system, graduate instruction and scientific courses, were implemented, and great new universities were established at Cornell, Johns Hopkins, Stanford and Chicago. New academic goals were embraced. To criticize and augment, as well as to preserve the tradition, became an accepted function of higher education. This was an extraordinary departure for a system that previously had aimed primarily at cultural conservation. Two forces in particular hastened this shift. The first was the impact of Darwinism. The second was the influence of the German university.

By the early 1870s, Darwin’s theory of evolution was no longer a disputed hypothesis within the American scientific community. But as scientific doubts subsided, religious opposition rose. Determined efforts were made to hold the line by excluding proponents of Darwinism whenever possible. The disputes were bitter and often very public.

This conflict brought together like-minded teachers, scientists, scholars, and philosophers who believed in evolution and who developed new standards of academic inquiry. In their view, to dissent was not to obstruct, but to enlighten. The great debate over Darwinism went far beyond the substantive problem of whether evolution was true. It represented a profound clash between conflicting cultures, intellectual styles and academic values. In this conflict, science and education joined forces to attack both the principle of doctrinal moralism and the authority of the clergy.

A new approach to education and to intellectual discourse grew out of the Darwinian debate. To the evolutionists, all beliefs were tentative and verifiable only through a continuous process of inquiry. The evolutionists held that every claim to truth must submit to open verification; that the process of verification must follow certain rules; and that this process is best understood by those who qualify as experts.

The triumph of Darwinism shifted the educator’s expectations of the student. To train students to comprehend and to explore the mysteries of nature was the new meaning of education. Education now was conceived as the leading out of the mind. It required the teacher to foster individual responsibility and the student to assume the risk of uncertainty. The pedagogical practice of rote recitation was replaced by the exploration of the laboratory and the advent of discussion and even debate as new forms of pedagogical discourse.

The other factor that played a critical role in the transformation of American higher education in the late 19th century was the influence of the German university. More than 9,000 Americans studied at German universities in the 19th century, and these students enthusiastically transported the methods and ideals of the German university into the United States.

The modern conception of a university as a research institution was in large part a German contribution. The object of the German university was the determined, methodical and independent search for truth, without regard to practical application. Such a vision of the research university attracted individuals of outstanding abilities, rather than mere pedagogues and disciplinarians, and this had an important impact on the nature
and quality of teaching, for professors who "wrote books" brought a freshness, a curiosity and a creativity to the classroom. The German professor and student enjoyed an unparalleled freedom of inquiry, and the German system held that this freedom was the essential condition of a university.

Although American canons of education were not receptive to this vision of a university in the first half of the 19th century, by the end of the century the old assumptions had been cast aside. The single greatest contribution of the German university to the American conception of academic freedom was the assumption that academic freedom defined the true university. As William Rainey Harper, the first president of the University of Chicago, observed at the turn of the century: "When for any reason . . . the administration of [a university] or the instruction in any . . . of its departments is changed by an influence from without, [or any] effort is made to dislodge an officer or a professor because the political sentiment or the religious sentiment of the majority has undergone a change, at that moment the institution has ceased to be a university. . . . Individuals or the state or the church may found schools for propagating certain special kinds of instruction, but such schools," Harper concluded, "are not universities."

Although American universities borrowed heavily from the German in this era, there evolved two critical differences between the American and German conceptions of academic freedom. First, whereas the German conception permitted the professor to convince his students of the wisdom of his own views, the American conception held that the proper stance for professors in the classroom was one of neutrality on controversial issues. As President Eliot of Harvard declared at the time: "Philosophical subjects should never be taught with authority. They are not established sciences; they are full of disputed matters, open questions, and bottomless speculations. It is not the function of the teacher to settle philosophical and political controversies for the pupil. . . . The notion that education consists in the authoritative inculcation of what the teacher deems true . . . is intolerable in a university."

Second, the German conception of academic freedom distinguished sharply between freedom within and freedom outside the university. Within the walls of the academy, the German conception allowed a wide latitude of utterance. But outside the university, the same degree of freedom was not condoned. Rather, the German view assumed that, as civil servants, professors were obliged to be circumspect and nonpolitical, and that participation in partisan issues spoiled the habits of scholarship.

American professors rejected this limitation. Drawing upon the more general American conception of freedom of speech, they insisted on participating actively in the arena of social and political action. American professors demanded the right to express their opinions even outside the walls of academia, even on controversial subjects and even on matters outside their scholarly competence.

This conception of academic freedom has generated considerable friction, for by claiming that professors should be immune, not only for what they say in the classroom and in their research, but also for what they say in public debate, this expanded conception essentially empowers professors to engage in outside political activities that can and sometimes do inflict serious harm on their universities in the form of disgruntled trustees, alienated alumni, and disaffected donors. Not surprisingly, the demand for such immunity often has strained both the tolerance of trustees and the patience of university administrators.

These issues were brought to a head in the closing years of the 19th century, when businessmen who had accumulated vast industrial wealth began to support universities on an unprecedented scale. For at the same time that trusteeship in a prestigious university was increasingly becoming an important symbol of business prominence, a growing concern among scholars about the excesses of commerce and industry generated new forms of research, particularly in the social sciences, that often were sharply critical of the means by which the trustee-philanthropists had amassed their wealth.

The moguls and the scholars thus came into direct and serious conflict in the final years of the 19th century. A professor was dismissed from Cornell for a pro-labor speech that annoyed a powerful benefactor, and a prominent scholar at Stanford was fired for expressing his views on the silver question, to cite just two of many possible examples. This tension...
continued until the beginning of World War I, when it was eclipsed by an even larger conflict.

During the First World War, patriotic zealots persecuted and even prosecuted those who challenged the war or the draft. Universities faced the almost total collapse of the institutional safeguards that had evolved up to that point to protect academic freedom, for nothing in their prior experience had prepared them to deal with the issue of loyalty at a time of national emergency.

At the University of Nebraska, for example, three professors were discharged because they had “assumed an attitude calculated to encourage . . . a spirit of indifference towards [the] war.” At the University of Virginia, a professor was discharged for disloyalty because he had made a speech predicting that the war would not make the world safe for democracy. And at Columbia, the Board of Trustees launched a general campaign of investigation to determine whether doctrines that tended to encourage a spirit of disloyalty were taught at the university.

This is not, of course, the end of the story, for I have not even touched upon more recent controversies, such as McCarthyism, the tensions of the Vietnam era, or the current debate over political correctness. But by 1920 the basic contours of academic freedom already were well defined, and several important themes had emerged. First, and perhaps most important, academic freedom is not a law of nature. It is a practical, highly vulnerable, hard-bought acquisition in the struggle for intellectual freedom. Second, the real threat to academic freedom comes, not from the isolated incident that arises out of a highly particularized dispute, but from efforts to impose a pall of orthodoxy that would broadly silence all opposition. Third, every form of orthodoxy that has been imposed on the academy — whether religious, political, patriotic, scientific, moral, philosophical or economic — has been imposed by groups who were fully convinced of the rightness of their position. And finally, with the benefit of hindsight and perhaps some objectivity, one can confidently conclude that every one of these groups has later come to be viewed by most thoughtful people as inappropriately intolerant, at best, and as inappropriately intolerant and wrong, at worst.

II.

So, what does all this have to do with you and with the University of Chicago? From its very founding, the University of Chicago has been at the forefront of the struggle to define and to preserve academic freedom. At the turn of the century, when universities across the nation faced bitter conflicts between their trustees and their professors over faculty views about social and economic conditions, the University of Chicago declared in no uncertain terms that “the principle of complete freedom of speech has from the beginning been regarded as fundamental in The University of Chicago” and that “this principle can neither now nor at any future time be called into question.” Indeed, at the very height of these controversies, President Harper emphasized that: “Whatever may or may not have happened in other universities, in the University of Chicago neither the Trustees, nor the President, nor anyone in official position [may call] an instructor to account for any public utterances. . . . A donor,” Harper added, “has the privilege of ceasing to make his gift . . . but . . . he has no right to interfere with . . . the instruction of the university.”

Half a century later the University confronted a direct threat to its academic integrity and independence. It was the age of McCarthy. In the spring of 1949, the infamous “Broyles Bills” were introduced in the Illinois legislature. These bills prohibited any person who was “directly or indirectly affiliated with any communist [or] communist front organization” to hold any governmental position, from dog catcher to school teacher, in the State of Illinois. A group of 106 students traveled to Springfield on buses chartered by the University of Chicago chapter of the Young Progressives of America to oppose this legislation. The students paraded through the streets of Springfield, chanted their opposition and, along the way, sat-in at a segregated lunch counter. The Illinois legislators were furious. One proclaimed that he would not send his “pet dog to the University of Chicago” and another asserted that “the students looked so dirty and greasy on the outside that they couldn’t possibly be clean American on the inside.”

From where we sit today, these words seem rather quaint, perhaps even ridiculous. They were not. These were dark and dangerous days. It was a perilous time to speak. Only a few days after the student demonstrations, Senator Broyles launched a formal investigation of the University of Chicago to determine the extent to which the University was infected by communism and harbored professors who indoctrinated students with subversive and “un-American” beliefs.

President Robert Maynard Hutchins was the first witness to testify before the Broyles Committee. Listen to what Hutchins had to say: “These students . . . were entirely right to disapprove of [the] pending legislation. The Broyles Bills are, in my opinion, . . . unconstitutional. . . . It is now fashionable to call anybody with whom we disagree a Communist or a fellow-traveler. . . . One who criticizes the foreign policy of the United States, or the draft, . . . or who believes that our military establishment is too expensive, can be called a fellow-traveler, for the Russians are of the same opinion. One who thinks that there are too many slums and too much lynching in America can be called a fellow-traveler, for the Russians say the same. One who opposes racial discrimination or the Ku Klux Klan can be called a fellow-traveler, for the Russians claim that they ought to be opposed.”

“The faculty of the University,” Hutchins continued, “is . . . one of the most distinguished in the world. [The] principal reason why the University has such a distinguished faculty is that the University guarantees its professors absolute and complete academic freedom. [It] has . . . been said that some of the faculty belong to so-called ‘communist-front’ organizations. [But] the University of Chicago does not believe in the un-American doctrine of guilt by association . . . .

“As is well known,” Hutchins added, “there is a Communist Club among the students of the University. [Its] members . . . are interested in studying Communism, and some of them, perhaps all of them, may be sympathetic towards Communism. . . . [The]
policy of the University is to permit students to band together for any lawful purpose in terms of their common interests. This is conformable to the spirit of the Constitution of the United States. . . . The University asserts that the policy of education is better than the policy of repression. . . .

At the conclusion of the hearings, a petition bearing the names of 3,000 courageous University of Chicago students was submitted to the investigative committee. The petition read: “As students of the University of Chicago, we believe that the position of our University, which encourages and maintains the free examination of all ideas, is the strongest possible safeguard against indoctrination. Because we believe that this policy of academic freedom for both students and teachers is the best preparation for effective citizenship in the American tradition, we are confident that the people in the State and nation will join with us to encourage the freedom of the University of Chicago and to support it against attack.”

I say these students were “courageous” because, in the perilous days in which they lived, they were taking a serious risk in putting their names to so “subversive” a statement. Indeed, the immediate reaction of Senator Broyles upon receiving the petition was to demand “to know . . . something about the signers, of the type of students” they are. “We shouldn’t,” he said, “accept just anything.”

In the 1960s, the University of Chicago, like other universities, found itself buffeted by the storms of the Vietnam War. The University appointed a Committee, chaired appropriately by Professor Harry Kalven, to advise the community on the University’s role in political and social action. The Kalven Report declared: “A university faithful to its mission will provide enduring challenges to social values, policies, practices, and institutions. . . . To perform [this] mission, a university must sustain an extraordinary environment of freedom of inquiry, . . . embrace, be hospitable to, and encourage the widest diversity of views, and ensure the fullest freedom for its faculty and students . . . to participate in political action and social protest.”

In a radio address to America in 1931, George Bernard Shaw startled his audience with the following proposition: “Every person who owes his life to civilized society and who has enjoyed . . . its very costly protections and advantages should appear at reasonable intervals before a properly qualified jury to justify his existence, which should be summarily and painlessly terminated if he fails to justify it.” I do not advocate such a program. But I do suggest that every one of us who enjoys the protections and advantages of our hard-won system of academic freedom has a responsibility to justify his existence under it.

There are several ways in which we can meet this responsibility. First, like the students of 1949, we can defend academic freedom when it comes under attack. Like every liberty that is precious to us, the preservation of academic freedom demands vigilance, independence and, sometimes, courage.

Second, we must struggle to define the meaning of academic freedom in our time. The concept of academic freedom is not self-defining. Each generation must give life to this concept in the special circumstances of its own conflicts. This is not as easy as you might think, for the arguments advanced for limiting academic freedom always are seductive. As Justice Holmes once observed, “persecution for the expression of opinion seems . . . perfectly logical.”

At the turn of the century, for example, it would have been easy for universities to conclude, in the face of threats from philanthropists and trustees, that academic freedom covers only what professors and students say in their classrooms, not what they say beyond the four walls of the academy, and some did. And in the 1940s and 50s, it would have been easy for universities to conclude, in the face of threats from the McCarthys and the Broyles, that universities should not harbor teachers or students who associate with groups that the government has
determined may be involved in an international conspiracy to tear down our constitutional system, and some did.

Today, the principal challenge to academic freedom turns on issues of so-called political correctness. As in the past, these can be difficult issues: Does academic freedom protect the professor who teaches his students that homosexuality is a disease, that gays are depraved and that they do not belong in a "civilized" university? Does it protect the student who runs for student council on a "Free Speech" platform and displays campaign posters on campus that incorporate Playboy or Hustler centerfolds to make his point? Does it protect the feminist student who defaces these posters as a form of "counter-speech"? Does it protect students who establish an organization on campus that aggressively espouses the view, both in and out of class, that Blacks are genetically inferior?

How will you address these issues? What are the lessons of history? Are no restrictions on free expression in a university consistent with academic freedom? Are these, or some of these, or some variants of these restrictions permissible because, unlike past restrictions on heretics, abolitionists, anti-war activists and Communists, these restrictions are reasonable? Or are we merely victims of our own generation's version of blindness, prejudice and intolerance?

Third, and most important, we have a responsibility to live up to the principle of academic freedom. Often, it is easier to defend a principle than to live up to it. Half a century ago, President Hutchins asked what it is "that makes the University of Chicago a great educational institution." The answer he gave then remains true today: "It is," he said, "the intense, strenuous and constant intellectual activity of the place. . . . Presented with many points of view, [students are] compelled to think for themselves. We like to think that the air is electric, and that from it the students derive an intellectual stimulation that lasts the rest of [their] lives. This," Hutchins concluded, "is education."

This is the tradition that you inherit. Unlike college students of the past, your task is not to submit to mechanical drill or rote memorization, not to accept without question conventional values and staid opinions as they are presented by your teachers. It is, rather, to exercise the responsibility of freedom — to test what you are taught at every turn, to challenge your teachers, your classmates and yourselves, to choose your own values and your own beliefs.

The faculty of this University ask nothing of you that they do not also ask of themselves. Professor Gary Becker, Nobel Laureate in Economics, recently observed that "good research often fails." Remember that. Even the most gifted teacher and scholar suffers frustration and failure. It is only by taking risks, by daring to ask questions no one else ever has asked, that real contributions are achieved. As John Gunther once observed, the University of Chicago "is a school that stands for . . . freedom of spacious inquiry, freedom to be a gadfly if necessary and freedom not only to be right but to take a chance on being wrong." If your professors ask you to take risks, know that they take risks as well.

But fulfilling the responsibility of academic freedom means more than challenging your classmates and your teachers; it also means challenging yourself. It means being willing to reconsider what you yourself have come to accept as true. You will learn here to ask the hard questions. But it is not enough to examine the premises, beliefs and assumptions of an earlier time and find them wanting. It is too easy to dismiss those who thought that the earth was the center of the universe, that its resources were boundless, or that separate could ever be equal. You must remember that you, too, hold beliefs that your children or your children's children will rightly regard as naive, foolish, perhaps even obscene. You must be prepared to challenge your beliefs, to reform your world, to challenge the nature of things.

Edward Levi once noted that our faculty warmly welcome our students "because students are where the future lies." It is in this spirit that we welcome you. We hope you will find in these halls the air that Hutchins said is "electric" and that you will take away from this place a stimulation that will last the rest of your days. May your life's experiment be filled with curiosity, boldness and courage.