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Source: *Social Research*, Vol. 76, No. 2, Free Inquiry at Risk: Universities in Dangerous Times, Part I (SUMMER 2009), pp. 561-598
Published by: The Johns Hopkins University Press
Stable URL: https://www.jstor.org/stable/40972273
Accessed: 10-12-2019 20:48 UTC

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Craig Calhoun

Academic Freedom: Public Knowledge and the Structural Transformation of the University

HIGH IDEALS AND HEROIC STORIES OF ACADEMIC FREEDOM INSPIRE US. We honor individuals who spoke up even when there were reasons to be silent, and we honor a university that sheltered them. The New School played a distinctive role at a crucial time and it is right to honor it on the occasion of the seventy-fifth anniversary of the founding of the University in Exile.

But I want to challenge us not to let either the heroic stories of the past or the history of terrible abuses narrow our understanding of academic freedom and the issues faced in contemporary universities. When we think of academic freedom we are apt to think of individuals with something to say and political repression of their speech. But academic freedom is not just a matter of free speech and individual rights. It is a matter of institutions and public purposes.

Those who value intellectual discovery and expression, intellectual contributions to a vibrant public sphere, freedom of conscience, and a sense of professional responsibility face challenges not just from individual acts of outright repression but from broad transformations of higher education. The very structure of academic institutions has changed dramatically, not least as the place of the liberal arts has dwindled within many. Costs have escalated and sources of funding shifted.

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Scale has grown enormously and come with internal fragmentation and inequality. Academic freedom is challenged by regimes of intellectual property rights, by contractions in academic labor markets, and a growing reliance on insecure appointments. It is challenged by difficulties in sustaining collegial self-governance, including not just growth in administrative power but also mismatches between formal structures of departments and schools and shifting fields of intellectual competence, mutual information, and correction. It is challenged by weakened connection between those who would speak small truths to specialist colleagues and those who would speak larger truths to power and the public. We need, in other words, to be vigilant both for outright repression and for more insidious ways in which the vibrant intellectual life so important to national and international culture and to democracy can be undermined. And we need to look also to positive freedom, not only absence of restrictions.

The history of the New School is helpful to us in this regard, for the New School had in a sense two different moments of origin. And the two distinct founding moments of the New School suggest something of the breadth needed to consider academic freedom adequately today.

Ignoring chronology, we may start with the second founding moment of the New School. In 1933 the University in Exile was created as a semi-autonomous division of the New School. It was created specifically to employ German professors and other refugees from National Socialism and developing conflicts in Europe. There was a question of who would pay, and the Rockefeller Foundation provided crucial support. The University in Exile was quickly accredited by the state of New York and grew into the Graduate Faculty of Social and Political Science. In the process one might say that it made the New School into a full-fledged university.

Contrary to popular mythology, the New School did not play a central role in the relocation of the Frankfurt School to America, but it did become home to a wide variety of other leading European intellectuals and through them helped introduce different traditions of European thought to the United States. The range of luminaries was

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startling, from Alfred Schutz and Hans Jonas to Hannah Arendt. It also became a major meeting place for intellectuals in transit, displaced by war or repression, seeking new opportunities in hard times, or simply traveling. At least temporarily, New School members also included Roman Jacobson, Claude Lévi-Strauss, and others who remind us that mid-twentieth-century European repression and devastation was not limited to Germany.

We are tempted to tell the story of academic freedom overwhelmingly in terms appropriate to the 1930s refugees from National Socialist repression. These were blocked from pursuing their scientific and scholarly vocations, deprived of their livelihoods, and expelled from universities in which they had felt at home and believed they were full members. It is worth recalling that many of those who had to flee—especially from Germany—had been protected by the ostensible security of tenured appointments; this was far from a full protection. They were persecuted for a variety of reasons: because they were Jews, because they worked on research topics the Nazis didn't like, because they insisted academic appointments should be made only on academic grounds. By no account were all of them engaged in public denunciation of National Socialist rule. The academic freedom of which they were deprived was that of membership in the academy and the opportunity to work intellectually within its scope (though of course the Nazis also threatened personal freedom and human rights in a variety of ways not distinctively connected to academic freedom).

The story of the refugee scholars places the stress on freedom from external power violating the hoped for autonomy and integrity of academic life. It reveals how individual scholars were deprived of the chance to pursue their vocations, but even more basically how the intramural freedom essential to scholarship was destroyed by political actors. It also reveals that universities could not be immune—as some scholars had hoped—from drastic transformation of the society of which they were parts. Here the negative freedom *from* external repression was clearly at issue, but so was a positive freedom *to* act as an academic—a researcher, scholar, and teacher. What was much less

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clearly at issue was the freedom—or responsibility—of academics to engage the broader public beyond the university.

The protagonists of the original New School founding in 1919 certainly shared a concern for the intramural freedom of academics, but their focus was much more centrally on academic engagements with the extramural public. They were disturbed by attempts to silence pacifists at Columbia; they had fresh memories of attempts to silence radical voices at Stanford, Chicago, and other universities. And their concern was framed in terms not only of negative freedom from outright repression but emphatically also of positive freedom, freedom to inform the public sphere, to reach beyond the bounds of increasingly professionalized academia, freedom to live up to a responsibility they believed scholars shared. They sought freedom to integrate scholarship and communication among professional peers with intellectual analysis that transcended specializations and addressed basic public issues. They sought freedom to teach students excluded by most universities. They sought freedom to organize their work as professionals—professors—rather than as simple employees (or even as in Germany as civil servants).

We should take care not to let the story of the 1930s refugees crowd out the story of earlier activists and public intellectuals. The New School did not institutionalize freedom entirely as an insider status; from the beginning it sought to make freedom of inquiry self-expanding. Without this first founding of the New School, the institution would not have existed to play the role it did in receiving the refugees of the 1930s. And it's worth noting that though New School President Alvin Johnson asked a range of other American universities to join in rescuing refugee scholars, few did so. Of course there was a different interest in German émigrés with technical skills, and some research scientists did find new homes in American universities (and later the war effort would provide other opportunities).

In this essay I will seek to draw further lessons from the founding of the New School and the Progressive Era. These provide an entry to considering how to relate the freedom of individual academics from

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repression to the university as an institution securing freedom in order to live up to a public mission, and to academic communities such as disciplines that provide the basis for professional self-regulation and thus both depend on autonomy and underwrite a combination of freedom and constraint. The basic conditions for academic freedom have been deeply transformed by subsequent changes in both the university and the academic profession. These transformations, which I note all too briefly in the last section, challenge our thinking about freedom of inquiry.

ACADEMIC FREEDOM AND THE PUBLIC MISSION OF THE MODERN UNIVERSITY

The New School for Social Research was founded in 1919 by a group of progressive intellectuals of considerable fame and public influence who were concerned that many existing universities were falling short of the highest ideals that should animate them as institutions with a public mission. The idea of public mission was key. Academic freedom was not simply a privilege accorded an intellectual elite, or a private right earned by success in academic competition. It was, rather, a key ingredient in making the university effective as a social institution and specifically making the modern university effective in a society that depended more than any before on collective participation mobilized through a public sphere.

This was a case that could be argued for the largest and most complex universities of the day, but it had a special relationship to the emergent social sciences and closely related humanities fields. It is no accident that the New School was founded *for social research*. In keeping with widespread progressive belief, its founders regarded knowledge of basic social conditions as key to changing them. This knowledge, they thought, required the free inquiries of competent scholars, unfettered by restrictions from advocates for special interests. But it also required communication between the scholarly community and the broader public. As Dewey (2000) would have it, learning from experience was as vital as learning from "objective" research or abstract theory.[1] The

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New School accordingly was also founded with special commitments to academic freedom, to public engagement, and to an understanding of the academy that included students, reached out beyond the ranks of "traditional" elite and middle class students, and saw this as part of desirable social change.

Members of universities enjoyed certain specific freedoms even in the Middle Ages, including freedom from direct political control—though princes sometimes disregarded the principles academics claimed. But this was a freedom within the specific bounds of the university, not a freedom to reach outside it. In a sense it was like the freedom of the city that distinguished life within certain partially self-governing medieval cities from the hierarchies of court and countryside. It was also a freedom within an explicitly religious institution that invited the practice of disputations but insisted on adherence to a variety of doctrines.

Both the university and the idea of academic freedom changed considerably in the modern era. The changes came from various quarters, including notably the Scottish universities; new English institutions such as London's University College, founded by Jeremy Bentham; and the universities associated with Humboldt's and Münchausen's reforms in Germany.

For Bentham and the Scots, academic freedom was the invitation to innovate, liberation from old structures of thought enshrined in outmoded curricula. It reflected the association of free thought with the advancement of science—an association symbolized since the seventeenth century by the Royal Society, precisely not the old universities. It was also an extension of freedom of speech, like freedom of the press. This was a freedom proper to mature and educated people—Bentham shared an outlook that was widespread in the Enlightenment—but it was also a freedom necessary for citizenship in a modern state. Here the civic republican tradition was influential, even though Britain was, to Bentham's regret, a monarchy. Freedom within the university and freedom in the public sphere were for Bentham much the same thing: an opportunity for citizens to inform themselves and participate in

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public discussions that would encourage better policy.

The German reforms made something more specific and narrow of academic freedom and introduced the modern institution of tenure to support it. We should be clear that tenure was not introduced as a mass institution. It was for a small number of senior professors. Nor was this academic freedom a simple extension of a more general freedom of speech. It was a more specific entitlement to pursue potentially controversial inquiries that might be restricted outside the delimited institutional setting of the university.[2] Academic freedom existed so professors could better inform the state. It was closely linked to a responsibility to do just that. Professorial inquiries were also the topics of their lectures (Hegel taught Hegelian philosophy, not a neutral survey), and thus linked to the development of students into competent professionals able to draw judiciously from available knowledge to advance the state.

Hanover's Halle University was a pioneer, encouraged by Münchausen. It also pioneered in the recruitment of "star" professors based on their publications and academic freedom was one of its attractions. The University of Berlin was founded in 1810, and with similar reforms led by Humboldt, quickly became a showplace for Prussian leadership and reform of state institutions. After the unification of Germany, Prussian models became still more influential (McClelland, 1980).[3] In this new model university academic freedom was a complement to an emphasis on the conduct of original research and the teaching of immediately practical and relevant subjects. Teaching was indeed central, for the German universities emphasized not only freedom in inquiry (*Lehrfreiheit*) but freedom of learning (*Lernfreiheit*) that took the form of allowing students to attend such lectures and courses as they wished, even at different universities, while preparing to take the examinations for degrees.

Aspects of the German model became influential in the United States from the 1870s, particularly the notions that research and the production of new knowledge should be primary objectives and that they could best be advanced by allowing professors freedom of inquiry.

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New universities, notably Johns Hopkins and the University of Chicago, led the way in introducing Ph.D. degrees and structuring their teaching around research fields. Over the next several decades they forced older universities like Harvard to respond by establishing graduate schools, making research a priority, and introducing new subjects. Though Americans never gave students the independence from enrollment structures that *Lernfreiheit* implied, systems like the "free electives" President Charles Elliott introduced at Harvard encouraged students to develop their own courses of study distinct from the set classical curricula. Eventually "majors" were introduced, reflecting the new disciplines and research degrees.

Natural and physical sciences and technical fields like engineering were among the beneficiaries of the new approach. So were the social sciences. These were not always distinct from the natural sciences, especially during the ascendancy of Darwinian and Spencerian evolutionary theory. The first president of the American Sociological Society (now Association, because of the spread of acronyms) was the polymathic geologist Lester Frank Ward. Darwin was introduced at Yale by William Graham Sumner, who is now most remembered as a sociologist, was then perhaps more prominent as an economist (to the extent the two were distinct), was also an ordained Episcopal priest, and saw social and biological evolution as a common process. Yale's president thought Darwin deeply unsound and unsuitable for Yale men and set about firing Sumner—who was saved only by massive outcry from his current and former students and a broader public. Such struggles helped to institutionalize academic freedom as a right to teach subjects and theories supported by leading research even when resisted by lagging religion.

During the late nineteenth and early twentieth centuries, the social sciences became academic fields, and not without recurrent controversies based on their engagement with actual social life and public affairs as well as the widespread embrace of Darwin. Sumner for example engaged in active public polemic against the Spanish-American War. The development of disciplinary social science was a two-dimensional process. On the one hand, it was an absorption into

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the university of inquiries that had developed at first mostly outside it. Economics, sociology, and political science (or administration) had flourished among those trying to bring research-based knowledge to welfare administration, stronger intellectual bases to social movements, more sophisticated theories to projects of institutional reform (Haskell, 1977). On the other hand, the discipline of history gave birth to the social sciences inside the university. First economics split off, taking sociology with it as a subfield, which would itself split off in the early twentieth century. These were more critical, activist, engaged social sciences. Politics and government (eventually to be called political science) stayed at first within history then itself split off, more conservative and oriented to the state than economics or sociology, but also more oriented to contemporary affairs than history (Ross, 1992). The construction of academic disciplines encouraged new inquiries and created diverse "communities of the competent" that would judge members' scholarship. The existence of such communities of the competent was key to the way pragmatist philosophers thought science could work and knowledge advance, and key to arguments like Dewey's for how academic freedom would work as a system of professional self-regulation. At the same time, as the disciplines became conventional and linked to the petty power structures of academic departments, they introduced elements of unfreedom with their boundary maintenance, investments in the status quo, and hierarchies.

There were more than a few controversies over academic freedom as social scientists struggled to legitimate their fields. Not all were about religion, though evolution remained controversial. Indeed, many of the radical reformers were in fact Christian socialists. Nor was the state typically the repressive agent, partly because most of the leading universities were private. Confrontations typically pitted faculty members against financial benefactors of the universities.

Wealthy donors have often thought their gifts bought them the right to discipline faculty members in various ways, restricting peace campaigns, support for unions, and demands for social equality. Mrs. Leland Stanford, for example, achieved considerable fame at the end

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of the nineteenth century when she successfully pressed Stanford University to get rid of economists—including E. A. Ross—who protested labor policies of the Union Pacific Railroad (the key source of the Stanford fortune). Thorstein Veblen was pushed out at nearly the same time, though charges against him emphasized personal morality as much as political radicalism. Stanford's refusal to recognize any strong principle of academic freedom was not unique. Chicago (built with Standard Oil Money and Methodist sensibilities) dismissed a range of professors who became too radical, most famously W. I. Thomas. Pacifism was as risky as supporting unions, especially in the nationalist fervor leading up to American entry into World War One. More generally, these and other firings in the era reflected the fact that academic employment was generally structured on an "at will" basis, in common with most other employment (see discussion in Hofstadter and Metzger, 1955; Haskell, 1996; and; Post, 2006). Trustees understood their role on the model of the owners of business corporations, and dismissed employees whom they believed did not advance their purposes. The idea that universities were distinct, and in particular the idea that they were creatures of a special public trust, were, to say the least, underdeveloped.

A new understanding of academic institutions was gradually shaped, drawing on the idea that universities—like charitable foundations—performed a special public mission. Tax exemptions became an incentive as well as a privilege. The law of employment and the legal status of universities evolved, along with less formal shifts in understanding. Academic freedom was among these. It was enshrined less in law than in agreements between the professoriate and academic employers and in the internal self-regulations academic institutions adopted. Indeed, the constitutional protection of free speech was not only inconsistently applied but also structured as a protection from the state and this only helpful to employees of public—state—universities. Even in public universities, the right of free speech applied to professors only in their status as citizens and not in their status as employees. While it enjoined prior restraint of speech, it was not a clear-cut protection against dismissals after the fact.

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A crucial step in the development of ideas about academic freedom was the formation of the American Association of University Professors and its 1915 adoption of a Declaration of Principles on Academic Freedom and Academic Tenure. As it happens, the most famous of the New School founders, John Dewey, was the first president of the AAUP and named the committee that drafted the declaration—precisely in response to the Stanford firings and similar cases. Like the distinguished professors he appointed to this committee, Dewey himself emphasized that the issue went beyond the rights professors shared with other citizens, including a right to free speech, and beyond mere due process for employees. As a professional right, academic freedom depended on the existence of a community of scholars distinctively competent to judge the quality of its members' contributions. The right inhered in the community of the competent; this is what required that boards of trustees and university presidents respect the judgment of the appropriate scholarly community. The 1915 declaration spoke thus to the proper criteria for employment and for autonomy from managerial intervention. Its authors (Edwin R. A. Seligman and Arthur O. Lovejoy played the leading roles) held that it was in the nature of academic work that it required a professional organization; like medicine or law, it required that its members be judged mainly by their peers. But they also held that a professional mode of organization depended on the public trust and thus also imposed obligations. Not only should academics not be deprived of employment for the exercise of rights like free speech, which they held in common with other citizens, they should be seen as obligated to carry out their work in a sufficiently public way for it to be judged by the relevant professional community and for it to live up to the public trust placed in the profession as a whole.[4]

We can see the issue in the crisis of German scientific and philosophical communities—the most advanced in the world until the 1930s. One dimension of this was precisely the collapse of effective communal judgment within academic communities (including both universities and disciplines). By a combination of scholarly failure and external pressure, more directly political judgments gained influence not just over

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researchers' extramural statements or ethnic identities but also over the content of intellectual work. Versions of science and philosophy alike were produced (or revised) to fit with National Socialist ideology. This also encouraged the notion that the National Socialist government had no need to rely on academic freedom to produce scientific advances because it could rely on "Nazi Science." Robert Merton's classic article on the "scientific ethos" was among other things precisely an attempt to show that this was wrong (Merton, 1973 [1942]: 267-278).

However, if we take these examples for the whole story, we mislead ourselves. They involve repression of (or retribution for) free speech that operates more or less directly analogously to political censorship. Being fired for being Jewish is simply an extension of widespread racism into academic institutions. Being required to voice support for National Socialism in Germany or to sign a loyalty oath in America ten years later is simply to be required to support the state. Being fired for supporting a trade union or for being a pacifist are simply different instances of action by employers to discipline employees, the wealthy and powerful to control less powerful faculty members; the logic is roughly the same as in other settings. And in fact, compared to other workers, academics have some advantages. They are expected to speak and even to argue as part of their work, and many have tenure. We can debate whether tenure is an effective protection (since the firings sometimes take place despite it), but this is the sort of protection tenure is designed to achieve.

Here we return to the New School and its first founding, four years after the Declaration of Principles of Academic Freedom and Tenure, stimulated by Columbia University decisions that such principles did not apply—especially in a time of war. Columbia's outsized president, Nicholas Murray Butler, sought to silence pacifist professors. Butler imposed a loyalty oath on all faculty and students and fired several faculty members for public engagements the Board of Trustees—financial benefactors—didn't like. Behind the loyalty oath was a moment of patriotic fervor linked to the entry of the United States into the First World War that also claimed other victims, like W. I.

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Thomas at the University of Chicago. Butler (1917, quoted in Hofstadter and Metzger 1955) offered this rationale:

> So long as national policies were in debate, we gave complete freedom, as is our wont, and as becomes a university. . . . So soon, however, as the nation spoke by the Congress and by the President, declaring that it would volunteer as one man for the protection and defense of civil liberty and self-government, conditions sharply changed. What had been tolerated before becomes intolerable now. What had been wrongheadedness was now sedition. What had been folly was now treason. . . . This is the University's last and only warning to any among us, if such there be, who are not with whole heart and mind and strength committed to fight with us to make the world safe for democracy.

It is worth noting that though Butler thinks freedom becomes a university—at least when the country is not at war—the clash of opinions is something merely to be tolerated not something to be embraced as part of the way in which knowledge develops. (On the disputes of the era, see Haskell, 1996 and Post, 2006.)

Columbia faculty members repulsed by Butler's (and the trustees') repression of academic freedom were the central founders of the New School. The eminent historian Charles Beard resigned from Columbia in protest, leaving the university after more than 30 years as a student and faculty member. Another senior historian, James Harvey Robinson became the new institution's first director. John Dewey retained his Columbia appointment, but joined in the creation of the New School.

Robinson remarked on the irony in the attempt to police national loyalty. Those who resigned or were fired from Columbia were not pro-German or anti-American, he wrote; they were precisely concerned that aspects of intense nationalism in the United States meant that "a condition of repression may arise in this country similar to that which we laughed at in Germany." In fact, Beard was an early and vocal propo-

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nent of US entry into the war, precisely because he thought victory for the German imperial government would set back the progress of Enlightenment values. When he resigned from Columbia, he stressed the importance of free speech and indicated his worry that even his own support for the war was rendered ineffective by attempts to make it mandatory. Moreover, he was concerned that attitudes and actions adopted by some US nationalists could have effects all too similar to the Kaiser's imperialism—against which they claimed to offer a defense. He inveighed in particular against "a small and active group of trustees who have no standing in the world of education, who are reactionary and visionless in politics, and narrow and medieval in religion" ("Quits Columbia," 1917).

In founding the New School, the Columbia rebels were joined by Thorstein Veblen. One of the most important economists and sociologists of the era, Veblen had moved to New York after being made unwelcome at Stanford (where he was accused of being a womanizer as well as a sympathizer to trade unions).[5] He became the editor of the prominent political magazine *The Dial* (that is, he found more freedom outside academia than in it).

But if patriotic fervor and related political repression were critical to the departures from Columbia and support for trade unions central to Veblen's departure from Stanford, they don't fully explain the founding of the New School. They were among the conditions for this creative act, but they were not definitive for the shape and ideals of the new institution. On the contrary, in building the New School, the founders took a much broader view. Their goal was hardly just a strengthening of academic tenure or the individual rights of professors to free speech. It was to create a support system for vital intellectual life in a democratic society. And in order to do this it was important not only to create conditions for free expression of faculty members, but to focus attention on major public issues, ensure that dissent was directly valued, and make sure participation was open to a range of voices outside the traditional academic classes. The New School was founded as a night school so that it would be accessible to working people. It was also founded as an

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institution with a strong sense of public mission—to animate a public discourse with transformative potential for the country.

There was in fact a German influence on the New School long before there was a Graduate Faculty composed centrally of German émigrés. When the first set of founders left Columbia, they did not seek immediately to recreate the same sort of university. They sought to do something new and different. They were inspired among other models by the *Volkshochschulen* in Germany. They wanted to create an institution that mattered in a basic way for democracy and progressive social change. So they created a school that would admit adults and engage them in the life of the mind, but not just as an abstraction. It was also a source of intellectual perspectives of practical issues in their lives and public issues for the country.

The founders of the New School were as indebted to the history of social science *outside* the university, closely linked to social movements and social reform, as they were to the more academic history of social science *inside*. And they were indebted to the same sort of vision of knowledge informing all of public life—on a much broader scale than just affairs of state—that animated the Scottish moralists and Jeremy Bentham. They created the New School not just to be a good employer but also to enable themselves and others to live up to higher ideals of what it should mean to be an intellectual. But they—especially Dewey—understood those ideals as more than simply a matter of individual rights such as that to free speech.

As these first founders created it, the New School had no graduate faculty; it offered no doctorates. It was not in a strong sense a research institution but more like a continuous Chautauqua program except rooted in the city and oriented to the working as well as the middle class. It was oriented more to the public than to academic disciplines. It was like the *Volkshochschulen* and the educational institutions that were linked to the trade union movement and socialism in Germany and elsewhere in Europe—save that it had no strong connections to organized labor or any other specific social movement. When the refugees arrived, they in fact made the New School much more

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academic. In a literal sense, as I suggested earlier, they helped to make it a university—though still one limited in its range disciplines—for the University in Exile quickly became the Graduate Faculty of Social and Political Science and soon won state accreditation for masters and Ph.D. degrees.[6] And with their high cultural values and their Humboldtian understandings of the university, the émigrés did not always fit easily into the radical culture of the New School.

The specific ways in which the New School worked out the tension between its radical founding and its new role as a graduate institution are not my focus here. But the tension is. Academic freedom has two sides, just as the New School has two foundings. On the one hand there is the protection from extra-academic pressures for conformity to specific ideologies or service to specific economic or political interests. On the other hand there is the responsibility to address public issues in public ways. The two are in tension, but this tension is potentially mediated by the idea of a self-regulating profession, a "community of the competent" in Dewey's phrase, that would stimulate creativity, correct error, and also raise the standards of public knowledge. It is important to recognize the centrality of this idea to thinking about academic freedom—especially in the twentieth century United States. Academic freedom requires an institutional location. Different thinkers have stressed different institutional settings—individual university, academic discipline, interdisciplinary field, or scientific community. How each of these works—what it encourages and what it represses as well as how effectively it sustains and advances knowledge is a matter for study. It depends importantly and on the quality and character of communication—how well it crosses lines of intellectual difference and whether it is critical or merely affirmative. As important as it is to stress this institutional complement to the intellectual freedom of individual academics, it still is not quite enough. For to affirm the importance of these institutional contexts must not be to imagine that they either can or should be unchanging or that they are immune from criticism. On the contrary, if we say the discipline—or the university or the scientific community—is important as a basis for knowledge we should then go

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on to examine how it works, how it changes, and how it is the object of struggle as well as investment.[7] Each of these bases for academic life and thus academic freedom has undergone major transformations in recent decades and is undergoing more today.

PUBLIC KNOWLEDGE AND PUBLIC PURPOSE

The value of academic freedom is often presented in terms of making research maximally productive. Absent free inquiry, it is commonly suggested, less new knowledge will be created. This may well be true, but it is at the same time a problematic basis for thinking about the public purposes of academic work—and thus the reasons one might value a distinctive academic freedom. In the first place, in a society in which research is undertaken in a variety of organizations for a variety of purposes, it makes little sense to place a distinctive value on academic freedom simply for productivity's sake. Knowledge is produced in for-profit research laboratories; in think tanks, even partisan ones; in government agencies; in social movement organizations; in monasteries; and by individuals working in their garages in spare time claimed from other jobs.[8] In the second place, this productivist and narrowly instrumental argument for academic freedom invites invidious comparisons among fields rather than rather than development of the university as a unifying institution. Moreover, the instrumental justification makes of academic freedom simply a tool in service of a quantifiable gain, one implicitly to be balanced against others.

Another line of argument involves the importance of speaking truth to power. This seems to me indeed to be a basic reason for academic freedom—it is good to ensure both that some people in a society will work in institutions oriented to truth and that they will have protection when they present controversial or uncomfortable truths to those with political or economic power. A catch to this argument, though, is that there is not a great deal of evidence that most academics do much to articulate critical or challenging arguments in pursuit of better public understanding or greater truth. They are more apt to pursue truth inside the academy in ways at best distantly connected

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to speaking truth to power. So the connection between this internal "ordinary" work of the academy and the potential counterweight to misinformed power needs to be better developed. Otherwise specific institutions like tenure must be seen to protect the personal interests of an enormous number of people in relatively privileged positions in order to secure rather modest contributions to public debate. At the very least we might ask whether a more efficient way to protect scholarly contributions to critical public discourse could be found.

Part of the problem with each of these two common lines of argument—which are not wrong but inadequate—is that they focus on more or less ancillary aspects of academic work while trying to justify a core value of academic freedom. Academic work is not simply the accumulation of bits of new knowledge. Nor is controversial extramural political speech at the heart of academic work; it is another possibly useful but not definitive product. Stronger arguments for academic freedom need to situate it integrally in the academic enterprise. To develop these arguments, and indeed not just to argue for academic freedom but to grasp the value of the university as a reason for its existence and a goal for its improvement, we need to see that enterprise in a richer and more complete way—as involving the problem choice and intellectual agendas of researchers, as involving scholarship and the re-examination and renewal of long-considered truths as well as the production of new knowledge, as involving communication among different participants in the common enterprise and with external constituencies, and as centered on learning, including that of students as well as of teachers and researchers at all stages of their careers. This is an enterprise that has undergone fundamental structural transformation and which is pulled and pushed today by the stresses of contradictory goals and pressures.

The issue is not just whether free speech is repressed, important and basic as that is, or whether individuals suffer in their careers for expressing controversial views. It is whether and how universities bring knowledge, diverse perspectives, and competing analyses into the public sphere. Doing this well may depend on freedom from censorship

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and repression, but it also depends on a variety of intellectual choices and institutional conditions. The defense of academic freedom needs to be based on the effectiveness of academia itself, in capitalizing on freedom and other conditions to deliver knowledge as a public good.

We can see this issue embedded in the growing effort to harness academic productivity to private intellectual property rights. This is at once an issue of an expansion in the use of patents and copyrights to try to control and profit from intellectual and cultural creativity and in the restructuring of academic work to be conducive to the pursuit of profit.[9] It affects the way in which research agendas are set, the openness or closure of academic communication, and the relative value universities place on different kinds of intellectual inquiry. When scientists decide to found corporations to exploit the discoveries of their labs, is this an exercise of or a threat to academic freedom? When universities devote their scarce unrestricted funds to providing institutional bases for the pursuit of research oriented to potential profits, is this a necessary pursuit of the resources for academic work or a distortion of free inquiry because of the other intellectual pursuits denied funding?

Robert Merton famously held that it was a crucial part of the scientific ethos to see knowledge as an essentially common good (Merton, 1973 [1942]). A similar value underpins projects like the Public Library of Science, a response to dramatic increases in the cost of journals that attempts to make published research knowledge more widely available than it will be when publication is proprietary and organized on a for-profit basis. Yet others have argued—in accord with widespread liberal (and not only neoliberal) understandings of freedom that individual property rights are at its basis. Is the situation different with intellectual property?

The issue is both how an emphasis on seeking profit by controlling knowledge may restrict the public availability of the products of science and how it may distort the internal workings of the university and pursuit of knowledge. Such distortion is evident in which fields are slated for expansion and which for decline. It arises in how scientific research agendas are set—in incentives to study certain things and thus

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in what is not studied as well as the freedom of researchers working on projects that are supported. It is also a matter of institutional investment; the pursuit of research-based revenue drives universities to build laboratories for certain scientific projects while reducing faculty lines in favor of adjunct appointments in the humanities.[10] But humanities scholars quick to criticize for-profit science are often adamant that royalties for their writings belong to them alone. And professional societies associated with academic disciplines seek to control intellectual property rights in journal articles in order to gain financial support for themselves, even when this is clearly in tension with an ostensible value of open scholarly communication and goal of making knowledge publicly available.

My point here is simply that the issues are complicated, hard to escape, and directly relevant to the idea of academic freedom. If intellectual life is organized to pursue private profit, then it may be accorded such freedoms as society wishes to accord private individuals as property holds and parties to contracts, but it loses the claim to a special genus of academic freedom based on the provision of knowledge as a public good.[11] Those paying for research work may be wise to accord their scientists considerable freedom, but this is a prudential consideration on their part.

This is not simply a matter of saying money corrupts. Universities depend on money and it would be a foolish illusion to imagine academic freedom as somehow altogether disconnected from material matters. Academic work takes money—for buildings, equipment, books in the library, and simply academic time, freed for intellectual work from other demands. Universities provide faculty members with facilities, resources, and relative leisure—or at least considerably autonomy in determining their own schedules and research agendas.[12] This is perhaps the most fundamental form of academic freedom. It requires funding. The issue is whether the university can simultaneously achieve enough institutional autonomy that funders don't directly manage its internal operations, and yet remain oriented to a broader public good. The university needs to be able to shield its members from

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reprisals or muffling—by private benefactors or for-profit corporations as well as governments and others wielding political power. But this autonomy cannot be complete, and it is justified by public performance not by scholarly merit as such. It is precisely contributing to such a broader public good that provides the main rationale for freedom to make unpopular statements or freedom for individuals and academic communities to set their own research agendas.

STRUCTURAL TRANSFORMATION

We have already seen that questions about academic freedom are inextricably entangled with the political economy of higher education and research. They depend on resources and the extent of freedom depends on the decision-making and evaluation structures that shape the deployment of resources. Freedom depends on the structure of careers. It depends also on the social organization of universities, on academic disciplines and other fields linking scholars from different universities, and on the extent to which there is (or isn't) a unity to the professoriate as a whole.

A transformation in scale is one of the basic factors shaping structural transformation of the university. The proportion of the population enrolling in higher education has grown from the low single digits to a majority of the population in most developed countries. In the United States, for example, fewer than 3 percent of Americans at the close of the nineteenth century had ever attended college, let alone graduated. More than two-thirds of young people attend college or university today. Likewise the number of institutions has multiplied. Half the colleges and universities operating in the United States did not even exist before World War II (Lucas, 1996: 12). Universities themselves have grown from institutions of several hundred members to as many as 60,000 or 70,000—or more—on a campus. The number of professors has also grown—there are perhaps a million in the United States today. But part of what this means is that the title professor signifies dramatically different jobs, engagements in learning, and opportunities for academic freedom.

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One difficulty in discussions of academic freedom is the vagueness of the term "academic." If academic freedom is something different from civil liberties in general, then a key consideration is the "academy" in which it inheres. The term is freighted with references stretching back to Plato. While the importance of being free to pursue argument wherever it leads may be a continuous theme, the kinds of institutions held to require or deserve this special freedom vary a great deal. Even a single name like "university" disguises enormous variation in the structure and character of actual institutions. Just in the United States there are more than 4,000 institutions of higher education. These range from two-year community colleges to university systems enrolling several hundred thousand students at all levels. The Carnegie Foundation classifies 282 of these as doctorate-granting universities and a further 666 as master's level institutions. There are hundreds more baccalaureate, associate, and "special focus" institutions.[13] There are institutions that award most of their degrees in the liberal arts and sciences and institutions that award all their degrees in technical and professional fields. Many of the latter are completely or largely "proprietarial"—the education they offer and the research they produce are constrained to advancing the interests of specific owners or quasi-owners (funders, industry groups influential over administrators).[14] There are institutions that call themselves "research universities" but the term is without clear and accepted definition. So it is not obvious what sort of academic institution is the basis for academic freedom.

We could respond by saying "all of them." And there are plausible meanings to this. We might think that all teachers, at least above a certain level (which might include secondary school teachers), must have freedom to approach their subjects with some level of intellectual discretion. Of course this freedom is hemmed in by centralized planning of curricula and choice of textbooks, and by a variety of legal and bureaucratic restrictions (science teachers, for example, may in most schools say the preponderance of evidence supports evolutionary theory but may not denigrate the religious beliefs of those who hold otherwise). It is very basically hemmed in by the differential availabil-

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ity of leisure, and by different degrees of autonomy. To oversimplify, to the extent that academic freedom is "freedom to" set one's own intellectual agenda, gain knowledge, and share it as one sees fit (not if one sees fit but in ways one chooses), this freedom is much more effectively provided at the elite end of the institutional hierarchy. Even as a negative freedom, freedom from censorship or restrictions on access to communication, academic freedom is to a large extent a privilege. This doesn't make it illegitimate but it does invite both the question of what justifies the inequality—perhaps the responsibility that comes with privilege—and critical interrogation of actual institutional structures to determine where and how they restrict freedom of inquiry (and whether such restrictions of access, practice, or publication withstand scrutiny).

All of this—the internal complexity of universities, intellectual fragmentation, costs, and inequality—is shaped by the particular ways in which higher education and research have grown. I cannot give an example of this in any detail here, but it is important to see that there has been not just incremental change but structural transformation in the university. Not just universities but academic disciplines have grown. There are perhaps 100 times more sociology professors in the United States than there were in 1915. The percentage growth is not so great in history but still huge. And scale is just the start of seeing changes in institutions that are still important, but deeply different from the time when statements of principles about academic freedom were drafted in the Progressive era. These principles are still impressively apt, but their application must be importantly rethought.

By structural transformation of the university I mean change in its economic bases, its internal organization, the flow of students in and out, the activities of its faculty, and the ways it relates to its environment—including an ecology of other social institutions far different from what obtained when many of our ideas of academic freedom were developed. This transformation is not just as a matter of "external" changes—things that have happened to the university—nor even of organizational responses to material pressures. It is also a matter

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of shifts in internal orientation, in the ways in which academics work out the tensions in our own values and interests. How, for example, do we balance commitments to intellectual authority and to democratic openness? How do we balance the pursuit of careers and the pursuit of public purposes?

There is a problem, in short, with speaking in the singular of "the university"—as I just did and will again. While there is something of a common institutional form, actual universities operate with diverse goals and very different resources in sharply distinct niches in the overall ecology of higher education and other social institutions. To speak of "the university" is to speak of an ideal that sometimes moves most of us, but also an illusion that the universities we know best are somehow typical. Thinking about academic freedom has yet to deal substantially with structural differences among academic institutions and with their embeddedness in a complex academic system (Frydl, 2006).

There was one sort of coherence to the state-centered academic systems of nineteenth-century Germany. Tenure and other guarantees of academic freedom were offered by the state to academics who were civil servants charged with providing knowledge to the state. The state was both the primary payer and the primary constituency (identifying itself closely with the pursuit of the public good). The state (at various levels) is a significant payer in the United States but not primary. If the value of tax exemptions is added to direct subsidies, the state still looms large. Most ostensibly private universities gain a substantial public subsidy from such tax exemptions—which are based in part on the notion that they provide a public good.

The nature of contemporary state interest in universities is somewhat fragmented. It involves different levels of government and different agencies. It is sometimes direct—that is, shaping higher education is its purpose—and often indirect, as universities are simply vehicles for addressing a range of policies. It includes procuring various kinds of services—military or medical research for example—and much government-funded research is targeted to the needs of particular agencies.

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Support for the education of undergraduates is central. State support is also vital to some graduate and professional programs. Only a relatively small fraction is for investigator-initiated research.

States provide substantial subsidies to public universities and tax exemptions even to private ones because they regard either higher education or research as a public priority. There is a widely discussed crisis in state funding today. In the United States this focuses on flagship public research universities—Berkeley, Wisconsin, and their peers—and to some extent on public higher education systems in general. In Europe too, there are both attempts to reduce proportionate dependence on state funding and attempts to reorganize state funding to tie it more closely to the provision of specific economically beneficial outputs.

All this is important to a discussion of academic freedom because academic freedom is not just a matter of extramural free speech, but also a matter of the shaping of internal intellectual agendas and the organization of internal communication. The more the university is organized in a proprietary fashion, in order to provide externally specified goods, the less it can be organized in terms of freedom of academic inquiry. This true even where the state is the funder—if the state behaves like a private proprietor in seeking sharply delimited products.

Advocates for universities have been surprisingly inarticulate about these questions.[15] Much discussion of the reasons for state funding assumes that the good of a university education is more or less a private one—career advantage for graduates—and the state interest is in providing it fairly. The same issue dogs discussions of criteria for admission (notably in debates over diversity). Indeed, public funding of universities is to some extent a subsidy to the middle class and it is important to try to make it as fair as possible. But there are other public rationales. Economic competitiveness is commonly suggested; universities provide a trained workforce, research products, consulting services, cultural amenities, and other advantages for states. But public provision is mostly just a modality in this regard; the goods are

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not essentially public. A nod to preparing citizens and professionals in areas of shortage is common. But there is much less articulate discussion of public interests in knowledge as a public good. There is considerably less clarity about providing knowledge to the general public as a reason to fund universities—and this may be one reason they have lost proportionate state funding in recent years.

Universities have become shockingly expensive. Private American universities routinely charge nearly $40,000 a year in tuition and fees exclusive of subsistence costs, books, and other requisites. Even state-supported universities typically charge $20,000. In recent decades, tuition has risen more or less in synch with luxury goods, reflecting the extent to which it buys status as well as education. The ability to charge high tuition is linked to prestige, though not every student pays the "list" price. There is a feedback loop in which prestige underwrites selectivity, which reinforces (perceived or actual) quality, which in turn secures increased revenues as well as more prestige, more applications, and thus more selectivity (see Hoxby 1997 and Winston 1999).[16] The market for higher education is thus a "positional" market in which relative standing in a hierarchy is crucial.[17] A higher position enables an institution to extract greater revenue.

Should questions of costs of academia or access to academia be considered as part of discussions about academic freedom? To the extent that costs restrict student access, they limit the universities provision of public goods. To the extent they drive professors and administrators to trade intellectual freedom for financial resources—that is, to set intellectual agendas on the basis of likely funding, they barter away academic freedom without any overt repression. But the challenge here is achieving balance, neither purity in bankruptcy nor prosperity on bases contrary to pursuing knowledge as a public good.

The costs of higher education in the United States reveal a further curiosity of de facto American science policy. Research is not funded just by government (both federal and state), private foundations,

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and for-profit corporations; it is funded very substantially by tuition payments. Undergraduates and their families, and sometimes graduate and professional students, pay substantially both for the direct costs of research and for university investments in competing for leading research faculty and minimizing the time they have to spend teaching. This is not a bargain universities like to discuss openly. Certainly they advertise the virtues of attending a research institution. But if the advertised virtues involve the intellectually lively campus and the chance to study with leading researchers, they are accompanied by the slightly less explicit message that paying for research is a way to invest in prestige because a research-intensive university will be more highly regarded not only by its peers but also by future employers, investors, lenders, and even marriage partners.

In short, while we may think knowledge should be a public good, we pay for its production and dissemination partly by selling degrees that are quintessentially positional goods. They derive a significant part of their value not from student achievement but from hierarchical distinction. The value of a Harvard degree, in other words, is determined significantly by how hard it is to get into Harvard and by Harvard's prestige relative to other universities, not only by what students learn at Harvard. Positions in the hierarchy determine what institutions can charge students, what endowment gifts they can attract, and even what grants their faculty can secure. Providing faculty members with time for research is both an investment in future prestige and a necessary element of current competition for recognition. But it pays off more the higher an institution is in the hierarchy. And so among other things the hierarchy distinguishes different levels of opportunity to be the kind of professor who has the opportunity and encouragement to set an independent intellectual agenda and pursue it. And this is awkward for discussions of academic freedom because it raises the question of just what kind of academic institution underwrites the pursuit of knowledge as a public good in a way they requires academic freedom and how much this is embedded in hierarchy. Academic freedom, in

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other words, is variably distributed in a hierarchy based on differential finances, market position, and prestige.

This hierarchy, moreover, is linked to a variety of other significant features of universities today. Rankings are increasingly prominent. They not only establish positions in the hierarchy but act to normalize, reducing the extent to which institutions are free to pursue differences of mission that are not reflected in a unidimensional hierarchy. This takes place within each country through either governmental or private evaluations or both. In the United States, *US News and World Report* rankings are widely decried as crudely reductionistic and open to manipulation by participating universities. Some presidents have refused to play the game, but the rankings remain influential. They are periodically supplemented by National Research Council evaluations, which are much more intellectually substantive, as well as by a variety of other measures offered on both for-profit and not-for-profit bases. In Britain there is the Research Assessment Exercise. And on a global scale there are the rankings from London's *Times Higher Education Supplement* and Shanghai's Jiaotong University. All of these have some merits and offer some useful input—for example, correctives to unrealistic claims to global prominence on the part of local academics. But all also reinforce biases—in favor of natural and physical science over other forms of scholarship in the case of Jiaotong, in favor of English language in nearly every case. This latter case encourages measures of academic achievement that reward even mediocre offerings to the global academic "market" over contributions to local or national public discourse made in languages other than English.[18] The intensification of rankings reduces the freedom of those individuals or institutions that would pursue agendas not highly valued in the rankings schemes. The "community of the competent" that Dewey imagined would secure the self-regulating creativity and mutual correction of scholarship is transformed.

Questions about what academic freedom means for students are also important. Here the issue is once again not just free speech,

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though this is one dimension. Students, like professors, need freedom in order to pursue learning. They need to debate issues in and out of class. They need to learn to think critically, not just learn facts or techniques. Academic freedom for students is also a matter of their ability to follow their own developing intellectual engagements. Increasingly, students are claiming a version of the mobility associated with the old German *Lernfreiheit*. This takes place sometimes with the encouragement of administrators, as in exchange and study abroad programs, but often outside their control and to their consternation. Students attend three or four universities before taking a degree. Even in a single university there are questions such as, how readily can students shift courses of study or devise new ones as they learn more? Not least, both as members of the institution and as payers for the work of faculty members, students also have an interest in the sharing of knowledge, in its production and circulation as a public good. This is not unqualified. Professional students have some interest, for example, in having access to professional knowledge controlled by the admissions procedures at which they have succeeded not made too widely available. As buyers of positional goods, they may be more concerned with the fame of their professors than their willingness to engage in open discussion with students. But to the extent their interest is in education as such, sharing is important.

The reward system of academia itself is not clearly oriented to the sharing of knowledge as a public good. Professors are rewarded mainly for accruing standing within their disciplines or professions. Teaching is not comparably rewarded, though it is the primary means by which knowledge is shared beyond the circles of academic insiders. Neither are efforts to communicate beyond the university, to engage broader populations of citizens in discourse about crucial public issues. There is a good deal of performance pressure on academics, but it is largely pressure to produce more specialist publications and secure more grants or patents. If the test of academic freedom is not only whether professors are censored, but also whether professors take on the obligation to

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inform the public, then the current organization of academic institutions is in some tension with it.

ADDRESSING THE CHANGING NATURE OF THE UNIVERSITY

I have argued four main points. First, in accord with a number of other writers but in discord with dominant discussion, I have emphasized that freedom of inquiry is poorly grasped as primarily an individual freedom and primarily on the model of freedom of speech. Second, I have argued that academic freedom must be understood centrally through attention to the university as a social institution that (to some extent) secures such freedom in order to live up to a public mission. Third, I have argued that academic communities such as disciplines provide the basis for professional self-regulation, but that neither their norms and values nor their communicative processes should be taken for granted or seen as fixed. The partial autonomy of such communities underwrites a combination of freedom and constraint that must constantly be subject to re-examination and indeed struggle. And fourth, I have argued that individual universities, the larger system of universities and other institutions of higher education, and the intellectual institutions of disciplines, interdisciplinary fields and the like have all been subject to structural transformation that makes the present ecology profoundly different from that framing (for example, the 1915 Declaration of Principles of Academic Freedom and Tenure). Moreover, further structural transformations are under way that mean that those who care about free inquiry must not claim it as an inheritance from the past and still less as some sort of universal right but rather renew it in new institutional circumstances.

In considering the future of academic freedom, we need to consider not only explicit threats and intimidation. We need to consider structural changes in how universities and academic careers work. We need to be self-critical about positions of privilege. And we need to recognize that respect for academic freedom has no "natural" status:

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it rests on a tacit bargain. Our side of that bargain includes effective public communication. If we think it is met only by professional contributions, we risk normalization by professional "mainstreams" and we risk it more in financially difficult times. We need to attend to the activist founders of the New School in 1919 as well as the refugees of the 1930s—but happily to see the contributions of both to this distinctive institution—and hope it remains distinctive, valuable, a site of freedom worth protecting.

Professors tend to think universities exist naturally, or as a gift of history, in order to employ them. Somewhat paradoxically, this is at least as true of "progressive" critics of the status quo as of conservatives anxious to restore an imagined golden age. And it has a significant part of its basis in a curious mixture of aristocratic notions of class privilege and meritocratic self-understandings of those who did well on exams. Most academics, in other words, believe they deserve their university jobs on the basis of their previously demonstrated merit.

Those who pay the bills commonly have other ideas. Those other ideas have ranged from saving souls to illuminating the secrets of nature to supporting economic development and helping young people get better jobs. One direction of change seems clear, even if its causes are complex: public funding is playing a proportionately smaller role in elite research universities. Universities are not becoming cheaper, however, but rather still more expensive, not least because they compete with each other in an academic field in ways that reward investments in expensive research. Universities depend increasingly on private funds, and are organized to secure them in several different ways from student fees and endowment gifts to corporate investments and marketing their own intellectual products.

There is no easy way out of this. It remains clear that there are enormous public benefits to what universities do, but much less clear how to organize public investments or academic practices to secure the greatest possible public benefit. It remains clear also that public communication among scientists and scholars is vital to their intellec-

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tual achievements and capacity to offer public benefits, and that this is needed both semi-autonomously within scientific fields and in much broader public forums. But the conditions for such communication are in upheaval with the rising costs for print publications, the slow institutionalization of quality standards on the Internet, and inhibitions from the pervasive pursuit of private intellectual property rights.

The university is a complex institutional form combining among other things research and teaching in an ostensibly common enterprise of learning. This means not just the acquisition of new knowledge but also the mastery and renewal of existing knowledge, the examination of what has previously been learned for what it can teach anew, and the effective communication of all sorts of knowledge. To make sense of—and where appropriate defend—academic freedom we need to pay attention to the full, complex, and changing nature of universities as social institutions, and to their variable constitution in different contexts.

NOTES

1. The theme runs through Dewey's work; see among many, *Experience and Nature*.
2. A variety of other questions are raised by extending tenure to more and more faculty, at earlier points in their careers. This has, ironically, encouraged universities to look for ways to avoid the tenure track. Many institutions rely more and more on term appointments or adjuncts. But in the elite research universities the tenure track is a condition of full membership. The growth of non-tenure-track appointments represents a relative unfreedom—and one that increasingly is not limited to a career stage. It also introduces a caste-like distinction into the academic ranks. Of course there are more hard questions to ask about tenure. What are the implications of a decisive evaluation at one relatively early career point? Would tenure work better as a status restricted to a narrower elite? Or what are the ethics of tenure in an era when it amounts to discrimination on behalf of the older against the younger? Might tenure even bring a net reduc-

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tion in academic freedom insofar as it reduces the freedom of young people who may be more likely to raise vital questions than their elders—but who are disciplined by impending tenure review?

3. Arguably, the "Humboldt model" became more clearly articulated on the hundredth anniversary of the founding of the University of Berlin than it was at the founding, partly because of the posthumous discovery of some of Humboldt's papers and correspondence and partly because that model could be mobilized in new academic struggles (including not least Berlin's campaign for distinctive prestige).
4. The founders of the AAUP had a considerable faith in professional organizations, including learned societies, and in academic disciplines as primary communities of the competent. Indeed, the AAUP's committee—and to some extent the AAUP itself—grew out of a joint committee of the American Economic Association, the American Political Science Association, and the American Sociological Society. Note the centrality of the social sciences. Disciplines themselves were still relatively new and were seen as important mediators between the administrative powers of the university and individual academics, as well as crucial arenas for communication (see Hofstadter and Metzger, 1955; Haskell, 1977; and Furner 1975).
5. Veblen was in an interesting position to observe struggles over academic freedom as a graduate student at Yale. He found himself attracted to Sumner's ideas about how social science could escape dogmatism. As Sumner had written:

> Four or five years ago my studies led me to the conviction that sociology was about to do for the social sciences what scientific method has done for the natural and physical sciences, viz: rescue them from arbitrary dogmatism and confusion (quoted in Marsden, 1994: 39-42).

But Veblen's official adviser was Noah Porter, the very president who sought to fire William Graham Sumner.

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6. Even with the arrival of the refugee scholars and the growth of graduate education, the New School was oriented mainly to the creation of new knowledge that could be accomplished by individuals with their books and typewriters, or by groups in seminar rooms, coffee houses, and bars. The issue of costly material conditions for certain kinds of research has dogged the New School; it is also a more general factor in the structural transformation of the university to which I return in the last section.
7. This is an important point to Butler (2006), whose argument builds on Scott (1996). One dimension of the idea of ethical practice here is the importance of engaging the institutional, social contexts in which academic freedom ideally thrives, and this requires that scholars gain reflexive knowledge of the universities, disciplines, and communities that constitute such contexts.
8. It is not obviously true, moreover, that university-based researchers enjoy more freedom in their research work. Jason Owen-Smith and Walter Powell have documented the extent to which researchers in some laboratory science fields find the organization of academic work to encourage the hoarding rather than the sharing of knowledge and excesses of intellectual caution rather than experimentation (see Powell and Smith, 2002; and Smith and Powell, 2001).
9. This is an enormous issue that runs from the organization of scientific research specifically to the organization of academic publishing in general. It is not an issue amendable to an easy either/or resolution. For example, one might regard potential commercial utilization of the results of scientific research to be highly desirable, but balk at certain academic arrangements for securing this—like selling rights of first refusal or even stronger rights to shape the course of research in ostensibly public universities or private corporations. Or one might think patent protection crucial to some consumer applications of scientific research but think it a disaster to extend it (as the United States has recently done) to broad platform scientific approaches,

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ways of going about scientific research itself. For a critical account of these two issues, see Washburn (2005).

10. Massive investments by universities in potentially profitably and often proprietary research do not come simply from the profits of previous such research or the donations of economically interested corporations. They also come from general budgets and to a considerable extent it is likely that they come from funds generated by undergraduate enrolments (through tuition or state capitation fees; see the suggestive analysis in Newfield, 2008, chap. 13). At the same time, it appears that the majority of universities making major investments in pursuit of profits from intellectual property actually lose money on the effort (see Geiger, 2005).
11. There is a growing literature on the ways in which science oriented to property rights may problematically shape the internal workings of universities. See Geiger (2005), Washburn (2006), and Calhoun (2006: 8-18).
12. Pierre Bourdieu repeatedly stresses the importance of socially provided leisure—which academics typically forget in understanding their freedom to be a result simply of individual attainment. See for example Bordieu (2000).
13. These are 2005 data; Carnegie updates its listings periodically; see <http://www.carnegiefoundation.org/classifications/index.asp?key=791>.
14. This is not necessarily illegitimate nor is it a simple denial of academic freedom. A church-run university, for example, may offer substantial freedom to its students and faculty on all subjects on which the church does not have a doctrinal position. The questions are how many restrictions there are, how they impinge on the pursuit of knowledge, and who determines them (and judges how they should be applied). In many cases they are not announced as clearly as by some church-run institutions; universities say they practice academic freedom but sharply if usually covertly delimit it.
15. See Frydl (2006) for a look at the University of California at Berkeley

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that provides one of the few sustained treatments of institutional and political economic change as factors bearing on academic freedom.

16. For analysis of higher education markets in a different setting, where student fees are less pivotal, see Marginson (1997).
17. Such markets are characteristic of what Frank and Cook (1995) have called the "winner-take-all society."
18. This is true, paradoxically, even in settings like the Hebrew University of Jerusalem where faculty are required to teach in English (or become able to do so soon after arrival) and where there is an explicit nationalist dimension to the university. The Hebrew University has created a Jerusalem Index ranking academic journals in ways that clearly favor English language and indeed American over British publications.

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