
John Philip Drysdale

Louisiana State University and Agricultural & Mechanical College

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A Dissertation

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in
The Department of Sociology

by
John Philip Drysdale
B.A., Millsaps College, 1959
M.A., Louisiana State University, 1962
August, 1966
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<table>
<thead>
<tr>
<th>TABLE OF CONTENTS</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACKNOWLEDGMENT</td>
<td>ii</td>
</tr>
<tr>
<td>LIST OF TABLES</td>
<td>ix</td>
</tr>
<tr>
<td>LIST OF FIGURES</td>
<td>x</td>
</tr>
<tr>
<td>ABSTRACT</td>
<td>xi</td>
</tr>
<tr>
<td>CHAPTER</td>
<td></td>
</tr>
<tr>
<td>I. INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>Statement of Purpose</td>
<td>2</td>
</tr>
<tr>
<td>Plan and Approach of the Study</td>
<td>2</td>
</tr>
<tr>
<td>The Study Variables</td>
<td>8</td>
</tr>
<tr>
<td>The Time Setting</td>
<td>13</td>
</tr>
<tr>
<td>II. THE IDEA OF ACADEMIC FREEDOM: ITS DEVELOPMENT IN THE UNITED STATES</td>
<td>20</td>
</tr>
<tr>
<td>Freedom in Early American Higher Education</td>
<td>21</td>
</tr>
<tr>
<td>Religion and Education</td>
<td>25</td>
</tr>
<tr>
<td>Lay Government of Education</td>
<td>27</td>
</tr>
<tr>
<td>The Limits of Freedom</td>
<td>30</td>
</tr>
<tr>
<td>Academic Freedom in Germany: A Model for the United States</td>
<td>31</td>
</tr>
<tr>
<td>The German System of Higher Education: Modern Trends</td>
<td>31</td>
</tr>
<tr>
<td>The Ideals of Lehrfreiheit and Lernfreiheit</td>
<td>34</td>
</tr>
<tr>
<td>CHAPTER</td>
<td>Page</td>
</tr>
<tr>
<td>--------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>The German Influence on American Scholars</td>
<td>36</td>
</tr>
<tr>
<td>Later Development of the Concept in the United States</td>
<td>37</td>
</tr>
<tr>
<td>The Contributions of the Darwinian Debate</td>
<td>37</td>
</tr>
<tr>
<td>The Rise of the University</td>
<td>40</td>
</tr>
<tr>
<td>Toward an Operational Concept of Academic Freedom</td>
<td>46</td>
</tr>
<tr>
<td>Differentiation of Academic Freedom from Related Ideas</td>
<td>66</td>
</tr>
<tr>
<td>Intellectual Freedom and Freedom of Expression</td>
<td>66</td>
</tr>
<tr>
<td>Subjective Freedom</td>
<td>68</td>
</tr>
<tr>
<td>Academic Tenure</td>
<td>69</td>
</tr>
<tr>
<td>III. THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS:</td>
<td>75</td>
</tr>
<tr>
<td>ADVOCATE OF ACADEMIC FREEDOM</td>
<td></td>
</tr>
<tr>
<td>General Characteristics of the Association</td>
<td>75</td>
</tr>
<tr>
<td>The Membership</td>
<td>75</td>
</tr>
<tr>
<td>Membership Qualifications</td>
<td>75</td>
</tr>
<tr>
<td>Membership Trends</td>
<td>76</td>
</tr>
<tr>
<td>Membership Base</td>
<td>80</td>
</tr>
<tr>
<td>Membership Distribution</td>
<td>85</td>
</tr>
<tr>
<td>Geographical location</td>
<td>85</td>
</tr>
<tr>
<td>Type of institution</td>
<td>85</td>
</tr>
<tr>
<td>CHAPTER</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>Field of specialization</td>
<td>88</td>
</tr>
<tr>
<td>The Structure of the Association</td>
<td>91</td>
</tr>
<tr>
<td>Officers and Council</td>
<td>91</td>
</tr>
<tr>
<td>Association Headquarters and Staff</td>
<td>92</td>
</tr>
<tr>
<td>Committee Structure</td>
<td>93</td>
</tr>
<tr>
<td>Annual Meeting</td>
<td>99</td>
</tr>
<tr>
<td>Chapters</td>
<td>101</td>
</tr>
<tr>
<td>State and Regional Conferences</td>
<td>101</td>
</tr>
<tr>
<td>Evolution of Policy on Academic Freedom</td>
<td>103</td>
</tr>
<tr>
<td>The 1915 Statement</td>
<td>104</td>
</tr>
<tr>
<td>The 1925 Statement</td>
<td>106</td>
</tr>
<tr>
<td>The 1940 Statement</td>
<td>108</td>
</tr>
<tr>
<td>The AAUP Philosophy of Academic Freedom</td>
<td>108</td>
</tr>
<tr>
<td>The Structure and Functioning of Committee A</td>
<td>112</td>
</tr>
<tr>
<td>Implementation of Policy on Academic Freedom</td>
<td>113</td>
</tr>
<tr>
<td>Committee A Procedures</td>
<td>113</td>
</tr>
<tr>
<td>The Use of Sanctions</td>
<td>117</td>
</tr>
<tr>
<td>Alternative Means</td>
<td>119</td>
</tr>
<tr>
<td>IV. ACADEMIC ORGANIZATION AND ACADEMIC FREEDOM</td>
<td>128</td>
</tr>
<tr>
<td>Analysis of Academic Organization</td>
<td>130</td>
</tr>
</tbody>
</table>

vi
<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formal and Informal Organization.</td>
<td>132</td>
</tr>
<tr>
<td>Reference Organization: &quot;Cosmopolitans&quot; and &quot;Locals&quot;.</td>
<td>137</td>
</tr>
<tr>
<td>Academic Freedom as a Function of Academic Organization</td>
<td>141</td>
</tr>
<tr>
<td>The Relevance of Formal Organization.</td>
<td>141</td>
</tr>
<tr>
<td>The Relevance of Reference Organization.</td>
<td>146</td>
</tr>
<tr>
<td>V. ACADEMIC FREEDOM CHALLENGED: SOME POST-WAR CASES</td>
<td>158</td>
</tr>
<tr>
<td>The Post-War Cases of AAUP Censure: Description</td>
<td>160</td>
</tr>
<tr>
<td>The Patterns of Conflict: The Issues.</td>
<td>174</td>
</tr>
<tr>
<td>Issues of Academic Freedom.</td>
<td>175</td>
</tr>
<tr>
<td>Issues of Academic Tenure.</td>
<td>184</td>
</tr>
<tr>
<td>Issues of Academic Due Process</td>
<td>187</td>
</tr>
<tr>
<td>Issues of Academic Organization.</td>
<td>191</td>
</tr>
<tr>
<td>The Patterns of AAUP Intervention: Censure Imposed</td>
<td>200</td>
</tr>
<tr>
<td>The Patterns of Resolution: Censure Removed</td>
<td>203</td>
</tr>
<tr>
<td>VI. SUMMARY AND CONCLUSIONS</td>
<td>211</td>
</tr>
<tr>
<td>SELECTED BIBLIOGRAPHY.</td>
<td>221</td>
</tr>
<tr>
<td>APPENDIX A</td>
<td>231</td>
</tr>
<tr>
<td>APPENDIX B</td>
<td>252</td>
</tr>
</tbody>
</table>
# LIST OF TABLES

<table>
<thead>
<tr>
<th>TABLE</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>Size of AAUP Membership, 1915-65.</td>
<td>78</td>
</tr>
<tr>
<td>II.</td>
<td>Total Number of AAUP Chapters, by Year, 1916-65.</td>
<td>81</td>
</tr>
<tr>
<td>III.</td>
<td>AAUP Membership Compared with Full-Time Faculty for Resident Instruction in Degree-Credit Courses in Institutions of Higher Education: United States, 1949-50 to 1964-65</td>
<td>82</td>
</tr>
<tr>
<td>IV.</td>
<td>Geographical Distribution of AAUP Membership Compared to Total College and Universities Faculties: 1956-57</td>
<td>86</td>
</tr>
<tr>
<td>V.</td>
<td>Geographical Distribution of Increases in AAUP Membership, 1957-63</td>
<td>87</td>
</tr>
<tr>
<td>VI.</td>
<td>Distribution of AAUP Membership by Fields of Specialization, 1956 and 1963, Compared to Distribution of Total Faculties, U.S. Colleges and Universities, 1963</td>
<td>89</td>
</tr>
<tr>
<td>VII.</td>
<td>Identification and General Characteristics of Closed AAUP Cases, 1945-1965</td>
<td>161</td>
</tr>
<tr>
<td>VIII.</td>
<td>Identification and General Characteristics of Open AAUP Cases, 1945-1964</td>
<td>165</td>
</tr>
<tr>
<td>IX.</td>
<td>Distribution of Open and Closed Censure Cases by Geographical Region.</td>
<td>168</td>
</tr>
<tr>
<td>X.</td>
<td>Distribution of Open and Closed Censure Cases by Type of Institution</td>
<td>170</td>
</tr>
<tr>
<td>FIGURE</td>
<td>Description</td>
<td>Page</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>1.</td>
<td>Relationship of Three Variables, Academic Freedom, Academic Organization, and the American Association of University Professors.</td>
<td>9</td>
</tr>
<tr>
<td>2.</td>
<td>Relationship of Four Variables.</td>
<td>11</td>
</tr>
<tr>
<td>3.</td>
<td>Relationship of Variables within Context of Colleges and Universities and the Academic Profession</td>
<td>14</td>
</tr>
<tr>
<td>4.</td>
<td>AAUP Membership Trends, From 1944 to 1965</td>
<td>79</td>
</tr>
<tr>
<td>5.</td>
<td>Percentage Increases in AAUP Membership Compared to Percentage Increases in Total Full-Time U.S. Faculties, Biennially, 1957-1966</td>
<td>84</td>
</tr>
<tr>
<td>6.</td>
<td>Three Models of Formal and Informal Organization: Barnard, Mayo, Drysdale.</td>
<td>135</td>
</tr>
</tbody>
</table>
ABSTRACT

The purpose of this study is to generate a sociological conception of academic freedom from an examination of the social context in which it operates. Three variables are analyzed: academic freedom, the American Association of University Professors (AAUP) as an advocate of academic freedom, and academic organization. Academic freedom is treated historically and analytically in reference to its practice in the United States. The AAUP is analyzed in terms of the Association's impact on the practice of academic freedom. Two types of academic organization are distinguished: formal or official organization and informal, reference organization. Post-World War Two cases of AAUP censure of administrative officers and trustees of colleges and universities are analyzed to demonstrate the interplay of the three variables.

The idea of academic freedom in the United States was not a domestic creation but was transplanted from Germany by American scholars in the nineteenth century upon their return from study abroad. The largely paternalistic and proprietary character of
American collegiate education, particularly in religious colleges, was inimical to the development of academic freedom. Only with the rise of research and graduate education after 1850, styled largely on German models, did academic freedom emerge as a forceful ideal in American higher education. Collective promotion of principles of academic freedom culminated in the formation of the AAUP in 1915.

The AAUP, a voluntary association of faculty members in accredited U. S. colleges and universities, promotes academic freedom through codification and implementation of principles. As an agency of codification, the Association has sponsored statements of principles in 1915, 1925, and 1940. These principles (1940) have been endorsed by numerous other educational associations. The Association seeks to implement its principles of academic freedom through several means, chief among which is censure of institutional officers found upon investigation to have violated these principles. Censure is removed upon reform of organizational policy by the offending institution.

The formal or official organization of an academic institution is comprised of role definitions and norms governing role interaction. The roles are
differentiated according to function and hierarchy. Academic freedom is dependent on the nature and extent of authority vested in the faculty. Prescribed patterns of faculty autonomy are considered to promote academic freedom. The composition of the academic community, according to the reference groups with which the members identify themselves, also affects the practice of academic freedom. Following Robert Merton a distinction between "cosmopolitans" and "locals" is applied hypothetically to academic organization. Cosmopolitans, who subscribe primarily to external values, are considered to lend more support to norms of academic freedom than do locals, who adhere to the particularistic values of their institution. Locals are hypothesized to be overrepresented among administrators and trustees, cosmopolitans among the faculty.

From the perspective of academic organization, academic freedom, conceived as a set of norms governing the action of academic citizens, includes the following:

(1) freedom of the faculty member in his role as an academic specialist to criticize and to challenge accepted theories, beliefs, and practices related to his field of competence;

(2) freedom of the faculty member in his role
as a citizen of the institution in which he serves to criticize official policies and practices of his institution, including actions of administrative officers and trustees; and

(3) freedom of the faculty member in his role as a member of the academic profession to defend his colleagues against perceived threats to, or violations of, their academic freedom.

AAUP censure cases from 1945 to 1965 are analyzed. The findings with respect to patterns of conflict, AAUP intervention, and censure resolution support the viability of the conceptual analysis outlined above.
CHAPTER I

INTRODUCTION

Academic freedom is not one freedom, but many. To the sociologist, academic freedom is not one norm, but a complex of norms attached to the role of faculty member in institutions of higher learning. The norms which comprise academic freedom may be viewed as role prerogatives of the faculty member in the performance of his role. These norms reside in the relationship between the faculty and the administrative officers of an institution. If norms of academic freedom are "rights" of faculty roles, they are also, conversely, obligations of administrative roles. Institutional administrative officers are the guarantors of faculty role prerogatives of freedom.

For the purpose of a preliminary definition academic freedom may be considered to include the following normative components for faculty roles: (1) freedom to criticize and challenge accepted theories, beliefs, and practices related to one's field of competence (in teaching, research, and publication); (2) freedom to criticize the policies, programs, administration,
and governing board of one's institution; and (3) freedom to defend one's colleagues against perceived threats to, or violations of, their academic freedom.²

I. STATEMENT OF PURPOSE

The overall purpose of this dissertation is to generate a sociological conception of academic freedom. The essential tasks in this endeavor are: (1) to isolate a set of norms which comprise "academic freedom" in conventional usage; (2) to determine which elements of the social organization of colleges and universities have a bearing on the practice of academic freedom (that is, which seem to have some causal relationship to academic freedom); and (3) to outline the interrelations between norms of academic freedom and patterns of academic organization. After surveying the published literature on the subject of academic freedom, the author is not aware of any previous attempt to analyze the subject in this manner.

II. PLAN AND APPROACH OF THE STUDY

Academic freedom is by no means a precise concept. Historical analysis indicates the lack of clarity that has surrounded the idea and its application. Chapter two, "The Idea of Academic Freedom: Its Development in the United States," is concerned with clarifying
various usages of the concept. An attempt is made to summarize the history of the idea in American experience. In the latter part of that chapter the concept is analyzed in some detail and is distinguished from some related ideas with which academic freedom is often confused.

The organization which has been the primary advocate of norms of academic freedom in the United States is the American Association of University Professors. The AAUP is a national voluntary association of college and university faculty members, founded in 1915. On the national level the AAUP promotes academic freedom through several means, the chief of which are: (1) published policy statements pertaining to "standards" of academic freedom; (2) gaining the endorsement of other professional and educational associations for its standards; (3) investigation of selected cases of alleged violations of its standards; and (4) published lists of institutional administrations "censured" for violations of its standards.

Academic freedom has been the major concern of the AAUP since its inception. Because of the importance of its role in the development of norms of academic freedom, Chapter Three, "The American Association of University Professors: Advocate of Academic Freedom," is devoted exclusively to the policies, programs, and procedures of the AAUP as a national organization (as opposed to the
activities of the Association's local chapters). In that chapter attention is focused also on the evolution and implementation of the Association's policies and procedures.

As stated at the outset, the norms which comprise academic freedom may be looked upon as prerogatives of certain professional roles in colleges and universities. In this fact lies the relationship between academic freedom and the social organization of the university. Whether, and to what extent, academic freedom exists in practice depends upon the nature of the academic organization, particularly the definition of faculty roles. If, at a given college, faculty roles are defined as analogous to occupational roles of employees in the business world, then it is not likely that academic freedom with respect to criticism of the administration and its policies, for instance, will exist in practice. If, on the other hand, faculty roles are imbued with professional status, such that the faculty is considered the primary decision-making unit of the university, then the probability of academic freedom in practice is greatly enhanced. How faculty roles are defined will depend on how the goals and purposes of the college or university are conceived and on the general role of the administration with respect to those goals. Chapter Four, "Academic Organization and
Academic Freedom," includes a detailed examination of the social organization of the academy and its bearing on the conditions of academic freedom.

Academic freedom is not entirely a function of the social organization of academic life. Personalities of individual administrators, trustees, and faculty members will have, quite obviously, a bearing on the extent of academic freedom in given situations. One college president may be quite "tyrannical" or authoritarian, whereas another may be rather "democratic." It is not the purpose of this study, however, to delve into individual personality inventories or biographies, nor to seek out evidence of individual influences on academic freedom in particular situations. Such individual factors are assumed to exist; they are taken as given. This study employs a sociological frame of reference, which necessarily limits the range of factors to be considered and rules out the possibility of any "total" explanation of academic freedom. The purview of this study is limited to patterns of academic life, its structure or organization, and the relevance of these patterns to the norms of academic freedom.

Chapter Five, "Academic Freedom Challenged: Some Post-War Cases," contains an analysis of some actual
cases of violation of principles of academic freedom. The cases are all those of censure and subsequent removal from censure by the AAUP, from 1945 to 1965, of college and university administrations for infractions of principles of academic freedom and tenure as set forth in the Association's 1940 statement. These cases represent a wide variety of types of colleges and universities and a diversity of infringements. There are some cases of censure imposed during this twenty year period which are still in effect; that is, censure has not been removed, as of 1966.

There are two important reasons for limiting the analysis to those cases which have been removed from censure. First, those cases still on the censure list are "open" cases, yet to be resolved, and are "sensitive" in the eyes of the AAUP. Second, and more importantly, the "closed" or resolved cases exemplify the maximum influence of the AAUP (as compared to the "open" cases) on the academic organization of given colleges and universities. In the closed cases, one may examine the "successful" procedures of the AAUP and the response (i.e., the change or adjustment) of the internal organization and policy of an institution. For in order to be removed from censure an institution must satisfy the AAUP that specific changes have been made in organization and
policy to conform to the principles of the Association's 1940 statement.

In the preface to their historical work on academic freedom in the United States, Hofstadter and Metzger state:

One of our earliest decisions in planning this work was to make it more than a running account of "cases." To write only about the outstanding violations of freedom would be to treat the story of academic freedom as though it were nothing but the story of academic suppression. The cases are, in a sense, the pathology of the problem. The distortions that would arise from dealing with them alone are comparable to those that would be found in a history of the labor movement telling only of strikes, a history of science telling only of the encroachments of theology, or a history of political democracy devoted only to its defeats.

The same objection might be raised against the approach used in Chapter Five of this study. That is, is it merely a pathology of academic freedom, a distorted view, to analyze cases of violations of principles? The objection is met, the author believes, in that the cases treated in Chapter Five had "successful" outcomes; the violations were in some sense "rectified" and censure removed. Furthermore, in examining such cases, one is enabled to see better the conditions which promote, as well as retard, academic freedom in practice. Therefore, the pathological
element, \textit{per se}, is nonessential to the analysis. The cases simply offer a convenient framework in which view the interplay of academic freedom and academic organization.

Chapter Five, then, is concerned with the actual interplay among the three variables discussed separately in the three preceding chapters: the concept of academic freedom, the AAUP as advocate of academic freedom, and academic organization, the framework within which the practice of academic freedom must be imbedded, if it is to exist as anything other than a fiction or an abstraction.

III. THE STUDY VARIABLES

At this point it is possible to conceptualize the relationship among the three variables which comprise the subject of this study. The following discussion will serve as a guideline for the analysis carried out in detail in later chapters.

Figure 1 represents the elementary relationships among the three variables. In general terms academic freedom is conceived to be a dependent variable, subject to influence by both academic organization (the structure of the college or university) and the American Association of University Professors. The main independent variable is the AAUP which "operates upon" academic freedom both
Figure 1. Relationships of three variables, Academic Freedom, Academic Organization, and the American Association of University Professors. Arrowed line indicates direction of relationships.
directly and through academic organization. The Association exerts direct influence, for instance, through promulgation of ideal standards or principles of academic freedom. The AAUP also promotes academic freedom indirectly (through academic organization) by encouraging changes in academic structure (e.g., institution of a faculty senate) which are intended to enhance academic freedom. In either type of case, of the three variables, the prime mover is the AAUP.10

If a distinction is made between the practice of academic freedom and the ideals or principles of academic freedom, which are imperfectly represented in practice, it is possible to refine the representation of the variables of Figure 1 (see Figure 2). In Figure 2, the basic relationships among the three variables are retained. The AAUP still represents the primary independent variable and academic freedom, whether ideal or practice, is a dependent variable. It is to be noted here, however, that the AAUP exerts no direct influence on the practice of academic freedom. The influence of the Association is always mitigated, or at least channeled through, the structure of the university. Again, as in Figure 1, this influence may consist in, for instance, (1) establishing "principles" of academic freedom, which it then seeks to have adopted or "put into practice" by
Figure 2. Relationship of four variables. Broken line indicates absence of direct relation. Arrowed line indicates direction of influence.
colleges and universities, or (2) promoting changes in academic organization, such as greater faculty participation in academic policy making, designed to promote academic freedom in practice.

If the representation in Figure 2 has any merit there are some interesting implications. First, for the understanding of academic freedom the internal organization of academic life is of vital importance as an intermediate variable because the practice of academic freedom is dependent upon its structure. Second, there is no direct relation between academic freedom as an ideal or set of standards, on the one hand, and the practice of freedom in the organizational and behavioral nexus of academic life on the other. The link between ideal and practice in this case is academic organization. Therefore, to be viable, the principles of freedom must be supported by, or rooted in, the organization of the college or university. Third, as noted earlier, the AAUP does not exert any direct influence on the practice of academic freedom; rather all its influence is mediated by academic organization. Therefore, an association such as the AAUP has to take into account, in its promotion of academic freedom, the nature of academic organization, both in general and in its many particular varieties. Finally, the foregoing would seem to imply
that a sociological approach, which by definition focuses on organizational patterns and relationships, is especially appropriate to the study of academic freedom.

Figure 3 is identical to the previous one except for the broken vertical line which bisects the figure. On the left is the "actual" college or university situation, including the internal academic organization and the system of practices related to academic freedom. To the right of the vertical line are the "abstract" set of norms and ideals of academic freedom and their sponsor, the AAUP. Together these may be taken to represent the "academic profession." The relationship among the variables is unchanged from Figure 2. It is to be noted that the AAUP, as a unit in the academic profession is "external" to the actual college or university situation and seeks to promote the practice of academic freedom through college and university organization.

THE TIME SETTING

The two decades following the end of World War Two have been selected as the time span in which to examine a variety of problems of academic freedom in their contemporary forms. Chapter Five, as noted earlier, is an analysis of post-war cases of AAUP-imposed censure for violations of academic freedom. The most
Figure 3. Relationship of variables within context of colleges and universities and the academic profession.
important reason for selecting this period as opposed to others is the establishment by the AAUP of a relatively clearly defined set of principles of academic freedom and tenure in 1940, which it has sought to promote since then throughout the academic world. Allowing for the disruptions of the war and some early AAUP efforts to have its principles of academic freedom made known and approved, it seems well to use the year of the war's conclusion as the starting point for the analysis of current problem of academic freedom in the United States, viz-a-viz the 1940 AAUP standards.

The post-war period has been characterized by several general trends of some relevance to higher education in general and to academic freedom in particular. Some of these trends had their origin long before the war, to be sure. First, a substantial increase in the total U.S. population, especially in the younger age categories. Second, general economic prosperity, interrupted by occasional downswings in business cycles. Third, increased public demand for education, including higher education. Fourth, various manifestations of anti-intellectualism, the most dramatic of which was the McCarthy era of Communist "witch-hunts." Fifth, continuing concern, intensified by the "Cold War," with national security, as exemplified by loyalty oaths in
higher education. Sixth, the relatively greater growth in facilities of public, as opposed to private, higher education as the result of local, state, and federal financial support. Seventh, increased public sensitivity to social issues such as civil rights for minority groups. Eighth, closer ties between colleges and the economic needs of community and nation, such that universities have become valued increasingly as training centers for occupational roles. Ninth, more emphasis on applied knowledge and research in the universities to serve specific needs of industry, commerce, agriculture, and government. Tenth, the burgeoning bureaucratization of the universities.

Each of these trends has left its impact on the character of academic life in higher education. Several of these elements are related and usually have acted in conjunction, rather than singly, upon the structure of the academic world. For instance, the growth in the size of the universities is closely tied to the trend of bureaucratic organization. The impact of some of these trends on problems of academic freedom is made evident in the analysis of censure cases in Chapter Five. Moreover, these trends have served as the backdrop for the recent development of academic freedom in the United States.
In summary, the main concern of this study is to examine the concept and practice of academic freedom from a sociological viewpoint. Academic freedom is conceived as a complex of norms in relation to academic organization. Attention is focused on the extent and manner in which academic freedom is a dependent variable of academic organization as well as on the policies and programs of the American Association of University Professors in regard to academic freedom. Chapter Two deals with the historical development and contemporary usages of the concept of academic freedom in the United States. Chapter Three contains an analysis of the functions of the AAUP as advocate of academic freedom. Chapter Four is concerned with the variables of the internal academic organization of colleges and universities and their bearing on conditions of academic freedom. Chapter Five is devoted to an analysis of resolved post World War Two cases of AAUP censure of institutional administrations for violations of principles of academic freedom. The analysis of the cases provides the framework for elaboration of the ideas and hypotheses developed in the previous chapters. A statement of summary and conclusions completes the study.
FOOTNOTES TO CHAPTER ONE

For the social sciences and the humanities this norm entails freedom to criticize prevalent beliefs and practices of one's community and society insofar as these are the subject of one's competence.

The list of academic freedom norms could be extended and specified in detail. See Chapter Two for a discussion of the concept of academic freedom.


Because of the unwieldy length of the organization's name, abbreviations such as "AAUP" or the "Association" will be used often throughout the dissertation.

Association membership as of January 1, 1966, was approximately 77,000. The Association has organized chapter affiliates on some 900 college and university campuses. Cf. the AAUP Bulletin, vol. 52, no. 1 (March 1966), pp. 64, 72.

The medium of publication is the Association's official Bulletin, issued four times a year, and circulated to all dues-paying members of the organization.

This statement of principles, because it is so germane to this study, is reproduced in full in Appendix C.

Some descriptive and tabular data on these cases as compared to those removed from censure are found in Chapter Five.

Hofstadter and Metzger, op. cit., v.

The author does not intend to imply that the AAUP is the only positive force for academic freedom in the world of higher education. There are other organizations, such as the American Civil Liberties Union, which exhibit some concern for academic freedom, as well as more subtle, "non-organizational" elements, such as the force
of academic traditions in particular instances (e.g., the concept of the faculty as a "guild" in the old English sense). The AAUP is considered by the author, however, to be the greatest "visible" force for academic freedom in the United States.

The trends cited are widely known matters of fact; therefore, no footnote citations are given. The relation of certain of these trends to conditions of academic freedom is clarified in the analysis of censure cases in Chapter Five.
CHAPTER II

THE IDEA OF ACADEMIC FREEDOM:
ITS DEVELOPMENT IN THE UNITED STATES

Unlike civil liberties, academic freedom in this country has never enjoyed a specific meaning established by law. Having no legal status, its scope and application have been repeatedly in doubt. Nor has tradition been of much assistance. As an idea academic freedom was not a domestic creation. When it was implanted finally into the American pattern of higher education from abroad, the notion of academic freedom struggled with largely inimical traditions of academic practice. With little support from tradition and no footing in law, the concept of academic freedom has been the subject of incessant controversy, among its champions no less than among its detractors.

Because of lack of consensus on the meaning and applicability of academic freedom, particularly in the earlier stages of its American experience, the evolution of the concept is difficult to trace. The purposes of the present study, however, do not seem to require a comprehensive accounting of the origin and history of academic freedom. Only three facets of the historical
development of the concept of academic freedom have been selected for brief analysis in this chapter: (1) the bearing of structural features of early American higher education on the development of the idea of academic freedom; (2) the introduction of the German conception of academic freedom into American education after 1850; and (3) the subsequent development of the concept in conjunction with intellectual-scientific and academic trends beginning in the latter half of the nineteenth century and continuing into the twentieth. The concluding section of the chapter draws analytical distinctions between academic freedom and some related ideas in an attempt to clarify contemporary usage of the concept.

I. FREEDOM IN EARLY AMERICAN HIGHER EDUCATION

The twentieth century concept of academic freedom is hardly applicable to higher education in the United States prior to 1860. The prevailing contemporary conception of academic freedom is intimately tied to the type of university structure and function that came into being mainly after the Civil War. There are, however, elements of early American academic history that fostered and retarded the emergence of academic freedom in more recent times.

In his Academic Freedom in the Age of the College, 1
Richard Hofstadter divides the educational history of the pre-Civil War era roughly into three periods: the period of the colonial college, beginning with the founding of Harvard in 1636; the Revolutionary and early national period, comprising the latter decades of the eighteenth century; and the period of the old-time (denominational) college, 1800-60. Each of these periods had distinctive characteristics in relation to the subject of freedom within the academy.

In the entire colonial period there were only nine colleges, from the founding of Harvard to the establishment of Dartmouth in 1769. The colonial colleges had virtually no permanent professional faculty. Instead they relied primarily on a small staff of amateurish, young tutors (often future ministers) for such instruction as they were able to offer. The college president was typically regarded as a "professional," perhaps because of his clerical identity. In the absence of any substantial body of professional faculty it is difficult to speak of the problem of academic freedom in its modern sense. Assuredly, there were related issues of institutional autonomy and administrative power of the president. These issues, tied to patterns of denominational sponsorship and lay government of higher education, are discussed below.
The latter decades of the eighteenth century, designated as the Revolutionary and early national period, were distinctive in some ways. There was moderate expansion of colleges to 1799, including the establishment of sixteen new institutions. Three related developments during the period have a bearing on the subject of academic freedom. First, there was a growing trend of religious toleration in the society at large. Second, in connection with the founding of the Republic there was a substantial concern with civil liberties of the individual citizen. Each of these trends made itself felt in academic circles, although neither had its origin in the college. The third major trend was more specifically, perhaps generically, academic: the secularization of knowledge and learning. Of this trend Hofstadter says:

The most significant trend in collegiate education during the eighteenth century was the secularization of the colleges. By opening up new fields for college study, both scientific and practical, by rarefying the devotional atmosphere of the colleges, and by introducing a note of skepticism and inquiry, the trend toward secular learning inevitably did much to liberate college work.5

Between 1800 and 1860, an astoundingly large number of new institutions, about five hundred, were founded across the expanding nation, only a small minority of which survived until the Civil War.7 Hofstadter
characterized this period as "the great retrogression." The period of the "old-time college." The limited capacity of the society to support higher education became fragmented to the detriment even of well-established institutions. The majority of the new institutions, being sponsored by religious denominations and sects, were regarded, perhaps, as a type of status symbol by churchmen and townspeople. Hofstadter elaborates on the causes and consequences of the new trend:

The two factors that were far more important than geography in determining that American education should be fragmented were denominational sponsorship of colleges and local pride. The multiplicity of colleges was a product of the multiplicity of Protestant sects compounded by the desire of local bodies, religious or civil, to promote all kinds of enterprises that gratified local pride or boosted local real-estate values.

... This fragmentation of higher education was devastating in its consequences both for the quality of academic work and the position of the professor.

... From the outset the severely denominational institutions neither aspired to nor pretended to foster academic freedom.

In spite of the differences among these ante-bellum periods in the development of academic freedom, and
the rather encouraging trends of the latter eighteenth century, the entire era exhibited two prevalent characteristics which were uniquely American and ultimately worked, on the whole, to the detriment of academic freedom. The first was the role of religion in education, and the second was the system of lay control. Although these were related trends, they may be examined separately.

**Religion and Education.**

The basic pattern of the relation between church and college was set during the colonial period. Most of the early colleges developed under religious sponsorship and control, and served important religious functions, including the training of clergy. In spite of their liberal arts curricula, the colleges commonly were handmaids of orthodox religious institutions and values.

It should be noted that while many eighteenth century colleges were founded and supported by a single denomination, they often assumed something of an inter-denominational character in the composition of boards of control and student bodies. There was apparently enough competition among the various colleges for student enrollment and support to justify, if not require, this type of "open door" policy as a matter of expediency. This type of policy soon became formulated as religious
freedom for students, constituting the first evidence of freedom of thought as a conscious goal in academic life. The denominational identity of the college, however, was almost always reflected in the religious affiliation of the president.

Whatever the trend toward genuine religious toleration and secularism in the latter part of the century, this course was soon reversed in the early nineteenth century when most of the new colleges were rigidly sectarian in control, policy, and appeal.

The critical question in regard to academic freedom is the extent to which the religious and sectarian character of the colleges operated to stifle free inquiry and expression. A clear and specific answer probably is not possible. There were not many "academic freedom cases" in the colonial era because apparently, as Hofstadter states, most teachers "... lived and worked placidly within this framework." Orthodox religious values and beliefs were challenged rarely in the colleges perhaps because of the orthodoxy of the college personnel themselves. This orthodoxy seems to have been virtually guaranteed by the recruitment process, as explained by Hofstadter:

The candid examinations of prospective appointees suggest that
the consideration of doctrinal acceptability was all but universal; and where a president, professor, or tutor was installed without prior examination, the omission is more plausibly explained by the presumption that his principles were already well known than by the assumption that the board of governors was liberal or indifferent to such matters. In interdenominational colleges more latitude existed for variety of belief, but no one seems to have contested the principle that a college officer's beliefs could properly be scanned before his appointment.16

Fundamentally, the colleges, as wards of the church, were not "free" with respect to religious matters; they lived in an atmosphere of orthodoxy, though with little, if any, feeling of external constraint on academic inquiry. In any case, the colleges, having no corporate autonomy from religion, were not anxious "to bite the hand that fed them."

**Lay Government of Education.**

The nature and extent of religious control of collegiate education was complicated by, as well as manifested in, the system of lay government. This pattern also originated in the colonial colleges and has persisted as a basic trait of American higher education.

The pattern that emerged in the eighteenth century usually consisted in designating a number of persons to
serve as "trustees" of the college. Trustees, in the legal sense, were the college, and possessed total authority over the affairs of the college, including the legal power to hire and fire faculty and administrative personnel. The trustees were "lay" in the sense that they were external to the college, being legal guardians rather than employees, and in the further sense that they were not professional educators. Early trustees were usually men of established status in the eyes of church and community, often being clergy.

As with the issue of religion, the crucial question concerning academic freedom in the pattern of lay control is the extent to which such control actually worked to the detriment of free work and expression in the colleges. Of the long run effect of lay government, Hofstadter notes that it has "... hampered the development of organization, initiative, and self-confidence among American college professors, and it has contributed ... to lowering their status in the community."¹⁷ Faculty personnel (as well as administrators) tend to be regarded as employees, who serve at the pleasure of the trustees, to whom the faculty is thereby beholden. Insofar as this is actually the case, teachers are not likely to question or challenge values and beliefs associated with the interests, religious, economic, or political, of the
trustees.

In point of fact, however, trustees have seldom chosen to augment, on a continuous basis, the full measure of their legal powers over the minute affairs of the colleges. Even as early as the colonial period considerable authority was delegated to the administrator, sometimes at the demand of the president. The first issues of academic freedom and institutional autonomy probably resided in conflicts between president and trustees over questions of policy-making for the college.¹⁸ Only after the formation of substantial professional faculties did academic freedom, in the guise of faculty authority, become an issue of any magnitude or significance.

It is important to note, with Hofstadter, that American Protestants did not consider that they were destroying intellectual freedom by extending the policy of lay government from churches to colleges. Indeed they considered it one of their contributions to civilization that they had broken up the priestly autonomy of advanced education and had brought it under the control of the community.¹⁹ Nevertheless, the net effect of the system of lay government of higher education has tended to obstruct academic freedom by restraining faculty authority. From colonial times to the present, the division of authority among
trustees, administrators, and faculty has been a problem that has evaded permanent resolution and has preoccupied those involved in any of the three roles.

The Limits of Freedom.

In the entire pre-Civil War era the dominant pattern consisted of a linkage between religion and education, church and college, that resembled a parent-child relationship. The child enjoyed little autonomy from the often heavy hand of parental authority. The relationship drew very close, perhaps bordering on incest, in the denominational old-time college of the early nineteenth century. To be a "church-related" college was to be a church-controlled one. The parental church took great pride in giving birth to institutions of learning, and in the accomplishments of its fledgling offspring, but seldom would permit its children to be weaned. As a result, the mortality rate was high; many colleges died from the suffocation of paternal-sectarian possessiveness. Others hobbled along to a delayed maturity.

On the whole, then, the college was subservient to church and community as represented by the board of trustees. The degree of religious control was never absolute, being mitigated, in part, by sectarian rivalries
that occasionally resulted in religious toleration. Lay
government was not as stifling as it might have been,
considering the extensiveness of its legal powers.
Nevertheless, it is tenuous to speak of "free inquiry"
under these ante bellum circumstances in view of the lack
of "inquiry," on the one hand, and the rarity of open
challenges of religious and community authority, on the
other. In short, the limits of academic freedom were
never tested in an overt and comprehensive fashion. Aca­
demic freedom was never a consciously formulated ideal of
academic life. Thus, the "age of the college" in the
United States represents the pre-history of academic
freedom.

II. ACADEMIC FREEDOM IN GERMANY:
A MODEL FOR THE UNITED STATES


The seminal forces in the development of con­
ceptions of academic freedom in the United States were
derived from patterns of practice in German higher education
in the nineteenth century. The general structure and
functions of German universities provided the framework
and the rationale for the German ideal of academic freedom,
later imparted to American education.

The modern era of German higher education, which
culminated in the nineteenth century, is usually considered
to have been ushered in by the foundation of the University of Halle in 1694 and the University of Göttingen in 1737. Two features of Halle gave substance to its claim to distinction as the original modern university: (1) its assimilation of modern science and philosophy and (2) its advocacy of freedom of thought and teaching. From its foundation Halle became known for its rejection of officially established systems of doctrine in theology, philosophy, medicine, and law. Its espousal of free teaching usually meant in practice a stout antagonism toward the traditional dogmas still prevalent in other universities. Some of its faculty were leading pioneers of the German Enlightenment, and Halle became a stronghold of rationalism.

Founded in 1737 by the state of Hanover, the University of Göttingen was an offshoot of Halle and became a formidable rival, eventually surpassing its model in prestige and originality. Freedom of thought and teaching were taken for granted and the ideal of research in all fields of knowledge was fostered to a greater extent than at Halle. Older teaching methods gave way to the modern lecture and the seminar in conjunction with the new emphasis on research.

By the end of the eighteenth century, according to Paulsen, virtually all German universities had
instituted new patterns of university structure and function fashioned on the models of Halle and Göttingen. It should be noted, however, that in spite of the fact that these changes represented a rather radical departure from prior traditional conceptions of knowledge and proper university function, the most decisive changes were yet to come. That is, even though original research, particularly in the humanities, was incorporated into the role expectations of the academic scholar in the eighteenth century, it was not until the next century that the research function of the university became dominant.

Three major universities were founded in the early decades of the nineteenth century: Berlin (1810), Breslau (1811), and Bonn (1817). At these universities, from the beginning, scientific research was the dominant university function. Whereas Halle and Göttingen had introduced research as a proper function of the university teacher, the research function remained for them a subsidiary requirement until much later. In the nineteenth century original research in increasingly specialized fields of science and scholarship became the foremost expectation of a university professor. Thus, Berlin, founded under the guidance of Wilhelm von Humboldt, and the other universities mentioned became the prototypes of the modern university and served as international
The remolding of the German universities into workshops of scientific research constituted nothing less than a revolution in patterns of university organization. Just as radical changes were wrought in the functions of the university and the role of the professor, so also was there a new conception of the role of the student. Paulsen explains:

For the new idea was also formed of the ultimate purpose of academical studies, the object in view being no longer the acquisition of encyclopedic learning or of dogmatic propositions, but the gaining of an independent grasp of scientific principles, the lifting of the student into the region of ideas, and his initiation at the same time into original scientific research.24

These complex and radical developments in the structure and function of German universities, sketched here in only barest outline, were the framework for the formation of the ideals of Lernfreiheit and Lehrfreiheit. These ideals, which were later to influence American notions of academic freedom, have been singled out for brief attention.

The Ideals of Lehrfreiheit and Lernfreiheit.

During the course of the nineteenth century German universities became noted for, among other
features, the ideals of Lehrfreiheit and Lernfreiheit. Each of these ideals eventually was grafted into American academic structure in modified form. The notion of Lernfreiheit pertained to the student and the learning situation. Under this conception university students were free to choose a university and to "transfer" from one to another at will. With few exceptions, they could choose their curriculum and take courses in any preferred sequence. Class attendance was optional. The only examination for which they were responsible was the final examination which culminated the regular period of university study. Their private lives were subject to a minimum of university regulation.

The ideal Lehrfreiheit was considered to be the professional prerogative of university professors. Included in the concept of Lehrfreiheit were freedom of inquiry and the right to report findings both in the classroom and through publication. The rationale for both Lern- and Lehrfreiheit was tied to the purpose of the university. If the universities were to perform the vaunted research function, then, so the argument went, the professors needed freedom to investigate all evidence and to report all findings. Similarly, students, being potential research workers, deserved freedom to choose their training. These ideals were definitional requirements
of the true university, equally as much as the research function itself.

**German Influence on American Scholars.**

The vessels of the transfer of the German ideals of freedom to the United States were, on the one hand, German expatriates, and on the other, native Americans studying in German universities. The greatest influx of German-trained scholars and scientists occurred in the latter decades of the nineteenth century and continued to a lesser extent into the twentieth. Some eight to nine thousand Americans studied in German universities during the nineteenth century. Those who became the leading champions of academic freedom in this country were often German-trained. As Metzger points out, eight of the thirteen signers of the 1915 "Report on Academic Freedom" of the American Association of University Professors had studied in German universities.

Whether American students received an accurate or representative impression of the nature and extent of academic freedom in German universities is not an issue here. What is important to note is that American students in Germany were almost universally awed by the ideals of **Lehr-** and **Lernfreiheit** and became enthusiastic promoters of these ideals upon their return to the United
States. American students in Germany were also impressed by the rationale of academic freedom. The functional necessity of freedom for research, teaching, and learning in a true university was an appealing idea to the American visitors.

III. LATER DEVELOPMENT OF THE CONCEPT IN THE UNITED STATES

The second half of the nineteenth century in the United States witnessed a twin revolution in the academic world that enhanced the prospects of academic freedom. The first revolution was an intellectual one, centering on the controversy related to the Darwinian theory of evolution. The second, based partly on the first, was more specifically an academic revolution, the rise of the university as a new (to the United States) form of academic organization. Although the two can be separated analytically, it is well to remember that they acted upon, and supplemented, one another.

The Contributions of the Darwinian Debate.

Intellectual historians have dealt comprehensively and minutely with the Darwinian controversy and its impact on American thought. In his Academic Freedom in the Age of the University, Walter Metzger discusses the consequences of this controversy for the rise of the concept
of academic freedom. Metzger contends that two patterns of events held particular significance for the development of academic freedom. The first of these were "inflammatory events," the dismissals and harassments of evolutionists among college faculties. The second was the attack, led partly by the evolutionists, on religious authority in science and education. Out of these two patterns emerged a new rationale, though not entirely overtly expressed, for academic freedom.

Metzger views the new rationale for academic freedom contributed by the Darwinian revolution as threefold, consisting of (1) a formula for tolerating error, (2) limitations upon administrative power, and (3) a set of positive values or morality. The formula for tolerating error evolved from the evolutionist notion that all beliefs are tentatively, rather than categorically, true or false, and only verifiable through disciplined inquiry. Since truth can never be fully known, a man should not be penalized for holding nonconformist ideas, as long as he has followed systematic rules of science in reaching his conclusions.

As a result of the Darwinian controversy limitations upon administrative power in judging the professional standing of professors could not be justified on the grounds of the judicial incompetence
of the board of trustees or administrators. Only experts among professional peers are capable of evaluating, with any wisdom, the professional standing of a faculty member. Says Metzger, "... the argument for scientific competence, used in the Darwinian debate as an answer to clerical presumptuousness, has been turned to useful account as reply to trustee presumption." 30

Finally, of all the values associated with scientific activity, universalism and neutrality, emerged from the Darwinian era to form the basis for a scientific morality. Universalism means that particularistic criteria, such as race, creed, nationality, are irrelevant in judging the value of a scholarly or scientific work. Neutrality implies a positive attitude of disinterestedness in the pursuit of knowledge. On the relation of these values to academic freedom, Metzger states:

By assimilating the value of universalism, academic freedom has come to signify the brotherhood of man in science that is akin in aspiration to the brotherhood of man in God. ... By acquiring the value of neutrality, academic freedom has come to stand for the belief that science must transcend ideology ... As the symbol and the guardian of these two values, academic freedom has come to be equated not only with free intellectual activity, but with an ethic of human relations and an ideal of personal fulfillment. 31
The Rise of the University.

Although it is apparent that the Darwinian controversy made an impact on the structure of the academic world and fostered the underpinnings for a new concept of academic freedom, it was essentially an intellectual revolution, a revolution of ideas and world-views. In the latter half of the nineteenth century, in partnership with this intellectual revolution, and concomitant with the German influence on American students, occurred the academic revolution, the rise of the university structure with its new academic functions.\(^{32}\)

In the present context perhaps it is unnecessary to explore the complex "causes" of the rise of the university; instead, attention is called to the structural and functional features of the new mode of academic organization as these are relevant to academic freedom. As with the concept of academic freedom, Germany provided a model of the university for selective adaptation by American educational reformers. Upon their return to the United States from Germany, some Americans became enthusiastic promulgators, not only of the ideal of Lehrfreiheit, but also of the idea of the university as a center of research and original contribution to knowledge. Indeed, it was primarily the latter idea that had attracted them to Germany in the first place. On the
whole, they simply looked upon academic freedom as a functional requisite for the performance of the research function, broadly defined, in the university setting.

Johns Hopkins University, founded in 1876, was deliberately patterned on the essential features of the German model. The key structural element was the graduate school, the rough equivalent of the German faculty of Philosophy, "... broad in its range of specialties, non-utilitarian in its objectives, devoted to the tasks of research." The primary functions were research and graduate training. The original faculty of Johns Hopkins, the Göttingen of Baltimore, had received German training, almost to a man. The lecture, the seminar, and the laboratory were the German-inspired modes of instruction.

Following the lead of Johns Hopkins, fifteen major graduate schools were founded over the next two decades and graduate enrollment soared. With each new graduate program the original model became blurred and compromised. Often graduate schools were tacked onto existing undergraduate colleges with no sharp lines demarcating them. Metzger points out that

In answering the question: 'What should the new university be?' every need clamored for satisfaction, every craft hoped for inclusion.
Our post-war institutions of higher learning were therefore not merely motley, but mongrel; not only different from each other in size, quality, independence, and sophistication, but eclectic in their character and purposes.  

In spite of the variability and hodge-podge character of the new university movement, which included the establishment of land-grant colleges under the Morrill Act of 1862, the quintessence of the new university was its dedication to the German-inspired functions of academic research and graduate training. Associated with the rise of the university in the latter decades of the nineteenth century and passing over into the twentieth were three elements of special significance for the long-run development of the concept of academic freedom. These were: (1) new attitudes toward the pursuit of knowledge through scholarly and scientific research; (2) the professionalization and specialization of academic roles; and (3) the growth of increasingly secular social sciences.

The new attitudes toward knowledge were contributed, in part, by the evolutionists, and partly also by the returning German students. Truth was no longer absolute; knowledge was neither final nor complete. The word "research" meant many things to many people, but to
all it symbolized the tentativeness of present knowledge and the need to extend its frontiers. Knowledge was not the ward of past authority, but was to be gained by frontal assault, with an offensive posture. Knowledge was to be acquired by positive action, with the tools and procedures of the new science and secular scholarship. This new conception of knowledge arose primarily from the Darwinian revolution. However, those academicians who had been trained in Germany also contributed to the new attitudes toward knowledge, through the connotations of the concept of Wissenschaft. Metzger explains:

The very notion of Wissenschaft had overtones of meaning utterly missing in its English counterpart, science. The German term signified a dedicated, sanctified pursuit. It signified not merely the goal of rational understanding, but the goal of self-fulfillment; not merely the study of the "exact sciences," but of everything taught by the university; not the study of things for their immediate utilities, but the morally imperative study of things for themselves and for their ultimate meanings.37

The notion of Wissenschaft had some impact on the new American conception of research; the necessity of thoroughness, disciplined inquiry, and positive dedication in the pursuit of reliable knowledge. Associated with these new attitudes toward knowledge was a high degree of enthusiasm
for the research function of the professor. Once the
commitment to the aggressive pursuit of knowledge was
made, there could be no rational limits to research; no
subject nor hypothesis could be taboo. In short, following
the German argument, the pursuit of knowledge demanded
academic freedom in the form of freedom of inquiry and
expression.

As the horizons of knowledge were extended under
university auspices, specialization of interest and
competence became a practical necessity for the indi­
vidual. As the limits of competence narrowed, expertise
increased, and with it, the professional status of the
scholar-scientist. As this trend advanced the trustee
and the administrator became less and less capable, in
the eyes of academicians, of judging the professional
competence and stature of an individual professor. The
teacher-researcher now staked another claim for academic
freedom in the guise of increased faculty authority over
the judgment of the performance of colleagues. He wanted
to be insulated from the insecurity of being evaluated
and harassed by irrelevant standards and incompetent
judges. He hoped, by invoking academic freedom, to
guarantee his liberty to pursue knowledge wherever that
search led.
Finally, the rise of the university also coincided with the rapid growth of the secular social sciences. This development was not without significance for the course of academic freedom. Prior to the Darwinian controversy and the emergence of the university, the study of social, economic, and political affairs belonged to moral philosophy. With the Darwinian attack on religious authority and the new outlook on knowledge sponsored by the university research function, it became feasible to study societal institutions in the systematic, secular, and often empirical, manner of the established sciences. However, the new social scientist was most vulnerable to intimidation in his research activities because he could not easily avoid questioning sacred mores and folklore. He was trampling on the sacred with his secular science and outlook. He, more than his colleagues, needed some reliable guarantees of free inquiry and expression. It is worth noting that among the early leaders in the founding of the American Association of University Professors was a disproportionately high representation of social scientists. The American Economic Association was particularly involved in the promotion of academic freedom and the AAUP.

On the whole, then, the rise of the university,
with its emphasis on research and graduate training, the emergency of new, positive attitudes toward intellectual-scientific activity, the professionalization and specialization of academic roles, and the rise of the social sciences within the university, encouraged the specification of the idea and the rationale of academic freedom.

**Toward an Operational Concept of Academic Freedom.**

The founding of the AAUP in 1915, as an association devoted primarily to the promulgation of academic freedom, signaled an important degree of institutionalization of the concept. The next chapter is devoted to an analysis of this organization as a sponsor of academic freedom. Aside from the activity of the AAUP there continued to be discussion of the concept of academic freedom to clarify its meaning.

In the twentieth century two statements in particular represent important contributions to the continuing clarification of the concept. One is Arthur Lovejoy's definitive essay written in the 1930's and the other is by Robert MacIver in the 1950's. Neither statement represents an official conception of AAUP or any other organization.

In examining Lovejoy's and MacIver's discussion of the subject of academic freedom the following questions
will serve as guidelines of analysis:

(1) What is the nature of academic freedom
(What is one free to do or to have?) How does its nature
and status compare to other "freedoms" in society?

(2) Who is entitled to academic freedom and
under what conditions? Are students specifically included?
Is academic freedom only intramural, i.e., does it apply
only within the routine activity of the academy?

(3) What is the basis or rationale of academic
freedom? Why is it valued? Who and what are its bene­
ficiaries?

(4) What and who are the main threats to aca­
demic freedom? How may academic freedom be protected or
extended? Who has the responsibility to defend academic
freedom?

The late Arthur O. Lovejoy, long-time professor
of philosophy at Johns Hopkins University, maintained a
scholarly interest in the subject of academic freedom
throughout his professional career. He was the author
of a definitive essay, "Academic Freedom," in the Encyclo­
pedia of the Social Sciences.

In this essay, written in 1930, Professor Lovejoy
advances the following definition of academic freedom:

Academic freedom is the freedom
of the teacher or research worker
in higher institutions of learning to investigate and discuss the problems of his science and to express his conclusions, whether through publication or in the instruction of students, without interference from political or ecclesiastical authority, or from the administrative officials of the institution in which he is employed, unless his methods are found by qualified bodies of his own profession to be clearly incompetent or contrary to professional ethics.42

Academic freedom includes freedom of opinion, speech, and publication, and is, thus, akin to ordinary civil liberties "usually accorded to other citizens of modern liberal states," writes Lovejoy.43 The main difference between academic freedom and the similar freedoms of other citizens is that "the teacher is in his economic status a salaried employee," and, Lovejoy continues, "the freedom claimed for him implies a denial of the right of those who provide or administer the funds from which he is paid, to control the content of his teaching."44

This freedom is attached to the social role of the scholar in the academy and pertains to both the teaching and the research function performed in that setting. It is to be noted that Lovejoy makes no reference to academic freedom as pertaining to the role
of student or to the function of learning. The closest
he comes to this is in specifying freedom of research,
but it is not the freedom to conduct research in the
generic sense (to inquire, investigate, learn). It is
the freedom of the "research worker," who is presumably
a professional employee of the academy. There is little
doubt, however, that Lovejoy has the benefit of the
student and the learning process in mind in his state­
ment. Such a conclusion seems warranted when one
examines his justification for academic freedom.

The freedom of the scholar is, in Lovejoy's
view, "socially necessary," that is, of essential benefit
to the life of civilized society. He contends that the
function of teaching and research in higher institutions
of learning is among those indispensable functions
"which cannot be performed if the specific manner of
their performance is dictated by those who pay for
them." Furthermore, there are three aspects of the
role of the academic scholar which necessitate academic
freedom. These are: (1) technical expertise, (2)
disinterestedness, and (3) advancement of science and
new ideas. As a technical expert the scholar undergoes
extensive and costly training prior to being set apart
"to investigate problems which it is not practicable
for all men to investigate thoroughly and at first hand
for themselves.47 The scholar thus becomes an expert adviser and informant for society in his area of competence. The disinterestedness of the scholar is somewhat analogous to that of the judge. Such objectivity, necessary in the pursuit of knowledge, can prevail only if the scholar is free from intimidation and subordination. The advancement of science and new ideas, the most important function of the scholar, often entails challenging or undermining dominant beliefs and generally accepted "knowledge." Inquiry, including presentation of findings, must occur without external restraints.

At another point in the same essay Lovejoy speaks more specifically to the question of the student's concern with academic freedom. Students are entitled, he states, "to learn the contemporary situation in each science, the range and diversity of opinion among specialists in it..."48 This condition can occur only to the extent that teachers are free in the sense of the definition quoted earlier. In other words this "right" of the student to learn is contingent upon the freedom of the scholar to make available his findings. This is not to say that the student possesses academic freedom as Lovejoy has defined it.

The only other freedom or right which inheres
in the role of the student derives from the responsibility of the scholar to present fairly the range of opinion and interpretation in his field of inquiry. It is the obligation of the teacher (and, conversely, the right of the student) to encourage and train the student to reach his own conclusions through critical reflection and investigation. This right of the student might be construed to be academic freedom of a sort. Nonetheless, one must conclude that Lovejoy did not conceive of academic freedom, as he defined it, to apply to the student. On the one hand, the student's right to learn is a result of the freedom of teaching. And, on the other hand, the right of the student to receive from the teacher a fair presentation of professional opinion is a result of the obligation of the teacher to practice academic freedom.

Granted, then, that academic freedom resides in the role of the scholar in the academy, is it only an intramural freedom he enjoys or does it also apply to the extramural expressions and activities of the scholar? Lovejoy seems to be somewhat equivocal on this point. He states that dismissals pursuant to the exercise of political or personal freedom outside the university in a way, or for purposes, objectionable to the administrative authorities of a university are "contrary in spirit" to academic freedom. Such punitive action is, he declares,
"... primarily a special case of the abuse of the economic relation of employer and employee for the denial of ordinary civil liberties." This statement notwithstanding, the reader is left not knowing whether, after all, academic freedom is extramural in application or perhaps only extramural "in spirit."

Throughout Lovejoy's brief essay academic freedom is given an instrumental justification. The freedom of the scholar presumably is not an intrinsic value. Its worth is in its contribution to the quest for knowledge, which in turn is seen to be of extrinsic value to society. Academic freedom is, he writes, a prerequisite condition to "the proper prosecution ... of scientific inquiry and the communication of the results of it to the public and to students ..." Thus, the students, directly, and society as a whole, perhaps less directly, are the beneficiaries to whom the fruits of academic freedom accrue.

In his definition of academic freedom Lovejoy was careful to specify potential sources of threats to the freedom of the scholar. Academic freedom is a freedom from interference from "political or ecclesiastical authority." He seems to have in mind, on the one hand, the system of public higher education, which is often subject to "political" control, if not interference.
On the other hand, sectarian colleges are in many cases vulnerable to "ecclesiastical interference," e.g., official or informal norms in matters of religious creed. In each case it is a form of "external" interference or restraint. By implication any manifestation of outside influence upon the academic affairs of the scholar represents a menace to free inquiry and free teaching.

Lovejoy also cites as potential threats to academic freedom the administrative officials of the institution. Traditionally in the United States, power to "hire and fire" has been quite generally in the hands of administrators. Academic freedom is intended, in part, to remind administrative officials that the academic employer-employee relation is not analogous in all respects to such a relation in the business world. The employee-scholar remains free from doctrinal specification of his expressions and activities, or any other type of interference. As Lovejoy phrases it, "... those who buy a certain service may not (in the most important particular) prescribe the nature of the service to be rendered."51

What are the means by which academic freedom can be protected and extended? And, whose responsibility is it to defend this freedom? Governing boards, administrative
officials, and faculty personnel alike are responsible for the maintenance of conditions of academic freedom. Governing boards, for their part, "should decline all endowments for the inculcation of opinions specified by the donor." Most attempts by external sectarian, political, economic, or other groups to interfere with academic freedom are channeled through, or brought to bear upon, the administrative officers of an institution. Thus, administrators are in a position, as well as obliged, to resist such arbitrary pressures before they are brought to bear on the faculty member. That is, the administration usually can, and certainly must, insulate the faculty from external intimidation and influence. The faculty, for its part, should have general control of "admission of the teaching office." Included in this responsibility is the naming of faculty personnel and formulation of policy related to that process.

These measures are essential for the maintenance of academic freedom. "But the chief practical requisite for academic freedom," Lovejoy asserts, "consists in guaranteed security of tenure in professional positions..." He goes on to say that such tenure must be qualified, i.e., so that a tenured professor can be removed for "grave cause," but for that reason only, as specified in his definition of academic freedom quoted
above. The point is, of course, that if strict rules of academic tenure are in force, the tenured scholar is the least vulnerable to any kind of interference. Tenure, then, is seen to be the chief instrument for the accomplishment of academic freedom.

It may be helpful to summarize Professor Lovejoy's conception of academic freedom. It is the freedom to investigate, to discuss, to teach, to publish. It belongs to the scholar-employee --- the teacher or researcher --- working in the environment of the academy. The extent to which it applies to the extramural affairs of the scholar is unclear, but extramural utterances are exercises of ordinary civil liberties and are in keeping with the "spirit" of academic freedom. Students are not specifically included in the scope of academic freedom, but they are nevertheless entitled to be taught by teachers who are free to teach and who exercise their academic freedom. The rationale for academic freedom is extrinsic in that such freedom is an invaluable prerequisite for the pursuit and attainment of knowledge in all fields of scholarly inquiry. The benefits of academic freedom accrue to society as a whole and especially to students taught under such conditions. Finally, the threats to academic freedom may come from within the academy (e.g., administrative interference) or from beyond its bounds.
from various political, economic, or sectarian forces. Whatever the source, the governing board, administrative officers, and faculty share the responsibility to resist encroachment upon the freedom of the scholar. The most effective single measure in protecting freedom of inquiry, teaching and publication is the system of academic tenure whereby the scholar is guaranteed a secure position in the academy for so long as he is not guilty of proved incompetence or moral delinquency.

Professor Robert Morrison MacIver, of Columbia University, in 1955, published a volume devoted entirely to the subject of academic freedom. This work, sponsored by Columbia University through the American Academic Freedom Project, was in no small manner stimulated as a response to the so-called McCarthy period of the fifties, when the integrity of the university and the freedom of the scholar came under attack. In the preface to the book MacIver states: "The aggravated assaults on academic freedom and the general disesteem of intellectual enterprise characteristic of our country at this time furnish the occasion for this work."

MacIver deals comprehensively with several aspects of the subject of academic freedom, including elements of the social and cultural context in which that freedom is operative. His introductory essay is on the
meaning of the concept of academic freedom is of most relevance here.

MacIver proposes the following definition of the concept:

The broad meaning of academic freedom is plain enough. It is the freedom of the scholar within the institution devoted to scholarship, the 'academy.'

* * *

Academic freedom is . . . a right claimed by the accredited educator, as teacher and investigator, to interpret his findings and to communicate his conclusions without being subject to any interference, molestation, or penalization because these conclusions are unacceptable to some constituted authority within or beyond the institution. Here is the core of the doctrine of academic freedom. It is the freedom of the student within his field of study.

From the above statement there seems to be no doubt about the scope of the activities of the scholar embraced by MacIver's concept of academic freedom. That freedom applies to the ordinary functional activities of teaching and investigation (or research) carried on in the university, including especially the interpretation and communication of findings or conclusions.

Academic freedom is a species of the general "freedom of the mind." However, whereas the notion of
the freedom of the mind is quite abstract, the concept of academic freedom has reference to a specific context. Academic freedom is conceived by MacIver to be an institutional freedom. That is, the freedom of the scholar applies to his institutional functions, to his work within the academic environment. The scholar also, of course, as an individual citizen is entitled to the other aspects (not specified by MacIver) of the general freedom of the mind outside the setting of the academy.

In its strict usage, the concept of academic freedom, writes MacIver, "is taken to have reference only to the teacher and the collectivity of teachers, the faculty." Thus, it is a freedom attached to those scholarly and scientific roles of the faculty, and does not include the role of student. MacIver apparently does not mean that students are to be denied intellectual freedom, nor that there is no shared ground of interest between student and teacher. But, academic freedom is a professional freedom. He explains: "It is the freedom claimed as a right by the members of a guild. Just as the doctor or the lawyer needs a special area of freedom if he is to carry out his duties and serve aright his clients, so does the educator."

Being a professional freedom, that is, a freedom
that is claimed by virtue of a certain kind of social role performed by the scholar, academic freedom is not absolute. The exercise of academic freedom is limited to the area of competence of the scholar, to his chosen field of study. Academic freedom is then a specialized claim, or at least is specialized in application. MacIver states that the faculty member should not "arrogate to himself an authority beyond the range of his competence," nor should he, therefore, "regard the rostrum of his class as a platform from which to broadcast his opinions on issues irrelevant to the courses he is teaching." The chemist, for instance, is not entitled to indulge in geopolitical pronouncements in his biochemistry class.

Being institutional, academic freedom is essentially intramural. According to MacIver, the academician is obligated to use discretion in his extramural affairs. Outside the academy, the scholar-scientist should make it clear that he speaks as an individual citizen rather than as an institutional spokesman. Furthermore, he should "avoid any public behavior that would tend to bring discredit on his institution." Because of this latter proviso, it would seem that the scholar-scientist is less free than other citizens. Nevertheless, it seems clear that, for MacIver,
academic freedom applies exclusively *intra muros*.

MacIver advances an entirely instrumental rationale for academic freedom. The full significance of academic freedom, he asserts, lies in the fact that it is a functional freedom. Academic freedom is the *sine qua non* for the performance of the primary functions of the university and its faculty. Those primary functions are the advancement of knowledge (through research investigation) and the communication of knowledge (through publication, discussion and teaching). Speaking of the functions as one, MacIver states

> From this function the claim to academic freedom derives. This freedom is not to be thought of as a privilege, not as a concession, nor as something that any authority inside or outside the institution may properly grant or deny, qualify or regulate, according to its interest or its discretion. It is something instead that is inherently bound up with the performance of the university's task, something as necessary for that performance as pen and paper, as classrooms and students, as laboratories and libraries.

By the same token the role performance of the scholar-scientist functionally requires an environment of academic freedom.

Those who benefit by the maintenance of academic freedom in higher education are those who, directly or
indirectly, benefit from the publicly accessible knowledge gained through open scholarly and scientific inquiry. MacIver indicates the inclusiveness of the range of beneficiaries in this statement: "The service of the educator is not a service to his students alone or to his institution or to his profession. It is a service to his country, a service to civilization, a service to mankind." Consequently, at least in abstract sense, all men have an objective interest in the security of conditions of academic freedom.

In spite of the fact that all men may reap the advantages of academic freedom, in actual practice that freedom is often abrogated, violated, or otherwise threatened. From what sources do these threats emanate? How may they be allayed? And whose responsibility is it to defend and to extend academic freedom? Much of MacIver's attention throughout the volume is focused on these questions. Here and there, in the introductory essay under review, he specifies some major perils to academic freedom without addressing himself to the topic in any systematic fashion.

Threats to academic freedom may originate from outside the academy or from within. Extramural threats may, of course, be quite varied in source and intent.
There are, first of all, various ideological groups and special interests "agitating to make them \( \text{i.e., the universities} \) agencies for the propagation of particular causes,"\(^6\) groups which do not appreciate the proper functions of the university. Other threats of interference or intimidation may emanate from alumni, donors, politicians, the press, or simply "an excited portion of the public."

Likewise, very serious perils to academic freedom may arise from within the structure of the academy. Obviously, conditions of appointment or promotion which, by design or practice, give preference, irrespective of professional qualifications, to those whose views are more congenial to administrative authorities in controversial issues, represent hazards to the integrity of the institution and to academic freedom.\(^6\) The faculty itself can commit encroachments upon freedom of inquiry in a variety of ways. Failure to defend the academic freedom of one's colleagues diminishes the practice of that freedom. In yielding to authoritarianism "from above," the principle of academic freedom is deteriorated further. And, as indicated earlier, overstepping the bounds of one's sphere of competence or misusing the rostrum of the classroom is an infraction of the scope of academic
freedom. Personal qualities of bias, dogmatism, and authoritarianism of the individual scholar are also menaces to objectivity and free inquiry.

There is, however, another intramural obstacle to academic freedom which is less likely to be noticed, according to MacIver. This less blatant, less overt, danger to free inquiry has to do with the proliferation of subsidiary functions of the university to the point that the primary function, the pursuit of knowledge, is submerged. MacIver explains the inherent danger in such a process in the following passage:

Take, for example, the idea that it is the business of the university to prepare the young for more effective participation in the life of the community, to equip them better to meet the conditions or the demands of their society, or, simply, to have a more successful career. The university does serve the purposes thus indicated, but in its own way. If it made any such objective its primary function, its distinctive quality would be blurred and its distinctive contribution dissipated. . . . Here indeed is the rub. If the university sets out as its objective the preparation of its students for living -- then for what kind of living?

If a university, for instance, in a racially segregated society, accepted such a function, its mission would be to inculcate the values and norms of segregation,
with stultifying consequences for scientific inquiry concerning the question of racial inequality. 71 Even in cases where the social values and norms to be inculcated do not necessitate a rejection of scientific evidence, the danger still exists to a degree in that the university becomes an agency for indoctrination. MacIver concludes, "The university cannot without distortion become an agency designed for indoctrination, no matter how great or good the cause." 72 In short, it cannot be the foremost function of the university to perform any other service for society than the open pursuit of knowledge. To do otherwise is not only a detriment to free inquiry in the academy, but subverts the integrity of higher education, making it the mouthpiece for the particular whims of society or special interests within it.

Because, on the one hand, everyone benefits from academic freedom, and on the other hand, freedom is indispensable to the pursuit of knowledge, which is an intrinsic, universal value, the responsibility for the protection and advancement of academic freedom is incumbent on every individual. However, given the fact that threats to free inquiry do occur, responsibility for its defense has to be rather specifically allocated. A large measure of this responsibility is properly located within the structure of the academy. Governing
boards, administrative officials, and faculty share in this obligation. In the earlier discussion of intramural threats to freedom several practices were detailed, which, from the present perspective can be viewed as violations of responsibility. Without specifying them again, it may simply be noted that it is the responsibility of governing boards and administrative officials to shield the faculty from extramural clamors and demands, as well as to administer the operation of the academy in such a manner that the open pursuit of knowledge is the foremost role requirement of the faculty and that individual performance is rewarded or penalized exclusively in terms appropriate thereto. The role of the faculty in academic responsibility concerns mainly the performance of its functions in an objective fashion, refusing to serve doctrinaire ends imposed from any source, and protecting the right of colleagues to free inquiry.

To summarize MacIver's conception of academic freedom the following points should be noted. Academic freedom is institutional. It embraces the institutional activities of the scholar-scientist in the prescribed performance of his role. As such it is an intramural right and does not apply to non-institutional affairs of the faculty. Academic freedom is professional. That is, it applies to the teacher-researcher in the academy,
rather than to students. Being a professional right, it applies to the academician's area of competence or specialization and involves responsibility toward one's professional colleagues. Academic freedom is functional. It is an indispensable requirement for the full pursuit of knowledge, which, of itself, constitutes the raison d'être of the university as an institution and the scholar-scientist as a role. Knowledge is an intrinsic value; freedom in the pursuit of knowledge is a functional value. All those who benefit from knowledge are heirs of the results of academic freedom. The academy itself is the vanguard of the defense of academic freedom against external intimidation and internal abasement.

IV. DIFFERENTIATION OF ACADEMIC FREEDOM FROM RELATED IDEAS

Now that the concept of academic freedom has been developed with some degree of specificity, it is possible to distinguish it from certain ideas with which it has often been confused. The major ideas frequently and mistakenly identified with academic freedom are intellectual freedom and freedom of expression, subjective freedom, and academic tenure.

**Intellectual Freedom and Freedom of Expression.**

Intellectual freedom or freedom of thought is a
somewhat nebulous idea in spite of its currency in Western intellectual traditions. Technically, of course, any person is free to "think" what he will, to believe any idea in the privacy of his mind. However, intellectual freedom usually implies something more than this, the freedom to publicly express and maintain dissenting ideas and values. An atmosphere of intellectual freedom presumably includes also the lack of intimidation or penalty for expressing nonconformist opinions. In the United States this sort of "freedom" has been only partly instrumented in the form of a civil right of free speech. The constitutional guarantee of freedom of speech and related civil rights of citizens simply assures the dissenter, within broad limits, that there will be no legal recriminations against his dissent. Civil rights do not protect the individual nonconformist from informal, extra-legal penalties and harassments, such as economic boycott, that may arise from the sanctions of conformist public opinion.

In a sense, intellectual freedom is a very broad claim that encompasses the narrower concept of academic freedom. Whereas academic freedom is reserved for a particular context, the scholar-scientist, teacher-researcher in the academy, intellectual freedom applies to all people, disregarding even citizenship status. To
the extent that the civil right of free speech overlaps and protects intellectual freedom it applies to all citizens in their role as citizens, a protection of the individual from the government. Even if academic freedom is conceived as part and parcel of the inclusive notion of intellectual freedom, it must be kept distinct because of its quite different frame of reference or application and basis of sanction.

**Subjective Freedom.**

One of the problems of assessing the extent of academic freedom in particular institutions of higher learning resides in the fact that a subjective feeling of freedom may prevail without any "real" or objective freedom. A hypothetical illustration will exemplify the point. In a college in which the entire faculty and administration share an ardent commitment to racist beliefs, subjective freedom in expressing viewpoints on the "race question" is complete. If no one challenges the orthodox consensus, then everyone has the secure feeling of academic freedom. The point is that academic freedom is devoid of meaning in an atmosphere of total consensus. Academic freedom, including the right to dissent, takes on meaning only in a situation of dissensus and competition of ideas. Subjective "freedom" in orthodox
consensus may be a false sense of liberty, but is certainly not academic freedom. One can never say that academic freedom exists or prevails in a particular situation until orthodoxy has actually been tested or challenged.

Academic Tenure.

The concept of academic tenure also must be distinguished from academic freedom. Tenure is basically a form of "job security." Although the meaning and conditions for achieving tenure are far from uniform among institutions, usually a person who has tenure is secure in his position indefinitely until retirement unless guilty of such serious academic "felonies" as malfeasance, utter incompetence, or moral turpitude. Tenure is usually granted an individual after a "period of satisfactory service," sometimes specified, sometimes not. The merits and demerits of the tenure system have long been debated from the points of view of institutions, scholars, and the profession. In practice the system of academic tenure often operates as a safeguard of academic freedom. A tenured professor may reasonably feel less insecurity than a non-tenured one in exercising academic freedom. Tenure acts to reduce inhibitions in expressing dissent. Thus, there is a close operational relation between tenure and freedom. However, it is basically a means-end
relation, tenure being the instrument of academic freedom. Further, it must be remembered that academic freedom applies to the non-tenured as well as to the tenured. Thus, the two concepts are not identical and should be kept separate analytically.
FOOTNOTES TO CHAPTER TWO


3Ibid., p. 115.

4Ibid., p. 211.

5Ibid., pp. 185-186.


7Ibid.

8Hofstadter, op. cit., p. 209.

9Ibid.

10Ibid., pp. 213-214.

11Ibid., p. 213.


13Ibid., p. 152.

14Ibid., p. 116.


16Ibid., p. 156.

17Ibid., p. 120.

18Cf. Ibid., pp. 120-144.

19Ibid., p. 122.

20Tewksbury reports that of 516 colleges established before the Civil War in sixteen states only 104 survived until the Civil War. Cf. Tewksbury, op. cit., p. 28.


25 This discussion relies on Paulsen, *op. cit.*


32 There were several American colleges that used the title "university" prior to 1850, but they did not have the type of structure and function referred to here. Cf. Metzger, *op. cit.*, p. 95.


34 Metzger, *op. cit.*, p. 103.


Lovejoy was a charter member of the American Association of University Professors and served as its fifth president, 1919-1920.


Ibid., p. 384.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid., p. 385.

Ibid., p. 386.

Ibid., p. 385.

Ibid., p. 384.

Ibid., p. 386.

Ibid.


Ibid., ix.

Ibid., p. 3.

Ibid., p. 6.

Ibid., p. 3.

Ibid., p. 9.

Ibid.

Ibid.
CHAPTER III

THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS:
ADVOCATE OF ACADEMIC FREEDOM

The American Association of University Professors is a voluntary association of college and university faculty members concerned with the rights and obligations of the profession and the interests of higher education in the United States. The present chapter provides an analysis of the structure and functioning of the Association as pertains to academic freedom. After reviewing some general characteristics of the Association and its membership, the evolution and implementation of its policies on academic freedom are examined.

I. GENERAL CHARACTERISTICS OF THE ASSOCIATION

The Membership

Membership qualifications. Currently, membership in the Association is open to "teachers and research scholars on the faculties of approved colleges and universities."¹ Active (voting) membership is open to a person "...if he has at least a one-year appointment to a position of at least half-time teaching and/or
research, with the rank of instructor or its equivalent or higher ..." in an approved institution.\(^2\) Department heads and librarians are also eligible for membership. However, "if an Active or Junior member becomes a college or university administrative officer with less than half a normal teaching or research program, he must be transferred to Associate membership."\(^3\)

Membership dues vary according to class of membership and, for Active members, according to salary. Membership lapses for non-payment of dues after one year. However, "once admitted, a member may change his occupation or transfer to an institution not on the Association's approved list without affecting his eligibility for continuance of membership."\(^4\) Currently, about 92 per cent of all members of the AAUP are in the Active category.\(^5\)

Eligibility requirements for Association membership have been liberalized over the years. Originally membership was open only to the academic elite, to the professors "of recognized scholarship or scientific productivity" and with at least ten years of faculty experience.\(^6\) Sporadically, over the last five decades the bars to membership have been lowered to the present requirements.

**Membership trends.** From its charter membership
in 1915 of less than nine hundred the Association rolls doubled within a few months. At year's end in 1930, the Association, which had lowered its elitist membership standards and allowed graduate students to be Junior members, numbered over 10,000. (See Table I.) Growth during the Depression years of the thirties was relatively slow, increasing by only about 55 per cent to 1940. Growth was again slow during World War Two. At the end of 1945 membership was still under 18,000. From then until the end of 1950 the gain was rapid, more than doubling to 40,626.

Overall, the decade 1950 to 1960 was a period of stagnation in membership growth. In 1959 the Association had fewer members (39,000) than in 1950. The drop of six thousand from 1954 to 1955 is probably largely explained by a 50 per cent increase in dues. The decline of two thousand from 1958 to 1959 is accounted for by a purge from the rolls of lapsed memberships which had been carried for two years. From that point to the present the membership has increased at a rapid pace. From the end of 1959 to the end of 1965 the membership practically doubled to about 77,000. This increase has occurred in spite of a dues increase in 1962.

Figure 4 shows membership trends by three-year intervals from 1944 through 1965. The first six years
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<td>1939</td>
<td>15,330</td>
<td>1965</td>
<td>76,900a</td>
</tr>
<tr>
<td>1940</td>
<td>15,872</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Figure 4. AAUP membership trends, from 1944 to 1965.
of the period showed rapid growth. From 1950 to 1953, one notes the distinct leveling off, followed by a decrease in the next three years (dues increased fifty percent in 1955). Only slight gains were recorded until the sharp upswing began in 1959, which continued until 1965 with no indication that it would abate (as of 1965).

Membership trends as measured by number of institutions with a local AAUP chapter indicate similar patterns (see Table II). Beginning in 1916 with only 31 chapters (or "branches" as they were then called), by 1930 there were 155. The percentage increase in chapters between 1930 and 1940 was much greater than the rise in total membership, having doubled to 301 in the ten years. One hundred new chapters were added by 1950, and 200 more by 1960. The increase since 1960 has been especially fast, going from 600 to 936 in the five years ending in 1965.

Membership base. There seem to be available no accurate statistics for the AAUP membership base. However, the U. S. Office of Education has provided (since 1957) biennial total figures for full-time instructional staff for residential instruction in degree-credit courses. These data, for selected years, are presented in Table III. While this category does not coincide exactly with the
### TABLE II

**TOTAL NUMBER OF AAUP CHAPTERS,**
**BY YEAR, 1916-65**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1916</td>
<td>31</td>
<td>1941</td>
<td>315</td>
</tr>
<tr>
<td>1917</td>
<td>41</td>
<td>1942</td>
<td>325</td>
</tr>
<tr>
<td>1918</td>
<td>52</td>
<td>1943</td>
<td>324</td>
</tr>
<tr>
<td>1919</td>
<td>52</td>
<td>1944</td>
<td>323</td>
</tr>
<tr>
<td>1920</td>
<td>56</td>
<td>1945</td>
<td>319</td>
</tr>
<tr>
<td>1921</td>
<td>65</td>
<td>1946</td>
<td>329</td>
</tr>
<tr>
<td>1922</td>
<td>85</td>
<td>1947</td>
<td>335</td>
</tr>
<tr>
<td>1923</td>
<td>98</td>
<td>1948</td>
<td>356</td>
</tr>
<tr>
<td>1924</td>
<td>103</td>
<td>1949</td>
<td>371</td>
</tr>
<tr>
<td>1925</td>
<td>113</td>
<td>1950</td>
<td>402</td>
</tr>
<tr>
<td>1926</td>
<td>119</td>
<td>1951</td>
<td>428</td>
</tr>
<tr>
<td>1927</td>
<td>128</td>
<td>1952</td>
<td>447</td>
</tr>
<tr>
<td>1928</td>
<td>138</td>
<td>1953</td>
<td>451</td>
</tr>
<tr>
<td>1929</td>
<td>141</td>
<td>1954</td>
<td>471</td>
</tr>
<tr>
<td>1930</td>
<td>155</td>
<td>1955</td>
<td>482</td>
</tr>
<tr>
<td>1931</td>
<td>175</td>
<td>1956</td>
<td>474</td>
</tr>
<tr>
<td>1932</td>
<td>218</td>
<td>1957</td>
<td>499</td>
</tr>
<tr>
<td>1933</td>
<td>227</td>
<td>1958</td>
<td>535</td>
</tr>
<tr>
<td>1934</td>
<td>235</td>
<td>1959</td>
<td>573</td>
</tr>
<tr>
<td>1935</td>
<td>248</td>
<td>1960</td>
<td>600</td>
</tr>
<tr>
<td>1936</td>
<td>253</td>
<td>1961</td>
<td>636</td>
</tr>
<tr>
<td>1937</td>
<td>267</td>
<td>1962</td>
<td>700</td>
</tr>
<tr>
<td>1938</td>
<td>272</td>
<td>1963</td>
<td>757</td>
</tr>
<tr>
<td>1939</td>
<td>284</td>
<td>1964</td>
<td>835</td>
</tr>
<tr>
<td>1940</td>
<td>301</td>
<td>1965</td>
<td>936&lt;sup&gt;a&lt;/sup&gt;</td>
</tr>
</tbody>
</table>


TABLE III

AAUP MEMBERSHIP COMPARED WITH FULL-TIME FACULTY FOR RESIDENT INSTRUCTION IN DEGREE-CREDIT COURSES IN INSTITUTIONS OF HIGHER EDUCATION:
UNITED STATES, 1949-50 TO 1964-65*

<table>
<thead>
<tr>
<th>Academic Year</th>
<th>Full-time staff, Instructor or above</th>
<th>AAUP Membership as of January 1</th>
<th>AAUP Membership per cent of full-time staff</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number(^a)</td>
<td>Per cent increase</td>
<td>Number(^b)</td>
</tr>
<tr>
<td>1949-50</td>
<td>115,000(^c)</td>
<td>----</td>
<td>37,524</td>
</tr>
<tr>
<td>1951-52</td>
<td>111,000(^c)</td>
<td>-3.5</td>
<td>42,263</td>
</tr>
<tr>
<td>1953-54</td>
<td>126,000(^c)</td>
<td>13.5</td>
<td>43,525</td>
</tr>
<tr>
<td>1955-56</td>
<td>136,000(^c)</td>
<td>8.0</td>
<td>37,567</td>
</tr>
<tr>
<td>1957-58</td>
<td>154,602</td>
<td>13.2</td>
<td>37,363</td>
</tr>
<tr>
<td>1959-60</td>
<td>163,656</td>
<td>5.9</td>
<td>39,020</td>
</tr>
<tr>
<td>1961-62</td>
<td>178,632</td>
<td>9.2</td>
<td>49,022</td>
</tr>
<tr>
<td>1963-64</td>
<td>204,561</td>
<td>14.5</td>
<td>61,316</td>
</tr>
<tr>
<td>1964-65</td>
<td>221,000(^d)</td>
<td>8.1</td>
<td>66,645</td>
</tr>
<tr>
<td>1965-66</td>
<td>243,000(^e)</td>
<td>19.1(^f)</td>
<td>74,962</td>
</tr>
</tbody>
</table>

\(^c\)Estimated by the author from other statistics.  
\(^d\)Estimate by the Office of Education.  
\(^e\)Estimated by the author.  
\(^f\)Per cent increase from 1963-64.

*Source: Multiple sources cited separately above.
total eligible membership of the AAUP, it fits as nearly as any on which data are available.

As shown in Table III, recently the AAUP membership has averaged under 30 per cent of this national base. From a low of 23.8 per cent in 1959-60, the AAUP percentage has climbed steadily to about 30 per cent in 1964-65. If this trend may be projected to 1965-66, the Association membership is probably about 31 per cent of its potential as measured from this base. Therefore, not only is the AAUP growing at a rapid pace, but also considerably faster than its base during the last five years.

Figure 5 shows another way of comparing membership growth to total faculty trends. If 1957-58 is used as the base year, one can compare percentage increases from that point through subsequent years for the two groups. As shown in Figure 5, the only biennium since 1957-58 in which the percentage of total faculty increase has been larger than that for the AAUP was the first, i.e., from 1957-58 to 1959-60. Since 1959 the percentage increases for the AAUP have been considerably greater than those for its base, the total faculty. The increase over the entire period was 100.6 per cent for the AAUP, compared to 57.4 per cent for the total faculty. The percentages used in Figure 5 were computed from figures in Table III.
Figure 5. Percentage increases in AAUP membership compared to percentage increases in total full-time U. S. faculties, biennially, 1957-1966.
Membership distribution.

a. Geographical location. Table IV offers comparative data on the distribution of the Active membership of the AAUP and total faculty by geographical regions (as defined by the U. S. Census) for 1956-57, the only year for which these data are available for both populations. By these data the AAUP is relatively stronger in the states of the Midwest and the Middle Atlantic, and relatively weaker in New England, the South, the Far West, and especially the Southwest (see Table IV).

Using the same regional classification one may note the regional discrepancies in recent increases in AAUP membership (see Table V). The regions showing the greatest percentage increase between 1957 and 1963 were the Pacific, the Southwest, and the South Atlantic states, where the Association had been relatively weak in numbers, and the Middle Atlantic states where it had already been comparatively strong. Each of the foregoing sections experienced gains of about eighty per cent during the six year period in question. All other regions had gains of less than the 64 per cent for the Association as a whole.

b. Type of institution. The distribution of Association members by type of institution seems to be at variance with the distribution of the profession generally.
<table>
<thead>
<tr>
<th>Region</th>
<th>Total Faculty</th>
<th>AAUP Members</th>
<th>Numbers</th>
<th>Percentages</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New England</td>
<td>24,731</td>
<td>2611</td>
<td>8.3</td>
<td>7.7</td>
</tr>
<tr>
<td>Middle Atlantic</td>
<td>57,508</td>
<td>6986</td>
<td>19.3</td>
<td>20.6</td>
</tr>
<tr>
<td>East North Central</td>
<td>58,642</td>
<td>8016</td>
<td>19.6</td>
<td>23.6</td>
</tr>
<tr>
<td>West North Central</td>
<td>29,526</td>
<td>3717</td>
<td>9.9</td>
<td>10.9</td>
</tr>
<tr>
<td>South Atlantic</td>
<td>37,948</td>
<td>3835</td>
<td>12.7</td>
<td>11.3</td>
</tr>
<tr>
<td>East South Central</td>
<td>17,011</td>
<td>1581</td>
<td>5.7</td>
<td>4.7</td>
</tr>
<tr>
<td>West South Central</td>
<td>24,505</td>
<td>2010</td>
<td>8.2</td>
<td>5.9</td>
</tr>
<tr>
<td>Mountain</td>
<td>11,709</td>
<td>1545</td>
<td>3.9</td>
<td>4.6</td>
</tr>
<tr>
<td>Pacific</td>
<td>36,872</td>
<td>3652</td>
<td>12.4</td>
<td>10.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>298,452</strong></td>
<td><strong>33953</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

a U.S. Census definition

b Includes only Active members in accredited institutions.

TABLE V

GEOGRAPHICAL DISTRIBUTION OF INCREASES IN AAUP MEMBERSHIP, 1957-63*

<table>
<thead>
<tr>
<th>Region</th>
<th>1957 Membership</th>
<th>1963 Membership</th>
<th>Per cent Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>New England</td>
<td>2611</td>
<td>3880</td>
<td>48.6</td>
</tr>
<tr>
<td>Middle Atlantic</td>
<td>6986</td>
<td>12,771</td>
<td>82.8</td>
</tr>
<tr>
<td>East North Central</td>
<td>8016</td>
<td>11,663</td>
<td>45.5</td>
</tr>
<tr>
<td>West North Central</td>
<td>3717</td>
<td>5283</td>
<td>42.1</td>
</tr>
<tr>
<td>South Atlantic</td>
<td>3835</td>
<td>6927</td>
<td>80.6</td>
</tr>
<tr>
<td>East South Central</td>
<td>1581</td>
<td>2368</td>
<td>49.8</td>
</tr>
<tr>
<td>West South Central</td>
<td>2010</td>
<td>3589</td>
<td>78.6</td>
</tr>
<tr>
<td>Mountain</td>
<td>1545</td>
<td>2442</td>
<td>58.1</td>
</tr>
<tr>
<td>Pacific</td>
<td>3652</td>
<td>6760</td>
<td>85.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>33,953</strong></td>
<td><strong>55,683</strong></td>
<td><strong>64.0</strong></td>
</tr>
</tbody>
</table>

a U. S. Census definition

b Includes only Active members in accredited institutions.

According to an analysis performed by the Association staff for the academic year, 1962-63, private institutions are overrepresented in the AAUP membership, while public institutions are underrepresented. For the approximately five hundred institutions studied, about two thirds of all faculty were at public institutions, whereas only 55 per cent of the AAUP membership was serving at those institutions. The same analysis looked at the distribution among colleges, on the one hand, and universities and technical institutions, on the other. Here also one notes a discrepancy between the AAUP distribution and that for the total faculties. College faculties tend to be overrepresented slightly on the AAUP rosters. About one third of the total faculty was found at colleges, whereas about 40 per cent of the AAUP membership was at such institutions.

c. Field of specialization. The distribution of AAUP members compared to total U. S. faculty is summarized in Table VI. Compared to the distribution of total faculty, the "arts and sciences" are overrepresented on the AAUP rolls, while the professions and miscellaneous fields are similarly underrepresented. Within the arts and sciences the humanities are the most heavily represented category for both the AAUP and for total faculty. The
<table>
<thead>
<tr>
<th>Field</th>
<th>Per cent of 1956 AAUP Membership</th>
<th>Per cent of 1963 AAUP Membership</th>
<th>Per cent of total faculty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arts and Sciences</td>
<td>70.0</td>
<td>70.1</td>
<td>60.8</td>
</tr>
<tr>
<td>Humanities</td>
<td>29.6</td>
<td>29.5</td>
<td>23.7</td>
</tr>
<tr>
<td>Social Sciences(^a)</td>
<td>21.4</td>
<td>21.0</td>
<td>15.3</td>
</tr>
<tr>
<td>Natural Sciences and Mathematics</td>
<td>19.0</td>
<td>19.6</td>
<td>22.0</td>
</tr>
<tr>
<td>Professions, etc.</td>
<td>30.0</td>
<td>29.9</td>
<td>39.2</td>
</tr>
<tr>
<td>Education and Physical Education</td>
<td>9.6</td>
<td>9.1</td>
<td>12.4</td>
</tr>
<tr>
<td>Business</td>
<td>4.1</td>
<td>3.9</td>
<td>5.0</td>
</tr>
<tr>
<td>Engineering</td>
<td>3.7</td>
<td>3.1</td>
<td>6.9</td>
</tr>
<tr>
<td>Health Professions</td>
<td>2.4</td>
<td>4.3</td>
<td>4.7</td>
</tr>
<tr>
<td>Others: Agriculture, Home Economics, Law, Library, etc.</td>
<td>10.2</td>
<td>9.5</td>
<td>10.0</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

\(^a\)Includes also geography, history, and psychology.

most overrepresented category in the AAUP membership as compared to total faculty, however, is the "social sciences," which is construed to include also geography, history, and psychology.

Two other patterns are evident and noteworthy in Table VI. First, the distribution of the AAUP membership was almost unchanged from 1957 to 1963. Second, slightly over fifty per cent of the Association's membership comes from the humanities and the social sciences together. These categories are considerably overrepresented compared to the total faculty distribution. The natural sciences and mathematics together comprise less than twenty per cent of the membership and are underrepresented when compared to the totals.

The report of the AAUP self-study in 1965, in analyzing these data, presented the following interpretation:

Some of the basic nature and characteristics of the Association are indicated clearly in these distributions. While its membership includes persons from all the subject matter areas, its basic strength is in the arts and sciences rather than in the professions, and in the humanities and social sciences in particular. Its membership is strongest in areas concerned more with basic theoretical matters than with applied learning and technology, and within the basic areas themselves,
the membership is somewhat stronger in those fields where matters of value and opinion are relatively of more concern than matters of fact and experimental evidence. The Structure of the Association

Officers and Council. There are only three elective offices of the Association on the national level, the presidency and two vice presidencies. The incumbents of these positions serve for two-year terms. Two other executive offices, the General Secretary and the Treasurer, are appointive. The incumbents of these five positions are ex officiis members of the Council, as are the three latest living (former) presidents of the Association. There are thirty other members of the Council, three from each of ten geographical districts of the nation, one third elected by the Association membership each year for staggered three-year terms. Out of thirty-eight total number of the Council, therefore, eight serve ex officiis, while the remaining thirty are elected specifically to Council membership. The structural composition of the Council has changed very little during the Association's history.

The Council is the chief policy-making and executive body of the Association. The Council is charged by the constitution with performing certain basic functions
and is authorized to act for the Association. Among its functions are: (1) levying dues, (2) managing the property and financial affairs of the Association, (3) interpreting the constitution, (4) appointing and determining the salaries of the General Secretary, the Treasurer, and the members of the professional staff, (5) convening the Annual Meeting and special meetings of the general membership, (6) authorizing Association committees, and (7) assuming responsibility for the publications of the Association, including records of its own meetings.

According to current practice the Council meets twice a year, although special meetings may be called by the President. Between Council meetings certain responsibilities may be assigned to the Executive Committee, which consists of the President, the First Vice President, and at least four other Council members appointed by the President. In such cases the Executive Committee is authorized to act for the Council in conducting the business of the Association.

Association Headquarters and Staff. While ultimate authority over the affairs of the Association is vested in the Council, most of the ongoing work is performed by the Association headquarters and its staff.
The central offices, which house the files and staff of the Association, are located in Washington, D. C.

The size of the professional staff has been very small until quite recently. In 1955, there were only three members of the professional staff, including the General Secretary. As of January 1966, there were eleven. All these persons have come to their positions with academic experience. Their main functions are: (1) to service the Council, the committee, and the other units of the Association, (2) to publish and distribute the publications of the Association, (3) to maintain communication with other associations, government agencies, etc., whose actions are related to the interests of the AAUP, and (4) to supervise the work of the non-professional staff (currently about thirty employees) in the performance of the day-to-day tasks of the headquarters office. By virtue of his "professional" status a member of the professional staff is expected to make a creative contribution in serving the needs of the Association, its units and members. He frequently exercises judgment, interprets policy, and offers informed advice.

Committee structure. Much of the Association's policy deliberation and formulation occurs in its national committees. These are standing committees authorized and
appointed by the Council to deal with specific subjects of policy. The policy proposals resulting from committee activity are subject to approval by the Council. The AAUP began in 1915 with sixteen committees on various subjects ranging from academic freedom to faculty improvement. Each committee was designated alphabetically as Committee "A," "B," "T," or "Z," and so on, along with its subject label or title. The practice of using alphabetical designations has become a customary shorthand reference to the committees.

The most important committee, and the only one with a record of continuous activity since 1915, is Committee A, the Committee on Academic Freedom and Tenure. Because of the relevance of the work of this committee to the subject of this study, Committee A is discussed separately later in the chapter. Of the other committees active in the recent history of the Association, the major ones are Committee B (Professional Ethics), Committee T (College and University Government), Committee D (Accreditation), Committee Z (Economic Status of the Profession), and Committee R (Relations of Higher Education to Federal and State Government). Each of these committees, composed of members scattered over the nation, meets from time to time, deliberates on appropriate
policies, furnishes guidance to staff members, and sug-
gests policy resolutions for the Annual Meeting and for
the Council. 22

Academic freedom entails correlative academic
responsibility. From its founding the Association has
given recognition to the professional duties and standards
binding upon faculty members. For this reason the AAUP
established Committee B, on Professional Ethics. The
record of this committee's activity, however, indicates
relatively less vigor in promoting and enforcing standards
of academic responsibility than Committee A has mustered
for academic freedom. From 1940 to 1957 the committee
was idle, if not defunct. 23 In 1957 the committee was
reactivated and charged with the responsibility of formu-
lating codes of professional ethics and a statement of
principles as well as plans for enforcement machinery.
As of January 1966, in spite of several drafts, no state-
ment on the matter has become Association policy. The
AAUP anticipates having an explicit policy statement in
the near future. 24

The activity of Committee T on College and Uni-
versity Government is an indication of the Association's
long-term concern with the role of the faculty in the
government of colleges and universities. Since its
establishment in 1916, this committee has performed two main functions. It has (1) studied the extent and methods of faculty participation in college and university government, and (2) devised a set of principles applicable to faculty participation. In recent years a third function has been assumed, namely, investigation and mediation of cases of reported violations of its sanctioned principles. The committee has come to play an increasingly active and important role in recent years.

The Association also has an obvious interest in accreditation, which is the concern of Committee D. To be eligible to gain Active membership in the AAUP a person must serve on the faculty of an "approved" institution, which is construed at present to mean an institution accredited by its regional accrediting association. Thus, the quality of the membership of the Association is partly dependent on the criteria of the accrediting organizations.

Furthermore, as stated in the AAUP self-study report, 

"... one of the chief purposes of the Association, as laid down in its Constitution at the beginning, has been the promotion of the interests of higher education and research, and the establishment of accreditation procedures has proved to be an effective way of improving the quality of our institutions. The obligation of keeping watch upon these accrediting bodies is therefore implicit in the Association's statement of its..."
purposes. Within recent years.

Another motive for such interest has been expressed, viz., the desire to use the accrediting process for assisting in the maintenance of academic freedom and tenure and in the improvement of faculty-administration relations in general.26

Therefore, when Committee D was authorized in 1956, the Council prescribed that the Committee be concerned "...with the methods and organizations for accrediting colleges, universities, and professional schools; with the relation of faculty members to the accrediting process; and with the effectuation of the Association's objectives through accreditation."27

The Association has always had a committee concerned with the economic status of the profession, Committee Z. The work of this committee has been aided, since 1959, by the service of one of the members of the Washington staff, who is a professional economist. 28 One of the main functions of this committee is to collect and publish in the Bulletin annually detailed information on salary levels at U. S. colleges and universities. This report has grown steadily in its acceptability and interest since it was initiated in 1958-59. In 1965 some 800 institutions authorized publication of their salary information for 1964-65.29 Committee Z is also concerned about taxation, fringe benefits, the financing of higher education, and
the possibilities of adapting collective bargaining procedures to the academic marketplace. 30

The functions of Committee R on Relations of Higher Education to Federal and State Government receive their impetus from the trends of growing government support and control of many facets of higher education. Among the myriad problems and issues that have concerned this committee are legislation and executive policies which relate to academic freedom, the economic status of the profession, academic ethics in regard to use of federal grants and contracts for research, the international exchange of scholars and scholarly materials, copyright regulations, and many more. 31 Judicial action, especially in direct or indirect relation to academic freedom also receives the attention of Committee R. Much of the committee's activity is of a surveillance nature. However, the committee shows indications of more positive efforts, such as initiating its own proposals which support the interests of both the Association and higher education generally, and pressing these in appropriate government channels. 32

There are other committees that have been active from time to time. The Council recently established Committee S on Faculty Responsibility for the Academic Freedom
of Students. The first function assigned to it was the formulation of some guiding principles in the area. It promises to be an important committee but it is as yet too soon to analyze its work.

Annual Meeting. Throughout the history of the AAUP there has been a yearly meeting of the Association membership at which all members are welcome, but only Active members may vote. The agenda of the Annual Meeting is almost entirely taken up with Association business. The Annual Meeting is authorized by the constitution "to express its views on professional matters." Much of its business is concerned with action on recommendations of the Council. However, usually a number of resolutions are acted upon at the meeting which are not derived from previous Council action.

Ordinarily less than one per cent of the Association's Active members attend the meeting, with the result that it is hardly a representative body. In view of the possible impulsiveness and non-representative character of the meeting, the constitution provides two checks upon its power. First, at the request of one fifth of the delegates present (elected representatives of chapters and other constituent units), a "proportional vote" may be called, in which the vote of each delegate is weighted
according to the size of his constituency. This provision tends to make a vote more nearly representative of the Association (although the provision has been used very seldom). A second check is explained in the recent self-study of the Association:

A second check upon the power of the Annual Meeting is the requirement that proposals initiated there receive either the concurrence of the Council, or the concurrence of a subsequent Annual Meeting. Most proposed actions come to the Annual Meeting upon the initiative or at least concurrence of the Council; if the Annual Meeting accepts these proposals, they are considered to be the "action of the Association." If the Meeting rejects the proposals, they are dead, at least for the time being. If the Meeting itself initiates some action, it becomes the "action of the Association" only if the Council subsequently concurs in it, or if the ensuing Annual Meeting agrees with its predecessor.

Thus, the Association's policy-making machinery is bicameral. The Council and the Annual Meeting share responsibility for formulating and expressing Association policy. Each body maintains some provision to check the action of the other. Most policy decisions are initiated by the Council or its authorized committees and, in receiving the concurrence of the Annual Meeting, become the "action of the Association."
Chapters. A chapter is recognized by the Association when the college or university at which it is located includes at least seven Active members of the Association. Each chapter has its own elected officers and delegates to meetings of the Association. According to the report of the self-study of the AAUP, the chapter, as a unit of the Association, performs three major functions: (1) promotion of acceptance of the AAUP principles and policies by the faculty and administration of the institution in which it exists; (2) communication of local information and opinion to the Washington office; and (3) recruitment of new members.

Most chapters hold regular meetings and assess modest dues for chapter functions. Trends in the number of chapters are given in Table II. The Association now has chapters in two thirds of the regionally accredited, four-year colleges and universities and in about one fourth of the accredited junior and community colleges.

State and Regional Conferences. As stated in the 1965 report of the Association self-study, the organization of chapters into larger associations on a state or regional basis was an unplanned development in the history of the AAUP. The first formally-organized association of chapters occurred in the 1920's, in the form of the
Iowa State Conference. According to the same report, "... beginning in the early 1950's the organization of such conferences began to assume the characteristics of a movement; eighteen were established between 1952 and 1959." By a constitutional amendment in 1957, the conferences were given formal recognition as units of the Association's structure. As of 1965, some forty states had such conferences. Most of the conferences are geographically defined by state boundaries, but there are also metropolitan and interstate conferences which meet on a regular basis.

Most of the state conferences established since the Second World War seem to have risen out of concern about laws detrimental to academic freedom (e.g., disclaimer oaths and speaker bans) enacted by state legislatures allegedly in the quest for national security. As stated in the self-study report, 

... Neither the isolated chapter nor the national association seemed adequately equipped to meet and forestall such attacks upon higher education; hence the growing sense of a need for groupings larger than the chapter that could effectively present the academic case to local legislators and other state officials.

Thus, state or regional conferences seem to be uniquely suited for maintaining surveillance of legislative
development. Other functions include: (1) promulgation of new chapters and recruitment efforts; (2) intermediary communication between chapters and the Washington office on some matters of regional concern; and (3) maintaining liaison with regional accrediting associations on matters of policy and procedure.46

II. EVOLUTION OF POLICY ON ACADEMIC FREEDOM

The American Association of University Professors was born into an atmosphere of apprehensiveness about academic freedom. Throughout its history, the Association has given top priority among its several concerns to the promotion and defense of academic freedom. The basic outlines of its stance toward norms and practices of freedom have changed little since the founding of the Association. The general evolution of its philosophy, programs, strategy and tactics pertaining to academic freedom deserves review.

The general circumstances of the academic world out of which the AAUP was conceived and organized, including the discontent and restiveness felt by academicians toward the effects of rapid change and expansion in higher education, are well described elsewhere.47 Attention here is restricted to the essential developments and policies of the Association relevant to academic freedom.
Just as academic freedom antedated the formation of the AAUP, so also did attempts to codify the concept. In 1913, three professional societies, the American Economic Association, the American Sociological Society, and the American Political Science Association, collaborated in a committee effort to produce a set of principles of academic freedom. After a year's deliberation, the members concluded that the thorny issues and questions involved in their endeavor required protracted and intensive thought and discussion. This committee turned out to be the immediate predecessor and parent of the AAUP's first committee on academic freedom and tenure.

The 1915 Statement

In December 1915, the Association's Committee A offered in its report a statement of principles which laid the foundation for the Association's policy on academic freedom for years to come. In this report academic freedom was linked to the needs of academic research, adequate instruction, and the development of expertise for public service. Above all, academic freedom was cast as an indispensable attribute to a university. Further, academic freedom incorporated the notion of ultimate faculty responsibility to "posterity" in the pursuit of knowledge, rather than
to the trustees who were one's employers. Academic freedom was bounded by the need for objectivity and competence; that is, conclusions should be "... gained by a scholar's method and held in a scholar's spirit." On the other hand, the limitations of competence and objectivity did not apply, according to the statement, to extramural utterances. Outside the university, faculty members had the same rights as any other citizens for expression and action, limited only by the need for decorum. These propositions formed the skeleton of the Association's philosophy of academic freedom.

Aside from these generalities the report also contained practical proposals for their implementation, the purposes of which were (1) to limit the trustees' prerogative to fire teachers, and (2) to provide security and dignity to academic positions. The idea of due process was embodied in the proposal of trials under faculty auspices:

Every university or college teacher (at the rank of associate professor or above) should be entitled, before dismissal or demotion, to have the charges against him stated in writing in specific terms and to have a fair trial on those charges before a special or permanent judicial committee chosen by the faculty senate or council, or by the faculty at large.
At such trial the teacher accused should have full opportunity to present evidence, and if the charge is one of professional incompetency, a formal report upon his work should be first made in writing by the teachers of his own department and of cognate departments in the university, and if the teacher concerned so desires, by a committee of his fellow specialists from other institutions appointed by some competent authority. 51

These procedures of due process were intended especially to safeguard freedom of expression of faculty members against the potential wrath of trustees.

Tenure was to provide similar safeguards and some measure of dignity to faculty positions. "In every institution there should be an unequivocal understanding as to the term of each appointment," which should be morally, if not legally, binding. 52 As Metzger states, "Academic freedom was the end: due process, tenure, and establishment of professional competence were regarded as necessary means." 53

The 1925 Statement

The Association of American Colleges, an organization of college presidents also founded in 1915, had its own committee on academic freedom and tenure. This committee looked upon the AAUP code as the height of presumption as indicated in its 1917 annual report. 54
Within a very short while, however, the AAC was to change completely its view of the AAUP statement. Its 1922 committee report was quite laudatory of the AAUP for its "significant and highly important" work in codifying academic freedom. The AAC proceeded to accept virtually the entire AAUP rationale and outline of procedures. The AAC reversal made possible a jointly endorsed statement of principles of freedom and tenure for academic institutions in 1925. This statement, which resulted from considerable negotiation of detailed differences, became the policy of each organization.

In substance the 1925 AAUP-AAC statement differed little from the 1915 AAUP code. It had the disadvantage of being cast in the form of mandatory regulations, apparently calling for explicit adoption by colleges and universities in order to become absorbed into their by-laws. Such instances of formal college adoption were very rare. Presidents and trustees were often willing to abide by the spirit of the code, but balked at the regulatory machinery. Moreover, the AAUP and the AAC began to realize in the 1930's that "what was needed was a statement of policy that invited approval, not a set of rules that required adoption." After sustained cooperation and negotiation between the two associations
a new statement was published as the policy of each group in 1940.

The 1940 Statement

The joint AAUP-AAC statement of 1940 continues as present policy. This statement went further than its predecessor in protecting the freedom and security of faculty members of the lower ranks. The maximum length of the probationary period was set at seven years. If a teacher were retained after this period he was entitled to permanent tenure. At least one year's notice of impending dismissal was to be given all teachers, including those on probation. Finally, this important proviso was added: "During the probationary period a teacher should have the academic freedom that all other members of the faculty have." The statement is presented in its entirety in Appendix C.

The AAUP Philosophy of Academic Freedom

The Association's philosophy of academic freedom has exhibited some internal evolution over the decades. The charter membership of the AAUP, which sponsored the 1915 code, was hardly a representative body of the academic profession. Aside from the fact that deans and presidents were explicitly denied membership in those days, the rolls of the AAUP included only the academic
elite, the luminaries of the profession. Lesser lights among the faculty ranks were not represented (see the discussion of membership qualifications earlier in this chapter). The 1915 statement itself seems to have been born of a somewhat elitist inspiration. The most striking and explicit example of this tendency was the stipulation of associate professor rank to entitle a faculty member to due process in dismissal proceedings. Furthermore, there was an underlying tone in the statement to the effect that academic freedom was an earned right by virtue of the contributions to scholarship and science of these notables. The academic nobility was speaking, as it were, from the standpoint of reputation and accomplishment and was seeking to enhance its own sense of dignity. The guild quality of the profession had been radically threatened by the burgeoning size of higher education in the preceding decades and the elite sought to secure its professional status in the face of growing numbers of co-workers in the lower ranks.

The elitist bias gradually was mitigated as the membership base was broadened. By the time of the 1940 statement the privileges of academic freedom were not reserved for the elite only, but were claimed for all regular faculty ranks. Furthermore, deans and other
administrative officers were eligible for active membership as long as they retained substantial teaching or research duties, and thus were not denied membership, ex officiis.

The rationale of academic freedom presented in the 1915 code were linked to changes taking place in the structure of higher education. Those who drafted the statement took cognizance of the new research function of the university: "the modern university is becoming . . . the home of scientific research."63 Freedom, the statement continued, "is the breath in the nostrils of all scientific activity."64 If freedom was necessary for the uninhibited pursuit of research interests, it was equally important for teaching. In the early period of the nation's history it had been sufficient simply "... to train the growing generation and to diffuse the already accepted knowledge."65 However, with the expansion and differentiation of knowledge, the pedagogical function must be modified to take account of the tentativeness of research conclusions. According to the 1915 statement, 

... if the student has reason to believe that the instructor is not true to himself, the virtue of the instruction as an educative force is incalculably diminished. There must be in the mind of the teacher no
mental reservation. He must give
the student the best of what he
has and what he is.66

The authors of the 1915 code, then, justified
academic freedom as the **sine qua non** of the new university
functions. The university functions were in turn justified
as serving the public interest. In the interest of
posterity the university

... should be an intellectual
experiment station, where new ideas
may germinate and where their fruit,
though still distasteful to the
community as a whole, may be allowed
to ripen until finally, perchance,
it may become a part of the accepted
intellectual food of the nation or
of the world.67

An examination of the 1940 statement reveals no
change in the rationale of academic freedom:

Institutions of higher education are
conducted for the common good and not
to further the interest of either the
individual teacher or the institution
as a whole. The common good depends
upon the free search for truth and its
free exposition.

Academic freedom is essential to
these purposes and applied to both
teaching and research. Freedom in
research is fundamental to the
advancement of truth. Academic
freedom in its teaching aspect is
fundamental for the protection of
the rights of the teacher in
teaching and of the student to
freedom in learning. Freedom and
economic security, hence tenure, are
The Structure and Functioning of Committee A

The Committee on Academic Freedom and Tenure (Committee A) stands at the apex of the Association's committee framework. Historically the reputation of the AAUP has been built upon the work and accomplishments of Committee A. Even with the Association's recent broadening of concerns and activities, the 1965 report of the self-study stated that from 40 to 50 per cent of the time and energies of the professional staff is consumed by the work of this committee. 69

Of the fourteen members of Committee A, two of them, the President and the General Secretary of the Association, are members ex officiis. The remaining twelve are appointed by the President for staggered three-year terms. 70

The most general and fundamental functions of Committee A are (1) the formulation of principles of academic freedom and tenure and (2) the effectuation and implementation of these principles. Since 1940 Committee A has given relatively little attention to formulating principles and relatively more attention to interpreting and applying these principles. Every occasion on which
the committee is called upon to apply the principles of
the 1940 statement entails interpretation. The committee
also has sought to interpret the 1940 statement by
amplifying its principles. A case in point is the 1958
"Statement on Procedural Standards in Faculty Dismissal
Proceedings," which was intended to supplement the idea
of due process in the 1940 document. Nevertheless, the
bulk of the committee's activity is concerned with "case
work," arising from specific complaints of alleged viola­
tions of the 1940 principles.

III. IMPLEMENTATION OF POLICY
ON ACADEMIC FREEDOM

The responsibility for implementation of the
Association's principles of academic freedom and tenure
also rests primarily with Committee A. The discussion
of procedures which follows refers to the implementation
of the 1940 code.

Committee A Procedures

Committee A authorizes the General Secretary to
receive on its behalf complaints of violations of academic
freedom and tenure by college and university authorities.
If the General Secretary believes that the complaint
merits attention by the Association, he is authorized
to make a preliminary inquiry and "... where appropriate,
communicate with the authorities of the institution concerned to secure factual information and comments." If possible, the General Secretary is then authorized to seek an adjustment between the parties involved; in other words, to resolve the complaint. If, at that point, an adjustment seems impossible and the General Secretary decides that the case (the incident is now a "case" rather than a "complaint") warrants further attention by the Association, he is authorized to establish an ad hoc committee to investigate and render a written report on the incident.

The task of the ad hoc committee is to ascertain the facts involved in the incident under investigation and to determine whether the 1940 'Statement of Principles on Academic Freedom and Tenure' as interpreted by the Association has been violated, and whether unsatisfactory conditions of academic freedom and tenure prevail in the institution.

The ad hoc investigating committee is authorized to visit the institution in question to interview the parties involved and to secure information and views pertaining to the case. In such visits the committee is charged by the Association rules:

... the Committee should make clear that as an investigating body it acts not in partisanship, but as a professional body charged with ascertaining the facts as objectively as possible. On this
basis, the cooperation of others may be sought without hesitation and will usually be forthcoming. The committee should investigate fully the violation alleged to have occurred, and should inquire into conditions of academic freedom and tenure in the institution which form the background of the particular case, or which may have given rise to related incidents, and into relevant subsequent developments.75

In dismissal cases, "the committee should determine whether the decision to dismiss was fairly reached and is rationally supported in the light of the Association's principles, both procedural and substantive."76 Depending upon the committee's conclusions,

... The committee may set forth recommendations for or against publication of the report and for or against Association censure of the administration concerned; but the decision of these matters will rest with Committee A and, as to censure, with the Council and Annual Meeting of the Association. Hence, the recommendation as to censure will not be published as part of the report. The report should be transmitted in confidence to the General Secretary.77

The committee's report is transmitted to the members of Committee A for review and editorial suggestions. The report, as amended, is then sent to the persons involved in the report, including administrative officers, "...with the request that they supply corrections
for any errors of fact that may appear in it and make such comments as they may desire upon the conclusions reached." The report may subsequently be rewritten and submitted to the members of Committee A. If Committee A approves the revised report, it is published in the Bulletin over the names of the ad hoc committee members as chief authors of the report and the names of Committee A members as authorizing publication of the report.

The authority for imposing censure upon the administrative officers of the institution in question rests with the Council and the Annual Meeting of the AAUP. If censure is voted by these bodies, then the name of the institution is published in subsequent regular issues of the Bulletin under the list of "Censured Administrations." Censure may be removed in the same manner by which it is imposed. During the period of censure the General Secretary is authorized to correspond, and to invite consultation, with the censured administration for the purpose of ameliorating the conditions which resulted in censure. When the Association (specifically Committee A) is satisfied that the grounds for imposing censure have been eliminated, then censure may be removed by vote of the Council and the Annual Meeting.
The Use of Sanctions

The ultimate sanction employed by the Association in implementing its principles of academic freedom is the imposition of censure on an institutional administration, and the publication in the regular issues of the Bulletin of the names of colleges and universities whose administrative officers are so censured. While this is perhaps the weightiest sanction employed, certainly it is not the only one.

Within the framework of Committee A procedures outlined above, three other sanctions are evident. The first is the announcement to an institution's administration that the Association has received a complaint of an alleged infraction and is seeking to establish the facts of the case and offers its good offices in resolving the incident. A second sanction, which comes into play if the first one fails, is the Association's initiation of an on-campus investigation of the case. A third sanction is the published report (in the Bulletin) of the ad hoc investigating committee's findings. These three sanctions are listed in the order of their probable effectiveness, the latter being the most effective of the three, and yet somewhat less potent than censure itself. It would seem that the potency of each sanction
arises from its position among the procedural stages of Committee A, which are cumulative in nature. Thus, the power of the first sanction is dependent on the realization by a "guilty" administrative officer that failure to ameliorate the situation would lead to subsequent and weightier sanctions.

It appears that the published report of an investigation is a particularly important sanction. Noting this, the self-study report of 1965 states:

"... publication of the facts always precedes censure, and publication even without censure is a powerful sanction, particularly in the academic world, where prestige counts for so much. There are probably no administrators who relish having the facts of a questionable episode revealed to the outside world under the auspices of an AAUP report, even though censure is not imposed. ...

... the publication of a story of administrative ineptitude is often the only sanction necessary to bring about changes in the rules and regulations of the institution concerned and to induce others to put their own procedures in order."

Thus, regardless of whether censure is the eventual result, the lesser sanctions derive their power from their position on the cumulative chain that leads (or can lead) to censure. Censure, it may be noted, is the only sanction by which the Association seeks in any way to discourage members from seeking appointments at
given institutions. According to present practice, the Association includes the following statement over the published list of censured administrations:

Members of the Association have often considered it to be their duty, in order to indicate their support of the principles violated, to refrain from accepting appointment to an institution so long as it remains on the censure list. Since circumstances differ widely from case to case, the Association does not consider it advisable to assert that such an unqualified obligation exists for its members; it does urge that, before accepting appointments, they seek information on present conditions of academic freedom and tenure from the Association's Washington Office and prospective departmental colleagues. The Association leaves it to the discretion of the individual, possessed of the facts, to make the proper decision. 81

Alternate Means

Aside from the activity of Committee A, the Association has other somewhat less direct means of promoting its principles of academic freedom. Two of these are particularly important in the view of the author; the influence of the AAUP on the accrediting process (the concern of Committee D) and the promotion of faculty participation in the governing of colleges and universities (Committee T).
The importance of the accrediting process is perhaps self-evident. The regional accrediting associations have more powerful sanctions at their disposal than the AAUP, particularly the removal of accredited status from an institution. To the extent that the AAUP is successful in having its principles of academic freedom and tenure incorporated as standards into the criteria for accreditation by the regional associations, the realization of the Association's ideals of freedom will be enhanced. The Association is evidently well aware of these potentialities, as indicated by the activity of Committee D, established in 1956.

Likewise, the promulgation of ideals of faculty participation is supportive of the practice of principles of freedom. As with accreditation, to the extent that there is representative faculty participation in academic government, the probability of faculty misunderstanding and disaffection would be reduced. Therefore, to the degree that Committee T is able to effectuate its ideals, the purposes of Committee A are advanced and its work lessened.

The difficult question of the effectiveness of the AAUP policies and procedures relative to academic freedom is reserved for the discussion of concrete cases in Chapter Five. It has been the purpose of this chapter
to outline the main elements of structure and function of the AAUP which are relevant to its promotion of academic freedom. It is to be noted that the AAUP, through its policy statements on principles of academic freedom and tenure, has contributed to the further codification and specification of the concept of academic freedom. As noted, however, the AAUP's interest in the concept of academic freedom is more than merely academic. The formation of the AAUP perhaps signalled the end of the guild era of faculty-administration relationships and of the informal etiquette that guided their behavior.

With the advent of the AAUP, one notes the bureaucratization of the norms, roles, and interaction within academic social systems. The three academic freedom codes are formal, explicit statements of norms both substantive and procedural (including the values which underly them), which apply to the quasi-bureaucratic interaction of faculty and administration. In spite of the formalization of these norms, however, their main force is moral, rather than legal. The efficacy of its sanctions against violators depends upon the response of displeasure within the academic community, inasmuch as the Association cannot cause direct harm to a recalcitrant administration. Attention will be redirected to these matters in Chapter Five. In Chapter Four the author
attempts to analyze academic organization with reference to problems of academic freedom.
FOOTNOTES TO CHAPTER THREE

1American Association of University Professors Bulletin, Vol. 52, No. 1 (March 1966), p. 3. Emphasis added. "Approved" means "... on the lists of the established regional or professional accrediting agencies, subject to modification by action of the Association."

Ibid.

2Ibid.

3Ibid. Associates are non-voting members. Junior members are present or recent graduate students and have no voting privileges.

4Ibid.


8Ibid.

9Ibid.

10Each chapter must have a minimum of seven members of the Association at the given institution.


12Ibid., p. 112.

13Ibid., p. 124.

14Ibid.

15Ibid., p. 125.

16Ibid., p. 138.


18Bulletin, Vol. 51, No. 2 (May 1965), pp. 138-
The alphabetical designations for some of the committees have changed over the years. The labels cited in the following discussion are those in current use.

20 Ibid., p. 145.

21 Ibid., p. 145.

22 Ibid., pp. 145-81.

23 Ibid., p. 160.

24 Ibid., p. 164.

25 Ibid., p. 167.

26 Ibid., p. 172.

27 Ibid., p. 173.

28 Ibid., p. 174.


31 Ibid., pp. 177-78.

32 Ibid., pp. 180-81.

33 Ibid., p. 105.

34 Ibid., p. 135.

35 Ibid.

36 Ibid., pp. 137-38.

37 Ibid., p. 138.

38 Ibid., p. 116.

39 Ibid., p. 117.

40 Ibid., p. 119.

41 Ibid.
42Ibid.
43Ibid.
44Ibid.
46Ibid., pp. 120-21.
49Ibid.
50The text of this report is found in Appendix A.
52Ibid., p. 41.
53Metzger, Academic Freedom, loc. cit., p. 207.
56This statement is reproduced in Appendix B.
57Ibid., pp. 212-213.
58Ibid., p. 213.
59Subject to interpretation and amplification.
60See Appendix C.
Between 1869 and 1908, the proportion of full professors on the nation's faculties had shrunk from two-thirds to one-fifth, whereas the proportion of instructors and assistant professors had gone up from one-fifth to one-third. Metzger, "Origins of the Association," loc. cit., p. 232.


Ibid.

Ibid.

Ibid., p. 12.

Ibid., p. 16.

See Appendix C.


Ibid., p. 146.

AAUP Bulletin, Vol. 44, No. 3 (September 1958), pp. 270-274. This statement, like the one of 1940, was a joint AAUP-AAC endeavor in policy-making.


Ibid., p. 222.

Ibid., p. 223.

Ibid. The ad hoc committee is cautioned not to accept hospitality of favors from parties in the case and not to express opinions on any aspect of the case.

Ibid., p. 224.

Ibid.

Ibid.
79 Ibid., p. 154.
80 Ibid., p. 159.
CHAPTER IV

ACADEMIC ORGANIZATION
AND ACADEMIC FREEDOM

Academic freedom is not merely an idea or an abstract concept. As indicated in Chapter I, academic freedom is also a complex of norms, which, as any other set of norms, is (or can serve as) a basis for the behavior of people. In Chapter II it was suggested that the concept of academic freedom was influenced in its American development by the kind of historical context within which it evolved. If academic freedom were merely an abstraction, the "historical context" examined in that chapter would have no relevance. Moreover, much of the program of the AAUP in regard to academic freedom, examined in Chapter III, takes cognizance of the "behavioral" context in which norms of academic freedom must operate. The AAUP does not simply formulate a detailed concept of academic freedom. Rather, as noted in Chapter III, the Association is concerned also with the implementation of its principles and policies. All of these considerations point to the value of analyzing the relationship of norms of academic freedom to academic organization. For the academic
organization of colleges and universities is the framework within which these norms have meaning and within which they influence the behavior of the incumbents of academic roles. This chapter, therefore, is concerned with the bearing of various facets of academic organization on the practice of academic freedom.

In conventional terms academic organization in the United States includes the following components: a governing board, a hierarchy of administrative officials, a faculty, a corps of non-academic employees, a body of students, a roster of alumni, and possibly other elements, depending on the peculiarities of local situations. Of these component units, only the first three, trustees, administration and faculty, normally share permanent, de jure, authority over the academic affairs (programs, policies, appointments, etc.) of a college or university. Occasionally other component units and external groups and forces exert influence on some special aspect of academic affairs, but these influences are not derived from the authority structure of the institution and tend to be exceptional. For this reason the ensuing discussion of academic organization is limited to the roles and interrelations among trustees, administrators and faculty.

There is a further justification for thus limiting the conception of academic organization employed
here, which takes into account the overall concern of this study with academic freedom. Of the several structural components cited above, only the faculty, administration and trustees have any de jure authority to determine policies and to control conditions affecting academic freedom. The limitations employed, therefore, are consonant with the purpose of the chapter, the examination of the impact of academic organization on academic freedom.

The first section of this chapter presents some models of organization which aid in the analysis of academic organization from a sociological perspective. The second section explores the hypothesis that academic freedom is a function of academic organization. The discussion of academic organization, in turn, serves as the background for the analysis of "academic freedom cases" in Chapter V.

I. ANALYSIS OF ACADEMIC ORGANIZATION

Colleges and universities in the United States are examples of large-scale complex organization. As is true of complex organization in general, they are characterized by both hierarchical and functional differentiation in their internal structure. Conventionally, a governing board of lay trustees is granted by charter ultimate authority over institutional affairs. Both administrative
offices and faculty positions are responsible to the board. A considerable degree of "managerial" responsibility is usually allocated to administrative offices, however. Traditionally, administrators have been considered to be "agents" of the governing board, and until rather recently were selected by the trustees. The faculty, like the "administration," is characterized by a substantial degree of functional and hierarchical differentiation. The place of the faculty in the authority structure has been uncertain, at best. Commonly the faculty role in institutional governance has been minimal compared to the roles of administration and trustees and traditionally has been confined to limited "academic" decisions such as degree requirements and curriculum. This traditional pattern of allocation of authority has been, to some extent, challenged in recent decades as a result of increased concern about academic freedom.

In the analysis of the relation of academic organization to academic freedom which follows, academic organization is examined within a sociological framework. In the first section some models of formal and informal organization are applied to academic organization. In the second section, selected concepts of reference group
Formal and Informal Organization

Following Mayo, Barnard, and others, it may be said that academic organization has both formal and informal aspects. The formal organization of a college or university is founded upon official definitions of positions or roles within the institution and of the norms for interaction among the various roles. This pattern of organization is essentially prescribed and therefore is de jure, in nature, rather than de facto. The formal organization, for instance, will include role prescriptions for the president, the dean(s), the registrar, the department chairmen, and so on. Procedural norms for role interaction will also be a part of the prescribed structure. Therefore, the formal organization is de jure, prescribed, and official.

Mayo, Barnard, and others have asserted that within any formal organization, there will also be informal relationships, which are unaccounted for by any diagram of formal organization. According to Barnard's usage, informal organization refers to "... the aggregate of the personal contacts and interactions and the associated groupings of people. ..."
In other words, in the college or university, as elsewhere in large-scale organizations, there are unofficial relationships, which are not prescribed by the formal structure. This type of organization may arise from the interaction among individual personalities as opposed to interaction among role incumbents. For example, Department Chairman A may consult Department Chairman B on a given matter, not because of B's official role or official relationship to A, but because of the quality of the personal relationship between them. Informal organization, thus, tends to be de facto, unprescribed, and unofficial.

In distinguishing informal from formal organization there is the temptation to regard the organizational behavior of the participants as either formal or informal. In the author's view, such a dichotomous conception is not warranted. The formal-informal distinction applies, not to behavior or interaction but, to the sets of norms, values, and roles by which behavior is more or less governed. That is, "behavior" is all of one piece and is not divisible according to this analytical scheme. The formal-informal distinction applies, in other words, to what may be called the normative level, rather than the level of action or behavior.

Both Mayo and Barnard seem to have fallen to
this temptation. An attempt is made to represent their conceptions schematically in Figure 6. The author's conception is also presented there. Each diagram in the figure has two intersecting dimensions, creating four cells. Horizontally, the diagram is bisected by the formal-informal distinction. On the vertical is the distinction between the normative and behavioral levels. Barnard's formal-informal dichotomy applies only to the behavioral level. He speaks only of informal (and formal) groups and associations. He does not discuss norms, values, and roles in the same terms.

Mayo also makes the formal-informal distinction on the behavioral level. Unlike Barnard, however, Mayo talks about a formal structure of norms. Nevertheless, the informal-normative cell is empty because Mayo, like Barnard, does not recognize a normative structure for informal association. Both writers tend to discount the structured quality of informal interaction. Barnard, for instance, writes:

"... informal organization is indefinite and rather structureless, and has no definite subdivision. It may be regarded as a shapeless mass of quite varied densities ...."

The author's conception, also presented in Figure 1, departs from the earlier schemes in two respects. First,
Figure 6. Three models of formal and informal organization: Barnard, Mayo, Drysdale.

135
the formal (official)-informal (unofficial) distinction applies to the normative level, representing a true dichotomy. On the one hand there are the official norms, role definitions, values and goals which comprise the formal organization. On the other hand, there are extra- or un-official roles, norms, values, and goals which are the foundation for patterns of informal association. Second, on the behavioral level, the formal-informal dichotomy is erased, to take cognizance of the remarks made above, to indicate the indivisibility of behavior or interaction in these terms. To deny that behavior can be regarded as either "formal" or "informal," which is the meaning of this scheme, does not imply that the formal-informal dichotomy is irrelevant for understanding organizational behavior. A given act may be guided primarily by either one or the other type of norms. It is the author's contention, however, that rarely, if ever, is a given act guided exclusively by either formal or informal norms. Particular actions are guided by both formal and informal norms, goals, and values. The questions involved here are thorny ones for the sociologist. How does the observer determine whether, and to what extent, a given act is guided by informal (or formal) norms, especially in view of the fact that the
"influence" of norms, whether formal or informal, may be unconscious as well as conscious? Tracing the normative bases of actions is a formidable research task. Conceptualizing behavior in this unified manner does not resolve such difficulties, but does at least take cognizance of them.

In applying the formal-informal distinction, there is also the temptation to say that one or the other is more "real," that while formal organization is prescriptive, informal organization is actual or real. Such a statement is misleading, however. Both formal and informal organization are sets of norms, and as such are prescriptive. Each is "real" in the sense that each is capable of serving as the basis for human interaction. Thus, both behavior and the norms guiding it, whether formal or informal, may be regarded as "real." "Real" organization can be formal, informal, or an amalgam of the two.

Reference Organization: "Cosmopolitans" and "Locals"

The concept of "reference group," developed in recent years by sociologists and social psychologists is also applicable to the analysis of academic organization. The term has been given a variety of meanings. Here, the concept will refer to a group which serves as a
source of values and norms for an individual whether he is a member of that group or not. Reference organization will mean alternative sets of values and norms within the same social system (e.g., a university). Reference organization seldom coincides with official organization and therefore represents a type of informal organization.

Following Robert Merton, a distinction may be made between "cosmopolitans" and "locals." Applied to academic organization, "locals" are those among the faculty and administration whose reference group is the institution at which they serve. Their primary loyalty is to the values and goals of their college or university. Their interests are parochial and particularistic. The local situation is their "world," the framework within which they see their lives unfolding. They "identify" with the local framework to the virtual exclusion of interests beyond the institution and locality.

"Cosmopolitans," on the other hand, are those whose reference groups are found beyond institution and locality. Because there are so many possibilities for external reference groups, cosmopolitans are less likely than locals to be homogeneous. Their primary loyalties may be to the values and norms of a professional or learned society, science, education in general, and so on. While
in order to operate in the local environment one must at least minimally heed local norms and values, the cosmopolitan's "world" is beyond the confines of locality. His perspective is likely to be more universalistic than particularistic. Local affairs in so far as they are unique and remote from "cosmopolitan" concerns are not likely to compel his attention and interest. He is "in" the local situation but not "of" it.

Applied to a hypothetical university, one might expect the cosmopolitans to be represented heavily among the faculty and locals similarly overrepresented among administrative officers. If for no other reasons than the requirements of their roles, administrators are expected to be committed to the local values and norms and the bulk of their work is concerned with local affairs. The demands of faculty roles are generally less likely to invoke local loyalty and involve relatively less attention to local concerns. On the contrary, faculty roles are considered widely to be "liberating" and ecumenical by nature.

Assuredly, however, locals are to be found among faculty ranks and cosmopolitans among administrators. The "local" professor may be an aspirant for an administrative post. He may anticipate remaining at his school for the duration of his career. He may have relatively
little communication with fellow scholars and researchers in his field in the "outside" world of professional activity. The "cosmopolitan" administrator, on the other hand, may have retained a strong loyalty to his own discipline and an active interest in the work done by "external" colleagues in his field. He may view his administrative work as temporary, at least in respect to his current institution. His retention of an identity with any outside reference group will inhibit his becoming a "local."

Because locals and cosmopolitans act on the basis of quite different values and norms, the possibility for conflict between them is ever present. The two are likely to have different conceptions of the proper goals of the institution and its programs and the means of achieving goals, including definitions of roles of faculty and administrators. Locals, the "home-guard" as it were, are more likely to put institutional interests as they perceive them above considerations of more abstract values, ideas, and goals. Conversely, cosmopolitans, who might be labeled "careerists," are more likely to promote goals and values derived from their "external" reference groups.
II. ACADEMIC FREEDOM AS A FUNCTION OF ACADEMIC ORGANIZATION

In Chapter One it was stated that academic organization is an intervening variable between the AAUP and the practice of academic freedom. It is the purpose of this section to examine this idea in the light of the preceding discussion of the formal and informal (especially reference) organization of faculty-administration relationships.

The Relevance of Formal Organization

As with complex organization in general, colleges and universities usually have explicitly defined structural units or components differentiated in terms of both function and hierarchy. Also, functions and procedures of these units for action and interaction are usually specified in some detail. Inasmuch as these structures and functions are the bases for much of the action of faculty and administrators, the nature of the formal organization is relevant to the kinds of policy and practice (including academic freedom) characteristic of a college or university.

Central to the hypothesis that formal organization is relevant to the practice of academic freedom is the additional hypothesis that certain types of academic structure and function are favorable while others are
unfavorable, to the practice of academic freedom. That is, specific structures and functions may affect the practice of academic freedom either positively or negatively. Hypothetical cases will illustrate the point in question.

The extreme case of negative influence would probably be a college or university wherein all policy-making authority rested in the office of president. Such a system would be compatible with autocratic management of an institution. If such were the case there would be no structural guarantees of functional autonomy within the institution.

Looking at institutional governance in terms of formal organization, functional autonomy for the faculty seems to be the key to the practice of academic freedom. By functional autonomy is meant the institutionalized means whereby faculty roles and units are granted policy control over specific faculty, or academic, functions. Those structural features which allow for autonomy will tend to promote the chances for academic freedom for the faculty.

Functional autonomy is closely approximated by what the AAUP terms "faculty participation" in college and university government. An examination of the Association's principles of faculty participation provides an
illustration of structural and functional means of promoting faculty autonomy, and hence, presumably academic freedom. Among the principles which the AAUP has promoted over the years are the following:

1. There ought to be a close understanding between the faculty and the board of trustees and to this end agencies other than the president are required for joint conference between the two bodies.

2. The general faculty should participate with the trustees in the nomination of a president, and the faculty of a school or division should have a voice in selecting the dean who presides over that school.

3. Administrative officers should have the advice of representative faculty committees in matters of educational policy, and specifically in matters touching appointments, promotions, and dismissals, and in making budgets.

4. The faculty of the university at large or its authorized representatives, and the faculty of each college in the university, should have ultimate legislative power over educational policies within the jurisdiction of that faculty, and should control its own organization and its committee.

5. The departments of instruction, however organized, should be consultative bodies and should exercise what is in effect a collective authority over the teaching and research under their jurisdiction.
The first principle cited simply provides for communication (through unspecified means) between faculty and governing board. Presumably this communication would be in some sense direct rather than mediated through normal "administrative" channels. One function of this communication would be to make the trustees aware of faculty ideas and opinion on specific institutional issues. Additionally, direct communication would tend to foster mutual understanding and appreciation of the functions performed by each body.

The second principle makes provision for the faculty to share authority with the board in selecting administrative officers. The means and extent of this authority are not specified. However, it is clear that this measure increases the autonomy of the faculty. Moreover, to the extent that the faculty has an important voice in such selections, the chances for selecting officers sympathetic to faculty autonomy in general are enhanced.

The third principle seeks to assure faculty influence, but not autonomy, in policy formulation pertaining to faculty personnel and academic budgeting. It seems to leave primary responsibility for these with administrative officers.

The fourth principle, however, claims full
autonomy for each faculty unit (college, school, etc.) in legislating educational policy within its jurisdiction. There are no qualifications or limits over this functional autonomy. This measure in itself may constitute a form of academic freedom inasmuch as policy issues related to academic freedom may be decided by the faculty or its units.

Finally, the fifth principle provides for faculty autonomy at the departmental level. On the one hand, the department is autonomous from external and higher authority in certain types of decisions regarding teaching and research by its members. On the other hand, the terms "consultative bodies" and "collective authority" seem to be safeguards against "undemocratic" department "heads."

It may be noted that all five of the AAUP principles cited above would seem to have the effect of minimizing the hierarchical character of academic organization and at the same time emphasizing functional differentiation as well as autonomy. Each of the principles (the first one perhaps only quite indirectly) aims at increasing the degree of institutionalized faculty authority in academic decisions.

Faculty authority and academic freedom, thus, are closely interrelated. In a sense academic freedom is
faculty authority over functions of teaching and research, broadly defined. If the faculty has specific forms of functional autonomy, then its academic freedom can be denied by no one. In practice, the problem is that the faculty does not in fact possess such authority and therefore its freedom is, at best, uncertain, and, at worst, non-existent.

Furthermore, it may be noted that the AAUP principles discussed above represent norms for academic functions and interaction. They define the roles of offices and units within the college or university. The values behind these norms are not explicitly stated. If faculty authority is not an end in itself, then perhaps one could say that the chief underlying value or rationale of these norms is academic freedom. This interpretation is substantiated by the AAUP's overarching concern with academic freedom. Furthermore, the net effect of these norms is to promote academic freedom.

The Relevance of Reference Organization

Aside from the importance of the formal or official organization of the college or university, the reference organization will have an effect on the practice of academic freedom. The composition of the faculty, administration, and governing board, in terms of the
values to which they adhere, will affect the probability of maintaining norms of academic freedom in practice. The reference organization may also affect the kind of official organization implemented in the institution.

Employing the reference group categories of "cosmopolitans" and "locals" discussed earlier, some hypotheses may be set forth to illustrate the potential importance of reference organization for academic freedom.

1. "Localism" increases with age, rank, and length of service at a particular college or university. This hypothesis simply relates localism to individual characteristics. The three independent variables cited are, of course, related. As one's length of service at an institution increases so does his age and usually his rank. The most significant variable is probably "length of service." Locals are probably less likely to be mobile, i.e., to leave the institution for another appointment. If this is true, it helps to explain the oligarchic tendencies in faculty government and administrative recruitment. If locals predominate at the higher levels of age, rank, and tenure, their chances for hierarchical advancement are enhanced.

2. Holding rank constant, localism decreases as professional reputation outside an institution increases.
This hypothesis asserts that within each rank locals have less professional standing and acquaintance outside the institution at which they serve than do cosmopolitans. If this proposition is true, it is compatible with the fact that "cosmopolitans" by definition identify with external reference groups, foremost among which are the learned societies, their members and professional activity. Also if locals are engaged in cultivating their "local" careers, their commitment to professional activity is likely to decline.

3. Locals are overrepresented among administrators and trustees; cosmopolitans are overrepresented among faculty. According to this hypothesis, administrators are more likely to be locals than are the faculty, whereas faculty are more likely to be cosmopolitans. As suggested earlier, the reasons for this may lie in the nature of faculty work and administrative function. The requirements of administrative office may reinforce "localistic" tendencies, whereas most faculty functions are less likely to do so. Particularly the research function of the faculty is likely to support tendencies toward cosmopolitanism.

4. Locals are overrepresented among recruits for administrative offices. This hypothesis maintains
that there is selectivity in the recruitment of administrative officers from faculty ranks reinforcing localism among administrators. Locals are more likely than cosmopolitans to be drawn into administrative work. Perhaps one reason for this is to be found in the first hypothesis; that is, locals, predominating at the higher levels of age, rank, and tenure, are considered to be "eligible" for administrative positions. One important qualification to the fourth hypothesis must be noted. The probability of cosmopolitans being named to certain types of administrative posts, such as departmental chairmanships with limited tenure, will be enhanced if the selection is made by the faculty constituency rather than by the "higher administration."

5. Locals are more homogeneous (in values) than cosmopolitans. This hypothesis postulates in effect that locals are more likely to possess "value consensus" than are cosmopolitans. Locals share an overriding commitment to the local institution, its heritage, values and goals, as well as mutual personal loyalties. Moreover, this tendency would be reinforced by the fact that locals are more likely to know one another and interact over a sustained period of time (derived from the first hypothesis). On the other hand, cosmopolitans, while sharing primary
commitments to external groups and values, do not share identical reference points. In view of the diversity of potential reference groups outside the local situation cosmopolitans may be characterized by relative heterogeneity of values. Their mutual acquaintance and interaction are inhibited by their relatively shorter periods of service at the institution. In short, cosmopolitans are less likely than locals to represent a collectivity (unless, of course, they unite to form an AAUP chapter).

6. Locals favor organizational change in the institution less than do cosmopolitans. This hypothesis, concerning orientation to organizational change, rests on the commitment of locals to their institution. Because of their loyalty to institutional traditions and values, locals are more likely than cosmopolitans to support the status quo in the face of proposed change. Whether this statement is true might well depend on the nature of any proposed change. The kinds of change that locals would most likely oppose would be those that are either based on cosmopolitan values or those that would be detrimental to personal loyalties or institutional traditions.

7. Locals support norms of academic freedom and other values promoted by the AAUP less than do
cosmopolitans. This hypothesis is the most germane to the topic of this section, the relevance of reference organization to academic freedom. If it is true that locals are less likely than cosmopolitans to support norms of academic freedom, why is this so? In the view of the author, locals are more likely than cosmopolitans to feel their loyalties and interests threatened by academic freedom. Academic freedom and the values upon which it is based are abstractions and, as such, are no respektors of persons, loyalties or local traditions. Localism is particularistic; academic freedom is universalistic. Furthermore, academic freedom is by nature cosmopolitan in the sense that it is "external" to any particular local institution.

It may be objected, however, that the seventh hypothesis is not compatible with the fifth one. If cosmopolitans are relatively heterogeneous in the "external" values to which they adhere, why would they unite in support of norms of academic freedom? It may be the case that cosmopolitans feel more insecure without institutionalized norms of academic freedom. For example, cosmopolitans are more likely than locals to be outspoken on issues considered by the administration to be "controversial" and to antagonize the local "establishment." Thus, the cosmopolitans are more likely to need,
and to perceive the need for, official protection in the form of norms of academic freedom. Unity in support of these norms does not necessarily mean that cosmopolitans will unite in collective action to achieve their goals, however.

As it is with academic freedom, so it is with other norms and values supported by the AAUP. Principles of academic responsibility, faculty participation in university government, and so forth are compatible with, and supportive of, academic freedom. If this is true, then an additional, derivative hypothesis should be true: cosmopolitans are overrepresented among the AAUP membership on both the national and the local chapter levels. There is little doubt that cosmopolitans predominate in the AAUP. However, there are probably many members who do not wholly subscribe to the values and norms of the Association. There are those who take an active interest in the local chapter and participate in its activities while paying little heed to national programs and principles. As a consequence, local chapters may differ widely in their interest in and support of national values and norms. Just as locals may dominate college or university government, they may also dominate a local AAUP chapter and minimize its force in
promoting academic freedom and related values.

In the light of the preceding discussion of formal and reference organization, the concept of academic freedom may be looked upon as an organizational concept. As stated at the outset of Chapter One, academic freedom, from the perspective of academic organization, is a set of norms which governs the action of the faculty, administrators, and trustees. The essential norms which comprise academic freedom are the following:

(1) A faculty member, in his role as an academic specialist, should be free to criticize and to challenge accepted theories, beliefs, and practices related to his field of competence. This norm applies to the normal functional activities of teaching, research, and publication, as well as to other channels of expression. For the social sciences and the humanities this norm entails freedom to criticize prevalent beliefs and practices of one's community and society insofar as these are the subject of one's competence.

(2) A faculty member, in his role as a "citizen" of the institution at which he serves, should be free to criticize the official policies and practices of his institution, including the actions of administrative officers and trustees.
A faculty member, in his role as a member of the academic profession, should be free to defend his colleagues against perceived threats to, or violations of, their academic freedom.

These norms are role prerogatives of faculty members. Each norm is attached to a special faculty role: specialist, institutional citizen, and professional colleague. To speak of freedom is to speak of authority. To state that the faculty is free to exercise the above-mentioned prerogatives is to say that it has the authority to do so. Academic freedom, therefore, entails functional autonomy for the faculty in the performance of faculty roles.

Correspondingly, if the norms of academic freedom are institutionalized as faculty prerogatives or rights, these norms constitute duties or responsibilities from the perspective of administrative and trustee roles. Administrators cannot authoritatively abrogate the norms of academic freedom. On the contrary, it may be asserted that it is the duty of administrators to safeguard academic freedom even from external threats.

Academic freedom, thus, is linked inherently to faculty authority. Viewed in this manner, faculty participation in college and university government is a
key mechanism for the enhancement of academic freedom. In general, to the extent that faculty participation in institutional governance is minimized, to that extent is academic freedom diminished. Therefore, when academic freedom is viewed sociologically, from the perspectives of both formal and reference organization, faculty participation is the crux of the problem of academic freedom.
FOOTNOTES TO CHAPTER FOUR


2 This is not to ignore the fact that state legislatures and government agencies, for instance, can, and sometimes do, exercise legal influence which may affect the practice of academic freedom. From the conceptual standpoint, however, such influences are "external" to academic organization.


4 Especially the president, who in turn selected other officers with the approval of the board. Cf. Blackwell, op. cit., p. 41.


8 Barnard, op. cit., p. 115.

9 Ibid., pp. 81-122.

10 Cf. Roethlisberger and Dickson, op. cit., pp. 525-548.

11 Barnard, op. cit., p. 115.


15 The values which underlie these normative freedoms were discussed in Chapters II and III.
CHAPTER V

ACADEMIC FREEDOM CHALLENGED:
SOME POST-WAR CASES

Each of the last three chapters has dealt with a single variable. Chapter II treated the development of the concept of academic freedom in the United States in historical terms. Chapter III presented an analysis of the structure and functioning of the AAUP as an advocate of academic freedom. Chapter IV provided a largely hypothetical analysis of academic freedom. It is the purpose of this chapter to examine the interplay of the three variables in concrete situations.

The conceptual relationships among the three variables were outlined in Chapter I. It was noted there that academic freedom is a dependent variable in relation to the AAUP and to academic organization. Academic organization was viewed as an intervening variable between the other two. That is, the AAUP in promoting principles of academic freedom must seek to have its principles assimilated into the patterns of college and university structure as official policy. In Chapter IV academic freedom was examined from the perspective of organization as a set of norms which govern the actions
of faculty, administrators, and trustees. The question that arises at this point is the focus of the present chapter: what happens when these norms are not present, or break down, in particular situations? What happens when an individual faculty member feels victimized by the fact that these norms are not operative in the institution at which he serves? It is possible to examine the interplay of the three variables in situations in which the AAUP intervenes.

The situations chosen to illustrate the concrete interplay of the AAUP, academic freedom, and academic organization are cases of AAUP censure of administrative officials of particular colleges and universities for violations of the Association's principles of academic freedom. Only those cases which have occurred since World War II and which have been resolved by 1965 are included in this analysis. These are, in effect, cases in which the AAUP decided that given institutions had defective patterns of organization in that administrative and/or trustee actions were not governed by norms of academic freedom.

Following the general descriptive information on the cases presented in the section below, the cases are analyzed in terms of the issues involved, the intervention of the AAUP, and the resolution of the cases.
I. THE POST-WAR CASES
OF AAUP CENSURE: DESCRIPTION

During the period from January 1945 through December 1965, the American Association of University Professors, following the procedures described in Chapter III, imposed its censure on the administrative officers (and/or trustees) of thirty-seven U. S. colleges and universities for violations of the Association's 1940 statement of principles of academic freedom and tenure. By the end of this period twenty-one of the thirty-seven cases had been "closed," i.e., removed from censure, and sixteen cases remained "open," i.e., still listed by the Association on its list of "Censured Administrations."

For the reasons stated in Chapter I, only the closed cases are analyzed in this chapter. It may be shown that the closed cases do not differ materially in several respects from the open cases. From the data presented in the tables in this section, it may be noted that the closed cases and the open cases show similar patterns of regional distribution, frequency by type of institution, and duration of censured status.

Table VII presents the names and locations of institutions whose censure has been imposed and removed between 1945 and 1965, as well as specification of regional location and type of institution. Also given
TABLE VII
IDENTIFICATION AND GENERAL CHARACTERISTICS OF CLOSED AAUP CASES
1945-65

<table>
<thead>
<tr>
<th>Institution, Name and Location</th>
<th>Region</th>
<th>Type of Institution</th>
<th>Year Censured Imposed</th>
<th>Removed</th>
<th>No. Years Censured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Univ. of Missouri Columbia, Missouri</td>
<td>Midwest</td>
<td>Public State Univ.</td>
<td>1946</td>
<td>1952</td>
<td>6</td>
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<tr>
<td>Univ. of Texas Austin, Texas</td>
<td>Southwest</td>
<td>Public State Univ.</td>
<td>1946</td>
<td>1953</td>
<td>7</td>
</tr>
<tr>
<td>Evansville College Evansville, Indiana</td>
<td>Midwest</td>
<td>Private Church related</td>
<td>1950</td>
<td>1956</td>
<td>6</td>
</tr>
<tr>
<td>Univ. of California Berkeley, California</td>
<td>West</td>
<td>Public State Univ.</td>
<td>1956</td>
<td>1958</td>
<td>2</td>
</tr>
<tr>
<td>North Dakota State Univ., Fargo, North Dakota</td>
<td>Midwest</td>
<td>Public State Univ.</td>
<td>1956</td>
<td>1964</td>
<td>8</td>
</tr>
<tr>
<td>Ohio State Univ. Columbus, Ohio</td>
<td>Midwest</td>
<td>Public State Univ.</td>
<td>1956</td>
<td>1959</td>
<td>3</td>
</tr>
<tr>
<td>Univ. of Oklahoma Norman, Oklahoma</td>
<td>Southwest</td>
<td>Public State Univ.</td>
<td>1956</td>
<td>1957</td>
<td>1</td>
</tr>
<tr>
<td>Rutgers New Brunswick, New Jersey</td>
<td>East</td>
<td>Public State Univ.</td>
<td>1956</td>
<td>1958</td>
<td>2</td>
</tr>
</tbody>
</table>

(continued)
<table>
<thead>
<tr>
<th>Institution, Name and Location</th>
<th>Region</th>
<th>Type of Institution</th>
<th>Year Censure Imposed</th>
<th>Year Censure Removed</th>
<th>No. Years Censured</th>
</tr>
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<tbody>
<tr>
<td>Saint Louis Univ.</td>
<td>Midwest</td>
<td>Private Church related</td>
<td>1956</td>
<td>1957</td>
<td>1</td>
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<tr>
<td>St. Louis, Missouri</td>
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<tr>
<td>Temple Univ.</td>
<td>East</td>
<td>Private University</td>
<td>1956</td>
<td>1961</td>
<td>5</td>
</tr>
<tr>
<td>Philadelphia, Pennsylvania</td>
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</tr>
<tr>
<td>Catawba College</td>
<td>South</td>
<td>Private Church related</td>
<td>1957</td>
<td>1964</td>
<td>7</td>
</tr>
<tr>
<td>Salisbury, North Carolina</td>
<td></td>
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<tr>
<td>Univ. of Nevada</td>
<td>West</td>
<td>Public State Univ.</td>
<td>1957</td>
<td>1959</td>
<td>2</td>
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<tr>
<td>Reno, Nevada</td>
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<tr>
<td>Auburn Univ.</td>
<td>South</td>
<td>Public State Univ.</td>
<td>1958</td>
<td>1964</td>
<td>6</td>
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<tr>
<td>Auburn, Alabama</td>
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<tr>
<td>Dickinson College</td>
<td>East</td>
<td>Private College</td>
<td>1958</td>
<td>1963</td>
<td>5</td>
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<tr>
<td>Carlisle, Pennsylvania</td>
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<tr>
<td>Livingston College</td>
<td>South</td>
<td>Private Church related</td>
<td>1958</td>
<td>1960</td>
<td>2</td>
</tr>
<tr>
<td>Salisbury, North Carolina</td>
<td></td>
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</table>
### TABLE VII (continued)

**IDENTIFICATION AND GENERAL CHARACTERISTICS OF CLOSED AAUP CASES**

**1945-65**

<table>
<thead>
<tr>
<th>Institution, Name and Location</th>
<th>Region</th>
<th>Type of Institution</th>
<th>Year Censure Imposed</th>
<th>Year Censure Removed</th>
<th>No. Years Censured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Univ. of Michigan Ann Arbor, Michigan</td>
<td>Midwest</td>
<td>Public State Univ.</td>
<td>1958</td>
<td>1959</td>
<td>1</td>
</tr>
<tr>
<td>Southwestern Louisiana Institute Lafayette, Louisiana</td>
<td>South</td>
<td>Public State Univ.</td>
<td>1958</td>
<td>1960</td>
<td>2</td>
</tr>
<tr>
<td>Princeton Theological Seminary Princeton, New Jersey</td>
<td>East</td>
<td>Private Church related</td>
<td>1960</td>
<td>1961</td>
<td>1</td>
</tr>
<tr>
<td>Allen Univ. Columbia, South Carolina</td>
<td>South</td>
<td>Private Church related</td>
<td>1961</td>
<td>1962</td>
<td>1</td>
</tr>
<tr>
<td>Arkansas A., M., and N. College Pine Bluff, Arkansas</td>
<td>South</td>
<td>Public State College</td>
<td>1964</td>
<td>1965</td>
<td>1</td>
</tr>
</tbody>
</table>

**Average Duration of Censure** 3.4
in this table are the years in which censure was imposed and removed and the total number of years censured. Table VIII provides the same types of data for the open cases, except that along with the year censure was imposed, the number of elapsed years to 1965 is given. As noted in Tables VII and VIII respectively, the duration of censure for the closed cases is 3.4 years, and for the open cases 3.2 years (through 1965). Only three of the sixteen open cases had been censured (as of the end of 1965) longer than five years, whereas six of the twenty-one closed cases were censured for at least six years. Therefore, there is no apparent reason on the basis of these data to assume that the open cases are inherently more difficult to resolve than were the closed cases.

Table IX gives data on the geographical distribution of the censure cases. Of the thirty-seven total cases, fourteen, or about forty per cent, occurred in the South. The South had more total cases than any other region. Considering the regional distribution of colleges and universities, the South is probably heavily overrepresented among the censure cases. The Midwest and the East were represented by nine and eight cases respectively, whereas the Southwest had four cases and the West had only two. Comparing the open and the
<table>
<thead>
<tr>
<th>Institution, Name and Location</th>
<th>Region</th>
<th>Type of Institution</th>
<th>Year Censure Imposed</th>
<th>No. Years Censured, to 1965</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jefferson Medical College</td>
<td>East</td>
<td>Private College</td>
<td>1956</td>
<td>9</td>
</tr>
<tr>
<td>Philadelphia, Pennsylvania</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Texas Technological College</td>
<td>Southwest</td>
<td>Public State College</td>
<td>1958</td>
<td>7</td>
</tr>
<tr>
<td>Lubbock, Texas</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fisk University</td>
<td>South</td>
<td>Private College</td>
<td>1959</td>
<td>6</td>
</tr>
<tr>
<td>Nashville, Tennessee</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lowell Technological Institute</td>
<td>East</td>
<td>Public State College</td>
<td>1960</td>
<td>5</td>
</tr>
<tr>
<td>Lowell, Massachusetts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benedict College</td>
<td>South</td>
<td>Private Church related</td>
<td>1961</td>
<td>4</td>
</tr>
<tr>
<td>Columbia, South Carolina</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alabama State College</td>
<td>South</td>
<td>Public State College</td>
<td>1962</td>
<td>3</td>
</tr>
<tr>
<td>Montgomery, Alabama</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(continued)
<table>
<thead>
<tr>
<th>Institution, Name and Location</th>
<th>Region</th>
<th>Type of Institution</th>
<th>Year Censure Imposed</th>
<th>No. Years Censured, to 1965</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Dakota State College</td>
<td>Midwest</td>
<td>Public State College</td>
<td>1962</td>
<td>3</td>
</tr>
<tr>
<td>Brookings, South Dakota</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcorn A. and M. College</td>
<td>South</td>
<td>Public State College</td>
<td>1963</td>
<td>2</td>
</tr>
<tr>
<td>Port Gibson, Mississippi</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arkansas State Teachers College</td>
<td>South</td>
<td>Public State College</td>
<td>1963</td>
<td>2</td>
</tr>
<tr>
<td>Conway, Arkansas</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grove City College</td>
<td>East</td>
<td>Private Church related</td>
<td>1963</td>
<td>2</td>
</tr>
<tr>
<td>Grove City, Pennsylvania</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Univ. of Illinois</td>
<td>Midwest</td>
<td>Public State Univ.</td>
<td>1963</td>
<td>2</td>
</tr>
<tr>
<td>Urbana, Illinois</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sam Houston State College</td>
<td>Southwest</td>
<td>Public State College</td>
<td>1963</td>
<td>2</td>
</tr>
<tr>
<td>Huntsville, Texas</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(continued)
TABLE VIII (continued)
IDENTIFICATION AND GENERAL CHARACTERISTICS OF OPEN AAUP CASES
1945-1964

<table>
<thead>
<tr>
<th>Institution, Name and Location</th>
<th>Region</th>
<th>Type of Institution</th>
<th>Year Censure Imposed</th>
<th>No. Years Censured, to 1965</th>
</tr>
</thead>
<tbody>
<tr>
<td>Univ. of Arkansas</td>
<td>South</td>
<td>Public</td>
<td>1964</td>
<td>1</td>
</tr>
<tr>
<td>Fayetteville, Arkansas</td>
<td></td>
<td>State Univ.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mercy College</td>
<td>Midwest</td>
<td>Private</td>
<td>1964</td>
<td>1</td>
</tr>
<tr>
<td>Detroit, Michigan</td>
<td></td>
<td>Church related</td>
<td></td>
<td></td>
</tr>
<tr>
<td>College of the Ozarks</td>
<td>South</td>
<td>Private</td>
<td>1964</td>
<td>1</td>
</tr>
<tr>
<td>Clarksville, Arkansas</td>
<td></td>
<td>Church related</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Univ. of South Florida</td>
<td>South</td>
<td>Public</td>
<td>1964</td>
<td>1</td>
</tr>
<tr>
<td>Tampa, Florida</td>
<td></td>
<td>State Univ.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Average number of years on censure through 1965 - 3.2
TABLE IX

DISTRIBUTION OF OPEN AND CLOSED CENSURE CASES BY GEOGRAPHICAL REGION

<table>
<thead>
<tr>
<th>Region</th>
<th>No. of Closed cases</th>
<th>No. of Open Cases</th>
<th>Total Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>East</td>
<td>5</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Midwest</td>
<td>6</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>South</td>
<td>6</td>
<td>8</td>
<td>14</td>
</tr>
<tr>
<td>Southwest</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>West</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Totals</td>
<td>21</td>
<td>16</td>
<td>37</td>
</tr>
</tbody>
</table>
closed cases the distributions and totals are similar with two exceptions. First, while the West had two closed cases, it has no open cases. Second, eight of the South's fourteen cases are still open. However, little significance can be attached to the fact that most of the South's cases are still open inasmuch as most of them are recent in occurrence. In three of the eight open cases censure has been in effect for only one year, in two others for only two years.

In Table X the occurrence of open and closed cases by type of institutional control is given. The basic categories are public and private. The public institutions are classified as either state universities or state colleges. The latter category includes technical institutes and teachers colleges. The private institutions are divided into those that are church-related or controlled and those that are not.

As indicated in Table X, of the thirty-seven cases, twenty-two, or about sixty per cent, involve public colleges and universities. Fourteen of these are state universities and the other eight are state colleges of various types. Of the fifteen private institutions, ten are church-related; five are not. A comparison of the open to the closed cases reveals a proportionate distribution between the public and private categories.
### TABLE X

**DISTRIBUTION OF OPEN AND CLOSED CENSURE CASES**
**BY TYPE OF INSTITUTION**

<table>
<thead>
<tr>
<th>Type of Institution</th>
<th>No. of Closed Cases</th>
<th>No. of Open Cases</th>
<th>Total Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State University</td>
<td>11</td>
<td>3</td>
<td>14</td>
</tr>
<tr>
<td>State College</td>
<td>1</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>12</td>
<td>10</td>
<td>22</td>
</tr>
<tr>
<td><strong>Private</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Church Related</td>
<td>6</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Non-Church Related</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>9</td>
<td>6</td>
<td>15</td>
</tr>
<tr>
<td><strong>Total Cases</strong></td>
<td>21</td>
<td>16</td>
<td>37</td>
</tr>
</tbody>
</table>
Of the closed cases, twelve are public and nine are private institutions. Of the open cases, ten are public and six are private institutions. Among the private colleges and universities the distribution between church-related and non-church-related institutions is exactly proportionate, exhibiting the overall two to one ratio. Among the nine closed cases, six are church-related; three are not. Among the open cases, four are church-related; two are not.

Within the public category, however, there is a considerable disparity between the open and the closed cases. Of the fourteen state university cases, eleven are closed; only three are open. Of the eight state college cases, only one is closed, whereas seven are still open. The discrepancy is increased when it is noted that two of the three open state university cases have been censured for only one year as of 1965, whereas none of the seven open state college cases is that recent. It is not easy to account for the difference. However, it may be noted from a comparison of Tables VII and VIII that those universities of greatest academic reputation are overrepresented among the closed as compared to the open cases. For instance, among the closed cases are the University of California, University
of Michigan, University of Texas, and Ohio State University, as well as Rutgers, Missouri, and other lesser-ranking universities. The hypothesis may be advanced that these relatively high-prestige institutions are characterized by greater institutional autonomy and are thus lacking some of the external bureaucratic handicaps of the state colleges in general. Thus, they may be more capable of rapid adjustments leading to resolutions of the cases. Additionally, they may be more concerned than the state colleges with their national esteem, which stands to suffer under censure.

On the whole, then, it may be concluded that the open cases do not differ substantially from the closed cases on the criteria examined. At this point there is no reason to conclude that the open cases are inherently more resistant to resolution. On the contrary, one might predict that the open cases will fall into similar patterns as the closed cases and with time submit to resolution (though not automatically to be sure).

Finally, looking at the time distribution of all thirty-seven cases, one finds they are quite evenly distributed according to the dates on which censure was imposed (see Tables VII and VIII). For the period under study there were only three cases of censure prior to 1956, two in 1946 and one in 1950. In 1956, eight
institutions were meted censure by the Association, and six more were sanctioned in 1958. Fewer schools were censured in 1957 and later years. Any attempted explanation must be largely hypothetical. A few reasons may be advanced as partial explanations. First, the Association from time to time has been concerned about the size of its censure list. Some spokesmen have believed that to carry too long a list of censured administrations would diminish the effectiveness and meaning of censure. For the first few years of the period under study, the Association was carrying on its "blacklist" several cases of censure invoked prior to 1946. The last of these cases was not resolved until 1959. This consideration may have inhibited potential AAUP censure actions at least until the early 1950's. A second reason for lack of censure actions until 1956 may have been organizational lethargy during the mid-fifties. During this period there was a backlog of cases under investigation which were slow to culminate in censure. Also, as noted in Chapter III, this was a period when dues were increased fifty per cent and membership in the Association actually declined. The years roughly coincided with the "McCarthy era," in which the AAUP was slow to react to the issues and the tensions of the period. Therefore, the sudden rash of censures in 1956
to 1958 partially reflects the backlog of Committee A work which had accumulated. Since 1958 the time distribution of censures has been more evenly spaced.

II. THE PATTERNS OF CONFLICT: THE ISSUES

The analysis in this and later sections of the chapter pertains exclusively to the closed AAUP censure cases listed in Table VII. As mentioned earlier these are cases in which censure was imposed between 1945 and 1964 and removed between 1946 and 1965. The data relied upon in this chapter are matters of public record. Only the reports and information published in the AAUP Bulletin during the twenty-year period are employed in this analysis.

No attempt is made in the following discussion to provide a detailed or systematic analysis of the twenty-one cases. The data presented in the published reports do not seem to be amenable to such a presentation. Because the cases exhibit diverse characteristics the reports vary in comprehensiveness and lack any standardized framework for presenting and interpreting information. In spite of this consideration the reports offer clear accounts of the issues involved in each case in terms of the sequence of events and of the bearing of Association policy on the circumstances of each case. Therefore, the published reports are well-suited for illustrative
purposes pertaining to the interplay of academic freedom, academic organization, and the American Association of University Professors.

The issues involved in the twenty-one closed cases seem to be of four types: academic freedom, academic tenure, academic due process, and academic organization. Some of the cases involved all four issues; yet it seems valuable to keep the issues distinct wherever possible. The issues themselves are often interrelated such that violations of tenure usually involve violations of due process, for instance. Nevertheless, the cases are examined here in terms of the separate issues illustrated by them.

**Issues of Academic Freedom**

Seventeen of the twenty-one cases include various types of academic freedom issues. If academic freedom is conceived as being comprised primarily of the three norms elaborated in Chapter IV, the seventeen cases exhibit violations of, or failures to abide by, each of these norms, including the freedom of the specialist to express his views, of the institutional citizen to criticize his administrative officers and their policies and actions, and of the colleague to defend his peers. Additionally, some of the cases
represent denial of civil liberties apart from academic freedom.

The post-war period under study encompasses the years of the so-called McCarthy era, which was characterized by public concern for "national security," led largely by Senator Joseph McCarthy in the late forties and early fifties. Part of the attention of the many security investigations, seeking to reveal "security risks," especially members, former members, and sympathizers with the Communist Party, was focused on individual professors and institutions of higher learning. It is interesting to note that eight of the seventeen cases which specifically entailed academic freedom issues can be classified as "national security" cases.

In the fall of 1955 the Association's Council appointed a special committee to report on the developments of national security cases in several institutions. The committee was explicitly charged "... to review the effects upon academic freedom and tenure of the national effort to achieve military security and to combat Soviet Communism ...."4 The committee produced a report that included consideration of eighteen cases, eight of which eventually resulted in censure (seven of these eight cases are now closed). Two of the cases
included on-campus investigations authorized by the committee, according to the usual procedures of treating such cases. In all the other cases which the committee reviewed, it relied on facts of public knowledge and the contents of published documents only. This was a departure from the normal procedures described in Chapter III. Apart from the special committee's report in 1956, there were later and separate reports of two additional national security cases, one of which resulted in censure and is now closed, making a total of eight closed national security cases.5

It may be noted that 1955-56 was a relatively late date to exhibit concern about such cases in view of the fact that, for all practical purposes, the McCarthy era was over by that time. The report of the special committee acknowledges pressure from the AAUP membership for the Association to take a strong public stand even at so late a date: "The insistence that it do so is widespread among its members . . ."6 The report of the cases is divided into two sections, the first entitled, "The Impact of Public Actions Directed Against Communism," and the second, "The Effects of the Refusal to Testify." Under the first heading are included cases at the University of California and the
University of Oklahoma. Under the second are included New York University, Rutgers, Temple, Ohio State, and the University of Michigan.

The University of California case is probably the most widely known of all the cases and may be used to illustrate some of the issues of conflict which have led to censure. One of the key issues in this case involved the imposition of a so-called "disclaimer oath" to faculty members and administrators as a condition of continued employment. The oath was actually prescribed in 1949 by the university's Board of Regents "... to forestall legislation to establish security controls over the University, which seemed imminent by reason of previous investigations and reports." The oath which it imposed included a statement disclaiming membership in the Communist Party as well as in any other "... commitment that is in conflict with my obligations." 

The President of the University as well as the faculty senates within the system went on record as being strongly opposed to the oath requirement. After several months of negotiation and heated controversy, thirty-two faculty members persisted in refusing to sign the oath. The Board subsequently dismissed the faculty members, more than half of whom had tenure. Additional
faculty members resigned in protest of the dismissals. The conflict then shifted to the state courts when twenty of the dismissed faculty members brought suit to compel their reinstatement.

In 1952, the State Supreme Court decided in favor of the dismissed faculty members on the ground that the Board did not have the authority to impose such an oath. However, in the interim the state legislature had enacted a statute requiring a similar oath of all state employees, including, of course, those in higher education. Upon court test, this oath was upheld as valid. Some of the dismissed faculty members then took the oath and were reinstated. However, the University administration refused to pay the salaries of the dismissed members during their non-employment on the ground that the Board action had been illegal. On each campus of the University an administrative official was charged with responsibility for security surveillance in keeping with the institution's policy of not employing members of the Communist Party.

In the eyes of the AAUP and the special committee the Board, in prescribing the disclaimer oath, was contravening the academic freedom of the faculty in bowing to external pressures in the form of anticipated
legislative sanctions. The administrative officials also later bowed to the same pressures including those from Board in maintaining surveillance, as it were, on the political affiliations and activities of the faculty. For these infractions the University was censured by the AAUP. The report especially noted the adverse effects of the oath and the surrounding controversy on faculty morale.

The case at the University of Oklahoma revolved around the consequences of the imposition of an oath similar to the one at California. A state-sponsored investigation of an assistant professor of zoology raised "doubts" in the minds of the Regents as to the man's political sympathies. (He testified in a hearing that at one time, long before assuming his present position, he had "sympathized" with the Communist Party.) He was dismissed by the Board. AAUP censure was the result.

In the section of the committee report entitled "The Effects of the Refusal to Testify," the cases examined are largely "First and Fifth Amendment" cases. At Rutgers two faculty members, one with tenure, were dismissed because they invoked the Fifth Amendment to the Constitution of the United States in
refusing to testify before the House Un-American activities Committee. Under similar conditions a tenured professor of philosophy at Temple University was dismissed. Likewise, at Ohio State a tenured associate professor of physics was dismissed the same day on which he invoked the First and Fifth Amendments in refusing to testify before HUAC. His refusal to testify was construed by the Board as "gross insubordination" to the administration. The AAUP report noted that the dismissal action rested partially on "... deductions from a supposed state of public opinion in relation to his act ..." Ohio State also had a disclaimer oath and a "speaker ban."

At New York University two tenured associate professors were dismissed for similar reasons. One had been convicted of contempt of Congress for failing to produce records of the Joint Anti-Fascist Refugee Committee on demand of HUAC. The other man had invoked the First and Fifth Amendments in answering questions posed by the Senate Internal Security Subcommittee. Similarly three faculty members at the University of Michigan, one with tenure, received punitive action upon invoking the two amendments. On the same day they testified before the HUAC they were suspended from teaching duties pending inquiry initiated by the administration. Eventually two of them were dismissed and the
third was censured by the Board of Regents. In taking these measures the Board stated that its actions were not based on the refusals to testify by invoking the amendments, but on the alleged Communist affiliations of the men. The dismissals at Rutgers, Temple, Ohio State, and New York University were based on the invocation of the amendments and in most of those cases the trustees acknowledged that they were confident that the dismissed faculty members had no affiliations, past or present, with the Communist Party.

The other Fifth Amendment case, that of Dickinson College in Pennsylvania, was examined in a later report. However, issues in this case were similar to those cited above. An assistant professor of economics (not having tenure) was dismissed for having invoked the Fifth Amendment in refusing to answer questions upon interrogation by the HUAC.

There is some question, in the author's opinion, as to whether these Fifth Amendment dismissals actually constitute academic freedom cases. Invocation of the First or Fifth Amendments is the constitutionally guaranteed civil liberty of an individual. Dismissals pursuant to exercise of these rights, and solely for this reason, comprise a form of denial of civil liberties,
not of academic freedom. Only if freedom of extramural expression is construed as part and parcel of academic freedom can such dismissals be cast as violations of academic freedom. Freedom of extramural utterance, however, is the constitutional right of any citizen, professor or not, and is therefore something distinct from academic freedom, which by definition pertains to those in the "academy," and to their academic functions and roles. Assuredly, the Fifth Amendment cases outlined above involved issues of due process, tenure, and organization. They did not involve, in the opinion of the author, distinct issues of academic freedom.

The issue of extramural utterance was also the primary one which culminated in the AAUP censure of Evansville College in 1946. 22 An assistant professor of religion and philosophy was dismissed largely for his extramural political activity in support of Henry Wallace for President. His political nonconformity became the focus of public controversy in the college and, more especially, in the city of Evansville. Here again, a faculty member was deprived of his position because he exercised his civil liberties. It does not seem to represent a clear-cut issue of academic freedom.

Academic freedom in the strict sense seems to
have been involved more clearly in the Auburn University case. An assistant professor of economics was dismissed for writing a "letter to the editor" of the campus newspaper in which he challenged (in a rather judicious tone) the segregationist views expressed in a previous editorial in that paper. The specific topic of both the editorial and the faculty member's letter pertained to a subject within the competence of a social scientist. The Board, however, construed his letter as the basis for summary dismissal, in that it dealt with the controversial race issue, especially since tenure was not involved. The AAUP, of course, did not agree. The man was performing an appropriate function as a faculty member and as an individual. Therefore, his academic freedom was clearly violated by the dismissal.

Academic freedom issues of various types were also involved in most of the other cases. However, these issues were usually secondary to issues of tenure, due process, and organization, which are examined in the following sections.

**Issues of Academic Tenure**

The 1940 statement of AAUP principles deals not only with academic freedom, but also with standards of tenure and due process. Sixteen of the twenty-one closed
censure cases included infractions of the Association's standards of tenure.

The 1940 statement (see Appendix C) states that "Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years ..." Service at other institutions prior to a given appointment should be included in the seven years,

... subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years.

Tenure is permanent or continuous until retirement age and may be terminated only because of bona fide financial exigencies or proof of adequate cause (such as incompetence or moral turpitude). Some of the institutions represented among the sixteen tenure cases had no explicit tenure policies; others had policies which differed from the AAUP standards. In some cases the tenure policies of the particular institution were abrogated; in others the infractions pertained only to
It is to be noted that infractions of tenure do not occur in isolation from other issues. As noted above, most of the academic freedom cases included infringements of tenure. Many of the tenure cases apparently resulted from personal conflicts and disharmonies in which the "victims" were accused of disloyalty or insubordination to the administration or other forms of obstreperousness or uncooperativeness. These cases are to some extent typified by the case which led to the censure of Saint Louis University in 1956. A professor of medicine who was also Director of the Department of Internal Medicine (both positions tenured by explicit agreement of university officials) was dismissed largely because of friction between him and certain administrators and trustees, and more especially between him and the Sisters of Saint Mary, who staffed a hospital which was used by his department. The conflict between the latter over the use of the hospital seems to have been the root issue which led the trustees to believe that the professor was dispensable. In view of the AAUP, Saint Louis University was censureable because the professor's tenure was violated without adequate cause. (For instance, the
the university had failed to live up to certain explicit commitments made to the man upon his appointment and also had failed to attempt to ameliorate the conflict between the professor and the Sisters.) Other cases are variations on the same theme.

**Issues of Academic Due Process**

All twenty-one of the closed cases involved one or more issues of due process as set forth in the 1940 statement. The notion of due process pertains to the proper procedures to be followed in instances of dismissal or non-reappointment. The basis AAUP-sanctioned principles of due process are contained in the following paragraph from the 1940 statement:

> Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an adviser of his own choosing who may act as counsel. There should be a full stenographic
record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.  

It is to be observed that due process, like academic freedom, is the prerogative of the non-tenured as well as the tenured positions. While an institution may choose not to reappoint a non-tenured faculty member without an explanation or hearing, it may not interrupt or terminate a non-tenured appointment during the period of the appointment except in accordance with the above procedures. Since 1940 the Association has also elaborated its principles of due process to apply to notice of reappointment or non-reappointment. While the essence of due process is a fair hearing, academic due process may be conceived more broadly to include all procedural standards applying to appointments and their termination by ad hoc administrative action. Occasionally due process violations occur in isolation from other issues. The censure of Livingstone
College in North Carolina is a case in point. In applying for a position at Livingstone, which is affiliated with a Protestant denomination, an applicant explicitly noted his religious identification as Unitarian. He was offered an acceptable contract to teach at Livingstone the following academic year. He signed and returned the contract, received confirmation of it from Livingstone, and resigned his position at Blackburn College where he was teaching at the time. Early in June he received notice that his contract had been cancelled by the Livingstone Board of Trustees because he was a Unitarian, a faith that was unacceptable at Livingstone. The revocation of the signed contract before the period of appointment began was a violation of due process, rather than of tenure (to which he had no claim) or of academic freedom.

Such cases as the one at Livingstone are rare in comparison to those cases in which issues of due process are accompanied by issues of academic freedom and tenure. The great majority of the closed censure cases under consideration included all three types of issues. Another case in which due process constituted the primary, though perhaps not the exclusive, issue was
the dismissal of a professor of history and sociology at Southwestern Louisiana Institute in 1955. The professor had served for one year and his contract had been renewed for 1955-56. He was not entitled to tenure although he had taught at several other institutions in previous years. For one reason or another (the basis of the charges was never made quite clear) the administration decided to revoke his contract for the coming year toward the end of the summer. He was not granted a hearing nor any other feature of due process either by the administration or the State Board of Education to whom the institution was responsible. Aside from the fact that there may have been some latent issues of academic freedom, the denial of due process was the overriding consideration leading to the AAUP censure of Southwestern in 1958.

In all the other cases (aside from Southwestern and Livingstone) the infractions of due process were accompanied by other misdemeanors and felonies. Some of the due process violations were relatively minor (for instance, a hearing may have been granted but opportunity for counsel may have been denied) while others were gross in disregard of due process standards. The details of these other infractions do not seem to
deserve special attention apart from consideration of other issues.

Issues of Academic Organization

Principles of academic organization was not treated explicitly by the 1940 statement. Nevertheless, it may be shown that issues of academic freedom, tenure, and due process, whether considered singly or in conjunction, entail issues of academic organization.

Academic freedom, tenure, and due process consist of rules which can govern the actions of people. They are amenable to exposition in the form of policy. From the perspective of academic organization these rules are organizational norms and, thus, aspects of the organization of a college or university. Defective policies, or disregard of policies, of academic freedom, tenure, or due process thus constitute instances of faulty organization or failure to abide by institutional norms. Thus, even the case of Livingstone College, which involved a simple violation of due process, is an instance of defective organization. Moreover, by definition, all twenty-one cases under examination involve organizational issues. These considerations notwithstanding, there are several types of substantive issues of organization involved in the several cases, which are now to be examined.
The organizational issues are of two fundamental types: those that pertain mostly to formal or official organization, and those that pertain to reference organization. Of the former type there are several instances among the censure cases. The University of Nevada case in particular is a notable instance of disregard for faculty authority in the government of a university. This case concerned the dismissal of a tenured professor of biology who was also chairman of that department on charges of insubordination and disloyalty to the president of the university. In the judgment of the AAUP, the case exhibited flagrant violations of academic freedom, tenure, and due process. In the view of the author, an examination of the organization of authority within this university sheds light on the issues of the case.

The chief antagonist in the Nevada case was the president of the university, Dr. Stout. His predecessor had believed that "... the general faculty should be responsible for formulating the educational policy of the University as a whole." Consonant with this view he had initiated certain changes in the authority structure, as reflected in
this statement in the university catalog:

... the University Faculty has legislative jurisdiction, in all matters of government, discipline, and educational policy not delegated by it to the separate faculties, and has the right of review of all actions of the several colleges which relate to the educational welfare of the University as a whole.33

This rather extensive authority was vested mostly in the general university faculty, but a hierarchical committee system was devised by the faculty to deal with specialized concerns. Dr. Stout assumed the office of president in the fall of 1952, and quite soon began, "on his own authority," to revamp the authority system and to diminish the role of the faculty in policy-making. He referred to the faculty committees as a system which tried "to pool ignorance and come up with knowledge."34

From that point faculty committees were formed at the pleasure of the president and other administrators and used in an advisory capacity in the event that the administrators wanted advice; otherwise, the committee functions were perfunctory.

The administrative organization of the university was thus revised by President Stout to emphasize a "chain of command" and to eliminate faculty authority in university government. According to Dr. Stout, an
administrator's function is to "administer," while a faculty member's function is to "teach" and to conduct research in his field without concerning himself with administration. In harmony with the approach Dr. Stout initiated a change in admissions requirements (lowering the previous standards) without consulting the general faculty.

Among other effects, Dr. Stout's modifications in the organization precluded the right of the faculty to offer constructive criticism of administrative policy and practice, which is an aspect of academic freedom. The aforementioned professor of biology was "guilty" of opposing the new organizational policies and of criticizing practices under the administration of Dr. Stout. For these activities the professor was charged with disloyalty and insubordination. He was granted a hearing of sorts, though not in keeping with a full measure of due process, in which Dr. Stout confronted the biology chairman with these words:

... Dr. Richardson, this is serious, because on this campus there is not going to be any departmental friction. There is going to be no case of any departmental belittling or criticizing others. In other words, there is not going to be friction. In case there is any individual who feels he has to stir
it up, then he is going to leave the faculty. In case there are two people who can't get along, both of them will go . . . You were hired to teach biology. This year you were given the appointment to serve as department head. That does not make you a critic or a supervisor of the entire program of higher education . . . Have I made myself clear? . . . 37

Dr. Richardson was dismissed, but subsequently was reinstated after the Supreme Court of the State of Nevada overturned the action on the ground that there was no ground for the dismissal. 38

It may be observed that while there were definite issues of academic freedom, tenure, and due process in the Nevada case, the organizational issues encompassed all of them and represented the underlying source of these other issues. The changes wrought by President Stout destroyed not only faculty authority but also morale and quite naturally evoked criticism and opposition, in which the biology professor was not the sole participant. The president's conception of academic organization left no place for faculty criticism, much less faculty participation. Organization, in this case defective to be sure, was the root cause of denial of academic freedom and led to violations of tenure and due process.

Whereas the Nevada case involved grave transgressions of faculty authority by the president, the
University of Texas case exhibited similar and equally serious transgressions by the governing board. The Texas case, which occurred during World War II and resulted in AAUP censure in 1946, is among the most complex and widely known cases in the annals of academic freedom. The case cannot be treated here in detail. Like the Nevada case this one included violations of academic freedom, tenure, and due process. Contrary to the advice of Dr. Homer P. Rainey, the president, the governing board dismissed several faculty members summarily without benefit of due process. This action was publicly condemned by both the president and duly constituted bodies of the faculty. In November 1944, President Rainey was also dismissed summarily from office, and also from his tenured professorship in education because of the discord between him and the Board. Several more faculty members resigned in protest. Also, three Board members protested the president's dismissal by resigning. Faculty morale suffered with each new encroachment by the Board.

At the root of the violations of freedom, tenure, and due process seems to have been the Board's view of university organization and of the internal structure of authority. With regard to the relationship of the Regents to the president and faculty, the Board
members seem to have held this view, as described in
the AAUP report of the case:

... they (the majority of the
members of the Board of Regents)
regard this relationship to be
that of a private employer to his
employees, a relationship in which
the Regents are not debarred by
any moral restrictions beyond
their own individual sense of
expediency from imposing their
personal views and prejudices
upon the teaching of the
university and from employing
the power of dismissal to gratify
their private antipathies and
resentments. They have made it
clear that they regard the Uni-
versity of Texas as a proprietary
institution.42

Later in the same report is this statement con-
cerning the external pressures to which the Board yielded
in making the dismissals:

The evidence in the University of
Texas situation indicates that what
is happening in Texas with reference
to the University is a reappearance
of an old phenomenon, namely, an
effort on the part of certain
special interest groups to control
education.43

Thus, instead of conceiving of its role as
insulating the university from external pressures and
attacks from special interests, the Board collaborated
with forces inimical to the freedom and integrity of
educational pursuits within the university. As in the
Nevada case, the violations of the AAUP principles seem to have stemmed from defective academic organization.

The Texas and Nevada cases illustrate, through their deficiencies, the relevance of patterns of academic organization for issues of academic freedom, tenure, and due process. Unfortunately, these were not isolated cases. Similar patterns are evident especially in the cases of North Dakota State University, Allen University, and Princeton Theological Seminary. In the latter case, for instance, the AAUP reported that channels for faculty authority, such as a committee system, were non-existent in the seminary. Continuing, the report noted that

... the apparently arbitrary character of some presidential decision, made without consultation with the faculty, has ... resulted in a feeling of pessimism about the health of the institution. The idea of a "Christian community" has turned somewhat sour ... 

The second type of organizational issue pertains to reference organization. The relevance of reference organization to the issues of academic freedom, tenure, and due process can be discussed here only briefly in view of the lack of data in the case reports. According to the distinction made in the previous chapter between
cosmopolitans and locals, the basic trends in the cases are rather clear.

The overwhelming majority of dismissals in the twenty-one cases were of cosmopolitans who were "guilty" in many cases of challenging localistic values, interests, and practices. This type of case was often reflected in charges of disloyalty or insubordination. The cosmopolitan "victims" marched to a different drum beat, as it were, and suffered localistically justified reprisals. President Rainey of Texas, for instance, was dismissed from office by the Board because of discord in their relation. He thought it more important to defend cosmopolitan principles of academic freedom, rather than to jeopardize the integrity of his faculty by courting the pleasure of the Board and seeking harmony between himself and the Regents. There are many variations on this theme among the censure cases. To designate victims such as President Rainey as cosmopolitans is not meant to imply that they were "disloyal" to their institutions by virtue of their cosmopolitanism. As far as can be ascertained from the record, most of the cosmopolitans displayed commendable loyalty and firm appreciation of their institutions. Very often, it was simply a case of cosmopolitan versus local conceptions
of the proper organization and function of the school. In this light a cosmopolitan could hardly be expected to approve uncritically each and every action of his administrators and trustees, who may have been operating on different values entirely.

In sum, patterns of academic organization comprise not only the framework within which issues of academic freedom, tenure, and due process arise, but also the substantive source of these issues. This is particularly true of the structure of authority (including the role of the faculty) in a formal sense and the values to which the members of the academy adhere, which form the basis for reference organization.

III. PATTERNS OF AAUP INTERVENTION: CENSURE IMPOSED

The American Association of University Professors places primary responsibility for the Association's intervention in the cases under study with Committee A on Academic Freedom and Tenure. The prescribed procedures which guide the actions sanctioned by Committee A have been reviewed in Chapter III. The actual patterns of AAUP intervention in the twenty-one cases departed little, on the whole, from these prescriptions and thus require only brief attention in the present context.
The patterns of AAUP intervention to the point of censure may be outlined as follows:

1. Informal conciliation
2. Appointment of an investigating committee
3. On-campus investigation
4. Preparation and publication of findings
5. Imposition of censure

In all instances among the twenty-one cases the Association attempted to resolve or reconcile the reported conflict in order to prevent its becoming a "case" at all. Usually, such action took the form of communication between the Washington office with administrative officials or trustees, informing of a complaint, requesting clarification of the situation, and (sometimes a separate step) offering the good offices of the Association in a conciliatory fashion. In this preliminary stage the Association would briefly state the relevance of AAUP principles to the situation. In some cases, these early conciliatory offers were rebuffed by college officials to the effect that "It is none of your business." In other cases, conciliatory offers were accepted in part, but were unsuccessful in the end.

Upon the failure of informal conciliation, the
AAUP proceeded to the formal stage of appointing and briefing an investigating committee. As mentioned earlier in this chapter this step was not taken in some of the "national security" cases which were handled by an ad hoc committee (which relied on published facts rather than on-campus investigations). By this point the Association, through the activity of its staff, had usually gathered many facts and had clarified some of the issues of the case. The information gained in this manner was used to brief the ad hoc investigating committees appointed by the General Secretary. As far as the composition of the investigating committee is concerned, the ideal sought, but not always achieved, was

... to have represented on the committee someone with previous experience, someone from the region, someone from the discipline of the complaining teacher, someone with legal training.50

The on-campus investigations usually required at least two full days in which the members of the committee sought to interview most of the parties involved in the case. The committees usually planned as much as possible for the investigation and made arrangements prior to arrival to facilitate the investigation. The investigating committee in all
instances sought to make clear, as the Washington office has done in advance, that the committee has an exclusively fact-finding function and seeks all available information on all sides of the issues. 51

Following the campus visit the members of the investigating committee collaborated in writing a report for the Association including a summary of the facts of the case, an interpretation of the bearing of AAUP principles to the issues of the case, and recommendations for Committee A action. According to the prescribed rules these reports were submitted to the chief parties in the case for correction of any errors of fact. With Committee A approval, which often followed rewriting of the report, it was approved for publication in an issue of the AAUP Bulletin.

The final step entails the imposition of censure by the procedures described in Chapter III. However, imposition of censure does not terminate AAUP intervention in any of the censure cases. These later steps pertain to removal of the case from censured status.

IV. PATTERNS OF RESOLUTION:
CENSURE REMOVED

Intervention of the American Association of University Professors extends until censure is removed
from an institution. Each fall the General Secretary writes to the administration of each institution currently on the censure list urging resolution of the case in accordance with the principles of the 1940 statement. If appropriate, the Association offers to have a conference between its representatives and the administrative officers of an institution in the interests of a settlement. In order for censure to be removed and for a case to be closed, Committee A has to be satisfied that the conditions which led to censure have been alleviated.

According to the 1965 Association self-survey report "... it seems that censured administrations may be required to meet one or more of three sorts of conditions:"

They may be required to give evidence of reform (by changing their rules and regulations and replacing liable personnel); they may be required to give evidence of repentance (by admitting to past mistakes and promising not to stray again); they may be required to give evidence of redress (by making amends to the individual for injuries suffered at their hands).

Of the three conditions reform has received the most emphasis as a requirement for censure removal. Reform usually entails organizational changes in harmony
with Association principles. These reformative changes
tend to ensure the future security of Association
principles whereas repentance and redress are linked
to the particular case. Until the 1950's redress was
never insisted upon by the Association, and repentance
from the offending administrations was seldom forth-
coming.55

There is, finally, the question of the effective-
ness of the AAUP's whole program of advocacy of academic
freedom. These questions cannot be evaluated fully in
the present context. As an agency of codification of
principles of academic freedom, tenure, and due process,
the AAUP has been accorded high esteem in the academic
profession. The principles which have been promulgated
by the Association since 1915 have been assimilated into
the entire profession. Some thirty-five learned
societies and educational associations have endorsed
the 1940 statement.56 As an agency of implementation
of these principles the record of the AAUP is also
remarkable. The channels by which it seeks to implement
its standards are moral rather than legal. The Associ-
ation is generally recognized as having minimized the
ex parte character of its intervention. Its fairness
has been exemplified in its presentation of case reports. If fault is found on the part of a complainant the misdemeanor is reported along with the encroachments of offending administrators. In spite of the fact that it has no legal force the Association has been able to secure the cooperation of errant institutions in resolving the censure cases expeditiously. Finally, the Association's record is enhanced by the fact that it has been able to effect organizational reform in the censure cases. In the view of the author such reform is crucial to the future of academic freedom, tenure, and due process.
FOOTNOTES TO CHAPTER FIVE

1. These are the total cases in which censure was imposed between 1945 and 1964 and removed between 1946 and 1965. AAUP censure is imposed in April of each year according to current practice. The minimum duration of censure is one year.


3. Ibid.


5. The closed case was that of Dickinson College. The other case, which never resulted in censure, was the University of Southern California.


8. Ibid., p. 64.

9. Ibid.

10. Ibid., p. 65.

11. Ibid., p. 66.

12. Ibid.

13. Ibid., pp. 69-70.

14. Ibid., pp. 77-78.

15. Ibid., pp. 79-80.

16. Ibid., pp. 81-83.
The Michigan and New York University cases were subsequently investigated by AAUP committees before censure was imposed.


24 See Appendix C.

25 See Appendix C.


27 See Appendix C.


33 *Ibid*.


37 Ibid., pp. 558-559.

38 Ibid., p. 530.


42 Ibid., pp. 629-630.

43 Ibid., p. 633.


47 Ibid., p. 57.


50 Ibid., p. 216.

51 Ibid.

52 Ibid., p. 157.

54 Ibid.
55 Ibid.
56 Ibid., p. 105.
Prior to the formation of the American Association of University Professors in 1915, relatively little scholarly attention had been devoted to the subject of academic freedom in the United States. In recent decades, however, a sizeable literature on the subject has accumulated. Most of this literature is exhortative rather than scholarly in nature. Among scholarly works the main concerns have been either the philosophical rationale or the historical genesis and development of academic freedom. Particularly important historical work in recent years has been contributed by Hofstadter, Metzger, MacIver, and others. Noticeably missing from the growing academic freedom literature, however, is any systematic examination of the subject from a sociological perspective. The primary purpose of this study has been to develop a sociological conception of academic freedom from an analysis of the social context in which it operates. The main results of this analysis may now be summarized.

The social context of academic freedom consists,
on the one hand, of the internal organization of colleges and universities, and on the other hand, of forces in the academic profession at large, foremost among which is the American Association of University Professors as an advocate of academic freedom. Prior to the establishment of the AAUP there had been little collective advocacy of academic freedom within the profession. The earlier history of academic freedom is primarily, though not exclusively, the story of events and decisions in particular colleges and universities. Thus, the work of the historian is especially well suited for the analysis of the development of academic freedom prior to the present century. Beginning approximately with the founding of the AAUP, which greatly increased collective action in the academic profession as a whole, the sociologist is able to contribute to the scholarly discussion of the subject of academic freedom.

As a national association, the AAUP is not only external to the academic organization of the two thousand colleges and universities of the United States. It also has no legal authority over the affairs of a particular institution. The force of its advocacy of principles of academic freedom is essentially moral, resting as it does on the value commitments of the
profession as a whole as well as those of its constituents. The force of the Association's policies is aided by the fact that its members, as faculty members of particular institutions, are carriers of its values and supporters of its norms with reference to local situations. The work of local members is advanced through the organ of the local AAUP "chapter" as the framework for discussion and collective action.

The force of the AAUP's promotion of academic freedom is furthered through the endorsement of its principles by other educational associations and learned societies. The Association of American Colleges, an organization of administrators, has jointly sponsored the 1925 and the 1940 statements of principles. More and more the principles of the AAUP are becoming those of the profession as a whole.

There are several means by which the Association seeks to implement its principles of academic freedom. Chief among these is the censure of administrative officers and/or trustees of institutions for serious violations of principles of academic freedom and tenure. Its work in this connection is probably the most widely known aspect of AAUP activity within and beyond the profession.
The salutary effects deriving from its censure activity are widely recognized but difficult to measure. These benefits stem partly from the judiciousness of Association procedures in censure cases. It has sought to minimize the *ex parte* character of its investigation and censure of institutions. Censure, and the procedures attendant to it, are not conceived as partisan intervention in behalf of injured members, but rather intervention on behalf of ideals which benefit the entire academic community in fulfilling its primary functions, the attainment and dissemination of knowledge. Thus, the moral force of AAUP censure is not attenuated by charges of partisanship.

The other aspect of the social context of academic freedom examined in this study is the internal structure of colleges and universities, specifically the roles of faculty, administrators, and trustees. In Chapter IV, in which this subject was treated, two types of academic organization were distinguished: one, the formal or official organization of authority in institutional governance, and, the other, the reference organization based on the value commitments of the institutional citizenry.

The formal or official organization of a college
or university prescribes the legitimate structure within which institutional decisions and policies are made. The manner and degree to which faculty authority is allowed and promoted in the official organization affects not only the morale but the academic freedom of the faculty. If institutional authority is concentrated in administrative roles so that the faculty has no functional autonomy, then the faculty has no secure hold on any aspect of academic freedom. Such freedom as it may enjoy in these circumstances comes to it by default, as it were, of administrative prerogatives and at the pleasure of individual presidents and deans.

From the perspective of academic organization, academic freedom is comprised of norms which govern the action of academic citizens. The most essential normative components of academic freedom are the following:

(1) In his role as an academic specialist, a faculty member is free to criticize and to challenge accepted theories, beliefs, and practices related to his field of competence.

(2) In his role as a citizen of the institution in which he serves, a faculty member is free to criticize the official policies and practices of his institution, including the actions of administrative
(3) In his role as a member of the academic profession, a faculty member is free to defend his colleagues against perceived threats to, or violations of, their academic freedom.

These norms may be considered prerogatives of faculty members, each norm being attached to a special faculty role: specialist, institutional citizen, and professional colleague. These norms of freedom constitute measures of authority vested in the faculty. In order to thrive in practice these norms must be lodged in patterns of academic organization which encourage their exercise. Conceived in this manner academic freedom is part and parcel of the official authority structure of a college or university. Genuine and legitimated faculty participation in institutional governance is essential to the prospects for academic freedom.

The unofficial patterns of reference organization within colleges and universities also have import for the maintenance of norms of academic freedom in practice. In Chapter IV, academic organization was analyzed in terms of the reference group composition of the faculty and administration, especially according to the distinction between cosmopolitans and locals.
Whereas locals share a primary identification with the local institution and its official values and norms, cosmopolitans subscribe to values derived from a more universal culture (including the AAUP). The cleavage between cosmopolitans and locals is likely to be reflected in differential conceptions of university goals and functions. Cosmopolitans are far more likely than locals to support norms of academic freedom and the values upon which these norms are based. Owing to the demands of administrative roles as they are usually structured, administrators are more likely to be localistic than cosmopolitan. Thus, without official channels for the exercise of faculty authority, academic freedom is likely to be diminished because of the adverse value commitments of some administrative personnel.

Academic freedom, thus, is intimately linked to its social context, including especially the patterns of internal academic organization and the activity of such external forces as the AAUP. The examination of AAUP censure cases in Chapter V demonstrated the relevance of patterns of academic structure to violations of principles of academic freedom. As a rule the infractions occurred in situations in which faculty authority was trammeled. Very often the violations were tied to
administrative denial of the right of the faculty to criticize, much less to formulate, institutional policy. The majority of dismissals apparently were of cosmopolitans who had not "internalized" the localistic values of their colleagues in administrative positions. The censure cases were resolved mainly by reforms in the policy and organization of the offending institutions relative to principles of academic good practices as formulated by the AAUP.

How can an observer, a sociologist for instance, determine whether academic freedom prevails in a given college or university? The preceding discussion would suggest that he would look first to the official organization of the institution. Some colleges and universities have explicit policies which reflect institutionalized norms of academic freedom. In the absence of such explicit policies, the observer would then examine the authority structure of the institution to determine the extensiveness of faculty autonomy in certain kinds of policy-making. The assumption here is that a diminution of faculty authority is incompatible with academic freedom.

In the absence of official channels of faculty influence, how may the extent of academic freedom be
assessed? In the author's judgment, if there are no formal, legitimate channels for faculty participation in institutional decision-making, the prospects for academic freedom are precarious at best. It is not feasible for an observer to interview faculty members with the intent of polling their opinions on the extent of academic freedom. As mentioned earlier in this study, faculty members may misperceive the extent of academic freedom in an objective sense. They may feel quite free to express personal views. This type of freedom is, however, subjective. In the absence of heterogeneous opinions and values, in a local academic community characterized by value consensus on matters that would be controversial elsewhere, subjective feelings of freedom are misleading.

It is the author's conviction that without manifest patterns of faculty authority the only manner in which the presence or absence of academic freedom can be determined is by examining what happens when the norms of academic freedom are practiced by an individual. For instance, an observer may inquire into what transpires when a faculty member criticizes administrative policy (e.g., the lack of faculty participation). From the observer's point of view this is a form of testing. If
reprisals follow, and assuming no fault on the part of
the faculty member, then academic freedom in the aspect
tested does not exist. Without such challenges to
administrative authority, an observer cannot determine
whether, or to what extent, academic freedom prevails.

This study has been undertaken in spite of
these methodological obstacles with the conviction that
academic freedom is a worthy subject for sociological
inquiry, and that important subjects should not be
avoided simply because they are difficult to research.
This study, with its announced limitations of scope, is
but a starting point for sociological investigation of
the subject. Its task has been primarily conceptual.
An attempt has been made to bring to bear on the subject
a conceptual framework from sociology to enhance scholarly
understanding of academic freedom. A number of hypo-
theses pertaining to both academic freedom and academic
organization have been advanced which may lead to more
fruitful research by the sociologist, who is at least
as vulnerable as any other citizen of the academic
community to attacks upon academic freedom.
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MISCELLANEOUS


APPENDIX A

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS
PRINCIPLES OF ACADEMIC FREEDOM AND TENURE
1915 STATEMENT

I. General Declaration of Principles

The term "academic freedom" has traditionally had two applications — to the freedom of the teacher and to that of the student, Lehrfreiheit and Lernfreiheit. It need scarcely be pointed out that the freedom which is the subject of this report is that of the teacher. Academic freedom in this sense comprises three elements: freedom of inquiry and research; freedom of teaching within the university or college; and freedom of extra-mural utterance and action. The first of these is almost everywhere so safeguarded that the dangers of its infringement are slight. It may therefore be disregarded in this report. The second and third phases of academic freedom are closely related, and are often not distinguished. The third, however, has an importance of its own, since of late it has perhaps more frequently been the occasion of difficulties and controversies than has the question of freedom of intra-academic teaching. All five of the cases which have recently been investigated by committees of this Association have involved, at least as one factor, the right of university teachers to express their opinions freely outside the university or to engage in political activities in their capacity as citizens. The general principles which have to do with freedom of teaching in both these senses seem to the committee to be in great part, though not wholly, the same. In this report, therefore, we shall consider the matter primarily with reference to freedom of teaching within the university, and shall assume that what is said thereon is also applicable to the freedom of speech of university teachers outside their institutions, subject to certain qualifications and supplementary considerations which will be pointed out in the course of the report.

An adequate discussion of academic freedom must necessarily consider three matters: (1) the scope and
basis of the power exercised by those bodies having ultimate legal authority in academic affairs; (2) the nature of the academic calling; (3) the function of the academic institution or university.

1. Basis of academic authority

American institutions of learning are usually controlled by boards of trustees as the ultimate repositories of power. Upon them finally it devolves to determine the measure of academic freedom which is to be realized in the several institutions. It therefore becomes necessary to inquire into the nature of the trust reposed in these boards, and to ascertain to whom the trustees are to be considered accountable.

The simplest case is that of a proprietary school or college designed for the propagation of specific doctrines prescribed by those who have furnished its endowment. It is evident that in such cases the trustees are bound by the deed of gift, and, whatever be their own views, are obligated to carry out the terms of the trust. If a church or religious denomination establishes a college to be governed by a board of trustees, with the express understanding that the college will be used as an instrument of propaganda in the interests of the religious faith professed by the church or denomination creating it, the trustees have a right to demand that everything be subordinated to that end. If, again, as has happened in this country, a wealthy manufacturer establishes a special school in a University in order to teach, among other things, the advantages of a protective tariff, or if, as is also the case, an institution has been endowed for the purpose of propagating the doctrines of socialism, the situation is analogous. All of these are essentially proprietary institutions, in the moral sense. They do not, at least as regards one particular subject, accept the principles of freedom of inquiry, of opinion, and of teaching; and their purpose is not to advance knowledge by the unrestricted research and unfettered discussion of impartial investigators, but rather to subsidize the promotion of the opinions held by the persons, usually not of the scholar's calling, who provide the funds for their maintenance. Concerning
the desirability of the existence of such institutions, the committee does not desire to express any opinion. But it is manifestly important that they should not be permitted to sail under false colors. Genuine boldness and thoroughness of inquiry, and freedom of speech, are scarcely reconcilable with the prescribed inculcation of a particular opinion upon a controverted question.

Such institutions are rare, however, and are becoming ever more rare. We still have, indeed, colleges under denominational auspices; but very few of them impose upon their trustees responsibility for the spread of specific doctrines. They are more and more coming to occupy, with respect to the freedom enjoyed by the members of their teaching bodies, the position of untrammeled institutions of learning, and are differentiated only by the natural influence of their respective historic antecedents and traditions.

Leaving aside, then, the small number of institutions of the proprietary type, what is the nature of the trust reposed in the governing boards of the ordinary institutions of learning? Can colleges and universities that are not strictly bound by their founders to a propagandist duty ever be included in the class of institutions that we have just described as being in a moral sense proprietary? The answer is clear. If the former class of institutions constitute a private or proprietary trust, the latter constitute a public trust. The trustees are trustees for the public. In the case of our state universities this is self-evident, in the case of most of our privately endowed institutions, the situation is really not different. They cannot be permitted to assume the proprietary attitude and privilege, if they are appealing to the general public for support. Trustees of such universities or colleges have no moral right to bind the reason or the conscience of any professor. All claim to such right is waived by the appeal to the general public for contributions and for moral support in the maintenance, not of a propaganda, but of a non-partisan institution of learning. It follows that any university which lays restrictions upon the intellectual freedom of its professors proclaims itself a proprietary institution, and should be so described whenever it makes a general appeal for funds; and the public should be advised that the institution has no claim whatever to general support or regard.
This elementary distinction between a private and a public trust is not yet so universally accepted as it should be in our American institutions. While in many universities and colleges the situation has come to be entirely satisfactory, there are others in which the relation of trustees to professors is apparently still conceived to be analogous to that of a private employer to his employees; in which, therefore, trustees are not regarded as debarred by any moral restrictions, beyond their own sense of expediency, from imposing their personal opinions upon the teaching of the institution, or even from employing the power of dismissal to gratify their private antipathies or resentments. An eminent university president thus described the situation not many years since:

"In the institutions of higher education the board of trustees is the body on whose discretion, good feeling, and experience the securing of academic freedom now depends. There are boards which leave nothing to be desired in these respects; but there are also numerous bodies that have everything to learn with regard to academic freedom. These barbarous boards exercise an arbitrary power of dismissal. They exclude from the teachings of the university unpopular or dangerous subjects. In some states they even treat professors' positions as common political spoils; and all too frequently, both in state and endowed institutions, they fail to treat the members of the teaching staff with that high consideration to which their functions entitle them."*

It is, then, a prerequisite to a realization of the proper measure of academic freedom in American

*From "Academic Freedom," an address delivered before the New York Chapter of the Phi Beta Kappa Society at Cornell University, May 29, 1907, by Charles William Eliot, LL.D., President of Harvard University.
institutions of learning, that all boards of trustees should understand - as many already do - the full implications of the distinction between private proprietorship and a public trust.

2. The nature of the academic calling

The above-mentioned conception of a university as an ordinary business venture, and of academic teaching as a purely private employment, manifests also a radical failure to apprehend the nature of the social function discharged by the professional scholar. While we should be reluctant to believe that any large number of educated persons suffer from such a misapprehension, it seems desirable at this time to restate clearly the chief reasons, lying in the nature of the university teaching profession, why it is to the public interest that the professorial office should be one both of dignity and of independence.

If education is the corner stone of the structure of society and if progress in scientific knowledge is essential to civilization, few things can be more important than to enhance the dignity of the scholar's profession, with a view to attracting into its ranks men of the highest ability, of sound learning, and of strong, and independent character. This is the more essential because the pecuniary emoluments of the profession are not, and doubtless never will be, equal to those open to the more successful members of other professions. It is not, in our opinion, desirable that men should be drawn into this profession by the magnitude of the economic rewards which it offers; but it is for this reason the more needful that men of high gifts and character should be drawn into it by the assurance of an honorable and secure position, and of freedom to perform honestly and according to their own consciences the distinctive and important function which the nature of the profession lays upon them.

That function is to deal at first hand, after prolonged and specialized technical training, with the sources of knowledge; and to impart the results of their own and of their fellow-specialists' investigations and reflection, both to students and to the general public, without fear or favor. The proper discharge
of this function requires (among other things) that the university teacher shall be exempt from any pecuniary motive or inducement to hold, or to express, any conclusion which is not the genuine and uncolored product of his own study or that of fellow-specialists. Indeed, the proper fulfillment of the work of the professorate requires that our universities shall be so free that no fair-minded person shall find any excuse for even a suspicion that the utterances of university teachers are shaped or restricted by the judgment, not of professional scholars, but of inexpert and possibly not wholly disinterested persons outside of their ranks. The lay public is under no compulsion to accept or to act upon the opinions of the scientific experts whom, through the universities, it employs. But is is highly needful, in the interest of society at large, that what purport to be the conclusions of men trained for, and dedicated to, the quest for truth, shall in fact be the conclusions of such men, and not echoes of the opinions of the lay public, or of the individuals who endow or manage universities. To the degree that professional scholars, in the formation and promulgation of their opinions, are, or by the character of their tenure appear to be, subject to any motive other than their own scientific conscience and a desire for the respect of their fellow-experts, to that degree the university teaching profession is corrupted; its proper influence upon public opinion is diminished and vitiated; and society at large fails to get from its scholars, in an unadulterated form, the peculiar and necessary service which it is the office of the professional scholar to furnish.

These considerations make still more clear the nature of the relationship between university trustees and members of university faculties. The latter are the appointees, but not in any proper sense the employees, of the former. For, once appointed, the scholar has professional functions to perform in which the appointing authorities have neither competency nor moral right to intervene. The responsibility of the university teacher is primarily to the public itself, and to the judgment of his own profession; and while, with respect to certain external conditions of his vocation, he accepts a responsibility to the authorities of the institution in which he serves, in the essentials of his professional activity his
duty is to the wider public to which the institution itself is morally amenable. So far as the university teacher's independence of thought and utterance is concerned - though not in other regards - the relationship of professor to trustees may be compared to that between judges of the Federal courts and the Executive who appoints them. University teachers should be understood to be, with respect to the conclusions reached and expressed by them, no more subject to the control of the trustees, than are judges subject to the control of the President, with respect to their decisions; while of course, for the same reason, trustees are no more to be held responsible for, or to be presumed to agree with, the opinions or utterances of professors, than the President can be assumed to approve of all the legal reasonings of the courts. A university is a great and indispensable organ of the higher life of a civilized community, in the work of which the trustees hold an essential and highly honorable place, but in which the faculties hold an independent place, with quite equal responsibilities - and in relation to purely scientific and educational questions, the primary responsibility. Misconception or obscurity in this matter has undoubtedly been a source of occasional difficulty in the past, and even in several instances during the current year, however much, in the main, a long tradition of kindly and courteous intercourse between trustees and members of university faculties has kept the question in the background.

3. The function of the academic institution

The importance of academic freedom is most clearly perceived in the light of the purposes for which universities exist. There are three in number:

A. To promote inquiry and advance the sum of human knowledge.

B. To provide general instruction to the students.

C. To develop experts for various branches of the public service.
Let us consider each of these. In the earlier stages of a nation's intellectual development, the chief concern of the educational institutions is to train the growing generation and to diffuse the already accepted knowledge. It is only slowly that there comes to be provided in the highest institutions of learning the opportunity for the gradual wresting from nature of her intimate secrets. The modern university is becoming more and more the home of scientific research. There are three fields of human inquiry in which the race is only at the beginning: natural science, social science, and philosophy and religion, dealing with the relations of man to outer nature, to his fellow men, and to the ultimate realities and values. In natural science all that we have learned but serves to make us realize more deeply how much more remains to be discovered. In social science in its largest sense, which is concerned with the relations of men in society and with the conditions of social order and well-being, we have learned only an adumbration of the laws which govern these vastly complex phenomena. Finally, in the spiritual life, and in the interpretation of the general meaning and ends of human existence and its relation to the universe, we are still far from a comprehension of the final truths, and from a universal agreement among all sincere and earnest men. In all of these domains of knowledge, the first condition of progress is complete and unlimited freedom to pursue inquiry and public its results. Such freedom is the breath in the nostrils of all scientific activity.

The second function - which for a long time was the only function - of the American college or university is to provide instruction for students. It is scarcely open to question that freedom of utterance is as important to the teacher as it is to the investigator. No man can be a successful teacher unless he enjoys the respect of his students, and their confidence in his intellectual integrity. It is clear, however, that this confidence will be impaired if there is suspicion on the part of the student that the teacher is not expressing himself fully or frankly, or that college and university teachers in general are a repressed and intimidated class who dare not speak with that candor and courage which youth always demands in those whom it is to esteem. The average student is a discerning observer,
who soon takes the measure of his instructor. It is not only the character of the instruction but also the character of the instructor that counts; and if the student has reason to believe that the instructor is not true to himself, the virtue of the instruction as an educative force is incalculably diminished. There must be in the mind of the teacher no mental reservation. He must give the student the best of what he has and what he is.

The third function of the modern university is to develop experts for the use of the community. If there is one thing that distinguishes the more recent developments of democracy, it is the recognition by legislators of the inherent complexities of economic, social, and political life, and the difficulty of solving problems of technical adjustment without technical knowledge. The recognition of this fact has led to a continually greater demand for the aid of experts in these subjects, to advise both legislators and administrators. The training of such experts has, accordingly, in recent years, become an important part of the work of the universities; and in almost every one of our higher institutions of learning the professors of the economic, social, and political sciences have been drafted to an increasing extent into more or less unofficial participation in the public service. It is obvious that here again the scholar must be absolutely free not only to pursue his investigations but to declare the results of his researches, no matter where they may lead him or to what extent they may come into conflict with accepted opinion. To be of use to the legislator or the administrator, he must enjoy their complete confidence in the disinterestedness of his conclusions.

It is clear, then, that the university cannot perform its threefold function without accepting and enforcing to the fullest extent the principle of academic freedom. The responsibility of the university as a whole is to the community at large, and any restriction upon the freedom of the instructor is bound to react injuriously upon the efficiency and the morale of the institution, and therefore ultimately upon the interests of the community.

The attempted infringements of academic freedom at present are probably not only of less frequency than, but of a difference character from,
those to be found in former times. In the early period
of university development in America the chief menace
to academic freedom was ecclesiastical, and the disciplines
chiefly affected were philosophy and the natural sciences.
In more recent times the danger zone has been shifted to
the political and social sciences — though we still have
sporadic examples of the former class of cases in some
of our smaller institutions. But it is precisely in
these provinces of knowledge in which academic freedom
is now most likely to be threatened, that the need for
it is at the same time most evident. No person of
intelligence believes that all of our political problems
have been solved, or that the final stage of social
evolution has been reached. Grave issues in the adjust­
ment of men's social and economic relations are certain
to call for settlement in the years that are to come;
and for the right settlement of them mankind will need
all the wisdom, all the good will, all the soberness
of mind, and all the knowledge drawn from experience,
that it can command. Towards this settlement the
university has potentially its own very great
contribution to make; for if the adjustment reached
is to be a wise one, it must take due account of
economic science, and be guided by that breadth of
historic vision which it should be one of the functions
of a university to cultivate. But if the universities
are to render any such service towards the right solution
of the social problems of the future, it is the first
essential that the scholars who carry on the work of
universities shall not be in a position of dependence
upon the favor of any social class or group, that the
disinterestedness, and impartiality of their inquiries
and their conclusions shall be, so far as is humanly
possible, beyond the reach of suspicion.

The special dangers to freedom of teaching in
the domain of the social sciences are evidently two.
The one which is the more likely to affect the privately
endowed colleges and universities is the danger of
restrictions upon the expression of opinions which
point towards extensive social innovations, or call
in question the moral legitimacy or social expediency
of economic conditions or commercial practices in
which large vested interests are involved. In the
political, social, and economic field almost every
question, no matter how large and general it at first
appears, is more or less affected with private or
class interests; and, as the governing body of a university is naturally made up of men who through their standing and ability are personally interested in great private enterprises, the points of possible conflict are numberless. When to this is added the consideration that benefactors, as well as most of the parents who send their children to privately endowed institutions, themselves belong to the more prosperous and therefore usually to the more conservative classes, it is apparent that, so long as effectual safeguards for academic freedom are not established, there is a real danger that pressure from vested interests may, sometimes deliberately and sometimes unconsciously, sometimes openly and sometimes subtly and in obscure ways, be brought to bear upon academic authorities.

On the other hand, in our state universities the danger may be the reverse. Where the university is dependent for funds upon legislative favor, it has sometimes happened that the conduct of the institution has been affected by political considerations; and where there is a definite governmental policy or a strong public feeling on economic, social, or political questions, the menace to academic freedom may consist in the repression of opinions that in the particular political situation are deemed ultra-conservative rather than ultra-radical. The essential point, however, is not so much that the opinion is of one or another shade, as that it differs from the views entertained by the authorities. The question resolves itself into one of departure from accepted standards; whether the departure is in the one direction or the other is immaterial.

This brings us to the most serious difficulty of this problem; namely, the dangers connected with the existence in a democracy of an overwhelming and concentrated public opinion. The tendency of modern democracy is for men to think alike, to feel alike, and to speak alike. Any departure from the conventional standards is apt to be regarded with suspicion. Public opinion is at once the chief safeguard of a democracy, and the chief menace to the real liberty of the individual. It almost seems as if the danger of despotism cannot be wholly averted under any form of government. In a political autocracy
there is no effective public opinion, and all are subject to the tyranny of the ruler; in a democracy there is political freedom, but there is likely to be a tyranny of public opinion.

An inviolable refuge from such tyranny should be found in the university. It should be an intellectual experiment station, where new ideas may germinate and where their fruit, though still distasteful to the community as a whole, may be allowed to ripen until finally, perchance, it may become a part of the accepted intellectual food of the nation or of the world. Not less is it a distinctive duty of the university to be the conservator of all genuine elements of value in the past thought and life of mankind which are not in the fashion of the moment. Though it need not be the "home of beaten causes," the university, is, indeed, likely always to exercise a certain form of conservative influence. For by its nature it is committed to the principle that knowledge should precede action, to the caution (by no means synonymous with intellectual timidity) which is an essential part of the scientific method, to a sense of the complexity of social problems, to the practice of taking long views into the future, and to a reasonable regard for the teachings of experience. One of its most characteristic functions in a democratic society is to help make public opinion more self-critical and more circumspect, to check the more hasty and unconsidered impulses of popular feeling, to train the democracy to the habit of looking before and after. It is precisely this function of the university which is most injured by any restriction upon academic freedom; and it is precisely those who most value this aspect of the university's work who should most earnestly protest against any such restriction. For the public may respect, and be influenced by, the counsels of prudence and of moderation which are given by men of science, if it believes those counsels to be the disinterested expression of the scientific temper and of unbiased inquiry. It is little likely to respect or heed them if it has reason to believe that they are the expression of the interests, or the timidities, of the limited portion of the community which is in a position to endow institutions of learning, or is most likely to be represented upon their boards of trustees. And a plausible reason for this belief is given the public so long as our universities are not organized in such a way as to make impossible any exercise of pressure
upon professorial opinions and utterances by governing boards of laymen.

Since there are no rights without corresponding duties, the considerations heretofore set down with respect to the freedom of the academic teacher entail certain correlative obligations. The claim to freedom of teaching is made in the interest of the integrity and of the progress of scientific inquiry; it is, therefore, only those who carry on their work in the temper of the scientific inquirer who may justly assert this claim. The liberty of the scholar within the university to set forth his conclusions, be they what they may, is conditioned by their being conclusions gained by a scholar's method and held in a scholar's spirit; that is to say, they must be the fruits of competent and patient and sincere inquiry, and they should be set forth with dignity, courtesy and temperateness of language. The university teacher, in giving instruction upon controversial matters, while he is under no obligation to hide his own opinion under a mountain of equivocal verbiage, should, if he is fit for his position, be a person of a fair and judicial mind; he should, in dealing with such subjects, set forth justly, without suppression or innuendo, the divergent opinions of other investigators; he should cause his students to become familiar with the best published expressions of the great historic types of doctrine upon the questions at issue; and he should above all, remember that his business is not to provide his students with ready-made conclusions, but to train them to think for themselves, and to provide them access to those materials which they need if they are to think intelligently.

It is, however, for reasons which have already been made evident, inadmissible that the power of determining when departures from the requirements of the scientific spirit and method have occurred, should be vested in bodies not composed of members of the academic profession. Such bodies necessarily lack full competency to judge of those requirements; their intervention can never be exempt from suspicion that it is dictated by other motives than zeal for the integrity of science; and it is, in any case, unsuitable to the dignity of a great profession that the initial responsibility for the maintenance of its professional standards should not be in the hands of its own members. It follows that university teachers
must be prepared to assume this responsibility for themselves. They have hitherto seldom had the opportunity, or perhaps the disposition, to do so. The obligation will doubtless, therefore, seem to many an unwelcome and burdensome one; and for its proper discharge members of the profession will perhaps need to acquire, in a greater measure than they at present possess it, the capacity for impersonal judgment in such cases, and for judicial severity when the occasion requires it. But the responsibility cannot, in this committee's opinion, be rightfully evaded. If this profession should prove itself unwilling to purge its ranks of the incompetent and the unworthy, or to prevent the freedom which it claims in the name of science from being used as a shelter for inefficiency, for superficiality, or for uncritical and intemperate partisanship, it is certain that the task will be performed by others - by others who lack certain essential qualifications for performing it, and whose action is sure to breed suspicions and recurrent controversies deeply injurious to the internal order and the public standing of universities. Your committee has, therefore, in the appended "Practical Proposals" attempted to suggest means by which judicial action by representatives of the profession with respect to the matters here referred to, may be secured.

There is one case in which the academic teacher is under an obligation to observe certain special restraints - namely, the instruction of immature students. In many of our American colleges, and especially in the first two years of the course, the student's character is not yet fully formed, his mind is still relatively immature. In these circumstances it may reasonably be expected that the instructor will present scientific truth with discretion, that he will introduce the student to new conceptions gradually, with some consideration for the student's preconceptions and traditions, and with due regard to character-building. The teacher ought also to be especially on his guard against taking unfair advantage of the student's immaturity by indoctrinating him with the teacher's own opinions before the student has had an opportunity fairly to examine other opinions upon the matters in question, and before he has sufficient knowledge and ripeness of judgment to be entitled to form any definitive
opinion of his own. It is not the least service which a college or university may render to those under its instruction, to habituate them to looking not only patiently but methodically on both sides, before adopting any conclusion upon controverted issues. By these suggestions, however, it need scarcely be said that the committee does not intend to imply that it is not the duty of an academic instructor to give to any students old enough to be in college a genuine intellectual awakening and to arouse in them a keen desire to reach personally verified conclusions upon all questions of general concernment to mankind, or of special significance for their own time. There is much truth in some remarks recently made in this connection by a college president:

"Certain professors have been refused reëlection lately, apparently because they set their students to thinking in ways objectionable to the trustees. It would be well if more teachers were dismissed because they fail to stimulate thinking of any kind. We can afford to forgive a college professor what we regard as the occasional error of his doctrine, especially as we may be wrong, provided he is a contagious center of intellectual enthusiasm. It is better for students to think about heresies than not to think at all; better for them to climb new trails, and stumble over error if need be, than to ride forever in upholstered ease in the overcrowded highway. It is a primary duty of a teacher to make a student take an honest account of his stock of ideas, throw out the dead matter, place revised price marks on what is left, and try to fill his empty shelves with new goods."

*President William T. Foster in The Nation, November 11, 1915.
It is, however, possible and necessary that such intellectual awakening be brought about with patience, considerateness and pedagogical wisdom.

There is one further consideration with regard to the classroom utterances of college and university teachers to which the committee thinks it important to call the attention of members of the profession, and of administrative authorities. Such utterances ought always to be considered privileged communications. Discussions in the classroom ought not to be supposed to be utterances for the public at large. They are often designed to provoke opposition or arouse debate. It has, unfortunately, sometimes happened in this country that sensational newspapers have quoted and garbled such remarks. As a matter of common law, it is clear that the utterances of an academic instructor are privileged, and may not be published, in whole or part, without his authorization. But our practice, unfortunately, still differs from that of foreign countries, and no effective check has in this country been put upon such unauthorized and often misleading publication. It is much to be desired that test cases should be made of any infractions of the rule.*

In their extra-mural utterances, it is obvious that academic teachers are under a peculiar obligation to avoid hasty or unverified or exaggerated statements, and to refrain from intemperate or sensational modes of expression. But, subject to these restraints, it is not, in this committee's

*The leading case is Abernethy vs. Hutchinson, 3 L. J., Ch. 209. In this case where damages were awarded the court held as follows: "That persons who are admitted as pupils or otherwise to hear these lectures, although they are orally delivered and the parties might go to the extent, if they were able to do so, of putting down the whole by means of shorthand, yet they can do that only for the purpose of their own information and could not publish, for profit, that which they had not obtained the right of selling."
opinion, desirable that scholars should be debarred from giving expression to their judgments upon controversial questions, or that their freedom of speech, outside the university, should be limited to questions falling within their own specialities. It is clearly not proper that they should be prohibited from lending their active support to organized movements which they believe to be in the public interest. And, speaking broadly, it may be said in the words of a non-academic body already once quoted in a publication of this Association, that "it is neither possible nor desirable to deprive a college professor of the political rights vouchsafed to every citizen."*

It is, however, a question deserving of consideration by members of this Association, and by university officials, how far academic teachers, at least those dealing with political, economic and social subjects, should be prominent in the management of our great party organizations, or should be candidates for state or national offices of a distinctly political character. It is manifestly desirable that such teachers have minds untrammeled by party loyalties, unexcited by party enthusiasms, and unbiased by personal political ambitions; and that universities should remain uninvolved in party antagonisms. On the other hand, it is equally manifest that the material available for the service of the State would be restricted in a highly undesirable way, if it were understood that no member of the academic profession should ever be called upon to assume the responsibilities of public office. This question may, in the committee's opinion, suitably be made a topic for special discussion at some future meeting of this Association, in order that a practical policy, which shall do justice to the two partially conflicting considerations that bear upon the matter, may be agreed upon.

It is, it will be seen, in no sense the contention of this committee that academic freedom implies that individual teachers should be exempt from all restraints as to the matter or manner of

*Report of the Wisconsin State Board of Public Affairs, December 1914.
their utterances, either within or without the university. Such restraints as are necessary should in the main, your committee holds, be self-imposed, or enforced by the public opinion of the profession. But there may, undoubtedly, arise occasional cases in which the aberrations of individuals may require to be checked by definite disciplinary action. What this report chiefly maintains is that such action can not with safety be taken by bodies not composed of members of the academic profession. Lay governing boards are competent to judge concerning charges of habitual neglect of assigned duties, on the part of individual teachers, and concerning charges of grave moral delinquency. But in matters of opinion, and of the utterance of opinion, such boards cannot intervene without destroying, to the extent of their intervention, the essential nature of a university - without converting it from a place dedicated to openness of mind, in which the conclusions expressed are the tested conclusions of trained scholars, into a place barred against the access of new light, and precommitted to the opinions or prejudices of men who have not been set apart or expressly trained for the scholar's duties. It is, in short, not the absolute freedom of utterance of the individual scholar, but the absolute freedom of thought, of inquiry, of discussion and of teaching, of the academic profession, that is asserted by this declaration of principles. It is conceivable that our profession may prove unworthy of its high calling, and unfit to exercise the responsibilities that belong to it. But it will scarcely be said as yet to have given evidence of such unfitness. And the existence of this Association, as it seems to your committee, must be construed as a pledge, not only that the profession will earnestly guard those liberties without which it can not rightly render its distinctive and indispensable service to society, but also that it will with equal earnestness seek to maintain such standards of professional character, and of scientific integrity and competency, as shall make it a fit instrument for that service.

II. Practical Proposals

As the foregoing declaration implies, the ends to be accomplished are chiefly three:
First: To safeguard freedom of inquiry and of teaching against both covert and overt attacks, by providing suitable judicial bodies, composed of members of the academic profession, which may be called into action before university teachers are dismissed or disciplined, and may determine in what cases the question of academic freedom is actually involved.

Second: By the same means, to protect college executives and governing boards against unjust charges of infringement of academic freedom, or of arbitrary and dictatorial conduct—charges which, when they gain wide currency and belief, are highly detrimental to the good repute and the influence of universities.

Third: To render the profession more attractive to men of high ability and strong personality by insuring the dignity, the independence, and the reasonable security of tenure, of the professional office.

The measures which it is believed to be necessary for our universities to adopt to realize these ends—measures which have already been adopted in part by some institutions—are four:

A. Action by Faculty Committees on Reappointments. Official action relating to reappointments and refusals of reappointment should be taken only with the advice and consent of some board or committee representative of the faculty. Your committee does not desire to make at this time any suggestion as to the manner of selection of such boards.

B. Definition of Tenure of Office. In every institution there should be an unequivocal understanding as to the term of each appointment; and the tenure of professorships and associate professorships, and of all positions above the grade of instructor after ten years of service, should be permanent (subject to the provisions hereinafter given for removal upon charges). In those state universities which are legally incapable of making contracts for more than a limited period, the governing boards should announce their policy with respect to the presumption of reappointment in the several classes of position, and such announcements, though not legally enforceable, should be regarded as morally binding. No university teacher of any rank should, except in
cases of grave moral delinquency, receive notice of dismissal or of refusal of reappointment, later than three months before the close of any academic year, and in the case of teachers above the grade of instructor, one year's notice should be given.

C. Formulation of Grounds for Dismissal. In every institution the grounds which will be regarded as justifying the dismissal of members of the faculty should be formulated with reasonable definiteness; and in the case of institutions which impose upon their faculties doctrinal standards of a sectarian or partisan character, these standards should be clearly defined and the body or individual having authority to interpret them, in case of controversy, should be designated. Your committee does not think it best at this time to attempt to enumerate the legitimate grounds for dismissal, believing it to be preferable that individual institutions should take the initiative in this.

D. Judicial Hearings Before Dismissal. Every university or college teacher should be entitled, before dismissal* or demotion, to have the charges against him stated in writing in specific terms and to have a fair trial on those charges before a special or permanent judicial committee chosen by the faculty senate or council, or by the faculty at large. At such trial the teacher accused should have full opportunity to present evidence, and, if the charge is one of professional incompetency, a formal report upon his work should be first made in writing by the teachers of his own department and of cognate departments in the university, and, if the teacher concerned so desire, by a committee of his fellow specialists from other institutions, appointed by some competent authority.

The above declaration of principles and practical proposals are respectfully submitted by your committee to the approval of the Association, with the suggestion that, if approved, they be recommended to the

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*This does not refer to refusals of reappointment at the expiration of the terms of office of teachers below the rank of associate professor. All such questions of reappointment should, as above provided be acted upon by a faculty committee.
consideration of the faculties, administrative officers, and governing boards of the American universities and colleges.
APPENDIX B

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS
PRINCIPLES OF ACADEMIC FREEDOM AND TENURE
1925 STATEMENT

Academic Freedom

(a) A university or college may not place any restraint upon the teacher's freedom in investigation, unless restriction upon the amount of time devoted to it becomes necessary in order to prevent undue interference with teaching duties.

(b) A university or college may not impose any limitation upon the teacher's freedom in the exposition of his own subject in the classroom or in addresses and publications outside the college, except in so far as the necessity of adapting instruction to the needs of immature students, or, in the case of institutions of a denominational or partisan character, specific stipulations in advance, fully understood and accepted by both parties, limit the scope and character of instruction.

(c) No teacher may claim as his right the privilege of discussing in his classroom controversial topics outside his own field of study. The teacher is morally bound not to take advantage of his position by introducing into the classroom provocative discussions of irrelevant subjects not within the field of his study.

(d) A university or college should recognize that the teacher in speaking and writing outside of the institution upon subjects beyond the scope of his own field of study is entitled to precisely the same freedom and is subject to the same responsibility as attach to all other citizens. If the extramural utterances of a teacher should be such as to raise grave doubts concerning his fitness for his position, the question should in all cases be submitted to an appropriate committee of the
faculty of which he is a member. It should be clearly understood that an institution assumes no responsibility for views expressed by members of its staff; and teachers should, when necessary, take pains to make it clear that they are expressing only their personal opinions.

Academic Tenure

(a) The precise terms and expectations of every appointment should be stated in writing and be in the possession of both college and teacher.

(b) Termination of a temporary or short-term appointment should always be possible at the expiration of the term by the mere act of giving timely notice of the desire to terminate. The decision to terminate should always be taken, however, in conference with the department concerned, and might well be subject to approval by a faculty or council committee or by the faculty or council. It is desirable that the question of appointments for the ensuing year be taken up as early as possible. Notice of the decision to terminate should be given in ample time to allow the teacher an opportunity to secure a new position. The extreme limit for such notice should not be less than three months before the expiration of the academic year. The teacher who proposes to withdraw should also give notice in ample time to enable the institution to make a new appointment.

(c) It is desirable that termination of a permanent or long-term appointment for cause should regularly require action by both a faculty committee and the governing board of the college. Exceptions to this rule may be necessary in cases of gross immorality or treason, when the facts are admitted. In such cases summary dismissal would naturally ensue. In cases where other offenses are charged, and in all cases where the facts are in dispute, the accused teacher should always have the opportunity to face his accusers and to be heard in his own defense by all bodies that pass judgment upon the case. In the trial of charges of professional incompetence the testimony of scholars in the same field, either from his own or from other institutions, should always be taken. Dismissal for reasons other than
immorality or treason should not ordinarily take effect in less than a year from the time the decision is reached.

(d) Termination of permanent or long-term appointments because of financial exigencies should be sought only as a last resort, after every effort has been made to meet the need in other ways and to find for the teacher other employment in the institution. Situations which make drastic entrenchment of this sort necessary should preclude expansions of the staff at other points at the same time, except in extraordinary circumstances.
The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically: (1) Freedom of teaching and research and of extramural activities, and (2) A sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

Academic Freedom

(a) The teacher is entitled to full freedom in research and in the publication of the results,

1The word "teacher" as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.
subject to the adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

(b) The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

(c) The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

Academic Tenure

(a) After the expiration of a probationary period teachers or investigators should have permanent or continuous tenure, and their services should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

(1) The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

(2) Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary
period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.

(3) During the probationary period a teacher should have the academic freedom that all other members of the faculty have.

(4) Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an adviser of his own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

(5) Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.
VITA

The author was born in Houston, Texas on December 11, 1937. He attended public schools in Mississippi and was graduated from Hattiesburg High School in 1954.

He received a Bachelor of Arts Degree in philosophy from Millsaps College, Jackson, Mississippi, in June, 1959.

In September, 1959, the author accepted a graduate assistantship in philosophy at Louisiana State University in Baton Rouge. In February, 1960, he accepted a graduate assistantship in sociology at the same university, serving in that capacity until June, 1962. He received the degree of Master of Arts in August, 1962, with a major in sociology and a minor in government.

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EXAMINATION AND THESIS REPORT

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Major Field:  Sociology
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Approved:

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Major Professor and Chairman
Dean of the Graduate School

EXAMINING COMMITTEE:

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