

GEORGE R. VICK

Confrontation in the University: Academic Freedom versus Social Commitment

ONE striking fact about the American scene is that so many of the ideas being advocated in colleges and universities are regarded as unacceptable, or even deeply offensive, by the great majority of the public whose taxes and contributions support these institutions. This state of affairs can occur, I believe, only as the result of a kind of contract into which the majority of colleges and universities have entered with the general public. On this contract is based the arrangement we call "academic freedom," and on the basis of academic freedom is built what we may call the "liberal college" or "liberal university."

Today, of course, academic freedom and the liberal college and university are in grave danger. This danger arises essentially from the fact that a massive effort is being made to force the universities and colleges

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Academic freedom and the university as we have known it would be ended "if academic institutions were to become, as the New Left demands, centers of social indoctrination rather than of free inquiry."
(Student dissidents loiter in the Dean of Students' office [Queens College, N. Y. City], which was converted into "strike" headquarters.)

to break the contract on which academic freedom is based. For this contract would be broken if academic institutions were to become, as the New Left demands, centers of social indoctrination rather than of free inquiry. I should not like to predict whether this contract and the system of academic freedom that is built upon it, will survive. But with the very real possibility in mind that they may not, I should like to explore what appear to be the only conditions under which the resulting centers of indoctrination (succeeding the liberal college or university) could continue to claim support from the state — that is, without the state being asked to enter upon a massive program of imposing a controversial ideology on its citizens. What I wish to do then, is to explore conditions under which freedom of thought could survive in a society in which academic freedom had been abandoned.

To realize how commonly, in academic institutions, ideas are promoted that are fundamentally unacceptable to the great majority of the public, one has only to remember how odious it is to most of the public for professors to encourage young men to evade selective service, or to render moral or even physical support to an enemy against which our men are fighting, or for academicians to openly or tacitly support the use of violence against democratically constituted laws. These actions are certainly not those of a majority of academicians, but they are performed by a significant and influential minority. Yet, the great majority of the public continues to support financially those whose teaching in these, and other, ways undermines or attacks its own beliefs; voters continue to elect representatives who appropriate tax monies to public institutions in which this kind of thing occurs, and private donors continue to contribute their support to private institutions in which the same situation prevails. That is, the public continues to allow its taxes and contributions to be used to support the teaching of positions which are sharply opposed to its own beliefs.

The question I wish to raise is, why does the public allow this? The primary reason (and historically the most important), I believe, is that the majority of the public has come to accept that freedom of debate is in the long run the most (or even the only) satisfactory way of achieving what, presumably, is desired: That is, the discovery of truth and the prevailing of justice. And, of

course, you cannot have a free debate unless the participants who are paid for debating are free to voice their opinions without fear of personal loss or retribution. Only then, in this view, will a dialectic of ideas occur in which the partial truths of one position will come into confrontation and, then, synthesis, with those of the other; or if it be the case, only then will the true position of one side be clearly shown, and the pretensions of the other side be exposed.

BUT from the very beginning of our analysis, we must be careful to distinguish between two different freedoms: (1) the freedom of speech which our society recognizes as a civil right and; (2) the freedom of teaching accorded to professors in the institutions which society supports. Both are important; but they are different and are justified by different arguments.

Most of us would say, I believe, that freedom of speech is a civil right belonging to each of us, irrespective of whether its use will, in fact, lead to truth. Were a group of technocrats to come before us and present us with convincing arguments showing that by careful control of thought in our society, a generation of citizens could be reared who would think more accurately, and thus as a matter of course come to correct answers, I think most of us would say that the price — the limitation of our freedom of thought and speech — would be too high. This *freedom*, for ourselves and all members of society, is itself a part of the social good which we seek, not a mere instrument for arriving at that good. It may be that we want it for others because we feel that in order to safeguard our own freedom of speech, it is necessary to establish the principle that everyone is to enjoy such freedom. That is, we may regard the situation as involving a kind of contract in which we, in order to safeguard our own freedom, obligate ourselves to recognize that of others, in return for their recognition of ours. Or, we may simply regard universal freedom of speech as a good for other reasons. For example, we may simply like to live in a society in which all are free to speak out; we may enjoy a society in which there is free debate. Or we may love our neighbors in such a way that we would will to them the good of free expression, even if to do so were not necessary to safe-

guard a principle protecting our own freedom of speech.

In any of these cases, the civil right of free speech will not be justified on the pragmatic ground that free debate will lead more efficaciously to discovery of truth and/or advancement of justice. For freedom will itself be part of the good toward which our actions are pragmatically ordered.

But the freedom accorded to teachers in publicly supported institutions is quite different in nature. It does not directly involve one's civil right to speak one's thoughts on controversial matters; it concerns one's "right" to receive, and continue receiving, a position and a salary. If a professor is fired for espousing an unpopular cause in his teaching, he still retains the same civil right as that enjoyed by non-academic persons, that is, the right to speak as a citizen. What has been taken away from him is something else, namely, a salary that has previously been given him for expressing his thoughts. Since a salary for doing this was never given non-academic members of our society, who also enjoy the civil right of free speech, the withdrawal of the salary does not affect the civil right of free speech, that is, the right which a man has, simply by being a member of society. The professor is merely reduced to the level where he enjoys only this right; he no longer enjoys the payment which was formerly accorded him — but not others — for speaking his mind in the classroom.

SOME might demur here, however, by claiming that if a man is to suffer the loss of his job or livelihood as a result of speaking his mind, he does not have a meaningful freedom of speech. But I submit that society has never recognized freedom of speech as meaning this — for the reason that it would then conflict with such other freedoms as the right to give or withdraw one's patronage or support. Thus if a businessman who, say, ran a cleaning establishment at which you traded, were to advocate loudly and publicly something which you regarded as endangering a very important good, and if you saw this as a grave threat to your well being, or even your life, you would in all probability withdraw your business from this man; because you regard the placing of your business as a freedom over which you have control. If someone told you that the state would force you to

continue trading with this man, you would probably not believe him, since you are aware that in our society you are in fact recognized as having the right to take your business where you will.

And this is, of course, my point, that in our society we recognize the right of people to withdraw patronage, to freely refuse a service that is freely offered. In fact, our right of ceasing to patronize a place of business, or those who offer a service, is recognized as belonging to us whether our motives for exercising it will be regarded by others as good or bad, as weighty, light or even frivolous.

But merely because the teacher's freedom of speaking his mind in the process of carrying out the activity for which he is paid is not the same as the civil right of free speech, it does not follow that this freedom is not important, or that it does not, in most institutions, belong to him as a kind of right. It is my contention that in most academic institutions it is a right. That is to say, it is a freedom which the professor is in fact recognized as having by those on whom his right imposes a corresponding obligation. There are, of course, no rights without corresponding obligations, since what is meant by a "right" is something which someone else is obligated to render to the person who has the right. Thus, to say that a professor has the right to continue being paid for teaching, even though in his teaching he takes a controversial or unpopular stand, is to say that someone else is obligated to continue paying him. Underlying the question of his right, then, is the question of who is correspondingly obligated, and how they came to be obligated in this fashion.

Those who are obligated would be, of course, those who pay the salary and furnish the facilities to which the professor continues to have a right; for what his right is, is to continue to be employed in teaching. Now, in a sense, it is the academic institution which pays his salary and furnishes him facilities for teaching. In a sense, then, it is the institution, or those charged with governing it, who must be obligated by the corresponding right of the teacher.

But everyone knows that academic institutions do not simply *have* the money they pay to teachers. In a private college or university, the administration (understood as including the board of trustees) may very distantly approach being the sole party

which actually supports the teacher, and which would be the sole party obligated by the rights of its teachers — but only to the extent that the funds paid are derived from wealth already owned by the institution, i.e., its endowment. But even in the richest of universities, endowments are far from being an adequate source of funds.

Thus, if the institution — or its administration and trustees — is the only party on which the teacher's right places an obligation, the teacher's right must be seen as conditional, contingent on the availability of funds with which to continue employing him. But where do these additional funds come from? In state institutions they come principally from taxpayers; in private institutions from donors, such as alumni, from those who pay tuition, and from those to whom services are rendered, such as the government (which is again to say, taxpayers). But are these various groups obligated to render to the teacher a salary for teaching what he thinks best, even if it contradicts their deeply held convictions? Does the obligation extend this far? And if so, how has it come about?

IN the case of a private institution, it would be very difficult to show that there is an obligation extending to donors, students who pay tuition, etc., because it would conflict with the recognized freedom of students to take their tuition money elsewhere, and of donors who give freely, to decide, freely, not to give.

With public colleges and universities the situation is somewhat different. It would seem that those who represent the public have recognized an obligation to support education in public colleges and universities; and that they have recognized freedom of teaching as the *modus operandi* of these institutions. Thus, I believe that in some sense there is an obligation extending to the public. But I believe that it is there only because the public — through its representatives — has voluntarily incurred it. I do not believe that unless the people of a society have at some point voluntarily bound themselves that they could ever be obligated to support the propagation of views which they may consider detrimental to their own good. They could become obligated in this way only if at some point they had done so voluntarily. For they too are free; they too have rights. And the reason they have obligated themselves is,

as I have mentioned, that they have accepted the value of free inquiry and free teaching, of debate by experts, as a means for gaining greater knowledge. That is, they have accepted the idea that progress in knowledge — not only its being gained by experts, but also its being acquired by students — is best arrived at when those whose business it is to seek and impart knowledge, are free to do so, in the sense of being free to continue in their activity of teaching even though others may intensely disagree with what is taught.

Thus, the public gives their support to institutions which are supposed to grant to teachers the right to range widely and freely from commonly accepted views in their activity of teaching. A contract is, however, an exchange, not a one-sided giving. In return for the support given by the



George R. Vick

public, institutions obligate themselves to do that which the public believes they will do, which is to furnish a place where freedom of inquiry and freedom of teaching prevail. Just as members of the public, out of their regard for freedom of inquiry and teaching, voluntarily forego their own urge to impose on the institution an orthodoxy, so the institution pledges that it will avoid imposing an orthodoxy, that is, it pledges to operate in keeping with the principle of free inquiry and free teaching. This arrangement is what is meant by the term "aca-

ademic freedom." Academic freedom thus includes a contract in which both the public and academic institutions pledge themselves not to impose a particular point of view on those who would inquire and teach (nor on those who would learn).

It is precisely this contract which so many are seeking to break today, when they insist that institutions based on academic freedom commit themselves, as institutions, to particular controversial programs governed by particular controversial social views, as they do when they insist that academic institutions be mobilized to propagate a particular social cause or doctrine. (An irony in this situation is that some of those who most ardently press this view today are those who protested most ten years ago when asked to oppose communism in their teaching, on the grounds that education cannot be indoctrination!)

WHAT is asked is, in short, that our educational institutions become centers of indoctrination. For to mobilize and use the resources of an institution to advance a particular set of values or doctrine is what indoctrination is.

What is happening, then, is this: The public is being asked, presumably still in the name of freedom of inquiry and teaching, to desist from imposing an orthodoxy, to desist from imposing as a condition of its support, that what is taught within the university be at least not contrary to the public's deepest beliefs and values; but the institutions which the public is financing are themselves being asked to reject freedom of inquiry and teaching as a principle of operation, and, instead, to dedicate their resources to furthering — or propagating — particular (and controversial) social views, which is to say, to dedicate their resources to establishing an orthodoxy. In this way the academic institution is being pushed to ask from the public a freedom which it, the institution, is to be the first to violate. Thus, the institution is being asked to dishonor the contract into which it has entered with the public, on the basis of which it has received support from the public.

But if, at this point, we simply draw back in indignation at seeing the principle of freedom of teaching and inquiry being so openly and cavalierly denied, we shall fail to do justice to the truly complex elements involved in this situation. I can well see how an academic liberal might be

tempted to draw back in precisely this way, for what he has put his belief in is most assuredly being attacked, and from a quarter where he has been least accustomed to expect it, i.e., the Left. The most perceptive liberals, such as Max Lerner, seem to recognize the meaning of this situation and, accordingly, are profoundly disturbed. But I think it is important that we recognize at least one way in which the classic liberal university, for all its virtues, can fail to satisfy a deep and important need of man, namely his need, when he thinks he sees the truth of one side of an issue, to speak and work for this truth — not merely as an individual but in conjunction with others. This is the need being felt, on good grounds or bad, by a great number of the people in academic institutions who are now opposing academic freedom.

Furthermore, as Professor Neumann of the Claremont Colleges has remarked, the knowledge of certain values is not something at which one arrives by expertise in thought.

Teachers or experts exist only on secondary questions. For example, there are experts on nutrition, but who is an expert on whether it is good to feed all or some men? Is life better than death? Freedom than slavery? What is freedom? Slavery? Good? Evil?

But the conclusion that is most often drawn is the opposite of Professor Neumann's (who goes on to argue that the university must be a place of inquiry, not indoctrination). The usual conclusion is that since knowledge of human values is not something at which one arrives by expertise, values are something which one simply sees, directly, and that is sufficient. Further discussion — the free debate, or inquiry, that academic freedom is supposed to make possible — is regarded as irrelevant. The only thing to do with values in this view is to put them into effect. To be sure, knowledge is still possible, but it will be regarded as almost exclusively technological. And to the credit of many of those who are questioning the liberal, uncommitted university, they are rejecting the idea of education as simply an acquisition of technical skills, divorced from substantive questions involving what is right and good. But they go on then to want, while still in colleges and universities, to act, that is, not simply to learn, inquire, or debate; for as we have noted, these activities have

come to them to seem unlikely to lead to a greater grasp of the substantive values they regard so highly. Instead they want to act, to agitate for, and actually conduct, centers for social action, for changing the institutions and forms of our lives.

AN important question, however, must be asked: Is the place for this activity the academy? Are there not other places, other areas of society with other types of institutions, in which this sort of thing can better be done? Places in which it can be done in such a way that we are not required, in effect, to abandon a kind of freedom to which mankind has come only slowly and with great effort? This, I think, is a consideration deserving deep thought. Freedom is particularly precious just now because the techniques and devices that can destroy it grow each day more perfected, and more available to those in power who would control the experience and thought of their neighbors. I refer, of course, to the immense strides taken in developing techniques for conditioning human beings.

It may be that we should simply resist this movement, ignore the misguided clamor of the idealists who press for it; and repress opportunists who seek to exploit it, by simply enforcing the law. But I want, at least, to suggest for our serious consideration an alternative in which a high degree of both liberty and institutional social commitment could be realized.

The alternative is this: that support be given by the public, not merely to whatever particular group manages to seize control of an institution which has previously enjoyed public support; but to every institution in and through which any group wishes to propagate its views. This could be done, as Milton Friedman has suggested, through giving every person who would attend an academic institution a voucher for his tuition, which he could then spend at the institution of his choice. Public, that is, state, support would be given in proportion only to the number of students who choose to go to an institution. It would, then, enable no group of indoctrinators to force their indoctrination on a captive audience. The efforts of indoctrinators would be supported only to the extent that the indoctrination they furnished was desired by their students. In this way, we would avoid certain important evils:

- 1) The power of the state would not be used to establish its own orthodoxy.
- 2) Accordingly, it would not be used to impose an unwanted or even repellent set of values on students who are compelled — by economic reasons — to go to a state school.
- 3) It would not take funds from a significant body of tax payers which would be used in an exclusive way to propagate views and values contrary to their own deepest convictions.



Milton Friedman

"An alternative in which a high degree of both liberty and institutional social commitment could be realized."

But the old contract would be broken. In the new arrangement, those governing the colleges and universities would need to promise neither the public nor their faculties that within their halls teachers could take and propound positions contrary to every orthodoxy; for governing each institution could be a set of values which would be, in effect, an orthodoxy that would be not questioned but propagated. I say, there *could* be an orthodoxy in each institution, not that there would have to be one, for there would be nothing to prevent an institution from committing itself to the old ideal of the liberal university, and in drawing from the state, then, funds proportion-

ate to the number of students who might be attracted by this idea over that of a competing center of indoctrination. But the old contract, in which state support was supposed to be given to institutions practicing academic freedom, would be renounced.

THERE might be certain dangers to society arising from this renunciation of academic freedom; but there can be no doubt that a far graver danger, namely that of accepting the principle of using the money and power of the state to impose a social ideology, would be avoided. And it is transparently obvious that in this era of

immense progress in techniques for conditioning minds, our ability to retain freedom of any sort will depend most of all upon our success in preventing the enormous resources of the state from being used to indoctrinate its citizens. It is very possible, then, that in the concrete, the "Friedman Solution" will be the only significant alternative to the spectre of a highly successful program of governmental thought-control.

I might remark, in closing, that if John Kenneth Galbraith sincerely wishes to worry about threats to our society, then let him worry about thought control exercised through a massive educational establishment. Or better — if we want to succeed in avoiding this threat — let him not think about it at all.

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LETTERS INVITED

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