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Academic Freedom and the Christian University*

Michael R. Weed

> [I]t is in light of their reasons for being—and without regard to the arrogant intrusions of the secular academy—that religious universities should frame their policies on academic freedom.
>
> James Nuechterlein

The concept of academic freedom has become almost sacrosanct in the American university.[1] In spite of its long history and prestigious status, however, the concept of academic freedom is by no means precise or unified. This is in part due to the complex set of interrelated interests involved (e.g., academic, legal, institutional, social, and personal).

Commonly, academic freedom is used to designate the personal autonomy of *homo academicus*—and to specify freedoms and rights often maintained to be protected by the Constitution.[2] These privileges generally include at least two dimensions. First, academic freedom entails a number of separate freedoms attributed to the individual teacher or instructor and closely linked to his or her role within the university. These include (a) the freedom to pursue research, expound unpopular ideas, and address controversial subjects

*This essay originated in response to an invitation to participate in a discussion on religion and academic freedom at the fall meeting of the Texas Conference of the American Association of University Professors in Austin, Texas in October of 1987. A later version was presented at the Christian Scholars Conference, July 1992, on the campus of Oklahoma Christian University of Science and Arts.

[1]Cf. David Fellman, "Academic Freedom," *Dictionary of the History of Ideas* (New York: Charles Scribner's Sons, 1968) 9. The predominant influence shaping the concept of academic freedom in the American university, however, may be traced to the German principle of *Lehrfreiheit* which was, however misinterpreted, brought to the American scene in the late nineteenth century by professors who had studied in Germany. Also see Laurence R. Veysey, *The Emergence of the American University* (Chicago: The University of Chicago, 1970) 384.

[2]Mark G. Yudof, "Three Faces of Academic Freedom," *Loyola Law Review* 32:4 (Winter, 1987) 851.

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without ecclesiastical, government, or administrative interference or fear of reprisal; (b) tenure or some equivalent; and (c) the right to due process regarding discipline and dismissal.[3] Second, academic freedom has also been taken to encompass one's right to exercise his or her civil liberties outside the university.[4]

It is this face of academic freedom, the so-called personal autonomy model, originating in German universities (*Lehrfreiheit*), which is the reigning concept within American universities and among academics in general.[5] Contrary to popular opinion, however, the personal autonomy model of academic freedom does not designate a constitutional entitlement and may not be derived from the First Amendment and the right of free speech. While the courts have embraced academic freedom symbolically, the concept is in fact not relied on as a ground for rendering decisions.[6]

Mark Yudof, Dean of the University of Texas School of Law and strong advocate of academic freedom, contends that the rationale for academic freedom is not legal and that the so-called personal autonomy model of academic freedom cannot be rooted in First Amendment rights per se.

> The core difficulty is that it is one thing for the government to censor the private speech of individuals in the world at large, and quite another thing for public and private educational institutions to control the speech of those whom they pay to speak for them. . . . In a sense, the university accomplishes its legitimate mission by hiring the professor to speak for it, and without the ability to control his speech, the whole enterprise comes to nothing.[7]

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[3]This generally includes tenure or equivalent presumption of competence after seven years, the right to a substantive definition of adequate cause for dismissal, a statement of specific charges brought against one, the right to counsel, the right to produce witnesses on one's own behalf; the right to confront and to cross-examine witnesses against one, and the right to be heard before a tribunal or committee of one's academic peers.

[4]Veysey, 384. This last dimension is a considerable extension of (perhaps even departure from) the German *Lehrfreiheit* practice which has otherwise so influenced the American university. The German practice limited academic freedom rigidly to the classroom. It did not permit professors—civil servants—the right to engage in partisan politics.

[5]Surprisingly, the origin of academic freedom in the German universities is traced not to the Enlightenment but to the university at Halle and the influence of Lutheran pietist August Hermann Francke (1663-1727). See E. G. Ryan, "Francke, August Hermann," *New Catholic Encyclopedia*, 6.73-74.

[6]Yudof, 843.

[7]Yudof, 838.

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Yudof continues,

> Even from a pure speech perspective it is no more meaningful to speak of academic freedom as autonomy for the teacher than it is to speak of the freedom of the telephone operator at city hall to discuss sexual promiscuity with those who seek to speak with the mayor.[8]

Consequently, according to Yudof, academic freedom "is less a matter of law and courts as it is a matter of history, tradition, politics, and attitudes."[9] Academic freedom is ultimately rooted in its utility in the advancement of sound educational objectives. In other words, academic freedom has proven valuable because scholarship more nearly flourishes in an environment in which scholars are free to express themselves openly, exchange ideas, and pursue truth where data and imagination lead.[10] Nonetheless, while liberal policies no doubt generally serve the university best, restrictions and privileges remain a matter of policy and educational philosophy and are not constitutional entitlements. The public university must be capable of controlling and abridging the speech of those employed to speak for it. Those employed to teach history, for example, are not free to teach botany—nor do they even have a right to teach history in any manner they choose.

Ironically, still following Yudof, it is in the area of private institutions that we see another dimension of academic freedom, viz., the institutional face. Under the influence of British traditions, not German, the institutional face of academic freedom protects the private institution from the overreaching power of governmental authority. Not unlike the state university, private universities "may choose to afford the personal autonomy protections of academic freedom to their teachers, but the Constitution cannot plausibly be construed as requiring them to do so."[11] In what sense, then, can one speak of personal academic freedom within the context of the private religious university?

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[8]Yudof, 838.

[9]Yudof, 843; cf. Jaroslav Pelikan, *The Idea of the University* (New Haven: Yale University Press, 1992) 48,49.

[10]Yudof, 841.

[11]Yudof, 851.

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Clearly, the concept of personal academic freedom becomes extremely problematic when set in the context of a university connected to a particular religious denomination. Both the university and individual faculty—committed to free inquiry and the open pursuit of truth in research, classroom, and in publishing—may experience considerable constraint imposed by confessional and ecclesiastical standards upon their own understandings of the nature and shape of truth. Obviously, there is a dilemma if not an outright contradiction between the concerns of personal academic freedom and the restraints imposed by a religious confession.

In the following comments it will be argued that, although the difficulties are real, there is a way in which the concept of personal academic freedom may function within a religious school. For my purposes I take under consideration only those religiously affiliated schools that have met the standards necessary for accreditation by the appropriate accrediting and regulatory bodies. This delimitation has the value of narrowing the field of institutions under consideration. More important, such schools normally have been required to meet certain standards regarding governance, qualifications of faculty, terms of employment, and statement of purpose. Also, they will have been required to develop explicit statements regarding academic freedom. Consequently, while the concept and practice of academic freedom may be minimal, vague, or otherwise unsatisfactory as stated, these are schools whose governing bodies and faculties have at least stated commitments to some version of academic freedom. Regardless of whether such statements owe as much to accreditation requirements as to commitment to academic excellence, the question remains as to whether there is any way in which the concept of academic freedom can have any legitimate role or meaning in such institutions.

Obviously, a fundamental issue of academic freedom is raised when a faculty at a school affiliated with a particular denomination is required to acknowledge commitment to a statement of faith, a creed, or a denominational standard. Teachers entering contracts with such schools obviously accept limitations not shared by academics in secular universities. While such

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statements of faith are legal and—provided they are not deceptive—moral, do the abridgments they impose necessarily damage or invalidate academic freedom?

It seems conceivable that one could make a commitment to work—pursue research and reflection—within the framework of a particular intellectual tradition and (providing the intellectual fecundity or utility of that framework) be academically responsible. More specifically, commitment to certain types of confessional statements might function heuristically in a way analogous to Stephen Pepper's "root metaphors" and "world hypotheses" or Thomas Kuhn's intellectual "paradigms."[12] That is, those joining faculties at religious schools may be understood to be voluntarily aligning themselves with a community of scholars who share a constellation of beliefs and values which provide foundational categories, structures, and guiding concepts for organizing experience, investigating, and understanding reality as a whole.

Further, I think that it can be argued that the limitations such commitments impose upon scholarship do not differ in kind from those already present within the secular university. I would like to make three observations in this regard. First, it is inaccurate to assume that there are no significant encumbrances placed on personal academic freedom in secular schools and universities. We are presently in an era marked by skepticism, or "the faith of unfaith." In the university this has become more than merely a "neutral orientation"; it has become an all-pervasive presumption limiting and controlling investigation and learning as authoritatively as any ecclesiastical edict. This creed quite simply asserts "secularism equals neutrality, equals objectivity, equals truth." This faith, often unrecognized and seldom challenged, becomes the operative dogma within the academic community.

In this same regard, it should be noted that in addition to the pervasive secular stance, there are numerous other ideological and methodological

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[12]Thomas S. Kuhn, *The Structure of Scientific Revolutions* (Chicago: The University of Chicago, 1970 enlarged edition; originally published 1962). Kuhn uses the term "paradigm" in at least two distinct senses. The relevant use for the present discussion is that designating "the entire constellation of beliefs, values, techniques, and so on shared by the members of a given community" (175). See also Stephen C. Pepper, *World Hypotheses: A Study in Evidence* (Berkeley: University of California, 1942).

orthodoxies operating in highly restrictive fashion within the secular university. At both the departmental and administrative levels, these orthodoxies regularly influence hiring, promotion, salary, teaching assignments, and dismissal.

Second, one may raise the question whether there is an unacknowledged "confessional" basis presumed in the academy's commitment to and understanding of "personal academic freedom." Are there not implied interdictions necessitated by the commitments of academic freedom? Philip Rieff, Alasdair MacIntyre, and most recently Alan Bloom have all differently pointed to the erosion of the underlying presuppositions from which the secular academic community derives its meaning. (If they are correct, what does this erosion portend for such concepts as "academic freedom" once it is loosed from its moorings?)

Third, commitment to work within and accept the limitations imposed by commitment to a particular confessional tradition may be justified on the same basis the personal autonomy face of academic freedom has in fact developed, viz., utility. It is not automatically the case that commitment to a confessional standard and the accompanying abridgments of one's freedom necessarily constitute an abandonment of freedoms requisite for the academic task. True, such arrangements may render an educational institution merely an arm of ecclesiastical indoctrination, but this is not inevitable. In fact, many religious schools place high value on freedom of conscience, the open pursuit of truth, and freedom of inquiry precisely because of their confessional commitment.[13]

Further, it may be argued that the Judeo-Christian tradition has demonstrated its intellectual fecundity over several centuries. It has played a foundational role in the creation and development of Western civilization. Western art, music, politics, literature, philosophy, architecture, jurisprudence, science—and the university itself—all bear its influence—good and bad.

Likewise, the number of recognized scholars, active in professional societies, self-consciously working within confessional guidelines, and

[13]Russell Kirk, *Academic Freedom* (New York: Regnery, 1955) 18.

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contributing to the broader intellectual heritage, all evidence the intellectual fecundity of Christian scholarship.

In short, commitment to working within the broad framework provided by such an intellectual tradition may be argued to commend itself on the same basis academic freedom commends itself in the first place, viz., its academic/intellectual utility. Clearly such a commitment need not necessarily require a sacrifice of the intellect or retard the scholarly enterprise.

Having argued that a case may be made for the compatibility (theoretically, at least) of the interests of academic freedom with some form of abridgments of freedom required by confessional commitments, I do not thereby maintain that this is the normal state of affairs in most religious schools. The argument here is only that this is a theoretical possibility.[14]

In concluding, I would like to say a final word of clarification. I am not commending testing faculty regarding idiosyncratic shibboleths or flash points of current church politics. Rather, I am commending a scholarly commitment to the basic tenets and themes of the common faith (as reflected, for example, in the Apostle's Creed) as providing an intellectual paradigm capable of inspiring imagination, guiding research, and providing coherence to the entire educational enterprise.

The goal of Christian education and Christian scholarship should be to see life whole and to see it steadily through the eyes of faith. In the Christian university, research methodologies and techniques, lectures, and publications all reflect and explore the implications of Christian faith. I take this to mean that scholars should be working to construct a comprehensive view of reality—the marketplace, the laboratory, the courthouse, and the home—to enable the advancement of knowledge and the living of faithful lives in a complex and hostile world.

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[14]James Nuechterlein maintains that this whole question for religious universities provides opportunities "to define their own norms of academic freedom" and "positive occasions for affirmation of their distinctive visions and purposes. The religious university . . . sets its own rules of academic freedom not in order to restrict the pursuit of truth by those within its walls but to affirm those higher truths that determine its existence in the first place." See James Nuechterlein, "The Idol of Academic Freedom," *First Things*, December 1993, 16.

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