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General Report of the Committee on Academic Freedom and Academic Tenure

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General Report of the Committee on Academic Freedom and Academic Tenure

Erratum

Note: This Early Winter issue replaces the normal Fall issue of the Indiana Law Journal.

General Report of the Committee on Academic Freedom and Academic Tenure

Presented at the Annual Meeting of the Association

December 31, 1915

Editorial Note: All essays in this symposium cite to the 1915 Declaration, which was originally published in the *Bulletin of the American Association of University Professors*. The original text of the 1915 Declaration is reprinted here. Star page numbers refer to the original pagination in 1 BULL. AM. ASS'N U. PROFESSORS 15 (1915).

[*17] PREFATORY NOTE

At the December, 1913, meetings of the American Economic Association, the American Political Science Association, and the American Sociological Society, a joint committee of nine was constituted to consider and report on the questions of academic freedom and academic tenure, so far as these affect university positions in these fields of study. At the December, 1914, meeting of these three associations a preliminary report on the subject was presented by the joint committee.

At the meeting of the American Association of University Professors in January, 1915, it was decided to take up the problem of academic freedom in general, and the President of the Association was authorized to appoint a committee of fifteen which should include, so far as the members were eligible, this joint committee of nine. The committee was therefore constituted as follows:

Edwin R. A. Seligman, *Chairman*, Columbia University (Economics).
Richard T. Ely, University of Wisconsin (Economics).
Frank A. Fetter, Princeton University (Economics).
James P. Lichtenberger, University of Pennsylvania (Sociology).
Roscoe Pound, Harvard University (Law).
Ulysses G. Weatherly, University of Indiana (Sociology).
J. Q. Dealey, Brown University (Political Science).
Henry W. Farnam, Yale University (Political Science).
Charles E. Bennett, Cornell University (Latin).
Edward C. Elliott, University of Wisconsin (Education).
Guy Stanton Ford, University of Minnesota (History).
Charles Atwood Kofoid, University of California (Zoology).
Arthur O. Lovejoy, Johns Hopkins University (Philosophy).
Frederick W. Padelford, University of Washington (English).
Howard C. Warren, Princeton University (Psychology).

In view of the necessity of investigating an incident at the University of Pennsylvania, Professor Lichtenberger resigned [*18] in August, 1915, and was replaced by Prof. Franklin H. Giddings, Columbia University (Sociology). Professor Elliott, having been elected Chancellor of the University of Montana, resigned in October. Professor Ford resigned in December, on account of inability to attend the meetings of the committee. The committee of fifteen had scarcely been constituted

when a number of cases of alleged infringement of academic freedom were brought to its attention. These cases were not only numerous, but also diverse in character, ranging from dismissals of individual professors to dismissal or resignation of groups of professors, and including also the dismissal of a university president, and the complaint of another university president against his board of trustees. The total number of complaints laid before the chairman of the committee during the year was eleven. As it was impossible for the committee to command the time or the amount of voluntary service necessary for dealing with all of these cases, those which seemed the most important were selected, and for each of these a sub-committee of inquiry was constituted. In the case of the University of Utah the special committee began work in April and published its report during the summer. In the case of controversies at the University of Colorado, the University of Montana, the University of Pennsylvania, and Wesleyan University, the committees of inquiry have their reports either completed or in an advanced stage of preparation. The general committee has had several meetings and has advised the committees of inquiry upon questions of principle and of method and procedure; but it has not, as a body, participated in the investigations of facts, and the committees of inquiry alone are responsible for their respective findings of fact. The general committee has, however, examined these special reports, and, accepting the findings of the sub-committees upon questions of fact, has approved their conclusions.

Three cases for which the committee was unable to secure investigating committees of this Association have been reported, after some preliminary inquiries, to the appropriate specialist societies; one case, arising at Dartmouth College, to the American Philosophical Association; one at Tulane University, to the American Physiological Society; and one at the University of Oklahoma, to the American Chemical Society.

[*19] The committee of fifteen has conceived it to be its duty to consider the problem of academic freedom as a whole and to present a report thereon. Such a report is herewith submitted.* The findings of special committees which have not already been printed will be presented in due course.

The safeguarding of a proper measure of academic freedom in American universities requires both a clear understanding of the principles which bear upon the matter, and the adoption by the universities of such arrangements and regulations as may effectually prevent any infringement of that freedom and deprive of plausibility all charges of such infringement. This report is therefore divided into two parts, the first constituting a general declaration of principles relating to academic freedom, the second presenting a group of practical proposals, the adoption of which is deemed necessary in order to place the rules and procedure of the American universities, in relation to these matters, upon a satisfactory footing.

* The committee has not hesitated to incorporate, by permission, a number of sentences from articles on the same subject published during the year by members of the committee or of the Association.

[*20] 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 untrammelled 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; [*24] 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 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 [*25] 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

* 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.

and uncolored product of his own study or that of fellow specialists. Indeed, the proper fulfilment 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 it 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 [*26] 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 responsi- [*27] bilities—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. These 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 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- [*28] 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 publish 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 dem- [*29] ocracy, 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 different 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 [*30] 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 adjustment 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 politi- [*31] cal, 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 [*32] 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 univer- [*33] sity'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 [*34] 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 the 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 [*35] 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 [*36] time. There is much truth in some remarks recently made in this connection by a college president:

Certain professors have been refused reelection 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 class-room 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 class room 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, [*37] 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 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 untrammelled 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,

* 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."

† Report of the Wisconsin State Board of Public Affairs, December 1914.

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 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 can not 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 [*39] 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.

[*40] 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 professorial 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 [*41] 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 [*42] 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 consideration of the faculties, administrative officers, and governing boards of the American universities and colleges.

Edwin R. A. Seligman, *Chairman*,
Columbia University.
Charles E. Bennett,

Cornell University.
James Q. Dealey,
Brown University.
Richard T. Ely,
University of Wisconsin
Henry W. Farnam,
Yale University.
Frank A. Fetter,
Princeton University.
Franklin H. Giddings,
Columbia University.
Charles A. Kofoid,
University of California
[*43] Arthur O. Lovejoy,
Johns Hopkins University.
Frederick W. Padelford,
University of Washington.
Roscoe Pound,
Harvard University.
Howard C. Warren,
Princeton University.
Ulysses G. Weatherly,
University of Indiana.

At the annual meeting of the American Association of University Professors held in Washington, D. C, on January 1, 1916, it was moved and carried that the report of the Committee on Academic Freedom and Academic Tenure be accepted and approved.

John Dewey, *President*.
A. O. Lovejoy, *Secretary*.

