

Academic Freedom

What Is Academic Freedom and Why Is It Challenged?

ACADEMIC freedom is almost the newest arrival in the freedom ranks. It cannot be regarded as one of the immutable "laws of Heaven." It was recognized neither in the ancient world nor in the medieval universities, nor even during the century of enlightenment. Logically, academic freedom is merely one aspect of freedom of speech and of the press, which themselves are comparative newcomers in the liberal family. The phrase itself did not enter the English language until the turn of the nineteenth to the twentieth century; and President Charles W. Eliot's Phi Beta Kappa address of 1907, "Academic Freedom," is the earliest title one can find in a library on that subject.¹

What is academic freedom? ² I shall define it as a three-fold right or privilege:

¹ The earliest use of the term that Hofstadter and Metzger (see Bibliography, page 156) could find was in 1897, by Professor Edward W. Bemis at Chicago.

² As Mr. William Kostka, a trustee of Knox College, points out in the *Bulletin of the American Association of University Professors* XL (1954) p. 197, "Intellectual Freedom" would be a more accurate and logical term for what we are talking about and would eliminate the "academic," which has an exclusive, "snooty" connotation in a democracy. But the phrase is now at least half a century old, and I prefer to stick to it.

(1) The right of a teacher or researcher in a university or other institution of higher learning to search for the truth in his chosen field; to interpret his findings and communicate his conclusions to students and public; without being penalized or molested by authorities within or without the university.

(2) The right of a student in an institution of higher learning not only to be taught by unfettered instructors but to have access to all data pertinent to the subject of his study, and to be reasonably free from compulsive rules and regulations of a secondary-school nature.

(3) The right of a teacher or researcher to exercise the freedom of speech, writing and association that all other citizens enjoy, without being molested or discharged from his academic position. And the right of free speech includes the right to be heard; it is not much use, if you have something unpopular on your mind, to be told to go into the woods and tell it to the birds and the squirrels.

Like all other freedoms, academic freedom is not and cannot be absolute. It must be exercised in a framework of academic discipline, which includes good manners, good taste and a decent respect for the opinions of the nonacademic world.

The scholars and scientists who defend academic freedom are claiming neither more nor less than their rights as citizens in a free country to pursue the truth and to tell the truth as they see it. They ask neither more nor less freedom than that of a newspaper to tell facts, however unpleasant; or of a lawyer to defend cases, however unpalatable. In fact, they don't even claim the lawyer's right to lie for his

client, or the diplomat's to lie for his country. They ask no more freedom than a physician or surgeon, who has to make decisions involving life and death, and who has had to fight both authorities and public opinion to establish such practices as vaccination.

Scholars and scientists, like journalists, lawyers and physicians, believe that the freedom which they jealously guard is far more for the public interest than for their private interest. Just as physicians should be free to practice the art of healing, and to study human ailments, unshackled by the laws sought by antivivisectionists and other cranks; so scholars and scientists should be free to seek out and teach the truth, so far as God gives them to see the truth, unhampered by social pressure, political proscription or religious orthodoxy. The last, however, is inapplicable in a college or university dedicated to propagating a particular religion.

Academic freedom is second only to political freedom as a protection for society as a whole. It is probably even more valuable than political freedom for the development of the ideas and the technology which ensure economic freedom. The catastrophic results in Germany of quenching the flame of original thought, terrorizing scholars and suppressing scientists are recently before us; and so is the very similar system in the Soviet states. Constant "yammering" at professors and other intellectuals in the United States since World War II has had nothing but evil results for American society as a whole. It has encouraged timidity among scholars; deprived many university students of full knowledge and discussion of "controversial subjects"; discouraged young people of strong and independent minds

from entering the teaching and scientific professions, and stimulated an ugly anti-intellectualism among the public at large.

The profession of university teaching does not enjoy the respect in the United States that it has in Great Britain and Canada, or even the respect that it had in the United States a hundred years ago. Our public does not relish attacks on the journalistic, clerical or medical professions, but it loves to see professors doing the hotfoot like Strasbourg geese. It was amusing and a little sad to see how Senator McCarthy was brought up short as soon as he went after the Army and the Methodists; and how Senator Eastland's committee was brought up short when it tried to pin communism on the *New York Times*. But everyone seems to enjoy seeing a poor professor being insulted and browbeaten by some low-brow jack-in-office. Why? In part, I suggest, it is envy of a profession which has something that the greater public has not and cannot buy — a communion with the universe of ideas, with the beauty and mystery of nature, and with the great minds of the past. But in part, I fear, this attitude toward the professor is due to the attitude of certain scholars whose dedicated aloofness from public concerns appears to the public as smug superiority. The tools and concepts of scholarship and science are so far beyond the mental reach of the average half-educated person that he cannot grasp them. This does not, however, apply to all academic subjects; in my own of American history anybody feels qualified to beat me over the head with some myth that he learned from his old grandmother.

Conversely, the scholar often has too little appreciation

of the need to get something through to the common man. He needs to explain himself more than he does, in words of one syllable, or maybe two. Louis Agassiz did that with science a century ago. He lectured widely and well to enthusiastic popular audiences; and he used to say modestly, "I can tell all the important things I know about biology in half an hour." Einstein made a brave attempt to express his theories in terms that ordinary people could grasp; they couldn't, but they appreciated his efforts and he became a great and revered figure.

I fear that our profession itself is partly responsible for its present popularity as a target for mud-slingers in the United States. In this sort of notoriety it has unwillingly usurped the place occupied by Tories in the American Revolution, by Papists in the Popish Plot, by Lollards in the fourteenth century, and by bankers during the Great Depression. It had better try to improve its "public relations."

The Newest of the Freedoms

Let us take a quick look at the origin and growth of this principle that we call academic freedom. It certainly did not exist in the medieval universities which are the parents of our universities; that is, it did not exist in the subjects that *mattered* in the Middle Ages, philosophy and theology. We always have academic freedom in subjects that do not matter to contemporary society, such as Byzantine art or Indic philology; and I dare say that Byzantine art is a controversial subject at Istanbul, and that a professor of Indic philol-

ogy would have to watch his step at Karachi. The medieval universities had the great boon of corporate autonomy for their teachers; but when it came to a showdown with church or state, they were unable to protect their members any better than the Academy of Athens protected Socrates. The cases of Abelard, Wyclif and John Huss are much to the point. Moreover, the organon of scholasticism was unsuitable for new discoveries in the realm of science or of ideas. There was great deference to higher authority and tradition in the Middle Ages, and a congenital suspicion of originality. One cannot imagine a medieval master saying to his pupils, as President Andrews once said to the astonished undergraduates of Brown University, "Go home, and, kneeling down, ask God in His great mercy to vouchsafe to you *one* original idea!"

The use of the teacher's or scholar's oath, which has become popular with academic heresy-hunters today, was even more widespread in the medieval universities. Some bright master at the University of Paris in the early thirteenth century thought up a good way to escape the pain of examining students — make 'em take an oath that they had read certain books and attended certain lectures! The Arts candidate in thirteenth-century Paris, by the time he had taken his Master's degree, had sworn a matter of fifty oaths to the effect that he had read books which he had never opened, hung on the words of lecturers whom he had never seen, and had done many other things which he had cheerfully left undone; and this at a time when the breaking of an oath was not only a social offense but a mortal sin which incurred the temporal punishment of excom-

munication, and eternal damnation. But "We need not go back to medieval history to illustrate the fact that an unwavering acquiescence in the reality of supernatural terrors may at times exercise but little deterrent effect upon the ordinary life of believers."²

Oaths of allegiance by scholars to the state were added after the Protestant Reformation, when kings and princes seized the spiritual power and wished to bend institutions of learning to their secular wills. At the time when Canada, Virginia and New England were founded, nobody could take a degree at Oxford or Cambridge without subscribing to a declaration that "the King's Majesty" was "the only supreme governor of this realm," in "all spiritual or ecclesiastical things." If he took Holy Orders, he also had to take an oath to use the Book of Common Prayer "and none other." Catholics and Puritans had the alternative of signing this statement in which they did not believe, or losing their degrees. The Puritans who founded New England were men of conscience; yet John Harvard and some ninety other university-trained Puritans who emigrated to New England violated their solemn promises (made under oath) when they took their degrees at Oxford or Cambridge, and rebelled against the Church of England because they held conscience above oaths, and God above the state. Thus it happened that the founders of New England, knowing by experience the futility of oaths to bind the conscience, imposed none in their colleges. Harvard was able to confer a Master's degree on a professing Jew (Judah Monis);

² Hastings Rashdall *The Universities of Europe in the Middle Ages* (1895) II p. 689.

and an honorary degree on a Roman Catholic (Joseph de Valnais) almost a century earlier than Oxford and Cambridge were allowed to honor anyone but a Protestant Anglican.

Even in the universities of the Netherlands, the freest in Europe and the most open to new ideas, all professors in the seventeenth century had to subscribe to the Heidelberg Confession, a set of Calvinist principles; and anyone like the learned Vorstius who was suspected of Arminianism was driven out. Hugo Grotius survived only by escaping from prison.

In England the Long Parliament drove about four hundred teachers and scholars out of the Universities of Oxford and Cambridge by requiring everyone to own the Solemn League and Covenant; and Charles II drove the Covenanters out and brought the Anglicans and Monarchists back, requiring them to take an oath that the Solemn League and Covenant of Cromwell's time was an unlawful oath! "Education could only be imparted by those who accepted without reservation the tests and tenets of the Church of England. . . . The schoolmaster was forbidden by law to think for himself and indeed the possibility of thought was extinguished by the method of selection employed. The fear of the universal spread of dissent created a dread of free education . . . such a policy could only have one end: — a suspension of education until a new method of effort and thought should evolve a new system."⁴

In the universities, dry rot was the result of excluding

⁴ J. E. G. De Montmorency *State Intervention in English Education* (1902) pp. 109-110.

Catholics and dissenters, and of penalizing originality and initiative. Oxford and Cambridge reached an all-time low for scholarship in the eighteenth century; they contributed little to that "age of enlightenment," nor did they recover their ancient standing until the nineteenth century, when test oaths were abolished, originality was encouraged, and members of any church, or none, could take a degree.

These lessons of history have not been lost on the British and Canadian peoples. Since 1700 they have not attempted to purge their university faculties, which are the most free in the world of today. Sad to relate, the lesson has not even been learned by the American democracy; and American universities are still fighting off restrictive policies and practices which the English learned to discard long ago.

Strange as it may seem, academic freedom was discovered in Germany. The Germans had words for it long before the English did: *Lehrfreiheit* (freedom of teaching), which was usually coupled with *Lernfreiheit* (freedom of learning). The first meant freedom of teaching and research; the second, freedom of the students from administrative restraints on study. Immediately after the Napoleonic wars, George Ticknor, George Bancroft, Joseph G. Cogswell and Edward Everett proceeded from Harvard to Göttingen, where they were astonished and pleased, not only by the freedom and flexibility of the students' curricula, but by the freedom of a professor of theology, appointed and salaried by the state, to question divine revelation. "If truth is to be attained by freedom of inquiry," George Ticknor wrote to his friend Thomas Jefferson, "the

German professors and literati are certainly on the high road."³

Soon after this, Jefferson had the great opportunity to found the University of Virginia on the principle of academic freedom. His intentions were excellent. "This institution," he wrote to an English friend, "will be based on the illimitable freedom of the human mind. For here we are not afraid to follow truth wherever it may lead, nor to tolerate any error, so long as reason is left free to combat it."⁴ But he soon discovered that that was not easy. Thomas Cooper, the English radical, freethinker and chemist, who sought freedom of speech in America which had been denied to him in England, had supported Jefferson in politics and suffered for it by being jailed under the Sedition Act of 1798. Jefferson wished him to be the first professor in the new university, but Cooper's Unitarian views were anathema to the Presbyterians of Virginia, and there arose such a clamor against his appointment that he was allowed to resign before he entered into the duties of his office.

Jefferson was undoubtedly a great man, but also in some respects a great humbug. After founding a university "based on the illimitable freedom of the human mind," he wished to have the teaching of history and government there controlled by party principles — those of his own party, of course. Fearing lest a "Richmond lawyer" (meaning a Fed-

³ Orie W. Long *Thomas Jefferson and George Ticknor* (1933) p. 15; W. P. Metzger "The German Contribution to the American Theory of Academic Freedom" *American Association of University Professors Bulletin* XLI (1955) pp. 214-230.

⁴ Jefferson to William Roscoe, December 27, 1820; *Writings of Thomas Jefferson* (Washington ed. 1855) VII p. 196.

realist like John Marshall) be appointed professor of government, he wrote, "It is our duty to guard against the dissemination of such principles among our youth . . . by a previous prescription of the texts to be followed in their discourses." And at his suggestion, seconded by that other great exponent of freedom James Madison, the Board of Visitors adopted a resolution that only the following books and no others be read in the government course: Sidney's *Discourses on Government*, Locke's *Second Treatise*, the Declaration of Independence (by Jefferson), the *Federalist* papers (in part by Madison), Washington's Farewell Address, and the Virginia Resolves of 1799 (by Madison).⁷ This attempt to exclude from a university the entire body of Federal and national literature by Hamilton, Marshall, Story and the Adamses would be ludicrous if it were not so pitiful, as one more instance of the intolerance in practice by advocates of freedom in theory. After boasting that the university was "not afraid to follow truth wherever it may lead," Jefferson and Madison defined political truth for the students of the university in terms of a party platform. Perhaps it is more than a coincidence that one plank in that platform — the Virginia Resolves of 1799 — has in 1956 been pulled out of the lumber room to nullify a decision of the Supreme Court granting freedom to Negroes to attend the same public schools as white children.

Jefferson also did his best to prevent young Virginians from attending Harvard College, which he regarded as the

⁷ Gordon E. Baker "Thomas Jefferson on Academic Freedom" *American Association of University Professors Bulletin* XXXIX (1953) pp. 377-388.

center of political heresy; and it was at Harvard that the first battle over academic freedom took place in the United States.

The Development of the Concept in the United States

In Germany, *Lehrfreiheit* meant the freedom of a professor to teach and to do research; but at no time did Germany admit the freedom of a professor to be active as a citizen along lines that the government, or the dominant group of society, disapproved. After the Revolution of 1848 all socialist and republican professors were either silenced or weeded out; and one can comb German history from that day to this without finding one prominent example of that now familiar phenomenon in English-speaking countries, the professor active in civic affairs and in politics. The main reasons why that form of academic freedom never developed in Germany were: first, the hierarchic nature of German society, which regarded politics as suitable for the politician only, not for professors; and, second, the fact that the German universities were so closely integrated with the state that professors came to be regarded as civil servants. They were privileged civil servants, to be sure, treated with deference and respect; but no more entitled to criticize the government or agitate for reform than a railway station-master.

At Harvard, the question of a professor's rights as citizen arose about 1830, when the Reverend Henry Ware, Professor of Pulpit Eloquence and Pastoral Care in the Divinity

School, founded an antislavery society at Cambridge and became its president. As the solid men of Boston who then governed and supported Harvard regarded abolition as disreputable, Ware was attacked bitterly in the press, and the university was called upon to discharge him. He was loyally supported by Josiah Quincy, the former member of Congress who was then president of the university. And in the history of the university that Quincy published in 1840 he made the earliest official declaration on the subject of academic freedom that I have found in American literature:

The principle of fear has been almost wholly banished from systems of education, and that of hope and reward substituted. The duty of considering science and learning as an independent interest of the community, begins to be very generally felt and acknowledged. Both in Europe and in America attempts are making to rescue the general mind from the vassalage in which it has been held by sects in the church, and by parties in the state; giving to that interest, as far as possible, a vitality of its own, having no precarious dependence for existence on subserviency to particular views in politics or religion; and, for this purpose, to place it like a fountain opened in regions far above those in which the passions of the day struggle for ascendance, — to which all may come to gain strength and be refreshed, but whose waters none shall be permitted to disturb by their disputes, or exclusively to preoccupy for purposes of ambition.*

Ten years later there occurred an interesting campaign at Harvard in which academic freedom lost the battle but

* Josiah Quincy *History of Harvard University* (1840) II pp. 445-446.

won the war, since it ended in Harvard's being freed from political control. Since 1650 the university had been ruled by two governing boards: the Corporation, consisting of president, treasurer and five fellows, coöpted according to the English tradition; and the Board of Overseers, composed of ex-officio magistrates and clergymen. Subsequent to the American Revolution, this second board included the entire Massachusetts State Senate, and its consent was necessary to all professorial appointments. That worked all right so long as the state was in Federalist or Whig hands. But in 1850 a radical coalition made a clean sweep of the state government; and the radical state senators, who regarded Harvard as a stronghold of aristocracy, made up the majority of the Harvard Board of Overseers.

At this juncture the editor of the *North American Review*, Francis Bowen by name, was appointed by the Corporation to the chair of ancient and modern history. His appointment unloosed a torrent of abuse by the radical press. Bowen had offended the radicals, first by defending Daniel Webster and the Compromise of 1850 (which all historians now admit to have been correct); and second, by attacking the "heroic Hungarians." At the very point when Louis Kossuth, the apostle of Hungarian independence, was about to make a triumphal tour of the United States, Bowen, who had a knowledge of southeastern Europe unusual for that time, published an article which pointed out that the independence of Hungary would mean giving the Magyar aristocracy a blank check to oppress some five million Yugoslavs, Rumanians and Slovaks. Bowen was at-

tacked by one radical newspaper as a bigot "of the fiercest and bitterest sort," who "would poison the ingenuous minds of the youth"; the *New York Tribune* even declared that republican institutions would be in danger if a man of Bowen's reactionary views were allowed to profess history in Harvard College. So when the unfortunate professor's name came before the Board of Overseers, the radical state senators voted in a body against it, and Bowen was denied the chair of history.⁹

The result of this sacrifice was to warn Harvard graduates that they had better rescue the Board of Overseers from political control. The Harvard Alumni Association, which had recently been formed, did not rest until in 1865 it obtained an act of the legislature making the second governing board a body elected by graduates of the university, with no representatives of church and state. This autonomy has been of immense assistance to the college in maintaining academic freedom. As the new Board of Overseers declared in 1869, "The emancipation of Harvard from its confused relation to the State, and its new basis, resting on the love and help of its Alumni, opens to it a prospect of great progress and usefulness."

Cases of this sort were not frequent in the nineteenth century. It was considered improper for college presidents and professors to mingle in politics, and few contentious subjects were taught in the colleges. The fruitless battle to suppress discussion of slavery was largely fought outside college walls, since sociology was not yet a recognized subject

⁹ S. E. Morison in *Proceedings Massachusetts Historical Society* LXV (1940) pp. 507-511.

of learning. Professor Benjamin S. Hedrick of the University of North Carolina had the boldness to come out for the new Republican Party in the election of 1856. He was deserted by his colleagues, burned in effigy by the students, expelled by the trustees. The one member of the faculty who supported Hedrick, and who resigned in protest, was Henry Harrisse, the Frenchman who later became the greatest authority on the discovery of America. "You may eliminate all suspicious men from your institutions of learning," he wrote in a parting fling; "but as long as people study and read and think among you, the absurdity of your system will be discovered. . . . Close your schools, suppress learning and thought . . . as the only means which remains to you of continuing the struggle with some chance of success."

The only case known to me where a college became involved in the slavery discussion was that of Berea College. Berea, founded in 1855 in the hope of educating the poor whites in the mountainous regions of Kentucky, had a president and a little faculty which included a few abolitionists. Since the "hillbillies" disliked slavery, the college got along all right for several years. But in 1859, when John Brown of Ossawatimie tried to liberate the slaves by force of arms, a rumor that Dr. J. G. Fee, president of Berea, had approved his efforts enraged the yokelry to such a point that president, faculty and students had to flee for their lives across the Ohio River, like Eliza in *Uncle Tom's Cabin*.

In most instances when academic freedom was attacked in the United States before the Civil War, a college presi-

dent was the victim, and the pressure came from fundamentalist Protestant sects. Enraged Presbyterians drove President Tappan from the University of Michigan — his great offense was serving wine at dinner in the presidential lodge. President Holley of Transylvania and President Cooper of the University of South Carolina were also victims of pious Protestantism. Dr. Cooper, the same Unitarian whom Jefferson had tried to place on the Virginia faculty, was forced to resign from the presidency of the University of South Carolina at the age of seventy-five. Not, however, before he had made a stout defense of the right of students to have unlimited access to the sources of learning:

If doubts bearing on the subject are concealed and not discussed, the students will have reason to complain of injustice. The difficulties which a professor is forbidden to approach will remain on their minds, and they will depart unsatisfied with half knowledge and doubts unsolved. They have a right to expect from their professor no concealment, no shrinking from unpopular difficulties, but a full and honest investigation, without suppression or disguise.

After the Civil War the religious attack on academic freedom commonly took the form of attempting to forbid teaching the doctrines of Darwin. The only notable case involving an aftermath of Negro slavery came in 1903 at Trinity College, Durham, North Carolina. Trinity's chief benefactor was the Duke family (in honor of which it changed the name of the Holy Trinity for that of Duke University in 1924). Professor John S. Bassett, a native

North Carolinian and an eminent scholar in American history, wrote an article on the Negro problem, an appeal to common sense and understanding at a time of violence and lynchings. In it he remarked that the Negro educator Booker T. Washington was the greatest Southerner since General Robert E. Lee. That unleashed the dogs of war! A campaign of abuse, led by the Raleigh newspaper edited by Josephus Daniels (later Secretary of the Navy under President Wilson), demanded that Professor Bassett be dismissed. He offered his resignation. Every member of the faculty threatened to resign if it were accepted, and the president, the Duke family and Walter Hines Page stood by him. The trustees not only refused to accept his resignation, but issued a statement: "We cannot lend countenance to the degrading notion that professors in American Colleges have not an equal liberty of thought and speech with all other Americans."

The next orthodoxy that proved sensitive to criticism in universities was *laissez faire* economics. Attempts were made to stifle the lonely professional voices that sounded off for the regulation of business or the rights of labor. But few of these attempts were successful; academic freedom was gaining ground. Professor Richard T. Ely, the distinguished economist of the University of Wisconsin, was "tried" in 1894 by a committee of the Regents, before whom the state superintendent of public instruction acted as prosecutor, for advocating "strikes and boycotts." He was exonerated and the Regents issued a forthright statement which is known as "Wisconsin's Magna Carta of Academic Freedom."¹⁰ The

¹⁰ See Appendix I, page 149.

same year, Professor Edward W. Bemis was dismissed from the University of Chicago for saying in public during the famous Pullman strike that the railways were as lawless as the workers.

Perhaps the most famous of these cases was that of E. Benjamin Andrews, president of Brown University. His heresy was open advocacy of bimetallism, upon which he was supposed to be an expert, at the time of William Jennings Bryan's candidacy for the Presidency of the United States. In Providence, Rhode Island, stronghold of the gold standard and financial orthodoxy, and in the press of New England and New York, Andrews was attacked in terms that would have been more appropriate had he been a convicted felon or a notorious libertine. As a result of this, and because of a very meager collection of money for the endowment fund, the Corporation of Brown University requested Dr. Andrews to forbear promulgating his views upon free silver. He then tendered his resignation. An open letter to the Corporation, drafted by the late J. Franklin Jameson (beloved dean of American historians), demanded that the resignation be not accepted, on the ground that "the life-blood of a university is not money but freedom." Other petitions and remonstrances to the same effect were signed by hundreds of alumni, by the leading college presidents in the United States, and by a number of leading economists who did not agree with Dr. Andrews. The Corporation backed down, and the president withdrew his resignation. But his situation became so uncomfortable that he resigned within a year.

There is an ironical anticlimax to this case. Dr. Andrews,

as a result of further research, publicly announced that he had made a "great and inexcusable error" on the subject of coinage, and died in the odor of gold-standard sanctity.

The first fifteen years of the twentieth century were hardly disturbed by such controversies. Academic freedom in the triple meaning of the word — freedom of the professor to teach or do research, freedom of the student to learn, and freedom of the professor to take an active part in political and social controversies — seemed to be generally accepted. In that era, college professors were not attacked for radicalism but were denounced by left-wingers as subservient to "the interests" or to the "malefactors of great wealth" on whom universities were supposedly dependent for funds. You may find this point of view well expressed in *The Goose Step* (1922) by Upton Sinclair, who declared that an outside lecturer in the Harvard Business School who was not reappointed because he had broken the regulations had been "fired" for supporting public ownership, in opposition to the utilities "which control Harvard University and gave President Lowell his job." In 1915, when Scott Nearing was dismissed from the Wharton School of Finance and Commerce at the University of Pennsylvania, almost the entire academic profession protested, and a book was written about the case¹¹ which was partly responsible for the American Association of University Professors making its first statement of principles on academic freedom.

¹¹ Lightner Witmer *The Nearing Case* (1915).

*University Government, Professional Pedagogues,
and Mediocrity*

Before considering the red menace, I wish to express my opinion and adduce a few facts to show that the greatest enemies to academic freedom in the United States today are neither the reds nor the red-baiters; but (1) abuses in university government; (2) the attempts of professional "educators" to control higher education, and (3) the general mediocrity of the teaching profession.

Not one body of university or college teachers in the United States is autonomous in the sense that the masters in the medieval universities, or in Oxford and Cambridge today, are autonomous. And it is interesting to learn why. Yale College was founded, in part, as a protest against the religious liberalism of late seventeenth-century Harvard; and Harvard was relatively liberal because for some fifteen years it had been ruled, like the English colleges, by a group of college teachers who happened to prefer Richard Hooker and Dr. Tillotson to Thomas Hooker and John Cotton. So Yale was set up with a governing board of ex-officio ministers of the Puritan churches and magistrates of the Puritan colony; they "hired and fired" the faculty. University government in the United States developed from that model, and from the premise that college teachers will bear watching. Universities are administered by a board of regents, trustees or directors appointed from outside the teaching body by the state, or by a church, or by the alumni, or in some mixed manner. The president stands between the pro-

fessors and the trustees, who appoint him and his administrative assistants (quaintly known as "deans"), and who make appointments and promotions on his recommendation.

It is one of the paradoxes of the United States that the further democracy developed in a political sense, the less democracy was allowed in colleges and in universities. In the United States it is the exception rather than the rule that a faculty controls appointments and promotions. That is the crucial factor, from the administrative point of view, in academic freedom; and, I venture to say, in academic excellence as well. In some universities, such as Harvard, a constitutional practice has been built up to the effect that no appointment or promotion will be made by the governing boards unless recommended by a department of the faculty. But the governing boards are not required to accept the nomination, and they still have the right to go over the heads of the faculty and appoint someone else.¹²

But the presidential power is not uniform. There are some universities in which the president is little better than a timid agent for the board of trustees; in others he is an academic *Führer* to whom everyone defers, whose favorites get promoted, and whose opponents, or people whom he dislikes, are forced out. For the most part, however, college presidents in the United States are scholars and gentlemen who conduct a very difficult office with tact, skill and integrity.

That this form of academic government is not necessarily

¹² President Lowell of Harvard used to say that this reserved power was valuable, because whenever a department became second-rate, it would never suggest the appointment of a first-rate scholar to a new position or a vacancy.

fatal to academic freedom is proved by the experience of Canada, which has much the same system. Yet Canadian faculties have been notably free from interference by trustees. The probable reason is that in Canada trustees are very carefully chosen. Wherever they are so selected in the United States (as at the University of Wisconsin, Princeton and the New England universities), and wherever the president is primarily a scholar and chosen from the teaching body, the system works well. The president represents the faculty to the trustees, most of whom are alumni and sympathetic to the university's ideals. But it works very ill in the United States when university trustees are elected by popular vote or appointed by politicians as part of their patronage. On the whole, our businessmen trustees have taken their responsibilities seriously and defended academic freedom. One such, who had come to suspect that "academic freedom" was a mere cover for communism, has recently testified that his eyes were opened, first, by visiting his college town and talking with the professors; and second, by visiting Czechoslovakia before the communist coup and talking with President Beneš. He came to the conclusion that academic freedom is an important bulwark against communism.¹⁸

The worst situation for academic freedom occurs in universities where professional pedagogues, especially graduates of Columbia Teachers College (fruitful mother of neo-Deweyism and other educational quackeries), have obtained an influence outside their own department. I venture

¹⁸ William Kostka "Academic Freedom Opened My Eyes" American Association of University Professors *Bulletin* XL (1954) p. 189.

to say that professional educators are the greatest enemies not only to academic freedom but to academic excellence in the United States today. No one who has not read some of the stuff printed in educational journals would believe the nonsense that these people write, or the horrible jargon in which they express themselves, or the shabby mediocrity of their minds. Through the national network of teachers' colleges and university departments of education, these pitiful pedagogues are placing an octopus-like clutch on the independent professors and scholars, by working on university administrations to prescribe not only what professors shall teach, but how. If these gentry had their way, nobody could profess an academic subject without having taken a degree in educational "method," and every professor of arts and sciences would be given a syllabus and list of references by the Department of Education, dictating what he should say in each lecture, and what each student should learn.

Communism is very rare among the professional pedagogues — many of them are not bright enough to know what it is; but they use communist methods to regiment learning and suppress academic freedom. I would call your particular attention to the shocking instance of pedagogical totalitarianism at the University of Nevada, where a former high-school principal with a Ph.D. in Education had just been appointed president. A professor of biology, for circulating among his colleagues an article which the president did not like, although it contained no criticism of him personally, was "tried" by the Board of Regents, which included a hotelkeeper, an undertaker and several small-business men. Found guilty on six counts, relating to "the spreading of

false information," and "disloyalty to the administration," he was dismissed. The professor's friends carried the case to the Supreme Court of Nevada, which ordered him to be restored to his post.¹⁴

When the professional pedagogues cannot win control of a university administration directly, they are apt to attempt it indirectly by persuading a state legislature, on the plea of economy and efficiency, to place functions that should be exercised locally in the hands of a state department of education. The president of the University of Massachusetts is currently engaged in trying to obtain the repeal of a law which virtually subjects his university to the state bureaucracy in matters of appointment.¹⁵

The growth of democracy has also militated against academic freedom because of dilution. It is "undemocratic" to send only bright boys and girls, or those whose parents have money, to college. Standards must be lowered, and university education made so cheap, that all teen-agers not actual imbeciles can at least enter college, even though they cannot stay long. Democracy has also affected the quality of faculties. In the great expansion of college enrollment after each world war, it was not always possible to choose instructors wisely. Many young men and women who were in no sense scholars, and not fit to teach college students, got on faculties; and it is from some of these people, elimi-

¹⁴ Russell Kirk *Academic Freedom* (1955) pp. 59-72.

¹⁵ *Boston Globe*, 5 Dec. 1955. This same president, however, is advocating a new academic heresy, sliding scales for professional salaries, to be determined by the president, of course. This has already been tried at the University of Chicago, with devastating effect on the teachers' morale.

nated after the inefficiency and laziness were found out, that the loudest howls about academic freedom have come. A large proportion of the alleged violations of academic freedom investigated by the American Association of University Professors turned out to be cases of insupportable bad manners, mediocrity, or improper conduct, having nothing to do with opinion.

The Situation and the Student

The situation in the United States respecting academic freedom is actually much better than it appears to be, owing to our national sport of washing dirty linen in public. Every assault on academic freedom gets abundant publicity at home and abroad, but the repulse of the attack, which is generally the result, is not well publicized. Conversely, a good deal goes on in Britain that never gets out. During my tenure of a chair of history at Oxford in the 1920s, the university was rocked by a case resembling those of presidential tyranny in American universities. The head of one of the women's colleges could not stand the sight of one of her own college dons, a distinguished lady historian, and dismissed her arbitrarily. The don, who had life tenure, appealed to the chancellor, who was also the Visitor of the College. He held hearings and issued a report so scathing (in the polite English manner) of the offending college head that she had a coronary thrombosis within a week, and died! This case was the subject of common conversation at Oxford for weeks; yet not a word of it got into the press.

In all these discussions about academic freedom, *Lernfreiheit*, the student's freedom, is seldom considered; or the student's interest in it is assumed to be the same as the professor's. That is to some extent true, as President Cooper's quoted fling at the University of South Carolina put it. A badgered, bridled or gagged professor cannot give the student a free education. Bills have been introduced in some state legislatures to forbid the mention of communism in the curriculum, and to weed out all books by communists or fellow travelers from university libraries. That would deprive professors of one of their best means of curing undergraduate "pinkos," making them read a few hundred pages of Karl Marx and discuss them! But the student does not share the professor's interest in a career of scholarship; his stake in his education is not for life. And he has a right to claim some freedoms that do not apply to the professor—freedom from undue restrictions on his choice of studies, from required courses, required recreation, and the like. Such restrictions have enormously increased in recent years, even at Harvard, where the maximum student freedom that American public opinion would allow was established seventy-five years ago under President Eliot. The entering freshman in most American universities is provided with an I.B.M. card, the proper punching of which is his passport to a degree. He has to pass not only frequent tests in his courses (mostly of the "either-or" kind), but aptitude tests, physical tests, psychological tests; and a small army of deans is appointed to keep him on the straight and narrow. This has even extended to the postgraduate schools, where relatively mature students are now as much ticketed, tested and

harassed by regulation as undergraduates were in the spacious days around 1900. In my day (says this "old grad"), so far as the president and the dean were concerned, we could all go to hell in a hack! A restoration of *laissez faire* (which one academic punster called "lazy fare") in student activities would be healthy fare for most of them. Only the weak would suffer; and our entire educational system is too much geared to weaklings.

Now, having expressed my firm if prejudiced opinion that the greatest menaces to academic freedom in the United States are the want of administrative power by faculties, the "goose step" of the professional pedagogue, and the mediocrity that comes from dilution, I shall pay some attention to the red menace and its counterpart.

Communism

The climate of opinion in the United States began to change during World War I, when various attempts were made to oust German professors, or those who had been pro-German before the United States became a belligerent. Peace had hardly been signed before the astonished *Gelehrten*, who had scarcely recovered from being accused of subservience to Wall Street and the Kaiser, found themselves being pilloried as cells of sedition, foyers of revolution, and little brothers of the Bolsheviki.

College students in the 1920s, and many professors too, were curious to know what was going on in Russia, interested in all manner of liberal prescriptions for saving the

world and preserving peace. So frightened conservatives, and politicians eager to make hay, began to attack the colleges as centers of communism. Even a Vice President of the United States, Calvin Coolidge, lent his name to this anti-red crusade.¹⁶ And in this campaign there has been only a momentary truce, during World War II. The cold war restored the hot crusade.

Alfred Whitehead once remarked that the "hounding of scholars" was "one of the symptoms of social decay."¹⁷ I would say rather that it is a symptom of social strain. Bernard Shaw, in his preface to *Saint Joan*, well said that "the degree of tolerance attainable at any moment depends on the strain under which society is maintaining its cohesion."¹⁸ You have only to think of the strains of World War I, of the Rebellion of 1837 in Canada, of the Reign of Terror in France, and the Popish Plot in England. But professors, perhaps because they were fewer and more modest in those days, managed largely to keep out of these popular uproars — although it was the Revolutionary Tribunal which said, "*La République n'a pas besoin de savants*," and

¹⁶ When the articles on "Enemies of the Republic" (in the women's colleges), signed by Vice President Coolidge, began coming out in the *Delineator* in 1921, the writer called on President Emeritus C. W. Eliot in the hope that he might prepare or at least counsel a rejoinder. "Mr. Coolidge's views on the women's colleges, if they are his, are completely insignificant, and not worth the trouble of refutation," was Mr. Eliot's typical reply. Unfortunately the American public estimated Mr. Coolidge's oracular platitudes somewhat more highly than Mr. Eliot did.

¹⁷ *Dialogues of A. N. Whitehead*, as recorded by Lucien Price (1954) p. 79.

¹⁸ Samuel K. Allison in *Science and Freedom* (1955) argues that the feeling of insecurity in the United States, due to atomic developments and the defection of China, is at the bottom of the recent hounding of scientists.

sent the great Lavoisier to the guillotine. Nowadays there are professors of almost every controversial subject from divinity to economics; and they publish and speak their views outside the academic grove as well as within. They cannot help being involved in every period of stress and insecurity.

I have already observed that in my opinion communists are not entitled to civil rights, so long as they deny them to others. And the same, I believe, applies to communists on college faculties. The English historian Samuel R. Gardiner, writing in the nineteenth century to explain the intolerance of the seventeenth, said, "In these days we are tolerant because we believe that freedom of thought, besides being a good thing in itself, is not likely to be turned against ourselves." Now we have no such trust; we doubt whether a university should protect an enemy to freedom of learning, if one be found in its midst. I agree; although many of my colleagues feel otherwise and are more tolerant of communism in the academic profession than I am.¹⁹ No member of the Communist Party, which suppresses academic freedom and free thought wherever it can, has a right to teach in a free country. Former membership in a communist cell may well indicate a defect in character or feebleness of intellect which should disqualify the ex-communist from becoming a university teacher. But I would also say that every case of this sort should be judged on its merits; in many if not most of them extenuating circumstances will be found, and re-conversion is complete.

¹⁹ For a recent argument on that side, see Fritz Machlup "On some Misconceptions Concerning Academic Freedom" *American Association of University Professors Bulletin* XLI (1955) pp. 775-784.

The universities must be very wary of yielding to popular pressure, or all sorts of unpopular opinions other than communist will be put under the ban. Religious tests may be revived, and the doctrine of guilt by association applied to college faculties. If (referring to the Borsky case) a doctor may be suspended from practicing medicine because he distributed relief to Spanish Republicans, it would be logical to consider a professor of mathematics disqualified to teach in a university because he corresponded with a mathematics scholar in Russia.

*Science and Academic Freedom*²⁰

Scientific research in a university is another matter. Every teacher of youth is supposed to be of good character and sound mind; and it is arguable that membership in a communist cell, especially in the last ten years, is evidence of bad character or a weak mind. Character is not, however, required of a research worker in a laboratory. We are not afraid of the *Diener* or the test tubes being corrupted. But, as the Rosenberg and Allen Nunn May cases indicated, there is danger that communists in laboratories will misuse their position to assist our potential enemies. Thus, the increasing body of scientific research that goes on within universities, often paid for by governments, offers a special set of problems in academic freedom.

²⁰ See Bibliography, page 156, for the highly interesting and significant symposium of the Hamburg Congress of July 1953.

The scientific community must have autonomy and freedom if it is to continue to function and to produce for the general welfare. It must have protection against political fanatics on the one side and government interference on the other. The deplorable results of Nazi interference with the stream of scientific inquiry are so patent, and recent, that we should be on our guard against its happening here. On the other hand, the scientific community must develop better discipline and sense of responsibility. It must show itself able to deal with potential traitors within its ranks.

We are faced with the phenomenon that some men of science are so politically illiterate as to embrace philosophies and doctrines which, if carried out literally, would be deadly wounds to the independence of their profession. This problem has been harassing scientists since the misdeeds of some of their colleagues were disclosed, but they do not seem to have reached any conclusion about it.

How can we explain the phenomenon? Partly, I think, because of the excessive specialization of scientists, and the time-consuming aspect of their work. They feel that they haven't time to study to be good citizens. They like a short cut, which saves them from doing any hard thinking on political or social questions. The subject was briefly and somewhat gingerly discussed at the Hamburg Congress on Science and Freedom in 1953. The most helpful explanation came from Dr. Plessner of the University of Göttingen, who said:

The habits of thought required in individual branches of science are bound to result in a certain stunting of judgment, which may be carried over from the profes-

sional sphere into that of public affairs, where it shows itself in a leaning toward political ideologies. . . .

For those engaged in the exact sciences, where ideas are mainly framed in a mathematical form, and where the progress of knowledge is based on controlled experiments and on the direct application of theoretical results to objective experience, there is a strong attraction in the doctrines of enlightened positivism. The clearest reflection of this type of approach in the sphere of political ideology is to be found in the doctrines of Marxism. . . . Such perversion of scientific thought is essentially a betrayal of the dignity of the human mind, which is accomplished under the delusion that the power of the intellect is thereby asserted, but constitutes in fact a destruction of the responsible status of the thinking being.²¹

This particular *trahison des clercs* has been committed even in thought by only a small minority of scientists; in word and deed, fortunately, by very, very few. Nevertheless, the tendency is sufficiently strong to be serious; and it should be dealt with primarily by scientists themselves. The scientific community has too much taken for granted that a scientist's political and social beliefs are irrelevant to his professional competence. The older men have made the mistake of protecting and promoting communist pupils, under the impression that these matters of belief were nobody's business. They had better make it their business, and not leave the problem of regulating the scientific community to the journalists and demagogues, who have become the self-appointed custodians of scientists' morals.

²¹ *Science and Freedom* (see Bibliography, page 156) pp. 171-173.

Do We Deserve Academic Freedom?

In the British Isles, the concept of academic freedom seems to have been absorbed by a sort of osmosis. The universities were autonomous when Queen Victoria acceded to the throne, but learning was hardly free. There was a great row about religious freedom in Oxford when the Tractarian movement began. In 1866, when an English gentleman proposed to endow a chair of American history at the University of Cambridge, his offer was overwhelmingly defeated in the Congregation of Masters, on the ground that it would be an entering wedge for republican and Unitarian propaganda.²² Yet, by the time of the Queen's diamond jubilee, academic freedom was established not only in the British universities but in those of the British colonies and dominions. In Germany, in the meantime, the mailed fist of the Reich had throttled *Lehrfreiheit*, leaving that aspect of *Lernfreiheit* which relieves the student of rules and restrictions almost unimpaired.²³

Academic freedom, so far as I have ascertained, has not been seriously challenged in Great Britain since the test oaths were abolished in the nineteenth century. During my three-year tenure of a professorial chair at Oxford, then in the throes of another reform by royal commission and act

²² S. E. Morison *By Land and By Sea* (1953) pp. 5-6.

²³ See E. Y. Hartshorne "German Universities and the Government" in *Freedom of Inquiry and Expression* (1938) for the "Lex Arons" of 1899, in which the Prussian government declared that active membership in the Social Democratic Party disqualified anyone to teach in a government university.

of Parliament, I was impressed by the respect, almost reverence, with which the British universities were regarded by the public, even by the Labor Party. Yet the professors in England "stick their necks out" as much as ours do, or more. A master of Balliol College, for instance, openly supported the general strike of 1926, but instead of being "fired" — a difficult procedure in England at all times — he was elevated to the peerage. Several communists are now sitting out the cold war in English colleges, but nobody seems to mind. These universities are increasingly dependent on government for support, yet the British government pays the piper without calling the tune.

Why should there be such a difference between the attitudes of the two countries? The question has long puzzled me. I have already suggested one answer — the historical one that the European universities began as autonomous communities of masters and scholars, and the American ones did not. Another reason that I submit with some diffidence is that the British universities without exception have deserved academic freedom, whilst a substantial minority of American universities have forfeited their right to any such status. They have become mere degree-mills where ill-trained boys and girls spend four years playing at education, and where timid, owlish graduate students grind out Ph.D.s so that they can get teaching jobs and repeat the process indefinitely. Although these strictures do not apply to the majority of universities in the United States, those to which they do apply, unfortunately, are among the most popular, judged by numbers, and consequently are regarded by the public as both typical and successful. Few members

of the faculties in such institutions are in any sense scholars, and those few, struggling hard for respect and freedom, are constantly tempted to quit the fight; to resign themselves to becoming robots of the local department of education, which will be only too happy to tell them what to teach, and how.

Obscene as McCarthyism is, there has been too much screaming about it in academic circles of the United States, and too little examination of conditions within the university; irresponsible utterances of academic smart alecks, pressure by autocratic presidents and stuffy deans, pressure of numbers and lowering of standards. Think of the dilution that has taken place in the student body. In 1900 there were 238,000 students in colleges and universities of the United States; in 1950 there were 2,659,000; and if standards are not raised, there will be five million by 1970. But the great majority of these college students have nothing to do with the liberal arts and sciences which those of the last century were studying. They are not taking the classics, literature, history, philosophy, mathematics, or the physical, chemical and biological sciences; but band leadership, football coaching, packaging, typewriting, abnormal psychology and social relations. Some state universities even offer courses in cooking, baby-sitting and fly-casting! What can professors of those subjects know, or care, for academic freedom?

Education in the United States is due for an overhaul from top to bottom; and it had best begin at the top! Only by a restoration of discipline and raising of standards can the faculties of our universities deserve the freedom and respect to which scholars are entitled. Only by unbending to

explain his work to a wider public, by avoiding intellectual arrogance as the plague, can the professor expect to be loved by a democratic public instead of being envied and suspected. Only by securing the scholar's financial independence and protecting his tenure can American universities attract the best brains and the boldest spirits; men dedicated to the search for truth, and unafraid of the consequences.

Conclusion

We cannot improve the quality of higher education without a deeper sense of religion than at present pervades American universities. Is it not significant that most of the colleges which attract the best scholars, and where academic freedom is both prized and practiced, are those with a religious background or strong religious affiliations? Or that many universities which fifty years ago were priding themselves on their positivism, their freedom from religious "chains," have lost that freedom with their God? It is natural that this should be so, since academic freedom is but one of the many freedoms that come from God, who gave us our minds that we might rise a little nearer the angels; and without whose grace we are powerless for good.

You may well feel that I have already said too much about my alma mater; my excuse is that I know her best, and that her record of fighting for academic freedom, not only for herself but for other universities, is a noble one. So I shall quote one more document of her history, the report of the Board of Overseers in 1869, which celebrated the

emancipation of the university from its "confused relation to the State." It applies to our age as to that of Queen Victoria and General Grant, and to any university of the Western world, whether under state, private or church control.

We should all labor together to make Harvard a noble University, — a seat of learning which shall attract the best teachers and most ardent students, — a University which shall retain all the good of the past, and go forward to welcome the advancing light of the future. So may the priceless gift of our fathers be transmitted to our children, not only unimpaired, but constantly renewed and bettered. Let each generation do its part to make it more worthy of this great country, this advancing civilization, this ripening age. In the largest sense, let it be devoted to Christ, the great teacher of truth, and to his Church, the great means of human education.²⁴

We of the teaching faculties and research staffs have a unique opportunity, in these days of increasing university enrollment, to inculcate principles of freedom until they become as firmly embedded in the American mind as union and independence. And we can accomplish that great end as much by our example as by our performance. Let us pray that we be worthy of our responsibilities, and that we be given the wisdom to convince the public that academic freedom is in their interest, and that of future generations, far more than it is in ours.

The Anglican Litany contains a considerable number of prayers for sovereigns, parliaments, magistrates, and "all others in authority." It evidently occurred to the Church of England in Canada that the teachers and scholars, the work-

²⁴ S. E. Morison *Three Centuries of Harvard* (1936) p. 327.

ers and employers, also rated a blessing. So at one of the Assemblies of that church, the Litany was enriched by a paragraph that is not found in the English or American versions of the Book of Common Prayer:

That it may please Thee to bless and protect all who serve mankind by learning, labour and industry.

This appropriate bracketing of laborers in learning with those in the greater society is most appropriate for a democratic nation like Canada. And on that note I will close what I have to say on academic freedom.

Conclusion

ON the wider aspects of freedom, the political and the economic, though we are living in a dangerous era, let us not forget that there were other times that tried men's souls. It is not surprising that men seek to exploit our fears. Since time immemorial, fear has been the stuff on which demagogues and tyrants build up power. But we must guard against fighting fire with fire, as that mischievous old saw recommends, which in this era means fighting communism with the weapons of communism, so that in the end neither they nor we will retain the armor of liberty. That armor, the freedom of the individual from the arbitrary power of a lawless government, has been built up from three fundamental concepts: government under law, government by consent, and natural rights. That armor of freedom has been put together, bit by bit; "precept upon precept; line upon line . . . here a little, and there a little"¹ throughout the long ages since man first became conscious of his dignity and reverent of his God. It is well that we are forced every so often to burnish our armor and oil its joints, and to think about rights, duties and values. But no danger is great enough to cause us to lay the armor of freedom aside as obsolete, or to turn it in for a dictator, armed with an atomic bomb and supported by secret police.

¹ Isaiah xxviii.10.

So I have chosen my concluding words on all three freedoms from the Second Epistle to Timothy by Saint Paul, who had had plenty of experience with civil liberty and its reverse:

Οὐ γὰρ ἔδωκεν ἡμῖν ὁ Θεὸς πνεῦμα δειλίας, ἀλλὰ δυνάμειος καὶ ἀγάπης καὶ σαφρονισμοῦ.

"For God hath not given us the spirit of fear, but of strength, and of love, and of a balanced mind."²

² II Timothy, 1:7; my translation.

Bibliography

I. General

These books are recommended to readers beginning the subject:

Alan Barth *The Loyalty of Free Men* (New York: Viking Press, 1951; Pocket Books, and Pocket Books of Canada, 1952).

Carl L. Becker *Freedom and Responsibility in the American Way of Life* (New York: Alfred A. Knopf, 1949). A philosophical approach by a wise and witty historian.

Francis Biddle *The Fear of Freedom* (New York: Doubleday, 1951). By an Attorney General of the Roosevelt administration.

Zechariah Chafee, Jr. *How Human Rights Got into the Constitution* (Boston: Boston University Press, 1952). Best brief history of civil rights.

Henry S. Commager *Freedom, Loyalty, Dissent* (New York: Oxford University Press, 1954). Definitely liberal point of view.

J. A. Corry *Elements of Democratic Government* (New York: Oxford University Press, 1951), especially Chapter XIV, in which he compares practices in Canada, the United States and Great Britain.

Freedom Agenda Series: A popular but informing collection of pamphlets, costing 25 cents each, published by the Carrie Chapman Catt Memorial Fund, 164 Lexington Avenue, New York, N. Y. These include Zechariah Chafee, Jr. *Freedom of*

Speech and Press; T. V. Smith *The Bill of Rights and Our Individual Liberties*; and Alfred H. Kelly *Where Constitutional Liberty Came From*.

Richard Hofstadter *The American Political Tradition and the Men Who Made It* (New York: Alfred A. Knopf, 1948; Vintage Books, 1954).

Julia E. Johnsen (ed.) *Freedom of Speech* (New York: H. W. Wilson, 1936). A collection of articles and essays that appeared between the two world wars.

II. Political Freedom

More extensive books on political freedom, and monographs on certain aspects of it, are:

American Civil Liberties Union: The annual reports, which may be purchased from the office of the Union, 170 Fifth Avenue, New York, N. Y., are 50 cents each, and full of important material. The reports for 1953-1954 (*America's Need: A New Birth of Freedom*) and 1954-1955 (*Clearing the Main Channels*) are particularly good, and include catalogues of the Union's pamphlet publications.

Alan Barth *Government by Investigation* (New York: Viking Press, 1955).

Zechariah Chafee, Jr. *Documents on Fundamental Human Rights* (3 vols.; Cambridge: Harvard University Press, 1951-1952), an "offset" book. This is the most useful and comprehensive collection of sources. It starts with Magna Carta, includes full documentation for American bills of rights, and ends with the 1950 Constitution of India and some cases of 1951.

William L. Cheney *Freedom of the Press* (New York: Harcourt, Brace, 1955). By a veteran journalist, with chapters on radio and the movies.

H. S. Commager "The Perilous Delusion of Security," *The*

Reporter, November 3, 1955, pp. 32-35, is the best recent article on the Federal security program.

Cornell Studies in Civil Liberty: The Rockefeller Foundation has sponsored, and Cornell University Press (Ithaca) published, this series of monographs on various aspects of political freedom, edited by Robert E. Cushman, professor of government, which are detailed and reliable:

Edward L. Barrett, Jr. *The Tenney Committee: Legislative Investigation of Subversive Activities in California* (1951).

Eleanor Bontecou *The Federal Loyalty-Security Program* (1953).

Robert K. Carr *The House Committee on Un-American Activities, 1945-1950* (1952).

Lawrence H. Chamberlain *Loyalty and Legislative Action: A Survey of Activity by the New York State Legislature 1919-1949* (1951).

Vern Countryman *Un-American Activities in the State of Washington: The Work of the Carwell Committee* (1951).

Walter Gelhorn *Security, Loyalty and Science* (1950).

Walter Gelhorn (ed.) *The States and Subversion* (1952).

Milton R. Konvitz *Civil Rights in Immigration* (1955).

Thomas I. Emerson and David Haber *Political and Civil Rights in the United States* (Buffalo: Deming and Company, 1952).

Erwin N. Griswold *The Fifth Amendment Today* (Cambridge: Harvard University Press; and London: Oxford University Press, 1955).

A. W. Macmahon (ed.) *Federalism Mature and Emergent* (New York: Doubleday, 1955). A symposium by experts; the chapters by Franz L. Neumann, Henry M. Hart, Jr., and Paul R. Hays are particularly applicable to freedom.

Richard H. Rovere in *Harper's Magazine*, May 1955, describes a particularly nasty development of postwar years, "The Kept Witness."

Arthur E. Sutherland (ed.) *Government Under Law. Essays*

prepared for discussion at the Harvard Law School Conference celebrating the two-hundredth anniversary of the birth of John Marshall (Harvard University Press, 1956).

Telford Taylor *Grand Inquest: The Story of Congressional Investigation* (New York: Simon and Schuster, 1955). By a skillful and widely experienced lawyer.

III. *Economic Freedom*

J. M. Keynes tolled the bell for free enterprise in *The End of Laissez-Faire* (London: L. and V. Woolf, 1926).

D. H. Macgregor *Economic Thought and Policy* (New York: Home University Library, Oxford University Press, 1949) includes an examination of laissez faire and democratic socialism, written with dry Scots humor.

J. A. Schumpeter *The History of Economic Analysis* (New York: Oxford University Press, 1954), published posthumously, is a long and somewhat rambling history of economic thought.

Overton H. Taylor *Economic Liberalism: Collected Papers* (Harvard University Press, 1955) is the best starting point for this subject, and one to which I am deeply indebted.

The principal works prophesying doom when free enterprise began to give way to collectivism were:

F. A. Hayek *The Road to Serfdom* (London: G. Routledge & Sons, 1944).

John Jewkes *Ordeal by Planning* (New York: Macmillan, 1948).

J. A. Schumpeter *Capitalism, Socialism and Democracy* (New York and London: Harper & Brothers, 1942).

Henry C. Simons *Economic Policy for a Free Society* (Chicago: University of Chicago Press, 1948).

J. M. Clark *Alternative to Serfdom* (New York: Alfred A. Knopf, 1948) is a conscientious attempt to find a middle way.

Almost the only authors who have tried to explain what is going on in supercapitalist development are Adolf A. Berle, Jr. *The Twentieth Century Capitalist Revolution* (New York: Harcourt, Brace, 1954); and J. K. Galbraith *American Capitalism: The Concept of Countervailing Power* (Boston: Houghton Mifflin, 1952). Berle also has a good chapter on the subject in A. W. Macmahon (ed.) *Federalism Mature and Emergent* (New York: Doubleday, 1955), Part Four of which is devoted to "Supranational Union in Western Europe."

Sumner H. Slichter *The American Economy* (New York: Alfred A. Knopf, 1948) is a balanced report on the state of things at that date, and which since has little changed.

The 'Fair Trade' Question, published (1955) by the National Industrial Conference Board, 460 Park Avenue, New York, N. Y., is a symposium on that subject.

IV. *Academic Freedom*

The American Association of University Professors publishes a quarterly *Bulletin* which contains a wealth of material on this subject. Other references will be found in A.A.U.P. *Bulletin* XL (1954) p. 292.

The American Civil Liberties Union (see note on the Union's annual reports, page 152) has published a number of useful pamphlets on academic freedom.

Arthur Bestor *Educational Wastelands* (Urbana: University of Illinois Press, 1953) and *The Restoration of Learning* (New York: Alfred A. Knopf, 1955) presents a strong case against the professional educators.

Freedom of Inquiry and Expression: A Collection of Facts

and Judgments, published in the *Annals* of the American Academy of Political and Social Science for November 1938, has some excellent articles by E. P. Cheyney, R. H. Shryock, Max Ascoli and others.

Richard Hofstadter and Walter P. Metzger *The Development of Academic Freedom in the United States*, and Robert M. MacIver *Academic Freedom in Our Time*, companion volumes issued by Columbia University Press, New York (1955), are the most important and thorough discussions that have yet appeared.

Russell Kirk *Academic Freedom: An Essay in Definition* (Chicago: Regnery, 1955), with a good bibliography, is by one of our neo-conservatives who apparently dislikes finding himself in the "liberal" camp. His point of view is provocative, and he includes interesting material not found elsewhere.

S. E. Morison *Three Centuries of Harvard* (Cambridge: Harvard University Press, 1936) describes most of the famous cases in which Harvard University has been involved.

Hilda Neatby *So Little for the Mind* (Toronto: Clarke, Irwin, 1953) does for Canada what Bestor's books have done for the United States.

The proceedings of the interesting symposium at the Hamburg Congress on Science and Freedom in July 1953 have been published by the Congress for Cultural Freedom as *Science and Freedom* (Boston: Beacon Press; and London: Secker and Warburg, 1955).