

# FREEDOM IN THE CLASSROOM

*The report that follows, prepared by a subcommittee of the Association's Committee A on Academic Freedom and Tenure, was approved in June 2007 by the committee for publication. Comments are welcome and should be sent to the Washington office by ground mail or e-mail (academicfreedom@aaup.org).*

## I. Introduction

The 1940 *Statement of Principles on Academic Freedom and Tenure* affirms that “teachers are entitled to freedom in the classroom in discussing their subject.” This affirmation was meant to codify understandings of academic freedom commonly accepted in 1940. In recent years these understandings have become controversial. Private groups have sought to regulate classroom instruction, advocating the adoption of statutes that would prohibit teachers from challenging deeply held student beliefs or that would require professors to maintain “diversity” or “balance” in their teaching.<sup>1</sup> Committee A has established this subcommittee to assess arguments made in support of recent legislative efforts in this area.

## II. The Contemporary Criticism

Critics charge that the professoriate is abusing the classroom in four particular ways: (1) instructors “indoctrinate” rather than educate; (2) instructors fail fairly to present conflicting views on contentious subjects, thereby depriving students of educationally essential “diversity” or “balance”; (3) instructors are intolerant of students’ religious, political, or socioeconomic views, thereby creating a hostile atmosphere inimical to learning; and (4) instructors persistently interject material, especially of a political

or ideological character, irrelevant to the subject of instruction. We address each of these charges in turn.

### A. “EDUCATION, NOT INDOCTRINATION!”

The caption is taken from a statement of the Committee for a Better North Carolina, which in 2003 condemned the assignment of Barbara Ehrenreich’s *Nickel and Dimed: On (Not) Getting By in America* to incoming students at the University of North Carolina at Chapel Hill. We agree, of course, that indoctrination is to be avoided, but the question is how education is to be distinguished from indoctrination.<sup>2</sup>

It is not indoctrination for professors to expect students to comprehend ideas and apply knowledge that is accepted as true within a relevant discipline. For example, it is not indoctrination for professors of biology to require students to understand principles of evolution; indeed, it would be a dereliction of professional responsibility to fail to do so. Students must remain free to question generally accepted beliefs if they can do so, in the words of the 1915 *Declaration of Principles on Academic Freedom and Academic Tenure*, using “a scholar’s method and . . . in a scholar’s spirit.” But professors of logic may insist that students accept the logical validity of the syllogism, and professors of astronomy may insist that students accept the proposition that the earth orbits around the sun, unless in either case students have good logical or astronomical grounds to differ.

This process is instruction, not indoctrination. As John Dewey pointed out a century ago, the methods by which these particular conclusions have been drawn have become largely uncontested.<sup>3</sup> But, as he went on to

1. Missouri House Bill No. 213 (introduced January 3, 2007) would have done both. It would have required each public institution of higher education to “ensure diversity,” defined as “the foundation of a learning environment that exposes students to a variety of political, ideological, religious, and other perspectives, when such perspectives relate to the subject matter being taught or issues being discussed.” It would also have required institutions to ensure that “conflicts between personal beliefs and classroom assignments that may contradict such beliefs can be resolved in a manner that achieves educational objectives without requiring a student to act against his or her conscience.”

2. Committee A has endorsed what it calls the “nonindoctrination principle.” See its 2003 statement, “Academic Bill of Rights,” <http://www.aaup.org/AAUP/About/committees/committee+repts/CommA/academicbillof+rights.htm>. See also the 1915 “Declaration of Principles on Academic Freedom and Academic Tenure and Joint Statement on Rights and Freedoms of Students,” in AAUP, *Policy Documents and Reports*, 10th ed. (Washington, D.C.: AAUP, 2006).

3. John Dewey, “Academic Freedom,” *Educational Review* 23 (1902): 4.

observe, such consensus cannot be found in “political economy, sociology, historical interpretation,” that is, in disciplines that “deal face to face with problems of life, not with technical theory.” Of these, Dewey observed, “the right and duty of academic freedom are even *greater* than elsewhere.”<sup>4</sup> Dewey believed that it was an abuse of “freedom in the classroom” for an instructor to “promulgate *as truth* ideas or opinions which have *not* been tested,” that is, which have not been accepted as true within a discipline.<sup>5</sup>

Dewey’s point suggests that indoctrination occurs whenever an instructor insists that students accept *as truth* propositions that are in fact professionally contestable. If an instructor advances such propositions dogmatically, without allowing students to challenge their validity or advance alternative understandings, the instructor stands guilty of indoctrination.

Under this test, however, the Committee for a Better North Carolina could not possibly have known whether the assignment of Ehrenreich’s *Nickel and Dime*, which explores the economic difficulties facing low-wage workers in America, was an example of indoctrination or education. It is fundamental error to assume that the assignment of teaching materials constitutes their endorsement. An instructor who assigns a book no more endorses what it has to say than does the university library that acquires it. Assignment of a book attests only to the judgment that the work is worthy of discussion; it says nothing about the kind of discussion that the work will provoke or inspire. Classroom discussion of *Nickel and Dime* in North Carolina could have been conducted in a spirit of critical evaluation, or in an effort to understand the book in the tradition of American muckraking, or in an attempt to provoke students to ask deeper questions about their own ideas of poverty and class.

Even if the University of North Carolina’s assignment of *Nickel and Dime* were to be understood as in some sense endorsing the book, moreover, the charge of indoctrination would still be misplaced. Instructors indoctrinate when they teach particular propositions *as dogmatically* true. It is not indoctrination when, as a result of their research and study, instructors assert to their students that in their view particular propositions are true, even if these propositions are controversial within a discipline. It is not indoctrination for an economist to say to his students that in his view the creation of markets is the

most effective means for promoting growth in underdeveloped nations, or for a biologist to assert her belief that evolution occurs through punctuated equilibria rather than through continuous processes.

Indoctrination occurs only when instructors dogmatically insist on the truth of such propositions by refusing to accord their students the opportunity to contest them. Vigorously to assert a proposition or a viewpoint, however controversial, is to engage in argumentation and discussion—an engagement that lies at the core of academic freedom. Such engagement is essential if students are to acquire skills of critical independence. The essence of higher education does not lie in the passive transmission of knowledge but in the inculcation of a mature independence of mind.

“Freedom in the classroom” is ultimately connected to freedom of research and publication. Freedom of research and publication is grounded in the exercise of professional expertise. Investigators are held to professional standards so that the modern university can serve as “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 part of the accepted intellectual food of the nation or of the world.”<sup>6</sup> Academic freedom therefore includes the freedom to publish research results on controversial questions of public policy. A faculty committee at the University of Montana put it well in 1918:

If professors of economics and politics can discuss none of these questions, their departments should not be permitted to continue in the University, for the very fact that we have men employed in these subjects implies that they must make a study of them and give the result of their investigations to the people of the state. It does not follow that their conclusions must be accepted, for the opinions of members of the faculty are worthy of consideration only so far as they are supported by indisputable facts and sound logic. In case their arguments are weak, the weakness can be detected and exposed.<sup>7</sup>

6. 1915 “Declaration of Principles on Academic Freedom and Academic Tenure,” in AAUP, *Policy Documents and Reports*, 297.

7. “Committee on Academic Freedom: Statement on the Case of Professor Louis Levine of the University of Montana,” *Bulletin of the American Association of University Professors* 5 (1919): 22.

4. *Ibid.*, 6 (emphasis added).

5. *Ibid.*, 4 (emphasis added), quoting William Rainey Harper’s 1900 presidential address at the University of Chicago.

It follows that if an instructor has formed an opinion on a controversial question in adherence to scholarly standards of professional care, it is as much an exercise of academic freedom to test those opinions before students as it is to present them to the public at large. Josiah Royce stressed this point more than a century ago in response to the assertion of the regental right to control what is said in the classroom:

Advanced instruction aims to teach the opinions of an honest and competent man upon more or less doubtful questions. . . . The advanced instructor . . . has to be responsible . . . not only for his manner of presenting his doctrines, but for the doctrines themselves, which are not admitted dogmas, but ought to be his personal opinions. But responsibility and freedom are correlatives. If you force me to teach such and such dogmas, then you must be responsible for them, not I. I am your mouthpiece. But if I am to be responsible for what I say, then I must be free to say just what I think best.<sup>8</sup>

Some instructors may prefer to dissect dispassionately every question presented, maintaining a studied agnosticism toward them all. Some may prefer to expound a preferred theory. Dewey regarded the choice of teaching style as a “personal” matter. One style may resonate better with some students than with others. Much depends on the “chemistry” of a particular class, as all seasoned instructors recognize. The fundamental point is that freedom in the classroom applies as much to controversial opinions as to studied agnosticism.<sup>9</sup> So long as opinion and interpretation are not advanced and insisted upon as dogmatic truth, the style of presentation should be at the discretion of the instructor.

#### B. BALANCE

Current charges of pedagogical abuse allege that instruction in institutions of higher education fails to exhibit a proper balance. It is said that instructors introduce political or ideological bias in their courses

by neglecting to expose their students to contrary views or by failing to give students a full and fair accounting of competing points of view.

We note at the outset that in many institutions the contents of courses are subject to collegial and institutional oversight and control; even the text of course descriptions may be subject to approval. Curriculum committees typically supervise course offerings to ensure their fit with programmatic goals and their compatibility with larger educational ends (like course sequencing).<sup>10</sup> Although instructors are ethically obligated to follow approved curricular guidelines, “freedom in the classroom” affords instructors wide latitude to decide how to approach a subject, how best to present and explore the material, and so forth. An instructor in a course in English Romantic poetry is free to assign the poetry of the Harlem Renaissance so long as the course remains focused more on John Keats than on Langston Hughes.

To make a valid charge that instruction lacks balance is essentially to charge that the instructor fails to cover material that, under the pertinent standards of a discipline, is essential. There may be facts, theories, and models, particularly in the sciences, that are so intrinsically intertwined with the current state of a discipline that it would be unprofessional to slight or ignore them. One cannot now teach biology without reference to evolution; one cannot teach physical geology without reference to plate tectonics; one cannot teach particle physics without reference to quantum theory. There is, however, a large universe of facts, theories, and models that are arguably relevant to a subject of instruction but that need not be taught. Assessments of George Eliot’s novel *Daniel Deronda* might be relevant to a course on her *Middlemarch*, but it is not a dereliction of professional standards to fail to discuss *Daniel Deronda* in class. What facts, theories, and models an instructor chooses to bring into the classroom depends upon the instructor’s sense of pedagogical dynamics and purpose.

To urge that instruction be “balanced” is to urge that an instructor’s discretion about what to teach be restricted. But the nature of this proposed restriction,

8. Josiah Royce, “The Freedom of Teaching,” *Overland Monthly* 2 (September 1883): 237.

9. For a defense of advocacy on pedagogical grounds, see Ernst Benjamin, “Some Implications of the Faculty’s Obligation to Encourage Student Academic Freedom for Faculty Advocacy in the Classroom,” in *Advocacy in the Classroom: Problems and Possibilities*, ed. Patricia Meyer Spacks (New York: St. Martin’s, 1996), 302–14.

10. Some contemporary attacks on academic freedom center less on the claim of the instructor’s bias than on the tendentiousness of the curriculum itself. See, for example, Lynne V. Cheney, *Academic Freedom* (Ashland, Ohio: John M. Ashbrook Center for Public Affairs, 1992). This wholesale assault on the freedom of the institution to construct the curriculum is beyond the scope of this report.

when carefully considered, is fatally ambiguous. Stated most abstractly, the charge of lack of balance evokes a seeming ideal of neutrality. The notion appears to be that an instructor should impartially engage all potentially relevant points of view. But this ideal is chimerical. No coherent principle of neutrality would require an instructor in a class on constitutional democracy to offer equal time to “competing” visions of communist totalitarianism or Nazi fascism. There is always a potentially infinite number of competing perspectives that can arguably be deemed relevant to an instructor’s subject or perspective, whatever that subject or perspective might be. It follows that the very idea of balance and neutrality, stated in the abstract, is close to incoherent.

The ideal of balance makes sense only in light of an instructor’s obligation to present all aspects of a subject matter that professional standards would require to be presented. If a professor of molecular biology has an idiosyncratic theory that AIDS is not caused by a retrovirus, professional standards may require that the dominant contrary perspective be presented. Understood in this way, the ideal of balance does not depend on a generic notion of neutrality, but instead on how particular ideas are embedded in specific disciplines. This is a coherent idea of balance, and it suggests that balance is not a principle that can be invoked in the abstract but is instead a standard whose content must be determined within a specific field of relevant disciplinary knowledge.

There is another sense in which critics of higher education use the idea of “balance” to circle back to the question of indoctrination. It is hard to escape the impression that contemporary calls for “balance” imagine that an instructor’s “freedom in the classroom” is merely the freedom to offer a neutral summary of the current state of a discipline, abjuring controversial and individual views. But this is to misunderstand the nature of higher education. More than fifty years ago, Edward C. Kirkland, a former chair of the AAUP’s Committee A on Academic Freedom and Tenure, observed that departments of economics often housed professors of sharply conflicting views—views that simply could not be reconciled. It seemed to follow that some of them *bad* to be teaching error. But, he concluded,

Colleges and universities do not possess or teach the whole truth. They are engaged in the quest for truth. For that reason their scholars must be free to examine and test all facts and ideas, the

unpleasant, the distasteful, and dangerous ones, and even those regarded as erroneous by a majority of their learned colleagues.<sup>11</sup>

If scholars must be free to examine and test, they must also be free to explain and defend their results, and they must be free to do so as much before their students as before their colleagues or the public at large. That is the meaning of “freedom in the classroom.” To charge that university and college instruction lacks balance when it does more than merely summarize contemporary debates is fundamentally to misconstrue the nature of higher learning, which expects students to engage with the ideas of their professors. Instructors should not dogmatically teach their ideas as truth; they should not indoctrinate. But they can expect their students to respond to their ideas and their research. As students complete different courses taught by different professors, it is to be hoped that they will acquire the desire and capacity for independent thinking.

### C. HOSTILE LEARNING ENVIRONMENT

Contemporary critics of the academy have begun to deploy the concept of a “hostile learning environment,” which was first developed in the context of antidiscrimination law. The concept has been used in universities to support speech codes that suppress expression deemed offensive to racial, ethnic, or other minorities. The concept is now being used in an attempt to suppress expression deemed offensive on religious or political grounds.

The statement *On Freedom of Expression and Campus Speech Codes*, adopted as Association policy in 1994, acknowledges the need to “foster an atmosphere respectful of and welcoming to all persons.” An instructor may not harass a student nor act on an invidiously discriminatory ground toward a student, in class or elsewhere. It is a breach of professional ethics for an instructor to hold a student up to obloquy or ridicule in class for advancing an idea grounded in religion, whether it is creationism or the geocentric theory of the solar system.<sup>12</sup> It would be equally improper for an instructor to hold a student up to obloquy or ridicule for an idea grounded in politics, or anything else.

11. Edward C. Kirkland, “Academic Freedom in the Community,” in *Freedom and the University*, ed. Robert D. Calkins and others (Ithaca, N.Y.: Cornell University Press, 1950), 115, 119.

12. See, for example, <http://www.fixedearth.com> (accessed February 19, 2007).

But the current application of the idea of a “hostile learning environment” to the pedagogical context of higher education presupposes much more than blatant disrespect or harassment. It assumes that students have a right not to have their most cherished beliefs challenged. This assumption contradicts the central purpose of higher education, which is to challenge students to think hard about their own perspectives, whatever those might be. It is neither harassment nor discriminatory treatment of a student to hold up to close criticism an idea or viewpoint the student has posited or advanced. Ideas that are germane to a subject under discussion in a classroom cannot be censored because a student with particular religious or political beliefs might be offended. Instruction cannot proceed in the atmosphere of fear that would be produced were a teacher to become subject to administrative sanction based upon the idiosyncratic reaction of one or more students.<sup>13</sup> This would create a classroom environment inimical to the free and vigorous exchange of ideas necessary for teaching and learning in higher education.

#### D. PERSISTENT IRRELEVANCE

The 1940 *Statement of Principles* provides that teachers “should be careful not to introduce into their teaching controversial matter which has no relation to their subject.” The origin of this admonition lies in the concern of the authors of the 1925 *Conference Statement on Academic Freedom and Tenure* for immature youth or, more accurately, a concern by the administrators of small and often denominational colleges for potential adverse parental reaction to their children’s exposure to thought contrary to the conventional pieties of small-town America.<sup>14</sup> The admonition was reconsidered and addressed in an interpretive comment to the 1940 *Statement*, appended by the joint drafting organizations in 1970:

The intent of this statement is not to discourage what is “controversial.” Controversy is at the heart of the free academic inquiry which the entire

13. This is discussed in “Academic Freedom and Tenure: The University of South Florida,” *Bulletin of the American Association of University Professors* 50 (March 1964): 44–57. See also Mark Taylor, “The Devoted Student,” *New York Times*, December 21, 2006.

14. See, for example, Lawrence J. Nelson, *Rumors of Indiscretion: The University of Missouri “Sex Questionnaire” Scandal in the Jazz Age* (Columbia: University of Missouri Press, 2003).

statement is designed to foster. The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject.

The 1940 *Statement* should not be interpreted as excluding controversial matter from the classroom; any such exclusion would be contrary to the essence of higher education. The statement should be interpreted as excluding “irrelevant” matter, whether controversial or not.

The question, therefore, is how to determine whether material is “irrelevant” to classroom discussion. In some contexts, the meaning of “irrelevance” is clear. Students would have every right to complain if an instructor in ancient history dwelled on internecine conflict in her department or if an instructor in American literature engaged in lengthy digressions on his personal life. But such irrelevance is not the gravamen of the contemporary complaint.

The group calling itself Students for Academic Freedom (SAF), for example, has advised students that “your professor should not be making statements . . . about George Bush, if the class is not on contemporary American presidents, presidential administrations or some similar subject.”<sup>15</sup> This advice presupposes that the distinction between “relevant” and “irrelevant” material is to be determined strictly by reference to the wording of a course description. Under this view, current events or personages are beyond the pale unless a course is specifically about them. But this interpretation of “relevance” is inconsistent with the nature of higher education, in which “all knowledge can be connected to all other knowledge.”<sup>16</sup> Whether material is relevant to a better understanding of a subject cannot be determined merely by looking at a course description.

The profession has long recognized that the arbitrary lines suggested by SAF would confine instruction in ways that are pedagogically unsound. When George Parker, an assistant professor of religion and philosophy, was dismissed from Evansville College (Indiana) in 1948, in part for the introduction of “political discussion” into his classes—Parker was an ardent supporter

15. See “Is Your Professor Using the Classroom as a Platform for Political Agendas?” <http://www.studentsforacademicfreedom.org/images/professor%20platform%20ad%20IN.pdf> (accessed June 11, 2007).

16. Conrad Russell, *Academic Freedom* (London: Routledge, 1993), 89.

of Henry Wallace and a sharp critic of Harry Truman—the Association’s committee of inquiry discussed the 1940 *Statement’s* admonition as applied to Parker’s classroom references:

Aside from uncertainties as to what is “controversial” and what is “related,” all experienced teachers realize that it is neither possible nor desirable to exclude rigidly all controversial subjects, or all topics upon which the teacher is not an expert. Many things introduced into the classroom—illustrative material or applications, overtones of significance, illuminating *obiter dicta*—may not be in the bond as far as the subject of the course is concerned, but these and kindred techniques may be of the essence of good teaching. Such techniques are readily distinguishable from calculated, overt “propaganda.”<sup>17</sup>

The investigating committee’s point still holds. Might not a teacher of nineteenth-century American literature, taking up *Moby Dick*, a subject having nothing to do with the presidency, ask the class to consider whether any parallel between President George W. Bush and Captain Ahab could be pursued for insight into Melville’s novel? Might not an instructor of classical philosophy, teaching Aristotle’s views of moral virtue, present President Bill Clinton’s conduct as a case study for student discussion? Might not a teacher of ancient history ask the class to consider the possibility of parallels between the Roman occupation of western Mesopotamia and the United States’ experience in that part of the world two millennia later?<sup>18</sup> SAF would presumably sanction instructors for asking these types of questions, on the grounds that such questions are outside the purview of an official course description. But if an instructor cannot stimulate discussion and encourage critical thought by drawing analogies or parallels, the vigor and vibrancy of classroom discussion will be stultified. It was for doing just this that Professor Ralph Turner was dismissed from the University of Pittsburgh in 1934. The Association’s committee of investigation observed,

Dr. Turner is a realist and one who looks at the facts of history realistically. He sought to make

students understand that the historical persons of the past were real persons, possessing both virtues and vices and that they have their counterpart in others today. His choice of historical and present-day evidence and illustrations used in this comparative process was doubtless not always wise and caused some misunderstanding and criticism. In studying social conflicts and social traits he urged the students to observe those about them today, stressing the fact that the ever-shifting social processes are the stuff of history.

Dr. Turner taught the Survey Course frankly from the viewpoint of common men and their status under different economic, social, and political conditions. Because of this fact he was regarded by some, including the Chancellor, as a propagandist. Also at times he jumped the gap between the past and the present in order to compare and contrast the past with the present. This procedure the Committee believes was not for the purpose of commenting on present-day conditions, as some criticism of his work implies, but rather to create in the minds of the students a consciousness of historical continuity and development.<sup>19</sup>

How an instructor approaches the material in classroom exposition is, absent breach of professional ethics, a matter of personal style, influenced, as it must be, by the pedagogical goals and classroom dynamics of a particular course, as well as by the larger educational objective of instilling in students the capacity for critical and independent thought. The instructor in Melville or classical philosophy or Roman history must be free to draw upon current persons and events just as Professor Turner did seventy years ago. Instructors must be free to employ a wide variety of examples in order to stimulate classroom discussion and thought. If allusions perform this function, they are not “irrelevant.” They are pedagogically justified.

At root, complaints about the persistent interjection of “irrelevant” material concern the interjection of “controversial” material. The complaints are thus a variant of the charge that instructors have created a “hostile learning environment” and must be rejected for the reasons we have already discussed. So long as an instructor’s allusions provoke genuine debate and

17. “Academic Freedom and Tenure: Evansville College,” *Bulletin of the American Association of University Professors* 35 (Spring 1949): 91–92.

18. Nicholas Kristof, “Et Tu George?” *New York Times*, January 23, 2007.

19. “Academic Freedom and Tenure: University of Pittsburgh,” *Bulletin of the American Association of University Professors* 21 (March 1935): 247.

learning that is germane to the subject matter of a course, they are protected by “freedom in the classroom.”

In sum, contemporary critics of higher education argue that instructors must refrain from stating strong opinions, for doing so would both lack balance and constitute indoctrination; that instructors must not advance propositions germane to a subject if some students with deeply held religious or political beliefs might be offended, for doing so would create a hostile learning environment; and that instructors must abjure allusions to persons or events that advance discussion but that some students might fail to perceive to be clearly connected to a course description, for doing so would inject irrelevant material into the classroom. Such restrictions would excise “freedom in the classroom” from the 1940 *Statement*; they would conduce not to learning but to intellectual sterility.

### III. The Modern Menace

We would be blinking at reality if we failed to acknowledge that recent challenges to “freedom in the classroom” are being advanced to further a particular political agenda. This is not the first time that universities have been suspected of harboring faculties who undermine established institutions and prevailing social values. Thomas Hobbes complained as far back as 1651 that university faculties “retain a relish of that subtle liquor . . . against the Civill Authority.”<sup>20</sup>

20. Thomas Hobbes, *Leviathan*, rev. 2nd ed., ed. Richard Tuck (Cambridge: Cambridge University Press, 1996), 237:

The Instruction of the people, dependeth wholly, on the right teaching of Youth in the Universities. But are not (may some men say) the Universities of *England* learned enough already to do that? or is it you will undertake to teach the Universities? Hard questions. Yet to the first, I doubt not to answer; that till towards the later end of *Henry the Eighth*, the Power of the Pope, was always upheld against the Power of the Common-wealth, principally by the Universities; and that the doctrines maintained by so many Preachers, against the Sovereign Power of the King, and by so many Lawyers, and others, that had their education there, is a sufficient argument, that though the Universities were not authors of those false doctrines, yet they knew not how to plant the true. For in such a contradiction of Opinions, it is most certain, that they have not been sufficiently instructed; and 'tis no wonder, if they yet retain a relish of that subtle liquor, wherever they were first seasoned, against the Civill Authority.

According to a leading survey, faculty overwhelmingly subscribe to the proposition that it is wrong for instructors frequently to introduce “opinions on religious, political, or social issues clearly outside the realm of course topics” or to insist “that students take one particular perspective on course content.”<sup>21</sup> Although contemporary critics of higher education have alleged that widespread abuse of the classroom is a fixture of the academic scene, the many legislative hearings and investigations nationwide have failed to substantiate the charge.<sup>22</sup> Nevertheless, with more than half a million full-time faculty in four-year colleges and universities teaching more than seven million students, it would seem statistically certain that sometime, somewhere, some instructor will step over the line.<sup>23</sup>

When that happens, sound professional standards of proper classroom conduct should be enforced in ways that are compatible with academic due process. Over the last century the profession has developed an

21. John Braxton and Alan Bayer, *Faculty Misconduct in Collegiate Teaching* (Baltimore: Johns Hopkins University Press, 1999), 54, table 4.5, 46, table 4.2.

22. A Pennsylvania legislative committee held four public meetings throughout the state on this issue. Its investigation developed only one allegation of abuse—that a biology professor allegedly showed the film *Fahrenheit 9/11* to his class, an event that, the committee learned, occurred off campus. Pennsylvania House of Representatives, *Report of the Select Committee on Academic Freedom in Higher Education Pursuant to House Resolution 177*, November 21, 2006.

23. The Missouri bill referred to at the outset (see note 1) was introduced because a student at Missouri State University complained of having been *required* as part of a class exercise in social work to sign a letter—by one press account to the state legislature, by another to a congressman—advocating the right of homosexuals to adopt children, a position with which she disagreed on religious grounds. “Missouri State U. Settles Lawsuit Filed by Student,” *St. Louis Post-Dispatch*, November 9, 2006; “Diversity and Academe,” *St. Louis Post-Dispatch*, January 30, 2007. According to other students in the class, those who objected to signing the letter could opt for an alternative assignment. There has been no hearing on the matter. Erik Vance, “President at Missouri State U. Threatens to Shut Social-Work School after Scathing Report,” *Chronicle of Higher Education*, April 20, 2007. The Missouri episode only underlines the importance of due process and a consequent suspension of judgment until the facts are found.

understanding of the nature of these standards. It has also developed methods for enforcing these standards that allow for students to file complaints and that afford accused faculty members the right fully to be heard by a body of their peers. Close analysis of recent charges of classroom abuse demonstrates that these criticisms do not seek to vindicate professional standards, because they proceed on premises that are inconsistent with the mission and practice of higher education.

Calls for the regulation of higher education are almost invariably appeals to the coercive power of the state. In recent attempts to pass legislation to monitor and constrain faculty in the classroom lies a deep menace, which the architects of the American concept of academic freedom properly conceived as a potential “tyranny of public opinion.”<sup>24</sup> American universities have been subject to this tyranny in the past. Walter Gellhorn observed in 1952 that the drive to root out communists was based on the assumption that “they will abuse their academic privileges by seeking to indoctrinate students.”<sup>25</sup> Gellhorn noted that when the New York legislature declared in 1949 that communists ought not be permitted to teach because they disseminate propaganda, the legislature added that the propaganda “was frequently ‘sufficiently subtle to escape detection in the classroom.’”<sup>26</sup>

Modern critics of the university seek to impose on university classrooms mandatory and ill-conceived standards of “balance,” “diversity,” and “respect.” We ought to learn from history that the vitality of institutions of higher learning has been damaged far more by efforts to correct abuses of freedom than by those alleged abuses. We ought to learn from history that education cannot possibly thrive in an atmosphere of state-encouraged suspicion and surveillance. ☹

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24. 1915 “Declaration of Principles,” in AAUP, *Policy Documents and Reports*, 297.

25. Walter Gellhorn, “A General View,” in *The States and Subversion*, ed. Walter Gellhorn (Ithaca, N.Y.: Cornell University Press, 1952), 358, 377.

26. *Ibid.*, 379.