

**“Academic Freedom and Institutional Autonomy: Responding to Challenges and the
Purposes and Quality of Higher Education”
Council for Higher Education Accreditation International Quality Group Annual Meeting:
A Global Quality Forum
Washington, D.C.
January 30, 2020**

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Understanding the concepts of academic freedom and institutional autonomy in the United States requires answering the question, academic freedom and institutional autonomy for what? And to provide an effective answer to that question it is necessary to first examine the core purposes of higher education.

In my judgment, there are two core purposes of higher education in the US, and perhaps elsewhere. They are education for democratic citizenship and the creation of knowledge to advance the human condition, which significantly involves developing and maintaining a democratic society

Education for citizenship is, for me, the most significant purpose of the university. Specifically, higher education must educate not only able, but also ethical, empathetic, engaged, effective democratic citizens of a democratic society. In 1947, as a 19-year-old freshman at Morehouse College, Martin Luther King, Jr. wrote an article for the campus newspaper on the “Purpose of Education” that powerfully captures this idea. “We must remember,” he wrote, “that intelligence is not enough. Intelligence plus character—that is the goal of true education. The complete education gives one not only power of concentration, but worthy objectives upon which to concentrate.”

The other central purpose of US universities, as I mentioned, is to develop the knowledge needed to change the United States and the world for the better. In 1899, while an instructor at the University of Pennsylvania's Wharton School, W.E.B. DuBois wrote *The Philadelphia Negro* about conditions in the Seventh Ward, the city's oldest African American community. At the conclusion of chapter one, he described the purposes of his groundbreaking research as "serv[ing] as the scientific basis of further study, and of practical reform." That same year, in a paper delivered to the American Academy of Political and Social Science, Jane Addams, the

activist, feminist founder of Hull House settlement in Chicago's poverty-stricken immigrant 19th ward neighborhood, claimed that it was essential to “attempt to test the value of human knowledge by action” and “to apply knowledge to life.”

The early history of colleges and universities in the United States strongly supports my claim that the democratic mission is, and should be, the primary mission for US higher education. The founding purpose of every colonial college, except for the University of Pennsylvania, was largely to educate ministers and religiously orthodox men capable of creating good communities built on religious denominational principles. Benjamin Franklin, on the other hand, founded Penn (my home institution) as a secular college to educate students in a variety of fields. In 1749, envisioning the institution that would become the University of Pennsylvania, he wrote of developing in students “an *Inclination* join’d with an *Ability* to serve Mankind, one’s Country, Friends and Family; which *Ability* . . . should indeed be the great *Aim* and *End* of all Learning.”

Franklin’s call to service echoed in the founding documents of hundreds of private colleges established after the American Revolution, as well as in the speeches of many college presidents. As the American research university evolved in the late 19th century, strengthening democracy at the expense of old social hierarchies served as increasingly *the* core mission of higher education in general. Political Scientist Charles Anderson powerfully described this development as follows:

The classic understanding was that the life of philosophy, of self-conscious reflection, was the highest of human attainments, and reserved to the very few. Even in modern times. . . .[t]he work of the university was taken to be essentially aristocratic. . . .

With deliberate defiance, those who created the American university (particularly the public university, though the commitment soon spread throughout the system) simply stood this idea of reason on its head. Now it was assumed that the widespread exercise of self-conscious, critical reason was essential to *democracy*. The truly remarkable belief arose that this system of government would flourish best if citizens would generally adopt the habits of thought hitherto supposed appropriate mainly for scholars and scientist. We vastly expanded access to higher

education. We presumed it a general good, like transport, or power, part of the infrastructure of the civilization.

After a long period of disengagement, dating approximately from the end of World War I in 1918 through the end of the Cold War in 1991, higher education leadership across the United States has increasingly recognized that colleges and universities cannot hold themselves aloof from their neighbors. The fate of the university and its local environment are intertwined. Given their resources, particularly their human capital (idealistic and able faculty, staff, and students) higher education institutions can make significant contributions to the quality of life in their communities and cities.

The academic benefits of engagement have been illustrated in practice – and the intellectual case for engagement effectively made by leading scholars and educators. That case, simply stated, is that higher educational institutions would better fulfill their core academic functions, including advancing knowledge, teaching and learning, if they focused on improving conditions in their societies, particularly their local communities. Service-learning, engaged scholarship, community-based participatory research, volunteer projects, and community economic development initiatives are some of the means used to create mutually beneficial partnerships designed to make a positive difference in the community and on the campus. More broadly, a burgeoning higher education democratic civic and community engagement movement has developed across the United States to better educate students for democratic citizenship and to improve schooling and the quality of life. For example, Campus Compact a national coalition of colleges and universities committed to the public purposes of higher education, particularly building democracy through civic education and community development, has grown from three institutional members in 1985 to nearly 1200 today, approximately a quarter of all higher educational institutions in the United States.

Given the current development of “illiberal democracy,” claims of “fake news” and “alternative facts,” and attacks on science and knowledge itself, universities have an increased and pressing responsibility to contribute to both the education of informed democratic citizens and the advancement of knowledge for the continuous betterment of the human condition. For this to occur academic freedom and institutional autonomy must be maintained and strengthened.

Stated directly, significant levels of institutional autonomy and academic freedom are necessary for intellectual creativity, free inquiry and progress. Academic freedom and

institutional autonomy, moreover, are intertwined with *academic and institutional responsibility*. These ideas were central to the American Association of University Professors (AAUP), an organization formed in 1915 by leading Progressive Era academics John Dewey and Arthur O. Lovejoy to ensure academic freedom for faculty members. The creation of the AAUP in 1915 was prompted by a number of instances of potential violations of academic freedom that the disciplinary societies were not equipped to address. Among AAUP's earliest cases was the University of Pennsylvania Trustees' summarily firing of Scott Nearing, a professor in Penn's Wharton School, for his vehement criticism of child labor. In the wake of threats to democracy in Europe in the late 1920s and 1930s and the Depression in the US, as well as high profile cases of attacks on academic freedom, the AAUP wrote its *1940 Statement of Principles on Academic Freedom and Tenure* to define faculty rights and responsibilities. This statement remains a guiding set of principles for academic freedom in the United States:

Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to both teaching and research. . . . It carries with it duties correlative with rights.

A year earlier, in 1939, John Dewey wrote the article "Creative Democracy – The Task Before Us", in response to the growing threat of Nazism. Dewey described democracy as "a way of life controlled by a working faith in the possibilities of human nature." He went on to write, "Intolerance, abuse, calling of names because of differences of opinion about religion or politics or business, as well as because of differences of race, color, wealth or degree of culture are treason to the democratic way of life." For Dewey, core universal values are essential for a functioning democracy and for advancing the common good. Universities, in my judgement, must stand for these universal and democratic values to realize their core purposes of education for citizenship and creating knowledge to improve the human condition.

In her speech at the AAUP 2019 annual conference, Joan W. Scott, former chair of the AAUP's Committee on Academic Freedom and Tenure and professor emerita at the Institute for Advanced Study in Princeton, New Jersey, emphasized that academic freedom and institutional autonomy were needed to advance "the common good:"

Those of us looking to articulate a notion of the common good for the twenty-first century—and of course that notion will not be exactly the same as it was for the Progressives—need academic freedom to protect the space of our critical inquiry. In turn, the survival of the concept and practice of academic freedom depends on our ability to come up with that articulation. The common good will not survive—and for that matter neither will individuals survive—without medical knowledge, knowledge of climate change, knowledge of history, knowledge of how structures of discrimination work at the economic, social, political, and psychic levels to perpetuate inequalities of race, gender, sex, and religion. It is academic freedom that protects the production and dissemination of that knowledge. It is that knowledge that nourishes and advances the common good. The future of the common good and of academic freedom are bound up together; the one cannot survive without the other.

The interconnection of academic freedom and institutional autonomy with academic and institutional responsibility as well as the democratic purposes of higher education have been increasingly recognized across the world. For example, in June 2019 a Global Forum was held in Strasbourg on Academic Freedom, Institutional Autonomy, and the Future of Democracy (co-organized by the Council of Europe; the International Consortium for Higher Education, Civic Responsibility and Democracy [which includes the United States, United Kingdom, Ireland, South Africa, and Australia—and which I chair]; the Organization of American States; the Magna Charta Observatory; and the International Association of Universities), involving participants from 41 countries across Europe, North America, Latin America, Australia, Asia and the Middle East.

The convening on Academic Freedom, Institutional Autonomy, and the Future of Democracy was the 6th Global Forum focused on higher education's role in advancing democracy on campus as well as locally, nationally, and globally. It also marked the 20th anniversary of the transatlantic partnership between the Council of Europe and the International Consortium. (The Organization of American States joined the partnership in April 2018; and the International Association of Universities joined in October 2019.)

The immediate background for this Global Forum was the increasing concern that the values we have come to take for granted are now under threat in ways Europe and North

America have not seen for at least three decades, since the fall of the Berlin Wall. While democracy has never been without potential for improvement, its basic premises are now questioned in Europe through nationalism and populism and attempts to advance “illiberal democracy.” Analogous developments are occurring in the United States.

There are, of course, differences. For example, the focus in the United States has largely been on academic freedom and its relationship to the right to free speech on campus, involving primarily instances of disruption of lectures by conservative and right wing speakers by student protestors. Well-known examples include Charles Murray at Middlebury, Milo Yiannopoulos and Ann Coulter at Berkeley, and then Acting Secretary of Homeland Security Kevin K. McAleenan at Georgetown.

In Europe, the focus has been largely on institutional autonomy. The traditional European emphasis on institutional autonomy concerns the legal relationship between public authorities and higher education institutions. Examples where European governments interfered with academic freedom include: a law denying accreditation of gender studies in Hungary, as well as the Hungarian government pushing the Central European University out of the country; a law in Poland prohibiting publishing on the topic of Poland’s and Polish citizens' support of Nazi occupiers; and so-called “anti-defamation” laws passed by the Albanian Parliament that create a state authority with the power to review the content of online media outlets and levy heavy fines if online media refuse to remove content that is deemed questionable. An additional example is when a senior Member of Parliament in the United Kingdom asked universities for an overview of “faculty teaching European affairs, with special reference to Brexit” as well as “copies of the syllabus and links to the online lectures which relate to this area.” Fortunately, that proposal elicited strong rebuke from both the academic community and many political actors.

As I learned at the Global Forum, the different emphases in the United States and Europe should not be overstated. The commonalities are much greater. The interference of both the state and national governments in university affairs has increased significantly in the United States in recent years. The University of Wisconsin board of regents, for example, approved a policy mandating that students who disrupt speakers twice be suspended and those who disrupt three times be expelled. Similar policies and legislation, while less punitive than those proposed (it was not approved by the Governor) in Wisconsin have been passed in approximately 17 states. Both

houses of Congress have introduced similar bills that would apply to all public colleges and universities. The right-leaning Goldwater Institute has proposed and advocated for model legislation that has served as the basis of these bills requiring disciplinary policies for disruptions. In a similar vein, President Trump signed an executive order last March connecting federal funding to how colleges and universities enforce the right of free inquiry.

Needless to say, the instances cited represent increased governmental interference in university affairs, significantly affecting institutional autonomy and academic freedom. They also represent the *weaponization of free speech* for political and ideological purposes, which resonates with the use of laws in some European countries to limit academic freedom to support the ideology of the state.

Threats to academic freedom and institutional autonomy, of course, come from many sources, not just government. Private funding has been given with specified conditions that have influenced the content of study and the hiring of faculty. For example, the US-based Center for Public Integrity in 2014 accused the Koch brothers of giving a large gift to Florida State University that stipulated both curriculum and hiring decisions. The Koch Foundation and other conservative donors were also found to have had unusual influence over faculty selection and the determination of curriculum at George Mason University.

Equally troubling is funding from private sources that subvert the core values of the university. With the rise of the so-called neoliberal entrepreneurial university, profit for the sake of profit too often appears to be the primary purpose of institutions of higher education. This, of course, has negative impacts on both research and education for the public good. For example, in the United States, the rush to cash in on breakthrough treatments has led to strong criticism of both academic medical centers and individual researchers for conflicts of interest that lead to both conscious and unconscious distortions in research findings and in institutional mission. A case in point is the denunciation of the administration and certain highly influential researchers at Memorial Sloan Kettering (a leading academic medical center in New York City) by many of the institution's faculty members. To quote from a widely read article in the *New York Times*:

Hundreds of doctors packed an auditorium at Memorial Sloan Kettering Cancer Center on Oct. 1, deeply angered by revelations that the hospital's top medical

officer and other leaders had cultivated lucrative relationships with for-profit companies.

One by one, they stood up to challenge the stewardship of their beloved institution, often to emotional applause. Some speakers accused their leaders of letting the quest to make more money undermine the hospital's mission. . . .

The commercialization of universities also results in education for profit, not virtue; students as consumers, not producers of knowledge; academics as individual superstars, not members of a community of scholars. Commercialism and the development of the neoliberal entrepreneurial university, simply put, foster an environment in which higher education is seen as—and increasingly becomes—a private benefit, not a public good.

A Declaration adopted by participants at the Global Forum addressed these and other issues of academic freedom and institutional autonomy, calling for specific action on the part of key stakeholders, including governmental officials, members of the academic community, higher education institutions, and higher educational organizations. Importantly, the Declaration highlighted the interconnection of academic freedom and institutional autonomy with academic and institutional responsibility if universities are to contribute to their communities and democracy in general. For example, the Declaration states in paragraph 2,

“Higher education can only fulfil [sic] its mission if faculty, staff and students enjoy academic freedom and institutions are autonomous. . . . Academic freedom and institutional autonomy are essential to furthering the quality of learning, teaching, and research, including artistic creative practice – quality understood as observing and developing the standards of academic disciplines and also *quality as the contribution of higher education to democracy, human rights, and the rule of law. Higher education must demonstrate openness, transparency, responsiveness and accountability as well as the will and ability to work with and contribute to the communities in which colleges and universities reside.*”

Academic freedom and institutional autonomy, therefore, are mediated rights that come with responsibilities. As stated, working with and contributing to their local communities is essential if colleges and universities are to function as responsible institutions. In my judgment, it is also an institutional responsibility for universities to work in *democratic partnership* with their community, demonstrating “openness, transparency, responsiveness and accountability.”

One of the best ways to practice academic freedom and institutional autonomy as well as academic and institutional responsibility is to engage locally. Local participatory democracy is necessary for the development of a democratic culture that goes beyond the crucial act of voting and extends to all areas of life. In 1929 in *The Public and Its Problems*, Dewey famously wrote, “Democracy must begin at home, and its home is the neighborly community.” Dewey, however, did not appreciate the powerful role that higher education could and should play in building “the neighborly community,” as well as the benefits to universities themselves that would result from local engagement. In 1999, seventy years after Dewey coined his far-reaching proposition, Shirley Strum Kenney, president of the State University of New York at Stony Brook, succinctly captured the societal and institutional benefits of community engagement: “To be a great university we must be a great local university”

The benefits of a local community focus for colleges and universities are manifold. Ongoing, continuous interaction is facilitated through work in an easily accessible location. Relationships of trust, so essential for effective partnerships and effective learning, are also built through day-to-day work on problems and issues of mutual concern. In addition, the local community provides a convenient setting in which service-learning courses, community-based research courses and related courses in different disciplines can work together on a complex problem to produce substantive results. Sustained local partnerships of this kind foster the civic development of university students while advancing their academic learning and knowledge. The local community is also a democratic real-world learning site in which community members, academics and students can pragmatically determine whether the work is making a real difference and whether both the neighborhood and the institution are better as a result of common efforts.

As colleges and universities work collaboratively with their neighbors on locally manifested universal problems, such as poverty, poor schooling, inadequate health care, environmental degradation and climate change, I believe they will be better able to advance knowledge, learning and democracy. In so doing, they will also satisfy the critical performance test proposed in 1994 by the president of the University at Buffalo, State University of New York, William R. Greiner — namely, that “the great universities of the twenty-first century will be judged by their ability to help solve our most urgent social problems.”

In summary, academic freedom and institutional autonomy are inextricably linked to the purposes of higher education in the United States: education for democratic citizenship and the advancement of knowledge for the common good, which involves developing and maintaining a good democratic society comprised of democratic neighborly communities. From my experiences working with the Council of Europe, I believe these are also increasingly the purposes of European universities. For example, current discussions within the European Higher Education Area group (comprised of 48 countries) indicate these fundamental values are no longer taken for granted. On the contrary, Ministers now recognize they are threatened and, therefore, must enjoy better protection. One proposal under discussion is whether to include academic freedom and institutional autonomy to quality assurance.

I have also argued that a focus on local engagement is a promising strategy for realizing institutional mission and purpose. As elegantly expressed by Paul Pribbenow, president of Augsburg College, the "intersections of vocation and location" provides wonderful opportunities for both the community and the university.

Finally, higher education should, indeed must, stand for core universal values, including tolerance, diversity and inclusivity, open inquiry, democracy, human rights and the rule of law. Academic freedom and institutional autonomy as well as academic and institutional responsibility are necessary for universities to realize these values and to contribute to developing and sustaining fair, decent, and just democratic societies for all.