

THE FREE EXPRESSION POLICY PROJECT

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THE DEMISE OF ACADEMIC FREEDOM:

A review of *NO UNIVERSITY IS AN ISLAND* (NYU PRESS)

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Not only academic freedom but the whole idea of the university as a community of scholars seeking truth is fast disappearing, according to Cary Nelson, president of the American Association of University Professors (the AAUP). In his new book, *No University Is an Island*, Nelson chronicles the debacle and warns that if the present trend is not stopped, not only will America lose its edge in higher education but the whole project of humanistic learning will disintegrate.

Is the sky really falling? Has it already fallen? At times, Nelson's book reads like an elegy for an already-vanished past. But elsewhere, he has energetic prescriptions for setting things right.

Critical to the AAUP's concept of academic freedom since its founding is the idea that universities are different from other employers: professors cannot do their dual job of educating young people to be critical-thinking citizens and advancing the world's knowledge through scholarly research and writing unless they are deeply involved in university governance. In the words of Justice Felix Frankfurter in the Supreme Court's first major case on academic freedom in 1957, a university's faculty must be able "to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study." (Frankfurter was quoting a statement by South African scholars.)

Today, though, as Nelson is not the first to point out, universities are increasingly beholden to the corporations and wealthy individuals who provide much of their funding. Eager to profit from joint ventures with corporations, from patents for professors' inventions, and from online learning and global campuses, administrations are finding multiple ways to

circumvent traditional faculty decision-making on academic matters. Chief among these are a dramatic reduction in tenured or tenure-track faculty positions and a correspondingly huge increase in the use of "contingent" faculty over the past two decades.

Some contingent faculty are graduate students, but the great majority are adjunct instructors who are paid a tiny fraction of the wage for full-time permanent teachers, and who often have no job benefits, offices, or phones. Adjuncts are literally vagabonds, many of them racing from one school to another in an effort to teach enough courses to earn a living. They are rarely expected to publish; they have no role in university governance; and because, unlike tenured faculty, they have no job security, they are in a weak position to dissent publicly from university policy or to teach in a manner likely to attract controversy.

Nelson reports that this "fast food faculty" now does more than two-thirds of all U.S. college teaching. The "dwindling minority" of tenured professors, he says, consequently have less and less power to make the decisions about hiring and curriculum that are at the core of academic freedom.

Or, at least, academic freedom as originally conceived by the AAUP, and as understood by many experts today. Their view is that academic freedom is not about the rights of professors to pursue their intellectual passions and teach as they see fit, but about the faculty as a community of scholars deciding whose work is valid and meets the standards of the profession – essentially, who will be let into the club. Others dispute this view and insist that academic freedom protects individuals.

However one defines academic freedom, though, Nelson's description of how university administrations circumvent customary hiring procedures is sobering. (New York University's Abu Dhabi campus is one example.) He describes some appalling lapses in respect for basic free speech rights at, among other campuses, his own University of Illinois, where in 2004 the administration announced that "discussion of any and all public policy issues was forbidden on university email." (The university

later backed off.) At one point, he gives this example of corporatization trumping both faculty governance and human rights:

A chancellor or university president wanted to move quickly on a contract to provide services for a business partner. The prospect of significant income loomed. Then the damned faculty intervened. A bunch of pansies in the history department saw a "problem" with putting the university's logo on land mines manufactured by slave labor. Worse still: why would faculty object to having an arms manufacturer as a co-owner of all online courses on international relations?

When I first read this dramatic passage, I wondered why Nelson did not name the university in question, or cite any source for the information. Later, I thought that perhaps this was a hyperbolic example of what could happen with increasing corporatization, rather than a real incident. Nelson does not make it clear.

There is also a thematic inconsistency in the book. Nelson's main targets are corporate control, economic inequality, union-busting, and other sins of university administrations. But he also describes at length threats to academic freedom that are not attributable to management. Neither the attacks by right-wing groups against professors, campuses, and courses of study that they consider too liberal, nor the sometimes nonsensical sectarianism within the professoriat, can be blamed on university administrators.

Thus, for example, Nelson's chapter titled "Barefoot in New Zealand" is a simultaneously funny and pitiful tale of "political correctness" run amok at his own University of Illinois. As he tells it, the school was considering a New Zealand professor for a permanent position. Someone googled the professor and found that he'd written a letter to a newspaper regarding a local debate about going barefoot in public places. Nelson writes:

The letter had suggested that it was uncivilized not to wear shoes and that it promoted the transmission of disease. One of my colleagues decided that the letter was an attack on the Maori

people and thus racist and circulated a petition to that effect, demanding that the candidacy not go forward.

Nelson recounts that 19 colleagues signed the petition. The department atmosphere became high charged; professors who weren't asked to sign were worried that they were thought to be racists; and after what one of them described as "the meeting from hell," the job offer was not made. It turned out that, as one colleague had asserted at the time and New Zealand scholars later confirmed, Maoris would never go barefoot in public; the only people in New Zealand who do so are white hippies. Nelson sadly comments, with his characteristic wit: "Watching academics mass like lemmings atop the fatal cliffs of ideology is never pretty." He's right, but this is hardly an argument for shared governance or the need to maintain professors' control over faculty hiring.

Nelson has been a radical activist since the 1960s (one of his previous books is *Manifesto of a Tenured Radical*), and his 60s roots emerge in some of his prescriptions for change. For example, he advocates disruptive demonstrations and building occupations during union drives and other battles with intransigent administrations. Although Nelson may be right that such tactics can be effective, they can also backfire. And it's not clear how they square with a vision of the university not as a labor-management battleground but as a realm of faculty-administration collaboration and shared governance.

Similarly, Nelson's occasionally over-the-top style is entertaining, but it can suffer from metaphorical overkill. Referring to "jackbooted university managers," to university presidents with fat salaries who deny adjunct teachers a living wage as "criminals," and to "the Mafiosi in charge of the elite private universities strung along the eastern seaboard" makes for colorful writing but probably does not advance reasoned debate about the problems plaguing academia.

Like other recent books on academic freedom, *No University Is an Island* has very little to say about the First Amendment. Early on, Nelson does quote the famous passage in the Supreme Court's 1967 case, *Keyishian v. Board of Regents*, that academic

freedom is “a special concern of the First Amendment,” which therefore “does not tolerate laws that impose a pall of orthodoxy over the classroom.” But this stirring defense of the freedom to teach, write, and speak freely has not had a happy career in the courts of late. Nelson mentions in particular a 2000 federal appeals court ruling that state college professors have no First Amendment-based academic freedom rights in their job-related teaching and scholarship (this author was a lawyer in that case), and a 2007 decision by a federal district court denying First Amendment protection to a professor who spoke out against hiring and promotion decisions, including the excessive use of adjunct faculty. (That case is currently on appeal.)

But despite these defeats, and despite the AAUP's very wise position that academic freedom is primarily a matter of contract rights and good educational policy, it is perilous to ignore the First Amendment. As we should have learned during the anti-communist purges of the 1950s, when legislators or other government officials start interfering with the beliefs, associations, writings, and teaching methods of college professors, whether at public or private universities, the whole project of education is at risk. This is not a case of elitism or special pleading that professors deserve more rights than other employees. Rather, it is a recognition that they exercise their First Amendment rights in a more commodious way than the majority of other citizens and that all society benefits as a result.

Does academic freedom have a future? Nelson is cautiously optimistic. “Work in the end is better than passivity,” he writes.

“We need to face our demons and move on. Those faculty members who have given up need to wake up instead. Resistance is not futile, especially if we have an alternative vision to offer, if we can promote community and citizenship in place of the ruthless economic philosophy that is increasingly shaping our fate.”

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