

## “ACADEMIC FREEDOM”



by L. A. DuBRIDGE

ENGINEERING AND SCIENCE printed in its April, 1953 issue the statement published by the Association of American Universities (of which Caltech is a member) on academic freedom and responsibility. In his remarks at the Annual Banquet and Meeting of the Alumni Association on June 10, President DuBridge referred to this statement and then gave further clarification of his own views on the subject. He emphasized that these were his personal opinions and that he was not speaking for the faculty or the trustees. Many alumni found these remarks so interesting, however that Dr. DuBridge was persuaded to release them for publication. For publication purposes he has made certain additions and editorial revisions to the statement given at the dinner.

**I**N THESE DAYS when the problems of “academic freedom” are so much discussed, and are subject to so much controversy, it is well to re-examine just what it is that we are talking about. It would appear that some who attack “academic freedom” are actually attacking something else; and some who defend it are often confused as to just what they do defend.

In this country freedom of speech is guaranteed to all by the Constitution of the United States. The college teacher has no less and no more freedom under the law than any other citizen.

Academic freedom is not a matter of law. Rather, it is a privilege granted to a teacher by his university. It is not, of course, a privilege to violate the law—a privilege which no one has the power to give. It is a privilege granted to the teacher to retain his position in the university even though he expresses opinions or beliefs or makes statements, or engages in activities, which are unpopular with the public, or at variance

with opinions of his colleagues or of the university administration or its governing board. A business organization may, if it chooses, dismiss employees whose opinions do not agree with those of "the company." A university denies itself this right. Indeed, a university does not have "an opinion." Since it exists to encourage scholarship, a university knows it cannot specify in advance the conclusions to which scholars may be led. It therefore takes special pains to assure the scholar that he shall be free to express his views, both as a scholar and as a citizen, without endangering his position. No law requires a university to extend this privilege; but scholars shun those institutions which fail to insure it. Through the action of scholars over the years and through the approval of public opinion every leading university in the United States has assured its faculty of this privilege. Thereby the progress of learning has been accelerated and assured—to the eternal benefit of civilized living.

### Unpopular views

Although no university either could or would protect its members against due process of law, many an institution has found itself resisting the public clamor for the dismissal of a professor who has expressed views which are at the moment unpopular. Much of the demand in this country a generation ago for the more explicit recognition of academic freedom came from the situation caused by the dismissal of biologists who taught the then unpopular theory of evolution. During World War I German scholars were under similar pressure. But though public clamor has at times been loudly and even violently insistent, the great universities of the nation (that is, those that have attracted and retained the greatest scholars) are those which, generation after generation, have resisted these temporary demands that scholars be persecuted or dismissed for their opinions.

### Privilege and responsibility

Now no privilege is possible without an accompanying responsibility. The responsibility of one who enjoys academic freedom has not always been explicitly described; it is no less real. It is implied in the very word "academic." An academic institution is one devoted to scholarship. Academic freedom can have no meaning except as applied to scholars. The privilege accorded a scholar to retain his appointment has never meant that one who is not a scholar has a right to retain his job. Academic tenure is designed to protect scholarship, not to shield incompetence, dishonesty, or any illegal or immoral action. Thus a person who has lost or abandoned the qualities of a scholar has abdicated his right to claim the privilege of a university position—and hence the right to academic freedom or tenure.

There are of course occasions on which the determination of whether an individual has lost his right to be classed as a scholar is a difficult matter. It is easy if

one can prove gross incompetence, immorality, deceit, or disloyalty. But scholarship demands also positive qualities of sincerity, integrity, loyalty, respect for others, good taste. Honest men may often differ in their opinions as to whether or to what degree a colleague has failed to measure up to scholarly requirements. But one thing is clear: the determination of scholarly competence must be made by scholars; the right of a man to continue as a faculty member must be judged by his colleagues and his university, not by any outside group. Each university must make its decision on the basis of its principles and the facts involved in each case; it must not be swayed by public clamor, no matter how loud this may be.

There have been two recent incidents which illustrate extremes of positions in regard to academic freedom.

### Freedom to disagree

Press reports indicate that the governing board of a western university has recently, at the recommendation of the President, dismissed a professor who expressed views on educational matters which were contrary to the views expressed by the President himself. The professor was thus dismissed for "insubordination." This is a shocking violation of all of the principles of academic freedom. Academic freedom means precisely that a professor *is* free to disagree with his colleagues, with his President, or with his governing board. He is particularly entitled to such disagreement on matters of educational policy which affect his university. He even has the duty to give voice to his opinions. By its action (assuming the press reports to be correct) *this* university has abdicated its right to be listed as one of the centers of scholarship of this country.

### Action at Harvard

A noble and a heartening contrast to this action was the one recently taken by the Corporation of Harvard University. Harvard has been one of the nation's leading universities in guaranteeing academic freedom to its faculty. Three members of the Harvard faculty recently declined to testify before a Congressional committee, invoking the Fifth Amendment to the Constitution. After a thorough examination of each case the Harvard Corporation issued the following statement:

"We would regard with the gravest concern the presence on our teaching staff today of a person who is now under the domination of the Communist Party. We think membership in the Communist Party by a faculty member today, with its usual concomitant of secret domination by the Party, goes beyond the realm of his political beliefs and associations. It cuts to the core of his ability to perform his duties with independence of thought and judgment. By the same token, it is beyond the scope of academic freedom. In the absence of extraordinary circumstances, we would regard present membership in the Communist Party by a member of our faculty as grave misconduct, justifying removal.



"We deplore the use of the Fifth Amendment by a member of our faculty. In the first place we think full and candid testimony by all teachers would disclose that there is little Communist activity today in educational institutions. But more important, the use of the Fifth Amendment is in our view entirely inconsistent with the candor to be expected of one devoted to the pursuit of truth. It is no excuse that the primary purpose of its use is to protect one's friends, or to express one's feeling that Congressional committees are bypassing the Constitutional safeguards of due process of law, or to avert danger of prosecution for perjury in case one's testimony should later be contradicted by the false testimony of others. Furthermore, since we are not conducting a criminal trial, we will not shut our eyes to the inference of guilt which the use of the Fifth Amendment creates as a matter of common sense. Hence, the use of the Fifth Amendment by a member of our teaching staff within the critical field of his possible domination by the Communist Party, makes it necessary in our judgment for us to inquire into the full facts. We regard it as misconduct, though not necessarily grave misconduct."

The Corporation found that the three teachers were not now members of the Communist Party and therefore they were not deprived of their positions. They were, however, reprimanded and one of them was placed on probation for three years. The interesting points about this statement are, first, that the cases were judged on the basis of the teacher's *conduct*, not his opinions, and, second, that misconduct may be punished by a rebuke while dismissal is reserved only for cases of grave misconduct.

You may wonder why I take the time of the alumni on this occasion to discuss this difficult and delicate matter of academic freedom. The reason is very simple. Unless the alumni of the colleges and universities of this country understand and appreciate the purpose and values of academic freedom, there is little chance that this purpose and these values can be retained. However, if alumni do understand and appreciate the essential values of academic freedom, then academic freedom will never die. In my opinion, the death of academic freedom would be a body blow to the progress of learning in this country, and hence a possibly fatal blow to our future freedom and security.