

giving closure to the authoritarian phase while opening up space to discuss the significance of the university at the global level in a new historical time. However, I cannot end these pages without saying that the legacies of this not-so-distant past still linger, particularly in the limited ability to link our efforts to improve higher education and redefine the meaning of “academic freedom” with important debates about the role of the university in promoting social change.

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The Front Rank: On Tenure and the Role of the Faculty in the Defense of Academic Freedom

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If teachers do not stand fighting in the front rank for freedom of intelligence, the cause of the latter is well-nigh hopeless, and we are in for that period of intimidation, oppression, and suppression that goes, and goes rightly, by the name of Fascism and Nazi-ism.—John Dewey, “The Crucial Role of Intelligence,” *Social Frontier*

Current threats to academic freedom—which include attacks on faculty members and institutions of higher education by individual state legislators and governors as well as the activities of such organizations as Campus Reform and Professor Watchlist that frequently spark harassment campaigns against individual faculty members—have arguably created a climate as hostile to academic freedom in the United States as any in the twentieth century. Circumstances that limited faculty members’ ability to defend academic freedom in the mid-1930s, a period of marked hostility to academic freedom, share some similarities to those of today. Most notable among those similarities is the prevalence of contingent faculty, which makes it all the more notable that the earlier period gave rise to the modern tenure system. That tenure helps protect the individual’s academic freedom as well as the

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faculty collectively, and thus of nontenured faculty, has been recognized for some time and is at times referred to as the “herd immunity theory” or “umbrella argument” of tenure. Therefore, to continue with the “herd immunity” analogy, the protection of academic freedom for all is impaired as the percentage of those who have the protections of tenure declines. Given the severity of the current attacks on academic freedom, efforts to strengthen the profession’s ability to act collectively in defense of this central academic value are essential to its survival. Such efforts require a strengthening of the tenure system, which has been under relentless attack for decades.¹

Speaking at the 1934 annual meeting of the American Association of University Professors (AAUP), Carl Wittke, chair of the association’s Committee A on Academic Freedom and Tenure, expressed concern about the future of academic freedom internationally:

... when the democratic way of life is on the defensive everywhere, and when the swastika, the hammer and sickle, and the black shirt are worshiped by millions as the symbol of a better day. There are few countries left in Europe where it has not become unpatriotic to think; where education has not been debased in the interest of narrow nationalism; and where truth is not being established by government proclamation.²

In the depths of the Great Depression, the rise of fascism in Italy, Germany, and Spain as well as Stalinism in the Soviet Union called into question democracy’s viability.

In the mid-1930s, conservative opposition to President Franklin D. Roosevelt’s “second New Deal” was accompanied by an educational red scare, which threatened academic freedom to an extent that caused widespread alarm. In 1935 alone, seven states and the District of Columbia adopted loyalty oaths for teachers, with the goal of curbing “subversive” teaching.³ That same year, Republican congressman and ardent anti-Communist Hamilton Fish proclaimed in a radio address: “Our leading universities . . . are honeycombed with Socialists, near-Communists, and Communists teaching class hatred, hatred of religion, and hatred of American institutions, including the American flag.”⁴ The

¹Chris Quintana, “Under Fire, These Professors Were Criticized by Their Colleges,” *Chronicle of Higher Education* (June 28, 2017), <https://www.chronicle.com/article/Under-Fire-These-Professors/240457>.

²Carl Wittke, “Report of Committee A,” *Bulletin of the American Association of University Professors* 21, no. 2 (Feb. 1935), 148.

³Henry R. Linville, *Oaths of Loyalty for Teachers* (Chicago: American Federation of Teachers, 1935), 3.

⁴Hamilton Fish, radio address delivered Feb. 19, 1935, 79 Cong. Rec. H2, 301 (1935).

attack on academic freedom at the time caused several organizations, including the American Civil Liberties Union and the American Federation of Teachers, to focus attention on its defense.⁵

Chief among efforts to intimidate and silence faculty members was a campaign started in late 1934 by publisher William Randolph Hearst against supposed radicalism in universities. It featured undercover reporters, posing as prospective students, trying to entrap faculty members into proclaiming radical beliefs. Hearst press coverage of the famous Walgreen affair of 1935 at the University of Chicago, in which drugstore owner Charles Walgreen publicly accused the university of communist indoctrination, helped create a frenzy that led to a legislative investigation of supposed “subversive communistic teachings” at the university.⁶ Hearst newspaper reports of alleged communist activities at the University of Wisconsin led to another legislative investigation there.⁷

Hearst’s effort sparked outrage among the teaching profession. At a mass meeting in Madison Square Garden on April 3, 1935, some fifteen thousand protesters gathered to express opposition to Hearst and the various loyalty-oath measures under consideration, and a public call to the House Un-American Activities Committee to investigate Hearst called his activities “a campaign of terrorism against teachers.”⁸ John Dewey, who was among the signatories of the public call, characterized this response as a “healthy sign” before offering the thoughts quoted in this article’s epigraph.

One of the apparent victims of the 1935 red scare was Marxist literary critic Granville Hicks. After six years of service at Rensselaer Polytechnic Institute, Hicks was informed that his appointment was not being renewed for financial reasons, a claim he contested, pointing to his extramural political activities as the actual reason. In particular, Hicks cited an incident in which the institute’s director had called him into the office to convey concerns an alumnus expressed over Hicks’s publication of an article critical of the *New York Times Book Review*’s “consistent campaign against the Soviet Union, against Communism and Communists, and against revolutionary literature.”⁹ The AAUP

⁵Timothy Reese Cain, “Little Red School Houses? Anti-Communists and Education in an ‘Age of Conflicts,’” in *Little “Red Scares,”* ed. Robert Justin Goldstein (Burlington, VT: Ashgate, 2014), 105–33.

⁶Lawrence J. Dennis, *George S. Counts and Charles A. Beard: Collaborators for Change* (Albany: State University of New York Press, 1989), 127–31; and John W. Boyer, *The University of Chicago: A History* (Chicago: University of Chicago Press, 2015), 268–75.

⁷Steven D. Zink, “Glenn Frank of the University of Wisconsin: A Reinterpretation,” *Wisconsin Magazine of History* 62, no. 2 (Winter 1978–1979), 113.

⁸Dennis, *George S. Counts and Charles A. Beard*, 131.

⁹Granville Hicks, *Part of the Truth* (New York: Harcourt, Brace, 1965), 121–22.

committee investigating his case concluded that, absent affordance of adequate due process, “the inference that Professor Hicks would have been dealt with otherwise, but for his economic and social beliefs” was “difficult to avoid.”¹⁰

Following his dismissal, Hicks wrote “The Timid Profession” for the Marxist magazine *New Masses*. In it he decried the absence of academic freedom in US higher education and resulting conditions for faculty, who “may well decide that it is easier to conform than to fight.” However, Hicks recognized there was some reason for hope: “Dozens of teachers have publicly come to my defense,” adding, “There are teachers who . . . do take seriously their professed principles and are willing to do battle on their behalf. . . . Thought is not wholly dead in the colleges—otherwise Mr. Hearst would not be so worried.” Hicks pointed specifically to the problems facing faculty members in the lower ranks as a result of the then prevailing tenure system:

The situation of the young instructor is peculiarly difficult. His position is not protected. He can be released for any of a dozen reasons or for none. . . . All he can do is keep his mouth shut until he has achieved professional standing and permanent tenure. By that time keeping his mouth shut is a habit.

Thus, Hicks concluded, “The average teacher who opposes the established authorities commits economic suicide.”¹¹

The AAUP’s 1935 investigation at the University of Pittsburgh, generally viewed as one of the worst institutions at the time with respect to the climate for academic freedom, vividly described the effect of such conditions. The report indicted Chancellor John Bowman’s exclusive focus on constructing his “cathedral of learning,” which he prioritized over all other university considerations and which led him to dismiss faculty members whose public remarks on controversial issues endangered the fund-raising needed to permit its completion. The report observed, “Had faculty members, especially heads of departments, ‘stood up’ to him, . . . it is possible that the present situation would not have developed,” yet it recognized that the chancellor’s treatment of the faculty had caused “acute anxiety, worry, and fear” as well as inflicted “irreparable damage . . . on the self-respect of every man and woman on the faculty who ever has dared to think

¹⁰Ralph E. Himstead and Herman C. Beyle, “Academic Freedom and Tenure: Rensselaer Polytechnic Institute,” *Bulletin of the American Association of University Professors* 22 (Jan. 1936), 20.

¹¹Granville Hicks, “The Timid Profession,” *New Masses* (June 18, 1935), 14–15.

and act in terms of principles rather than in terms of immediate, material, and personal expediency.”¹²

While tenure at the beginning of the century was largely informal, the AAUP made an important step toward formalizing the tenure system in 1925 when it, with several other organizations, including the Association of American Colleges (AAC), agreed to a joint statement that distinguished “temporary or short-term” appointments from “permanent or long-term” appointments. At that time, the distinction between the two kinds of appointments was always based on rank. Although practices differed among institutions, full professors generally held appointments with “permanency” that did not entail the same level of academic due process we know today, and instructors held temporary ones. Assistant professors frequently served on temporary appointments, a practice that Committee A explicitly condoned in 1927. The status of associate professors was less uniform, but they were less frequently granted permanent appointments.¹³

The nature of “temporary” appointments was rather like that of the so-called contingent or non-tenure track appointments of today. They were considered temporary, yet could be renewed indefinitely. Only a promotion—which could come at any time or never—conferred permanent tenure, but the administration could also choose not to renew an appointment at any time, no matter how long it had been held. These quasi-contingent appointments differed from today’s contingent appointments in that promotion to a tenured appointment could occur at any time rather than being explicitly excluded by the terms of the current appointment. In 1936, a survey of faculty salaries found that at some 250 institutions, 33 percent of the faculty held the rank of professor, 16 percent associate professor, 23 percent assistant professor, and 28 percent instructor. Thus, between 51 and 67 percent of faculty members in the survey had quasi-contingent appointments at a time when the academic job market held few prospects for advancement and thus for tenure. While no well-defined point exists for when the “herd immunity” of tenure fails to protect the faculty at large, Hicks and the AAUP’s investigative reports of the time attest to the prevailing widespread sense of insecurity in that system.¹⁴

¹²Ralph E. Himstead, A. B. Wolfe, James B. Bullitt, and Carl Wittke, “Academic Freedom and Tenure: University of Pittsburgh,” *Bulletin of the American Association of University Professors* 21, no. 3 (March 1935), 256, 264.

¹³C. R. Mann and David Allan Robertson, “American Council on Education: Conference on Academic Freedom and Tenure,” *Bulletin of the American Association of University Professors* 11, no. 2 (Feb. 1925), 100–101; and “Notes and Announcements: Association of American Colleges,” *Bulletin of the American Association of University Professors* 13, no. 2 (Feb. 1927), 102.

¹⁴Walter James Greenleaf, *College Salaries 1936* (Washington, DC: Government Printing Office, 1937), 7.

Hicks's article also reflected a growing criticism of the AAUP when he observed that power within certain teachers' organizations "must be wrested from the hands of the timid old men who now control them." At the end of 1935, that growing criticism within the AAUP came to a head: at its annual meeting, delegates rose up to oppose the nomination of a dean for the presidency, instead electing University of Chicago physiologist A. J. Carlson. Its governing council chose University of Syracuse law professor Ralph Himstead, who had chaired the investigative committee at Pittsburgh and would later chair the one at Rensselaer, as its first full-time general secretary. Himstead and Carlson went on to be the strongest proponents for divorcing rank from tenure in the AAUP-AAC negotiations that resulted in the 1940 *Statement of Principles on Academic Freedom and Tenure*. That statement ushered in a conception of tenure separate from rank, overturning Committee A's earlier ruling on the temporary status of assistant professors and instructors. Its widespread endorsement and adoption supported academic freedom in the development of US higher education since World War II.¹⁵

Although some historians of tenure have placed economic rationales for the development of the tenure system above its role in defending academic freedom, the framers of the 1940 *Statement*, including those in the AAC, had the events of the mid-1930s firmly in mind as they concluded their negotiations. Enlightened university presidents, such as Henry Wriston of Brown and Samuel Capen of Buffalo, led the AAC delegation and did much to advance the public understanding of academic freedom and tenure.¹⁶ Even University of Chicago president Robert Maynard Hutchins, who had previously expressed hostility to the institution of tenure, admitted after the legislative attack on the university that he was "now convinced that the greatest danger to education in America is the attempt, under the guise of patriotism, to suppress freedom of teaching, inquiry, and discussion." He went on, "Consequently, I am now in favor of permanent tenure, with all its drawbacks, as by far the lesser of two evils."¹⁷

With the tenure system—conceived in the 1930s and expanded after World II—in decline for several decades now, and with academic freedom under attack, higher education may be heading to a status quo

¹⁵Walter P. Metzger, "The 1940 Statement of Principles on Academic Freedom and Tenure," *Law and Contemporary Problems* 53, no. 3 (Summer 1990), 3–77.

¹⁶Metzger, "The 1940 Statement of Principles on Academic Freedom and Tenure,"; and Caitlin Rosenthal, "Fundamental Freedom or Fringe Benefit? Rice University and the Administrative History of Tenure, 1935–1963," *Journal of Academic Freedom* 2 (2011), <https://www.aaup.org/JAF2/fundamental-freedom-or-fringe-benefit-rice-university-and-administrative-history-tenure-1935#.WsVD5IjwBIU>.

¹⁷Robert Maynard Hutchins, "The Sheep Look Up," in Robert Maynard Hutchins, *No Friendly Voice* (Chicago: University of Chicago Press, 1936), 121.

ante. As in the 1930s, the academic profession's concerted effort to strengthen the tenure system and defend academic freedom will be necessary to assure its survival.

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The Paradox of Academic Freedom in the Chinese Context

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China aims to become an innovation-led nation by 2020, boosted by research excellence at its top universities, yet academic freedom has always been viewed as problematic in the country.¹ Arguably, academic freedom should sit at the core of research excellence and innovation and be at the discretion of academia. China, however, features quite a different landscape. Recent academic integrity crises on university campuses and governmental intervention have once again brought the issue of academic freedom to the fore. To a large extent, the government oversees the academic integrity and outcomes of scholars and universities, unlike in the West, where this role is commonly fulfilled by the academic community. So what might be typically termed as “governmental interference” into academic affairs in the Western context appears to be the norm in the Chinese context. Such a scenario indicates a different view with respect to academic freedom in China. This article aims to shed light on this from the perspective of the Chinese knowledge

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¹Philip G. Altbach, “One-third of the globe: The future of higher education in China and India,” *Prospects* 30, no. 1 (March 2009), 11–31; and Qiang Zha, “Academic Freedom and Public Intellectuals in China: A Century of Oscillations,” *International Higher Education* 58 (Winter 2010), 17–18.