

and vague terms, restrict what teachers and students can say in the classroom or elsewhere on campus; questions about where to draw the line between sexual or racial harassment and robust, protected free speech; and speaking invitations to those with far-right and racist views. Space limitations preclude exploring these issues here. Suffice it to say that each one is intricate and tricky, and requires careful balancing. But none is a structural problem that calls so urgently for advocacy and organizing—including union organizing—in order to defend the principles of academic freedom that are fundamental to the endangered enterprise we call higher education.

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## “Friendly Public Sentiment” and the Threats to Academic Freedom

*Timothy Reese Cain*

Historians frequently trace the modern era of academic freedom to late nineteenth century changes in the rising universities, with many citing the Henry Carter Adams case as the first of its type in US higher education.<sup>1</sup> Adams lost his half-time faculty position at Cornell University when his 1886 speech in support of labor offended lumber magnate Henry Sage, the powerful chairman of the institution’s governing board. The case contained many elements that can be found in modern academic freedom struggles, but the first thing I think about when considering the case is an exchange of letters between Adams and James Burrill Angell, president of the University of Michigan. Adams had a concurrent temporary part-time appointment at Michigan, but his

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Tim Cain ([tcain@uga.edu](mailto:tcain@uga.edu)) is an Associate Professor at the University of Georgia’s Institute of Higher Education. His recent and forthcoming publications include articles in *Labor: Studies in Working-Class History* and *Perspectives on the History of Higher Education*, chapters in edited volumes on adjunct unionization, the history of student life, and assessment; and *Campus Unions: Organized Faculty and Graduate Students in US Higher Education* (2017).

<sup>1</sup>See, for example, Mary O. Furner, *Advocacy and Objectivity: A Crisis in the Professionalization of American Social Science, 1865–1905* (Lexington: University Press of Kentucky, 1975).

hold on it was tenuous. He had previously been turned down for a full-time position due to differences between his economic positions and those of the Board of Regents as well as his difficulty in balancing his zeal for reform with the board's desire for academic respectability. Angell thought highly of Adams but was concerned that his advocacy of progressive economic reform could damage the institution. In response to Adams's appeal for a permanent position, Angell repeatedly pressed Adams to clarify his beliefs. In early 1887, Adams, who had previously denied to Angell that he was a socialist, expressed his frustration with the continued questioning, arguing:

If you make a man's opinions the basis of his election to a professorship, you do, whether you intend to or not, place bonds upon the free movement of his intellect. It seems to me that a Board has two things to hold in view. First, is a man a scholar? Can he teach in a scholarly manner? Is he fair to all parties in the controverted questions which come before him? Second, is he intellectually honest? If these two questions are answered in the affirmative, his influence on young men cannot be detrimental.<sup>2</sup>

Angell replied that, although he believed in freedom for faculty, "the German idea of *Lehrfreiheit* cannot be fully accepted in this country when colleges depend on friendly public sentiment for their support."<sup>3</sup>

Concerns about the need for "friendly public sentiment" have recurred throughout the history of academic freedom. The American Association of University Professors' (AAUP) seminal 1915 *Declaration of Principles on Academic Freedom and Academic Tenure*, for example, termed public opinion the "chief safeguard of a democracy" while also identifying it as the "most serious difficulty of the problem" of academic freedom and "the chief menace to the real liberty of the individual." The new association of leading faculty members noted that in a democracy "there is likely to be a tyranny of public opinion" but that "an inviolable refuge from such tyranny should be found in the university."<sup>4</sup> The AAUP soon faced the intense challenges of World War I and fell at its first hurdle by stepping back from the robust protections it had just espoused, and the underlying challenge

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<sup>2</sup>Henry C. Adams to James B. Angell, March 15, 1887, as cited by Joseph Dorfman, "Henry Carter Adams, the Harmonizer of Liberty and Reform," in Henry Carter Adams, *Relation of the State to Industrial Action and Economics and Jurisprudence; Two Essays*, ed. Joseph Dorfman (New York: Columbia University Press, 1954), 38.

<sup>3</sup>James B. Angell to Henry C. Adams, March 26, 1887, Box 2, Henry Carter Adams Papers, 1864–1924, Bentley Historical Library, University of Michigan.

<sup>4</sup>"General Report of the Committee on Academic Freedom and Academic Tenure," *Bulletin of the American Association of University Professors* 1, no. 1 (Dec. 1915), 31–32.

of depending on “friendly public sentiment” has remained into the modern period. In the twenty-first century, politically motivated attacks on individual faculty and their expressions of controversial opinions as well as on institutions and higher education as a whole, have repeatedly caused chilling effects on academic freedom; in some cases, they have led to the removal of individual professors, either by institutional action or by resignation in the face of unceasing attacks.

Political, economic, and social divides have always been implicated—disagreements over federal monetary policy; repeated red scares; religiously inspired attacks on teaching; and racially, gender-based, and sexuality motivated limitations come to mind—but social media in the modern era has empowered efforts to restrict freedom and punish those who offend. Currently, it is not just truly heterodox perspectives but also opinions that even a vocal minority oppose that can cause significant disruption. As Robert O’Neil argued a decade ago, reliance on technology has raised the stakes on faculty expression, created new dangers for those who engage in controversial issues through their scholarship or when pursuing the full rights of citizenship, and opened up new opportunities for surveillance.<sup>5</sup> The expansion of social media, the increased ease of communication, and the potential for the loss of context for that communication have exacerbated those concerns. Indeed, recent events have shown that scholars can be attacked, condemned, and bullied not only for what they say but also for things that they don’t say but that are attributed to them.<sup>6</sup> Many of these efforts originate outside of the academy but can then lead to institutional and policy change. Notably, in 2013 the Kansas Board of Regents suspended a journalism professor in response to outcries over the professor’s tweet criticizing the National Rifle Association. It then instituted a policy for disciplining faculty whose social media posts are deemed “contrary to the best interests of the employer.”<sup>7</sup> One board member justified the new policy on the grounds of limiting “damage to their brand.”<sup>8</sup> The AAUP, American

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<sup>5</sup>Robert M. O’Neil, *Academic Freedom in the Wired World: Political Extremism, Corporate Power, and the University* (Cambridge, MA: Harvard University Press, 2008), 173–206.

<sup>6</sup>Jonathan Rees, “The Wrong Kind of Famous,” *Chronicle of Higher Education*, Nov. 8, 2017, <https://www.chronicle.com/article/The-Wrong-Kind-of-Famous/241701>.

<sup>7</sup>Kansas Board of Regents, *Kansas Board of Regents Policy Manual* (Revised Dec. 20, 2017), 98, <https://www.kansasregents.org/resources/PDF/About/BoardPolicyManual.pdf>.

<sup>8</sup>Bryan Lowry, “Kansas Regents Adopt Revised Social Media Policy,” *Kansas City Star*, May 14, 2014, <http://www.kansascity.com/news/local/article358750/Kansas-regents-adopt-revised-social-media-policy.html>.

Civil Liberties Union (ACLU), Foundation for Individual Rights in Education, and other faculty and civil liberties organizations decried the new policy, even after the board added language around academic freedom to it.<sup>9</sup>

While not overcoming the potentially devastating effects of crowdsourced and institutionalized efforts to restrict speech, the spread and use of social media has also opened up the opportunity for greater sharing of information about restrictions on and violations of academic freedom. As such, it offers a partial remedy to the historic tradition of secretly violating faculty rights in hopes of avoiding public scorn. This penchant for secrecy was perhaps epitomized by the University of Michigan's 1909 forcing William Bohn from its law school faculty due to his suspected socialism. In response to a senior faculty member's request that Bohn be removed in a way that would not attract attention, the university's president assured him that not even Bohn knew why his career was ending.<sup>10</sup> Social media can also help shed greater light on issues and difficulties outside of the elite institutions on which we focus too much of our attention—and historians studying academic freedom would likewise benefit from expanding their focus to avoid claiming that there were periods without difficulties when, in fact, there were challenges and violations at institutions and institutional types that are too often overlooked.

These issues have long been tied up in finances and affect both private and public higher education. Adams's troubles included Cornell not wanting to offend its largest donor and Angell's worries that Adams's advocacy could work against the University of Michigan's interests in the legislature. As the dismay that donors may have influenced the University of Illinois's decision to revoke its 2014 hiring of Steven Salaita for a faculty position in its American Indian Studies program demonstrates, these funding issues remain so today.<sup>11</sup> The interactions between finances and academic freedom are, of course, complicated and widespread, raising significant questions about how research and teaching are supported and whether external funds are delimiting what can be and is taught. Recent concerns over the extent of restrictions and interference from donors and

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<sup>9</sup>Lowry, "Kansas Regents Adopt Revised Social Media Policy"; and Juana Summer, "Educators Not Satisfied with Kansas Social Media Policy," May 25, 2014, National Public Radio, <https://www.npr.org/sections/ed/2014/05/25/315837245/educators-not-satisfied-with-revised-kansas-social-media-policy>.

<sup>10</sup>Timothy Reese Cain, *Establishing Academic Freedom: Politics, Principles, and the Development of Core Values* (New York: Palgrave, 2013), 26–27.

<sup>11</sup>"Salaita Prompted Donors' Fury," *News-Gazette* (Champaign, IL), Sept. 2, 2014, <http://www.news-gazette.com/news/local/2014-09-02/salaita-prompted-donors-fury.html>.

sponsors as politically diverse as the Charles Koch Foundation and the government of the People's Republic of China highlight the role that funders can play in dictating content and influencing the hiring of instructors.<sup>12</sup>

The relationships between academic freedom and research grants are likewise fraught and deserve far more consideration than they receive. While we might readily recognize overtly political efforts to control or limit academic research and artistic expression, as with the National Endowment for the Arts controversies in the 1990s, more attention should be paid to the implications of the role of acquiring grants in modern academic research. Wealthy organizations and individuals can shape entire fields in ways that may do a disservice to higher education and knowledge creation, even when they do not trammel individuals' academic freedom. The binding ties of contract work, which can preclude or delay publication of results, are likewise troubling. When academic research is a big business on which universities rely for reputation and resources, and faculty careers are made and lost based on the ability to secure foundation and corporate dollars, the ability to ask and answer the most important questions is imperiled.

The Adams case, and many more in the decades since, likewise emphasizes the tenuousness of faculty appointments outside of tenure; he was simply not renewed at Cornell and had no recourse to fight it. With the widespread endorsement and adoption of the 1940 *Statement of Principles on Academic Freedom and Tenure* during the growth of higher education in the post-World War II era, US higher education experienced a brief period in which the majority of faculty members were tenured or tenure-eligible, but the continued expansion of higher education, and the associated institutional efforts at cost-saving and flexibility, quickly returned the faculty to a largely contingent workforce. Currently, roughly three-quarters of the instructional workforce are without the protections of tenure or the ability to earn them. The implications of this shift are profound for faculty, students, and higher education as a whole; in the specific context of academic freedom, it is the undoing of the bulwark against infringements, not only of individuals but also of the corporate faculty. The casualization of the faculty further encourages the shift of academic and curricular decision-making out of the hands of the professoriate and contributes to the

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<sup>12</sup>Valerie Strauss, "How a Koch Foundation Influenced a University Economics Department," *Washington Post*, Sept. 12, 2014, [https://www.washingtonpost.com/news/answer-sheet/wp/2014/09/12/how-a-koch-foundation-influenced-a-university-economics-department/?utm\\_term=.9510563772e9](https://www.washingtonpost.com/news/answer-sheet/wp/2014/09/12/how-a-koch-foundation-influenced-a-university-economics-department/?utm_term=.9510563772e9); and Elizabeth Redden, "New Scrutiny for Confucius Institutes," *Inside Higher Ed*, April 26, 2017, <https://www.insidehighered.com/news/2017/04/26/report-confucius-institutes-finds-no-smoking-guns-enough-concerns-recommend-closure>.

tightening of administrative oversight of areas that used to be under the faculty's purview. The tenure system is not perfect—Adams's agreement to temper his expression in exchange for a full-time appointment at Michigan was in line with later criticisms that tenure protects mainstream and careerist scholars at the expense of the heterodox—and yet it offers the best protections higher education has devised. If scholars such as Adrianna Kezar are correct that it is unlikely we will ever return to a majority tenured faculty, then additional protections need to be developed, whether through bargained contracts or other legally enforceable means.<sup>13</sup> The protections devised need to serve all instructional workers, including the graduate students who undertake substantial teaching roles.

The current and potential role of bargained contracts in higher education highlights another key element of the issue that is clear from even a cursory examination of the history of academic freedom in its formative years: the need for faculty to organize and be active through some combination of professional, labor, civil liberties, and related organizations. The AAUP is most closely associated with academic freedom due to its important work investigating cases and its leading role in policy development, yet the efforts of any single organization were not then and are not now enough. The AAUP was not alone in defining the concept, in seeking protections for educators, and in arguing for the importance of policy development. It was operating in the broader context of competing and complementary efforts of multiple organizations to define modern policies and create procedural protections. Organizations such as the ACLU and the Progressive Education Association also fought for educators' rights, at times taking more aggressive actions than the AAUP sought or, perhaps, were warranted. Indeed, it was the specific challenge of the American Federation of Teachers that fostered the negotiations between the AAUP and the Association of American Colleges (AAC) and helped shape the terms of the 1940 *Statement*. The existence and action of multiple groups of engaged advocates—including efforts to educate not only the public and college administrators but also the faculty itself on the importance of academic freedom—remains vital today.

The AAC's partnership with the AAUP is likewise important to remember in the modern era, especially as the 1940 *Statement* is often

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<sup>13</sup> See, for example, Adrianna Kezar and Elizabeth Holcombe, "The Professoriate Reconsidered," *Academe* 101, no. 6 (Nov.–Dec. 2015), 13–18; and Adrianna Kezar and Daniel Maxey, *Adapting by Design: Creating Faculty Roles and Defining Faculty Work to Ensure an Intentional Future for Colleges and Universities* (Los Angeles: Pullias Center for Higher Education, University of Southern California, June 2015), [https://pullias.usc.edu/wp-content/uploads/2015/06/DELPHI-PROJECT\\_ADAPTING-BY-DESIGN\\_2ED.pdf](https://pullias.usc.edu/wp-content/uploads/2015/06/DELPHI-PROJECT_ADAPTING-BY-DESIGN_2ED.pdf).

conceived of as the work of the AAUP rather than a negotiated agreement between faculty and administrators. Even the Association of American Colleges & Universities, as it is now known, has felt compelled to remind its members that it was an equal partner in its crafting.<sup>14</sup> Academic freedom is not just a faculty concern and truly never has been. It is a broader concern for education and—if US Supreme Court Chief Justice Earl Warren’s 1957 admonition that without it “civilization will stagnate and die” even approaches accuracy—for society as well.<sup>15</sup> And it is a concern that should receive attention not only when it is under immediate threat but also in times of seeming tranquility. As Richard Hofstadter and Walter P. Metzger argued in their influential *The Development of Academic Freedom in the United States*, academic freedom cannot be understood merely through considering cases in which it is violated.<sup>16</sup> It also cannot be emboldened and extended without broader efforts.

Space limitations preclude full consideration of the many additional ways in which my research on the early history of academic freedom have influenced my understanding of modern issues, but a few points warrant quick mention. Some of the most talked about modern issues involve conflicts over who gets to speak on college campuses and what ideas get to be shared. These are difficult issues for colleges and universities as they seek to create inclusive campuses that value civility and the free exchange of ideas; they are even more so when one takes seriously the scholarship highlighting differential access to speech and its differential effects. Yet the deep history of academic freedom points to the inherent shortcomings of restricting speech on certain topics or based on certain viewpoints. The University of Michigan, for example, was not better when its governing board resolved in 1914 that the use of its main speaking venue for the “free discussion of all topics is not now necessary nor expedient.”<sup>17</sup> Moreover, history shows that restrictions are more likely to impinge

<sup>14</sup>Susan Albertine, “Toward the Next Century of Leadership: A Future Faculty Model,” *Peer Review* 15, no. 3 (Summer 2013), <https://www.aacu.org/publications-research/periodicals/toward-next-century-leadership-future-faculty-model>.

<sup>15</sup>*Sweezy v. New Hampshire*, 354 U.S. 234 (1957).

<sup>16</sup>Richard Hofstadter and Walter P. Metzger, *The Development of Academic Freedom in the United States* (New York: Columbia University Press, 1955), ix.

<sup>17</sup>University of Michigan, Proceedings of the Board of Regents (1910–14), 965, <https://quod.lib.umich.edu/u/umregproc/ACW7513.1910.001?view=toc>; Stanley N. Kinney, “The Speaker Ban and Student Organizations at the University of Michigan, 1914–1920,” *History of Education Journal* 7, no. 4 (July 1956), 133–43; and Timothy Reese Cain, “‘Silence and Cowardice’ at the University of Michigan: World War I and the Pursuit of Un-American Faculty,” *History of Education Quarterly* 51, no. 3 (Aug. 2011) 299–300.

on those with less power who argue for forward-looking change than on those who advocate maintaining embedded power structures or a return to earlier class, gender, sexuality, and race relations. Finally, while our attention may be most often drawn to these sensational battles over politically charged speech, we should not forget that academic freedom is about much more than the rights to utter controversial statements in public lectures or through electronic means. It is, as organizations such as the AAUP have long argued, vital for teaching, for research, and for the existence of shared governance. Just as importantly, the mundane cases that don't attract attention are perhaps more prevalent than those that receive attention. Their existence and effects need to be understood.

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## Authoritarian Legacies and Higher Education in Uruguay

*Vania Markarian*

The authoritarian government installed in Uruguay in June 1973 sought to radically make over formal education at all levels. In the previous decade, local right-wingers, like their comrades around the world, had been pointing to professors and teachers as the culprits behind the “deviant” behavior of youth, including through countercultural rebellion or through a variety of leftist political projects. While the right sometimes blamed excessive “academic freedom” for these developments, they tended to use this and related expressions to defend their right to pursue their pedagogical or scientific agendas. They also used it to reject the politicization of academic projects, particularly within the Universidad de la República, Uruguay's only university at the time. This emphasis set the right-wingers apart from

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Vania Markarian works at the Universidad de la República in Montevideo. She received her PhD from Columbia University and has taught at Queens College-CUNY, Princeton University, and Columbia University. Her publications on contemporary Latin American history include *Left in Transformation: Uruguayan Exiles and the Latin American Human Rights Networks, 1967–1984* and *Uruguay, 1968: Student Activism from Global Counterculture to Molotov Cocktails*.