



Editors' Introduction

Does Academic Freedom Matter?

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In a recent *Chronicle of Higher Education* article, Robert M. O'Neil (2008) explicitly asks, "Does academic freedom really matter in the 21st century?" Most of us would automatically say "yes," particularly as we attach that concept to the protections of free expression and unfettered creative and scholarly exploration in our research and other writing. This is our "public" work—the work in the lab, in the stacks, at the desk, and even in the private sector or halls of government—that generates new knowledge and sometimes upsets old paradigms in the process. This is one part of the work that we claim should be protected by tenure. The other part involves being able freely to discuss the fruits of our scholarly and creative labor, as well as other provocative ideas, in various forums—especially in our classrooms.

But it seems clear that our "yes" is no longer the default answer. O'Neill traces the recent new pressures from the outside that have been exerted on the concept of academic freedom:

Federal and state courts have seemed surprisingly receptive to an emerging and deeply disturbing view of academic interests, whether the issue is who controls a professor's choice of teaching materials and assignment of grades, who makes the final decisions in allocating endowment money for the support of academic programs, or what happens when a student objects to an unwelcome course assignment. . . . Finally, and to some observers most ominous of all, is an array of new threats to academic freedom from private sources. The recent offer of a conservative alumni group at the University of California at Los Angeles to pay

students to monitor the classes of “liberal” professors and tape lectures for posting on the organization’s Web site may be the most alarming example, but it is by no means the only one.

In this introduction, we would like place these current threats to academic freedom in terms of students and our classrooms. This isn’t an abstract problem only — it’s one that plays itself out on campuses every day.

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Here’s one example.

On 15 October 2007, Dennis Lennox II, an undergraduate political science major and former leader of the Young Americans for Freedom chapter on the Central Michigan University campus, entered the offices of the interim dean of the College of Humanities and Social and Behavioral Sciences, Pamela Gates, with a Freedom of Information Act request and a video camera. For months, he had been campaigning to have Gary Peters, the former commissioner of the Michigan Bureau of State Lottery and a candidate for the ninth-district congressional seat currently held by Republican Joe Knollenberg,¹ removed as the Robert and Marjorie Griffin Endowed Chair of American Government, ostensibly because Mr. Peters’s political campaign would take his focus away from his taxpayer-supported work at CMU (it is relevant to note that the two previous Griffin chairs were Republicans — they served without incident — and that Mr. Peters is a Democrat).² Mr. Lennox’s goals that day were to (1) surprise the dean with a FOIA request that should have been delivered to one of the Freedom of Information officers; (2) provoke a reaction by insisting she accept the request while he videotaped the exchange; and (3) hope for her to say or do something that would allow him to claim bias. Unfortunately, his well-designed plan worked.

Dean Gates, after repeated requests for Lennox to shut off the camera, put up her hand to deflect the camera as he approached and yelled at him to leave her office. Within minutes of leaving, Lennox was on his way to craft a press release and to deliver the digital video footage to the local evening news, where it ran that night and from which the video became accessible on YouTube.com. The next day he filed a complaint with the CMU police department alleging assault. In the aftermath of the event, the dean was pilloried in the press, and the university was slow to support her. Finally, it issued a statement on 29 October, reported in the campus newspaper, *Central Michigan [CM] Life*, on 31 October (Wisswell 2007c). The review of the “unfortunate incident” nevertheless indicated that “despite allegations made by the

student, evidence indicates that the dean did not strike or hit the student.” Unfortunately, it doesn’t matter much — Lennox got the story out there, and any attempt by the university to support Gates or to acquit her of blame ends up being more proof of “liberal bias” in the university.³

Shortly following the 17 October publication of a news story on the incident in the campus newspaper, a colleague in the English department, Jeffrey Weinstock (2007), published a letter to the editor supporting Dean Gates and calling Students against Gary Peters and the associated group, Young Americans for Freedom, “extremist organizations willing to use all the dubious tactics at their disposal — including intimidation, harassment and the stalking of administrators and faculty with video cameras.” That same week and in the same academic building that houses the English department, anti-Muslim pamphlets were distributed under the office doors of faculty who either are Muslim or teach a class with some content referring to Islam; unfortunately, the pamphlets did not have publication information indicating the source, and the distributor was not caught.⁴ On 25 October, CMU president Michael Rao addressed the targeted faculty in an e-mail message that served to confirm the sense that a person or group was attempting to threaten and intimidate.

I am deeply concerned about the apparent anonymous attempts to intimidate my colleagues and others by the inappropriate placement of these papers in their offices. This is a clear violation of Article II of the university’s Advocacy Policy, which addresses the distribution of printed material. . . . If ever you believe that you are the target of harassment or threatening behavior or do not feel safe, it is imperative that you contact the CMU Police immediately.

Given this constellation of events in late October — and within an atmosphere where the whole campus community was involved in workshops and other discussions involving workplace violence and crisis response in light of the tragedy that occurred on Virginia Tech’s campus — tensions were high.⁵ Meanwhile, Lennox continued to harass and disrupt — and get his name in the paper, which appears to be the modus operandi of the YAF and other Horowitz functionaries. In February 2008, he reported to *CM Life* that he filed a formal complaint with the U.S. Department of Education alleging that three CMU faculty members violated his rights under the Family Educational Rights and Privacy Act (Favot 2008a). That same month, Favot (2008b) reported that “Lennox and Michigan Republican Party Chairman Saulius Anuzis created a 7-foot tall milk carton with a mock missing person

profile of Gary Peters, which displayed his picture and the words, ‘Have you seen me?’”⁶

Finally, Lennox remains on campus—when he can fit it in between political engagements. He was an alternate to the Republican National Convention in 2008, and he is, apparently, actively participating with Horowitz’s campus campaigns.⁷ To CMU’s credit, Lennox has been given the opportunity to exercise his free speech, including in his own defense; he chooses to do so in the newspaper rather than in disciplinary hearings, however. He did not participate in the investigation in the Gates incident, and he declined to participate in the two disciplinary hearings regarding his alleged violation of the Student Code of Student Rights, Responsibilities and Disciplinary Procedures, according to an article in *CM Life* (Favot 2008c). And Gary Peters? A recent *CM Life* article (Ellison 2008) stated that CMU is working on a policy to prevent faculty from running for public office. As proposed, “The draft policy would require full-time employees to either resign or take an unpaid leave based on their candidacy filing date.” The policy has been revised and is currently under review, but it is expected to go to the Board of Trustees in December 2008.⁸

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Many of us are used to reading stories like this, but experiencing them firsthand is a sobering reminder of just what is at stake in protecting free speech and free inquiry. Our story may be a long way of saying that academic freedom matters, but we want to say too that this matters for larger reasons, and not only in terms of tenure. Although the 1940 “Statement of Principles on Academic Freedom and Tenure,” jointly created by the AAUP and the AACU, states that tenure and academic freedom are inseparable, some, like Roger Bowen (2008), argue that perhaps the time has come to decouple tenure and academic freedom for the sake of preserving the latter, “academe’s highest value.”⁹ Stanley Fish (2008) goes even further than Bowen, limiting the concept of academic freedom itself and defining it as a “guild concept,” not a general freedom “like the freedoms guaranteed you by the Constitution and the First Amendment; it is task-specific and task-limited”:

When all is said and done, academic freedom is just a fancy name for being allowed to do your job, and it is only because that job has the peculiar feature of not having a pre-stipulated goal that those who do it must be granted a degree of latitude and flexibility not granted to the practitioners of other professions, who must be responsive to the customer or to the bottom line or to the electorate or to the global

economy. (That's why there's no such thing as "corporate-manager freedom" or "shoe-salesman freedom" or "dermatologist freedom.")¹⁰

But by relegating academic freedom from a "right" to a "task-specific feature of our job," Fish limits its scope and its protections. In the same issue of the *Chronicle*, Steven G. Kellman (2008) counters that Fish promotes a "severe" definition of higher education, one that defines "doing your job" in such a way that "redefine[s] teaching to exclude much of what has historically passed for pedagogy."

Instead, we want to reassert the primacy of both academic freedom and pedagogy — and particularly highlight the ways the assaults on teachers' academic freedom affect not only the members of the "guild." Academic freedom matters because threats to the classroom and campus climates affect not only those teachers who are offered the protections of tenure, but all teachers. It matters because threat, intimidation, public slander, and pressure to conform are ultimately not good for universities primarily because they aren't good for students, whatever their political affiliation. The classroom and the pedagogies enacted therein are thus, in many ways, a most critical site of practicing the kind of pluralism and civil debate that academic freedom is supposed to guarantee.

Indeed, Michael Bérubé places pedagogy at the center of his discussion of academic freedom and the attacks on it by the conservative right. His claims for a procedural liberalism are largely staged within his own classroom scenarios. He claims to have written his book on the subject, *What's Liberal about the Liberal Arts? Classroom Politics and "Bias" in Higher Education* (2006), not only to reply to conservative critics but also to showcase his version of liberal arts pedagogy. In so doing, he describes his own "bias" in teaching: that the liberal arts are not "useless," to use Fish's provocative claim, but rather central to teaching the kind of reasoned debate and critical thinking at the very heart of democracy. Even so, he claims a pragmatics — and maybe a simple professionalism (echoes of Fish?) — that limits the ways he attempts to move his students:

Even if I were not working in literary study, with its capaciousness and its uncontainable mimesis, I cannot begin to imagine what it would be like to be a teacher without beliefs, or what it would be like to be a teacher whose beliefs about the world did not inform his work and his very demeanor. And yet one of my beliefs is this: the classroom is an intimate, quasi-public, quasi-private space, and it would be an abuse of my position if I were to treat my students as captive audiences who

need to be educated about the rightness of affirmative action or the wrongness of Republican fiscal policy. . . . It is a skewed notion of dissent to think that one's classroom should be deployed as the counterweight to conservatism in the rest of the culture; it is a poor conception of rhetoric that leads a professor to speak as if everyone in the room agrees with him or her; and it is a curious form of pedagogy to conduct oneself as if one's lectures could simply and suddenly cause the scales to fall from the eyes of a roomful of Republican undergraduates. (Bérubé 2006: 11–12)

Bérubé acknowledges, however, that it is precisely this way of “doing our jobs” that incurs conservative critique. In the face of this sort of “reasonable accommodation,” to use Bérubé's words, a well-organized “network of student complaint” exists, via groups like Students for Academic Freedom and CMU's Campus Conservatives, most of which hinges on alleged attempts at indoctrination instead of “fairly showing both sides” in the classrooms of liberal arts and social science faculty. Bérubé argues:

They [conservatives] are, in short, attacking us for doing our jobs, for when we do them well, there is inevitably something liberal about the enterprise. No doubt that's why we spend so much of our time and energy trying to promote a lively critical pluralism in our classrooms, and trying to ensure that every reasonable proposition is open to reasoned debate, even when we feel strongly about the subject under discussion: we believe that this enterprise, in and of itself, is a truly liberal one. (295)

So, does academic freedom *really* matter in the twenty-first-century university? If we mean the “lively critical pluralism” to which Bérubé refers, the answer may increasingly become “no.” In a recent article, Robin Wilson (2008) reports that a study by A. Lee Fritschler, Jeremy D. Mayer, and Bruce L. R. Smith reveals a classroom reality that seems at odds with the rhetoric of conservative charges of bias, wherein “sixty-one percent [of faculty surveyed] said politics seldom comes up in their classrooms, and only 28 percent said they let students know how they feel about political issues in general.” However, Wilson reports that in a related study by April Kelly-Woessner and Matthew Woessner, while students are adept at discerning the political leanings of their professors anyway, “such politics have a very limited influence.” Do we have too much political discussion going on in classrooms as a result of the freedoms academics enjoy — or too little?

We think academic freedom — for faculty, for students — must matter now, although it is easy to see why those on all sides of the political spectrum are keeping quiet. We invite readers to break the silence, in these pages and on your campuses.

Notes

1. Gary Peters won the congressional race in November 2008.
2. For information regarding the campaign of Students against Gary Peters, see www.petersreport.blogspot.com. One can see from the archive that the group's attempts to have Gary Peters removed preceded the incident with Gates by months and that his appearance in her office with a video camera came two days after he had stalked Peters through a dark parking lot, peppering him with questions, which Peters declined to answer. On the 26 October 2007 News Blog section of the *Chronicle Online*, J. J. Hermes (2007) described Lennox as "hounding [Peters] with a video camera and demanding that he relinquish his post at the university." Hermes goes on: "The student, Dennis Lennox, a junior majoring in political science, has called for Mr. Peters's ouster, regularly updating a blog called The Peters Report, in which he uploads ambush videos of the professor and administrators, and constantly evokes the phrase 'Petersgate.'"
3. According to a published account (Wisswell 2007a), the CMU Police Department turned Lennox's complaint over to the Isabella County prosecutor, who determined the incident did not warrant the issuance of charges. Dean Gates also filed an incident report and charges with the CMU Police. Lennox refused to participate in the university investigation, stating self-servingly that any internal investigation by university administrators was already biased against him. Even the student newspaper supported this extreme view: "This sets a dangerous precedent that the university will always side with the administrator when he or she has a conflict with a student. The university is supposed to be there for students, and not always side with administrators" (Wisswell 2007c). According to Wisswell 2007b, Lennox called for an independent investigation into the incident, but university president Michael Rao denied his request.
4. As we write this introduction, exactly a year later, more anti-Muslim pamphlets have appeared under faculty office doors in Anspach Hall, these clearly identified as published by David Horowitz's Freedom Center and distributed in advance of his talk titled "Stop the Jihad on Campus" on 14 October 2008. Guess who booked the event? Dennis Lennox II and his group, Campus Conservatives.
5. Here's one example that illustrates why. The Southern Poverty Law Center Web site contains an article about the Michigan State University's branch of the YAF, including a focus on Kyle Bristow, who was the president of that group and a contributor to the affiliated blog that contained postings relating to the events on CMU's campus (see www.spartanspectator.blogspot.com/2007/10/cmu-more-retarded-than-msu.html). The article on the SPLC Web site, titled "Black Hats on Campus," contains photographs of Bristow posing with rifle and ammunition in a mocked-up Web page, as well as demonstrators at an MSU-YAF rally holding signs that read SMASH LEFT-WING SCUM. Michigan State University is about ninety minutes south of Mt. Pleasant.
6. This tactic is, if nothing else, distasteful, particularly in light of the fact that the milk-carton campaign is an attempt to publicize the investigations into missing children. It also suggests that Peters is not fulfilling his duties as outlined by the terms of his contract, for which claim there is no evidence.
7. In a bizarre twist, the same day the most recent anti-Muslim hate literature appeared

on campus, Campus Conservatives, the group for which Dennis Lennox serves as spokesman, announced that it would begin evening patrols of sidewalks at CMU to “deter would-be criminals from assaulting and raping women” (WNEM.com 2008). Apparently, this group condones assaulting women only *verbally* (and often anonymously) on conservative blogs.

8. In the same article, Ellison (2008) reports that “in a meeting with the *CM Life* editorial board, Lennox alleged that the Michigan office of the American Civil Liberties Union recently threatened to sue CMU over campaign finance law violations among members of the political science faculty in relation to the policy.” The article further states that CMU’s general counsel, Eileen Jennings, said the university had not been contacted, a claim supported by ACLU communications director Rana Elmir.
9. There isn’t space to explore Bowen’s (2008) complete argument here. In a nutshell, Bowen documents the well-known move toward hiring more and more contingent faculty. On the other hand, the value of academic freedom *within* higher education appears relatively stable. The fact that threats to academic freedom most frequently come from *outside* academe is the problem, particularly without any constitutional protections. Bowen argues:

One reason recent federal government actions have not been reliably supportive is that, outside academe, academic freedom is viewed more as an idea or aspiration than as a certain right. Indeed, were academic freedom to describe an undisputed condition of faculty work or a legal guarantee, I doubt that the professoriate’s need for the AAUP, or for the inclusion of this crucial principle in the contracts bargained by faculty unions, would be as compelling as it is today.

His solution, the “Faustian bargain” of his title, is to give up on tenure — which, he claims, is going away anyway — in exchange for a constitutional amendment guaranteeing academic freedom as a right.

10. One could argue that there was too much “corporate-manager freedom” in the lead-up to our current economic crisis and precisely not enough responsiveness “to the customer or to the bottom line or to the electorate or to the global economy.”

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