Academic Freedom & the Politics of the University

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In this essay, I explore the relationship between the politics of the production of knowledge and partisan attempts to interfere with it. I argue that, despite changing historical contexts, the line between this politics (understood as contests about meaning and power) and partisanship has never been secured. That is because there is a tension inherent in knowledge production that cannot be resolved by legislation, administrative fiat, or academic punditry. Academic freedom mediates the tension but does not resolve it because knowledge production is inherently critical of prevailing norms (whether in the sciences, social sciences, or humanities) – norms whose partisans seek to defend their integrity and their truth. The tension between politics and partisanship is the state (or the fate) of democratic higher education in America.

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The United States is in a difficult moment: what basic faith there was in the institutions of democracy has been eroded, constitutional protections have been undermined by the Supreme Court's radical right-wing majority, and reason is no barrier against the libidinal release enabled by former president Donald Trump. In the wild proliferation of paranoia, accusation, retribution, and hate speech that flourishes on the internet and translates into dangerous, sometimes lethal activism in "real life," education in general and the university in particular have been singled out for attack. The attack on education is itself not new – right-wing think tanks and politicians have been at it for decades. But this moment seems somehow more dangerous, as Republican lawmakers and militant activists use their power to send censors directly into classrooms and libraries, promising conservative parents they will regain control of their children against the specter of "woke" indoctrination.

In one of those inversions of meaning so adroitly practiced by the right, censorship is being enacted in the name of free speech and/or academic freedom. The terms themselves seem to have lost their purchase: once weapons of the weak, they now have been seized as legal instruments by the powerful, who censor what they take to be unacceptable criticism – of state policy, of inequality, of injustice – in the name of freedom. And, perhaps most hypocritical of all, the censors claim they are ridding the university of "politics." Heightened politicization, in the

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name of the purging of "politics," is the stunning result. The two are not the same. Politics (as I want to use the term) refers to contests about meaning and power in which outcomes are not predetermined; those who politicize – or, better, rely on partisanship – know in advance the outcomes they want to impose, the enemies they want to defeat. In theory, politics is at the heart of the free inquiry associated with democratic education, partisanship is its antithesis. In fact, the relationship between the two is never as simple as that opposition suggests.

The line between politics and partisanship has been difficult to maintain, if not impossible, as demonstrated by more than a century of cases investigated by the American Association of University Professors (AAUP).[1] Critical scholarship that challenged the interests of businessmen and/or politicians, however rigorous and disciplined, inevitably met the (partisan) charge that it was unacceptably "political"; its proponents were often fired as a result. In the course of its long history, the AAUP has sought to strengthen the boundary between politics and partisanship with conceptual and practical tools: disciplinary certification of the "competence" of scholars; insistence on the objectivity or neutrality of "scientific" work; tenure; faculty governance; "responsibility"; and the designation of "extramural speech" as warranting the protection of academic freedom. There is now a rich body of material (statements of principles, guides to good practice, reports) that serves to codify the meaning of that freedom, periodically updated in the Association's *Red Book*.[2] It provides important ammunition for the struggle to protect democratic education from its censors, even as the need to constantly refine and update the protocols suggests the ongoing (seemingly eternal) nature of the struggle.

Despite changing historical contexts, the line between politics and partisanship has never been secured. That is because it constitutes a tension inherent in knowledge production that cannot be resolved either by legislation, administrative fiat, or academic punditry. Academic freedom mediates the tension, but does not resolve it because when knowledge production is critical of prevailing norms (whether in the sciences, social sciences, or humanities), it incurs the wrath of partisans of those norms, who seek to defend their integrity and their truth.[3] The tension between politics and partisanship is the state (or the fate) of democratic higher education in America, a state of uncertainty (political theorist Claude Lefort associates uncertainty with democracy), that requires the kind of ongoing critical engagement – interpretative nuance, attention to complexity, philosophical reflection, openness to change – that ought to be the aim of any university education.[4]

There's no question that politics, as I've defined it, is evident in the space of the university, but that is not as uncommon or as unprecedented as the censors today would have us believe. As English literature scholar Julia Schleck reminds us, knowledge production has always been "dirty." It was "never clean, disinterested, impartial, or productive of a universally recognized good."[5] The produc-

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tion of knowledge in the human sciences has always been organized and produced through power relations, whether or not they are acknowledged as such. At least since the emergence of research universities in the United States in the nineteenth century, faculties have been embroiled in controversies with one another and with outsiders to the academy about the public import of their research and teaching.

In the United States, the need to rid the university of partisan interference was formulated when the public interest research of Progressive economists (on such issues as child labor, the exploitation of immigrant labor, privatized utilities, and the gold standard) led to their firings by university presidents responding to outraged trustees. As they framed a collective response to a succession of individual incidents, the leaders of newly formed disciplinary societies and, in 1915, the AAUP took up the German notion of *lehrfreiheit* to argue their case.[6] The AAUP's founders maintained that the search for truth (unending and necessarily controversial) needed autonomy from interested parties (politicians, businessmen, religious ideologues), who lacked the competence and expertise to ensure social and scientific progress for the public or common good.[7] The academic leaders effectively offered a bargain to the state, promising progressive innovation in return for the unfettered pursuit of their research and teaching. Tenure slowly became part of the bargain as the century advanced, since research universities needed stable faculties to teach expanding numbers of undergraduate and graduate students. In return for autonomy – and as a justification for its reliability – the disciplinary societies would certify the competence and expertise of their members.[8]

The men (they were all white men) who articulated the definition of academic freedom did not deny that there were political implications to academic work – ideas that contested and conflicted with prevailing views. It was precisely because there were political implications to those views that academic freedom was needed. Philosopher and psychologist John Dewey noted that while sciences like biology faced criticism for the concept of evolution, "the right and duty of academic freedom are even greater" in fields like "political economy, sociology, historical interpretation, psychology" that "deal face-to-face with problems of life, not . . . technical theory."[9] These disciplines faced "deep-rooted prejudice and intense emotional reaction," which "exist because of habits and modes of life to which people have become accustomed. . . . To attack them is to appear to be hostile to institutions in which the worth of life is bound up."[10] Dewey and his colleagues acknowledged the political implications of their work in two ways. Those efforts not only enabled progress by challenging traditional beliefs and practices, but also conveyed to students the relationship between intellectual integrity and the values and practices of democracy, and in so doing, prepared them for the critical thinking required for democratic citizenship. Even as they were pushed to think beyond their comfort, the confidence of students would be impaired, the founders of the AAUP noted, if

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> there is suspicion on the part of the student that the teacher is not expressing himself fully or frankly, or that college and university teachers in general are a repressed and intimidated class who dare not speak with that candor and courage which youth always demands in those whom it is to esteem. There must be in the mind of the teacher no mental reservation. He must give the student the best of what he has and what he is.[11]

Of course, the founders noted, the freedom to express oneself in the classroom came with a responsibility to the disciplined search for truth and the manner of its presentation. The risk of partisan backlash against the political import of a teacher's teaching might be minimized or repressed by an appeal to "science," the rigorous methods by which evidence was examined and conclusions drawn. Especially when their views were critical of prevailing norms, faculty must appear to be dispassionate and disinterested, removed from the prejudices and emotions of the public whose common good they served. It is here that partisanship is divorced from knowledge production, not only by insistence on the disciplined methods of truth-seeking, but also in the contrast between the dogmatic behavior of those located outside the university, and the "manner of conveying the truth" adopted by scholars.[12]

> One might . . . be scientifically convinced of the transitional character of the existing capitalistic control of industrial affairs and its reflected institutions upon political life; one might be convinced that many and grave evils and injustices are incident to it, and yet never raise the question of academic freedom, although developing his views with definiteness and explicitness. He might go at the problem in such an objective, historical, and constructive manner as not to excite the prejudices or inflame the passions even of those who thoroughly disagreed with him.[13]

In effect, the "scientific" posture of the researcher or teacher served to legitimate his critical views, denying any crass "interest" as motive for the conclusions he had drawn. That the ability to hold the line between partisanship and knowledge production depended not only on the substance of their research, but on the teachers' performance of a certain "scholarly-ness," revealed something of the intractability of the tension that Dewey and his colleagues sought to address. Performance was somehow a compensation (a cover?) for the inherently political nature of the scholarly work.

The strong claim for faculty autonomy rested not in individual performance, however, but in the disciplinary societies, the "organized societ[ies] of truth-seekers," whose job was to certify the competence of their members as knowledge-producers.[14] The deal negotiated with the state and businesses rested on the idea that progress was achieved best by an autonomous faculty, critical

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of and unburdened by prevailing public beliefs – those beliefs in which "the worth of life is bound up," and to which politicians were pressured to respond.[15]

As the power of disciplinary associations developed over the course of the twentieth century, the ideal of their autonomy increasingly involved representing them as free of conflict within and among themselves. The notion of the neutrality of knowledge production was emphasized as the internal politics of disciplines were denied or repressed. Academic freedom came to mean the protection of this neutrality (of faculty and the university) from outside political forces, the policing of the line between knowledge and partisanship. "Qualified bodies" of professionals were said to be animated not by passions or interests, the validity of their findings not enabled by any appeal to "political authority."[16] The disciplinary societies were defined as "communities of scholars and scientists cooperating with one another through mutual criticism and electing and recruiting new members through disciplined and systematic training. . . . [A] community animated by a professional spirit and resentful of any attempts by incompetent outside authorities to control its activities or judge its results."[17] The distinction between incompetent outsiders and cooperative insiders secured the distinctions between knowledge and politics, insider and outsider, inclusion and exclusion. In contrast, "mutual criticism" carried no idea of deep-seated conflict or exclusion, thereby denying the powerful authority (the internal politics) of the discipline itself.[18] It also presumed the role consensus played in the regulation of "mutual criticism" and the recruitment and certification of new members.

Consensus rested on a common culture, what historian Carl Bridenbaugh referred to in his 1962 presidential address to the American Historical Association as a series of codified rules, "manners, courtesy, etiquette and protocol," along with "taste – a sense of the fitness of things." "Historians of our Recent Past," he maintained, "shared a common culture," now disappearing. If the title of his talk, "The Great Mutation," anticipates "The Great Replacement," there is good reason for it. Bridenbaugh lamented the fact that "so deeply has the virus of secularism penetrated our society that religion is very far gone. . . . The common religious and cultural bond of *Bible* reading exists no more." The source of this contamination was, at least in part, younger historians who "are products of lower middle-class or foreign origins, and [whose] emotions not infrequently get in the way of historical reconstructions. They find themselves in a very real sense outsiders on our past and feel themselves shut out." Indeed, Bridenbaugh's definition of the community that was being lost had long rested precisely on the exclusion of these plebeians from the comfortable society of dispassionate gentlemen scholars who could identify with the subjects about whom they wrote ("*our* past"), subjects he assumed were the only historical actors worth writing about.[19]

In the 1980s and 1990s, as critical challenges tore through the disciplinary societies, a number of scholars tried to make sense of the storm. They noted that

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efforts since the 1960s to produce new knowledge from hitherto unrecognized and excluded perspectives (those of colonial subjects, racialized subjects, women, workers) were coming up against what seemed an unlikely resistance from the disciplines' liberal commitments to pluralism, understood as an ethic of openness and tolerance. The critics concluded that pluralism might be open, but it was conflict averse, its supporters believed instead in the necessity of "peacefully coexisting diversity."[20] Historian Hayden White observed that "the 'politics' of the disciplinization of history, conceived as all disciplinization must be, as a set of negations, consists of what it marks out for repression for those who wish to claim the authority of the discipline itself for their learning."[21] He added that utopian thinking in general and, in the Cold War climate of the 1950s, Marxism in particular were marked out for exclusion. Others noted that feminism and race were added to the list in the 1980s.

The critics further pointed out that in the field of history, conflicts of interpretation were incorporated into a chronology that detailed successive waves of consensus, revision, and new consensus, one leading to the next. In science, one "paradigm" was seen as replacing an earlier one; the never-ending search for truth was represented in terms of successive advances, not irreconcilable differences. Philosopher Slavoj Žižek notes that this kind of narrative is a way of obscuring conflict: "Some fundamental antagonism [is resolved] by rearranging its terms into a temporal succession."[22] In literary studies, the critics drew attention to the presumption of a "universal reader" who could be persuaded by a "disinterested" interpretation that refused any reference to the social location or historical context of the author or the reader. Literary critic Ellen Rooney pointed out that "pluralistic forms of discourse imagine a universal community in which every individual . . . is a potential convert, vulnerable to persuasion, and this requires that each critical utterance aims at the successful persuasion of this community in general, that is, in its entirety."[23] Rooney cited members of her discipline who refused the idea that different social experiences might fracture this universal community; those who introduced these experiences must be excluded on the grounds of their "irrationality" (a term frequently applied to feminists).[24]

Philosopher Samuel Weber's reflections on the operations of disciplines offer a useful way of thinking about the history of the relationship between liberalism, pluralism, and the American university in its formative years. He cites historian Louis Hartz to suggest that, early on, American liberalism took conflict out of the idea of liberty, unlike Europeans who tied it to "real social and political antagonisms."[25] This antipathy to conflict informed the creation of secular universities and the disciplinary societies that organized them.

> Disciplines must exclude or at least reduce the purport of their own inner disunity and internal conflictuality, and above all, of the inevitably conflictual process by which,

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> through exclusion and subordination, disciplines define their borders and constitute their fields. And they must deny such exclusivity in the name of an ideal of knowledge, of science, and of truth that deems these to be intrinsically conflict-free, self-identical, and hence, reproducible as such and transmissible to students.... [This] reflects and supports the self-image of a society that imposes its authority...by denying the legitimacy of structural conflicts, and hence of its relation to alterity.[26]

In other words, the issue is much larger than the organization of academic life. It has to do with the prevailing liberal ideology that organizes both our institutions of politics and of higher learning. Still, I am interested in the specificity of the matter, in the ways the disciplinary communities sought to contain their politics, grounding their autonomy and their authority on a notion of consensus that rested on the homogeneity of their members (white, male, Christian); that homogeneity made possible the belief (assumed and unexamined) that the differences among them could be reconciled.[27] The repression of disciplinary politics constituted a way of managing the tension I have been discussing, between the politics of knowledge production and partisan interference with that effort. Although it had many scholarly critics in the course of its articulation, the notion of consensus became untenable in the 1960s, as newcomers to the university exposed the disciplines' repression of politics as a politics itself.

In the popular imagination and in some historical writing as well, the 1960s are synonymous only with student-inspired cultural and political upheaval. Not enough mention is made of the larger context: the Supreme Court's decision in *Brown v. Board of Education* in 1954; economic expansion and the antidiscrimination legislation of Lyndon B. Johnson's administration (the Equal Pay Act of 1963, the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Executive Order on Affirmative Action of 1965, the Immigration Act of 1965); the doubling of the number of colleges and universities and their recruitment of increasing numbers of students and faculty from more diverse domestic and international backgrounds; decolonization and continuing wars of national liberation (Algeria, Vietnam), all of which brought difference(s) into social and political consciousness. Difference was not named as such in the discourses of the 1960s and 1970s: the relevant terms were inequalities of class, race, and sex; discrimination and domination; capitalism and imperialism. Difference as an analytic came into focus (and into our vocabularies) later, with deconstruction and poststructuralism. But it is a useful term to grasp retrospectively what happened to the disciplinary consensus exemplified by Bridenbaugh. The 1960s brought into view the antagonistic differences (culture, class, race, sex) long excluded by the pluralist consensus that underwrote earlier visions of academic freedom.

The student/faculty movements challenged the ways in which knowledge was produced and by whom. The demands for African American or women's history

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and for the literature of others than those in the white Western canon articulated an alternative "standpoint epistemology," insisting on the validity of noncanonical, suppressed, subaltern voices (in the words of historian Lucien Febvre, "history from below") and the need to disinter them, to make them audible and visible as knowledge worth knowing.[28] The insistence on the different experiences of racial minorities and women required a rethinking of disciplinary orthodoxies and the power that maintained them, of who counted as a professional scholar and what counted as suitable areas of inquiry and the methods used to study them. It meant acknowledging the implications of the public's interest in the work, its intersection with partisanship. This was a moment when equality and justice were deemed political priorities (the Kennedy-Johnson Great Society), vital to the then-definition of the common good. Inevitably, some scholarly research was directed to "the study of contemporary social problems of all people."[29] Cultural critic Roderick Ferguson points out that the university's contribution was not out of line with global capitalism's turn to local cultures and differentiated markets.

What followed was a process of backlash and recognition, challenge and accommodation. The movements' success was indicated by the hiring of minority and women faculty, the numbers of "studies" programs and centers founded from the 1960s onward, and the remarkable profusion of scholarship that has flowed from them ever since. Difference was not only documented (women, African Americans, LGBTQIA+ persons as active agents in public and private), it was also theorized as a structure of power from a variety of perspectives: indeed, this was the formative period that gave rise to feminist theory, theories about race (eventually, in the 1980s, to critical race theory), and renewed attention to Marxism among them.

But the success was achieved by partisan methods – demonstrations, sit-ins, petitions – that pitted some faculty and administrators against the demands; and others, who were sympathetic to the philosophical and epistemological issues of difference, against what one of them deemed – dismissively – the student movements' "sociopolitical" advocacy.[30] I don't think there would have been gender studies or African American studies or any other similarly named programs without these protests – so entrenched were disciplinary orthodoxies and structures of misogyny and racism. This was a moment when partisanship forced open the world of knowledge production.

But I also don't want to underestimate the difficulties some of us had in maintaining a notion of scholarly rigor (itself under siege) even as we sought to accommodate the demands for curricular change. At that time, the blurring of the lines between partisanship and knowledge production at once enabled and complicated the changes that needed to be made. It was no longer possible to deny the politics of knowledge production, but difficult to separate it from the advocacy that had exposed it, and to defend it from its external critics who were horrified at the militancy that accompanied demands for university reform.

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The challenges took many forms. Students armed with theories of power (and, at Cornell University in 1969, with real guns) made nonnegotiable demands about what would be taught. In my discipline, for example, calls for "her-story" (offering contemporary evidence of the experience of patriarchy as the universal lot of all women) could interrupt a lecture on the history of women in other eras and cultures. How to recognize students' need for new knowledge and at the same time teach them to remain open as they sought to achieve it? Sympathetic faculty were divided about the substance and methods of their teaching, even as they sought to demonstrate to their colleagues that remedying the prior exclusion (their own as well as research and curricular content) did not mean departure from accepted disciplinary methods of investigation.[31] This was a remarkable moment – a tense one. For radical scholars, it meant at once meeting and subverting disciplinary norms, as well as invoking academic freedom to protect the process of change that was underway. None of this was smooth, as democratic processes rarely are; this was an openly political scene, characterized by contentious, conflicted attempts to meet the challenges posed by the newcomers to university life. The university survived those challenges; they are not the source of the current predicament, despite the narratives that insist they are.[32] The difference between then and now was that the debates took place in the context of the (rhetorically at least) expansive, egalitarian 1960s. The university's wrestling with its procedures resonated with (even while it both recognized and coopted) a general commitment to social justice. The age of neoliberalism has provided a very different framework: market-oriented, austerity-driven, individualized, anti-egalitarian. This is not the legacy of the 1960s but its repudiation.

As the contests that constitute the politics of knowledge production were unfolding, another set of developments was taking place. Some of it was aimed specifically at muting those politics; some was associated more generally with neoliberal ideas and practices that had the same muting effect.

After what now seems a brief opening to "antagonism," the disciplines managed to reassert a certain authority, one that recognized the epistemic radicalism of the new scholarship by attempting to contain its most radical edge. In my own field of history, this meant depicting "theory" as a momentary "turn" away from empirical certainty; its replacement by a return to positivist belief in the transparency of archival evidence.[33] Yet despite the reassertion of orthodoxy, there remain historians whose radical critiques continue to trouble the field. Traces of those 1960s innovations, those theoretical "turns" remain, much to the dismay of conservatives seeking to eliminate critique entirely.[34]

Then there were the discourses of multiculturalism and diversity that also played down structural issues the 1960s radicals had emphasized. When university administrators described their populations as multicultural, they stressed a rich variety of differences, underplaying or denying the hierarchies among them

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that obtained in the social world and that followed women and minorities into the academy.[35] They avoided the language of inequality, emphasizing – as Justice Lewis F. Powell Jr. did in *Regents of the University of California v. Bakke* (1978) – the educational value of heterogeneity for the enrichment of the homogeneous majority.[36] Ferguson says that the "hegemonic incorporation of minorities and minoritized knowledges into dominant institutions, was not only part of an affirmation, but a preemption as well." He continues, "differences that were often articulated as critiques of the presumed benevolence of political and economic institutions became absorbed within an administrative ethos that recast those differences as testaments to the progress of the university and the resuscitation of a common national culture."[37]

But cooptation or preemption weren't the only effects of multiculturalism and diversity. These discourses also enabled significant change within university cultures. Despite the turn away from inequality, administrators and faculty have been able to achieve an important measure of attention to the injustices of discrimination (if not to its eradication). The very rubric of diversity, equity, and inclusion (DEI) signaled that aim. DEI has effectively salvaged some forms of affirmative action, despite conservative attempts to dismantle it. Indeed, the current attack on DEI by right-wing Republicans is a continuation of that dismantling effort. Along with the Supreme Court decision declaring unconstitutional the use of race as a criterion for admission at Harvard and the University of North Carolina, the end of DEI will spell the end of affirmative action and a return, if not entirely to the more homogeneous faculty and student bodies of the pre-1960s era, to a re-imposition of a "classical" conservative curriculum (without all those troublesome "studies" programs that call into question "the habits and modes of life to which [some] people have become accustomed").[38] Florida governor Ron DeSantis's adoption of the model offered by Hillsdale College, a conservative Christian school in Michigan, to New College of Florida, a public liberal arts college, is exemplary. According to its website, Hillsdale College "maintains by 'precept and example' the immemorial teachings and practices of the Christian faith."[39]

The positive aspects of DEI have been undermined, even as they are implemented, by a corporate discourse that historian Amna Khalid and cultural critic Jeffrey Aaron Snyder refer to as "DEI, Inc."[40] This discourse not only erases conflict and hierarchy from difference; it assumes that discrimination can be "fixed" by encouraging kind thoughts about others who are not like "us." Instead of addressing structures of power, its proponents invoke the language of care and respect – as the president of Hamline University, Fayneese Miller, did when she fired an art history instructor who was accused by a Muslim student of disrespecting her religion. Academic freedom, President Miller said, had to be superseded because "It was important that our Muslim students, as well as all other students, feel safe, supported and respected both in and out of our classrooms."[41] Cases like this

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are repeated in other places: for example, Black students sometimes refer to racist experiences in terms of "disrespect." (Lack of care and respect can, of course, be signs of discrimination, but they are not its cause.) The language can be used, too, to confuse political disagreement with discrimination, as when Zionist students, protesting a teacher's presentation of material that calls into question Israel's official story of itself, claim they do not feel "safe" in the face of what they deem anti-Semitism. In the Hamline case, it seems clear that student grievances had to do with structural issues that were not being addressed; the comforting language and the firing of an (innocent) instructor did nothing to rectify those issues.

The administrative emphasis on individual comfort is sometimes the only language students have to make legible the discrimination they are experiencing. For that reason, they invoke their status as paying customers of the institution to demand their money's worth as they point to individual experiences of racism and sexism. They insist on censorship in the name of "respect" for their religion or in the name of "recognition" for a fixed notion of their identity. Ignoring the power dynamics of sex and race entirely, some conservative students have joined the chorus, seeking affirmation of their identity as victims of the intolerant left. These instances use the language of individual harm and the authority of individual experience, even as they refer to some notion of collective identity and to systemic issues; confusion abounds about where the problem actually lies and how to effectively analyze and address it. In response to the confusion, academic freedom needs to be invoked to protect the politics of knowledge production as the place where these issues can be addressed; its job is precisely to mediate the inevitable tension. The dismissal or disregard of academic freedom by administrators, as in the Hamline case, opens the door to those powerful outside forces always waiting to step in.

The attack on the university today is the product of conservative political forces that have long conspired to curtail the 1960s newcomers' presence and their influence. The Supreme Court decision in *Brown v. Board of Education* was probably the initial impetus, followed by state referendums and lawsuits (which continue today) contesting affirmative action admissions policies, and – most powerfully – the steady decline of federal and state funding of higher education.[42] As public funds were dramatically reduced universities opted to rely on student tuition and fees, outside philanthropy, and partnerships with industry to develop new products or to prepare students as future employees, in this way becoming dependent upon exactly those forces whose interference in knowledge production was the danger academic freedom was invented to deter. Perhaps the most egregious example of this is the Koch Foundation's funding of new academic centers staffed by professors of their own choosing with little or no input from existing faculty. When faculty do offer critical input, they may be ignored or punished. This represents nothing less than seizure of curricular initiative and the

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denial of faculty governance by administrators willing to bargain away academic freedom for the large sums of money the foundation provides.[43]

Although universities had long practiced forms of corporate management (there are condemnations of these practices that date to the early 1900s),[44] the embrace of neoliberalism brought new attention to market practices – the "academic capitalism" that Sheila Slaughter and Gary Rhoades describe.[45] There followed a steady decline in tenured faculty positions as administrators sought a more disposable labor force, relying increasingly on graduate students and adjuncts to meet changing "consumer demand." (The current move in red states to outlaw tenure entirely, driven by a desire to get rid of troublesome critical faculty and not necessarily motivated by workforce calculations, will surely finish the job.) The institutions and practices that embodied the autonomous, self-regulating, tenured faculty (the basis for the recognition and implementation of academic freedom) have shriveled, replaced by administrative fiat or task forces appointed by university officials. This left fewer structural positions within which faculty could engage in the debates that revise and animate institutional and curricular policy; it leaves fewer tenured faculty to resist these changes.

In the process, too, a new definition of education has been articulated. The point of a college degree is to enhance a student's "human capital"; vocational advancement rather than intellectual development is the value being sold. Political theorist Wendy Brown has aptly labeled this downgrading of education a means of "undoing the demos."[46] The Progressives' understanding of the public good that was higher education – of the unending pursuit of truth as a way of moving democracy forward – seems to have been lost, and with it their justification for academic freedom. Academic freedom itself has been increasingly redefined as the protection of an individual's speech rights. This conflation of free speech and academic freedom undermines the collective identity of the university and its faculty, individualizing knowledge production in the process.

The "culture wars" are not, as some have argued, a way of distracting from these material issues; they are, instead, another weapon in the right-wing arsenal, aimed at imposing a singular vision of the common or public good. The legislative power to "cancel" (tenure, critical theory, scholarship that casts a negative light on our triumphal national history or that questions norms of gender and race, curricular offerings, and library holdings) is far more dangerous to free inquiry than the censorious left "cancel culture" it is meant to combat. Although a hardened, reactive culture on the left, insisting that its interpretations are the only truths worth teaching, is also at odds with free inquiry, it is met on the right by demands for affirmative action for equally dogmatic conservative interpretations. Sometimes it seems that partisanship is all that remains. I think that is to overstate the problem. There is university research and teaching still devoted to the production of knowledge, with all its politics – the politics Schleck called "dirty knowledge."[47]

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Academic freedom mediates what I have been referring to as the constitutive tension between open contests about the interpretive understandings of facts and partisan attempts to shut down those contests. It has to be understood as a collective freedom (not an individual right or a human right) that refers to processes of knowledge production. Those processes are conflictual and contested, they challenge and structure relations of power within the institution and in the society at large. They involve difficult debates as motors of disciplinary accommodation and change; arguments about curricular innovation as a way of acknowledging, but then theorizing the sources and aims of student (and for that matter all forms of public) protest; research understood to be the pursuit of untried ideas, however outrageous, obscure, or irrelevant they may seem; and teaching, conceived not as the transmission of received truths, but as a mode of the provocation of the desire to know the unknown – critical inquiry into the most hallowed premises of our disciplines, our cultures, and our societies.[48] In his prescient 1997 book *The University in Ruins*, literary critic Bill Readings argued that in the face of the corporate transformation of the academy, there were still spaces in which Thought – by which he meant critical interrogation – could be pursued: "Thought does not function as an answer but as a *question*."[49]

Academic freedom was invented in the United States to protect the space of "Thought": that is, of free inquiry as practiced in university settings. But where do we turn for its protection? Who is it that recognizes the principle and stands by it in these turbulent, partisan times? Not many university administrators, who are confused about how to juggle competing claims upon their interests and their principles; not many judges, whose decisions rest academic freedom on the First Amendment right to free speech (thus conflating, even as they try to distinguish, collective and individual rights); and certainly not many politicians, even those opposed to the authoritarian takeover being enacted in a number of Republican-led states. And not enough faculty, who have been deprived of the governance practices that were once their customary right – although the growing ranks of the unionized suggest a renewed sense of collective identity, which academic freedom rested on for its legitimacy. The problem, though, is that it is not only a shared identity as wage-earners that ought to unite us, but one as knowledge-producers – a particular category of employment that, whatever its so-called elitist pretentions, distinguishes this kind of work. Faculty are frontline workers in the cultivation of a democratic citizenry. Their collective-bargaining needs to make academic freedom a nonnegotiable part of any contract, the first principle on which all the other clauses rest. This, arguably, is the only way to retain what is left of free inquiry in the academy.

My paradoxically pessimistic hope for the future of academic freedom rests on the fact that – despite media hype and right-wing politicians' claims to the contrary – there are still spaces within the "ruins" of the university where the crit-

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ical practice of academic free inquiry continues, the free inquiry that the Progressives identified as vital for the common good. These days, those spaces are under dramatic assault (from without and within), but they continue to function. They are spaces in which faculty and their students seek to carry on the critical mission of democratic education, always a process of open, relentless, and never-ending questioning. They are not spared the tension between politics and partisanship, but they try to manage it productively. It is over those embattled spaces of critical knowledge production that we need to fly the banner of academic freedom, as an aspirational principle at least, even if its protections are hard to come by. In that way, despite the authoritarian turn currently suppressing it, we may leave to future generations a model they can return to.

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ENDNOTES

1 Cases can be accessed at the American Association of University Professors website, https://www.aaup.org (accessed May 28, 2024).

2 See American Association of University Professors, *Policy Documents and Reports*, 11th ed. (Baltimore: Johns Hopkins University Press, 2015).

3 Of course, there is knowledge production that accords with prevailing norms, whether disciplinary or public. But one never knows when the pursuit of new ideas will meet with orthodox objections. It is the process of constant questioning that constitutes academic inquiry, and that ought to be protected by academic freedom.

4 Claude Lefort, *Democracy and Political Theory*, trans. David Macey (Cambridge: Polity Press, 1988).

[5] Julia Schleck, *Dirty Knowledge: Academic Freedom in the Age of Neoliberalism* (Lincoln: University of Nebraska Press, 2022), xi.

[6] Although they gestured to *lehrnfreiheit*–the freedom to learn–students were not included in the major arguments the Progressives made for academic freedom.

[7] Robert C. Post, *Democracy, Expertise, and Academic Freedom* (New Haven, Conn.: Yale University Press, 2012), 65–66.

[8] On the history of this early period, see Richard Hofstadter and Walter Metzger, *The Development of Academic Freedom in the United States* (New York: Columbia University Press, 1955). See also Hans-Joerg Tiede, *University Reform: The Founding of the American Association of University Professors* (Baltimore: Johns Hopkins University Press, 2015); and Matthew Finkin and Robert C. Post, *For the Common Good: Principles of American Academic Freedom* (New Haven, Conn.: Yale University Press, 2009). For contemporary issues, see Henry Reichman, *The Future of Academic Freedom* (Baltimore: Johns Hopkins University Press, 2019); and Henry Reichman, *Understanding Academic Freedom* (Baltimore: Johns Hopkins University Press, 2021).

[9] John Dewey, "Academic Freedom," in *John Dewey: The Middle Works, 1899–1924*, ed. Jo Ann Boydston (Carbondale: Southern Illinois University Press, 1976), 53, 57.

[10] Ibid., 58.

[11] American Association of University Professors, "1915 Declaration of Principles on Academic Freedom and Academic Tenure," *Bulletin of the AAUP* 1 (28) (1915): 296, https://www.aaup.org/NR/rdonlyres/A6520A9D-0A9A-47B3-B550-C006B5B224E7/0/1915 Declaration.pdf.

[12] Dewey, "Academic Freedom," 59.

[13] Ibid.

[14] Ibid., 66.

[15] Ibid., 58.

[16] For "qualified bodies," see Arthur O. Lovejoy, "Academic Freedom," in *Encyclopaedia of the Social Sciences, Volume I*, ed. Edwin R. A Seligman and Alvin Saunders Johnson (New York: Macmillan, 1937), 384. For "political authority," see Hayden White, "The Politics of Historical Interpretation: Discipline and De-Sublimation," in *The Content of the Form: Narrative Discourse and Historical Representation* (Baltimore: John Hopkins University Press, 1987), 59.

[17] Glenn Morrow, "Academic Freedom," in *International Encyclopedia of the Social Sciences, Volume I*, ed. David L. Sills (New York: Macmillan and the Free Press, 1968), 24.

[18] Joan Wallach Scott, *Knowledge, Power, and Academic Freedom* (New York: Columbia University Press, 2019), 23–24.

[19] Carl Bridenbaugh, "The Great Mutation," Presidential Address at the American Historical Association Annual Meeting, Chicago, Ill., December 29, 1962, https://www.historians.org/about-aha-and-membership/aha-history-and-archives/presidential-addresses/carl-bridenbaugh. Emphasis to *our* in "our past" is mine.

[20] Samuel Weber, *Institution and Interpretation* (Minneapolis: University of Minnesota Press, 1987), 42.

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[21] Hayden White, "The Politics of Historical Interpretation: Discipline and De-Sublimation," *Critical Inquiry* 9 (1) (1982): 113, 119.

[22] Slavoj Žižek, *The Plague of Fantasies* (New York: Verso Books, 1997), 11–12.

[23] Ellen Rooney, *Seductive Reasoning: Pluralism as the Problematic of Contemporary Literary Theory* (Ithaca, N.Y.: Cornell University Press, 1989), 1–2.

[24] Ibid., 62.

[25] Weber, *Institution and Interpretation*, 41.

[26] Ibid., 44.

[27] As late as 1969, 96 percent of the faculty were white and 81 percent were male. Cited in Henry Reichman, "Academic Capitalism and the Crisis of the Professoriate," *Journal of the Early Republic* 42 (4) (2022): 543, 545.

[28] Febvre's terms were "histoire vue d'en bas et non d'en haut," or "history viewed from below, not from above." Lucien Febvre, "Albert Mathiez: Un Tempérament, Une Éducation" [Albert Mathiez: One Temperament, One Education], *Annales d'Histoire Économique et Sociale* 4 (18) (1932): 576.

[29] Roderick Ferguson, *The Reorder of Things: The University and Its Pedagogies of Minority Difference* (Minneapolis: University of Minnesota Press, 2012), 42.

[30] Philosopher Richard Rorty argues that, despite profound philosophical disagreement on questions of language, he and John Searle "are equally suspicious of attempts to require courses which will shape students sociopolitical attitudes." Richard Rorty, "Does Academic Freedom Have Philosophical Presuppositions?" *Academe* 80 (6) (1994): 52, 54.

[31] This process warrants a study of its own and would shed important light on the ways–under pressure from the organized student movements–scholars obtained disciplinary recognition for work that was once considered anathema and, in the process, changed the disciplines, opening them to new objects of research, as well as new theories and methods.

[32] A recent example is Daniel Gordon, *What is Academic Freedom? A Century of Debate, 1915–Present* (London: Routledge, 2023).

[33] Judith Surkis, "When Was the Linguistic Turn? A Genealogy," *American History Review* 117 (3) (2012): 700.

[34] Ethan Kleinberg, Joan Wallach Scott, and Gary Wilder, "Theses on Theory and History," *History and Theory* (2018), https://historyandtheory.org/theoryrevolt. See also two journals with "critical" in their titles: *History of the Present: A Journal of Critical History* and *Critical Historical Studies*.

[35] See Avery Gordon and Christopher Newfield, eds., *Mapping Multiculturalism* (Minneapolis: University of Minnesota Press, 1996).

[36] *Regents of the University of California v. Bakke*, 438 U.S. 265 312–314 (1978).

[37] Ferguson, *The Reorder of Things*, 191, 214.

[38] Dewey, "Academic Freedom."

[39] "Mission Statement," Hillsdale College, https://www.hillsdale.edu/about/mission (accessed October 7, 2023).

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[40] Amna Khalid and Jeffrey Aaron Snyder, "Yes, DEI Can Erode Academic Freedom. Let's Not Pretend Otherwise," *Chronicle of Higher Education*, February 22, 2023, https://www.chronicle.com/article/yes-dei-can-erode-academic-freedom-lets-not-pretend-otherwise.

[41] Scott Jaschik, "Academic Freedom vs. Rights of Muslim Students," *Inside Higher Ed*, January 3, 2023, https://www.insidehighered.com/news/2023/01/03/debates-whether-academic-freedom-includes-images-offensive-muslims.

[42] See Nancy Maclean, *Democracy in Chains: The Deep History of the Radical Right's Stealth Plan for America* (New York: Penguin, 2017). See also Christopher Newfield, *The Great Mistake: How We Wrecked Public Universities and How We Can Fix Them* (Baltimore: Johns Hopkins University Press, 2016).

[43] The magnificent work of the student-initiated group "UnKoch My Campus" should be cited here as a movement seeking to protect free inquiry in universities against the incursion of outside, well-financed partisan groups: namely, those financed by the Koch brothers and their affiliated lobbyists. UnKoch My Campus, http://www.unkochmycampus.org (accessed May 30, 2024).

[44] Opposition to corporate practices were at the heart of early efforts to formulate principles of academic freedom. Just two examples: Henry S. Pritchett, "Shall the University Become a Business Corporation?" *The Atlantic*, September 1905; and Randolph Bourne, "The Idea of a University," *The Dial*, November 22, 1917, https://www.jamesgmartin.center/2019/10/the-idea-of-a-university-when-trustees-turn-a-college-into-a-commodity. A quote from Bourne: "The excuses, causes, and reasons given by the university authorities and the current comment of the newspapers show how frankly the American university has become a financial corporation, strictly analogous in its motives and responses, to the corporation which is concerned in the production of industrial commodities."

[45] Sheila Slaughter and Gary Rhoades, *Academic Capitalism and the New Economy: Markets, State, and Higher Education* (Baltimore: Johns Hopkins University Press, 2004).

[46] See Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution* (Cambridge, Mass.: Zone Books, 2017). Brown's new book, *Nihilistic Times*, takes up many of these issues as well. Wendy Brown, *Nihilistic Times: Thinking with Max Weber* (Cambridge, Mass.: Harvard University Press, 2023).

[47] Schleck, *Dirty Knowledge*, xi.

[48] Gayatri Spivak describes education in the humanities as "a persistent attempt at an uncoercive rearrangement of desires through teaching and reading." Gayatri Chakravorty Spivak, "Terror: A Speech after 9-11," *boundary 2* 31 (2) (2004): 81.

[49] Bill Readings, *The University in Ruins* (Cambridge, Mass.: Harvard University Press, 1997), 160.

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