The Preservation of Academic Freedom

by Alan Charles Kors, Ph.D.

About the Author

Dr. Kors has taught European intellectual history since 1968 as Professor of History at the University of Pennsylvania in Philadelphia. He is also co-founder and president of the Foundation for Individual Rights in Education (FIRE), which defends academic freedom in higher education. He graduated summa cum laude from Princeton University and received his M.A. and Ph.D. from Harvard University in European history. Dr. Kors served on the Council of the National Endowment of the Humanities from 1992 to 1998 and is on the executive boards of the American Society for 18th-Century Studies and the Historical Society. He co-authored with Harvey Silvergate The Shadow University: The Betrayal of Liberty on America’s Campuses (The Free Press, 1998).

Executive Summary
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July 2009

This paper is available online at The Center for the Study of Catholic Higher Education’s website, www.CatholicHigherEd.org

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The Center for the Study of Catholic Higher Education is the research division of The Cardinal Newman Society. Its mission is to promote the ongoing renewal of Catholic higher education by researching and analyzing critical issues facing Catholic colleges and universities, and sharing best practices. The Center’s work is guided by the principles of Ex corde Ecclesiae and the Magisterium of the Catholic Church.

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The question that I have been asked to address is “How can we convince administration and faculty to preserve an authentic academic freedom?” There are, of course, two different meanings of “conviction.” In the current academic age and climate, alas, we realistically—for reasons of time, energy, sanity, and resources—must forget about the deeper meaning of “conviction.” The question is, rather, how can we move administrators and faculty members at our colleges and universities toward a recognition of rightful academic freedom?

The Achilles’ heel of most current institutions of higher education is that they cannot defend in public what they believe and do in private. That is a remarkable exposure for the objects of one’s criticism to have. Indeed, one could not ask for more vulnerable opponents in a free society. As Justice Louis Brandeis wrote profoundly, “Sunlight is the best disinfectant.”

In Brandeis’s own circumstance, of course, “sunlight” came with the added benefit of legal power, and with the law, with or without intensive public scrutiny, one can do a great deal to defend one’s freedom. At Carnegie Mellon University, not that many years ago, Patrick Mooney, a residential advisor, was instructed to wear a pink triangle during a week devoted to changing attitudes toward gay and lesbian sexuality. Mooney, a religious Catholic, asked to be excused on grounds of conscience from wearing this symbol. He noted that he had accepted a contract as a residential advisor, which he honored, of never discriminating invidiously against any student, but that for the University to force speech upon him that violated his faith would infringe upon his religious liberty. He was fired. Mooney instituted a lawsuit, which he settled handsomely three years later. During that time, however, every potential residential advisor understood the cost of sincere religious dissent from the prevailing campus political orthodoxy.

What works more powerfully than the law is indeed, as Brandeis noted, the sunlight of public exposure, above all when shone upon institutions, such as America’s politically correct colleges and universities, that cannot defend their double standards and partisan agendas. I serve as pro bono president of FIRE, the Foundation for Individual Rights in Education (www.thefire.org), which works efficaciously for academic freedom, freedom of expression, fundamental fairness, religious liberty, the rights of conscience, and truth-in-advertising on America’s campuses. Our website catalogs and explains a large number of cases, most of them successfully concluded, that we have taken to the court of public opinion. In fact, however, ninety percent of our successes never appear on our website, largely because of our demonstrated ability to take a case to the media, national and local. Again, the inability to withstand scrutiny is the great vulnerability of institutions that have become accustomed to exercising abusive power and double standards in the shadows.

Analogy is the great weapon of the victims of double standards. FIRE contacts an administration and shows it by analogy how a campus’s hypocrisy will be explained to the public. Let us say that a Christian student has been sentenced to “sensitivity training” at the so-called Women’s Center, staffed by partisan ideologues, on matters of sex or sexuality on grounds of giving “offense” by stating or defending his or her beliefs. Will the college sentence campus feminists to “sensitivity training” on matters of religion at the Newman Center, for example, for giving offense to Catholic sensibilities? Or does it hold a double standard on matters of offense? Faced with having to debate their anti-religious discrimination on that terrain, a remarkable number of administrations rediscover the rights of conscience and legal equality. FIRE also succeeds by building coalitions of diverse groups and individuals of good faith who understand legal equality, namely that none of us enjoys more liberty than the least of us enjoys. By such means
we win, and winning itself breaks the awful cycle of fatalism and despair that grips so many morally aware students (and faculty) on our campuses today. Once that cycle is broken, the moral will can do extraordinary things.

It is vital, however, that moral will exert itself: our campuses will not change by some occult agency. Concerning the defense of academic freedom, the equal rights of Catholics, and the sanctity of conscience, too many Catholic students and faculty take only one revealed text, without interpretation, as their guide . . . that the meek shall inherit the earth. That may be true in the fullness of time, but it surely does not mean that those who fail to bear full witness to their beliefs, from cowardice, will inherit the universities.

The securing of academic freedom for Catholic belief and conscience is also a vital part of American pluralism, correctly understood. The real meaning of American pluralism is not that we all become indistinguishable, but, precisely to the contrary, that we sustain a community of diverse commitment and conviction. The preservation and vivification of distinct traditions of belief and value benefit American pluralism immeasurably, giving us the ability to learn from each other at our most coherent and best informed, which means the ability to discover superior claims of truth in traditions into which we were not born. American pluralism depends upon individual and group distinctiveness for its natural living force.

Indeed, American pluralism depends upon the preservation of a specifically Catholic education, both for that education’s general contributions to the diversity of American culture and for its specific dissents from prevailing academic conformities. Catholic educators and students should abandon the defensiveness, to say the least, that often marks and masks their voice in academic life. The Catholic tradition of philosophical liberty on matters of natural belief could teach much to today’s academic authoritarians. There are more vivid debates within Catholic schools of theology than in all the dreary uniformities of so-called Women’s Studies, partisan Ethnic Studies, and misnamed multiculturalism of today’s secular campuses. What is more authentically “multicultural” today than the Catholic Church, with its embrace of the four corners of the globe? The sad irony, of course, is that there are now Catholic universities themselves in which these and other politically charged fields lack philosophical liberty, both metaphorically, and, as at the University of San Francisco, even literally.

The crucial moral issue, with legal implications for which many campuses must be held accountable, is truth-in-advertising, an obligation that transcends its commercial ring and touches upon categorical matters of integrity and honesty. The truest Catholic colleges and universities present themselves openly and honestly to the public, providing what they promise. Most secular universities, on the other hand, promise academic freedom but deliver selective academic oppression. They promise nondiscrimination but deliver differential rights based purely upon externalities. To meet the moral (and legal) obligations of truth-in-advertising, most of our secular colleges and universities should put the following on page one of their catalogs, fundraising letters, and appeals to the public treasury: “This University believes that your sons and daughters are the mystified racist, sexist, homophobic, Eurocentric progeny or victims of an oppressive society from which most of them receive unjust privilege. In return for tuition and massive taxpayer subsidy, we shall assign rights on a compensatory basis and undertake by coercion their moral and political enlightenment.” Let our campuses have the decency and courage to advertise themselves honestly, and then let’s see who pays the bills.

There is no honest debate about or common meaning of academic freedom in the current climate because of an intended and systemic double standard, without which current partisan “codes,” with their tendentious definitions, would not last a nanosecond. Even at major Catholic universities, such as Georgetown and Villanova, the politically incorrect find themselves victims of these double standards, with both “offense” and “tolerance” defined in the most
partisan terms.

At our secular colleges and universities, the celebrated zero tolerance of “hostile environment” and expression that gives “offense” is never, ever, applied to students of faith, or, more particularly, to students of Christian and, specifically, of Catholic faith. Think on Patrick Mooney at Carnegie Mellon University. At Cornell, residential advisor Timothy Gregory, a Catholic, asked, on ground of religious conscience, to be excused from viewing films of homosexual intercourse, which were supposed to desensitize him to homophobia. Like Patrick Mooney, he gladly acknowledged his contractual obligation not to discriminate against gay and lesbian students. Like Patrick Mooney, he was fired. Could one ever imagine a residential advisor fired for asking on grounds of conscience to be excused from seeing a Catholic film on matters of abortion or sexuality?

In 2000, at Tufts University, the Christian Fellowship (until FIRE intervened) was banned from campus for refusing to promise that it would not take into account, in choosing its leaders, their views of Scripture and sexuality. Would such rights of voluntary association and pursuit of mission ever be denied to a politically correct group on campus? At Pennsylvania State University in spring 2001 (until FIRE intervened), the Young Americans for Freedom were defunded and “derecognized” as a student group because their charter spoke of rights as “God-given,” which a faculty-student committee unanimously judged to be an exclusionary and discriminatory phrase. This was at the same university where, at that very moment, President Graham Spanier was defending a “Sex Faire,” with its explicitly named “C— Fest,” to outraged state legislators, citing the sanctity of academic freedom. Several years before, an exhibit, “Twenty-Five Years of Virginity,” which involved crosses sewn into the crotches of twenty-five pairs of panties, was defended by Penn State’s president. Catholic students and the Catholic League for Religious and Civil Rights asked for the “offense” to be removed. Spanier defended the exhibit in the following terms: “I can’t imagine any circumstances under which this University would want to encourage censorship.” Called by FIRE on Penn State’s differential treatment of the Young Americans for Freedom and its simple statement that rights were “God-given,” and told that he would have to defend the discrepancy in public, President Spanier spoke to the faculty-student committee, which reversed itself and now voted unanimously to rescind its earlier derecognition.

At numerous campuses with codes that ban “offense” on racial, sexual, or religious grounds, Catholic students have watched with amazement as universities display, with honors to the sculptor, Andres Serrano’s “Piss Christ,” a taxpayer-funded work composed of a crucifix immersed in Serrano’s urine. When, as at my own university, a Newman Center asks an administration why only a Christian sensibility is unprotected from “offense,” the reply invariably proclaims the primacy of freedom of expression. Anyone who knows universities, however, knows full well that if an office of the university displayed a portrait of Martin Luther King, Jr. immersed in urine, or a Star of David thus exhibited, heads would roll, sensitivity training would be made mandatory, and there would be a day of shame on the university calendar, with annual candlelight vigils, in perpetuity. On campus after campus, a sign citing Scripture on sexuality is grounds for dangerous charges of harassment, while the common sign, “KEEP YOUR ROSARIES OFF OUR OVARIAN,” is protected expression of opinion. The double standard against Catholic students is insufferable and appalling. Two sets of rules. Two distinct criteria of “offense.” Legal inequality. “Academic freedom,” when and only when it suits the ideological zealots. Further, all of this is heightened in its stakes by—do not deceive yourselves—the unrelenting and uninformed hostility of the secular academic world to Catholicism. Even, perhaps especially, at the curricular level, the truly serious study of Catholicism, let alone the recognition of the intellectual vibrancy and legitimacy of a distinctly Catholic perspective, is virtually limited to under-funded Medieval Studies, and even in that ghettoized category, the place of that study and recognition are slipping fast.
How does one move administrators and faculty toward the defense of an authentic academic freedom? It must be by public exposure, by calling our campuses on each and every double standard, by calling anti-Catholic and anti-religious bigotry by that honest name, by ending the defensiveness and passivity that breed fatalism and despair, and by reclaiming the moral high ground on behalf of philosophical liberty, religious freedom, and the rights of conscience. If, in the end, one cannot persuade, then let us bear witness to truth in these sad times. The strategy of exposure, outrage, and naming the crimes and the villains will produce victories, but even if it does not, bearing witness to truth and to one’s rights leaves us more moral and more fully human.