Some Implications Of the Faculty’s
Obligation To Encourage Student Academic
Freedom For Faculty Advocacy in the Classroom

IHELG Monograph

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Ernst Benjamin
AAUP, Ste. 800
1012 - 14th St. N.W.
Washington, DC 20005
202-737-5900

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Some Implications Of the Faculty's Obligation To Encourage Student Academic Freedom For Faculty Advocacy in the Classroom

The faculty right to academic freedom, as currently understood, entails an obligation to encourage student academic freedom. In the words of the "Joint Statement on Rights and Freedoms of Students": "The professor in the classroom and in conference should encourage free discussion, inquiry and expression." ["Joint Statement," p. 47; for a fuller discussion of the Joint Statement see Benjamin, 1992.] In this paper I explore how this responsibility limits the professor's own academic freedom. I outline the reasons why I believe that classroom advocacy, properly understood, is consistent with the faculty responsibility to foster student academic freedom. Indeed, it would, in my view, make little sense to require faculty to encourage students to express their views, while denying faculty the right to promote or defend their own.

Classroom indoctrination, on the other hand, is clearly inconsistent with student academic freedom. Indoctrination, in the sense of compelled agreement, is specifically barred: "Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards." [Ibid.] More subtle forms of indoctrination, for example through dishonesty or deception, are also improper. Such indoctrination would violate the provisions in the statement on student rights assuring students freedom from exploitation and promising them an opportunity for free inquiry. [Ibid.] It contradicts the fundamental purpose of academic freedom advanced in the "1940

Benjamin, Classroom Advocacy (May 19, 1995 draft), Page 1
Statement of Principles on Academic Freedom and Tenure: "the free search for truth."

[AAUP, Policy Documents, p. 3.] Moreover, the obligations of faculty, as teachers, to avoid coercion and present a model of intellectual integrity are among those considered basic faculty responsibilities in widely recognized professional guidelines such as the AAUP Statement on Professional Ethics." [AAUP, Policy Documents, p. 76-7.]

Faculty academic freedom has not always been limited by a requirement to respect student academic freedom in the classroom. In the 19th century German university Lernfreiheit referred primarily to student freedom from administrative control. Students could move freely between institutions, curricula and classes and could live off campus without class attendance requirements or periodic exams. In the United States, student academic freedom initially applied only to the elective system and voluntary chapel attendance. [Metzger, pp. 112, 123-24.] The extension of student academic freedom into the classroom entailed a shift in philosophic and social presuppositions.

Until the mid-19th century religious restrictions on faculty and students remained the rule not only in the denominational colleges of the United States, but also in many state universities. [Metzger, pp. 4-9.] Abroad, even such distinguished universities as Oxford and Cambridge maintained religious tests. [Metzger, pp. 118-19] The natural and social sciences were still entwined with theology and ethics, and most other subjects were taught by rote instruction. Institutions expected faculty to instruct and students to learn in conformity with established teaching to ensure both proper character development and correct understanding.
The contrary notion, that faculty are obliged to "encourage free discussion, inquiry and expression" by students, extends the idea of free inquiry from research to the classroom. At its inception, this extension was not considered inconsistent with faculty advocacy in the classroom. Professor Metzger observes that in 19th century Germany most theorists of academic freedom asserted the right not only to express their views but to do so with the "aggressive finality of deep subjective convictions." They believed that "the only alternative to the presentation of personal convictions was the prescription of authoritative dogma, and the only alternative to polemical controversy was the stoppage of academic inquiry." They found the essential assurance that advocacy would not degenerate into indoctrination "in the freedom and maturity of the student, who was neither captive nor unprimed." [Metzger, pp. 114-15.]

In the United States, however, student academic freedom in the classroom emerged as a faculty responsibility and a constraint on faculty advocacy rather than as an independent student right. AAUP's "General Declaration of Principles" of 1915 called upon faculty to avoid indoctrinating students through imposition of the teacher's own opinions and "to arouse in them a keen desire to reach personally verified conclusions upon all questions of general concernment to mankind." [AAUP, Bulletin, p.106.] Professor Metzger emphasizes that the American view rejected the "German idea of 'convincing' one's students, of winning them over to the personal system and philosophic views of the professor." [Metzger, pp. 126-29.]
The 1915 Statement certainly maintained that faculty should be "of fair and judicial mind"; that, though not obliged to "hide their opinion under a mountain of verbiage," they should acquaint students with divergent opinions; and "above all, remember . . . not to provide . . . students with ready-made conclusions, but to train them to think for themselves, and to provide them access to those materials which they need if they are to think intelligently." But, even this liberal credo precluded indoctrination not advocacy. It warned that students could not respect teachers who were prevented from expressing themselves "fully or frankly" and objected to "uncritical and intemperate partisanship" but not partisanship itself. Moreover, its key admonition against faculty imposition of views upon their students rests on a concern regarding "the instruction of immature students . . . especially in the first two years."

["General Declaration of Principles, pp. 100 and 104-7.]

The "1940 Statement of Principles on Academic Freedom and Tenure," jointly authored in that year by the AAUP and the Association of American Colleges and subsequently endorsed by more than 150 learned societies, implicitly abandons the notion of faculty responsibility for immature students by expressing faculty and student academic freedom as parallel rights: "Academic freedom in its teaching aspect is fundamental for the rights of the teacher in teaching and of the student to freedom in learning." [AAUP, Policy Documents, p. 3] Classroom inquiry has rules and limits, but these do not preclude advocacy.
We have already noted that faculty should not be dishonest or deceptive. Edward Shils also circumscribes faculty advocacy by citing the well-established provision against faculty introduction of material extraneous to the curriculum into the classroom. Professor Shils argues that the AAUP never intended to offer the protection of academic freedom "for the attempt to persuade students in classrooms to accept the teacher's own point of view on political or parochial topics which were not germane to the subject matter of the courses being taught." (Shils, p. 195.) This is true, but the denial of protection proceeds from the fact that the material is "not germane to the subject matter of the courses."

The effort to persuade students to a point of view, save for such restrictions on religious advocacy stemming from the Establishment Clause as may affect professors in public institutions, is encompassed within the ordinary protections of academic freedom. As Matthew Finkin observes:

subject to a professional obligation to state opposing views fairly (analogous to the requirement in research that the evidence not be distorted) and to treat with respect the students who disagree, the teacher is free passionately to espouse controversial views that are germane to the subject. I do not, therefore, understand freedom of teaching to be limited by any obligation of "balance" or "objectivity"; the freedom is accorded equally to dispassionate dissection and to committed partisanship. [The Academic's Handbook, p.88.]

Nothing in the 1940 Statement denies protection to teaching which is impassioned and partisan, provided it is not irrelevant, dishonest or oblivious to opposing views. . . .
Academic freedom of students, as well as of faculty, in the classroom presupposes not only the liberal view that the experience of free expression is important to student learning, but also the epistemological assumption that the classroom, like the laboratory and the study, is the locus of investigation into matters regarding which our knowledge is incomplete, conditional and provisional. (Metzger, p. 90.) Some might argue that only "values" or opinions are subject to dispute and that the "facts" or general course content are beyond dispute. As Professor Metzger observes, such empiricism contributed substantially to the American emphasis on dispassion and balance in place of the German endorsement of passionate advocacy based on philosophic idealism. [Metzger, pp. 128-29.]

The "Statement on Rights and Freedoms of Students," properly in my view, encompasses both facts and values in authorizing students to "take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion." Accordingly, such disagreement may be appropriate in any discipline. One may, after all, dispute such questions of natural science as the cause of the extinction of the dinosaurs, the age of the universe, the etiology of Aids or the reality of "global warming," just as one may dispute issues in the social sciences and the humanities.

Indeed, the greatest danger of indoctrination may arise, as Max Weber noted in his vigorous critique of classroom advocacy, from seeming factuality: "To let the facts speak for themselves is the most unfair way of putting over a political to the student." ["Science as a Vocation," p. 146.] Suppose, for example, one were to accept Max Weber's own implicit
view that the "fact-value" distinction is itself fact (that is, "to see that it is one thing to state facts, ... while it is another to answer questions of ... value ... [Italics added, ibid.]), as do many social scientists. If, then, one did not merely advocate the distinction but required that students accept it as an obvious matter of fact, one would engage in the very indoctrination the fact-value distinction purports to avoid.

Weber also argued that faculty advocacy in the classroom is inappropriate because students are not free to respond. This argument goes more to indoctrination than advocacy, because it depends on the premise, or practice, that students are not free to disagree. Moreover, this argument applies as well to "scientific" as it does to "value" disputes. But it is in "scientific" disputes that the danger of subtle indoctrination through "letting the facts speak for themselves" is greatest. Open advocacy may better safeguard a student's right to form an independent judgment than the implicit bias inherent in the presumption that the faculty member's presentation is simply factual. Even "balanced" presentations depend on a particular formulation of the dispute and the alternatives.

Weber himself drew back from arguing the scientific validity of his contention that teachers should respect the fact-value distinction, since he considered that his contention was a moral obligation; although, he then proceeded to "demand" recognition of the distinction as a matter of intellectual integrity. Suppose, on the other hand, one were to emulate Leo Strauss who, as a matter of philosophic integrity, routinely attacked the "fact-value" distinction in class. In such a case one would equally, and more obviously, be an advocate.
Would one also be guilty of indoctrination, as some of Professor Strauss's critics alleged? For example, when I sought to defend Weber's argument in class, Professor Strauss forcefully directed me to read his own book in which he refers to social science proponents of the fact-value distinction as "SS men." With uncustomy docility, and to my benefit, I deferred debate and reread *Natural Right and History*. I did not and do not feel indoctrinated. For I know that, though I maintained my opinion in my subsequent Master's thesis on Nietzsche's unsuccessful search for an historical foundation for values, Professor Strauss first accepted the thesis, and only then reminded me that he considered my conclusions erroneous. Neither Professor Strauss, nor most other faculty with strong views with whom I studied, required agreement, however forcefully they advanced their views.

Some faculty, and not only those who engage in obvious advocacy, do reasonably insist that students temporarily defer express disagreement. Students cannot expect to grasp a complex or unusual argument on first presentation. Indeed, some reasonably argue, as did Professor Strauss, that "docility" remains an essential precondition of learning. Others credibly assert the contrary. Eugene Genovese enthusiastically remembers the classroom at Brooklyn College as "an ideological war zone," where "professors acted as if they were paid to assault their students' sensibilities, to offend their most cherished values"; and "self-respecting students returned the blows." [Genovese, p. 230.] This difference regarding the appropriate form and limits of advocacy in the classroom clearly has both pedagogical and methodological or epistemological dimensions.
From a pedagogical perspective, faculty advocacy in the classroom may foster student learning and academic freedom: many students respond positively to passionate teaching, advocacy may challenge students to reconsider inadequately founded preconceptions, and students may acquire skill in advocacy and advocacy-based inquiry. These may be among the benefits of the classroom that Professor Genovese described as an "ideological war zone," provided one emphasizes, as he does, the student's right to disagree. Indeed, Professor Genovese is less concerned with the ideological advocacy that characterized the Brooklyn classroom than with the pedagogical benefits of challenging student presuppositions. Thus his "First Law of College Teaching: Any professor who, subject to the restraints of common sense and common decency, does not seize every opportunity to offend the sensibilities of his students is insulting and cheating them, and is no college professor at all." (Ibid., p. 231.)

This statement itself, however, is unacceptably exclusionary. It offers no room to the teachers who believe that students learn better in a climate of docile consideration or dispassionate deliberation; nor to its more obvious target, the nurturing teacher, who thinks that many students, even in Brooklyn, learn more from gentle encouragement than from ideological combat. Diverse students need diverse faculty and most students benefit from a mix of styles and learning opportunities. Reading the nurturing teacher out of the profession is no more beneficial to students nor consistent with elementary principles of academic freedom than eliminating the disputatious liberal or passionate conservative or radical.
From a methodological or epistemological perspective, faculty may assert the truth of their findings and the validity of their modes of inquiry and vigorously challenge the views of students or colleagues. For example, they may debate the merits of particular scientific methods or even the adequacy of scientific method itself. To deny this would preclude philosophical reevaluation of disciplinary foundations. Faculty are enjoined "not to introduce into their teaching controversial matter which has no relation to their subject." ["1940 Statement," p.3.] But disagreement over disciplinary methodology has a significant relation to the subject. Indeed, "disputes on substantive issues fundamental to the discipline, between and among committed partisans, are a sign of health in a department." ("Some Observations on Ideology, Competence and Faculty Selection," Academe, p. 1a.) The common expectation that faculty teach in accordance with the methodology of their disciplines is accordingly, more complex than first appears.

Recent efforts to restrict basic challenges to disciplinary presuppositions have relied on diverse arguments. "Critical Legal Theory" was anathematized by some law faculty primarily on the grounds that the presuppositions of its advocates showed a disrespect for or were morally inconsistent with the responsibilities of legal education. ("Report of Committee A, 1985-86," Academe, Sept-Oct 1986, p. 19a.) This line of criticism was as ideologically grounded as the subject of its critique and was largely, and properly, unsuccessful. More appropriate and specific criticism based on the scholarly validity of such legal analysis has sometimes prevailed and sometimes not as one might expect in a serious disciplinary debate.
In biology, the argument that "creationism" is simply not biology has generally prevailed. But an effort by an established scholar to present creationist arguments in a manner consistent with disciplinary standards, based on a critique of the unresolved issues in evolutionary theory and philosophy of science, should not be rejected out of hand as were simple efforts to substitute the *Bible* for empirical investigation and faith for scientific reasoning:

"What is essential is that a creation scientist must submit to the limits of academic discipline and peer review: he must set out to prove his case according to the rules of evidence, and, even if his own conviction is ultimately of faith, in the academic arena, he must set out to do so according to the rules of reason." [Russell, p. 31.]

Where the presentation of creationist views becomes more sophisticated, the argument is likely to be resolved on a case by case assessment of whether the challenger demonstrates a competent understanding of the discipline and accords adequate consideration to mainstream views; or simply whether sufficient class time is devoted to a collegially approved curriculum.

As the assessment of challenges to disciplinary presuppositions shifts from normative or epistemological grounds to issues of competence, pertinence, and consistency with the curriculum, it is, of course, more difficult to distinguish proper academic review from improper restrictions on advocacy of dissenting views. Many mainstream economists are as certain that Marxian economists simply do not understand economics, and many mainstream political scientists are as certain that Straussians do not understand social science, as most biologists are that creationists do not understand biology.
Since peer evaluation of competence is the foundation of academic excellence, it would be wrong to deny a discipline the right to criticize or reject those individuals whose work is specifically found inadequate. Nor is any department required to present every approach to the discipline. But a "university is derelict in one of its most significant responsibilities if it . . . [rejects faculty] . . . because of their attack on approaches or doctrines that constitute the current conventional wisdom of their disciplines." ("Observations," p. 1a) The protection of academic freedom entails careful case by case evaluation to ensure that professional assessment is not a surrogate for ideological selection. Academic freedom in the classroom requires that faculty should no more impose their views on one another than on their students. As Jaroslav Pelikan observes, "the professor's evaluation of students or colleagues must not be based on their acceptance or rejection of the professor's ideological position: critical understanding, not adherence or discipleship, whether uncritical or critical, is the criterion." (Pelikan, p. 161.)

Although dissent from the prevailing methodology is protected by academic freedom, indoctrination is not. We have already recognized that it is contrary to student academic freedom to insist that students believe that a specific assertion is simply factual or true; though they may, of course, be expected to learn that it is generally so considered. Similarly, it would violate student academic freedom to insist that students accept that the contention that certain of their views are the consequence of "false consciousness" and must be set aside. Certainly one may advocate that students reevaluate their preconceptions, but insistence that students actually abandon their alleged "false consciousness," or their alleged racism, sexism and
homophobia, or their alleged cynicism, disrespect and contempt for the prevailing order, as a condition of demonstrating adequate understanding of the course material, is indoctrination not education. Students may be held "responsible for learning the content of any course of study," but, once again, student academic freedom requires that "students should be free to take reasoned exception to the data or views offered in any course of study." ["Joint Statement," p. 154.]

Some faculty members with whom I have discussed these issues believe that objectivity and balance, however imperfectly realized, are the guiding principles of sound teaching. They express great skepticism regarding the possibility that advocacy can stop short of indoctrination. Others share my view that objectivity is, at best, based on provisional knowledge; that balance, at best, presupposes a particular view of the nature and range of disagreement; and that advocacy not only need not lead to indoctrination but also is often the antidote. These views agree that indoctrination is unacceptable, but sometimes differ in where they find the greater danger of indoctrination: passionate advocacy or dispassionate matter-of-factness. As individual faculty members, we may agree to disagree.

But what of the university as an institution? Should it be committed or balanced? Professor Shils argues that the "civil freedom of academics does not extend to the conduct of political propaganda in teaching . . . not because academics may properly be restricted in their political beliefs and in the expression of those beliefs but because the university is not an institution for the pursuit of partisan political objectives. [Shils, pp. 191-92.] It seems to me
that propaganda, as distinguished from advocacy, is barred by the proscriptions of deception and dishonesty. But it is not clear that institutional neutrality implies faculty neutrality.

To bar honest partisanship might easily lead precisely to a restriction of all but the least controversial political expressions. Professor Shils himself, for example, leaps lightly from criticizing faculty who "make propaganda for socialism or for revolution among the students" to faculty who "think that the necessity and desirability of the destruction of the existing society and its cultural traditions should be incorporated into the syllabuses which they prepare for their students." [Ibid., p. 199.] I know that he had no such qualms regarding classroom promotion of civility and respect for the Western tradition.

Professor Pelikan, however, although he also argues cogently that the university itself should not take sides, recognizes and approves the fact that university study may inspire utopian aspirations or revolution, just as it may inspire reaction. He argues, however, that the university should provide the self-critical or analytical skills which prevent excess: "the university is rendering a grave disservice to its students when it serves only one pole of this dialectic, either by itself becoming an apologist for an unjust society or even an accomplice in the politics of repression, or by surrendering its scholarly and rational mission by being swept away in the tide of revolutionary doctrine and social change." [P. 163]

I find a disturbing lack of concreteness in Professor Pelikan's otherwise admirable discussion. He treats student rebellion as a consequence of the students' comprehensive
university experience without specifically addressing the role of the faculty whose social interaction with the students substantially shapes their education. There is some truth in Professor Pelikan's abstract perspective. Students in some universities, at some times, and especially in tumultuous times, are influenced more by circumstance and by one another than by the faculty. Nonetheless, if the university is more than the sum of the faculty, it is, as Professor Pelikan generally recognizes, deeply shaped by the faculty. A university that is not an apologist for the status quo must not only have a reflective faculty, but also a diverse faculty, some of whom are likely to advocate aggressively their diverse, heretical views.

Professor Pelikan argues persuasively that even those of us who value, as he does, the contribution of the university to the pursuit of social justice, should preserve the university as a locus of dispassionate critical reflection. I agree. I think, though, there may be an even greater need to emphasize the less frequently understood reciprocal: that genuine critical reflection is a social process, as well as an intellectual one, in which the advocate's passion and the debater's partisanship inspire new insights both for individuals and for society. In this perspective, however, advocacy is part of a larger process in which the rights of rebuttal and dissent remain essential. Without these limits, advocacy ceases to be a tool of inquiry and becomes merely indoctrination. The notion that advocacy tempered by mutual respect is the antidote to, rather than the instrument of, indoctrination is not, after all, peculiar to the university. It is the foundation of any free community.
Works Cited


