POINT OF VIEW

Academic Freedom in a World of Moral Crises

By MARY BURGAN

Last month, members of the Appropriations Committee of the North Carolina House of Representatives voted to use the power of the state budget to block the assignment of a book to all freshmen and transfer students at the University of North Carolina at Chapel Hill: Approaching the Qur'an: The Early Revelations (White Cloud Press, 1999), by Michael Sells, a professor of religion at Haverford College. Denying public funds to the reading program unless "all other known religions were offered in an equal or incremental way," they stipulated that their prohibition "is not intended to interfere with academic freedom, but to ensure that all religions are taught in a nondiscriminatory fashion."

Even if well intended, however, the move does, in fact, demonstrate the significant and growing threats to academic freedom that can occur in times of economic and political turmoil.

The controversy began in June, when three unidentified freshmen sued the university in federal court, arguing that assigning the book inappropriately blurred the constitutionally mandated separation of church and state. The legislative committee then took its action, and, in response, the university system's Board of Governors dithered over passing a resolution in support of academic freedom -- in part, for fear of further alienating the state's budget writers. (A resolution by a committee of the board passed unanimously on August 22; the full board will vote on the resolution on September 13.)

The legislative committee's move signifies, in a number of ways, how much the independence of public colleges and universities may be in jeopardy. First, it inserts state politicians directly into the administration of a university by using the power of the purse to censor the curriculum. Ever since the founding of most land-grant institutions, in the mid-19th century, state legislatures have refrained from using state dollars to encourage or inhibit the teaching or discussion of certain ideas on individual campuses. While politics has occasionally encroached, history has shown that when such limitations of academic freedom occur, they can undermine the reputation of the university and of the state it serves. In North Carolina itself, the legislature's ban on Communist speakers on state campuses in the 1960s -- which threatened the system's accreditation and was eventually overturned by the U.S. Supreme Court -- shadows the current controversy. The University of North Carolina system's president, Molly Corbett Broad, emphasized
that history in a public letter to the Board of Governors.

Second, micromanaging university budgets according to the winds of controversy robs boards and administrations of the authority they need to resist politicizing the institution. This problem has become so threatening that the Association of Governing Boards of Universities and Colleges has called on its members to ward off such pressures if they are to govern "in the public trust." Further, that challenge to shield their campuses comes at a time when boards must concentrate on how to deal with devastating shortfalls in funds. Current budgetary negotiations across the country indicate that financial austerity will require extraordinary cooperation among boards, chancellors, faculty members, and students to preserve the critical work of teaching and research. University budgets do need public attention, but that attention should be focused on protecting institutions' educational tasks.

Unfortunately, however, some legislatures use fiscal crises as a cover for selectively cutting programs that treat controversial matters. Indeed, in the most recent legislative sessions, lawmakers in Minnesota and Missouri responded to pedophilia scandals by taking swipes at university budgets. In April, a Minnesota legislator proposed removing financial support from the University of Minnesota Press for its publication of *Harmful to Minors: The Perils of Protecting Children From Sex*, by Judith Levine.

More recently, the University of Missouri System's appropriation was docked some $150,000 in reaction to the decision by the director of the public-television station on the Columbia campus to prevent personnel from wearing flag pins on camera, and in reaction to the work of Harris Mirkin, a professor on the Kansas City campus. In a letter to the University of Missouri's president, Manuel Pacheco, the instigating legislator worried about Professor Mirkin's "thought patterns" in writing "The Pattern of Sexual Politics: Feminism, Homosexuality, and Pedophilia." So critical are that and other financial cuts -- due largely to the state's overall fiscal woes -- in the Missouri system's budget that a trustee on one campus has written to ask external groups, like the American Association of University Professors, for which I serve as general secretary, to support a resolution asking for the restoration of the core operating budget for 2004 and the cessation of further withholdings in 2003.

A third problem with the intervention of state legislatures in curricular decisions is that it replaces the considered judgment of experts trained in pedagogy and their academic subjects with directives from people who are neither educators nor experts in the needs of students. The limitations of such legislative directives are evident in the language of the bill voted on in North Carolina. If it is enacted, it will require a debate on the definition of "known religions," the practicality of trying to include every one of them in an introductory course, and a judgment about the meaning of "equal or incremental."

The teaching of religion at secular universities has long been contentious. Several decades ago, the question in Texas and other states was whether to insert New Testament Scripture to the exclusion of all other religious texts in state-mandated textbooks. Such issues have been resolved by scholars committed to the notion that the study of religious
beliefs is essential to understanding philosophy, culture, literature, and international affairs. Thus, although the development of the field of religious studies as an academic discipline over the past 30 years has been marked by intense debate on issues of coverage and balance, the result has been the enrichment of undergraduate and graduate curriculums throughout the nation.

Now, such a legislative intervention could run the risk of depriving North Carolina students of access to the comparative study of religion because of a lack of funds. The legislative committee gestured in that direction when it added another codicil -- on state support for private institutions -- to the budget. The measure stipulates that "expenditures ... may be used only for secular educational purposes."

Finally, the North Carolina legislators betray a misunderstanding of the very nature of education itself. They mistake study for advocacy, the presentation of ideas for exercises in conversion, and the university as a franchise for particular doctrines or ideologies.

The university is a place for going to the source of ideas that threaten us -- for finding causes, explaining problems, and seeking out solutions based on knowledge. But, of course, in making such an affirmation, faculty members must be extraordinarily alert to their own responsibility for the curriculum.

That is why it is fortunate that in North Carolina the orientation exercise for incoming students was not only decided but conducted by the faculty. As Molly Broad emphasized in her letter, all new freshmen and transfer students were to read a specified book "selected by a committee of faculty, staff, and students" and "to arrive at campus prepared to participate in small group discussions led by trained faculty and staff."

From reports of what happened during such discussions on the campus, on August 19, the assignment led to a "teachable moment," with many students and some 150 faculty members engaging one another in extraordinary ways. Whatever the difficulty of the text, the direction of the two-hour discussions, the ideas introduced, or the questions left hanging, a major lesson for North Carolina students and citizens is that the university in a democracy is a place for disputation as well as exploration. It is significant that a federal judge, supported by the U.S. Court of Appeals for the Fourth Circuit, refused to issue an injunction against teaching the book because "there is no entanglement" in religion for such an educational program; it does not violate the establishment clause of the Constitution.

Despite their lip service to such a concept, some critics of higher education have implied that academic freedom is a trivial pursuit, for peacetime only, and a luxury in time of war. The AAUP has been pleased to note that, since September 11, administrators, faculty members, and students at the majority of American higher-education institutions have affirmed the study of all points of view to be the most patriotic act they can make.

In defense of academic freedom, faculty members have also been moved and motivated by the courage of colleagues abroad, where violence against ideas is a fact of life in some
countries. American professors have protested the recent sentencing of Professor Saad Eddin Ibrahim, of the American University in Cairo, to seven years of hard labor for advocating greater democracy in Egypt. They have also protested the removal of Israeli scholars from the editorial boards of two international academic journals published in Britain. And they have decried the physical invasion of campuses in Israel and the Palestinian territories alike.

Accordingly, faculty members are now asking legislators in every state to listen to words like those of Menachem Magidor, president of Hebrew University of Jerusalem, as he defended "the diversity and pluralism" of his institution in a recent letter to The New York Times. In the aftermath of the deadly bombing on his campus, he reaffirmed the value of academic freedom in a world of moral crises: "I asked myself whether it still makes sense to strive for a peaceful society based on reason and understanding. Then the answer came to me clearly, and it is summarized by the Hebrew word davka -- despite everything."

The North Carolina, Minnesota, and Missouri legislatures -- and, indeed, legislatures, boards, and those of us on campuses everywhere -- should be so bold.

Mary Burgan is general secretary of the American Association of University Professors.

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