

The Science of Academic Freedom

Steven Wexler

And we now can see more clearly why a world of equality, freedom and individuality in the arena of exchange conceals a world of class struggle, which affects both capital and labour alike, in the realm of production.

—David Harvey, *The Limits to Capital* (30)

Introduction

Why academic freedom now? If David Harvey is correct to suggest that a global crash could be on the horizon (Williams), why focus on David Horowitz? Mike Davis reports that over one billion people live in slums (23)—how do such incomprehensible numbers stand in relation to a Cal State lecturer losing her job because she refuses to sign a Constitution loyalty oath?¹ These comparisons seem extreme until one considers the university's role in the global economy. Several important books have emerged over the last ten years that show why we must look at the university (e.g., Leslie and Slaughter; Aronowitz; Downing; Bousquet). All lay bare corporate ties to education—scientized curricula, casualized labor, appropriated student research—and some put knowledge through a labor theory of value, i.e., knowledge work yields surplus value by way of a vast disconnected totality, and the *university* is capital personified. The often-understated lesson is that freedom, academic or otherwise, remains a four-letter word.

It is surprising, then, to still find texts popping up that miss or avoid the relationship between capitalism, class, and academic freedom. I have in front of me the recent book *Academic Freedom at the Dawn of the New Century* (edited by Gerstmann and Streb). Nowhere is class to be found in this compendium of academic freedom essays; the focus is largely liberalist historicism, e.g., enthusiastic nods to John Stuart Mill, Supreme Court case studies, democratic movements in Latin America, and 9/11. Donald A. Downs underscores the book's politics when he writes that the university's "primary mission is the pursuit of truth, which is furthered by respecting the freedom of speech and inquiry of all faculty and students, regardless of their political orientation" (64). One would think that freedom and truth reside on Main Street, U.S.A.²

WORKS AND DAYS 51/52, 53/54: Vols. 26 & 27, 2008-09

Louis Menand opens his impressive collection *The Future of Academic Freedom* with savvy structuralism that makes genuine freedom impossible:

Coercion is natural; freedom is artificial. Freedoms are socially engineered spaces in which parties engaged in specified pursuits enjoy protection from parties who would otherwise naturally seek to interfere in those pursuits. One person's freedom is therefore always another person's restriction. ("Limits" 3)

This binary seems sensible enough, but the problem here is an "always" that cements coercion/freedom and natural/artificial in Althusserian bleakness—isn't this liberalism of another kind? While capitalism could be the source of freedom's artificiality, the rigid pairing of coercion and freedom is ontology without history, sociality abstracted from a process of transformation that makes universal freedom plausible. Harvey reminds us how Marx argued adamantly that we "could at least aspire to build a social order in which the free exploration of our individual and species potential became a real possibility" even if "we could never free ourselves from [. . .] our social relations with each other" (*A Brief History* 185). I don't think such optimism serves as metaphysics.

Corporate University Freedom

It is perhaps more disconcerting to find Menand arguing elsewhere that academics are "professionals" protected from market forces by academic freedom (*The Metaphysical Club* 415). Today's academic freedom lies closer to market freedom than ever before, making their relationship all but transparent. Virginia Commonwealth University's deal with Philip Morris is telling. As just one of many schools to sign with a major corporation, VCU received \$286,000 from Philip Morris for research support in 2006 ("Virginia") and \$1.3 million in 2005 (Finder). These contracts give Philip Morris—not VCU or VCU students—the final say over what results can be published. If this stipulation isn't shocking enough, consider that VCU is forbidden to discuss the deal with media. Yet with such lucrative partnerships in tow, it is often the university that assumes the watchdog role. Robert O'Neil, founder of the Thomas Jefferson Center for the Protection of Free Expression, explains:

When universities agree to draconian prepublication rules or restraints on internal review, faculty members whose laboratory work depends on corporate sponsorship have little choice but to accept them, however uncongenial those restrictions may be to the process of scientific inquiry. Although institutions may guard against such intrusions or reduce the risks of compromise, the allure of corporate support [. . .] seems too often not only to have "bought" the time and creativity of scientists, but also to have distorted the conscience of academe in vital areas. ("Colleges" A33)

Considering that the Philip Morris-VCU \$286,000 is small change compared to the billions received by larger research institutions such as the University of Washington and Johns Hopkins (Finder), the allure of the dotted line can be overpowering.

There is certainly little academic freedom when a professor's work is transformed from *unproductive labor* to *productive*, that is, "un-productive-productive" in the classical Marxist sense, since prior to the corporation-university contractual relation a professor's labor is "not exchanged against capital" and can only be seen as doing so after it produces commodity value (Braverman 411). More obvious is the fact that professors generally don't receive profits from their product research, so their labor is all the more exploited (never mind that their boss is still the university and not the corporation). With a small leap, we can ask, *What's the difference between a tobacco rep at a university and a tobacco lobbyist in D.C.?*

Part-time faculty and working-class students typically feel the brunt of corporation-university contracts. Marc Bousquet suggests that "massive investments in corporate partnerships and new building projects [benefit] the highest level of administration" but not those actually teaching the students who pay tuition (qtd in Smith n. pag.). Bousquet's *How the University Works* presents the harrowing case of University of Louisville students who labor well into the night for UPS as part of the university's "Earn and Learn" program (the agreement also includes the State of Kentucky and Jefferson Community and Technical College). Tuition is split between UPS and the state in return for student-labor that goes from 10:00 p.m. to 4:00 a.m. at \$8.50 per hour. Bousquet says that UPS is "just one of thousands of employers large and small whose business plans revolve around the availability of a workforce who primarily consider themselves something other than workers" (*How the University Works* 146-47). In the case of UPS-U of L, "most students don't last a year" (qtd. in Smith n. pag.).

Like faculty labor, student labor undergoes its own transformation from *productive consumption* to *productive labor*. As I wrote in my review of Aronowitz's *How Class Works*, students are workers who pay for a uniform (i.e., tuition) in order to work. With corporation-university contracts, student productive consumption (i.e., their consumption of knowledge work is also part of the knowledge production process) becomes labor that yields commodity value.

The university's transition to a majority contingent faculty defamiliarizes the ideology of academic freedom in capitalist society.³ AAUP President Cary Nelson maintains that the university's contingent faculty don't have academic freedom and consequently suffer from the constant threat of job loss. Nelson rightly asks, "What does it mean to feel that dedication to your students—for ten years, twenty years, thirty years—but to have it compromised by that kind of fundamental anxiety for that period of time?" (qtd. in Bousquet, "Twilight" n. pag.). The university's cost-effective labor strategy impacts students as well as instructors. Many contingent faculty avoid challenging their students' intellectual beliefs, the hallmark of liberal arts education, or giving students the low grade for fear of losing their jobs.⁴ And if the threat of job loss isn't enough, contingents are regularly forced to teach department-scripted lesson plans with little room for intellectual, pedagogical creativity. Nelson concludes that

it “is a question of teaching in a climate of fear versus teaching in a climate of freedom and honest interchange with your student. [. . .] The AAUP was founded on the principle that academic freedom and job security are inextricably linked” (qtd. in Bousquet, “Twilight” n. pag.).

It is worth noting that in China, where market-oriented reforms are relatively new, educators, intellectuals, and students have gained only superficial freedom. Reform has brought an unprecedented collapse in state-owned industries and removed an important revenue source for education (Fairbanks 434-35). Consider that 450,000 teachers left their jobs in 1992 and over 220 million Chinese are illiterate (Qiang 100). Qinglian He contends that while China appears to have come a long way since Mao’s austere Hundred Flowers Movement, a “campaign of brainwashing” that brought rightists “a life in prison or death,” today’s educators are pressured to uphold Deng’s constitutional “Four Cardinal Principles” (i.e., to serve socialism, the people’s democratic dictatorship, CPC leadership, and Marxist-Leninist-Mao Zedong thought). The censoring indeed continues, at times leading to layoffs, job termination, or imprisonment, especially if a professor introduces “[W]estern political systems” or represents China’s reforms in a negative light (He). Writing about his teaching experiences at Tsinghua University in Beijing, Daniel A. Bell says, “China is a paradise of freedom” compared to teaching in Singapore, where “strange people” show up when lectures involve “politically sensitive” issues (n. pag.). Tsinghua is highly competitive, and many of Bell’s students are future leaders who go on to “prepare the educational curriculum for all the young Communists in China” (n. pag.) It is therefore not surprising that attacks on party leaders or “open calls for multiparty rule” are not permitted even though criticism of particular policies is allowed. Qinglian He is less optimistic and argues that censorship is managed behind the scenes while China aims to appease international human rights organizations and maintain its ever-growing role in the global market. According to He, “[t]he system penetrates every corner of society; there are departments from the central regime to the county level, from the Chinese Academy of Social Sciences to each university and research institute” (n. pag.). But the disciplining is not always unwelcomed. Funds are typically set aside for “those professors who follow official policy and doctrines” much as they are in the U.S. for those committed to science and economics research. China’s freedom, then, is more “positive,” aimed towards a particular end, than “negative,” free from interfering agents (Menand, “Limits” 5). It becomes more attractive for Chinese educators to stay the course.

Just as it does in the U.S. Admittedly, it’s hard not to find “negative freedom” in the land of No Child Left Behind. In *Academic Freedom in the Wired World*, O’Neil draws our attention to these interfering agents when he cites *Brown v. Armenti* (April 17, 2001). The case made an alarming and very real distinction between a university’s rights and a professor’s. According to O’Neil, Robert A. Brown, a professor at California University of Pennsylvania (CUP), was suspended and then fired two years later after Brown refused to change a graduate student’s “F” grade to an “incomplete” (207). The university president, Angelo Armenti, had sided with the student and then the courts with

Armenti and the university. The decision by the Third Circuit Court of Appeals to dismiss the case made a “professor’s speech in the classroom and elsewhere” two separate things (207). Academic freedom was declared institutional and Brown let go. “Perhaps the most troubling feature of the Brown case,” writes O’Neil, “was the way the court characterized the institutional interest to which it deferred—‘the university’s freedom to determine how a course is to be taught’” (208). The university controlled the classroom.

Was there academic freedom at CUP? Freedom was nowhere for university workers but everywhere for the university. Doesn’t this distinction make sense in contemporary neoliberal politics? If the university is capital personified, a corporation unto itself, then it will enjoy greater freedom from government interference—*the university will have more freedom than ever before*. I suppose we could join O’Neil and speculate how Sandra Day O’Connor, the former U.S. Supreme Court justice, could make her devastating admonishment: “This Court has never recognized a constitutional right of faculty to participate in policymaking in academic institutions” (210). But it is too easy to wallow in the futility of constitutionality. The important work, I think, is to expose the link between rights and profit.

Contingency in a Regime of Rights

If we take care of freedom, truth can take care of itself.

—Richard Rorty, *Contingency* (176)

The late Richard Rorty was no O’Brien, but his analysis of George Orwell’s *1984* could be as dangerous as Oceania itself. Rorty and *1984*’s O’Brien extrapolate a version of historical contingency that reasons away the status quo in a flourish of happenstance and privilege: “History may create and empower people like O’Brien as a result of the same accidents that have prevented those people from existing until recently” (*Contingency* 185). According to Rorty, *1984*’s ultimate message is that totalitarianism may “*just happen*.” Rorty’s message? In a world where accidents yield Big Brother superstructure—thoughtcrime, doublespeak, and Hate Week—our only recourse is irony:

If we are ironic enough about our final vocabularies, and curious enough about everyone else’s, we do not have to worry about whether we are in direct contact with moral reality, or whether we are blinded by ideology, or whether we are being weakly “relativistic.” (*Contingency* 176-77)

Yet such ironism begs the question: Who are the “we” in this struggle? Who can afford the luxury of an ironic stance?

For the present discussion, I am more interested in Rorty’s understanding of contingency than his response to it. *1984*’s totalitarianism is certainly possible, and it is well known that Orwell drew Oceania from his world: Stalin’s standing version of communism and Mao’s emergent, Great Britain’s past imperialism and the U.S.’s well in stride. But to fall back on contingency to explain political rule is to

return to monstrous social Darwinism: things are as they are because those in power were best suited for the accidents and uncertainties of change.

The intellectual Alexander Herzen, writing in 1850s Russia, proposed a universe of contingency when he critiqued his Russian countrymen's overzealous (misinterpreted) embrace of German and French idealism and romanticism (Berlin 128). This line is worth exploring. Herzen felt that his countrymen's beliefs were fundamentally misguided in metaphysical teleology and Enlightenment false promises rather than a real world here and now—"to ask always for 'ultimate' purposes was not to know what a purpose is" (Berlin 128). If Herzen is the founder of the Russian revolutionary movement, then he is also an author of contemporary pragmatism (Berlin 94).

Russia's intellectual society circulated four beliefs: (1) a universe of inflexible laws and patterns; (2) mankind as an element of a larger, stronger whole; (3) history as processes and goals; and (4) the goodness in fulfilling "the objectively given cosmic purpose" (Berlin 97). Herzen, by contrast, saw nature as "a mass of potentialities which develop in accordance with no intellectual plan. Some develop; some perish; in favourable conditions they may be realized, but they may deviate, collapse, die" (Berlin 106).

The "favourable conditions" in Herzen's perspective leaves everything to the status quo since inscribed therein is social Darwinian *laissez-faire* public policy. Herzen's contingent *positivity of present* foretells similar theories put forth by Nietzsche and Dostoevsky's Raskolnikov:

The purpose of life is itself, the purpose of the struggle for liberty is the liberty here, today, of living individuals, each with his own individual ends, for the sake of which they move and fight and suffer, ends which are sacred to them; to crush their freedom, stop their pursuits, to ruin their ends for the sake of some ineffable felicity of the future, is blind, because that future is always too uncertain, and vicious, because it outrages the only moral values we know, tramples on real human lives and needs, and in the name of what? Of freedom, happiness, justice—fanatical generalizations, mystical sounds, abstractions. (Berlin 107)

Here again we recognize the privilege in contingency. Herzen's pragmatic, positive presentism that is *reactive* to contingency and *above* history assumes agency for all, rendering ideology moot and spontaneity feasible. Such a position tallies with contemporary neoliberalism.

I evoke Rorty's and Herzen's notion of contingency to suggest that university managerialism, academic freedom, and capital are connected in large part because of public and institutional faith in (and fear of) contingency. Of course, academic freedom and contingency in the corporate university do not operate in a vacuum, *and this is key*. Academic freedom and contingency are fostered through neoliberal economic and public policy: post-Fordist retraction of government regulation from competition, e.g., the 1980s decline of embedded or Keynesian liberalism, and the rise of the speculative market. A brief example of higher ed's "neoliberalist contingency" will help.

Writing in 1990 about the economic impacts on education, Harold Shapiro, the former Princeton University president and current Dow executive committee member, suggested in social Darwinian terms that “[s]elective adaptation to change” and a “perceived increase in the unpredictability of the resource flow that sustains both education and scholarship” typify contemporary American higher education (63, 65). For Shapiro, the “new level of uncertainty” has impacted “the scholarly agenda and other aspects of the communal life” (65). Such unpredictability exacerbates a “chronic perceived shortage of resources” (65) and facilitates external ties with big business. According to Shapiro, contingency has “increased the interaction of faculty with external communities in ways that may have expanded the resource base, but may have also impacted both the scholarly agenda and the focus of interest on education versus research and development” (66).

We have already considered the implications of the university’s “interaction” with “external communities” in the Philip Morris-VCU and UPS-U of L examples. But technology, too, has brought contingent instability to the university and drawn a parsimonious response. Shapiro suggests that the “revolution in the production, distribution, and pricing of information” inflates tuition in part because of resultant uncertainties: “We are uncertain what form the future research library might take. We are uncertain how national telecommunication policies in various countries will influence international scholarship. We are uncertain regarding the importance of consortial activities designed to expand access to information resources” (69). The university’s concern with technological uncertainty manifests a form of risk management that, like Herzen’s positive presentism, displaces our very real *embodied* informationalization (Bousquet 56). I have no doubt that technology brings real uncertainty to the corporate university just as I am sure that technology causes a rise in tuition. But uncertainty permits the university to proceed as if its everyday happenings are contingent in nature, and there is nothing natural about that.

Conclusion: The Science of Nostalgia

Near the opening of his 2002 *Labor Day Telethon*, Jerry Lewis, familiarly deadpan and in the camera, recounted the events of September 11, 2001. Seriousness became invective, and I froze when the Nutty Professor called the al Qaeda hijackers “filthy Middle Eastern cowards.” My first thought was—“*On live TV?*” And then I considered my students who earlier that week anticipated Lewis’s cruel umbrella with a similar charge, something along the lines of “The United States’ primary goal should be to wipe out Iraq, Iran, and Syria.” Lewis and my students had rare license in an age of multiculturalism and political correctness. But were they free?

This glance at academic freedom should suggest freedom’s complexity and politics even while that term is generally understood as singular and authentic. My aim has been to challenge such confidence. When we unveil a disjointed pedigree to critique or celebrate academic freedom, like the way many approach the subject today, we must also take into account that the history is not always ours: those who manufacture our desire for their future also depend on our longing for their past—there is much to be gained by it.

Most of us already know that Horatio Alger has long served his purpose, that too many are shackled by free enterprise, by “freedom.” David Downing correctly writes that the “position of university practices, tenure included, functions within the new eco-systems of globalism that link education, capital, and world poverty” (264-65). The Harvey epigraph that heads this essay, then, is all the more important if we are to recognize how academic freedom in a system of owners and workers is not “limited” but illusory.

Notes

¹ See Paddock.

² Nostalgia is indeed a powerful strategy, and although my emphasis here is *capitalism's* hold on academic freedom and truth, it is worthwhile recalling postmodernism's. Shapiro points to the humanities where “it seems harder now to speak of truth and understanding; one speaks, more simply, of one's perspective” (66). Ronald Dworkin is more severe: the “possibility of objective truth is now itself under challenge from an anti-truth-squad of relativists, subjectivists, neo-Pragmatists, postmodernists, and similar critics now powerful in the unconfident departments of American universities. According to these critics, academic freedom is not just bloodless but fraudulent” (183). If freedom is fraudulent, it is not because of antifoundationalism and “undecidability.”

³ As for the rhetoric of freedom, Harvey writes: “If it is indeed the case that the U.S. public can be persuaded to support almost anything in the name of freedom, then surely the meaning of this word should be subjected to the deepest scrutiny” (*A Brief History* 184).

⁴ Interestingly, “grade inflation” has been typically sourced in liberalism. Yet following Nelson's argument, couldn't giving the high grade be seen as an adjunct's survival strategy?

Works Cited

- Aronowitz, Stanley. *The Knowledge Factory: Dismantling the Corporate University and Creating Higher Learning*. Boston: Beacon, 2000.
- Bell, Daniel A. “Teaching Political Theory in Beijing.” *Dissent* (2006). 6 May 2008 <<http://www.dissentmagazine.org/article/?article=418>>.
- Berlin, Isaiah. *Russian Thinkers*. London: Penguin, 2008.
- Bousquet, Marc. *How the University Works: Higher Education and the Low-Wage Nation*. New York: New York UP, 2008.
- _____. “Twilight of Academic Freedom: An Interview with Cary Nelson.” 2 Feb. 2008. *YouTube*. 4 June 2008 <<http://www.youtube.com/watch?v=N4KSV8LoPc0>>.
- Braverman, Harry. *Labor and Monopoly Capital: Degradation of Work in the Twentieth Century*. New York: Monthly Review P, 1974.
- Davis, Mike. *Planet of Slums*. London: Verso, 2006.
- Dostoevsky, Fyodor. *Crime and Punishment*. 1866. Trans. Constance Garnett. Norwalk, CT: Easton P, 1980.
- Downs, Donald A. “Political Mobilization and Resistance to Censorship.” *Academic Freedom at the Dawn of a New Century: How Terrorism, Governments, and Culture Wars Impact Free Speech*. Ed. Evan Gerstmann and Matthew J. Streb. Stanford: Stanford UP, 2006. 61-78.

- Downing, David B. *The Knowledge Contract: Politics and Paradigms in the Academic Workplace*. Lincoln: U of Nebraska P, 2005.
- Dworkin, Ronald. "We Need a New Interpretation of Academic Freedom." Menand, *The Future* 181-98.
- Eckaus, Richard S. "The U.S. Economy and Higher Education." Hanson and Meyerson, *Higher Education* 31-62.
- Fairbank, John King, and Merle Goldman. *China: A New History*. Cambridge: Harvard UP, 1998.
- Finder, Alan. "At One University, Tobacco Money is a Secret." *New York Times Online* 22 May 2008. 28 May 2008 <<http://www.nytimes.com/2008/05/22/us/22tobacco.html?ref=health>>.
- Gerstmann, Evan, and Matthew J. Streb, eds. *Academic Freedom at the Dawn of a New Century: How Terrorism, Governments, and Culture Wars Impact Free Speech*. Stanford: Stanford UP, 2006.
- Gould, Stephen Jay. "Evolution as Fact and Theory." *Discover* (May 1981): 34-37.
- Hanson, Katherine H., and Joel W. Meyerson, eds. *Higher Education in a Changing Economy*. New York: Macmillan, 1990.
- Harvey, David. *A Brief History of Neoliberalism*. Oxford: Oxford UP, 2005.
- _____. *The Limits to Capital*. London: Verso, 1999.
- He, Qinglian. "Academic Freedom in China." *Academe Online* (May-June 2002). 20 May 2008 <<http://www.aaup.org/AAUP/pubsres/academe/2002/MJ/Feat/Qing.htm>>.
- Leslie, Sheila, and Larry L. Slaughter. *Academic Capitalism: Politics, Policies, and the Entrepreneurial University*. Baltimore: Johns Hopkins UP, 1997.
- Martin, Randy. "Where Did the Future Go?" *Logos: A Journal of Modern Society and Culture* 5.1 (Winter 2006). 18 July 2008 <http://www.logosjournal.com/issue_5.1/martin.htm>.
- Menand, Louis, ed. *The Future of Academic Freedom*. Chicago: U of Chicago P, 1996.
- _____. "The Limits of Academic Freedom." Menand, *The Future* 3-20.
- _____. *The Metaphysical Club: A Story of Ideas in America*. New York: Farrar, 2001.
- O'Neil, Robert M. *Academic Freedom in the Wired World: Political Extremism, Corporate Power, and the University*. Cambridge: Harvard UP, 2000.
- _____. "Colleges Face Ominous New Pressures on Academic Freedom." *Chronicle of Higher Education* 8 Feb. 2008: A33.
- Orwell, George. *1984*. 1949. New York: Signet, 1977.
- Paddock, Richard C. "Teacher fired for refusing to sign loyalty oath." *Los Angeles Times Online* 2 May 2008. 5 May 2008 <<http://articles.latimes.com/2008/may/02/local/me-oath2>>.
- Powers, M. Karen, and Catherine Chaput. "'Anti-American Studies' in the Deep South: Dissenting Rhetorics, the Practice of Democracy, and Academic Freedom in Wartime Universities." *CCC* 58.4 (2007): 648-81.
- Qiang, Xiao. "Promoting Human Rights in China: An Activist's Perspective." *China beyond the Headlines*. Ed. Timothy B. Weston and Lionel M. Jensen. Lanham: Rowman, 2000. 97-112.
- Readings, Bill. *The University in Ruins*. Cambridge: Harvard UP, 1996.

- Rorty, Richards. *Contingency, Irony, and Solidarity*. Cambridge: Cambridge UP, 1989.
- _____. "Does Academic Freedom have Philosophical Presuppositions?" Menand, *The Future* 21-42.
- Shapiro, Harold T. "Higher Education in a Changing Environment: Some Scholarly and Economic Imperatives." Hanson and Meyerson, *Higher Education* 63-71.
- Smith, Thomas. "Professor Expresses Concerns." *NewsRecord.org*. 17 Apr. 08. News Record University of Cincinnati. 12 May 2008 <<http://www.newsrecord.org/2.7228/1.763335>>.
- "Virginia Commonwealth's Secret Deal." *New York Times Online* 27 May 2008. 28 May 2008 <<http://www.nytimes.com/2008/05/27/opinion/27tue2.html>>.
- Wexler, Steven. Rev. of *How Class Works: Power and Social Movement*, by Stanley Aronowitz. *Workplace: A Journal for Academic Labor* 6.1 (2004). 18 July 2008 <<http://louisville.edu/journal/workplace/issue6p1/wexler.html>>.
- Williams, Jeffrey J. "The Geography of Accumulation: An Interview with David Harvey." *minnesota review* 69 (2007). 18 July 2008 <http://www.theminnesotareview.org/journal/ns69/interview_harvey.shtml>.