

W(h)ither Academic Freedom?: Revaluating Faculty Work

Randy Martin

Immanuel Kant begins a personal exchange with King Frederick William II by offering to give an “account” for “having misused my philosophy.” His aim is to wrest a measure of authority away from state power so as to render the professoriate a kind of incorporated scholar. “The University would have a certain autonomy (since only scholars can pass judgment on scholars as such) [. . .]” (23). This nascent notion of academic freedom based upon professional expertise would trade rule over the cloistered and restricted domain of the university for recognition that knowledge must not usurp the power of the state. Kant endorses the idea of censorship for the general intelligentsia or “businessmen of learning” who operate outside the constraining quarters of academic institutions. Within the United States, over the course of the hundred years since Kant wrote *The Conflict of the Faculties* (1798), the professionalization of faculty would emerge hand in hand with the modern research university—both of which adopted strains of German influence. In 1915, the newly formed American Association of University Professors (AAUP) would argue for tenure as an employment contract on the basis of professional self-policing of academic freedom.

Looking back at this history, Christopher Jencks and David Riesman celebrated the shift in sovereignty from trustees and presidents with particular interests tied to religious affiliation or location to the rise of meritocratic institutions where faculty rule. Their “academic revolution” of 1968 was not the familiar one of students taking over college campuses, but one that was managerial, where the faculty as middle managers constituted the primary interest group whose “assumptions and demands” gave shape to higher education in the United States. With tenured faculty providing the bulk of all instruction, the authors were certainly writing with a rising tide of public support for universities and public service infrastructure more broadly that would soon reach its high water mark. Their celebration of professionals who could rely upon their own particular expert knowledge to manage institutions for the benefit of the public good was also a social phenomenon that was approaching its apex.

But while employment in professional occupations would continue to rise over the next four decades, the social foundations of professional

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autonomy were undergoing dramatic transformation. While many professionals, like teachers, were never self-employed, the larger sense that specialized knowledge commanded conditions of labor and social utility idyllically associated with the shopkeeper has come under increasing strain the more intensive and extensive knowledge production has become to the economy at large. Here the emphasis is on how professorial labor itself is understood. In the sociological literature of the past thirty years, some observers worried about the self-interest of professional elites as new mandarins, others focused on deprofessionalization and proletarianization. Even the self-managerial inclinations of the faculty, identified by Luc Boltanski and Eve Chiapello as the appropriated legacy of the May '68 movement—which they term the artistic critique for greater workplace freedom and self-criticism—modeled a new flexibility for labor evident in the casualization of the faculty. The inner-directed life that tenure affords has presented an intolerable inflexibility to many institutions that have sought to solve the problem of employee limitations of managerial prerogatives to hire and fire by increasing flexibility through casualization and outsourcing. Departmental governance without meaningful input into the direction and decision-making of the university resonated with the team and project orientation of the enlightened workplace. Remember as well the words of management guru Peter Drucker, sounding quite a bit like an academic dean, when he surmised that organizational survival depends on a comparative advantage in making the knowledge worker productive, and “the ability to attract and hold the best of the knowledge workers is the first and most fundamental precondition” (159). While such retention efforts may build reputations and receive a large share of attention by administrators and by media coverage of higher education, they may conceal the much broader phenomenon of casualization expanding from part-time to full-time appointments, where nontenure-track faculty lines are now in the majority.

The shift away from tenure has been justified by many exigencies and explanations. Certainly, management-driven flexibility is at odds with permanent employment. Team and project-based research sounds a lot like interdisciplinarity on contract labor. Within the meritocratic logic, tenure is linked to the master grammar of academic labor—research, teaching, and service. When research is aligned with knowledge production in contradistinction to teaching as a distribution mechanism for already made knowledge, only knowledge that is productive, i.e., that circulates outside the university, would require tenure eligibility. In practice, productivity (even narrowly measured by publication rates) has expanded consistently since the 1960s, with more faculty presenting research portfolios in consideration of promotion and reappointment. With teaching, productivity also takes myriad forms. Teaching load is one, but so too is evaluation, which introduces performance-based norms that insinuate schemes of accountability without control over the curricular means of account. In the case of proprietary schools, the basis for academic freedom is rendered moot. As these become models of privatization across higher education, the ability to tie job security to professional autonomy is deeply jeopardized. Finally, the category of service is conventionally placed outside the realm of merit and into a liminal

space somewhere between courtesy and obligation. This marginalization of service has a corrosive impact on the aspirations and capacities for faculty governance, as it is divested of meaningful scrutiny, value, and critical elaboration. As professional status weakens as a means to deliver categorical faculty control, the arena of service, or more properly, administrative labor, becomes all the more essential.

Where Freedom Leads

For the past hundred years, academic freedom has been the key term by which faculty rights and responsibilities have been specified. While there are a range of views as to what the term means, what it covers, and how it operates, it has been widely deployed to establish the conceptual framework by which academic faculty are set apart from other occupations and therefore what establishes the university as a singular institution. Because it has been so central to the identity of the university as a place where rigorous methods of inquiry would assure untrammelled pursuit of knowledge, the term has helped solidify a coalition that crosses disparate ideological positions and places in the organizational hierarchy. Academic freedom has two foundations. One is in constitutional protections to expressions of political speech. The legal case history has therefore centered around the appropriateness of particular utterances of professors in classrooms or extramural settings. The other root lies not in individual rights but a corporate interest. Here, academic freedom is enshrined around a particular kind of employment relation introduced by the self-organization of professionals. The AAUP was itself the response to an exercise of conventional employer rights, that of hiring and firing workers.

In this instance, the *cause célèbre* was the dismissal of economist Edward A. Ross from Stanford University in 1900 at the behest of the owner of this private corporation, Mrs. Leland Stanford. Mrs. Stanford complained to then-Stanford President David Starr Jordan that she was weary of Ross's political positions against labor conditions for Asian immigrants and on behalf of free silver. The seminal 1915 *Declaration of Principles on Academic Freedom and Academic Tenure* emerged from a joint committee that convened from three professional associations meeting in 1913—economists, political scientists, and sociologists. They reconvened a year later in December 1914. In January of 1915 the first AAUP meeting was held, consisting of a committee of fifteen faculty—largely social scientists from prominent public and private research universities around the nation (although one of the authors of the document, Arthur O. Lovejoy, was a philosopher, and others came from zoology, education, English, and law). The document drew upon German traditions that applied to teachers and students. It took up the concepts *Lehrfreiheit* (faculty discretion over their topics of inquiry) and *Lernfreiheit* (student selection of courses without administrative interference), so as to identify what should properly belong to faculty: “freedom of inquiry and research; freedom of teaching with the university or college; and freedom of extramural utterance and action” (AAUP 20). While the first two of these prerogatives was thought sufficiently safeguarded, the last concerning public utterance was the basis for the five cases the new association was investigating, and it chose to defend such civic intervention on

the basis of a model of teaching grounded within the university. As a practical matter, academic freedom would rest upon clarification of “(1) the scope and basis of the power exercised by those bodies having ultimate legal authority in academic affairs; (2) the nature of the academic calling; and (3) the function of the academic institution or university” (Kreiser 292). With respect to this authority, the 1915 *Declaration* sets forward a notion of “public trust” against proprietary institutions which are deemed to uphold a private and propagandistic viewpoint and which are deemed to be declining in influence and number. Trustees cannot “bind the reason or conscience of any professor” but must appeal for authority to the “general public” to maintain a “non-partisan institution of learning” (Kreiser 293). Such institutions have three chief purposes: “to promote inquiry and advance the sum of human knowledge; to provide general instruction to students; and to develop experts for various branches of the public service” (Kreiser 295).

Universities, from this perspective, would take the lead in establishing and realizing the implications of a then-still-novel distinction between private proprietorship and public trust, between interested ownership and a disinterested moral authority. The moral dimensions of this trust infuse the nature of the academic calling. Those who heed this compact eschew the pursuit of economic rewards and in exchange gain “the assurance of an honorable and secure position, and of freedom to perform honestly and according to their own consciences the distinctive and important function which the nature of the profession lays upon them” (Kreiser 294). Hence, the professor’s own motives would sustain the distinction between the proprietary domain of market-driven self-interest, and the moral realm of trust “exempt from pecuniary motive.” Those trained and dedicated to the “quest for truth” are subject only to the conclusions that their methods of inquiry lead them to “and not echoes of the opinions of the lay public, or of the individuals who endow or manage universities” (Kreiser 294). Tenure, while emanating from an employment relation, confers governance of intellectual activity to “fellow experts” who are unmotivated by profit, unswayed by public opinion, and uninterested in managing the institutional features of their working environment. The faculty are appointees but “not in any proper sense employees” of the university administration.

The model for the discharge of faculty’s professional responsibilities is not that of labor but of judgment, and so tenure follows a model of judges to federal courts—thus the emphasis on appointment rather than hiring. At a time of militant labor organizing and revolutionary political activity, academic freedom for university professors would position itself in an autonomous realm of professional moral authority outside the politics of labor and government. It is interesting that the AAUP itself began as an association of professional associations, an interdisciplinary initiative that reached across existing (if themselves still emergent) disciplinary societies in a way not wholly unlike the congresses and federations that would give labor its organizational might. But in forgoing the status of employee as a basis for limiting the powers of employers, tenure was constructed to avoid this parallel by invoking a higher authority than the market along the lines of the secularization of religious calling. In reaction to the proprietary powers

of trustees expecting their command of the wage relation to control delivery of an intellectual product, the framework of academic freedom insinuated an organizational authority that would temper that of state and capital. This authority, conferred by professional peers, would displace its own field of influence from the instrumentalities of markets and policies to a purely substantive realm of moral claims to truth as a basis for advancing a general societal will that could be measured by the progressive accumulation of knowledge.

This careful parsing of a sphere of influence turned out to be an incredibly influential doctrine—adopted voluntarily by thousands of institutions and professional associations and eventually enshrined in law. Indeed, the first legal case to formalize academic freedom as a right was a Supreme Court hearing of Paul Sweezy's dismissal by the University of New Hampshire in 1957. Ironically, Sweezy's own Marxism was dedicated to understanding the relations of the state and labor under conditions he would describe as "monopoly capital." The AAUP's own formalization of the 1915 *Declaration* was published in 1940, the same year that the Smith Act sought to purge labor unions of communist influence. The autonomy imagined for the professional association is both an assertion of a social right and an acceptance of a kind of negative freedom at the institutional level. Politics from this perspective would be limited to utterance based on expert authority and not an assertion of power through organizational capacity. Criticism of government or business must remain an idea, and even then one that is organizationally circumscribed. The New York University *Faculty Handbook* relies upon the 1940 *Statement* to define tenure. It also has a separate clause to define what tenure cannot protect—sedition. What counts as a seditious act or utterance is left to those who, as we shall see, will take it up as an accusation. Academic freedom is above all a regulatory principle for dealing with conflicts among spheres it takes to be both empirically and conceptually separable, even as the specific controversies that occasion its application speak to the ways in which the domains of authority covered by profession, labor, and government are, in actuality, deeply intertwined.

While much has changed in higher education since the 1915 *Declaration of Principles*, the doctrine of academic freedom remains central to the adjudication over what is permissible within the boundaries of professional conduct and university authority. Over the course of nearly a hundred years, the formal doctrine has been implemented in the context of self-policing that has been adopted in other areas of higher education governance, such as accreditation, and tested in the courts, so that gradually it came to have some force of law. Yet, as a set of professional norms, academic freedom is at its most potent when it operates tacitly as underlying assumptions, by which faculty imagine what is possible and internalize the constraints that mark any institutional *habitus*. From its inception, academic freedom has been delimited by the terms of its controversies, which both identify the principles under normalization and disclose the force of the norms as much as by any explicit invocation of precedent. Just as with the launching of the AAUP, how those controversies are understood and conveyed are revealing indicators of both the prospects and limits of faculty claims to authority.

Robert O'Neil, former counsel of the AAUP, has published a careful study that is a useful report on the state of thinking regarding academic freedom. His aim is to demonstrate the abiding viability of academic freedom as a framework for maintaining faculty rights by taking the measure of both new risks and greater opportunity. His general appraisal is that in contrast to the dark days of the 1950s, the political ambiguity of the campus climate today spreads controversy across the political spectrum so as to be depolarizing and results in a "freer and more open level of debate in the twenty-first century" (99). At the same time, after the attacks of September 11, 2001, there are new risks to our liberty and security that need to be accepted, and "[a]nyone who expects academic life ever to return to the conditions of September 10 is hopelessly naïve [. . .] many of the changes that have occurred must be seen as permanent and accepted as such" (O'Neil 107). These poles of enhanced and diminished freedom are meant to set the norms beyond which individual cases do not merit serious attention or concern. By appreciating that we live in relatively free times and accepting the limits of external constraint, faculty can more readily embrace the parameters of what is now proper and possible. While O'Neil is genuinely concerned about the compromises to the disinterestedness of faculty research from corporate and government demands, he finds the political cases to be "isolated outbursts from individual professors who can fairly readily be dismissed as oddballs, dissidents or marginal players" (102). This line in particular stands out in a book that is notably temperate in tone and judicious in its treatment of individual cases. The urge to dismiss those instances which fall outside the protocols of due process points above all to an investment in the fairness of proceedings as evidence of a kind of institutional rationality.

The burden of O'Neil's argument is to demonstrate that where faculty were dismissed on the grounds of extramural political utterances, these fell outside the boundary of what academic freedom should be expected to protect. Because this sentiment is so consequential, it is important to look at how he treats his own limit cases, those of Ward Churchill and Sami Al-Arian, the former dismissed from his tenured appointment in ethnic studies at the University of Colorado for research misconduct, and the latter from his faculty appointment in engineering at University of South Florida in conjunction with a federal indictment. Both proceedings were initiated after media attention to their professional activities brought extensive pressure on their respective institutions. O'Neil is careful to place in his normative center of freedom those who would fit the label of both liberals and conservatives. He opens his book with an account of Arthur Butz, a long-standing Holocaust denier who teaches engineering at Northwestern University. He published a book in 1976 called *The Hoax of the Twentieth Century* and maintained a Web site that endorsed Iranian President Mahmoud Ahmadinejad's characterization of the Holocaust as a "myth." To illustrate the auspicious times for academic freedom we currently enjoy, O'Neil recounts the coverage afforded the case by the FOX News show *The O'Reilly Factor*. O'Neil calls host Bill O'Reilly "a seemingly unlikely champion of free expression" (2) who, in response to guest Emory University historian Deborah Lipstadt's

remark that Butz “shouldn’t be near the students” (qtd. in O’Neil 2) offers: “After eliciting a brief negative response, O’Reilly insisted that any such disposition would be ‘punishing him.’ The basis for that view, in O’Reilly’s words, bears attention: ‘You [Lipstadt] teach at a university and you know what a university is. That it’s a place where all views, even abhorrent views, are tolerated for the sake of freedom of expression. You don’t want to inhibit anybody’” (O’Neil 2-3; O’Reilly qtd. in O’Neil 3).

O’Reilly is here referring to what is appropriate to the pursuit of truth in the university. With respect to his own approach as a host, the request to avoid comportment that could inhibit others might best be read ironically. O’Neil introduces the telecaster’s encounter with Al-Arian as the show’s guest on September 26, 2001, by affirming O’Reilly as a champion of academic freedom. “Ironically [Al-Arian’s] troubles began with an appearance on *The O’Reilly Factor*” (87). On the show, Professor Al-Arian “conceded he made strongly anti-Israel statements” (87). The next morning the university “was flooded with calls and e-mails from angry alumni and public officials, anxious parents and nervous neighbors, demanding immediate action against [Al-Arian]” (88). The university barred him from setting foot on campus, suspended him, and dismissed him without a campus hearing within a matter of weeks. “The grievance process understandably ground to a halt the moment the indictment was revealed and [Al-Arian] was incarcerated awaiting trial” (88). It is curious that a case that fits so closely to AAUP initial concerns that professors be insulated from the ire of public opinion and government would be treated by a scholar of academic freedom as so readily understandable. O’Neil sees the Al-Arian case as exceptional “because of the serious criminal charges that lurked in the wings and eventually resulted in his deportation” (89-90). Unlike other cases where O’Neil carefully examines the legal circumstances, here he seems to take the accusation by an unlikely champion of academic freedom and its consequences at face value. While O’Reilly may have countenanced freedom for Holocaust deniers, his threats toward a guest on his show were instrumental in destroying the life Al-Arian had known. When, subsequent to his appearance on the show, the University of South Florida received death threats against Al-Arian, they treated them as a menace to campus security rather than an endangerment to a member of their faculty. An excerpt of the exchange between O’Reilly and his guest suggests a different vector for O’Neil’s irony:

O’REILLY: In—in 1988, you did a little speaking engagement in Cleveland, and you were quoted as saying, “Jihad is our path. Victory to Islam. Death to Israel. Revolution. Revolution until victory. Rolling to Jerusalem.” Did you say that?

AL-ARIAN: Let me just put it into context. When [P]resident Bush talked about crusade, we understand what he meant here. The Muslim world thought he is going to carry a cross and go invade the Muslim world and turn them into Christians. We have to understand the context. When you say, “Death to Israel,” you mean death to occupation, death to apartheid, death to oppression, death to . . .

O'REILLY: But not death to any human being?

AL-ARIAN: No, absolutely not. Absolutely not.

O'REILLY: No.

AL-ARIAN: Absolutely not.

O'REILLY: All right. So now what we have here is you saying death to Israel. You're bringing a guy over here who gets paid by the good citizens of Florida and then goes back and becomes one of the lieutenants or generals of the Islamic jihad, but you don't know nothing about it. Another guy sets up an interview with [Usama Bin Ladin] for ABC, and you don't know anything about that.

You know, Doctor, it looks to me like there's something wrong down there at the University of South Florida. Am I getting—am I getting the wrong impression here?

AL-ARIAN: You're getting [a] completely wrong impression because you can pick and choose and interpret it, you know, different ways.

The fact of the matter is we have been involved in intellectual type activity. We brought dozens of people. All of them are intellectual type. You're going to get the apple—a bad apple or two, but that—if you focus on them, you get one conclusion.

The fact of the matter is that we've been investigated by the FBI for many years . . .

O'REILLY: Correct.

AL-ARIAN: . . . and there has been no wrongdoing whatsoever even suggested.

O'REILLY: Well, I don't know about that. [. . .]

O'REILLY: Yeah. Well, Doctor, you know, with all due respect—I appreciate you coming on the program, but if I was the CIA, I'd follow you wherever you went. I'd follow you 24 hours . . .

AL-ARIAN: Well, you don't know me. You don't know me. You do not . . .

O'REILLY: That doesn't matter. With all of this circumstantial evidence . . .

AL-ARIAN: If you don't know me, you can't judge me by . . .

O'REILLY: I'm not judging you.

AL-ARIAN: . . . simply . . .

O'REILLY: I'm just saying . . .

AL-ARIAN: That's exactly what you're saying.

O'REILLY: I'm saying I'd be your shadow, Doctor.

AL-ARIAN: We've been—we've been looked at, and a judge—a judge has said that we are not a threat to national security.

O'REILLY: All right.

AL-ARIAN: Even the government itself said we're not.

O'REILLY: Okay. All right, Doctor. I'd still shadow you. I'd go to Denny's with you, and I'd go everywhere you went. We appreciate you coming on. (n. pag.)

In the above-cited exchange, it is hard to see the tolerance for speech or the willingness to separate critical speech acts from violent actions. For Palestinians, as for many others who seek a political solution to Israeli occupation of their lands, the present constitution of the Israeli state is not a viable basis for conflict resolution that would afford

to others what Israelis seek for themselves—self-determination, self-representation, economic development. For its part, Israel is not alone in taking action aimed to dismantle government authority deemed hostile to its own survival. Al-Arian's utterances are consistent with this line of thinking. O'Reilly's response is not simply to disagree with a reconfiguration of the Israeli state to permit the emergence of a Palestinian entity (whether separate or binational), but to also accuse his guest of illegal actions and threaten his person. O'Reilly slides easily from invoking the powers of the CIA (whose prosecutorial functions have been extrajudicial) to arrogating that authority to himself, attaching himself to Al-Arian's body as his shadow. O'Reilly's assault does in fact pursue Al-Arian and strip him of any protections of academic freedom, such that subsequent death threats become risks to the university and not a danger to the faculty.

For over a decade, Al-Arian had been under investigation by the FBI for his work with Palestinian support organizations. The post-9/11 laws that designated such groups terrorist and made association with them prosecutable offenses became the occasion for using the aftermath of the O'Reilly attack to generate an indictment. After months of incarceration, Al-Arian was acquitted by a jury on December 5, 2005, of terrorist charges, but was subsequently reindicted on the lesser charges over which the jury had deadlocked. When Al-Arian finally accepted a plea bargain that would allow him to leave the country, the Justice Department violated it by requiring him to testify in other unrelated trials, which he refused to do; he was entrapped between contempt charges for the refusal and perjury charges in the face of hostile questions, kept in jail, and has gone on hunger strikes to bring attention to his plight.¹ At this point, it would seem that any relation to issues pertaining to academic freedom has been eclipsed. And yet such a claim verges on tautology. The University of South Florida treated Al-Arian's extramural political speech as terrorism to which the campus could provide no sanctuary, thereby stripping him of his academic position, conspicuously suspending the university's investigative process, depriving him of any invocation of such rights, and leaving him to be subject to juridical penalties. Years of FBI surveillance did not have the effect that one night on attack television had in canceling the ambit of academic freedom.

The Al-Arian case points to the limits of academic freedom that rely on a notion of the university-as-sanctuary outside the state or market. While universities' initiatives in commerce make the latter quaint, the conviction that a university protects from the demands of state and public opinion—so central to the original formulation of the concept—is far less remarked upon. Ward Churchill's dismissal case by the University of Colorado sought to invoke an internal review to do the work of a terror-type accusation while separating and preserving the question of academic freedom. The Churchill case shares a media trigger mechanism, including attention on *The O'Reilly Factor*. Churchill's essay "'Some People Push Back': On the Justice of Roosting Chickens," written the day after September 11, 2001, drew parallels between some civilian victims and "little Eichmanns." Churchill argued that those targeted in U.S. bombings of Baghdad in the first Gulf War, when command and control centers were treated as military targets, were no different than the coterie of workers in the World

Trade Center who “formed a technocratic corps at the very heart of America’s global financial empire” (n. pag.) In addition to the preceding characterization, he also described the attacks along the lines of what came to be referred to as “blowback.”

Several years later, the essay was cited by a student newspaper at Hamilton College, where Churchill was scheduled to speak in the spring of 2005. Death threats followed and the talk was canceled. Administrators at the University of Colorado pressed Churchill to resign his position as chair of ethnic studies, and while they said that his speech was protected by the First Amendment, proceeded to launch a probe into research misconduct. The committee composed of two outside and three internal faculty (but none in Churchill’s field) found evidence of plagiarism, falsification of evidence, or mastication. Then-University of Colorado President and former Senator Hank Brown asked the board to dismiss Churchill, and he was fired in July 2007. O’Neil accepts the decoupling of the case from academic freedom saying that “a probing analysis of Churchill’s research activity found substantial evidence of misconduct” (84). The committee took as evidence an accusation from a long-time critic of Churchill, John Levelle, who charged that one of Churchill’s footnotes inaccurately attributed an historical policy of mistreatment toward Native Americans to a single piece of legislation, The General Allotment Act of 1887. The *Investigative Committee Report (IC Report)* points to use of a citation to “cloak extreme, unsupportable, propaganda-like claims of fact that support Professor Churchill’s legal and political claims with the aura of authentic scholarly research [. . .]” (23). The committee acknowledged that Levelle’s critique was motivated by malice but surmised that the accuser’s own credibility matters only if they found no misconduct. The *IC Report* makes the kind of inferences about footnotes that some in the field characterized as tantamount to a kind of research misconduct, misrecognizing academic disputes as grounds for dismissal.² As a genre of academic investigation, the *IC Report* parses peer review with expertise. It readily concedes its absence of expertise while invoking universal methods of scientific inquiry which are taken to suggest that falsifying any detail of research can invalidate the research as such. Were this procedure applicable to due process for dismissal, it is difficult to know what research would survive such formal scrutiny without the capacity to contextualize the terms under dispute—precisely what disciplinary authority is said to offer. Hence, far from validating the institutional autonomy for sustaining academic freedom from extramural accusation, the Churchill case points to a purported affirmation of this right that eviscerates its critical capacity to exercise judgment in ways that would mandate the specialized knowledge that the university is said to uphold as its specifying feature.

The Al-Arian and Churchill cases point to the weaknesses—both conjunctural and conceptual—in entrusting the critical function of faculty to procedural norms for review or sufficient commitment on the part of universities to recognize and defend speech that is directly contentious of government positions and policies. The Churchill case especially triggers the shift in orientation from speech to professional self-regulation. This distinction has been vigorously advanced by

Robert Post, who argues for a return to the principles outlined by the AAUP in 1915 that emphasize professional freedom over individual rights. The goal is to “facilitate the professional self-regulation of the professoriate so that academic freedom safeguards interests that are constituted by the perspective and horizon of the corporate body of the faculty” (64). The autonomous authority of faculty achieves legitimation when “knowledge is advanced through the free application of highly disciplined forms of inquiry, which correspond roughly to what Charles Peirce once called ‘the method of science’” (69). Citing the cases of both Edward A. Ross and Sami Al-Arian as examples, Post insists that universities disclaim responsibility for faculty’s extramural speech so that administrations can conserve their own jurisdiction for what is appropriate speech on campus. The Churchill case casts doubt as to the degree faculty accused of research misconduct can invoke professional norms of expertise and convene a review by peers who not only have sufficient understanding of their field, but who can also adequately contextualize the dispute in question. Nor is it clear that a review can proceed as if invoking scientific method as a transdisciplinary authority for establishing the adequacy of a particular line of inquiry could settle accounts or provide appropriate guidance. Judith Butler has asserted that the notion of progress based on quantitative augmentation of knowledge is suspect and that the idea of an expert class serving the public interest is debatable. She challenges the notion that professional norms *a priori* enable academic freedom and therefore are beyond interrogation. Part of the responsibility of academic work is to redefine its own boundaries.

Without subscribing to a “generalized distrust of authority” that “makes serious critical debate into an adolescent complaint, and so misreads and dismisses the terms of the debate in advance,” she insists that norms are vital and in constant tension (115-16). Butler also argues that academics “must always be free from administrative and state constraints on the expression of our political views” (128). The Al-Arian and Churchill cases are significant because they point to the political limitations on controlling precisely the terms under which debate is embraced, and when and whether their views are free from the state. The problem becomes whether arguing on behalf of that freedom constitutes a sufficient condition for reclaiming it. We can wonder if there is a point at which asserting even a notion of freedom, as ethical constraint to recognize difference, is not strategically adequate to understand what generalizes the distrust of academic authority. We can also consider how dismissal of debate might be countered in terms other than more debate (a remedy consistent with First Amendment conceptions of academic freedom). Butler is here responding to the threat to academic freedom authorized by September 11, specifically HR 3077, which arrogates authority to review scholarship on the Middle East and Ford and Rockefeller grants which accept State Department lists of terrorist organizations (of the sort that Sami Al-Arian fell victim to). In the private laundering of government language, reminiscent of the formation of area studies fifty years before, scholars are proscribed from associating with organizations that “promote violence, terrorism, bigotry, or the destruction of any state” (132).

Butler is quick to demonstrate the chilling implications of such prohibitions. Frantz Fanon, George Sorel, Desmond Tutu, Nelson Mandela, surely, but also Locke for advocating the end of the divine right of kings, or Montesquieu's research on U.S. state constitutions, and "[w]hat about a tract on nonviolence that admits that under certain conditions violence might be needed to effect democratic change?" (137). Butler makes her point eloquently that all this restricts our imagination to the states we have and know. Yet what is curiously omitted in looking at the kinds of intellectual positions and organizations around the world whose ideas could not be studied or taught is whether research in support of officially named U.S. government interests and ideas could meet the same criteria. Not just area studies, but many fields of inquiry in the arts, social sciences, humanities and natural sciences have informed, inspired, and been in the service of policies that have promoted violence and bigotry within the United States, as, for example, against Native Americans, and terrorism and regime change against foreign populations and governments.

The self-exception of the United States government from the norms it applies to others is a basic tenet of its exercise of right and might. This could seem such an obvious point that it need not be made, but its elision within the discussion of the conjunctural conditions for academic freedom leaves intact the impression that academics, by imaging a separation from the state in the governance of their own affairs, might actually be left alone by it. Yet Butler names with great precision the trouble that ensues when critics treat state restraint as a condition of their own internal professional work and their public utterances. Under these circumstances, ones we currently face and have faced, the question becomes: Is any conception of self-governing norms, however critically reflective they may be, sufficient to advance the conditions for inquiry named by academic freedom? Perhaps more difficultly and conversely, is any framework of academic freedom sufficient to think through the challenges to professional norms that these cases and contexts present? Interestingly, at the very moment that area studies was being conceived as a distinterested pursuit of state interests that authorized professional autonomy, no less stalwart a supporter of publicly funded advanced education than Dwight David Eisenhower was also worrying about the consequences of a nation under the incontestable sway of technocrats. In this regard, the history of the generalized distrust of authority may not be so easily separable from the assertion of technical expertise as such.

Split Appointments

The other major consideration in using academic freedom arguments to situate faculty professional activity is that it presumes a generalization from a particular employment relation, that of tenure. One could argue that without some having tenure, none can have academic freedom; but given present employment patterns, that merely states the problem. The thirty-year trend of increasing use of part-time faculty, what has been called casualization to describe the minimal commitment of institution to employee, now increasingly describes full-time appointments as well. Of nearly 3.5 million people employed in higher education, 1.3 million were faculty—slightly more than half

of these were employed full time, and the proportion of full-timers with tenure is trending below half. In 1970, when fewer than 500,000 were employed as faculty, full-timers outnumbered part-timers by more than three-to-one ("Number" 359). Now, for those working part-time, 64 percent report this is "due to personal preference," although in institutions that rely most heavily on part-timers, fewer faculty say that they prefer to be adjuncts. For example, among public four-year institutions fewer than a third of the faculty are part-time, and of those, two-thirds say they do so willingly, whereas in public two-year colleges, nearly two-thirds are part-timers and fewer than 60 percent do so by choice. Employment and preference also vary by discipline. The professional fields can be the heaviest employers of part-timers, with protective services leading the list at nearly 80 percent ("Percentage" n. pag.). Increasing commitment is seen in nonteaching areas, or technical fields, which have now become intrinsic to teaching delivery.

The greatest employment growth is in nonteaching professional staff—which nearly doubled from 10 to 19 percent in the thirty years to 2005, when all these figures were reported. The weakening grasp of faculty on the university is also reflected in compensation. Despite the attention given to salaries for academic stars and elite professionals, faculty salary as a whole has flatlined (although compensation, which reflects rising health care costs, has actually increased). After some modest gains in the '80s and '90s (averaging about 1 percent a year in real terms), faculty salaries now lose ground to inflation. The average salary gap between disciplines is also widening. To take one example, for full-time faculty in the humanities in 1987, salaries (controlled for inflation) averaged \$60,760 and for health fields, \$92,900. In 2003, humanities average salaries had gone down to \$59,970 while those in health went up to \$98,480 ("Average" 373). As with the student body, what was once a monoculture has undergone diversification, though not yet proportionate to the population at large. Roughly 45 percent of faculty were white males and 36 percent white females. Just under 1 in 5 faculty are minorities—half the ratio of undergraduates among minority populations (32 percent) ("Post-Secondary Education" 262). Yet even this measure of diversity does not translate proportionately into tenured appointments, which retain a logic of distribution typically described in terms of excellence and not cultural difference.

A basic split used to delineate tenurable from nontenable faculty positions is increasingly crafted between knowledge producers and knowledge transmitters—or researchers who teach and teachers who disseminate what others are said to have discovered. The notion that teaching is a form of transmission, borrowed from Cold War communications theory, posits teachers as bearers and students as receptacles of knowledge, with little attention to what is created in the classroom such that a capacity for learning, evaluating, and contextualizing is possible. While the anxiety over the passivity of young minds persists in the face of new technologies, information reception is in practice deeply active. Whatever the content of an educated person was thought to be, the framing of teaching as a movement of facts from one location to another would downplay what students would be able to do with the knowledge they gained,

such that they might aspire to something as active as research. While the distinction between producing and transmitting may be invidious and conceptually unsupportable, it speaks to how the boundary between professional activity and teaching get thought about. It also cautions about generalizing from the situation of the research university to the academy more broadly in terms of how academic freedom might be deployed to organize and amalgamate the interests and attentions of the professoriate. This is especially the case in those instances when what faculty are employed to do falls short of activating professional norms as a condition of employment.

The polarization of appointment structures between the prized and the disposable incorporates a range of job titles that specify research or teaching but do not confer tenure. The bracketing of research from teaching, at a time when more faculty from all manner of appointments are likely to publish work, points to the cover under which nontenure-bearing positions are spreading from adjunct to full-time lines. Research professors, clinical professors, arts professors, professors of practice, lecturers, instructors, and master teachers form a pool of renewable or nonrenewable contract positions that may or may not offer ladder structures for career movement within a given institution. What is termed casualization simply renders faculty employment similar to other labor relations. But the association of teaching with what is casual suggests that learning itself is part of the ephemera of the university when increasingly revenue gleaned from the gap between suppressed labor costs and increasing tuition funds the activities and areas designated as research intensive. All this is to say that the distinction between teaching and research is an administrative one in the multiple sense that it allows for ready classification of what merits further investment and that it removes the decision over how money will flow to administrative entities. The devaluation of teaching that extends from primary through postsecondary education is not entirely separable from the discrediting of what gets taught. This too speaks to the challenges faculty have faced in affirming the value of their work when operating in a climate of skepticism toward critical endeavors and learning that challenges received tradition.

It is worth recalling one influential report aimed at the reevaluation and reintegration of teaching and scholarship, Ernest L. Boyer's *Scholarship Reconsidered*, published by the Carnegie Foundation for the Advancement of Teaching in 1990. The report reflects on a contradiction of post-World War II education, namely that the advent of a mass university system entailed an enormous expansion of scale in the student body, while demanding research productivity from faculty. Higher education was to provide the labor for the expansion of the knowledge economy in the form of the professional-managerial class, but also the intellectual capital by which knowledge could be industrialized. Knowledge labor was to be extensive while knowledge capital intensive. The former justified increasing educational capacity and tuition funding, while the latter implied intensive investment to create centers of production. Research in this regard came to be associated with excellence or measurable outcome of efficacy. The emphasis on research productivity (while public funding receded and all institutions have had to rely on excellence rather than

entitlements to function) has meant that the research model has extended across all manner of institutions as a means of valuing faculty activity. Boyer's strategy was twofold: to redistribute this value by extending the metric of research to cover the range of activities that faculty might engage in and to pluralize faculty contributions to recognize diverse abilities and capacities over the course of a career.

Boyer identifies four scholarly functions that professorial work performs: discovery, integration, application, and teaching. The scholarship of discovery pertains to research innovation based upon unique investigation, which, Boyer notes, is unevenly distributed over the course of even the most productive careers. The scholarship of integration entails interpretation that reshapes the boundaries of human knowledge. While interdisciplinarity that presses on those very boundaries is now moving from the margins to the center of academic life, conventionally a lifetime of learning is required to achieve adequate synthesis. The scholarship of application subjects civic engagement to professional rigor in order to serve the public good, yet such service must be able to incorporate practical knowledge and political demands into its own disinterested approach and self-concept. The scholarship of teaching extends beyond what is already known and available for transmission to the transformation and extension of knowledge. But for knowledge to count, its efficacy must be demonstrated and this requires assessment from all who participate in teaching—faculty, students, and peers. If not, Boyer observes, teaching “is like a currency that has value in its own country but can't be converted into other currencies” (37). Learning that is ongoing, lifelong, requires continuous, multidimensional assessment. These various forms of research can be integrated into a faculty portfolio—a collection of work that displays development, but also an array of investments whose returns can be summed in the aggregate. At the same time, assessment implies convertibility: the means to make differences commensurate with one another. Generalizing the research model affords a kind of gold standard, taking up a range of activities like teaching, interdisciplinarity, and service that would be considered local, departicularizing them, and translating them for external measurement on the assumption that the local values lost to convertibility, will, like the development models for poor countries, secure development (and not further impoverishment).

Boyer's report aimed to ground research in a metric that was comprehensive and universal. Research requires demonstration; it cannot simply invoke privilege. Assessment entails a shifting calibration of value over time (a career) and across disciplinary space. Measurable gain will be the stuff of excellence. While Boyer's ambition is to affect a revaluation of teaching by extending definitions of research excellence, providing intercommensurability of diverse currencies and values also permits a parsing within each of the categories. The Carnegie Foundation advances teaching by itself, treating it as a form of currency—both the store and measure of value. It provides crucial research aimed at the valuation of teaching, but also undertakes the classification by which institutions rank their status—not by determining the ranking per se, but by delimiting the classes by which mobility across class might be recognized. The proliferation of research

categories, and the engagement of all institutions along a classificatory schema informed by research assessment exercises, abets the internal differentiation by which rewards such as tenured appointments are meted out. By this logic, tenure is not what binds one to an institution in a usurpation of employer prerogative, but what marks convertibility or mobility by which hiring away faculty becomes a mark of institutional prestige.

Excellence engenders this disjunction by which some can become what Marc Bousquet refers to as a “waste product” and others the scene of accumulation. Bousquet ingeniously critiques the notion that the academic job system fits with supply-demand logic of a labor market:

Increasingly, the holders of the doctoral degree are not so much the *products* of the graduate-employee labor system as its *by-products*, insofar as that labor system exists primarily to recruit, train, supervise, and legitimate the employment of nondegreed students and contingent faculty.

This is not to say that the system doesn't produce and employ holders of the PhD in tenurable positions, only that this operation has become secondary to its extraction of teaching labor from persons who are nondegreed or not yet degreed, or whose degrees are now represented as an “overqualification” for their contingent circumstances. (21; emphasis in original)

For many, Bousquet observes, the PhD is not the portal to a rewarding life in academia, but the termination of a teaching career, which made the apprenticeship an end in itself. In place of the illusion of graduate study as a dream deferred, casualized academic labor induces a grasp of the larger context for their work. “They know they are not merely treated like waste but, in fact, are the actual shit of the system—being churned inexorably toward the outside: not merely ‘disposable’ labor (Walzer) but labor that must be disposed of for the system to work” (27). The contingent work inside the university is linked to that beyond it in an organizational “dictatorship of the flexible,” an assertion of the dispossessed that can re-recreate jobs from the piecework teaching assignments. The aim is an increase of tenured positions in the academy that is linked to the casualized knowledge work beyond it. In addition to disclosing how casualization has become an internal feature of faculty tenure—insofar as the former is the residue of the latter—this analysis makes evident the limits to the reproducibility of tenure as a self-regulating realm of peer governance. It also describes a moment when the humanities start to look like other professional circuits, where training inside the university catapults into technical-managerial fields without determinate content or career structure. In the case of these professional fields, the space outside the university provides the legitimating and judgment operations that the craft model of the professoriate had sought, through academic freedom, to reserve for itself. For faculty in these professional areas, now the overwhelming majority, a PhD might or might not lead to an academic appointment, but it would not be the presumed end of graduate training. While there are certainly professional fields like accounting or medicine where academics retain fundamental claims to peer

judgment, in most, from business to the arts, the locus of professional excellence would be located outside the academy and the faculty would demonstrate their participation in these realms as a measure of their stature and credibility.

The committee operations of faculty do not necessarily impinge upon the institutional directions that universities pursue, unless strategic planning itself is inhabited fully as a participatory mechanism and occasion. For this, however, a deeper understanding of the technical arguments and mechanisms of the university is required and this literacy must be seen as an abiding feature of an academic career. Certainly, a portfolio of administrative positions and responsibilities remains an option for faculty willing to not leave this work to others. The understanding that administering the university is part of academic labor moves faculty in a very different direction than the compact of academic freedom that left the professoriate unencumbered by the grist of their most immediate context (particularly now that context is elaborated into circuits of knowledge production that flow inside and out of the institution in ways that faculty themselves cannot be free from). Academic freedom delivered much for those covered by its compact. The beneficiaries of such freedom have not been able to sustain the covenant to the expanding sectors of the professoriate. A faculty more fully cognizant of what has become of its labor may find more strength in versions of solidarity than in fainter calls for autonomy. Curiously, where the social and interdependent aspects of their work are most explicit, academic freedom itself offers little cover, and service scant reward. The managerial energies behind the entrepreneurial spirit need to be made more explicit. The cloistered quarters of academe may indeed be spawning a proletariat in its midst. But the army of labor, the socially binding work, looks more and more like a generalized condition of management. This requires a closer look at university managerialism, for its concentration in the executive suites surely, but more consequentially in its dispersion throughout the halls and groves.

Notes

¹ For a summary of the case, see Lendman.

² This point was made by Cornell Professor Eric Cheyfitz. See Gravois.

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