

## Academic Freedom in Reactionary Times

JON THOMPSON

### CONTENTS

1. Academic Freedom
2. Current Threats
3. Dissenters with Defenders
4. Liberalism and Policy Development
5. Reactionary times
6. Resisting Threats

*The best way to defend academic freedom is to exercise it.<sup>i</sup>*

ABSTRACT. Several centuries of struggles for religious freedom evolved into demands for broader freedoms, and academic freedom developed as a special form. Periods of reaction follow periods of toleration and established rights can be lost. Academic freedom is currently threatened by a reactionary political economy and lessons from the past suggest guidance for the present and future.

### 1. Academic Freedom

The concept of academic freedom developed in the West over the past millennium, but it had precursors in ancient Greece, the Hellenistic world, Asia and the Islamic world. It is “a modern term for an ancient idea,”<sup>1</sup> and emerged from a successful blending of the sacred and profane, as demands for religious freedom were broadened and developed into demands for political rights

---

<sup>i</sup> Frank H. Underhill, “Academic Freedom in Canada,” *CAUT Bulletin*, December 1959, p. 6—16. Historian, public intellectual and political activist, Underhill taught at the University of Toronto during most of his career. He practiced what he preached, and was denounced in the Legislature by Premiers of Ontario and threatened with dismissal by Presidents of the University.

and freedoms. Historically, universities had a quasi-ecclesiastical character and claims to academic freedom were “rooted in an intellectual tradition created to defend the autonomy of the medieval Church.”<sup>2</sup> However, to a substantial extent the modern right to academic freedom is not a product of the academy and instead resulted from influences of the wider society because it was seen to be for the common good.

Challenges to received wisdom are often controversial and periods of toleration alternate with periods of reaction and repression. As a result academic freedom is often at risk and requires robust means of defence. In the United States and Canada we have had an effective, comprehensive right to academic freedom for less than fifty years. It was very difficult to gain, and twentieth century history shows that even weaker forms of it are very easy to lose.

Academic freedom is a more specific concept than general freedom of expression, in that it pertains to university employment status. The concise 1988 British legal definition states the purpose:

to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions;<sup>3</sup>

Thus the ideas or opinions academics may discuss without jeopardizing their jobs or privileges are not restricted, provided they are within the law. In particular, the ideas or opinions need not pertain to the academic specialty of the academic staff expressing them. Three cases from the first half of the twentieth century formed part of the historical background to this conception of academic freedom. The jobs or privileges of Bertrand Russell (philosophy, Trinity College Cambridge), Arnold Toynbee (history, Kings College London), and Harold Laski (political science, London School of Economics) were jeopardized when they expressed opinions on matters of public policy that displeased the government or private donors.<sup>ii</sup>

The CAUT policy statement is more elaborate and makes it clear that academic freedom includes the following components:

- a. Freedom of research and publication
- b. Freedom of teaching
- c. Freedom of intramural expression

---

<sup>ii</sup> Summaries of these cases can be found in E. Barendt, *Academic Freedom and the Law: A Comparative Study* (Portland Oregon: Hart Publishing, 2010), in Chapter 4 where the 1988 legal definition is discussed, with an outline of the political and historical context .

d. Freedom of extramural expression<sup>4</sup>

Freedom of intramural expression includes the right to criticize the university administration. Freedom of extramural expression includes the right to be an engaged citizen in a democracy, including the right to criticize the government. The American Association of University Teachers (AAUP) promotes a similarly comprehensive policy, and internationally there is the UNESCO policy statement modelled on that of CAUT.

## 2. Current Threats

Universities and other public interest organizations worldwide are experiencing manifold and increasing political and financial stress, resulting directly or indirectly from the prevailing neoliberal political economy. In such an environment, it is not surprising that academic freedom is increasingly threatened, from both on and off campus. For example:

- I. In 2011 the AUCC issued its new, substantially weaker academic freedom policy
- II. In 2009 a SSHRC-funded conference on Israel/Palestine came under public attack, followed by unprecedented government interference with SSHRC
- III. During the past decade, several American and Canadian universities have signed agreements giving private sponsors unprecedented influence over academic matters
- IV. During the past decade and a half, several professors of medicine were dismissed when they insisted on their right to publish accurate scientific findings on drug risks

### *I. AUCC's new policy.*

The 2011 policy is significantly weaker than AUCC's own 1988 version and radically weaker than that of CAUT. Although the new policy speaks of the importance of academic freedom, it is silent on two of the four main components:

- Freedom of intramural expression
- Freedom of extramural expression.

Thus it advances a narrow conception of academic freedom dating back to the undemocratic Second German *Reich* (late nineteenth to early twentieth century)—when this freedom was largely confined to a professor's utterances on matters within his disciplinary specialty—as will be clear from the historical summary in Section 4. In short, it is fundamentally reactionary.

The danger the new policy poses is twofold. University employers may attempt to weaken academic freedom articles in current faculty collective agreements. Even if not successful in

collective bargaining, employers may introduce the policy in hearings before arbitration boards as a model accepted by a national organization.

AUCC's published reasons for weakening its 1988 policy are surprisingly unpersuasive, so that the motivations remain unclear. For example, the new policy emphasizes that "academic freedom must be based on institutional integrity ... and institutional autonomy."<sup>5</sup> No one would dispute that university autonomy is important. Yet when the new policy was issued in October 2011, some of AUCC's members already had signed agreements effectively ceding substantial measures of autonomy to private sponsors in certain academic programs.

In contrast, CAUT's policy states:

Academic freedom must not be confused with institutional autonomy. ... That very autonomy can protect academic freedom from a hostile external environment, but it can also facilitate an internal assault on academic freedom. Academic freedom is a right of members of the academic staff, not of the institution. The employer shall not abridge academic freedom on any grounds, including claims of institutional autonomy.<sup>6</sup>

It may or may not be relevant that during the past decade or so, faculty associations and individual faculty members have been strongly and publicly critical of certain university administrations for ceding measures of autonomy to private sponsors, or in other ways placing academic freedom at risk. Faculty associations and individual faculty members also have been strongly and publicly critical of government policies and actions. Similarly, it may or may not be relevant that AUCC has admitted to membership institutions with religious aims. The emphasis on "institutional integrity ... and institutional autonomy," could be invoked in support of an argument that academic freedom may be subordinated to religious aims. Whatever AUCC's intentions may be, the new policy reads as a variant of "the administrative solution" to the "problem" of controversy in the academy perceived by some university presidents.<sup>7</sup>

However, AUCC is not monolithic. Shortly after it published its new policy, University of Toronto President David Naylor published a critical "comment" confirming his support for academic freedom as established in the University's Memorandum of Agreement with the University of Toronto Faculty Association. The policy in the Memorandum of Agreement contains the essence of the CAUT policy. In the same comment Naylor announced his resignation from the AUCC Board.<sup>8</sup> The mission statement of the University of Toronto declares the institutional purpose:

Within the unique university context, the most crucial of all human rights are the rights of freedom of speech, academic freedom, and freedom of research. And we affirm that these rights are meaningless unless they entail the right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself. It is this human right to radical, critical teaching and research with which the

University has a duty above all to be concerned; for there is no one else, no other institution and no other office, in our modern liberal democracy, which is the custodian of this most precious and vulnerable right of the liberated human spirit.<sup>9</sup>

In short, academic freedom includes the right to raise “deeply disturbing questions and provocative challenges” to received wisdom and it is central to the university’s mission in a democratic society.

## *II. Government interference with SSHRC.*

Bruce Ryder, Susan Drummond, Mazen Masri and Sharyn Aiken of the York and Queen’s University law faculties organized the 2009 conference to discuss legal and political aspects of different models of statehood for the combined Israel/Palestine territory. They received financial support from their universities, and a grant from SSHRC. SSHRC’s peer-review committee rated the conference proposal very highly and awarded a large grant.<sup>10</sup>

Controversy developed when Israel lobby organizations and other supporters of the government of Israel denounced the conference and attempted to have it cancelled, or its program substantially altered. They objected to one of the models to be discussed: the one-state model for the combined Israel/Palestine territory in which all citizens would enjoy the same rights. As such, opposition to the conference was another manifestation of the widespread anti-Enlightenment sentiment of our time.<sup>11</sup> Responding to conference opponents, the Harper government interfered with SSHRC and SSHRC officials gained the impression that the agency’s overall budget might be adversely affected by the government’s displeasure. SSHRC then issued a peremptory demand to the conference organizers for detailed information about the program and the speakers, a demand outside of the agency’s own published procedural policies.<sup>12</sup>

Nevertheless, the conference was held as scheduled and planned by the organizers. Key factors in ensuring this success were the steadfastness of the conference organizers, prompt and effective assistance to the organizers by CAUT, and firm support for the organizers’ academic freedom by Dean William Flanagan of Queen’s and President Mamdouh Shoukri of York. The widespread respect for academic freedom established in Canada by CAUT during the past half century also was important. This was illustrated by Dr. Shoukri’s public statements and his replies to individual critics who demanded the conference be cancelled. In contrast, several academic events on similar topics in the USA, UK and France were cancelled.

## *III. Contracts ceding autonomy.*

As public resources for university research and teaching continue to dwindle in the current political economy, an increasing number of universities have been signing agreements with

private donors ceding varying degrees of autonomy over academic matters. A recent study “Big Oil Goes to College” published by the Centre for American Progress assessed the legal and academic implications of ten such contracts between universities and petro-chemical corporations.<sup>13</sup> Another type of agreement is directed toward influencing the undergraduate curriculum, for example, providing funds to support study of novels by Ayn Rand in schools and colleges in both the United States and Canada.<sup>14</sup>

Among Canadian instances are the agreements the University of Waterloo (UW) and Wilfred Laurier University (WLU) signed with the Centre for International Governance Innovation (CIGI), a private think tank sponsored by Jim Balsillie, co-founder of Research in Motion (RIM). A controversy developed in 2010 when Ramesh Thakur’s position as Director of the Balsillie School of International Affairs (BSIA)— jointly affiliated with UW, WLU and CIGI—was terminated a year after his initial two-year contract had been extended to five years, and his appointment as a CIGI distinguished Fellow also was terminated. The circumstances of Thakur’s BSIA termination, including the involvement of CIGI in the process, were discussed in a report by Len Findlay commissioned by CAUT. Findlay found that “Dr. Thakur was unfairly treated in the months leading up to his dismissal as Director of the BSIA. ... Dr. Thakur’s personal and academic reputation has been unfairly damaged, but not as much as the reputation of CIGI, UW, and WLU.”<sup>15</sup> <sup>iii</sup>

In August 2011 an agreement between York University and CIGI focused on Osgoode Hall Law School. It was intended to provide a total of \$60 million for a number of research chairs and scholarships for a joint CIGI/Osgoode program in aspects of international law. Successful students in the program would receive Osgoode Hall law degrees. One half of the total funding was to be provided by the Province of Ontario, and this was to be matched by Mr. Balsillie through CIGI. The agreement was signed by President Shoukri and Dean Lorne Sossin for the University, and by Jim Balsillie and another CIGI representative. It gave CIGI an effective veto on hiring decisions and other significant academic program matters.<sup>16</sup>

After the agreement was announced, several Osgoode faculty members raised concerns that if implemented, the joint CIGI/Osgoode program would place academic freedom and academic integrity at risk because of the extent to which institutional autonomy would be ceded. Osgoode professors were aware of the Findlay report on the Thakur case. During a period of several months a series of protocols and other documents were presented by the university administration to the Osgoode faculty, purporting to ensure the August 2011 agreement would not jeopardize academic freedom or institutional autonomy.

---

<sup>iii</sup> Findlay observed “Dr. Thakur has been eagerly recruited by the Australian National University, a leading institution with first-hand experience of the kind of contributor and collaborator he is.”

Finally, on April 2, 2012 the Osgoode Faculty Council was asked to vote on a motion proposed by Dean Sossin and seconded by an associate dean, to confirm willingness to participate in the CIGI/Osgoode program. In advance of the meeting, a panel of Osgoode faculty members distributed to their colleagues a detailed technical analysis concluding that the University administration's protocols and documents, including the most recent ones did not provide minimal protection against the risks posed by the August agreement. Following discussion, the Dean's motion was defeated by a vote of 34 to 7.

Later that day Provost Patrick Monahan, a former dean of Osgoode Hall, issued a public statement saying that the University and CIGI would not proceed with the proposed joint program, in light of the outcome of the Osgoode vote. In his statement the Provost expressed the view that the series of administrative protocols and other documents "would have provided strong protection for academic freedom and institutional autonomy."<sup>17</sup> Osgoode professors Gus Van Harten and Stepan Wood subsequently issued a public statement expressing the view that:

The deal was flawed because it channelled public and private funding to the university through an external gatekeeper, with unprecedented strings attached. ... Private funders must recognize there are important limits to what they can request in exchange for money. Serious academic institutions must ensure the limits are respected.<sup>18</sup>

#### *IV. Hazards of publishing findings on drug risks.*

Several professors of clinical medicine were removed from posts in university teaching hospitals after they insisted on their right to publish accurate accounts of scientific findings on drugs or industrial processes. Among these were Nancy Olivieri (University of Toronto), David Kern (Brown University), David Healy (University of Toronto), and Aubrey Blumsohn (University of Sheffield). Of these four, only Olivieri and Healy obtained significant redress. Although their positions were non-unionized there was an effective organization willing to assist them, CAUT. In the United States and in England there was no organization able and willing to assist, and the clinical research careers of Kern and Blumsohn were ended.<sup>19</sup>

Sections 3 and 4 outline the history of academic freedom, and Section 4 concludes with a summary of the main factors contributing to a more effective right to this freedom in Canadian universities.

### **3. Dissenters with defenders**

Freedoms insisted upon by courageous individuals become effective when others step forward to defend them. This can be illustrated by several cases, from religious heretics to political heretics, until a right to academic freedom began to gain acceptance. The first three were internationally influential in their own times and major figures historically. The others were nationally significant.

John Wyclif (Christian theologian, activist and heretic; Oxford, 1380)

Isaac Newton (mathematician, physicist, alchemist and heretic; Cambridge, 1675)

Christian Wolff (mathematician, physicist and philosopher; Halle, c. 1740)

Richard T. Ely (political economist and activist; Wisconsin, 1894)

Harry S. Crowe (historian and activist; Winnipeg, 1958)

Ze'ev Sternhell (historian and activist; Jerusalem, 2008).

*Wyclif*. In their study of academic freedom written in the era of McCarthyism, historians Richard Hofstadter and Walter Metzger wrote:

Since [Wyclif] taught a doctrine of the Eucharist that struck at the heart of Catholic theology and a doctrine of clerical poverty that struck at the prevailing practices of the Church itself, it is not surprising that the bishops should have sought to quiet him or that they should have had the authorization of the Crown. What was remarkable was the loyalty Wyclif commanded within the university and the stubbornness with which it, in common with a very large section of public opinion, defended him.<sup>20</sup>

Support for Wyclif endured for several years even in the face of a papal bull demanding he be turned over to the Bishop of London, and he continued promote Church reform until his death in 1384 of natural causes. His school was subsequently suppressed and a period of repression followed in the university and elsewhere.

A few decades later, Wyclif's follower Jan Hus, rector of the University of Prague, was summoned to a Church Council, tried and burned at the stake for heresy. The Pope then ordered Wyclif's bones to be exhumed and burned.

Those who regard such events as ancient history might reflect on the suppression of liberation theology in Latin America in the 1980s when, for example, Archbishop Oscar Romero was assassinated while celebrating mass. Noam Chomsky wrote:

The crime of liberation theology was that it takes the Gospels seriously. ... The Gospels are radical pacifist material ... [But] since the time [of Emperor Constantine] the Church has been pretty much the church of the rich and powerful—the opposite of the Gospels. Liberation theology ... brought the actual gospels to peasants. They said, let's read what the Gospels say, and try to act on the principles they describe. That... set off the Reagan wars of terror and Vatican repression. ... It was a clash of civilizations ... the United States versus the Gospels.<sup>21</sup>



More recently, in a report commissioned by York University on the controversy over the 2009 conference on Israel/Palestine Frank Iacobucci, a former Supreme Court justice invoked the twin spectres of religious and political heresy:

The Conference's subject matter was controversial, striking at the heart of deeply held religious and political beliefs.<sup>22</sup>

Iacobucci recommended that in future the University should screen conference proposals for material that might offend some person or group—in other words, that York should have a process for prior approval and restraint for academic events.

*Newton.* In 1675 Charles II granted Isaac Newton a special dispensation to continue as Lucasian Professor in Trinity College, Cambridge, even though Newton refused holy orders. He adhered to the ancient heresy of Arius which denied belief in the Holy Trinity. Because of his extraordinary talent Newton had influential supporters who interceded on his behalf and Charles, a liberal monarch by the standards of the day, granted Newton “and all subsequent holders of the chair exemption from holy orders,” so as to “give all just encouragement to learned men who are & shall be elected to the said professorship.”<sup>23</sup>

*Wolff.* In 1723 Christian Wolff, a leading figure of the German Enlightenment was banished under threat of the gallows by King Frederick William I of Prussia, following allegations that his theological teachings inspired students to challenge religious orthodoxy and hence also the authority of the state. In their recent book on academic freedom, Matthew W. Finkin and Robert C. Post summarized subsequent events:

Wolff's expulsion triggered a polemical explosion throughout Europe. More than two hundred tracts addressed the case, most defending Wolff in terms of the “freedom of philosophy.”... Intellectual freedom was taken to have prevailed when the new king, Frederick II (Frederick the Great) restored Wolff to Halle in 1740 as professor of public law and mathematics, vice chancellor of the university, and Prussian privy councillor.<sup>24</sup>

Periods of conservative reaction follow periods of liberalization and alleged heresies recur. After the death of Frederick the Great in 1786 a royal decree restricted freedom of teaching and publication. Under this edict Immanuel Kant was reprimanded by the Prussian interior minister for having used his philosophy “for the purpose of distorting and deprecating several basic teachings of the Holy Bible and of Christianity.”<sup>25</sup>

*Ely.* Like many in the first generation of American academic researchers, Ely obtained his PhD in Germany. After serving as chair of political economy at Johns Hopkins University, Ely was recruited by the University of Wisconsin to direct a new School of Economics, Politics, and History. A critic of the prevailing social and political order, Ely rejected the doctrines of *laissez-*

*faire* capitalism, and argued that the state should not confine itself to protecting the interests only of the wealthy. He “looked upon the study of economics as a way of defending public interests.”<sup>26</sup> In 1894, the Wisconsin Board of Regents initiated dismissal proceedings against him.

Ely was defended by colleagues at Wisconsin and elsewhere, but more importantly, Hofstadter and Metzger suggested, he had the support of the university’s president, Charles Kendall Adams. Ely was exonerated and the Board of Regents issued a ringing declaration in favour of academic freedom. It was very broad in scope and a precursor to twentieth century definitions saying, among other things, that:

We cannot for a moment believe that knowledge has reached its final goal, or that the present condition of society is perfect. We must, therefore, welcome from our teachers such discussions as shall suggest the means and prepare the way by which knowledge may be extended, present evils [...] removed, and others prevented.<sup>27</sup>

*Crowe.* As a decorated Canadian Army veteran of World War II, Harry Crowe may have assumed modest freedom of intramural expression as a professor of history at United College (now the University of Winnipeg), especially in a private letter to a colleague. The letter, which criticized the college administration and organized religion, somehow reached the College Principal. Crowe was summarily dismissed and denounced because “the attitude toward religion revealed by [the letter] is incompatible with the traditions and objectives of United College.”<sup>28</sup>

CAUT commissioned its first committee of inquiry, with Vernon Fowke (economics, Saskatchewan) and Bora Laskin (law, Toronto) as the members, Fowke serving as chair. Their published report found the dismissal “arbitrary” and “violative of academic freedom and tenure. The story is the sorrier because of the attempt to associate the dismissal with protection of religious principle.”<sup>29</sup> Fowke and Laskin recommended full reinstatement. Subsequently, Hon. Gordon Churchill, a member of the College Board and Minister of Trade and Commerce in the Diefenbaker Progressive Conservative government mediated a resolution of the dispute. The dismissal was withdrawn and Crowe offered full reinstatement.

Fowke and Laskin were asked to take on this task because they were well known as intellectually formidable and personally intrepid. Laskin later served as president of CAUT and was Chief Justice of the Supreme Court of Canada from 1973 until his death in 1984. The historical significance of their 1958 report will be mentioned later. For the moment, it is worth reflecting on the question as to whether any member of the Harper Conservative government might be accepted as a mediator in an important academic dispute.

*Sternhell.* An expert on the uses of myth and ideology for political purposes in Europe and Israel, Ze’ev Sternhell has published views considered controversial in some academic circles. His

work was recognized by the 2008 Israel Prize in Political Science. However, his views expressed as Jewish Israeli citizen and Zionist brought more than controversy and his experience shows that a right to academic freedom may not—by itself—afford personal protection.

Sternhell has long been an outspoken critic of Israel's continuing occupation of Palestinian territory following the 1967 War, and later in the same year his Israel Prize was awarded he was injured by a bomb placed at his home. A Jewish West Bank settler was arrested by police for the attack. Undaunted, Sternhell continued his public criticism of Israel's "settlement colonialism" in the Occupied Territories.<sup>30</sup>

The foregoing examples illustrate the transition during several centuries from religious dissent to political dissent, and the emergence of demands for comprehensive freedom of expression. The 1894 declaration by the Wisconsin Board of Regents (quoted above) reflects intellectual and political concerns brought sharply into focus a century earlier by some of the leading figures of the Enlightenment, yet religious sensitivities still remain as sources of controversy in the academy.

#### **4. Liberalism and Policy Development**

##### *Staël, Humboldt and Mill*

The transition from defence of dissenters on an *ad hoc* basis to general policies and wide acceptance of academic freedom owes much to non-academic liberals. Among them were Germaine de Staël in France and more widely in Europe, Wilhelm von Humboldt in Prussia, and John Stuart Mill in England, who carried Enlightenment principles into the nineteenth century and whose writings helped propel them into our time.

A fundamental principle was universalism: that all people have the same basic needs and should have the same basic rights. In addition to equality rights, relevant Enlightenment principles included democracy and responsible government, separation of church and state, and freedom of thought and expression. A key place and time for the emergence of such ideals was Paris in the second half of the eighteenth century. The University of Paris was then a centre of reaction, and the adventurous discussions took place in a few private salons hosted by wealthy individuals. French, British, German, Italian, and American intellectuals, politicians, and dissenting clergy met over lavish dinners and fine wines to discuss ideas and theories regarded as seditious or sacrilegious. Some of the salon hosts, such as Baron d'Holbach and Madame de Staël were themselves leading intellectuals.<sup>31</sup>

After the French Revolution Enlightenment principles gained widening acceptance, gradually, despite recurrent periods of strong and often violent political reaction against them. The liberal democracies that developed after World War II implemented them, including the rights and freedoms we now enjoy. Modern academic freedom resulted from this process.

The term liberal—like the term conservative—has become so elastic as to be meaningless without specification. It is fashionable to observe that some of the great liberals were imperfect persons. For example, John Locke was involved in the slave trade between Africa and the West Indies and Thomas Jefferson owned slaves.<sup>32</sup> However, liberals have not enjoyed a monopoly on human exploitation, and our current rights and freedoms stem in significant measure from advocacy by liberals such as Staël, Humboldt and Mill. It would be difficult to find analogues of Mill's essay promoting equality rights for women in either the conservative or religious canon. I use the term liberal in the sense promoted by Staël, Humboldt and Mill.

*Germaine de Staël* was one of the leading advocates for Enlightenment principles and liberal values for a quarter century during and after the French Revolution. She and her parents formed a personal, intellectual, and political bridge between the pre- and post-revolutionary periods of the French Enlightenment.<sup>iv</sup> A writer and salon host with substantial private means, her novels and scholarly works on literature, culture and politics were admired by Goethe, Schlegel, Stendhal, Chateaubriand, Byron and Pushkin, and are historically significant. She was a strong proponent of responsible government and a leading critic of Napoleon Bonaparte's increasingly despotic rule. She practiced freedom of speech and expression with great courage throughout her life, and while exiled from France by Napoleon remained politically influential across Europe, consulted by a number of the most prominent statesmen of the time. She may be regarded as the Bertrand Russell or Noam Chomsky of her time but with more direct influence on matters of state than either of them ever had.

*Wilhelm von Humboldt* was an influential philosopher and linguist of private means. He also was a bold, innovative administrator and an effective diplomat during several periods of Prussian government service. In the late 1790s he served as envoy in Paris and developed a friendship with Madame de Staël and the liberal intellectuals and politicians who frequented her salon. He was a strong advocate of civil liberties and responsible government whose treatise *The Sphere and Duties of Government* was an inspiration to Mill, who helped bring Humboldt's political views to the attention of the English-speaking world.<sup>v</sup>

---

<sup>iv</sup> Germaine de Staël's parents were Swiss Protestants. Her father, the banker and French government minister Jacques Necker was for a time one of the most important political figures in Europe, and an innovator for responsible government both in policy and action. Her mother, Suzanne Curchod, Madame Necker, hosted one of the most influential salons in the two decades preceding the Revolution, with a number of the most significant radical Enlightenment thinkers of the time as frequent guests.

<sup>v</sup> Humboldt wrote the first draft of the manuscript for *The Sphere and Duties of Government* in 1791 and excerpts were published soon thereafter, but the complete work was not published until 1852 (he died in 1835) because of protracted periods of political censorship in Prussia. An English translation appeared in 1854, and included the title-page motto: a quotation from a 1791 essay by Mirabeau the Elder on governance and public education. (A copy of the translation is available at [http://files.libertyfund.org/files/589/0053\\_Bk.pdf](http://files.libertyfund.org/files/589/0053_Bk.pdf).)

*John Stuart Mill* was an East India Company employee for much of his adult life and later a Member of Parliament. In addition to his substantial writings on philosophy and political economy, he was a courageous advocate of civil liberties and equality rights. His essays *On Liberty* (1859) and *On the Subjection of Women* (1869) remain current.

The Napoleonic era, among other things, was a time of modernization of governmental institutions across much of Europe, when a number of Enlightenment principles were put into practice, although only for short periods of time in many instances. Historian Hagen Schulze summarized developments in Germany: the “shock of defeat” and “sense of humiliation” in Prussia and more widely after the military rout by Napoleon in 1806, led to “administrative reform in the German states along French lines.” Constitutions were enacted, administrations modernized, and new legal systems similar to the Code Napoleon adopted.<sup>33</sup>

During 1809-1810 Humboldt served as head of ecclesiastical and educational affairs in the Prussian interior ministry. He reformed the entire education system from elementary school to university making it free and universal, and “secured the abolition of censorship for scholarly, scientific, and literary works.”<sup>34</sup> He also founded the technical universities, as well as the University of Berlin (now Humboldt University) which became a model for research universities worldwide. Humboldt appointed Johann Gottlieb Fichte, a champion of freedom of expression as head of the philosophy department, and Fichte was elected the first rector of the new university.<sup>vi</sup> It was in these circumstances that the term *akademische Freiheit* (academic freedom) began to come into wider use.

Periods of conservative reaction soon followed in Prussia and across Europe and lasted several decades. Political repression affected scholars in Germany and elsewhere, and continued even where religious discrimination had subsided. Humboldt was forced to resign from the interior ministry in order to placate reactionaries, but his structural reforms to education endured.<sup>vii</sup>

Nevertheless, “by the time of German unification [1871], *akademische Freiheit* was taken as a defining condition for higher education, virtually as a matter of course.”<sup>35</sup> It was a substantial right of university faculty in Germany, with no formal analogue in the English-speaking world until decades later. It had two components: *Lernfreiheit*, which “meant the absence of administrative coercions in the learning situation for students,” and *Lehrfreiheit*, which “meant that the university professor was free to examine bodies of evidence and to report his findings in lecture or published form,” together “with the paucity of administrative rules within the teaching situation.”<sup>36</sup>

---

<sup>vi</sup> Several years earlier, Fichte had been dismissed by the University of Jena for alleged atheism.

<sup>vii</sup> Humboldt later held several important Prussian ambassadorial posts.

In the unified German *Reich* professors were civil servants, but their universities had substantial autonomy and the faculty continued to elect their administrators. However, *akademische Freiheit* did not include a right to be politically active as a citizen.

John Stuart Mill cited Humboldt's *The Sphere and Duties of Government* repeatedly in his essay *On Liberty*. Both were concerned with ways of limiting the coercive power of the state over individuals and minorities. Passages such as the following have been a part of public discourse ever since:

If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind.<sup>37</sup>

It is convenient at this point to return to the 1988 British legal definition of academic freedom (quoted in section 1). Historian Conrad Russell—who supported it as a member of the House of Lords—summarized its origins:

This wording was cast in entirely post French-Revolutionary language, and in terms of an ideal of freedom of speech which descends straight from Mill's essay *On Liberty*.<sup>38</sup>

Mill's influence on the AAUP and CAUT conceptions of academic freedom is noted below.

#### *The American Association of University Professors*

The AAUP was established in 1915 as a response to a series of dismissals of senior professors at research universities across the United States during the preceding two decades. The grounds for the dismissals included: challenging orthodoxy in their teaching or research; extramural political activism; or criticizing the president or board of trustees.

The AAUP's founding document, the 1915 *Declaration of Principles on Academic Freedom and Academic Tenure* addressed the need for reform in university governance, tenure as a protection for academic freedom, and fair procedures on appointment and dismissal.<sup>viii</sup>

A number of the AAUP's charter members had studied in Germany and admired the academic freedom enjoyed by professors there. However, they insisted that academic freedom also should include the right to be engaged citizens in a democracy and so went beyond the German conception. The *Declaration's* characterization of academic freedom may be summarized as

---

<sup>viii</sup> The drafting committee was chaired by economist Edward R.A. Seligman of Columbia University who had chaired the American Economic Association committee of inquiry into the dismissal of economist and sociologist Edward A. Ross by Stanford University. It also included philosopher Arthur O. Lovejoy of Johns Hopkins, who had resigned from Stanford in protest over the Ross dismissal, as well as Richard T. Ely. Seligman and Lovejoy were the principal drafters of the *Declaration*.

being comprised of the four components listed in section 1, three of which were explicitly addressed while the remaining one—freedom of intramural speech—was implied.<sup>ix</sup>

The *Declaration* said that a primary function of an “academic institution” was “to promote inquiry and advance the sum of human knowledge” which required “complete and unlimited freedom to pursue inquiry and publish its results” as an essential condition. It said that this requirement applied to all fields of inquiry, including “religion.” It suggested that “proprietary institutions” that restricted freedom of inquiry, whether their aims were religious or commercial, were “sailing under false colors” as academic institutions, indicating they should use a different designation. It noted, too optimistically as developments in subsequent decades showed, that such proprietary institutions were “becoming ever more rare.”<sup>39</sup>

In explaining why academic freedom was for the common good, the 1915 *Declaration* spoke of “the dangers connected with the existence in a democracy of an overwhelming and concentrated public opinion,” in terms reminiscent of Mill’s *On Liberty*:

[I]n a democracy there is political freedom, but there is likely to be a tyranny of public opinion. An inviolable refuge from such tyranny should be found in the university. ... One of its most characteristic functions in a democratic society is to help make public opinion more self-critical and more circumspect, to check the more hasty and unconsidered impulses of popular feeling, to train the democracy to the habit of looking before and after.<sup>40</sup>

#### *The 1940 Joint AAUP-AAC Statement*

The principles in the *Declaration* would have significant practical effect only when essential parts of it were widely adopted by the presidents and boards of American institutions. This did not occur until a quarter century later when, after discussions between the AAUP and organizations representing employers extending over a number of years, the joint 1940 *Statement of Principles on Academic Freedom and Tenure* was issued by the AAUP and the Association of American Colleges (AAC).<sup>x</sup>

---

<sup>ix</sup> For convenient reference, the components are: freedom of research and publication, freedom of teaching, freedom of intramural expression, and freedom of extramural expression. The device used in the *Declaration* to imply freedom of intramural expression was to term faculty members “appointees” suggesting a status greater than “employees” on the basis of their expertise in academic matters in which the appointing boards of trustees had “neither competency nor moral right to intervene.”

<sup>x</sup> The same year 1940 saw a dramatic illustration that academic freedom could not provide protection against determined action by an agency of government, when Bertrand Russell was dismissed from the College of the City of New York, despite an appointment approved unanimously by the City’s Board of Higher Education. Controversy developed when the appointment was denounced by many reactionary Christian leaders and organizations, focusing on Russell’s long-standing advocacy of full social and legal equality for women and his atheism. The appointment

The 1940 *Statement* was a condensed version of the 1915 *Declaration* with a difference: it permitted “colleges and universities’ to impose “limitations on academic freedom because of religious or other aims of the institution,” provided these are “clearly stated in writing at the time of the appointment.”<sup>41</sup> Also, the implication of freedom of intramural expression was weaker than in the *Declaration*.

Comparison of the 1940 *Statement* with the 2011 AUCC policy is instructive. Both documents in effect allow academic freedom to be subordinated to institutional religious aims. However, there is a fundamental difference: the AUCC document is silent both on freedom of intramural expression and freedom of extramural expression, while the joint AAUP-AAC document explicitly includes freedom of extramural expression.<sup>42</sup> Thus the 2011 AUCC conception of academic freedom is more similar in substantive content to the nineteenth-century German conception of academic freedom, than to the twentieth-century AAUP, AAUP-AAC, or CAUT conceptions.

In the United States, recognition of a right to criticize the university administration or board emerged gradually, informally, and locally, through the work of the AAUP committee on academic freedom, and also as a reflection of wider currents in American society. A significant instance occurred in 2005 at Harvard University, when President Lawrence Summers resigned after motions of lack of confidence and of censure were carried in the Council of the Faculty of Arts and Sciences.

### *The Modern British Tradition*

Around the time the AAUP was being formed, British academics also had acquired a modern understanding of academic freedom. It was at least as comprehensive as the one their American counterparts had proclaimed in 1915, although there was no British organization comparable to the AAUP and no formal statement like the AAUP’s *Declaration*. Evidence for this can be found in documentary record of the response to the dismissal of Bertrand Russell by Trinity College, Cambridge.

In the first decades of the twentieth century, Russell was already one of the best-known academics and public intellectuals in the world, due to his research in philosophy and logic, his engaging style as a public speaker and popular writer, and his political activism for women’s

---

was struck down by a court decision in which the judge stated “academic freedom is freedom to do good, not to teach evil.” Public expressions of support for Russell by leading American academics and academic administrators were of no avail, but because of its significance the episode was later discussed from academic, political, and legal perspectives in J. Dewey and H.M. Kallen (eds.), *The Bertrand Russell Case* (New York: Da Capo Press, 1972; first published in 1941) where the judicial ruling was quoted in full.



rights, peace, and other causes.<sup>xi</sup> During World War I, he was an outspoken critic of British war policy and aims. In 1916, after he was convicted and fined for publishing a leaflet protesting the government's harsh treatment of a conscientious objector, the Council of Trinity College summarily dismissed him from his post as Lecturer.

Protests against the dismissal followed, and Russell's supporters included a majority of College Fellows, including all nineteen who served on active duty in the war and survived (four Fellows had been killed in the war), as well as a number of their senior colleagues. Among the latter were several of the great scientific figures of the time: J.J. Thomson, Ernest Rutherford, A.S. Eddington, G.H. Hardy, and A.N. Whitehead. As a result Russell was offered reinstatement after the war, even though in 1918 he had been convicted and sentenced to six months in prison for an even stronger public statement protesting government war policy.

Mathematician G. H. Hardy published an account of the case. Regarding the Council's summary dismissal of Russell, he wrote:

They should have remembered that pacifists, and especially provocative pacifists like Russell, are most unlikely to get fair play in time of war, that many of them had already been convicted unjustly, and that the justice of the conviction of any pacifist was suspect. They should also have remembered that the public opinion of which they were so frightened was unbalanced and hysterical, and that its currents were quite likely to reverse themselves as soon as the war was over.<sup>43</sup>

*The Canadian Association of University Teachers (CAUT)*

The dismissal of Harry Crowe by United College in 1958 polarized the city of Winnipeg and galvanized CAUT. The report on the case by Fowke and Laskin was central to the development of CAUT as an effective organization and the establishment of academic freedom in Canada. Fowke and Laskin adapted AAUP investigational procedures for their inquiry and they cited the joint AAUP-AAC 1940 *Statement*. However, their working definition of academic freedom went beyond the 1940 *Statement* in two important respects. They held that academic freedom:

- Included freedom of intramural speech and specifically freedom to criticize the employer
- Should not be limited by religious aims of the institution

---

<sup>xi</sup> The first chapter in Russell's three-volume autobiography opens with comments on his parents (both of whom died when he was very young) noting with evident pride that they were friends and followers of John Stuart Mill.

The wording of their concise working definition in 1958<sup>xii</sup> was similar to the Mill-inspired 1988 British legal definition, and so in comprehensiveness it was closer to the AAUP's 1915 *Declaration* than to the 1940 *Statement*.

From their report, it is abundantly clear that they regarded academic freedom as an individual right. All of the editions of the CAUT Policy Statement on academic freedom have followed Fowke and Laskin in comprehensiveness, as well as in making clear that it is an individual right.<sup>xiii</sup>

Much of CAUT's endeavours in the 1960s were directed toward establishment of fair procedures for the granting of tenure and for dismissal, and toward more effective participation of academic staff in university governance. The 1965 report by Daniel Soberman (Law, Queen's University) on the legal status of tenure was a landmark, "rank[ing] second only to the one by Fowke and Laskin" in historical significance for the Canadian academy.<sup>44</sup>

By the early 1970s it was clear that important issues remained without adequate faculty involvement. For example, few universities had an effective process for negotiating salaries and benefits, or a fair and effective procedure for resolving grievances. CAUT then determined to adapt the collective bargaining process to the academy. It was successful in this endeavour and as a result almost all of CAUT's member associations across Canada operate in the manner of trade unions, even in cases where they are not certified bargaining agents under a provincial industrial relations act. Academic status disputes on significant matters, including tenure, promotion, and dismissal, as well as disputes about academic freedom, may be submitted to arbitration. Arbitrators and mediators imported standards of procedural fairness from the industrial labour context and sensitively adapted them to the academy.

AAUP also encouraged collective bargaining, but in contrast to Canada, there is great variation in state labour legislation across the United States. AAUP's efforts have been impeded by this circumstance, and by the fact that at many universities it does not have active chapters.

Another significant difference is that during much of the postwar era in Canada, as well as in Britain, there was greater toleration of political dissent. This was illustrated in the 1950s and 1960s, when several professors dismissed and blacklisted in the United States for exercising their

---

<sup>xii</sup> "The privilege of a teacher in a university or college to utter and publish opinions in the course of teaching and research and to exchange opinions with faculty colleagues without liability to official censure or discipline is the commonly understood substance of academic freedom." (Fowke-Laskin report, p. 39)

<sup>xiii</sup> In contrast, the 2011 AUCC policy subordinates academic freedom to institutional aims, as noted earlier in this section, and in Section 2. For reasons particular to their national context, some American commentators hold that academic freedom is not an individual right; for example, Finkin and Post in *For the Common Good* (cited earlier), p. 42.

legal rights as citizens were hired by Canadian or British universities. These included mathematicians Louis Weisner, Lee Lorch, and Chandler Davis—hired by the University of New Brunswick, the University of Alberta, and the University of Toronto, respectively—and classicist Moses Finley (later, Sir Moses Finley), hired by the University of Cambridge.<sup>xiv</sup>

Thus because of more comprehensive policies that are more effectively enforceable, and because of a national culture of greater toleration for political dissent, academic freedom and tenure are better respected and protected on a nation-wide basis in Canada than in the United States. These factors also contributed to CAUT's becoming one of the most robust organizations of its kind in the world.

## 5. Reactionary times

### *Anti-Enlightenment Reactions*

When a government departs significantly from liberal democratic norms of administration, academic freedom and academic integrity become vulnerable. Events in Europe and in the United States during the past century proved that liberal democracy itself is vulnerable to extreme political currents, especially when they are directed or encouraged by agencies of the state. However, the political transitions brought about by reactionaries need not be violent, swift, or dramatic. Erosion of liberal democratic structures can be gradual but persistent and ultimately substantial, such as we have been experiencing during recent decades across the Western world.

Periods of political reaction have occurred throughout recorded history, but since the mid-eighteenth century they often have been reactions against Enlightenment principles or policies. Although led or financed by oligarchic factions and anti-democratic in essence, such reactions attracted popular support and achieved electoral or other political success by exploiting resentments over equality rights for women or minorities.<sup>45</sup>

The terms democracy and oligarchy are elastic, and instead of attempting specifications I repeat philosopher Jacques Rancière's summary of their relationship. He observed that although "we live in societies and States known as 'democracies' ...," in fact "every State is oligarchic." He continued:

But oligarchy can give democracy more or less room; it is encroached upon by democratic activity to a greater or lesser extent. In this precise sense, the constitutional

---

<sup>xiv</sup> There is a parallel between the case of Davis at the University of Michigan in the 1950s and that of Russell at Trinity College, Cambridge four decades earlier, that illustrates greater toleration of dissent in Britain and Canada. Both had been convicted and sentenced to six months in prison (Davis had refused to cooperate with the House Un-American Activities Committee).

forms and practices of oligarchic governments can be said to be more or less democratic.<sup>46</sup>

Commonly reactionaries are conservative, but motivations may range more widely across the political spectrum. The reaction against racial equality in the United States in the late nineteenth century was a broad-spectrum instance. By the end of the century black Americans had been deprived effectively of the rights they had been granted shortly after the Civil War. The disenfranchisement movement was complex, and its leadership included liberals and progressives along with conservatives. Historian C. Vann Woodward noted:

It was quite common in the 'eighties and 'nineties to find in the *Nation*, *Harper's Weekly*, the *North American Review*, or the *Atlantic Monthly* Northern liberals and former abolitionists mouthing the shibboleths of white supremacy ... .<sup>47</sup>

The period of reaction in which we are now immersed also is broad-spectrum, with neoliberalism as the central ideology as discussed below.

#### *Erosion of Collective Bargaining Rights*

In the Depression era, and again after World War II the trade union movement was one of the most effective counterweights to oligarchic factions in democratic countries. The effectiveness resulted from collective bargaining rights established under enlightened and comprehensive labour laws and regulations that were administered by impartial, fair tribunals—rights won only after many decades of struggles against often violent repression of labour activism and unions.

However, the entire framework of labour law and labour relations is being eroded by the impact of neoliberal policies. In a recent paper “Labour Law After Labour,” Harry Arthurs, an authority in the field noted:

[Labour] has become marginalized as a subject of public policy making, as a concern of corporate advisors and decision makers, and as a topic familiar to ordinary citizens.<sup>48</sup>

Economists James K. Galbraith and Paul Krugman observed that the marginalization was the result of political intent that first saw significant practical expression in the late 1970s and early 1980s. This was a time of rapidly changing political attitudes when, as Galbraith expressed it:

[C]onservatives<sup>xv</sup> around the world had come to the conclusion that it would be easier, and more effective, to destroy the union movement than to work with it in cooperation.<sup>49</sup>

---

<sup>xv</sup> In contemporary American discourse “conservative” can mean neoliberal or neoconservative, or both. A difference between these two ideologies is that neoconservatism emphasizes religion as a means of social ordering and control, as Sternhell observed in *The Anti-Enlightenment Tradition* (cited in endnote 45).

Krugman wrote:

Why, in general, did the union movement lose ground...? The answer is simple and brutal: business interests, which seemed to have reached an accommodation with the labor movement in the 1960s, went on the offensive against unions beginning in the 1970s. And we're not talking about gentle persuasion, we're talking about hardball tactics, often including the illegal firing of workers who tried to organize or supported union activity.<sup>50</sup>

The background to these events was that in the United States and Britain until the 1970s, labour was able to express “enhanced market and socio-institutional power and pressure.” However, when profitability in manufacturing sectors declined in the face of competition from Japan and West Germany with attendant over-capacity, blame was placed primarily on American and British trade unions. This was misguided, as historian Robert Brenner explained in a study of the 1965-1973 period weighing the various economic and political factors contributing to the “descent into crisis” for the advanced capitalist world.<sup>51</sup> In any case, anti-union sentiment—an often prominent feature of American politics that had been relatively quiescent—was revived. Strong actions against trade unions, with accompanying rhetoric, were among the characteristic features of the Reagan government in the United States, and also the Thatcher government in Britain. Such actions have intensified again recently, on a world-wide basis.

One of the first direct attacks on academic freedom in the neoliberal era occurred in the Britain, when the Thatcher government included abolition of tenure—one of the main protections for academic freedom—in its 1988 Education Reform Act. The British legal definition of academic freedom (cited in Section 1) then emerged as a by-product of Thatcherite neoliberalism—unintended by the government—in the form of an amendment to the Act. The amendment was meant to provide protection for academic freedom in the absence of tenure, and was opposed by the Thatcher cabinet but carried nevertheless.<sup>xvi</sup>

### *Earlier Reactionary Times*

It is not necessary to recall the most extreme cases—such as Germany under Nazism—to illustrate the fragility of academic freedom in reactionary times. For example, prior to the current neoliberal reaction, in the twentieth century there were two periods of broad-spectrum reaction in the United States: during 1917-1920, and during 1945-1960. In both instances, various branches and agencies of the American government, serving oligarchic interests, took the lead with propaganda campaigns, legislation, and police actions that suppressed civil liberties. The government measures eventually produced wide, although not universal public acceptance of

---

<sup>xvi</sup> Lord Jenkins of Hillhead, Chancellor of the University of Oxford proposed the Amendment . A probable factor in its passage was support by the vice-chancellors of British universities.

repressive measures. In both instances AAUP effectively collapsed, abandoning the principles of its own 1915 *Declaration*.

Although preceded by a more subtle phase during 1915-1916, the first instance began overtly in 1917. Modern propaganda techniques were developed to help persuade a reluctant citizenry to support the Woodrow Wilson government's decision to go beyond supplying Britain and France with funds and material resources, and send troops into the European war.<sup>xvii</sup> Key pieces of 1917 legislation were conscription and espionage acts with the result that "free speech was at hazard everywhere," with many arrests of persons considered to be opponents of the government's war policy.<sup>52</sup>

Historian A.J.P. Taylor noted that for a short period after the outbreak of World War I, the American government had remained neutral and "banks were instructed not to give credit to the belligerents." However:

Soon businessmen complained that the chance of great profits was being lost. Large funds were extended to the allies. Copper, cotton, wheat poured across the Atlantic. Factories worked overtime on British and French orders. The economy boomed. If the German submarines stopped this trade,<sup>xviii</sup> there would be depression, crisis. If the Allies lost the war, the American loans would be lost also. In the last resort, the United States went to war so that America could remain prosperous and rich Americans could grow richer.<sup>53</sup>

Hofstadter and Metzger summarized the effects of the government's successful propaganda campaign on the academy:

The crisis of 1917 plunged the academic profession into vast and unheralded new difficulties. A mob fanaticism arose that put every freedom in jeopardy. The American university, always vulnerable to opinions of the community, could not escape its coercive spirit. ... Suddenly, the gains for academic freedom that had painfully and gradually been won—the greater acceptance of the principle, the beginnings of a regime of academic law—were swept aside.<sup>54</sup>

Many AAUP leaders joined in the pro-war propaganda effort and the association itself promulgated a list of four grounds on which dismissal would be warranted. The first three

---

<sup>xvii</sup> Already in 1916 a critic of the developing propaganda campaign wrote "perhaps never before were more lies told, more truth suppressed, more insincerity shown," and the term "un-American" emerged as an effective political epithet, as historian Walter Karp reported in *The Politics of War* (cited in endnote 52, p. 234—238).

<sup>xviii</sup> During this period, the British navy was enforcing a blockade against overseas trade with Germany, including foodstuffs. Its blockade techniques included extensive deployment of anti-ship mines in the North Sea.

pertained to various anti-war activities, while the fourth pertained to “professors of Teutonic extraction and sympathy” who failed “to refrain from public discussion of the war.”<sup>55</sup> <sup>xix</sup>

The repression lasted beyond the end of the war. In this phase, sometimes referred to as the Wilson Red Scare, socialists, communists, and labour activists were among those targeted for arrest, deportation, or other punitive measures because “the Establishment still feared socialism,” as historian Howard Zinn explained.<sup>56</sup> Walter Karp noted “by 1920 the Federal Bureau of Investigation ... had files on two million people and organizations deemed dangerously disloyal.”<sup>57</sup>

A more protracted period of repression in the United States commenced in 1945 as World War II was ending and lasted for a decade and a half. It included a propaganda campaign that had the effect of transforming public perception of the Soviet Union from indispensable ally against Germany and Japan into mortal enemy. However, as in the 1917-1920 period much of the focus was on domestic economic and political matters and the government again served oligarchic interests, on the basis of similar considerations.<sup>xx</sup>

The repression of this early Cold War period is often conveniently referred to as McCarthyism, although Senator Joseph McCarthy began his campaign against alleged subversives several years after extensive hunts for alleged subversives by Congressional and state legislature committees and the Federal Bureau of Investigation were in progress. Historian Ellen W. Schrecker documented the impact of McCarthyism and observed that while “McCarthy never found any subversives,” nevertheless:

McCarthyism was amazingly effective. ... It was a peculiarly American style of repression—nonviolent and consensual. Only two people were killed; only a few hundred went to jail.”<sup>58</sup>

Commonly, professorial victims of the 1945-1960 repression were targeted not because of what they taught in their classrooms or published in scholarly journals but because of their political or

---

<sup>xix</sup> Among those dismissed was the outspoken and academically distinguished Columbia University psychologist James McKeen Cattell (one of the AAUP’s charter members), who had written to three congressmen urging them not to vote for a bill to authorize the use of American conscripts in Europe. In contrast to the case of the outspoken and academically distinguished Bertrand Russell who had been twice convicted of breaking the law and jailed for the second offence, Cattell was not offered reinstatement.

<sup>xx</sup> A discussion of domestic and foreign policy considerations can be found in Chapter One, “Cold War: Fact and Fancy,” of Noam Chomsky, *Detering Democracy* (New York: Hill and Wang, 1992). Citing de-classified American government material and other public sources, Chomsky noted: (i) concerns over a postwar “decline in economic activity” were resolved by the postwar adoption of military Keynesian measures; and (ii) the political repression was intended “to undermine unions, working-class culture, and independent thought,” (p. 22).

social activism as citizens in a democracy. For example, professors involved in social democratic political movements, or promoting equal rights for black citizens were summoned before the House Un-American Activities Committee (HUAC), and then also dismissed from their posts and blacklisted from academic employment. Schrecker summarized the response of the universities to McCarthyism as follows:

The academy did not fight McCarthyism, it contributed to it. The dismissals, the blacklists, and above all the almost universal acceptance of the legitimacy of what the congressional committees and other official investigators were doing conferred respectability upon the most repressive elements of the anti-Communist crusade. In its collaboration with McCarthyism, the academic community behaved just like every other major institution in American life.<sup>59</sup>

Both the American Civil Liberties Union (ACLU) and the AAUP effectively collapsed under the weight of anti-communist fervour. However, resistance was offered in a few instances. In some learned societies, prominent members protested or the society itself tried to provide assist victims from its own membership.<sup>xxi</sup> A few academic administrators publicly opposed the investigating committees and repressive legislation, notably Robert Maynard Hutchins, Chancellor and former President of the University of Chicago. Hutchins called these repressive activities “the greatest menace to the United States since Hitler.” Because of great personal prestige his opposition had beneficial effects in the State of Illinois and Schrecker commented:

Had other academic leaders been as outspoken as Hutchins ... they might have mitigated the damage.<sup>60</sup>

Academic freedom re-developed in the 1960s and early 1970s, and AAUP and ACLU revived and strengthened. In significant measure this was a consequence of wider liberal currents in American society. The civil rights and anti-war movements were factors and, importantly, the courts began to enlarge the right to freedom of speech to the extent that a judicial “liberal paradigm” emerged.<sup>61</sup> Other important factors were the great prestige science and engineering had acquired by the end of World War II, and the growing importance of post-secondary education generally in the postwar economy.<sup>62</sup>

### *The Neoliberal Reaction*

---

<sup>xxi</sup> Shrecker cited, among others, the example of topologist R.L. Wilder who denounced his university administration’s co-operation with HUAC as “beyond all decency and morality.” She noted that although Wilder himself was then criticized by many colleagues in the University of Michigan, the American Mathematical Society (AMS) elected him as its president (p. 312). Of note also, AMS employed Chandler Davis—dismissed by the University of Michigan and blacklisted from university employment—as an editor of its review journal.



The current anti-Enlightenment period began around the end of the 1970s, notably in the United States, Britain and France. It developed as a broad-spectrum reaction against effective democracy and Keynesian political economy. It gradually intensified, expanded its geographical range, and is now a global phenomenon.

By the mid-1960s, Canada, the United States and other Western countries had become more liberal and effectively democratic than they had ever previously been. There were substantial frameworks for advancing public purpose and defending public interest while balancing oligarchic influences. These broadly beneficial measures had long been strongly opposed by some oligarchic factions, but for several decades they were accepted or even encouraged by other oligarchic factions, including owners or managers of some large corporations.<sup>xxii</sup>

However, by the mid-1970s increasing numbers of oligarchic elements began to organize campaigns to reverse democratic trends. The result of the campaigns was effective capture of the legislative process by privileged minority interests, producing “a concentration of corporate power unconnected to a citizen body,” as political scientist Sheldon Wolin described the phenomenon in a recent study.<sup>63</sup> James Galbraith explained the capture enabled “the systematic abuse of public institutions for private profit,” a regime he termed “the Predator State.”<sup>64</sup> <sup>xxiii</sup>

Regaining more comprehensive oligarchic control of state and public resources required sophisticated propaganda and organization, in order to deliver electoral majorities to parties committed to an ideology or policies that would selectively advantage wealthy individuals and corporations. The campaigns used the normal democratic processes—they were not conspiracies. In the United States, still in many ways the most open of nominally democratic countries, the details of the campaigns, including the amounts and sources of funding for various aspects are matters of public record.<sup>65</sup>

---

<sup>xxii</sup> For example, in the United States the Environmental Protection Agency was created in 1970 by the Republican administration of President Richard M. Nixon and at the time this had broad-based political support.

<sup>xxiii</sup> Wolin and Galbraith discussed the American context, but the pattern is international. Novelist and political analyst James Meek outlined the British predator state: “The episodic character of privatization— one sector being sold, then a pause, then another—has hidden a meta-privatisation that’s passed the halfway point. The essential public good that Margaret Thatcher, Tony Blair and now Cameron sell is not power stations, or trains, or hospitals. It’s the public itself. It’s us. The commodity that makes water and roads and airports valuable to an investor, foreign or otherwise, is the people who have no choice but to use them. We have no choice but to pay the price the toll-keepers charge. We are a human revenue stream; we are being made tenants in our own land, defined by the string of private fees we pay to exist here.” (“Human Revenue,” *London Review of Books*, April 5, 2012, p. 8.)

The central—although not the only—ideological feature of this anti-democratic reaction in the United States and other countries is neoliberalism.<sup>xxiv</sup> In general terms, neoliberalism is simply the latest “phase in the evolution of capitalism.” Specifically, neoliberal policies have provided a strategy and pretext for strengthening the “class hegemony” of wealthy oligarchies within nation states, as well as “the global dominance of the United States” in financial matters.<sup>66</sup>

As with other politically effective ideologies there are two aspects, theory and practice. Michel Foucault devoted his 1979 lectures in *le Collège de France* to an analysis of neoliberalism, from its origins as a social science theory in the 1930s to the beginnings of its implementation as state policy in France in the 1970s. The basic principle of neoliberal theory is that all of human interaction and endeavour should be maintained in a condition of “pure competition,” commonly and euphemistically referred to as the “free market.” But this is a “fragile” or unstable condition because human nature is complex so that, for example, co-operation may occur among individuals or among corporations. Therefore, “permanent vigilance, activity, and intervention” by governments is required in order to maintain pure competition: it “can only appear if it is produced ... by an active governmentality.” In this respect neoliberal theory is different from *laissez-faire* theory.<sup>67</sup>

Neoliberal capitalism also is different from the form of capitalism promoted by John Maynard Keynes, who was regarded by the founders of neoliberal theory as “the main doctrinal adversary, the common enemy.”<sup>68 xxv</sup> Keynes advocated politically and economically stabilizing interventions by the state, including modest redistributions of wealth broadly in society. The founders of neoliberalism advocated state interventions that in effect favoured wealthy persons or corporations, with “price stability, understood not as fixed prices but as control of inflation” being the “primary” or “main objective of [state] regulatory action.”<sup>69 xxvi</sup>

Already in 1938 Alexander Rüstow and Wilhelm Röpke, two of the founders of neoliberal theory acknowledged that, if put into practice, neoliberalism would be socially disintegrating and would increase the insecurity and exploitability of persons and organizations. For example, Röpke said:

---

<sup>xxiv</sup> In the United States, additional ideologies contributed to electoral success for politicians committed to neoliberal agendas, notably: racism, Protestant fundamentalism, neoconservatism, and libertarianism, notwithstanding theoretical inconsistencies among them.

<sup>xxv</sup> Neoliberal theory was developed in the 1930s by Walter Eucken, Louis Rougier, Wilhelm Röpke, Walter Lippman, Friedrich von Hayek, Ludwig von Mises, Alexander Rüstow, and others.

<sup>xxvi</sup> Because of their emphasis on this type of government intervention, neoliberals are sometimes called monetarists, and their theory is regarded as a modern revival of “monetarism ... a doctrine favored by the rich for at least two centuries.” (S. Bowles, D.M. Gordon and T.E. Weisskopf, *Beyond the Wasteland: A Democratic Alternative to Economic Decline* (New York: Anchor Books, 1984), p. 198)

Competition is a principle of order in the domain of the market economy, but is not a principle on which it would be possible to erect the whole of society. Morally and sociologically, competition is a principle that dissolves more than it unifies.<sup>70</sup>

For this and more immediate political reasons, when neoliberalism was gradually adopted as the organizing principal for government in West Germany during the decades immediately following World War II, measures to assist with social stability and cohesion also were implemented. The measures included social welfare programs, and a role for trade unions similar to that provided under the constitution of the inter-war Weimar Republic.

Foucault summarized differences in social and economic policies among Britain, France and West Germany during the immediate postwar decades.<sup>71</sup> For instance, in Britain economic policy had substantial Keynesian aspects, while under the peculiar variant of neoliberalism being developed in West Germany state intervention in the economy was not in complete conformity with the neoliberal principle of pure competition.<sup>xxvii</sup> He also discussed articles by prominent American neoliberal economists, and presciently suggested adoption of neoliberal policy by the United States would be more “radical” and therefore harsher on society than was the case in West Germany.<sup>72</sup>

In the United States, where neoliberalism was increasingly embraced from the late 1970s onward the practice has more strongly favoured wealthy persons and corporations than the theory would suggest, because of selective or inconsistent application. In practice the wealthy have been shielded from the adverse effects of pure competition by government interventions, but government protections for the rest of society have been weakened. For example, military Keynesianism—a time-honoured concentrator of private wealth—has not only remained unquestioned under neoliberalism, the magnitude of this vast state intervention in the economy has grown.<sup>73</sup> The taxation system also was successively modified in ways that increasingly favoured the wealthy.

Much of the American practice has been internationalized so that, for example, in Britain and Europe as well as the United States, the enormous financial losses experienced by private banks from 2008 onward have been transferred to state and hence public responsibility. Meanwhile, the national frameworks for such public interest matters as environmental protection, food and drug

---

<sup>xxvii</sup> After World War II comprehensive social programs were introduced domestically by Britain and France. In Britain, these followed recommendations of the commission headed by William Beveridge, appointed by the wartime government headed by Conservative Prime Minister Winston Churchill. In France, similar programs followed demands formulated by *la Résistance* during the war. In Germany there had been a strong tradition of comprehensive social programs dating back to the nineteenth century, and such programs were re-established in the postwar era, “thanks to agreement between the parties on the left and Catholic parties,” as Luciano Canfora noted in *Democracy in Europe: A History* (Malden MA: Blackwell, 2006), p. 176.

safety, social programs, labour law, employment insurance, and banking regulation have been eroded, even eliminated in some instances.

In their 2011 study *The Crisis of Neoliberalism*, economists Gérard Duménil and Dominique Lévy summarized the pattern:

Despite the deeply rooted faith in free-market economics and the so-called discipline of the markets, the [international] crisis [of 2008] initiated a chain of interventions from central institutions. There is nothing surprising in this sharp reversal away from the basic tenets of the neoliberal creed. Neoliberalism [as practiced by states] is not about principles or ideologies but a social order aiming at [increasing] the power and income of the upper classes.<sup>74</sup>

Thus in terms of historical comparison, notwithstanding differences between neoliberalism and *laissez-faire* in theory, both were implemented during their respective times in ways that served the same political aim. The aim was achieved by each in its era, but on a larger scale in the case of neoliberalism.

### *Three Critics of the Anti-Enlightenment*

Discrepancies between the neoliberal ideal of pure competition (the free market) and the realities of neoliberal policy implementation have been conspicuous since the Reagan/Thatcher era, but a great many in the economics profession embraced and promoted the theory nevertheless. A question naturally arises: Did no one other than the philosopher Michel Foucault try to alert the scholarly or general public as what was likely to happen when the American variant of neoliberalism was implemented as government policy?

In fact the inconsistencies between theory and reality, and the damage to the public interest were noted by some economists, including several distinguished figures, but their observations and warnings were largely ignored. For example, three economics Nobel laureates made the following observations during the three decades of neoliberal ascendancy.

In 1982 Wassily Leontieff (Nobel 1973) commented on the peculiar intellectual hegemony in his discipline.<sup>xxviii</sup> He observed that originally economics had developed as an empirical science, and like other sciences had been modelled on physics with its rigorous connection between

---

<sup>xxviii</sup> Economics is not the only modern scientific field in which peculiar intellectual hegemonies have arisen, and in which distinguished experts have drawn attention to the adverse practical consequences. Psychiatrist David Healy and bioethicist Carl Elliott, among others, have described such phenomena in medicine and health care: D. Healy, *Pharmageddon* (Berkeley: University of California Press, 2012); C. Elliott, *White Coat Black Hat: Adventures on the Dark Side of Medicine* (Boston: Beacon Press, 2010). There are of course differences between economics and medicine, as well as in the processes by which the current hegemonies arose in each field.

theory and observation. However, this fundamental methodology had become significantly weakened in economics and it thereby had moved into “splendid isolation” from other fields:

Not having been subjected from the outset to the harsh discipline of systematic fact-finding, traditionally imposed on and accepted by their colleagues in the natural and historical sciences, economists developed a nearly irresistible predilection for deductive reasoning.<sup>75</sup>

Leontieff outlined the means by which this quasi-empirical hegemony became established and then prevailed, concluding with the comment:

The methods used to maintain intellectual discipline in this country’s most influential economics departments can occasionally remind one of those employed by the Marines to maintain discipline on Parris Island.<sup>76</sup>

In his Inaugural Article as a member of the National Academy of Sciences published in 1998 William Vickrey (Nobel 1996) discussed in more detail the adverse practical consequences of reliance on neoliberal and other anti-Keynesian doctrine as a basis for American government policy:

Much of the conventional economic wisdom prevailing in financial circles, largely subscribed to as a basis for governmental policy, and widely accepted by the media and the public, is based on incomplete analysis, contrafactual assumptions, and false analogy. ... *These fallacious notions*, which seem to be widely held in various forms by those close to the seats of economic power, *are leading to policies that are not only cruel but unnecessary* and even self-defeating in terms of their professed objectives.<sup>77</sup> [Italics added]

Vickrey concluded, “the above analysis indicates that sooner or later a crash comparable to that of 1929 would almost certainly result,” although “it would probably be less severe than the depression of the 1930s by reason of the many cushioning factors that have been introduced since.”

A major crash did occur with the international financial crisis of 2008. The adverse effects of the crisis have been borne by the general public in many countries. This outcome is due in part to sweeping post-2008 government austerity measures that have been eroding or removing many of the cushioning factors that still remained despite increasingly neoliberal policies of the preceding three decades, and in part to wealthy persons and corporations being cushioned at public expense from the effects of private business decisions. Vickrey, who submitted his article to the Academy only a few weeks before his death in 1996, urged “getting free from the dogmas of the apostles of austerity, most of whom would not share in the sacrifices they recommend for others.”<sup>78</sup>

In 2010, after the crisis, Joseph Stiglitz (Nobel 2001) wrote:

Relatively few [economists] saw the coming disaster. It was not an accident that those who advocated the rules that led to the calamity were so blinded by their faith in free markets that they couldn't see the problems it was creating. Economics had moved—more than economists would like to think—from being a scientific discipline into becoming free market capitalism's biggest cheerleader. If the United States is going to succeed in reforming its economy, it may have to begin by reforming economics.<sup>79</sup>

In 2012, with effects of the 2008 crisis still persisting and in many countries worsening, Stiglitz repeated Vickrey's warnings. Referring particularly to the situation in Europe, he observed:

This year's annual meeting of the International Monetary Fund made clear that Europe and the international community remain rudderless when it comes to economic policy. ... Europe's single-minded focus on austerity is a result of a misdiagnosis of its problems. ... austerity will make matters worse. The consequences of Europe's rush to austerity will be long-lasting and possibly severe. ... There is no example of a large economy—and Europe is the world's largest—recovering as a result of austerity.

So many economies are vulnerable to natural disasters—earthquakes, floods, typhoons, hurricanes, tsunamis—that adding a man-made disaster is all the more tragic. But that is what Europe is doing. Indeed, its leaders' willful ignorance of the lessons of the past is criminal. The pain that Europe, especially its poor and young, is suffering is unnecessary.<sup>80</sup>

In addition to the empirical discrepancy, one of the significant ingredients in the campaigns leading to widespread acceptance of neoliberalism involved a symbolic discrepancy. The eighteenth century moral philosopher Adam Smith, author of *The Wealth of Nations* was touted by some economists including Milton Friedman and George Stigler (Nobel 1976 and 1982, respectively) as a forerunner of neoliberal capitalism—a perspective on Smith and his work embraced by politicians such as Margaret Thatcher. However, Smith was an important figure of the Scottish Enlightenment who was “precapitalist, and anticapitalist in spirit,” as Noam Chomsky observed.<sup>81</sup> Elsewhere, Chomsky elaborated:

His [Smith's] driving motives were the assumption that people were guided by sympathy and feelings of solidarity and the need for control of their own work, much like other Enlightenment and early Romantic thinkers. ... This is true of classical liberalism in general. The founders of classical liberalism, people like Adam Smith and Wilhelm von Humboldt ... were what we would call libertarian socialists.<sup>82</sup>

Re-interpretations of Smith's work for ideological purposes began long ago, as historian Emma Rothschild discussed in a study of his writings in the context of the views of other intellectuals of his time and later. Smith lived in an era of class oppression and exploitation, and in *The Wealth*

*of Nations* he commented on abuses by the wealthy and politically influential classes under the mercantile system.<sup>83</sup> For example, he noted these classes were “the principal architects” of government policy, having sufficient influence to ensure their “interest ... has been most peculiarly attended to,” while the interest of other economic sectors “has been sacrificed.”<sup>84</sup>

There are of course significant parallels between the neoliberal era and Smith’s time. Smith was interested in motives and aims of economic actors, as well as in the means by which motives were expressed and aims achieved. He observed:

All for ourselves, and nothing for other people, seems, in every age of the world, to have been the vile maxim of the masters of mankind.<sup>85 xxix</sup>

## 6. Resisting Threats

### *The Importance of a Strong National Organization*

Events in the McCarthy era and more recently in the neoliberal era make clear the importance of having stable islands in society where academic freedom and academic integrity are well respected and defended. These may be large organizations like CAUT, or small groups, or even individuals.

As noted in Section 2, the Olivieri and Healy cases in the University of Toronto medical faculty, and the controversy over the York/Queen’s conference on Israel/Palestine would not have been satisfactorily resolved without CAUT. The personal courage of Nancy Olivieri and David Healy, and of the York/Queen’s conference organizers was in effect amplified when CAUT brought substantial resources to their aid. In his newspaper column on rejection of the CIGI/York agreement by Osgoode Hall faculty members, businessperson Gwyn Morgan highlighted CAUT’s strong public opposition to the agreement.<sup>86</sup>

### *The Need for Academic Labour Solidarity*

In our still intensifying neoliberal political economy, requests to CAUT for assistance may increase beyond its current capacity. More academics than at any time in the past will have to increase their interest and involvement in preserving academic freedom, whether through faculty union work or otherwise, such as through their learned societies, or faculty councils and university senates.

### *Reaching Out to Civil Society*

---

<sup>xxix</sup> Regarding this observation by Smith, historian Colin Kidd remarked, “It takes an especially gifted casuist to convert such sentiments into Thatcherspeak, though it can be done.” (“Maiden Aunt,” *London Review of Books*, October 7, 2010.)

Union organizations such as CAUT will have to expand and strengthen their connections—nationally and internationally—not only with other unions, but with other civil society organizations. Academics individually and collectively will have to develop more broad-based and conspicuous solidarity with the public, and a deeper awareness of matters of public interest. A significant instance of such solidarity was the successful 2007—2008 campaign to preserve the status of the University of New Brunswick Saint John campus against a move by the provincial government to convert it into a technical training institution.

### *Cooperation with University Administrations*

Cooperation between unions and university administrators and boards in resisting external pressures also will be important, regardless of the inevitable disagreements or disputes over internal matters.

### *Learning from History*

We should bear in mind remarks by historian Fritz Stern (former provost of Columbia University) written during the G.W. Bush presidency when civil liberties and other Enlightenment principles were again under attack. He spoke of “the fragility of democracy, the fatality of civic passivity or indifference,” and warned that “nothing in the public realm is inevitable.”<sup>87 xxx</sup>

*Acknowledgements.* I am pleased to thank the Association of University of New Brunswick Teachers for its invitation to speak in March 2012, and to thank Jula Hughes and Vladimir Tasić for discussions.

---

<sup>xxx</sup> As the ACLU noted in a 2010 paper, “Establishing a New Normal” many Bush administration policies that seriously weakened civil liberties were continued by the administration of President Barack Obama. (<http://www.aclu.org/files/assets/EstablishingNewNormal.pdf>)



---

<sup>1</sup> R. Hofstadter and W. P. Metzger, *The Development of Academic Freedom in the United States* (New York: Columbia University Press, 1955), p. 3.

<sup>2</sup> C. Russell, *Academic Freedom* (New York: Routledge, 1993), p. 1.

<sup>3</sup> United Kingdom Education Reform Act 1988, s 202(2) (a), [http://www.legislation.gov.uk/ukpga/1988/40/pdfs/ukpga\\_19880040\\_en.pdf](http://www.legislation.gov.uk/ukpga/1988/40/pdfs/ukpga_19880040_en.pdf) (accessed March 13, 2012).

<sup>4</sup> CAUT Policy Statement on Academic Freedom, November 2005, <http://www.caut.ca/pages.asp?page=247&lang=1>. The four components of academic freedom are discussed from an American perspective in M. W. Finkin and R. C. Post, *For the Common Good: Principles of American Academic Freedom* (New Haven: Yale University Press, 2009).

<sup>5</sup> AUCC Statement on Academic Freedom (the current version is dated October 2011), <http://www.aucc.ca/media-room/news-and-commentary/canadas-universities-adopt-new-statement-on-academic-freedom> (accessed April 5, 2012)

<sup>6</sup> CAUT Policy Statement on Academic Freedom, November 2011, <http://www.caut.ca/pages.asp?page=247&lang=1> (accessed June 5, 2012).

<sup>7</sup> D. Bromwich, "Academic Freedom and Its Opponents," *Raritan: A Quarterly Review*, Winter 2012.

<sup>8</sup> D. Naylor, "President's Comment on AUCC Statement on Academic Freedom," <http://www.president.utoronto.ca/Page31.aspx> (accessed November 25, 2011).

<sup>9</sup> University of Toronto, Statement of Institutional Purpose, October 15, 1992, [http://www.governingcouncil.utoronto.ca/policies/mission.htm#\\_Toc190598500](http://www.governingcouncil.utoronto.ca/policies/mission.htm#_Toc190598500), (accessed May 15, 2012).

<sup>10</sup> J. Thompson, *No Debate: The Israel Lobby and Free Speech at Canadian Universities* (Toronto: Lorimer, 2011).

<sup>11</sup> *Ibid.*, p. 15.

<sup>12</sup> *Ibid.*, Chapters 5, 6, and 9.

<sup>13</sup> J. Washburn, "Big Oil Goes to College," Center for American Progress, October 2010, [http://www.americanprogress.org/issues/2010/10/big\\_oil.html](http://www.americanprogress.org/issues/2010/10/big_oil.html), (accessed April 6, 2012).

<sup>14</sup> G.H. Jones, "Universities, the Major Battleground in the Fight for Reason and Capitalism," *Academe Online*, 2010 <http://www.aaup.org/AAUP/pubsres/academe/2010/JA/feat/jone.htm>, (accessed March 7, 2012); and articles by Pam Martens, *Counterpunch*, 2012, such as "Resurrecting Ayn Rand: Hedge Fund Money Teams Up With Koch & BB&T," <http://www.counterpunch.org/2012/02/28/resurrecting-ayn-rand-hedge-fund-money-teams-up-with-koch-bbt/>, (accessed March 2, 2012).

- 
- <sup>15</sup> L. Findlay, Report on the Termination of Dr. Ramesh Thakur as Director of the Balsillie School of International Affairs, affiliated with the University of Waterloo, Wilfred Laurier University, and the Waterloo-based Centre for International Governance Innovation, published by CAUT, September 27, 2010, p. 21—22, [http://www.caut.ca/uploads/Findlay\\_Report\\_Final.pdf](http://www.caut.ca/uploads/Findlay_Report_Final.pdf) (accessed April 5, 2012).
- <sup>16</sup> A copy of the August 2011 CIGI/York agreement is posted at [http://www.caut.ca/uploads/CIGI\\_York\\_agreement.pdf](http://www.caut.ca/uploads/CIGI_York_agreement.pdf) (accessed March 7, 2012).
- <sup>17</sup> P. Monahan, “York University and CIGI international law agreement will not proceed,” *YFile*, April 2, 2012, <http://yfile.news.yorku.ca/2012/04/02/york-university-and-cigi-international-law-agreement-will-not-proceed/> (accessed April 4, 2012).
- <sup>18</sup> G. Van Harten and S. Wood, “York University did the right thing in cancelling CIGI deal,” *The Record*, April 7, 2012, <http://www.therecord.com/print/article/701009> (accessed April 10, 2012).
- <sup>19</sup> J. Thompson, P.A. Baird and J. Downie, *The Olivieri Report* (Toronto: Lorimer, 2001); D. Healy, “Conflicting Interests in Toronto: anatomy of a controversy at the interface of academia and industry,” *Perspectives in Biology and Medicine*, vol. 45, no. 2 (spring 2002):250—63; “Brown University Protects Company, Fires Researcher,” *CAUT Bulletin*, June 1999, [http://www.cautbulletin.ca/en\\_article.asp?ArticleID=2258&EditionID=25&EditionName=Vol%2046&EditionStartDate=1/1/1999&SectionID=860&SectionName=News&VolID=219&VolumeName=No%206&VolumeStartDate=6/1/1999](http://www.cautbulletin.ca/en_article.asp?ArticleID=2258&EditionID=25&EditionName=Vol%2046&EditionStartDate=1/1/1999&SectionID=860&SectionName=News&VolID=219&VolumeName=No%206&VolumeStartDate=6/1/1999) (accessed May 4, 2012); P. Baty, “Payout in P&G drug data row,” *The Times Higher Education*, April 7, 2006, <http://www.timeshighereducation.co.uk/story.asp?storycode=202393> (accessed May 4, 2012).
- <sup>20</sup> R. Hofstadter and W. P. Metzger, p. 42–43.
- <sup>21</sup> N. Chomsky, *What We Say Goes* (New York: Metropolitan Books, 2007), p. 84—85.
- <sup>22</sup> F. Iacobucci, “The Mapping Conference and Academic Freedom,” York University, March 2010, p.1.
- <sup>23</sup> M. White, *Isaac Newton: The Last Sorcerer* (Reading, MA: Perseus Books, 1997), p. 150–151.
- <sup>24</sup> M. W. Finkin and R. C. Post, *For the Common Good: Principles of American Academic Freedom* (New Haven: Yale University Press, 2009), p. 18–19, citing several German sources on Wolff.
- <sup>25</sup> Hofstadter and Metzger, p. 385n59.
- <sup>26</sup> Hofstadter and Metzger, p. 425.
- <sup>27</sup> Report of the Investigating Committee, Board of Regents, University of Wisconsin, in the dismissal trial of Richard T. Ely, September 18, 1894, cited in R. Hofstadter and W. Smith, eds., *American Higher Education* (Chicago: University of Chicago Press, 1961), vol. 2, p. 859–860.
- <sup>28</sup> V. C. Fowke and B. Laskin, “Report of the Investigation by the Committee of the Canadian Association of University Teachers into the Dismissal of Professor H.S. Crowe by United College, Winnipeg, Manitoba.” *CAUT Bulletin*, 7, 3, January 1959, p. 68–69.
- <sup>29</sup> *Ibid.*, p. 45, 50.

- 
- <sup>30</sup> Z. Sternhell, “The extreme right turned Israel into an anachronism,” Haaretz, January 4, 2011, <http://www.haaretz.com/print-edition/opinion/the-extreme-right-turned-israel-into-an-anachronism-1.353451>, (accessed April 7, 2012).
- <sup>31</sup> A discussion of many aspects of this phase of the Enlightenment can be found in J. Israel, *Democratic Enlightenment: Philosophy, Revolution, and Human Rights 1750—1790* (New York: Oxford University Press, 2011).
- <sup>32</sup> Complexities and inconsistencies of this aspect of Western political thought are surveyed in D. Losordo, *Liberalism: A Counter-History* (New York: Verso, 2011).
- <sup>33</sup> H. Schulze, *Germany, A New History* (Cambridge MA: Harvard University Press, 1998), p. 102—103.
- <sup>34</sup> Hofstadter and Metzger, p. 385n60.
- <sup>35</sup> Finkin and Post, p. 22.
- <sup>36</sup> Hofstadter and Metzger., p. 386–387.
- <sup>37</sup> J.S. Mill, *On Liberty* (1859), republished in *On Liberty and The Subjection of Women* (Toronto: Penguin Group, 2006), p. 23.
- <sup>38</sup> C. Russell, *Academic Freedom*, p. 2.
- <sup>39</sup> AAUP, 1915 *Declaration of Principles on Academic Freedom and Academic Tenure* (<http://www.aaup.org/AAUP/pubsres/policydocs/contents/1915.htm>).
- <sup>40</sup> *Ibid.*
- <sup>41</sup> AAUP—AAC 1940 Statement of Principles on Academic Freedom and Tenure (<http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm> ).
- <sup>42</sup> *Ibid.*
- <sup>43</sup> G. H. Hardy, *Bertrand Russell and Trinity* (New York: Arno Press, 1977; first published in 1942), p. 46.
- <sup>44</sup> M. Horn, *Academic Freedom in Canada* (Toronto: University of Toronto Press, 1999), p. 302.
- <sup>45</sup> Discussions of such political reactions can be found in: Z. Sternhell, *The Anti-Enlightenment Tradition* (New Haven: Yale University Press, 2010); and C. Robin, *The Reactionary Mind: Conservatism from Edmund Burke to Sarah Palin* (New York: Oxford University Press, 2011).
- <sup>46</sup> J. Rancière, *Hatred of Democracy* (New York: Verso, 2006), p. 71—72.
- <sup>47</sup> C.V. Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, 2002; first edition, 1955), p. 70.
- <sup>48</sup> H.W. Arthurs, “Labour Law After Labour,” Osgoode CLPE Research Paper No. 15/2011, March 21, 2011, p. 20 (available electronically at <http://ssrn.com/abstract=1791868>).
- <sup>49</sup> J. K. Galbraith, *The Predator State* (New York: Free Press, 2008), p. 42.

- 
- <sup>50</sup> P. Krugman, *The Conscience of a Liberal* (New York: W.W. Norton & Co., 2009), p. 150.
- <sup>51</sup> R. Brenner, *The Economics of Global Turbulence* (New York: Verso, 2006), Chapters 8 and 9.
- <sup>52</sup> W. Karp, *The Politics of War: The Story of Two Wars which Altered Forever the Political Life of the American Republic (1890—1920)* (New York: Franklin Square Press, 2003; first published in 1979), p. 334.
- <sup>53</sup> A.J.P. Taylor, *The First World War: An Illustrated History* (Toronto: Penguin Books, 1987), p. 170—171.
- <sup>54</sup> Hofstadter and Metzger, p. 495–6.
- <sup>55</sup> *Ibid.*, p. 504.
- <sup>56</sup> H. Zinn, *A People's History of the United States: 1492—Present* (New York: HarperCollins, 2003), p. 374.
- <sup>57</sup> W. Karp, *The Politics of War*, p. 334.
- <sup>58</sup> E. Schrecker, *No Ivory Tower: McCarthyism and the Universities* (New York: Oxford University Press, 1986), p. 8.
- <sup>59</sup> *Ibid.*, p. 340–341.
- <sup>60</sup> *Ibid.*, p. 113.
- <sup>61</sup> D. Kairys, “Freedom of Speech,” Chapter 8 in D. Kairys (ed.), *The Politics of Law: A Progressive Critique* (New York: Basic Books, Third Edition, 1998), p. 197.
- <sup>62</sup> These factors are discussed in the chapters by R.C. Lewontin and N. Chomsky in A. Schiffrin (ed.), *The Cold War and the University: Toward an Intellectual History of the Postwar Years* (New York: New Press, 1997).
- <sup>63</sup> S. Wolin, *Democracy Incorporated: Managed Democracy and the Specter of Inverted Totalitarianism* (Princeton: Princeton University Press, 2010), p. xxii.
- <sup>64</sup> J. K. Galbraith, *The Predator State*, p. xiii.
- <sup>65</sup> Key aspects of this campaign, including funding sources were described in L. H. Lapham, “Tentacles of Rage: The Republican Propaganda Mill, A Brief History,” *Harper's Magazine*, September 2004, p. 31—41. Subsequently, academics and others, including Kim Phillips-Fein, Jacob S. Hacker and Paul Pierson, James K. Galbraith, Paul Krugman, and Linda McQuaig and Neil Brooks have published more detailed accounts. Noam Chomsky had earlier published a structural analysis of the campaign and its results in *Profit Over People: Neoliberalism and Global Order* (New York: Seven Stories Press, 1999). In a lecture “Academic Freedom and Corporatization of the Universities” delivered at the University of Toronto Scarborough campus in 2012, Chomsky outlined the adverse effects neoliberalism on the academy (<http://ww3.tvo.org/video/164083/noam-chomsky-academic-freedom>).
- <sup>66</sup> G. Duménil and D. Lévy, *The Crisis of Neoliberalism* (Cambridge MA: Harvard University Press, 2011), p. 5, 7.
- <sup>67</sup> M. Foucault, *The Birth of Biopolitics* (New York: Palgrave Macmillan, 2008), p. 120—121, 131—132.
- <sup>68</sup> *Ibid.*, p. 79.
- <sup>69</sup> *Ibid.*, p. 138—139, 195.

---

<sup>70</sup> A. Rüstow, *Compte rendu des séances du colloque Walter Lippmann* (1938), *Travaux du Centre international d'études pour la rénovation du libéralisme* (Paris : Librairie de Médecis). (This passage was quoted by M. Foucault in *The Birth of Biopolitics*, p. 242—243.)

<sup>71</sup> M. Foucault, *The Birth of Biopolitics*, in the chapter corresponding to Foucault's lecture of March 7, 1979 and in other chapters.

<sup>72</sup> *Ibid.*, p. 243.

<sup>73</sup> In an early critique of neoliberalism, *Beyond the Wasteland: A Democratic Alternative to Economic Decline* (New York: Anchor Books, 1984), economists S. Bowles, D.M. Gordon and T.E. Weisskopf observed that President Reagan "would complete his first term as the biggest-spending military Keynesian of the postwar period." (p. x)

<sup>74</sup> G. Duménil and D. Lévy, p. 228

<sup>75</sup> W. Leontieff, Letter to the Editor, *Science*, vol. 217, no. 4555 (July 9, 1982).

<sup>76</sup> *Ibid.*

<sup>77</sup> W. Vickrey, "Fifteen fatal fallacies of financial fundamentalism: A disquisition on demand-side economics," *Proc. Nat. Acad. Sci. USA*, vol. 95, February 1998, p. 1340–1347.

<sup>78</sup> *Ibid.*

<sup>79</sup> J. Stiglitz, *FreeFall: America, Free Markets, and the Sinking of the World Economy* (New York: W. W. Norton, 2010), p. 238.

<sup>80</sup> J. Stiglitz, "Europe: After austerity," *Al Jazeera*, May 9, 2012, <http://www.aljazeera.com/indepth/opinion/2012/05/20125974315980124.html> (accessed May 9, 2012).

<sup>81</sup> N. Chomsky, *Profit Over People: Neoliberalism and Global Order*, (New York: Seven Stories Press, 1999), p. 51.

<sup>82</sup> N. Chomsky, "Education is Ignorance," excerpted from *Class Warfare*, 1995, pp. 19–23 (available at <http://www.chomsky.info/books/warfare02.htm>).

<sup>83</sup> E. Rothschild, *Economic Sentiments: Adam Smith, Condorcet, and the Enlightenment* (Cambridge MA, Harvard University Press, 2001).

<sup>84</sup> A. Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (Chicago: University of Chicago Press, 1977; first published in 1776), Volume Two, p. 180—181.

<sup>85</sup> *Ibid.*, Volume One, p. 437.

<sup>86</sup> G. Morgan, "Questions arise from the world of university research," *Globe and Mail*, April 16, 2012, p. B11.

<sup>87</sup> F. Stern, "A Fundamental History Lesson," *In These Times*, [www.inthesetimes.com/main/print/2341/](http://www.inthesetimes.com/main/print/2341/), (accessed June 11, 2010).