

***Is the Catholic University a Safe Haven for Its Faculty?  
Academic License vs. Academic Freedom***

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Human beings desire to know the truth of things. This is not to say that all human beings pursue the truth, but it is a fundamental desire, and we feel at odds with ourselves when we refuse the truth. This desire is the foundational motivation for any university. The driving force behind all educators, I believe, can be summed up in this exclamation: “Come here! You have to see this!”

Human beings also desire to live in accordance with the truth they discover—that is, they desire to live authentically. Again, this does not mean that all human beings do, in fact, live authentically, but we do feel at odds with ourselves when we believe one thing, and live another. Institutions are founded by, and made up of, human beings, and so institutions, like universities—or, more exactly, the human beings who comprise them—also strive, to a greater or lesser degree, to be faithful to the truths about the world that ground their actions.

It is for this reason that it is probably impossible to find a naked or unspecified university. Indeed, it is difficult to understand what one could be. We can abstract the notion of "the

university" which is common to all universities, and recognize it as grounded in the universal human longing for truth. But when we examine the moment of founding, we are likely to discover in the intention of the founder (or of whoever is responsible for continuing the mission of the university), not an abstracted interest in truth, but a particular vision of reality, a set of convictions about what the world is all about and what is important for human life. ("Come here! You have to see this!") The university is founded, not simply as a gathering place for the curious to rummage about reality, but as a group of the like-minded who believe they have something to show to others, who want to initiate others into the wonders of the truth they have discovered, and the methods by which those wonders were uncovered.

So we never find "the university" without specificity, any more than we find prime matter without form. A university is always a university of a certain kind. That kind is determined by the fundamental convictions about the world that drive its mission. This means that, when people are hired to teach at, do research at, or otherwise work for, the university, they must sign on to a specific project, which is the reason for the university's existence.

There is nothing unusual about this. Every institution hires people for a specific purpose, to carry out a particular project. A construction company would not hire a bunch of workers with the motto, "Let's just see what happens." Nor would it make sense to pay a group of athletes, only to ask each day, "What do you guys want to play?" The criteria for which people are hired must be determined by the nature of the project.

Of course, we would expect the institution to extend a certain latitude to the judgments and activities of its employees, according to the professional skill of the employees, and the relation of the activities to the project. This is fitting not only from an institutional point of view—who needs the headache of monitoring and directing one's employees every minute?—but also from a human point of view, in that self-determination is an intrinsic aspect of being human.

There is a natural relationship, then, between employer and employee—or, more importantly, between freedom and responsibility. The employer is free to choose the sort of project he wishes to pursue, and to hire people competent to carry out that project. At the same time, he bears the responsibility to leave the employee free to do his job in keeping with his dignity as a human being. The employee, on the other hand, is free to do what

he will, but always toward a given end, the mission for which he was hired, and for which he bears responsibility.

Some find this notion of freedom irksome. Too often such a responsibility is looked at as putting limits on freedom, as though there could be a bare freedom from constraints. Imagine, if you will, a person situated in empty space. Nothing constrains him from acting, but there is nothing to do and nowhere to go. It is questionable whether he is even properly "free" under such circumstances. "Freedom from" is meaningless unless it can move toward a goal, and it is the goal that gives freedom its form and purpose.

Applying this to the university setting, we can see that a notion of academic freedom cannot be separated from its proper complement, academic responsibility. Academic freedom is the university's guarantee that the faculty are able to search for truth, and to speak about what they find; without it, faculty members cannot do what they were hired to do. Academic responsibility—without which academic freedom is set adrift—is the faculty's guarantee that, by their free commitment, the search for truth is carried out with the good of the university's mission in mind. Without that guarantee, the mission cannot exist. This means that there may be some methods of searching for the truth, or some things that might be uttered, which are not in keeping with that

mission, or even constitute an assault on that mission. Since the mission is what gives the freedom its goal, academic responsibility is more fundamental than academic freedom, and has the priority.

In its 1940 *Statement of Principles on Academic Freedom and Tenure*, the American Association of University Professors gave at least the appearance that it took these definitions to be reasonable. According to that document, colleges and universities exist to further the common good of the community in which they are located, and that common good "depends upon the free search for truth and its free exposition." This requires academic freedom in both teaching and research, as well as in extramural activities. This freedom is guaranteed by means of tenure. But this freedom, according to the *Statement*, has a complementary set of duties. For instance, teachers may not bring up controversial matter unrelated to the subject, and must take care not to reflect badly on either the profession or the university through their extramural statements. It allows for "limitations of academic freedom because of religious or other aims"—from which we can infer that it is the right of those who run the university to pursue such goals, religious or otherwise. And in speaking of the

university's right to dismiss a teacher, the document has carefully chosen language speaking, not of the teacher's fitness to teach or research, but rather of "fitness for his or her position," in light of, for instance, extramural utterances or moral character.

This balance between freedom and responsibility underwent a significant realignment with the 1970 *Interpretive Comments*. Rather than seeing the so-called "limitations on freedom" as giving meaning and structure to freedom, the AAUP's position has evidently evolved to view any limitations as onerous burdens requiring exceptional justification. Indeed, the AAUP sees the limitations for religious, and other, reasons as "a departure from the principle of academic freedom," a departure endorsed neither by the AAUP nor, according to the *Interpretive Comments*, by "most church-related institutions." In quoting the AAUP's own *Statement on Professional Ethics*, the *Interpretive Comments* give the impression that, while recognizing professors' "responsibilities to their subject, to their students, to their profession, and to their institutions," *there is a still higher (and marvelously self-serving) responsibility:*

As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

This view is bolstered by the 1967 finding of the U.S. Supreme Court that academic freedom is a species of the First Amendment right to freedom of speech (*Keyishian v. Board of Regents*). Thus freedom to do a particular job no longer finds its meaning and structure from the project for which one is hired, but instead is a right of individuals which must be protected from the onerous burden, not simply of government limitations, but even of the mission of the institution that guarantees the professor a paycheck.

Now, I suppose there is the possibility that an institution might deliberately conceive its mission as freely as possible. One can imagine, for instance, a wealthy speculator setting up a company of computer geeks of diverse skills in both software and hardware, and giving them the opportunity to pursue any ideas they wish concerning computers. The speculator then develops the ideas, and the whole company grows. One can well imagine the incredulity of the parents and friends of these computer whiz kids: "You get paid just to play around with computers, doing whatever you like?" But even this relatively unstructured company would have boundaries that give meaning and purpose to their freedom, and a point to their salaries. We would expect that all the employees actually are working on something computer-related (e.g., new software codes, new screen technology), rather

than playing poker. We would expect they would be developing new ideas, rather than just examining video games already on the market. We would expect that they would keep their new ideas within the company, rather than selling them to competitors. An employee who violated the mission in these ways might argue that, since he is free to do, and to say, as he pleases, the company's "limitations" are a violation of his constitutional freedoms and his right as a human being to self-determination. I think most of us would say that he is free to find another employer.

It is this notion—that the employee has a certain set of freedoms independent of prior responsibilities, and which in fact put limits on the employer's ability to create a project and hire for it—which is at play in the current university setting. Once academic freedom is seen as the fundamental reality, as a projectless "right" to say what I wish, that may only be limited for dire reasons, then the tail wags the dog. The employee sets the terms for the project, then exclaims that somebody else (the university) owes him a living. Such an employee must believe that he or she is a partner in the firm, like a lawyer or a physician. Partners do set the terms for the project. But professors are not, generally speaking, partners who set the mission. And when the employees are permitted, as a matter of perceived right, to

reconfigure the mission the employer sets to match their own desires, then “employment” is a concept stretched to the breaking point.

One might conclude that this situation provides the safest haven for faculty, offering the greatest amount of freedom and protection. I disagree. Let me return to my earliest point: human beings are driven to seek the truth, and to live in accordance with what they believe to be true. Professors who take seriously the claims of the AAUP will inevitably see the overweening burden of administrative strictures (and, eventually, the university's mission itself) as an affront to their dignity, and will seek to change the situation to one more in keeping with the untrammelled license they seek. At the very least, they would seek to conform their own corner of the university to their own vision of the truth.

This vision is, at minimum, frankly utilitarian: the good (pleasure) is best served by leaving people as free as possible to pursue whatever goals they desire without stepping too much on the freedoms of others to do the same—although, in some situations, some might suffer a loss to bring about the greatest good overall. However, much of the academy has moved past utilitarianism, holding instead that there is no truth, only “truths”; that those “truths” are only the expression of power; and that

one's own self-determination is the ultimate good. Thus we have a formula for a Nietzschean struggle. With utilitarianism, the search for truth is no longer disinterested, but is colored by the desires of the beholder. And where truth itself is taken to be no more than the expression of power, a real search for truth is gravely compromised in the power struggle between factions bent on imposing their own desires on their departments, even their entire university. Those who disagree with this vision are not hired, or at least must never be open about it until tenure is assured, and even after tenure are subject to marginalization and censure. A differing version of reality will rarely be heard in a publication or in the classroom: if it's all about power, why bring up an opposing view? The reigning orthodoxy in such an institution cannot abide opposition.

Is this the safe haven of academia?

Whatever one thinks of the foregoing account of academic freedom, we can be certain that it does not arise from the heart of a Catholic vision of truth, or freedom, or human interaction. The Catholic university arises from the heart of the Church because the Church begins with the knowledge that all things are the creation of Him Who Is Truth. Because of this, there will be no contradiction between what is known by faith and what is

discovered by observation and reason. Therefore, according to *Ex corde ecclesiae*,

It is the honor and responsibility of a Catholic university to consecrate itself without reserve to *the cause of truth*. . . .[It] is distinguished by its free search for the whole truth about nature, man and God. . . .[It] is completely dedicated to the research of all aspects of truth in their essential connection with the Supreme Truth, who is God. It does this without fear, but with enthusiasm . . . (ECE 4)

In other words, all opposing sides can be brought into the light, to be scrutinized and discussed openly.

Signing on to this project requires signing on, not as individuals seeking their own satisfaction, but as members of a community dedicated to a common goal outside themselves.

The source of its unity springs from a common dedication to the truth, a common vision of the dignity of the human person and, ultimately, the person and message of Christ, which gives the institution its distinctive character. As a result of this inspiration, the community is animated by a spirit of freedom and charity; it is characterized by mutual respect, sincere dialogue, and protection of the rights of individuals. It assists each of its members to achieve wholeness as a human person; in turn, everyone in the community helps in promoting unity, and each one, according to his or her role and capacity, contributes toward decisions which affect the community and also toward maintaining and strengthening the distinctive Catholic character of the institution. (ECE 21)

The freedom to carry out the project according to the methods of one's discipline and the resulting evidence is, naturally, vital (ECE 15), but now we see freedom as informed by

the project, not limited by it. (cf. *ECE* Gen. Norms Art. 2 #5) But the fascinating fact is that, with everyone working together toward a common goal to which each professor is dedicated and which gives structure to his or her freedom, the search for truth is capable of being "a disinterested service" to the community, rather than collapsing into a power struggle to liberate one's own desires. Thus, "by its Catholic character, a university is made more capable of conducting an impartial search for truth, a search that is neither subordinated to nor conditioned by particular interests of any kind." (*ECE* 7)

In contradistinction to the path of the AAUP's later version of academic freedom, which is inherently self-contradictory, the Catholic university properly conceived and executed, opens the way for both the fullest and most fulfilling use of human freedom, and the broadest and least fearful search for truth. Other kinds of universities also have a chance to be such a safe haven, but only if all participants in the project are fully informed of, and clearheadedly dedicated to, the project as a goal outside of themselves.

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