

by Lionel S. Lewis

Rhetoric and hysteria surround any dispute touching on academic freedom. It is rarely easy to determine if it is only a tempest in a teapot or in fact a serious breach of fundamental academic and constitutional rights. Were dismissals of two tenured faculty members in California last year, for example—one accused of falsifying evaluations of several colleagues and the other caught moonlighting at a different college at the exact hour when he was scheduled to be teaching on his own campus—genuine infringements on academic freedom? What about the case of a professionally active associate professor at Washington University, who is denied tenure for the ostensible reason of not quite measuring up, when everyone involved knew that he would have qualified had he not quarreled with some of his senior colleagues, had not embarrassed some persons by urging welfare mothers to organize a campaign against lead poisoning and had not publicly acknowledged support for the Black Panther Party?

To get historical perspective on the state of academic freedom today, we analyzed all contested dismissals reported in the *American Association of University Professors Bulletin*, from the first account in 1916 through 1970. It is the practice of the A.A.U.P. to publish the reports of ad hoc committees established to investigate cases in which those persons who were precipitately dismissed felt strongly enough about being wronged to request an inquiry and assistance from an independent body. We examined a total of 217 cases, of which 67 were between 1916 and 1932 (World War I, pre-Depression); 48 were between 1933 and 1944 (Depression, World War II); 50 were between 1945 and 1962 (post-World War II, cold war); and 52

were between 1963 and 1970 (campaigns in Southeast Asia and on campus).

From these data, the notion that faculty who become embroiled in these dismissals are incompetent can be laid to rest; in only 13 of the 217 dismissal cases was there even a suggestion of incompetence in either their teaching or research. Nonetheless, incidents in which persons were clearly incompetent will be underrepresented in this sample, as such persons are less likely to take issue with being unceremoniously axed.

Although one might well expect a great deal of difference in the reasons given by the institution and by the complainant for the dismissal, there proved to be, in fact, a surprising congruence between both. Between 1916 and 1962, distinct patterns are evident: from 1916 to 1932, the most frequent reason given was related to acute (as opposed to chronic) problems in interpersonal relations, probably reflecting social pressures in small and intimate academic communities; from 1933 to 1944, problems in interpersonal relations still held sway, although administrative necessity, indicating inadequate financial resources, was then cited almost as often; from 1945 through 1962, the ideological position of the complainant was most frequently given as the root of the conflict. Many of the dismissals in this third period seemed to be casualties of systematic attempts by institutions of higher learning to rid themselves of suspected subversives through loyalty oaths, disclaimer affidavits, etc.

Between 1963 and 1970, several additional factors emerged. First, as the following table reveals, a significantly larger number of cases per year were reported in the most recent period. Note how constant the figures are until the sharp rise between 1967 and 1970.

Period	Cases per Year
1916-1932	3.9
1933-1944	4.0
1945-1962	2.8

1963-1966	4.5
1967-1970	8.5

While it is possible that this increase is the result either of more faculty submitting cases to be adjudicated or simply of a growing number of faculty, this phenomenon is more probably a manifestation of developing faculty aggressiveness and a corresponding administrative response. It appears that the security of academics was greater during the right-wing vigilantism of the fifties than today.

Since the university is subject to the same influence and pressures as the larger society, it was expected that, given the pervasive paranoia generated by the cold war, the ideological position of faculty would in recent years have become a prime factor in dismissals. Since 1945, there has been a marked increase in dismissals resulting from ideological conflicts. During the early 1960s most disputes centered on questions of race (particularly integration), nuclear war and sex; in the second half of the decade the same issues were involved, with general opposition to war focusing on Vietnam.

However, after 1966 a new type of conflict and category of dismissals developed. From 1963 to 1966 there were no dismissals that primarily centered on conflicts relating to university governance or insubordination; quite simply, there seemed little overt opposition to administrative policies and programs. But beginning in 1967, the institution charged the individual with insubordination (as it related to university governance) in nearly a fifth of the cases, while faculty reported insubordination as the reason for their dismissal almost a third of the time.

Thus, while ideological issues have been a prominent factor in faculty dismissals during the last two decades, after 1966 it often became linked to the question of university governance. In

(Continued on page 77)

LIONEL S. LEWIS is associate professor of sociology at the State University of New York, Buffalo. Michael N. Ryan of Niagara County Community College cooperated in the analysis of part of these materials.

believe in single standard moral codes, and associate sexuality with tenderness and affection far more than their "Hippie" or radical left counterparts (who were, for the most part, sexual "plumbing" exploiters).

Why didn't Professor Wrong deal with these substantive issues in my work? What disturbed him so badly that he seemingly lost his treasured objectivity and resorted to such sophomoric ad hominem attacks on a colleague? I'd like to tentatively suggest—in answer—that his age and remoteness from the current sexual scene, along with his pseudo radical orientation, left him unprepared for this unique kind of intimate-confrontation and institutional formation observer methodology.

Surely it's neither scholarly, nor single standard intellectual cricket for Professor Wrong to discredit other social scientists in a libelous, vindictive fashion—rather than contesting the substance and core of their work.

Since I'm an enthusiastic reader of *Change*, a supporter of its polemical and "all sides" style of presenting conflicting opinions and theories, I trust you will print this defense of my due-process-radical analysis and my proposal for educational change found in *Passion & Politics*. Many friends and colleagues, as well as interested students of educational change, might not otherwise read the book without this necessary clarification.

*Gerald M. Schaflander  
Bethesda, Maryland*

*Dennis Wrong replies:*

I thought Mr. Schaflander's book was pretty silly. So did the only other two reviewers whose reviews I happened to read after writing my own, though they said so less bluntly. My reaction was a subjective one. The notions that I "treasure" my "objectivity" and value only manipulated survey or computer

data are strictly an invention of Mr. Schaflander's. But there are standards for "subjective" evaluations too: I never said that Mr. Schaflander was "prurient" and "egomaniacal"—I've never met the man—merely that his book "almost persuades one" that it was written as a spoof of such a person, and that it reminded me of a character in a Mary McCarthy novel. By his own testimony in the book he was not reappointed to teaching positions in several universities, which was all I meant by characterizing him as an "academic failure" in comparing him with the McCarthy character.

In his aggrieved reaction to my critical comments, he misses the point. I did not so much challenge the accuracy of his assertions, some of which struck me as unexceptional to the point of being commonplace, others as the proclamation of worthy ideals, others as indeed questionable, as suggest that most of them were no more than strident assertions, scarcely deepened or enriched in any way by the supporting data and "evidence" with which he surrounds them. Far from wishing for computerized information, I value personal biography and experience as crucially important evidence; the trouble with Mr. Schaflander's use of his experience is that he extracts no novel or searching insights from it but invokes it in an entirely self-serving way to confirm his prejudices and preconceptions.

On the sexual interviews: Mr. Schaflander reproduces in his book the statements of nine males. At least four of them, in addition to the two I cited, express attitudes he now characterizes in his letter as "chauvinistic," "sex-starved" and "sex-mad." Yet immediately after reproducing the interviews, he writes: "What is typical is the preceding MA male attitudes is open, unadorned, unadulterated, positive sexual behavior with affection with equals..." (p. 290). In this particular chapter, the discrepancy between his glowing claims for the high-mindedness of his "good guys" (the MA's) and the evidence of his own taped interviews struck me as so glaring as to suggest that he (or the publisher) chose to reproduce the interviews because of their titillating content, especially when the tapes are rarely mentioned in the rest of the book.

---

## RESEARCH

---

*(Continued from page 8)*

other words, in previous years a faculty member might be dismissed for holding or expressing views counter to those prevailing in a larger society, while since 1966, a new phenomenon has become prominent: the distinction between the purely philosophical radical and one who translates that philosophy into action. Dismissals resulted when radical ideology was combined with active defiance of the administration's claim to power. It is important that in addition to the radical-activists, we found a handful of examples where practicing liberals were dismissed for questioning what administrators viewed as their prerogatives.

When one considers who demanded dismissal, additional evidence which bears on the broad question of authority/subordination comes to light. Prior to 1944, when the need to run institutions economically was most critical, most of the pressure to oust faculty came from within the institution. But from 1945 to 1962, when schools became most sensitive to the community's concern about faculties undermining the faith of young people in the American system, there seems to have been a great deal of external coercion. From 1963 to 1970, the source of most pressure, once again, is internal, with the administration applying pressure in essentially every case and manifesting considerable determination, as often as not, to get rid of its ideological embarrassments.

Although the years 1967 to 1970 saw added pressure from academic administrators; it is worth noting that the incidence of trustee intervention in these dismissals also rose; in nearly all of these cases the trustees and the administration were on one side of the dispute, while the faculty were on the other. Finally, the incidences of community intervention in the affairs of the institution did not increase during the latter part of the 1960s; even trustees were not inclined to meddle unless it was clear that university administrators expected them to do so.

This finding runs counter to the popular notion that repressive forces outside the academic community have mobilized to squelch campus unrest.

From 1963 to 1970, 53 percent of the dismissals in which administrations were active were accompanied by a "great deal" of pressure. In the 1945 to 1962 period, 44 percent of such cases had relatively intense pressure surrounding them. The corresponding figures for the 1933 to 1944 and 1916 to 1932 periods are 31 percent and 19 percent, respectively. In each succeeding period the resolve manifested by administrators has steadily increased.

We found that as the pressure increased and the reasons for dismissal focus on the issue of governance, more "reasons" were offered to justify each incident. When the conflicts revolved simply around ideological conflicts, less pressure and fewer reasons were brought forth to explain a dismissal.

Thus, in most general terms, the picture that evolves is that the role of the faculty or the academic division or a constituent college in determining who is finally purged from the academic community is diminishing. In the 1920s and 1930s the faculty or deans usually called for the removal of a disagreeable colleague. In the 1950s administrators, at the instigation of regents or trustees and others outside the university, decided who was unqualified to hold a position. More recently, academic administrators have taken to acting on their own, without overt outside encouragement. Perhaps some of the expanding activity on the part of administrations may be due to the greater size and complexity of many contemporary institutions.

While the importance of political ideology has remained relatively constant since after World War II, the question of university governance has become increasingly important. There was no flood tide of "outside intervention" during the turbulence of the 1960s. In spite of the activities of campus militants and the reaction by the more conservative elements in society, there is little to suggest malevolent external repression.

A politically active faculty member was more likely to suffer recriminations prior to 1966 than after. Of late, however, if one's views are part of a

more general philosophy which goes beyond specific issues and raises questions about the existing distribution of institutional power, then conflict is likely to result. In most cases administrators still operate from the premise that institutional needs take precedence over individual needs. Questions of governance can easily be interpreted as a threat to institutional stability. The identification of some of the most celebrated and vocal old guard and old left professoriate with the administration has served to veil the faculty challenge to administrative supremacy, and their collaboration may partially explain the disproportionately high dismissal rate of junior faculty.

As the dissent on campus becomes more formal in character, faculty seem more predisposed to seek to settle questions about academic freedom by union contract or binding arbitration. Thus, it is ironic to note that with increased internal pressure, faculty have turned in greater numbers to other institutions, namely the courts and organized labor for relief.

The courts have primarily helped to affirm the principle that *all* faculty whose contracts are not renewed have a right to a hearing. In one instance, a federal district court ruled last year that the University of South Florida had to offer an instructor a formal hearing before he could be terminated. Another court decreed that Youngstown State University could not dismiss a nontenured faculty member "unless and until he has been given both a written statement of the reasons for his dismissal and an opportunity for a hearing at which to contest such a decision." It ruled that the university acted with "arbitrary and capricious conduct prohibited by the due process clause of the 14th Amendment."

In Wisconsin, the U.S. Court of Appeals upheld a lower-court decision that an assistant professor of political science, who had contended that his contract was not renewed because of his criticism of the administration and board of regents, be granted a hearing or be reappointed. The university, supported by several college and university associations appealed, and in January the case was considered by the Supreme Court. Not to be outdone, the political scientist had the AAUP, NEA and AFT file *amicus curiae* briefs.

This case was joined with one in which the administration of a junior college in Texas was arguing for the right not to reappoint a nontenured faculty member who was associated with a group seeking to convert it into a four-year institution. A court of appeals interceded on the grounds that an individual was being punished because he "persists in the exercise of First Amendment rights." The decision by the highest court is expected soon. A judgment in favor of the two individuals would be a harsh blow to the traditional and widely accepted view that the arbitrary dismissal of persons active in unpopular causes or who have crossed academic administrators is a natural fact of academic life.

The courts are also being utilized to intervene in even broader questions. For example, earlier this year the California State Court of Appeals ruled that the dismissal of Angela Davis from U.C.L.A. on the grounds that she was a member of the Communist Party was unconstitutional. Although the regents had already been enjoined from taking action against Miss Davis, and although her contract has already expired, the ruling could prevent other dismissals on this pretext. In a judgment that could be even more far-reaching, a man on tenure who lost his job in Utah for supporting a candidate in a state election and for opposing university policies was recently awarded \$49,100 in damages by a federal court.

Faculty have not been and are still not eager to become unionized; rightly or wrongly, many see collective representation as "nonprofessional." Yet in the past couple of years, unionization has become a reality on one campus after another. Along with their customary concerns for economics and working conditions, the unions sooner or later must devise formulas to protect academic freedom. If this means curtailing the powers of governing boards through explicit and rational principles of management, it might also mean the ultimate abolition of faculty self-government. It may be that faculty will still establish criteria utilized to make decisions regarding admissions, curricula or personnel, but they may lose what has been thought to be their traditionally vital role in helping to administer these matters. ■