

The Erosion of Academic Freedom

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Since the defeat of MacCarthyism in the 1950s, there has been long legal tradition that protects freedom of academic inquiry and teaching at US colleges and universities. This tradition is based on several critical Supreme Court decisions over the past half century.

In 1957, for example, in the *Sweezy v. New Hampshire* case, Associate Justice Felix Frankfurter declared that each college or university in America had “four essential freedoms...to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study.” Nearly thirty years later, in the 1985 case, *Regents of the University of Michigan v. Ewing*, the Supreme Court declared that judicial review of a university’s procedures had to be restrained. Judges had no business substituting themselves for the “autonomous decision making by the academy itself.” The recent landmark 2003 case over affirmative action, *Grutter Bollinger*, spells out the protected character of “academic freedom” even further. In Associate Justice Sandra Day O’Connor’s deciding decision, which backed affirmative action programs, O’Connor ruled that the University of Michigan’s academic commitment promoting racial diversity “lies primarily within the expertise of the university. Our holding in *Grutter* is in keeping with our tradition of giving a degree of deference to a university’s academic decisions, within constitutionally prescribed limits.”

In other words, the University of Michigan’s intellectual argument - that the quality of learning is enhanced with a broad representation of racial and ethnic diversity within the curriculum and among the students enrolled at their institution - was a valid, academic decision made in “good faith,” in O’Connor’s words. Such decisions, so long as they do not violate the Constitutional rights of others, were fully justified.

However, over the past decade, the Radical Right has resorted to every trick in the book to destroy the implementation of affirmative action in US colleges and universities, despite the fact that the overwhelming majority of academic administrations and faculty strongly endorse it. Beginning in 1996, with the passage of Proposition 209 in California, affirmative action policies were voided and the overall numbers of African-American and Latino college students admitted to elite public institutions such as UCLA and Berkeley plummeted. Now, with last November 2006’s passage of an anti-affirmative action referendum in Michigan, the numbers of black and brown students admitted to the Ann Arbor campus over the next five years will almost certainly decline. This represents a clear retreat from “academic freedom.”

Another critical aspect of academic freedom as defined by Frankfurter, “who may teach,” is also in jeopardy. When I began college teaching in academic year 1974-1975, I was only twenty-four years old, and still two years away from completing my Ph.D. in history at the University of Maryland. However, I knew that the vast majority of college teachers throughout the US were either “tenured”—that is, holding lifetime employment up until their retirement—or were “tenure-track.” Young faculty like myself had six or seven years to prove themselves, by the number and quality of their publications, by teaching excellence, and also by outstanding service to their college or professional academic organizations.

In 1975, according to the statistics of the US Department of Education and the American Association of University Professors, 36.5 percent of all US college faculty were “full time tenured.” Another 20.3 percent were “full time tenure track.” Less than one-third of all college instructors, 30.2 percent, worked “part time”; another 13 percent consisted of full-time instructors who were not on the tenure track. If one was reasonably productive, the majority of college professors could anticipate achieving tenure status somewhere.

With the striking emergence of the “Corporate University” in the 1990s, “tenure” is rapidly becoming extinct. As of 2003, 46.3 percent of all college teachers across the United States were classified as “part time.” Another 18.7 percent were full time faculty, who were not on the tenure track. The two groups represent nearly two-thirds of all college academics. Only 24.1 percent of all faculty were tenured; another 11 percent were tenure track.

Today, as of 2007, part-time faculty probably account for one-half of all instructional faculty. These educators generally have few or no benefits—health care coverage, pensions, etc. Frequently, they piece together a living by getting hired to teach on an “adjunct” basis at three or more different schools, usually at low salaries. At many colleges, an adjunct instructor’s contract is only considered valid if a prerequisite number of students enroll in the course being offered. If the enrollment is too small, the class is canceled, and the adjunct is out of a job.

A few prestigious colleges continue the tradition of hiring tenured and tenure track faculty as the rule. For example, according to the data compiled by the American Association of University Professors, in 2005, at Stanford University, only 8.5 percent of all faculty are hired outside of the tenure system. More typical is the profile of Harvard University, where 56.6 percent of that institution’s teaching faculty is employed outside the tenure system. At the University of Maryland at College Park, where I earned my Ph.D. three decades ago, 61.9 percent of faculty are “contingent instructors.” At prestigious New York University, the figure is an alarming 71.9 percent. At the University of Colorado at Boulder, where I taught from 1989 until 1993, the figure of faculty outside the tenure system is 73.3 percent.

By hiring adjuncts, colleges save millions of dollars, but they also short-change consumers—students and parents—and undermine academic integrity and security among faculty. Without the possibility of ever achieving tenure, faculty have little incentive to devote themselves to scholarly accomplishment,

or to take a vested interest in their institutions. Freedom of political expression is also discouraged, because adjuncts can easily be dismissed from their employment.

Between court decisions and state referenda that undermine campus diversity, and the purging of tens of thousands of fulltime faculty jobs during the past 20 years, we are witnessing the nationwide suppression of academic freedom. As colleges and universities transform themselves to look more like corporations, people of color and working-class Americans will be the losers. ~~del del del~~