

THE PROBLEM OF ACADEMIC FREEDOM

By

Dr. YAVUZ ABADAN

Professor of Philosophy of law, History of law, Labour law, Law School; Professor of Political Theory, School of Political Sciences; University, Ankara

This ceremony, organized under the sponsorship of the Turkish Historical Society on the occasion of the 200 th anniversary of Columbia university, is a new proof of the increasingly close relationship and cooperation between our country and the United States. This extends also into the domain of science. For one who has had the honor of working for more than twenty years with Turkish universities, there is hardly anything more enjoyable and remarkable than to join in the commemoration of an outstanding anniversary of a great New World university on the completion of its two hundredth year.

Columbia university has taken the opportunity on this anniversary to propose to all the scientific institutions around the world to conduct some research activities on the subject of "The right to acquire knowledge and the free use there of". This definition means, if I am not wrong, the freedom of research and learning as well as the freedom of teaching and finally the independence of universities, in other words all the academic freedoms. Another particularity of the subject is the fact, that it has not been limited to the freedom of acquiring theoretic and disinterested knowledge, but has also been extended to the field of practical appliance and usage. In order to reach right and consequent solutions on this subject, there is an urgent necessity for close collaboration between philosophical thought and legal knowledge.

Like all other freedom, the major source of academic freedom is the real essence of the human being: the world of ideas. The most important criteria, which differentiates men from all other creatures, is the conscious longing for freedom, which begins with thinking and continues in the same direction. HERDER's saying that

“only where ideas govern and rule, can there be freedom” must be interpreted in this way.

The freedom of thought like the freedom of conscience, must be considered the most essential and natural quality of man. So much so, that as long as it remains confined to terms of ideas, it is impossible to restrict or limit it by any means. There is no force or way to prevent any man, who is in possession of certain ideas from thinking as he wants and what he wants. For these reasons all enterprises tending to encroach on the freedom of thought and conscience, have met in every period with violent reactions.

The primary and noble character of the intellectual essence is not content with freedom of thought alone. It requires at the same time the acceptance of the freedom of communication in order to express thoughts by the spoken word or writing. Thus the way leading to the freedom of expressing opinions, in other words, the fight for academic freedom is opened. The struggle for the legal guaranties of the freedom of the press inside the framework of modern constitutions, can be regarded at the same time as the beginning of struggle for academic freedom, especially since the press is not only the echoing voice of political views, but also of scientific opinions. MILTON is the first author, who in his *Aeropagitica* (1644), urged the importance of the establishment of the freedom of thought along with the freedom of the press.

During the 17th century the term “*Libertas philosophandi*” included the academic freedoms together with freedom of thought. The great thinkers, who continued their fight for the achievement of freedom of thought and scientific research under the above mentioned definition, were not quite free from the theological and scholastic trend of the Middle Ages. Among them for instance THOMAS AQUINAS is the only one requiring the freedom to communicate all knowledge which does not repudiate God and the state.

Idealistic philosophy developed her thesis of absolute and complete freedom of learning and teaching around the 18th century. The main points of this thesis can be summarized as follows: Science, because of her content, can not support the interference or limitation of any exterior power. However a minimum relationship between government and science is indispensable in order to secure the freedom of teaching, the preparation of the means and facilities for the

development of science and finally the training of future scientists. But this relationship should only be confined to the sphere of positive assistance. The interference of government in scientific matters, which are basically foreign to her own essence and the limitation of the freedom of teaching is both harmful for science itself as well as opposed to the reason for government.

This struggle, which continued on a theoretical basis, found, toward the middle of the 19th century, its first legal repercussion in some law projects. In 1834 a law passed by the canton of Bern stipulates that "science and the teaching of scientific knowledge is free". The Frankfurter constitution of 1848 and a similar law issued in 1859 in Zürich introduced the same principles in the realm of positive law.

Thus the freedom of scientific research, teaching and acquiring knowledge as well as the legal and practical guaranties given to professors for the proper performance of their functions together with free education in government institutions began enter the framework of freedom of thought and instruction. Freedom of instruction includes both systems of thought as well as the content and methods of teaching. The limitation of this freedom by any government on ground of local political interests or religious considerations is unjustifiable.

All these laws and the legal literature of this period considered the freedom of speech, writing and press as basic rights, thus accepting them as "Lex generalis". On the other hand the freedom of thought and instruction was always regarded as some special provisions, in other words as "Lex specialis".

This conception is more likely to accept freedom of thought and instruction as a subjective right attached to the personality of the scientist or professor. To this extent the personal aspect of freedom of thought and instruction has diminished in importance as against the institutional character of that same freedom. FICHTE in his speech on academic freedom qualifies the universities "as the most important and sacred institutions of mankind" on these grounds.

In the light of this short history we would like first to define in its general outlines the content and form of freedom of thought and instruction, compatible with the modern conception of democracy

and government by law, secondly to attract attention to some of the dangers, which are now threatening academic freedoms.

According to the definition of Thoma "democracy is a governmental system, where in all the freedoms have sufficient guaranties and all powers of sovereignty rest upon the right of vote and election by all the people; a system, where all national, social and cultural problems are solved through the free will of individuals, classes and nations". According to this definition any country, where the freedom of thought and instruction as well as the independence of the university does not exist, democracy can not be claimed to exist.

Since science has gathered to itself the most noble manifestation of human thought, feeling and creation, it is justified in receiving the greatest attention by governments and the existing law systems. Through scientific creation and research, the highest aspirations of the human soul such as logical judgement, moral merit and aesthetic freedom reaches a most happy synthesis. Therefore there is an urgent necessity to concede the scientist "the greatest possible freedom" and to guarantee it.

The personal responsibility and professional feeling of dignity of any real scientist is the most secure guaranty against any misuse of enlarging freedoms. Essentially the perception of freedom, which KANT holds equal with morality, is also the foundation of all responsibility. Therefore the feeling of responsibility and the merits of citizenship is the best and safest guaranty against any misuse of it. It is most natural that a scientist will acquire these qualities to a greater extent than any normal citizen. On the other hand the large freedom given to any scientist is only confined to activities for scientific purposes. For these reasons any scientist can only make use of an unlimited freedom for scientific activities and publications, which bear both in form and content a scientific character. A professional feeling of dignity and honour exacts that scientific opinion be defended in a complete objective light, combined with an understanding of truth and accuracy. To shun reality purposely is to betray to science and the freedom of thought. Especially in the field of social and moral sciences does the research for truth require freedom of thought and discussion in its widest sense.

Any non-scientific activity of a scientist must remain inside the boundaries of freedom belonging to any citizen and has to fulfill all

the legal obligations required from anybody. For instance slandering the government or its institutions by a scientist, or the diffamation and accusation spread abroad, must be considered under the general provisions of the law. In the same way the provocation of illegal actions or incitement by speech and writings for the destruction of society's existing order, even if pronounced in a scientific language, should not enjoy any special protection. Because in all these cases the scientist has abandoned his qualities, which make him a man of science.

From the legal standpoint of freedom of thought and instruction as article 142 of the constitution of Weimar stipulates it, there is a great benefit in securing a constitutional guarantee for these freedoms and to place its protection upon the shoulders of government. Thus not only a understanding is established concerning the liberty of all scientific activities, which are not explicitly prohibited by the law. At the same time government has to protect all these activities even to securing incitement in this direction. The existence of such a provision eliminates also the possibility of the legislators limiting and narrowing the freedom of thought and instruction by special laws.

Thus we arrive at the first problematic clashing point, where two different views, the idealistic and realistic, are in opposition. The idealistic thesis defends as before the principle that free science must exist in a free world, where as the realistic view defends the idea, that the results of science have to be evaluated according the interests of society and government.

Following the liberal conception of government prevailing during the 18 and 19 th centuries, together with thinkers of different nations like Jacob GRIMM, FARADAY, Hypolite TAINE, freedom of thought and instruction was not subject to discussion. Today the prevailing conception is the one of government based on economic welfare. Under these conditions all matters of policy have to be based upon scientific facts and results and the need for giving more attention to scientific progress becomes an urgent one. As a result some tendencies to encourage control and coordinate scientific research have been noticeable.

On the other hand modern research work entails extremely high expenses and huge organizations, thus inducing scientists and their institutions to apply for financial subsidies from the government or

as in the United States—the assistance of private enterprise. Although government or any type of foundation may behave toward the scientific world in the most generous way, any ties resulting from material aid infringe to some extent freedom itself.

On one hand the change of functions in the field of research and acquiring knowledge, on the other hand the threats to freedom and democracy resulting from social groupings and political interference, seem to have created a certain amount of intellectual uneasiness among scientists themselves. For instance a German sociologist, Helmuth PLESSNER, from Göttingen expresses his anxieties as follows: “The feudal-like scientist of last century has become a scientific official of today, a simple intellectual worker”. If this assertion is true, it means that we are confronted with an increasing automatization of men of science. Because the foundation of freedom of research—the love of reaching the ultimate truth—is disappearing more and more in the mind of the simple intellectual worker.

The clash between freedom of thought and social interest is getting even more conspicuous in the field of all sciences serving the progress of technology. According the philosopher Joseph Pieper, from München” the science of physics is being now exploited for the benefit of society. This is being done openly and directly in dictatorial, secretly in democratic societies”.

According to the opinion of the chairman of the French commission on Atomic Energy, Prof. Jean Thibaud, since the foundation of the atomic bomb plant in Los Alamos, it can be assumed, that those physicists, who are working directly for military authorities, have given up their birthrights on freedom of thought and research. On the other hand, three fourth of the research work carried on in the field of natural sciences, is far from giving practical results and benefits. It is the main task of government and related authorities to secure freedom of thought and research in these fields.

In reality this conflict has come out from the increasing process of materialization of life and the abstraction of ideas, thus putting the freedom of thought and indoctrination under an unjust accusation. The reason for the cold and rather terrified admiration, displayed toward the Hungarian who was the original inventor of the hydrogen bomb. is the possibility, that this invention may be used in a dangerous way. It has nothing to do with his own scientific abi-

lities. The fact, that atomic energy or hydrogen probably will not be used for the welfare of humanity, but rather for its destruction, should not be laid to the account of the inventor or man of science. This responsibility falls upon the shoulders of those politicians, who are taking advantage of the results of scientific findings to realize the goals of government and society. On this subject we can only share the ideas of Plato, who wished that those politicians, who had the responsibility for deciding the fate of the world, might be wise men and philosophers. This desire is more than justifiable since wisdom is as much a characteristic of intellectual as it is of moral maturity.

Now I would like to consider another topic. The psychological climate, created by technical progress, has slowed down the individual protest by using the pressure of material bonds. It is however very conducive to comfort. One has to add in this regard the influence and suggestions of different ideologies upon the large public through means of propaganda have contributed to this. Thus we have arrived at the relationship of science and daily politics.

As Edmond KLAPAREDE stated "A political belief is as much the expression of an ideal as it is an ideology". Thus it becomes a matter of faith outside of all scientific criticism and investigation. This is because political beliefs cannot support any scientific and objective discussion. They are solely the expression and manifestation of a "taking-sides" state of mind. In other words, since ideology is the camouflaging of an idea for political purposes, it cannot be combined with scientific knowledge and freedom of thought.

This is the reason why some regimes are bitterly opposed to freedom of thought. LENIN qualified those who did not openly take sides in politics or philosophy as "cowards". The leftist totalitarian regime of Russia has used the phrase "Wise Stalin, leader of all sciences" in order to orientate the natural sciences in the direction of the political tendencies and goals of Marxist ideology.

The fact that such dogmas, deprived of all moral and scientific values, are constantly suggested by means of modern propaganda tools, have induced some circles to confuse a martyr with a murderer thus opening the road to an intellectual nihilism, which denies all truths. On the basis of the assumption that there are no ties between essence and existence, the followers of the existentialist philosophical

school took position against the family, tradition and social environment. This same movement spreading among the worker class, constitute a sort of intellectual nihilism, which can be considered as the greatest danger for the freedom of thought and value judgements of our time.

Against such danger, which creates psychological and sociological instabilities in social and cultural life, there is no other resisting force, than, as Ignazio SILONE pointed out, the faith in the real and ideal value of knowledge. The restatement of the value and prestige of science can only be realized by a reinforcement of the academic freedoms. In order to claim that there is freedom of thought and instruction, the scientists have to be able to chose freely the topics of research and possess the way and means to inform directly any circle and person about the results they have obtained. These final conclusions fully coincide with the definition given by Columbia university of the right to acquire knowledge and the free use there of. We would like to emphasize once more that the most secure guaranty against any misuse of this freedom is the feeling of moral responsibility and obligation on which the honour and professional dignity of any scientist is based.

The German historian and Philosopher, TREITSCHKE, analyzes in one of his essays the universal and national aspects of the moral and social sciences. Indeed like all intellectual activities the focus of any scientific thought is embedded in the mind and existence of man; the universal quality of all sciences can not be doubted. But on the other hand the interpretation of social progress, history and politics, which deals with the goals of government, the methods to realize these goals, in other words the moral and social sciences, are equally related with national qualities.

During his presidency of Columbia university, President Eisenhower published a letter to the students, in which he advises them as follows: "In order to develop fully your character, you need to know the character of your own country".

The profound truth, which lies in these words explains once more the expectation and obligation any scientist, especially those dealing with social sciences, has to assume in order to understand the problems of his own country and society. This obligation, which

seems to carry a rather national character, should never cast a shadow upon the service the scientist has to perform toward humanity. Besides the scientist in his drive to find and reach truth is always serving mankind. The field of science is always closed to all tendencies, which separate men as individuals and nations. Science is the only unifying and forging force, which makes possible the constant development of human values.



