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ACADEMIC FREEDOM IN AMERICA: GILDED AGE BEGINNINGS AND WORLD WAR I LEGACIES

The early decades of the twentieth century proved pivotal for defining academic freedom in America. The challenges of World War I ultimately strengthened the use and understanding of the concept specifically for the U.S. context. During the last third of the nineteenth century, a number of developments in higher learning had converged, bringing academic independence urgently to the forefront. Growth and professionalization meant a new role for universities in American society; big-business philanthropy saw sciences flourish, but it also introduced a new market-orientated organization to college administration. Gilded Age and Progressive Era debates over individual rights, social responsibilities, and public and political capital caused much controversy on campuses across the country. German academic institutions, long cherished models in U.S.-reform-rhetoric, had begun to lose their appeal, and by 1914, they were fully discredited. Hence, even before the United States entered into the conflict, World War I forced the academic community to define their position between society, government, and professional ethos. During this process, two very different notions of academic freedom emerged: one favoring individual liberties, the other one prioritizing institutional integrity. These distinctive and potentially adverse interpretations continued to function as the basis for legal and public arguments as the twentieth century progressed.

The problem with academic freedom, as with other liberties, is that it is many things to many people and, in fact, different kinds of academic freedom, invoked by different groups within the academic system (e.g., professors, students, administrators) may even infringe upon each other. Moreover, in historical perspective, different interpretations served different interest groups over time depending on political constellations, social hierarchies, and economic power structures. There seems to be some disagreement as to the origin of academic freedom in America: Is academic freedom rooted in key American ideals like civil liberty and religious freedom, and therefore “not an ancient prerogative but an acquisition of relatively recent date”¹—or should we see it as “one of the few last and precious survivals of genuine European culture”?² Arguably, this discrepancy is caused by an inverted chronology of academic freedom in the United States: in Europe academic freedom had traditionally been a privilege granted to a professional class in pre- and early-modern societies before there were declarations of general rights, including freedom of speech and the freedom of the press. In the United States, however, these rights were established for all citizens in the founding documents and the idea of any professional privilege was generally viewed with suspicion.³ Thus, while in

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Europe academic freedom predated civil liberties, in the United States it was vice versa. So, what exactly could be the nature of academic freedom in America?

The historiography of this topic in the United States is still dominated by seminal publications from the 1950s.⁴ In the wake of the onslaught on universities during the McCarthy Era and amidst the ideologically charged atmosphere of the Cold War, academics of various political convictions contemplated, historicized, and reframed the concept. Thus, the 1950s are lodged in the memory of U.S. academia as a pivotal moment in the evolution of academic freedom. However, its defining moment in America had occurred forty years earlier as the First World War galvanized different positions and provided the context for the initial steps toward codification. Since the last third of the nineteenth century, a debate had simmered regarding the role of universities and the responsibilities of the scholar in U.S. society. It boiled over as passions heated up during the war and academic freedom proved to be a central fulcrum. This essay traces two different interpretations of academic freedom as they emerged during the first two decades of the twentieth century. One of them was rooted in the progressivist notions of government protection against industrial and economic exploitation, and the other one was based on the notion of institutional autonomy and academic independence in the face of popular—or populist—opinion and majority pressure. As different and at times seemingly irreconcilable as these two approaches may appear, they both sprang from the specific social and historical moment in the United States. The former was brought on by the rapid expansion, commodification, and structural change in the landscape of higher education, while the latter was prompted more specifically by the charged political atmosphere during World War I. Yet, both continued to inform the discourse as the American university and college system evolved throughout the twentieth and into the twenty-first century.

1. THE TRANSATLANTIC ROOTS OF ACADEMIC FREEDOM?

The decades following the Civil War saw American higher education transformed as the multifaceted system we know today in all its complexity took shape between 1870 and 1910.⁵ New formats of teaching and learning, more differentiated fields of research, and the professionalization of disciplines broadened and institutionalized the academic world.⁶ While higher education had been predominantly private, and a new wave of philanthropic gifts between 1870 and 1890 further strengthened that line, the individual states, and gradually even the federal government, began to take a more active role. Land Grant Colleges and state-university clusters emerged after the Morrill Acts (1862 and 1890) while older U.S. colleges reformed and developed into “full universities”, that is, institutions dedicated to research, as well as teaching, and began bestowing advanced degrees.

A vaguely defined “German impact” has a well-established place in the historical narrative of the American Research University—both public and private—as it emerged during those decades.⁷ American graduates returning home after pursuing advanced studies at German universities throughout the nineteenth century impacted newly founded institutions like Johns Hopkins and Cornell University. The networks they formed abroad would dominate U.S. higher education for decades to come.⁸ Yet, while the German model certainly featured prominently in the rhetoric of renewal and

reform, any transatlantic inspiration in this respect was merely a matter of selective acquisition, (re-)interpretation and local application.⁹ The adaptation of the concept of academic freedom is a case in point.

Traditionally the history of academic freedom in Germany traces its theoretical grounding to Wilhelm von Humboldt, Friedrich Schleiermacher, Gottlieb Fichte, and the founding of Berlin University in 1810/11.¹⁰ It was their ruminations on the issue that Americans (like their German colleagues) incessantly and piously quoted. But, of course, there are numerous antecedents upon which these thinkers based their ideas, reaching back to the *libertas philosophandi* of the Enlightenment and even further to the medieval university community. After 1848 many German state constitutions included codification of academic freedom, then generally referred to as *Lehrfreiheit* and *Lernfreiheit*, the freedom of teaching and learning.¹¹ By the late nineteenth century, German academic life was organized in public institutions and conducted by civil-servant professors, while the loaded terminology of *Wissenschaft*, informed by a romanticized Enlightenment, rendered academic freedom a metaphysical notion rather than a practical working principle.¹² Nevertheless, in the language of the higher-education reformers in the United States, academic freedom with a German undertone remained a distinctive feature of a “true university”—ritually invoked but rarely defined.¹³

Cultural characteristics and conditions complicated the translation of the German principle to the American reality. Though administration lay with the state, internal decisions at German universities remained in the hands of professors creating “the appearance of self-governed bodies,” especially in the eyes of visitors from abroad.¹⁴ According to the German interpretation, the state guaranteed the external conditions for internal freedom.¹⁵ Underlying the German understanding of academic freedom, therefore, was a very different notion of freedom and of the role of the state than prevailed in the United States, where freedom traditionally means absence of the state. However, to Americans their own universities seemed clearly more vulnerable to external influences, governed as they were by boards of trustees, who they thought were posing a much larger threat to free research than the state. By the turn of the century, the places of overseers and administrators were mostly taken by business leaders and municipal representatives driving back the religious dominance of earlier decades. In consequence, market considerations and management processes presented new limitations on the freedom to research, a constellation mostly absent from the German academic world (at that time). An underlying conflict of religious doctrine and scientific argument remained present (to this day), but Darwinism alone did not “secularize” American science.¹⁶ During the early years of the twentieth century, American professors were beginning to invoke academic freedom more directly in defense of their autonomy against the economic or administrative interests of their institution and more explicitly in relation to employment. The restructuring of American higher education during the last third of the nineteenth century contributed to the emergence of new interest groups and new power structures that would also affect the way Americans thought about academic freedom.

Some U.S. academics around the turn of the century looked to Germany and almost regretted that their central government did not have the same authority to insulate universities from infringements caused by private interests and public opinion.¹⁷ The role of

German scholars in World War I propaganda, however, profoundly challenged this idealisation. On October 4, 1914, in an act of almost instantaneous (self-)mobilization, ninety-three prominent academics and luminaries of the German cultural elite issued a manifesto in defense of their government's acts of war.¹⁸ Even before the publication of this *Manifesto of the 93*, men like theologian Adolf von Harnack, biologist Ernst Haeckel, or classicist Eduard Meyer, who many Americans considered academic idols, took up the pen to woo their colleagues in the neutral states. American professors became the bewildered addressees of numerous patriotic letters and propagandistic pamphlets written by their German colleagues.¹⁹ Aghast Chicago sociologist Albion Small observed the "utter collapse of an objective attitude."²⁰ How could those balanced and rational minds swoop to such passionate political lows? To be "writing without composure, judging without consideration of the data"²¹ seemed so out of character for German scholars, who had claimed admiration especially in America for their diligence and thoroughness. Surely, some American observers injected, there had to have been government pressure to convince these representatives of culture and scholarship to put their names to such blatant propaganda. But even before the war German culture, or *Kultur*, had started to lose ground in the United States.²² Along with it, the traditional homage paid to German universities and their venerated *Wissenschaft* had been challenged by a younger generation of American scholars who objected to "the conquest of American universities by German scholarship."²³ In this vein Americans had also questioned the reality of *Lehrfreiheit* in Germany even before 1914. They had found proof in cases such as the dismissal of Jewish socialist Leo Arons from Berlin University in 1897 and the ensuing special law that underscored government influence on university appointments. Now the political outbursts of German professors seemed sad proof: *Lehrfreiheit* was dead, provided it ever really existed. The state-employed German scholar had to dance to the kaiser's tune.

Not everyone in America was willing to consider those German professors who had authored passionate pamphlets, as victims of an absolutist state denying them their liberties. Quite to the contrary, seeing that they had not acted under duress but out of their own free will, Arthur O. Lovejoy chided German scholars for this "ungodly spectacle" that he considered "a scandalous episode in the history of the scholar's profession."²⁴ After all, Americans knew from Friedrich Paulsen, one of the prime interpreters of the German university system for U.S. audiences that in Germany, in particular, "the scholar cannot and should not engage in politics."²⁵

Examining these different American interpretations of Germany's propaganda professors closely reveals an inherent dilemma in the assessment of the nature of academic freedom that U.S. scholars were dealing with at home: if any political activity had to be classed as unscholarly conduct, reprimanding or even dismissing professors for such actions could not be considered an infringement on academic freedom. This, however, raised questions about the much-quoted Leo Arons case, who allegedly had lost his job because of his political activities as a socialist.²⁶ For many Americans concerned with the issue of academic freedom Arons's dismissal hit close to home. The majority of the U.S. cases in the early years circled around political convictions rather than research; and socialist views happened to be among those most objectionable to capitalist-minded trustees and donors. Accusation from within the professoriate against university administrations and bureaucracies grew stronger. Some critics, like Chicago

sociologist Thorstein Veblen, lost their positions. The question beckoned: Where did political action begin? How could academics fulfill their democratic obligation and responsibility to the community while locked away safely in their impartial ivory tower exercising “detached criticism of cool consideration”?²⁷ The advent of new fields like economics, sociology, psychology, and political sciences blurred the lines further. American academics thus faced a profound dilemma caught between free research and responsibility to the community—a dilemma that still taxes theorist today.²⁸

2. THE AAUP, ACADEMIC FREEDOM, AND THE WAR

One of the first widely discussed incidents highlighting the somewhat precarious conditions of academic freedom in America was the removal of economist Edward Ross from his position at Stanford in 1900. He had campaigned against monopoly politics in the railroad industry and against the importation of cheap labor from Asia. Founding donor of the university, the late Leland Stanford, however, had made his fortune in the railroad business. His widow, who after the death of her husband was the sole authority on the university’s business decisions, would not have her husband’s legacy assailed. Nor did she approve of Stanford professors campaigning for political convictions counter to her own.²⁹ The Ross case made abundantly clear that, for all the talk of academic freedom, there was no legal process of appeal, no controlling body that could champion the abstract ideal in these very real circumstances of employment.

Roughly half of the best-known cases relating to questionable dismissals between 1893 and 1900 concerned economists. In the often industrialist and business-minded milieu of Gilded Age philanthropy, economic beliefs polarized. Time and again, professors lost their position for speaking out against monopolies, taking a strong position on the silver question or advocating labor rights.³⁰ Eventually, the American Economic Association (AEA, founded in 1885) took on the task and launched an examination into the Ross case. While they did not achieve much, their commitment set a precedent that similar bodies in other disciplines like the American Society of Sociology (founded 1905) and the American Political Sciences Association (APSA, founded 1903) emulated in the following years. The efforts in favor of academic freedom undertaken by these different professional organizations evolved into a joint caucus, officially named “Committee on Academic Freedom and Academic Tenure.” They convened for their initiation meeting in June 1914.³¹ For the first time, there was a caucus dedicated to academic freedom, and it was organized from within the faculties. As such, the new committee saw its task not only in perusing cases but it also intended to put academic freedom on a proper conceptual footing. From these beginnings emerged the American Association of University Professors (AAUP) founded in January 1915 under the leadership of pragmatist philosopher John Dewey and historian Arthur O. Lovejoy. Academic freedom would remain one of its central issues, especially as it related to tenure.

Within the first few months of its constitution, the AAUP had already been asked to take action in eleven different cases, most of which did not involve the war or American neutrality but were mostly connected to labor and economic issues. Time and personnel limited the freshly formed advocate organization to following up on five of the eleven instances.³² Less than one year later, in December 1915, the AAUP issued a *Declaration of Principles on Academic Freedom and Tenure*, which was to become the first official

step toward codification.³³ Two-thirds of the committee members had studied in Germany and the very first sentence explicitly referred back to German antecedents: “The term academic freedom has traditionally had two applications, *Lehrfreiheit* and *Lernfreiheit*.”³⁴ The latter was dismissed almost immediately, for the AAUP was not concerned with the rights of the students. The preamble then distinguished three different “elements” of academic freedom: freedom of inquiry and research, freedom of teaching, and “freedom of extra-mural utterance and action.” Quickly concluding that the freedom of inquiry had rarely been threatened in the past, that issue was also dropped and the report instead focused on the other two. Thus, in its very first paragraph this AAUP declaration remodeled the idea of academic freedom to fit the demands of American higher education, namely teaching and the interaction with society at large. Modalities of employment and the rights of faculty as employees were to be linked closely to academic freedom.

The new organization both expressed and formalized an emerging collective professorial identity: “acknowledging that the revolution in higher learning had turned their vocation into a profession.”³⁵ While still quite homogenous, integrating the American professoriate in such a way also required a clear position on the relationship between academia and society and a sharpening of the much-quoted “service function” of the American university, its obligation to society.³⁶ Only months later the Great War urged Americans everywhere to clearly define their stance within an ever more pronounced and politicized public sphere. How would educators reconcile civil liberties, scholarly obligation, and the either public or private administration of higher education in a capitalist democracy?

In their first declaration, the AAUP committee had asserted that no university board, president, or donor could order professors to give up their constitutional right. Academic freedom could not be more limited than freedom of speech. No matter if a professor was speaking to his students in the classroom or to a broader public; he was to be entirely free to express his views and ideas, just like any other citizen. The cases during the previous years had shown the importance of taking a stand like that, since donors still had a powerful lobby.³⁷ Moreover, universities were beginning to pay considerable attention to their institutional image and administrators were attempting to regulate the actions of the professoriate arguing that their behavior would reflect on their institutions.³⁸ Columbia University’s powerful and influential president Nicholas M. Butler explained: “When a teacher accepts an invitation to become a member of an academic society, he thereupon loses some of the freedom that he formerly possessed. ... he has voluntarily accepted the restrictions put upon him by the traditions, the organization, and the purpose of the institution with which he has become associated.”³⁹ Considering the powerful label of big universities like Columbia well beyond the academic context, the president was certainly right to suppose: “Try as he may, he can no longer write or speak in his own name alone.”⁴⁰ Clearly, in Butler’s opinion the status of a professor did not warrant special liberties, but rather special duties. Nevertheless, the AAUP argued, that this left the university administrators with too much authority and leeway to interpret what “the purpose of the institution” may entail. In fact, President Butler and Columbia University would become the centre of attention in the next major academic freedom case, after the United States had entered the Great War.

In view of the high proportion of German-born or German-educated scholars at American universities, campuses came under particular scrutiny as a wave of hyper-patriotism and anti-German paranoia swept the U.S. home front in 1917. There were at least twenty known dismissals on charges of disloyalty and experts assume the dark figure to be considerably higher.⁴¹ Most prominently, the case of Columbia psychologist James McKeen Cattell seemed to fly in the face of the freshly declared principles of academic freedom. The dispute was covered extensively in the press and historian Charles Beard resigned his chair in protest.⁴² Various representatives of the AAUP as members of the Columbia faculty found themselves personally ensnared in the issue. Cattell's dismissal was particularly controversial because he had been a thorn in the university's side ever since the publication of his biting critical book *University Control* in 1913.⁴³ These circumstances gave rise to speculation that the war was simply providing the pretext to finally get rid of an unpleasant employee. All the more so as, with relations already soured, the latest conflict related neither directly to the war nor to national politics but was sparked by Cattell's disrespectful comment about Butler, whom he had ironically labeled "our many talented and much climbing president."⁴⁴ A few months later, with the dispute not yet resolved, Cattell lobbied congressmen against legislation relating to the draft. Not only was this considered unpatriotic—at a time when the whole campus was mobilizing for war—he also used his Columbia credentials in the process. These actions were cited as giving the university cause to charge and dismiss him.⁴⁵

While the AAUP did come to the conclusion that the removal had been unjust, they had to accept that they had still little to no authority to enforce their decision. Nevertheless, immediately after Cattell had lost his position—and in direct reaction to the public outcry—the AAUP's committee on academic freedom took the initiative to adjust and amend their *Declaration of Principles* "with especial reference to the extraordinary situation created by war."⁴⁶ The ensuing special committee report on *Academic Freedom in Wartime*, drafted by Lovejoy, can easily be interpreted as a wholesale submission to government restrictions on civil liberties. It contains all the key arguments used in legislation and court rulings pertaining to the Espionage Act: the challenges of unity in a democracy at war, the doctrine of clear and imminent danger, and the need to prioritize safety over freedom for the good of the majority.⁴⁷ Had the principles of academic freedom so grandly extolled two years before been sacrificed on the altar of patriotism? Not quite. In the context of the AAUP's general agenda, this policy followed logically from the previous stance. The central point remained to safeguard faculty rights against the power of the administrators. Appealing to the legal authority of the government meant taking the power away from institutional bureaucracies. The committee quoted Canadian philosophy professor Herbert L. Stewart: "A university board is not the executive government and, if it so mistakes its function, it is exactly similar to a mob which beats an unpopular speaker."⁴⁸ Thus, the report keenly reiterated its original statement that academic freedom was an application of First Amendment Rights to the academic context and insisted: "academic office neither diminishes nor enhances the ordinary rights and responsibilities of a citizen."⁴⁹

With hindsight, we may be inclined to ask why the AAUP did not make it a priority, in the interest of academic freedom, to protect professors from restrictive government legislation, instead even invoking it. But for them, due to the American system of higher education, the threat came from a different direction. It came from the trustees and the

university management. The AAUP's report on *Academic Freedom in Wartime* thus presents one of the earliest examples of the application of the concept in one of its distinctly American interpretations, as an instrument of employment politics. Critics like James McKeen Cattell and Thorstein Veblen argued that the commercialization and bureaucratization of universities during the Gilded Age had turned higher education into an industry not unlike the oil or the steel business, and consequently professors were employees who had to resort to strategies similar to those of the labor movement. Based on ideas of collective bargaining and professional solidarity against bureaucracies and capital-driven influences, this take on academic freedom was shaped by some of the same methods and antagonisms that shaped the labor struggle in America during the early decades of the twentieth century.

3. DEFINING ACADEMIC FREEDOM FROM THE ADMINISTRATOR'S PERSPECTIVE

The AAUP's efforts were focused on upholding the professoriate's independence against their institution's administrators. However, during the preceding decades, academic freedom had been rhetorically cast as the hallmark of a true university. Therefore, it was also in the interest of these governing bodies to keep the notion alive in and for their institutions. Thus, somewhat ironically, several university presidents, usually archetypes of omnipotent higher-education bureaucrats, were among the most ardent defenders of academic freedom during the war. Their notion of academic freedom, however, was very different from the AAUP's and arguably more in line with the continental interpretation of the university as a safe haven of open discourse insulated from public interference. Nevertheless, for these administrators, government was not the prime threat either. Instead, they were keen to safeguard their campus against the dangerous currents of public opinion now agitated, as they saw it, by war-related hysteria. Former Princeton president Woodrow Wilson, who had left the campus for the political arena in 1910 and entered the White House in 1912, declared in 1914: "Americans ought to be neutral in mind and in deeds."⁵⁰ This was doubly true for universities, believed Lawrence Lowell, the head of Harvard University since 1909. Scholarship, as such, was to refrain from political partisanship. During the neutrality years though, when it came to the European conflict, unlike Wilson, Lowell drew a sharp distinction between personal neutrality—which he believed impossible in view of the emotional nature of the war—and institutional neutrality. The latter was to be the aim of American universities. The campus ought to be an arena where ideas could be exchanged freely, including those pertaining to the different views of the belligerents. But as Wilson was struggling to maintain his policy of national neutrality, so Lowell was faced with repeated challenges to academic—and institutional—integrity. Alumni repeatedly demanded the dismissal of German-born professors, a student poem ridiculing the German army had sparked public debate beyond the campus, and German propaganda tried to use Harvard Yard as a stage.⁵¹

Having grown up in France, in private Lowell was decidedly pro-Entente, but publicly he ritually and routinely invoked academic freedom and explained that the university could not "muzzle" its professors.⁵² Any censorship would set a dangerous precedent, he argued and insisted, at a time when academic freedom had been abandoned in

Germany—its place of origin—it was up to American academia to uphold the noble ideal.⁵³ Based on his experience during the years of American neutrality, by 1917 Lowell had developed his own declaration of principle on academic freedom. The statement was first published as part of his presidential report for the academic year 1916–17. It came out almost simultaneously with the AAUP's second declaration and generated an equally broad response.⁵⁴

The Harvard president distinguished along two parameters: the *situation*—in class and outside class—and the *content*—on topic and off topic. Topic here referred to the professor's area of expertise. For expressions in class on topic, guided by professional research, Lowell passionately invoked the traditional notion of *Lehrfreiheit*, though he avoided the German term under the given circumstances. Moreover, every expert should be free to discuss his findings in the public sphere, guarded by civil liberty and guided only by propriety and decorum. Here Lowell argued from the administrator's perspective pointing out that a professor making an improper spectacle of himself and his research posed a greater threat to the good name of the institution, than potentially controversial content. When it came to "extramural utterances," the realm the AAUP report mostly focused on, Lowell was technically entirely in agreement with them. Speaking off topic anywhere, any scholar should simply be regarded as a private citizen and guaranteed freedom of speech.⁵⁵ While the president admitted that the social status of a professor granted the kind of public impact that could do a lot of damage, not to mention the irritation it may cause for his institution, he still believed "that the principle of freedom warrants temporary annoyance."⁵⁶ He thus directly opposed Butler's view, who strongly believed professors owed it to their institutions to refrain from public controversy or anything that could reflect badly on the university. But Lowell was not alone with his view and soon other university presidents issued similar statements.⁵⁷

However, where the AAUP, in an effort to stress professorial independence guarded by constitutional rights, followed government legislation to warrant restrictions on what academics (or any citizen) could say during wartime, both on and off campus, Lowell would have none of it. In class, an exclusive space guarded by confidentiality, Lowell believed any scholar should be free to speak his mind on all issues even in the role of authority he enjoyed as a teacher. After all, in the academic context, Lowell explained, one could expect an audience capable of forming their own critical views: a condition that unfortunately, he added, the excitable general public lacked.⁵⁸ Therefore, academic freedom also meant that what they heard from their professors in class, students could not repeat before a public forum, let alone in the press. A number of journalists felt offended by this implication and addressed their concerns directly to Lowell, but he insisted that a bond of confidentiality in the classroom was absolutely necessary.⁵⁹ For the Harvard president in 1917, academic freedom created a sovereign space within the campus walls, where a community of students and scholars were free to teach and learn insulated against public opinion.⁶⁰ This notion may seem closer to the German concepts of *Lehrfreiheit* (and *Lernfreiheit*), and on the American campus it also shielded against government interference, but at the same time the power of trustees and administrators grew further. Hence, ultimately it threatened the academic freedom of the faculty.

The ambivalence of the neutrality years and the demands of the home front after 1917 tested the reality of American civil liberties in general. Academic freedom proved

particularly difficult to grapple with as the social role of the new universities was still vague and a professional identity of the professoriate was only just emerging. Forcing the academic community to find a position between society, government, and professional ethos, the First World War wrought two very different champions of academic freedom: one favoring individual liberties and the other one prioritizing institutional integrity. These distinctive and potentially adverse interpretations continued to function as a basis for legal and public arguments as the twentieth century progressed. Two questions remain: How can the campus be insulated from the public sphere and yet be intensely engaged with the political community? And is academic freedom a privilege or a necessity? The AAUP continues its line of argument that ties academic freedom to workers' rights and employment justice. They pursued the issue ardently, for example, during the so-called culture wars of the 1990s and in view of what in recent years has been termed the neoliberal academic-industrial complex.⁶¹ The dominance of business and financial interest among trustees who try to commodify teaching and research, bears a striking resemblance to Gilded Age higher education.⁶² At the same time, as new threats loom over campuses from both public opinion and government legislation, the administrative definition also has its advocates. After all, institutional autonomy and integrity against political intrusion can also protect professors and their research.

The different interpretations of academic freedom as they first were presented in the wake of the First World War show that the American use of the concept was plagued from the outset by an inherent dichotomy of individual versus institutional freedom. Thus, arguably, to enable the interaction between campus and society in America, academic freedom is a necessary privilege for researchers and institutions alike, but it can only work in a system of mutual checks and balances.

NOTES

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¹Richard Hofstadter and Walter P. Metzger, *The Development of Academic Freedom in the United States* (New York: Columbia University Press, 1957), xii and 262–63.

²Robert A. Nisbet quoted in Russell Kirk, *Academic Freedom. An Essay in Definition* (Chicago: Henry Regnery Company, 1955), 2.

³Jürgen Herbst, "Akademische Freiheit in den USA. Privileg der Professoren oder Bürgerrecht?" in *Wissenschaftsfreiheit in Vergangenheit und Gegenwart*, eds. Rainer Albert Müller and Rainer Christoph Schwinges (Basel: Schwabe Verlag, 2008), 317–29, here 319.

⁴More recent works still rely heavily on these publications especially on the Carnegie-funded collaboration by Hofstadter and Metzger, *Development of Academic Freedom*. See, for example, Matthew W. Finkin and Robert C. Post, *For the Common Good. Principles of American Academic Freedom* (New Haven, CT: Yale University Press, 2009); or Philip Lee, *Academic Freedom at American Universities. Constitutional Rights, Professional Norms, and Contractual Duties* (London: Lexington Books, 2015).

⁵Lawrence Veysey, *The Emergence of the American University* (Chicago: Chicago University Press, 1965), 252.

⁶The founding of professional academic associations like the MLA (1883), the AHA (1884), or the ASSA (1885) can be seen as emblematic for this development.

⁷Mitchell G. Ash, *Mythos Humboldt* (Vienna: Böhlau Verlag, 1999); Roy Steven Turner, "Humboldt in North America? Reflections on the Research University and Its Historians" in *Humboldt International. Der Export des Deutschen Universitätsmodells im 19. und 20. Jahrhundert*, ed. Rainer Christoph Schwinges (Basel: Schwabe Verlag, 2001), 289–322; William Clark, *Academic Charisma and the Origins of the Research University* (Chicago: University of Chicago Press, 2008); James Axtell, *Wisdom's Workshop. The Rise of the Modern University* (Princeton, NJ: Princeton University Press, 2016).

⁸Anja Werner, *The Transatlantic World of Higher Education: Americans at German Universities, 1776–1914* (New York: Berghahn Books, 2013), 130.

⁹Frank Trommler, "Introduction" in *The German-American Encounter: Conflict and Cooperation between Two Cultures, 1800–2000*, eds. Trommler and Elliott Shore (New York: Berghahn Books, 2001), x–xix; Turner, "Humboldt in North America?," 295. Moreover this transatlantic cultural exchange was certainly not a one-way street. See, e.g., Emily Levine, "Nützlichkeit, Kultur und die Universität in transatlantischer Perspektive" in *Transnationale Universitätsgeschichte*, eds. Heike Bungert and Charlotte Lerg (Stuttgart: Steiner Verlag, 2017), 51–81; Rodgers, Daniel T. *Atlantic Crossings* (Cambridge, MA: Harvard University Press, 2009).

¹⁰Fritz K. Ringer, *Die Gelehrten. Der Niedergang der deutschen Mandarine 1890–1933* (München: dtv, 1987), 31.

¹¹Peter Classen, "Zur Geschichte der, 'Akademischen Freiheit,' vornehmlich im Mittelalter" in *Historische Zeitschrift* 232 (1981), 529–53, here 531–32.

¹²Ringer, *Die Gelehrten*, 104.

¹³Hofstadter and Metzger, *Development of Academic Freedom*, 387.

¹⁴*Ibid.*, 386.

¹⁵Classen, "Geschichte der 'Akademischen Freiheit,'" 531–32.

¹⁶On "secularization" of higher education in the United States, see, e.g., James Turner, *Without God, Without Creed. The Origins of Unbelief in America* (Baltimore: Johns Hopkins University Press, 1985); and George M. Marsden, *The Soul of the American University. From Protestant Establishment to Established Non-belief* (New York: Oxford University Press, 1994).

¹⁷Arthur T. Hadley, "Academic Freedom and Theory II" in *The Atlantic Monthly* 28 (Mar. 1903): 334–44, here 344. Hadley himself does not share this opinion but he discusses the view at some length.

¹⁸Jürgen von Ungern-Sternberg and Wolfgang von Ungern-Sternberg, *Der Aufruf 'An die Kulturwelt!' Das Manifest der 93 und die Anfänge der Kriegspropaganda im Ersten Weltkrieg*. (Stuttgart: Steiner Verlag, 1996), 87–88 and 156.

¹⁹For example, Rudolf Eucken and Ernst Haeckel "Germany's Culture. To the Universities of America" in *New York Times*, Sept. 25, 1914, 10. See also Friedrich Schmidt-Ott, *Erlebtes und Erstrebtes 1860–1950* (Wiesbaden: Steiner Verlag, 1952), 113. For a commentary on key pamphlets, see Klaus Böhme, "Einleitung" in *Aufrufe und Reden deutscher Professoren im Ersten Weltkrieg*, ed. Klaus Böhme (Stuttgart: Reclam, 2014 [1975]), 3–43; Klaus Schwabe, "Zur politischen Haltung der deutschen Professoren im Ersten Weltkrieg" in *Historische Zeitschrift* 192:3 (1961): 601–34.

²⁰Albion Small, "American Intelligence" in *Chicago Tribune*, Jan. 10, 1915, II:5.

²¹"The War of the University Professors" in *New York World*, Sep. 24, 1914, n.p.

²²Jörg Nagler, "From Culture to Kultur" in *Transatlantic Images and Perceptions. Germany and America since 1776*, eds. David E. Barclay and Elisabeth Glaser-Schmidt (New York: Cambridge University Press, 1997), 131–54.

²³Robert Herrick, "Why Bother about Culture?" in *Chicago Sunday Tribune*, Dec. 27, 1914, II:5. Regarding the generational dimension in this change of American attitudes, Henry May's analysis remains a classic: Henry F. May, *The End of American Innocence* (New York: Columbia University Press, 1959). On the changing attitudes toward German *Kultur* and *Wissenschaft*, see Frank Trommler, "Negotiating German 'Kultur' and 'Wissenschaft' in American Intellectual Life, 1870–1918" in *New Perspectives on German-American Educational History. Topics, Trends, Fields of Research*, eds. Jürgen Overhoff and Anne Overbeck (Kempten: Klinkhardt Verlag, 2017), 83–103.

²⁴Lovejoy quoted in Hans-Joerg Tiede, *University Reform. The Founding of the American Association of University Professors* (Baltimore: Johns Hopkins University Press, 2015), 151.

²⁵Friedrich Paulsen, *The German Universities* (New York: Charles Scribner's Sons, 1906), 255.

²⁶The transatlantic (mis-)understanding of the Arons case would deserve a more detailed examination. In Germany the issue was decidedly not one of personal academic freedom but rather one of administrative

autonomy. Arons did not lose a chair or a professorship but his status as *Privatdozent*, which was a privilege to teach traditionally granted by the discretion of the university alone. The *Privatdozent*, therefore, was not a state employee but academics with socialist sympathies (or from a Jewish background) had particularly benefited from this as they were barred from state service in Wilhelmine Germany. Few American observers grasped the intricate complexities of the case. For them Leo Arons had lost his job because he was a socialist. Interestingly, the fact that he was Jewish (which had indirectly also featured in Germany) was rarely mentioned in the United States where anti-Semitism was also quite prevalent in higher education. On the Arons case, see, e.g., Stefan Rebenich, *Theodor Mommsen und Adolf Harnack. Wissenschaft und Politik im Berlin des ausgehenden 19. Jahrhunderts*. (Berlin: deGruyter, 1997), 471; Ringer, *Die Gelehrten*, 132. On anti-Semitism in U.S. higher education, see, e.g., Jerome Karabel, *The Chosen* (Boston: Houghton Mifflin, 2005).

²⁷Lovejoy quoted in Ronald Schaffer, *America in the Great War. The Rise of the War Welfare State* (Oxford: Oxford University Press, 1991), 127. See also George T. Blakey, *Historians on the Homefront. American Propagandists for the Great War* (Lexington: University of Kentucky Press, 1970), 4.

²⁸Cary Nelson, *No University Is an Island. Saving Academic Freedom* (New York: New York University Press, 2010).

²⁹Lee, *Academic Freedom*, 1–3.

³⁰*Ibid.*, 20

³¹Tiede, *University Reform*, 94.

³²*Ibid.*

³³“General Report of the Committee on Academic Freedom and Tenure” in *The Bulletin of the AAUP* 1 (1915), 20–43.

³⁴*Ibid.*, 20.

³⁵Gruber, *Mars and Minerva*, 16.

³⁶*Ibid.*, 15.

³⁷Alton Parker, “The Rights of Donors” in *Educational Review* 16:21 (1902) quoted in Finkin and Post, *For the Common Good*, 25; “Shall Professors Have Free Speech. Or Are They to Mirror the Views of University Trustees?” in *New York Tribune*, June 27, 1915, III:2.

³⁸Veysey, *American University*, 317–18.

³⁹Butler quoted in “Academic Freedom at Harvard,” in *School and Society* 7 (160): 83.

⁴⁰*Ibid.*

⁴¹Schaffer, *America in the Great War*, 128.

⁴²Tiede, *University Reform*, 155.

⁴³Schaffer, *America in the Great War*, 145.

⁴⁴Tiede, *University Reform*, 152.

⁴⁵*Ibid.*, 153–56.

⁴⁶“Report of the Committee on Academic Freedom in Wartime” [dated Dec. 24, 1917] in *The Bulletin of the AAUP* 4 (1918), 29–47, here 29.

⁴⁷*Ibid.*, 34–42.

⁴⁸*Ibid.*, 33.

⁴⁹*Ibid.*, 39.

⁵⁰Woodrow Wilson, Message to Congress, Aug. 19, 1914, 63. Congress, Session II. No. 566 Congressional Records (1914), 3.

⁵¹Charlotte A. Lerg, “Off Campus. German Propaganda Professors in America 1914–1917” in *The Academic World in the Era of the Great War*, eds. Marie-Eve Chagnon and Tomás Irish (London: Palgrave Macmillan, 2017), 21–41, here 33–35.

⁵²Lowell to C. N. Chaffee, Sept. 9, 1914, box 64, folder 231, Records of the President of Harvard University, Abbott Lawrence Lowell UAI 5.160, Harvard University Archives.

⁵³Lowell to Richard H. Dana III, 08.03.1916, box 64, folder 321a, Records of the President.

⁵⁴Lawrence Lowell, Annual Report 1916–1917, Reports of the President and Treasurer of Harvard College [digital] <http://hul.harvard.edu/lib/archives/refshelf/AnnualReportsSearch.htm> (accessed Aug. 12, 2017). Comments appeared, for example, in *The New Republic*, *The New York Times*, the *Atlantic Monthly*, and *School and Society*.

⁵⁵Lowell, Annual Report 1916–1917, 20.

⁵⁶*Ibid.*, 19.

⁵⁷Alexander Meiklejohn, “Freedom of the College” in *Atlantic Monthly* 71 (1918), 83–89.

⁵⁸Lowell, Annual Report 1916–1917, 18.

⁵⁹James Melvin Lee, president of the American Association of Teachers of Journalism to Lowell, Feb. 25, 1918, box 27, folder 1803: Academic Freedom, Records of the President.

⁶⁰Lowell also suggested that the university was obligated to ensure that students' "social sensibilities" were not offended. In 1917, when campus populations were still rather homogeneous, this issue merited little more than a paragraph in Lowell's definition, but today's debates over trigger warnings and safes spaces have rendered this caveat strangely current. Lowell, Annual Report 1916–1917, 19. On the current debate, see e.g., Tom Slate, ed., *Unsafe Space. The Crisis of Free Speech on Campus* (London: Palgrave Macmillan, 2016).

⁶¹Derek Bok, *Universities in the Marketplace* (Princeton, NJ: Princeton University Press, 2003); Shila Slaughter and Gary Rhoades, *Academic Capitalism and the New Economy. Markets, State, and Higher Education* (Baltimore: Johns Hopkins University Press, 2004).

⁶²Teichgraber III, Richard F., "What Set Veblen Apart? Why Read Veblen Today?" in *Thorstein Veblen. The Higher Learning in America*, ed. Teichgraber (Baltimore: Johns Hopkins University Press, 2015), 21–29, here 23.