

Academic Freedom: Is It An Unlimited Freedom?

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The question of academic freedom continues to be a major source of tension between the Holy See and elements of the theological communities in the United States and Europe. In his first article for Faith & Reason Fr. Hall offers a number of important distinctions which shed light upon the contemporary discussion.

It is not uncommon in society today to claim every kind of freedom, while neither clarifying what “freedom” means, nor striving to describe the various types of freedom, nor the origin or validity or legality of these freedoms. Even less is there any effort to document the many viewpoints so readily proposed, as if any careless statement is to be accepted and cherished as true, simply because someone, often with “highly questionable” prestige, has said it. For this reason, we think an attempt ought to be made to review some essential notions on both the subject of “freedom” itself, and also on a few different species of freedom; in particular on “academic freedom.” Our reflections upon academic freedom, therefore, will focus neither on its historical development, nor its status in diverse civil societies, neither does it pursue students’ rights nor the quasi-censorship of campus literature. Our reflections will dwell upon freedom’s intellectual inquiry relative to the pursuit of truth.

Freedom generally is considered to be the absence of external constraint brought about by violence, bonds etc., while at the same time retaining the internal capacity for self-determination.¹ When any such external constraint does occur, a kind of external physical necessity takes place which is opposed to that natural external liberty of self-determination which is called freedom of spontaneity.² However, natures differ in their freedom because of various internal capacities for self-determination which can or cannot be subdued by some kind of necessity.

Plants and animals, since devoid of free will, are not only constrained by an external physical necessity, but they are completely subject to the internal physical necessity of their own natural instincts and tendencies. Human nature, on the other hand, is not under such compulsion from an internal necessity. Man’s particular freedom to self-determination flows from his internal faculties and culminates in freedom of choice. Freedom of choice is a combination of freedom which is rooted in the intellect and freedom of the will’s exercise.

In freedom of the intellect, called “freedom of specification,” the intellect is presented with a variety of possible specifically good objects to reflect upon and, finally to choose one of these by an act of the will. For example, if one is purchasing a car, a variety of cars are presented to the intellect, then the will chooses one of the cars. But the human intellect can be controlled by an act of the will, since one can freely choose or limit the total variety of the intellect’s objects. In this respect, the intellect’s “freedom of specification” is a limited freedom, since the intellect can be limited by knowable objects or by willful control.

In freedom of the will, called “freedom of exercise,” the will can be limited in its choice by the intellect, because the will can only exercise its choice based upon what the intellect presents. (There is “not much to choose from.”) The will’s choice can even be limited when just one object is presented to it by the intellect. Then the will can either choose to will the object or choose not to will it. It has long been a recognized valid principle that, in these diverse orders of causality, the intellect moves the will after the manner of a final cause and, conversely, the will moves the intellect after the manner of an efficient cause.³ One aiding or limiting the other’s freedom.

But when the intellect and the will do finally combine in executing an act of “free choice,” how can the freedom be restricted? Isn’t this acknowledged “freedom of choice” the reason why the resultant choices are classified in such categories as, “freedom of conscience,” “freedom of religion,” “academic freedom,” etc.? If there is a possible limit in these free choices, the restriction does not come from the intrinsic nature of the act itself (this is “psychological freedom”), but from something external to the act. And whatever sanction it is that is external and calls for limitation, obliges the will, which is free, to control itself internally. By way of example, when a speed law is in effect, the law itself does not control the will from choosing to speed. That is why some states claim over fifty percent of the driver’s speed. The drivers retain the internal capacity for self-determination. Either the driver wills to control self or it remains for the law to impose further external limitations on the offender.

In like manner, it is possible for someone to exercise freedom of conscience, religious liberty, and

academic freedom erroneously without an internal restraint because the individual is not overpowered in the erroneous activity. Admittedly, the external exercise of these freedoms can be limited by some external physical necessity.

In the final analysis, however, is there something which in “truth” demands an honest recognition and compliance with the valid and legal restrictions of these “freedoms” actual internal exercise? If it is not “truth” itself which is the foundation for all other sanctions such as fines, imprisonment, dismissals etc., then all such sanctions are absurd and unjust. “Truth can impose itself on the mind of man only in virtue of its own truth, which wins over the mind with both gentleness and power.”⁴

Relative to academic freedom, there are two kinds of basic truths which demand the limitation of academic freedom, because there are only two generic ways of attaining truth intellectually.

The first of these “truths” is “scientific” truth. It must be presumed that anyone considered a serious student or scholar is not a skeptic, or that those who enjoy “academic freedom” aren’t the first persons in the history of man to arrive at a truth. In other words, some truth already exists as known. The truth which we are discussing already exists outside the mind and is termed “ontological” truth or the truth of extramental reality. When this truth is understood by the mind, its existence in the mind is termed “formal” truth and sometimes “logical” truth.

Various fields of science have demonstrated, inductively and deductively, the existence of definite truths. Who would deny the necessity of some scientific certitudes as a presupposition for the progress which has been made in space, medicine etc.? NASA, for example, would be under constant criticism if people were sent into space without NASA having arrived at some previous certitudes. In practice, which teacher, especially in the so-called physical or experimental sciences, allows the demonstrated facts which are presented in lectures to be repudiated during an exam by one of his/her students? But when scientific certitude is lacking, the best one can attain is a qualified knowledge accompanied by hesitancy that the opposite is true. This knowledge is commonly termed “opinion.”

Opinions, taught as opinions, should be returned as opinions; facts should be returned as facts. Research, doctrinal theses etc. continue the process of looking for further complementary facts, or opinions to match other opinions, but not for contradicting the present certitudes.

Even “academic freedom” is a certitude. Would anyone enjoying academic freedom, especially those who call it to their defense, deny its sure reality? As a certitude, it is seen as a “right” bestowed by secular and religious educational institutions upon anyone prepared and willing to do serious investigation in discovering further truth.

But “academic freedom” (which is the possibility in the areas of research and teaching to abide only by known truth and certainty), must abide, i.e. must be restricted by “scientific” truth.⁵ In view of this philosophical dictionary’s definition, “academic freedom” is an openness to, but limited by, truth. It is not an absolute freedom or good. The scientific truth which limits this freedom is based on the very intrinsic evidence of things themselves, which good students and scholars honestly accept knowing that this truth cannot be contradicted. At the same time, a more precise and thorough appreciation of the individual truth and its relation to other truths is the rewarding task of scholarly inquiry.

Whether or not the possessor of academic freedom is compelled to adhere to the norms of scientific truth and contractual agreements, while continuing research and teaching, becomes a matter of university and/or legal sanctions. In the meantime, one’s self-respect for the individual truth as “certain” should not be compromised by formulating careless hypotheses and opinions. Likewise, to reject this truth and publicly proclaim it to be false places the burden of proof and responsibility squarely upon the dissenter and not on the scientific community. Nor does the number of dissenters alter the intrinsic evidence of the scientific truth. Any acclamation and presentation of error is never an act of teaching, but a perversion of the truth.

The second kind of truth which limits academic freedom is the truth related to and endorsed by divine revelation. Such truth and its certitude does not come from our knowledge of the intrinsic evidence of things but from the testimony of God. Nevertheless, revealed teachings which men hold by divine faith are scientific truths known as such by God; just as we now hold by human faith truths which others have demonstrated, until we ourselves have come to demonstrate them. Revealed truth is not contrary to reason but in accord with reason. God who testifies has given “external proofs” by means of certain signs — miracles and prophecies, so as by these “proofs” the reasonableness of God testifying will be accepted.⁶ And since the believer relies upon the authority of God teaching, the believer binds himself to the certitude of the truth being taught and the authority which teaches it.

One of the truths related to divine revelation is the Church’s obligation to teach and approve its members who assist in that teaching. Thus, over and above the certitudes of faith (and morals, some of which are “scientific” truths), the Church sets out other norms to aid the faithful in working out their salvation. Teachers appointed by the Church are sent on a contractual mission to teach what the Church teaches. The academic freedom of the teacher is thereby limited by both the matter to be taught and the mutual agreement. A believer who, by appealing to

academic freedom, contests and rejects his/her Church's position does not represent and teach what the Church teaches, but abuses a contract and trust. And it would seem that civil courts should recognize such a contract and any breach of the contract.⁷

Ultimately, at the basis of academic freedom versus contractual obligations stands a (metaphysical) principle: the principle of contradiction. One cannot affirm and deny the same thing at the same time and under the same circumstances. One cannot affirm to be representing Catholic teaching and at the same time refuse to represent the Catholic teaching. One who dissents, by equating one's erroneous position with that of the magisterium or by subordinating the magisterium's to one's own, does not represent Catholic teaching.

Academic freedom, consequently, is not an unlimited but a qualified freedom. In the hierarchical structure of truth and freedom it plays at times a superior role and at other times a subordinate role.

In the order of certainly known truth, whether these truths are "scientific" or "revealed," academic freedom is limited and circumscribed so as not to be free to contradict these truths. While academic freedom is thus subordinate, it also remains superior to the "unknown" aspect of the "uncertain" truth which it is free and committed to discover. (This is why the intellect as such is man's highest faculty, but morally the will is more important in this life.)⁸ But once the truth becomes certain, academic freedom again becomes subservient to that particular truth. It is the truth which really sets man free⁹: free from ignorance and error, free for intellectual perfection and human progress. Academic freedom is but an instrument to a higher end: the truth. This instrument as academic belongs to the relatively few, while other freedoms like choice, conscience, religion are necessary for all.

Just as academic freedom is limited by the truth which guides it and does not tolerate error, so is this freedom regulated and, at times, is subordinated to other freedoms such as: freedom of choice, freedom of conscience, freedom of speech, and freedom of religion. In like manner, each of these freedoms "are subject to certain regulatory norms."¹⁰

1. *Freedom of choice* has precedence over academic freedom from the viewpoint of dependency, since without this freedom there could be no academic freedom. But because academic freedom is a specialized perfection of at least the intellect, then this freedom, intellectually, is superior to the simple use of the intellect when used in freedom of choice.

2. *Freedom of conscience* is the subjective right and obligation of a person to apply the truth of "science," natural or revealed, to one's moral judgments. It should be manifestly clear, however, that conscience (*con* plus *science*: with science) does not make up the truth or the law, but as the "last practical judgment" conscience is obligated to be informed first by the truth before honestly applying it. As the Council insists: "In forming their consciences the faithful must pay careful attention to the sacred and certain teaching of the Church. For the Church is by the will of Christ the teacher of truth. It is her duty to proclaim and teach with authority the truth which is Christ and, at the same time, to declare and confirm by her authority the principles of the moral order which spring from human nature itself."¹¹

When one possessing academic freedom, which is formally an intellectual freedom, has been judged to be in error in the presence of truth, an appeal is sometimes made to a higher realm, freedom of conscience, which is a moral freedom. Perhaps this is what is meant when it is said of a dissenter: "he is entitled to his opinion," because one can hardly be entitled to an erroneous opinion, since it is contrary to truth. By appealing to freedom of conscience, the erroneous teacher is stating he has done his best in researching a subject and in his judgment he has a "right" conscience. He and others might defend the judgment on the principle that an "invincibly erroneous conscience" is right subjectively and must be followed. Unfortunately, when this principle is invoked, the word "erroneous" too often is minimized or completely forgotten. In reality, the dissenter is still academically in "error."

Academic freedom is not limited by, but guides freedom of conscience when academically the intellect seeks the truth in order to inform accurately one's conscience (the "last practical judgment") before willing the truth conclusively.

3. *Freedom of speech* is the liberty extended, by civil authority to its members, for the purpose of expressing their views publicly; provided the rights of others are duly respected. This type of freedom puts an accidental limitation on academic freedom, because it does not intrinsically touch upon the direction or subjection of academic freedom toward truth or error, but freedom of speech controls the imprudent expression of inconclusive results in research. To express publicly and persistently hypotheses, undeveloped opinions, and much worse error, as truth, is an extremely grave disservice to the community. Against this abusive appeal to academic freedom through the medium of speech, authorities should take steps to protect society.¹² Just options allow the authority to do this by no longer recognizing or supporting the would-be scholar, and/or by denying the offender access to freedom of speech as far as necessary within that community.

4. *Freedom of religion*. "Freedom of this kind means that all men should be immune from coercion on the part of individuals, social groups and every human power so that, within due limits, nobody is forced to act against

his convictions in religious matters in private or in public, alone or in associations with others.”¹³

In recognizing the subjective freedom of religion which must be protected from any coercion, the Catholic Church is not approving the equal authenticity of diverse religious affiliations. The Council had already taught: “We believe that this one true religion continues to exist in the Catholic and Apostolic Church, to which the Lord Jesus entrusted the task of spreading it among all men. . . .”¹⁴

The believing Catholic, in particular, acknowledges God’s teachings through Christ the Word Incarnate and His Church for the purpose of emphasizing supernatural truth. Because of this, as we considered earlier, it is not possible to have academic freedom which either confronts these truths or which breaks a contractual agreement, even in non-doctrinal matters, to teach what the Church says must be taught. Academic freedom, in this relation to freedom of religion must again be seen as subordinated to the latter, and the dissenter must be confronted with the principle of contradiction.

Although we have reserved till last the limitation of academic freedom in its comparison with religious freedom, nevertheless, religious freedom in many ways holds the most important role among the other freedoms:

1) because the other freedoms are either the means of attaining, or the instrument in expressing, the truths which are the ultimate objective of religious freedom;

2) because the truths contained in religion are superior to and the norms for more perfectly determining the other freedoms.

In summation: “Modern man is subjected to a variety of pressures and runs the risk of being prevented from following his own free judgment. On the other hand, there are many who, under the pretext of freedom, seem inclined to reject all submission to authority and make light of the duty of obedience.

“For this reason this Vatican Council urges everyone, especially those responsible for educating others, to try to form men with a respect for the moral order who will obey lawful authority and be lovers of true freedom — men, that is, who will form their own judgments in the light of truth, direct their activities with a sense of responsibility, and strive for what is true and just in willing cooperation with others.”¹⁵

NOTES:

¹Walter Brugger and Kenneth Baker, *Philosophical Dictionary* (Spokane, WA: Gonzaga University Press, 1972), p. 146.

²Austin Fagothey, *Right and Reason*, sixth edition (St. Louis, MO: C.V. Mosby Company, 1976), p. 138.

³*Summa Theologica* I, q. 82, a. 4, body; also I-II, q. 9, a. 1, body and reply to obj. 3.

⁴“Declaration on Religious Liberty” #1 in *II Vatican Council*, Austin Flannery, O.P., gen. ed. (Collegeville, MN: The Liturgical Press, 1975).

⁵Cf. *Philosophical Dictionary*, Vol. I (New York: McGraw-Hill, 1967), p. 65. Academic freedom: “a term more widely used to advocate than to define the removal of constraint from higher education.”

⁶*Denzinger-Schönmetzer* 3009, I Vatican Council, Sess. III, ch. 3.

⁷Cf. “Declaration on Religious Liberty” #7, *op. cit.*

⁸*Summa Theologica* I, q. 82, a.3, body.

⁹John 8:32.

¹⁰Cf. “Declaration on Religious Liberty” #7, *op. cit.*

¹¹*Ibid.*, #14.

¹²*Ibid.*, #7.

¹³*Ibid.*, #2.

¹⁴*Ibid.*, #1.

¹⁵*Ibid.*, #8.