

ON ACADEMIC FREEDOM

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I

WHAT qualifications can a professor of literature claim for examining the subject of academic freedom? Is it not a subject belonging to the domain of political science or law? I wish to admit frankly, at the outset, that the subject has many phases which I am incompetent to examine; and I wish to plead that its ramifying complexity may excuse my belief that any professor may be able to illuminate, at least in some degree, a subject which is of supreme importance to all professors, a subject to which all professors are constantly giving thought. I wish to make a further claim. There is at least one respect, and it is of extreme moment, in which I, as a professor of literature, am better qualified to consider this subject than a professor of history or economics, of political science or law. It cannot reasonably be supposed that I am—to borrow an expression from the French—preaching for my own parish.

So long as I am content to limit the expression of my opinions to the matters in which I may pretend to some small measure of expertness, no one is at all likely to place a check upon my freedom of utterance. Even in Tennessee, even in Italy, a professor of literature may speak the thing he will. Suppose that I were to spend this evening in the study of M. Abel Lefranc's *Sous le masque de Shakespeare*, and that I were to emerge from my reading of that book, with fevered brain and heightened pulse, convinced that the man who married Ann Hathaway, played the ghost in *Hamlet* and bought broad acres of rich land near Stratford could not have written the plays we know as Shakespeare's. Suppose that in the heat of my belief that there was an irreconcilable discrepancy between the comfortable shrewd Stratford man's spirit and the spirit that lies behind the great tragedies, I were to go before my class tomorrow morning, to sum up the evidence as to the authorship of the plays, to affirm that they were the work of an Elizabethan nobleman who, in deference to a prejudice of his time, concealed his authorship behind the name of a well-known actor-manager. What would be the consequence of my heretical utterance? It is possible, but unlikely, that the editor of our under-

graduate newspaper would send a reporter to interview me, and perhaps the paper would carry a brief story and an editorial marked by the carefree readiness to sit in judgment which undergraduates have in common with old maids. It is barely possible—but very unlikely—that the city newspapers would report my odd belief, on the assumption that one professor who does not believe Shakespeare wrote the plays is a more interesting phenomenon than a hundred professors who do. My heresy would, I feel sure, have no other consequence—except that I should be forced to bear the amiable ridicule of my more sensible colleagues.

It may be said that the authorship of the plays attributed to Shakespeare is a trifling question, of interest only to those who specially occupy themselves with the problems of Elizabethan literature. The plays are what they are, no matter who wrote them. The world is interested not in their authorship but in their value. Very well. Suppose that to-night, instead of reading M. Lefranc, I were to read Voltaire and to be converted to his view that the plays of Shakespeare reflect the mind of a drunken savage, of one who was—to adopt a phrase once applied to Burns—a beast with splendid gleams. Suppose I were to inform my class to-morrow that *Hamlet* was a cheap melodrama remarkable mainly because in it there are eight deaths by violence, that *Othello* was a play based on the low principle of race prejudice, that *The Tempest*, far from being a thing of beauty, was a sickly dream, or, as Carlyle said of some poems of Keats, a fricassee of dead dog. I should be thought more than a little queer; but no one, I am sure, would make a resolute effort to restrain me from propagating my opinions within my lecture-hall or outside the university. There might be a measure of sympathy in the community for the students who listened to such wretched nonsense; but, unless I were equally wrongheaded on all other literary problems, this sympathy would not be likely to express itself in official action or in strenuous demands for official action.

As a professor of literature, I enjoy total freedom. I am impelled, however, to ask why I enjoy it. I enjoy it because literature does not appear to affect the structure of the society in which I live. Similarly, a professor of physics might propagate what opinions he wished about the movement of light, or a professor of philology about the origin of language. A professor's right to academic freedom is called in question only when he touches upon a subject which has patent connections with the structure and interest of the community in which he lives.

II

I do not like the term academic freedom, for I find it misleading. It suggests that a professor, because he is a professor, should be free to express opinions which would draw down penalties if expressed by anyone else. Now the warmest advocate of academic freedom is not claiming any special liberties for professors: he is claiming merely that professors should not suffer from any special disabilities, that professors should have as large a range of liberties as merchants or doctors, but no larger. In Canada there are strict laws to restrain within considered bounds the expression of opinion, laws to repress libel, laws to repress sedition, laws to repress blasphemy. It would appear that some persons suppose that professors resent the application of these laws to their utterances, that professors yearn for a privileged status which would enable them to blast religion, society, and individuals whom they distrust, without fear of legal action calling them to account. To suppose that professors are eager for a specially privileged status is nonsense; and I wish that someone more gifted than I in coining phrases would invent a term for what professors want, a term which would express it more simply and more vividly than the clumsy expression on which I here fall back—"the removal of academic disabilities".

The special disabilities from which professors suffer are, in the opinion of many people, altogether reasonable. A few years ago sixty-eight professors at the University of Toronto—I am proud to say that I was one—wrote a letter to the local papers protesting against the arbitrary methods of the municipal Police Commission. *The Mail and Empire* ran an editorial, the gist of which was that professors in a state-institution were civil servants and that, as such, they were not free to comment on public affairs. What, asked *The Mail and Empire*, would be the feeling of the community if a group of deputy-ministers were to write such a letter? I shall have enough to say in defence of freedom of professors without complicating the argument with a consideration of the rights of deputy-ministers; but one thing, at least, I must say. Unless the feeling of the community were artificially stimulated, by the newspapers, let us say, I do not think that it would be outraged by such a letter even if written by deputy-ministers. To return to the professors, I do not propose to enter into the question whether or not a professor in a state institution is properly to be classified as a civil servant. I do not propose to enter into it because, frankly, I do not believe it to be important. I do not

believe that the answer to that question should decide, or even affect, the propriety of imposing academic disabilities upon professors. The propriety of imposing such disabilities must be considered with a much broader reference: I suggest that to impose them is against public policy, dangerous to the well-being of the community.

III

To professors as a class, with due recognition of exceptions, two intellectual virtues may be assigned: a professor is an expert in his own field, and a professor has a much larger store of general knowledge and has had a much more prolonged and systematic training than the average member of the community. He has special knowledge of one field, and a relatively wide range of general knowledge, better related and unified than in the mind of the average member of the community. If the question of Canada's relation to the League of Nations arises, a sounder view of it may be expected from a Canadian professor of history than from other members of the community. The Canadian professor of history will probably know more about the League, about the circumstances and implications of its formation, about the exact bearing of the several articles of its Covenant, about the impact of the League upon the concept of the British Empire, about the reasons which led Canada to join the League and which lead her to remain within it. He is likely, I say, to have more special knowledge of the League than I have, or than a Canadian business man or engineer has; and the rest of us are fools if we do not defer to his special knowledge and desire that it be diffused.

He is also likely to have an unusually large stock of general knowledge which he can bring to bear upon the question. It is probable, for instance, that he will have some knowledge of French and Italian literature and philosophy, some direct experience of the psychological attitudes of European nations, of their hopes and fears, of the American hemisphere, of the way in which they interpret Canadian gestures. Accordingly I claim that the opinion of a Canadian professor of history will be one of the most valuable opinions, perhaps the most valuable opinion, available to Canadians. If this is so, it is contrary to public policy that he be restrained from expressing it.

The question I have chosen is one which relates to external affairs; and, except in time of war, external affairs do not arouse strong passions in the Canadian community. I pass to a question of internal affairs which does arouse such passions. In a recent

issue of *Saturday Night* (January 25) the editor comments on the forced resignation of Mr. H. G. Scott, a Calgary magistrate. Mr. Scott, it appears, was in Memel during the recent momentous disturbance in that area. On his return to Calgary he lectured to the Board of Trade on his observations of Europe in general and Memel in particular. A few days later, the report continues, he received a letter from the Deputy Attorney-General of Alberta, informing him that the Acting President of the Executive Council of the province was unwilling that Mr. Scott should give public expression to his views on such subjects as he had treated before the Board of Trade. Mr. Scott refused to bow to the fiat that he cease from expressing opinions, and was therefore apprised that his immediate resignation was desired. He gave in his resignation. Mr. Scott is not a professor, and therefore I shall not discuss the treatment he has received; but I wish to call attention to two passages in the Deputy Attorney-General's letter. First, as reported in *Saturday Night*, to the passage "it is not considered advisable that, so long as you are a judicial officer, under salary from the government of the province, you should give public expression to the views referred to". That an officer, judicial, academic or what you will, should not give expression to views which do not affect in any demonstrable way the interest or structure of the community which engages him, is a principle not previously heard of in a democracy. It is true that the Deputy Attorney-General goes on to say—and this is the second thing to which I wish to call attention—, that expressing such opinions would impair Mr. Scott's "usefulness and effectiveness as a magistrate". Impair his usefulness and effectiveness as a magistrate! The Deputy Attorney-General of Alberta was wise in making no attempt to demonstrate that Mr. Scott's speech on Memel would distort his administration of the magistrate's court in Calgary, for, surely, no connection between the two spheres of Mr. Scott's activity is conceivable. During most of the period in which Professor Berriedale Keith was writing his celebrated books on Imperial Constitutions he held the chair of Sanskrit in the University of Edinburgh. It has never been supposed that the students, or even the president, of that university believed that Professor Keith's lectures on the Upanishads were distorted because he was at other hours of the day studying the development of the British Empire.

Before I mentioned the case of Mr. Scott, I said that I would pass from the field of external affairs into the field of internal affairs; and my present interest in the case of Mr. Scott lies not in its relation to freedom of speech with regard to external affairs,

but in the light it throws on the outlook of the Executive Council of the Province of Alberta. Now, in the August number of the *Canadian Journal of Economics and Political Science*, a distinguished Canadian economist has written an article on inflation, making a special study of the credit theories of Major Douglas and Mr. Aberhart. The author of this article—the worth of which I do not presume to judge—is not a professor of economics in the University of Alberta. If he were, it would appear likely that as an “officer under salary from the government of the province” he would be restrained from giving “public expression to the views referred to”. The people of Canada generally and of Alberta in particular would be shut off from communication with one of the minds best able to illuminate the difficulties of our present position. That, as Burke would say, is an awful consideration.

Here I reach the crucial issue in the problem of academic freedom. Has the professor the right to express an opinion on a matter of public importance which, by the nature of his special training, he is pre-eminently fitted to judge, a matter affecting the structure of the society in which he lives, when that opinion is at variance with the opinion of the majority of the community in which he lives and which he serves? I suggest that there is only one intellectually respectable answer to that question. If the opinion of an expert is suppressed simply because it is at variance with the opinion of a government, we live under that form of tyranny which John Stuart Mill has described as the worst tyranny of all, the tyranny of the majority. Any society with a just opinion of the value of reason and investigation will realize that it is beyond the legitimate authority of any group of rulers to restrain an individual from the expression of opinions to which he has been directly led by the methods of scientific investigation and the use of a trained reason.

I am sorry that I cannot feel certain that there is in this country a prevailing sentiment which would assure freedom to the professor whose opinion on a matter of crucial importance was at variance with that of the majority of the community which engaged him. Professor William Peterfield Trent, commenting on the American conception of the thinker's rôle, once remarked that if the Americans ever got round to believing that there should be an American thought, they would probably try to reach the goal by hiring a president to think it. There are many people in Canada, and they are not the least educated, who consider that a community engages a professor of economics to think the community's thoughts on economics.

IV

A professor can work effectively only when he is free from pressure or the fear of pressure. It must be possible for him to take up unpopular positions, to criticize beliefs which are generally assumed to be sacrosanct. Let me quote, on the need for such freedom, a distinguished English economist, Professor A. C. Pigou, who in the passage which follows quotes an economist even more distinguished:

To a young man the ambition to play a part in great affairs is natural; and the temptation to make slight adjustments in his economic view, so that it shall conform to the policy of one political party or another, may be severe. As a Conservative economist or a Liberal economist or a Labour economist, he has much more chance of standing near the centre of action than he has as an economist without adjectives. But for the student to yield to that temptation is an intellectual crime. It is to sell his birthright in the household of truth for a mess of political pottage. He should rather write up for himself and bear always in mind Marshall's weighty words: "Students of social science must fear popular approval; evil is with them when all men speak well of them. If there is any set of opinions by the advocacy of which a newspaper can increase its sales, then the student . . . is bound to dwell on the limitations and defects and errors, if any, in that set of opinions, and never to advocate them unconditionally even in an *ad hoc* discussion. It is almost impossible for a student to be a true patriot and to have the reputation for being one at the same time".

I have quoted what Professor Pigou says, partly because it introduces appropriately Marshall's admirable remarks, partly because it leads on to the next aspect of the problem of academic freedom I wish to discuss. Professor Pigou points out the danger to a professor's intellectual integrity that lies in affiliation with a political party. Another professor of economics, Dr. Edwin Seligman, has rightly insisted that a professor must be free from any imputation of partiality, that the professor's robe must be as stainless as the judge's ermine. It is significant that Dr. Edwin Seligman, and Dr. Abraham Flexner who quotes him, fear not so much that the professor should be under the thumb of a political party, as that he should have his mind warped by employment by some business interest. Perhaps the main danger of under-paying professors, says Dr. Flexner, is that they find it necessary, or at least desirable, to supplement their income; and professors of economics often supplement it by undertaking work for a financial or industrial house. He continues:

It is not too much to say that the complete modernization of the university, the possibility of dealing fearlessly with the problems—legal, social, and economic—that now press upon society, depends upon the ability of the university to make its staff absolutely independent of private remuneration or subvention. It is hard to see how otherwise the professor can retain an absolutely independent intellectual attitude; it is easy to see that, whether he retains it or not, the general public will have its doubts.

The seriousness of such a dependence upon an interest external to the university is evident. But, as Professor Pigou pointed out, the impartiality of the professor may also be adversely affected by affiliation with a political party. At the present time in Canada it is extremely important to define exactly the sense to be given the term "affiliation with a political party." Suppose that I were a professor of economics, especially interested in Canadian economic history. Suppose that I had made a careful study of the relation between the Dominion and the provinces, and reached the conclusion that it was vital to the economic well-being of Canada that the sphere of provincial authority be steadily decreased. It might well happen that by a coincidence such might be the opinion of one of the major political parties of the Dominion. Yet it would be palpably unjust to say that I was engaging in partisan advocacy of the opinion. No matter how strenuously I put forward my opinion, it would be improper for any executive officer to rebuke me. For the simple truth is that, as one specially trained to investigate such a question, and as one who had devoted to its investigation an unusual amount of time, I should be extraordinarily likely to have reached the right opinion. It would require a social and intellectual cynicism beyond what I can conceive for a political or academic authority to attempt to silence me when, to a high degree of probability, I should be speaking the truth on an important issue.

Recognizing with Sir Robert Falconer the intellectual danger of a close political relationship for a scholar, I would emphasize that, in this country at this time, it is much more likely that a professor will be erroneously charged with having entered into such a relationship than that he will actually do so.

V

In a recent report another Canadian president has observed that freedom for the professor implies that the professor have a high sense of responsibility. If the professor is to be free, he must

recognize obligations, for example, the obligation of loyalty to the academic group of which he forms a part. With such a general observation there can be no quarrel: a member of any group must assume responsibilities to that group as a whole, and these responsibilities may be summed up in the word *loyalty*. Still there are exceptional times when such *loyalty* may degenerate into mere prudence, into mere readiness to take the easiest way and to shoulder off on others responsibilities of another and higher kind than any responsibilities that the professor has to his institution. For the professor is a member of the community which the institution has been founded to serve; and if the authorities of the institution fail to carry out their proper task, and if they stubbornly refuse to admit their failure, it may in an extreme instance become necessary for the professor to carry a protest against the shortcomings of the authorities before an external tribunal.

The most celebrated example in our academic history of such a professional protest occurred about forty years ago in the University of Toronto. It may be recalled that in 1895, for a number of reasons, most of them sound ones, the students rebelled and boycotted the class-rooms. In the same troubled period William Dale, a lecturer in the department of Classics, wrote a letter to the press in which he attacked certain ill-judged acts of the university administration. In taking the case before the tribunal of public opinion, he unquestionably violated his obligation to be loyal to the academic group of which he was a member, and, if we fail to recognize the existence of a superior obligation to be loyal to the community, we shall regard his dismissal as just and inevitable. We may regard it as just and inevitable even if we admit, and this we must, I think, do, that William Dale's act powerfully assisted in the improvement of the University of Toronto. There are few men who would not prefer to find in their past an act of courageous fruitful indiscretion—shall we say?—such as William Dale's, rather than the act of dismissing such a man. I can recall with what a thrill of pleasure I learned as an undergraduate in the University of Toronto that the alumni had elected William Dale to the Senate of the university, and of the regularity with which the old man came in from his farm near St. Mary's to attend the meetings of that body. When the fires of controversy had died away, it was, I think, generally agreed that his was an act of courage, that in doing as he did, in one day he did more for the welfare of the institution than some professors succeed in doing during a life of teaching. When the verdict of history comes to be rendered upon the public protest of William Dale, its emphasis

will not be on a violation of responsibilities, but upon incompetence in high places, and a young lecturer's courage in following the dictates of a conscience that would not be juggled with.

VI

A professor has another responsibility, to which Sir Edward Beatty directed the nation's attention in an address delivered to the University of Western Ontario last October, his responsibility to scholarship, to truth. Sir Edward affirmed his belief in academic freedom with a warmth of conviction which it is a pleasure to record. "I say quite honestly" he remarked in London, "that I believe in free thought and free speech. I believe that men must carry their logical process of reason to the point to which it leads them, regardless of the consequences. If by reason you become a Communist, and believe that those who have been called under the present system to be leaders in the business world are public enemies and dangers to the state, it is your plain duty to follow the path of reason and to condemn them, with such mercy as their ignorance deserves. It is assuredly your duty to tell the people of the nation how public enemies and dangers to the state are to be eliminated from our public life." But, Sir Edward went on to say, in preaching to the people a doctrine of which the consequence might be a great political and economic upheaval, the professor of economics assumes a grave responsibility. He must be very sure of the accuracy of his facts and his deductions. Two questions may properly be asked about the professors of economics: "Are they men who by patient and unprejudiced research have made themselves so familiar with the facts of the world as it is now that they can be trusted to tell you what precisely is the matter with it? Are they men so familiar with the workings of this complex world that their design for the new machine, and their instructions for the delicate process of change, can be given the most complete confidence?" These two somewhat intricate questions may be reduced to one very simple one: "Are the professors of economics competent scholars?" If they are, Sir Edward would have us follow their advice. If they are not, he would have them keep silence, for every utterance of an incompetent scholar is potentially harmful to the community, and in any case a betrayal of the cause of scholarship.

Sir Edward's language about incompetent scholars—I am not capable of judging whether the scholars he attacks are in reality competent or incompetent—is extremely severe; but it is far sur-

passed in severity by two recent articles of Professor H. A. Innis, Head of the Department of Political Economy at the University of Toronto, and one of our most eminent economists. "Academic freedom", he suggests in *The Dalhousie Review*, "has become the great shelter of incompetence". And continuing his attack upon incompetent scholars in the *University of Toronto Quarterly*, Professor Innis says of the present state of our universities:

Misguided attempts to offset decline in prestige have been evident in the importation of university presidents from abroad, and in efforts to prevent dismissals of members of the faculty, even in cases of obvious incompetence. There is sufficient truth in the statement that it is impossible to leave a Canadian university except by death or resignation, to evoke general recognition of its accuracy. Incompetence, erratic behaviour (often confused with brilliance), external activities, even to the point of writing party-platforms and bank-letters—nothing will avail.

It will be evident from what I have said in earlier pages that I am not in accord with Professor Innis's depreciation of the value of some aspects of academic freedom; but with his strong attack on academic incompetence no sensible professor could disagree, nor could he disagree with the aim of Sir Edward Beatty's urgent plea that only the competent should speak. But it is important to the well-being of the nation that the competent should speak, that, let us say, the competent economist with radical views should not be restrained by even the slightest pressure from throwing what light he has to throw upon immediate economic issues. To me, at least, it appears that the probable result of Sir Edward Beatty's address and of Professor Innis's articles, although this was doubtless no part of their purpose, will be to stimulate the exercise of pressure upon such an economist. It is extremely difficult, it is almost impossible, for anyone who is not an economist to distinguish between the competent radical scholar and the brilliant specious radical prophet. Those of us who hold conservative opinions will be only too prone to consider all radical economists merely brilliant and specious. The question arises whether it may not in the long run be wiser to permit the incompetent economist to speak out at the risk of deluding us, rather than to counsel all economists to think and think and think again before they speak out; for in applying the latter solution, it is likely that the nation will silence the ablest economists, before the incompetent ones. The ablest scholars are usually those who are most hesitant to trust the soundness of their deductions and their proposals for reform. Professor Innis himself remarks, with what seems a settled despair,

“If an economist becomes certain of the solution of any problem, he can be equally certain that his solution is wrong”. Able competent economists may be trusted, without any advice from outside, to speak with a deep sense of their responsibilities to the spirit of scholarship. There is, perhaps, no sound reason why incompetent professors of economics should be permitted to continue as professors; if they are permitted to continue, it must not be at the impossibly heavy price of imposing upon all professors disabilities humiliating to the academic profession and harmful to the community.