

# ZEDEK

, A QUARTERLY.

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KATHERINE van WORMER



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#### WAYNE STATE FACULTY MOVING TO IMPLEMENT THE BLAUBERGS PRINCIPLE

In the February, 1981 issue of ZEDEK the Maija BlauberGs case was discussed in some detail. The significant decision by Judge Wilbur D. Owens, Jr. in Maija S. BlauberGs v. Board of Regents, C.A. No. 79-42, U.S. District Court, Middle District of Georgia, Athens Division; Crim. No. 80-4, was that professors serving on tenure committees could not discriminate without accountability. One professor on BlauberGs' tenure committee was sent to jail for refusing to tell how and why he voted the way he did with reference to BlauberGs' unsuccessful bid for tenure.

In keeping with the BlauberGs principle, the Wayne State University faculty has, in February, 1983, begun negotiations with the Administration of that University by proposing, among other things, that candidates for tenure who have been rejected by tenure committees have the right to appear before those committees and be informed of and be given the opportunity to discuss the reasons for a negative recommendation. If, after appearing before the tenure committee, the negative recommendation is reaffirmed, the tenure candidate must be furnished with a statement indicating which members of the tenure committee voted against tenure and be provided with statements explaining the reasons for their votes. The Wayne State faculty proposal thus holds tenure committee members accountable for their decisions and insures that a tenure candidate would be able to challenge decisions felt to be unfair and/or unreasonable. If the Wayne State proposal is approved, it will represent a significant step in making tenure a status which is gained on the basis of fairness rather than on biases and other forms of nepotism incompatible with a democratically oriented society.

#### SAPDF PLANNING AUGUST, 1983 CONFERENCE

During August, 1983 SAPDF is planning to have a conference in Detroit in order to discuss various issues relative to academic freedom and repression, cases with which SAPDF has been involved, the journal ZEDEK, the past and future of SAPDF, and to celebrate the 100th birthday of SAPDF's oldest living member and endorser, Scott Nearing. If interested in attending and participating in this conference, please return the form below: \*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Best time in August for you to attend: \_\_\_\_\_

Suggestions and Recommendations: \_\_\_\_\_

( use other side of sheet, or send note on separate sheet) \*

EditorialDIVESTMENT - OUR BEST WEAPON AGAINST APARTHEID

No longer need we look away or make clucking sounds against the inhuman, overt fascism existing in South Africa. Those of us who have been actively opposed to the horrendous injustices practiced in South Africa have reason to feel up-beat. Campus persons, both faculty and students, recognizing the tremendous financial investment of U.S. universities in South Africa have been for some time pushing for awareness of the hypocrisy of educational pension funds investing money which can only help perpetuate the oppressive, repressive cruelty of apartheid.

Our federal governmental position has, while espousing "human rights" concerns, been bent on support of the present white, Afrikaner dominated, minority government in South Africa. That is, the U.S. government and large corporations continue to be the second largest foreign investor and foreign loans source. Two of our "Big Three" automobile firms, namely, Ford and General Motors, are heavily and directly involved in manufacturing cars at a monetary cost of one fourth of the hourly rate American workers make, while supporting the all-whites and all-blacks separate and unequal unions and the apartheid system. The pro-investment (anti-divestment) lobbyists are increasing their propaganda and "bleeding hearts" pitch to preserve their investments in the face of any and all who cry for justice through divestment.

For once the Reagan message of turning from rather than to Washington is providing its worth as states and municipalities are drawing more and more people into the realm of awareness and either passing or trying to pass strong divestment legislation. Massachusetts has passed a law requiring public pension funds to sell their holdings in companies trading with South Africa. Michigan has passed a bill requiring all state educational institutions to divest and ~~not invest~~ in any companies operating in South Africa. Needless to say, the Ford Motor Company futilely attempted to plead exemption by reason of "economic distress." There is considerable conflict among some of the university administrators because of probable anti-divestment pressures from large corporations but Wayne State University President David Adamany has fully endorsed this law. Several other states are working on similar divestment laws and several cities have either passed or are in the process of passing such divestment laws.

When one realizes that 27 years after Reverend Trevor Huddleston's NAUGHT FOR YOUR COMFORT exposed the inhumanity of South Africa's system of apartheid that few changes have been made in that system, when one has talked boycott and followed South African politics for the past 30 years, has read the African publication DRUM, has met or heard African speakers who describe the pure white Johannesburg, the breaking up of African families, the 30-year solitary confinement or house arrests for those who would defy the pass laws, or worse still, when one has been politically involved in the struggle for social justice in a land where the white minority represents a small proportion of the population but exercises ruthless power over the oppressed majority, when one hears directly that change is always at the risk of death but still goes on with increasing numbers of whites participating in the struggle against apartheid, and that the African people know that their white oppressors can only continue in power so long as U.S. dollars support them for mutual profits, our decency can only cry out for divestment.

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Note: We are indebted to Carole Collins, national coordinator of the Campaign to Oppose Bank Loans to South Africa, for information on the matter of divestment as it relates to South Africa.

ACADEMIC FREEDOM IN AMERICA TODAY : A MARXIST VIEW\*by Bertell Ollman

Three brief case studies: in 1915, Scott Nearing, a socialist professor of economics, was fired from the University of Pennsylvania for publicly opposing the use of child labor in coal mines. With an influential mine owner on the Board of Trustees, the President of the University decided he had to let Nearing go. As far as I can discover, he is the first professor fired from an American university for his radical beliefs and activities.

Bertell Ollman

Some have argued that this honor belongs to Edward Bemis, who was dismissed from the University of Chicago in 1894. A major charge in this case was that Bemis had the poor judgment to hold discussions with union leaders during the famous Pullman strike of that year. In a letter to the President of the University of Chicago, Bemis admitted that he had talked to the union officials, but - he insisted - only with the purpose of urging them to give up the strike. It didn't help. The dismissal stuck. However, in the light of Bemis' admission, I find it difficult to view him as the first radical to lose his job because of his political beliefs. That honor belongs to Scott Nearing.

Second, in 1940, the Rapp-Coudert Committee of the New York State Legislature began its infamous investigation of subversives in the City University of New York ( CUNY) system. By 1942, over forty professors were fired or did not get their contracts renewed either because they were communists or because they refused to divulge their political beliefs and connections. #

Third, in 1978, Joel Samoff was denied tenure by the political science department of the University of Michigan. Though he had published widely and was about to receive the University's Distinguished Service Award for outstanding contributions to the scholarly life of the University, he was faulted for not publishing<sup>n</sup> enough orthodox political science journals and for using an unscientific Marxist approach to his subject matter.

In each case, a professor's right to pursue truth in his own way was abrogated. In the Nearing case, the ax was wielded by the University's higher administration. For the CUNY forty, it was the Government which was primarily responsible for the blow that befell them. While Samoff's academic demise resulted from a decision taken by a majority of his colleagues.

Where does academic freedom lie in all this? While there is general agreement that academic freedom involves the right of teachers and students to investigate any topic they wish and to freely discuss, teach and publish their conclusions, there is an anguished debate over where to draw the line and, more particularly, over who should be allowed to do it. Where does the threat to academic freedom come from? The case against Government interference in academic decision making is most easily made and probably most widely supported ( at least outside the

\* Paper presented at the May 21-22, 1982 Academic Freedom Conference held at N.Y.U. and sponsored by NECLC. # For details see ZEDEK, II:74-76.



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state of Maryland). Here, academic freedom is assured when the Government adopts a hands off policy toward the university.

Many dissatisfied professors and students, however, maintain that a greater danger to academic freedom today comes from university presidents and boards of trustees who try to impose their values and judgments on the entire university community. Still others, including victims of peer evaluation like Joel Samoff, would argue it is faculty bias which does the most damage, that without a sincere toleration of unorthodox approaches on the part of the professorate there can be no thorough-going academic freedom.

The situation is more complicated still, for even the people who advocate Government interference in university affairs often do so - in other words - "to protect academic freedom", in this case against the deceivers and manipulators of youth. In short, everyone is in favor of academic freedom; only the emphasis and enemies are different. In 1978, when I was denied a job as Chairman of the Government Department at the University of Maryland because of my Marxist political views, I called this denial an attack on my academic freedom. The faculty, who had chosen me for the job, also said their academic freedom had been infringed upon. Students, who wanted to study with me, made the same claim. President Toll, who rejected me, insisted he was acting on behalf of academic freedom, his to do what he thought best in disregard of all outside pressures. And many state politicians, whose threats of financial retribution against the University constituted the most powerful of these outside pressures, likewise spoke of defending academic freedom against the likes of me.

The problem of sorting out the various uses of "academic freedom" is both very easy and terribly complex: easy, if it is simply a matter of taking a stand, of choosing the notion of "academic freedom" which is compatible with one's own values and declaring other uses illegitimate. It becomes complex if we try to explore the relations between these different uses to discover what as a group they express about the conditions they are intended to describe. It is by taking this latter path that I hope to cast some light on the state of academic freedom in America today.

The time honored way of breaking out of the confusion which surrounds the discussion of academic freedom is to label what has hitherto passed as a definition as the ideal, and to add the words, "Unfortunately, it doesn't always apply." The implication, of course, is that this is what most people want, and that actual practice is close and closing in on the ideal. Focusing on the ideal in this way, practice can be short changed. What actually happens is viewed teleologically, in terms of what one thinks it is going to become eventually, in time, with patience and more propagandizing of the ideal. The possibility that the gap between the actual and the ideal is more or less fixed and that the ideal may even play a role in keeping it so is hardly entertained, and can't be as long as what occurs is not examined on its own terms and within its real social and political context. In any case, the confusion over the different uses of academic freedom can never be sorted out as long as the discussion remains on the abstract level of ideas. For this, we must keep our feet on solid ground, and find out who is doing what to whom and why.

The locus of our study, of course, will be the university. And not just any university, but the university in capitalist society. Can't we just examine the nature of universities in general? I think not. Why not should be evident if we look no further than the big business dominated boards of trustees of all our major universities. If we were studying

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institutions of higher learning in a foreign country and discovered that a majority of the members of all their boards of trustees were generals, we would not hesitate to make certain conclusions about the character and aim of education there. Yet, even people who know that our boards of trustees are run by a business elite seldom question why this is so or try to think through what follows from this fact. Are businessmen really more clever than the rest of us, or more public spirited, or more concerned with the development of rational and critical thought? If not, we must try to understand what capitalists want from the university and what they do there, and how all this relates to academic freedom.

Capitalism is a form of society where the means of production are privately owned, and all production decisions are made on the basis of what will earn the largest profits for owners. So much holds true for the entire history of our Republic. But the American capitalist system has also seen a number of major changes. The Marxist economist, Sam Bowles, points out that the capitalist economy and riding a bicycle have one important thing in common: in both, forward motion is necessary for stability. (Perhaps someone should point this out to President Reagan) And as capitalism grows and changes so does the nature of its requirements from education as, indeed, from other sectors of capitalist life.

Among the major developments in American capitalism over the last hundred years are the following: with the development of technology, the amount of capital investment going to workers in the form of wages has decreased as a percentage of total investment, leading to a general and long-term squeeze on profits (surplus-value, of which profit is a portion, is produced by labor; hence, a relatively smaller percentage of investment going to labor means a constricting base for profits); the percentage of the work force which is self employed (entrepreneurs and professionals) has gone down from 40 % to 10 %; in the same period, the number of managers and professionals on salaries (chiefly employed by big business) has increased seven fold; in big business, complex hierarchies have developed which determine power, status and salary; more jobs require minimal skills; an intensification of the division of labor has led to an increased fragmentation of tasks for both white and blue collar workers, decreasing the degree of control that each individual has over his job; mainly in order to maintain profits, the Government has come to play a more direct role in running the economy on behalf of the capitalist class; and ideology - that is, one sided, partial, essentially mystifying interpretations of reality - has spread from the factory to the media, market and schools, chiefly as a means of disguising the increasingly obvious pro-capitalist bias of the state.

The major changes which have occurred in American higher education during the past 100 years reflect these developments in the capitalist mode of production, and have operated in general to facilitate the efficient functioning of the new capitalist order. For example, whereas in 1870 only 2 % of the 18-21 age group went to college, today it is about 50 %. The liberal arts and classics which formed the core of the old university curriculum have been replaced by science, math, public administration, business and other vocational training. In both the natural and social sciences universities have taken on more and more research and development tasks for private industry, uping their profits by reducing their necessary costs.

Increasingly, university life has been organized on the basis of a complex system of tests, grades and degrees, so that everyone knows exactly where he fits, what he deserves, what has to be done to rise another

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notch on the scale, etc. Discounting - as most educators do - their negative effects on scholarship, critical thinking and collegiality, these practices have succeeded in instilling a new discipline and respect for hierarchy, lowering students' expectations, and generally creating a sense that you get what you work and have talent for - and therefore that failure is due to some personal fault (laziness, stupidity or bad will).

Overseeing this reorganization of the academy, codifying its ends and rationalizing its means, dispensing incentives, cost accounting, building bridges to the "community" (chiefly business leaders and politicians) is the work of a vastly expanded cast of professional managers. At Columbia University, for example, in the period 1948-68, the faculty grew by 50 % , the student body by 100% and the administration by 900%.

Of all the ideas which help keep democratic capitalism in the United States functioning smoothly as it does, none is more important than the idea of "equality of opportunity." Here, too, the university has a special role to play. It seems that people are willing to live with great social and economic inequalities if they believe they had, or have, or will have the chance to make it up, or even that their children will have such a chance. In the 19th century, the belief in equality of opportunity was fed chiefly by the existence of "free" land in the West. When the frontiers closed, this dream was kept alive by the possibility of starting a small business which, with a little luck and hard work, might one day make you rich. Now that 9 out of 10 small businesses end in failure (U.S. Commerce Department statistics), it is our relatively open system of higher education which serves as living evidence for the existence of equality of opportunity.

For universities to play their appointed role, it is not enough that everyone who wants to get an education be able to get into a university. In both its structure and content, higher education must appear to give everyone a more or less equal chance to prepare for the best jobs. Should the universities be perceived as vocational schools, providing low level skills and indoctrinating students with the values and attitudes deemed important by their future capitalist employers, as a simple continuation of the tracking system already begun in high schools, the crucial ideological work of the university in promoting belief in the existence of a real equality of opportunity would suffer irreparable damage.

The university's role in helping to justify democratic capitalism carries over, as we might expect, to the content of its courses. Particularly today with the Government's more direct involvement in the economy on the side of the capitalists and so many young members of the working class in college with time to read and think about it, there is a great need for ever more sophisticated rationalizations for the status quo. In this effort, the university must maintain the appearance of allowing all points of view, including some critical of capitalism, to freely contest. Otherwise, the ideas which emerge from universities would be tainted, viewed as propaganda rather than "knowledge" and "science," and have less hold on people. Not only students would be affected, but also the general population, many of whose beliefs and prejudices receive their legitimatization as value free social science by academic decree.

Finally, to complete our list of the main ways in which higher education serves capitalism in the modern world, we should mention that the universities provide local capitalists with a reserve army of low-paid,

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non-unionized, part-time workers, while at the same time offering a kind of custodial care for young people who cannot find jobs, becoming in Ira Shor's apt phrase "warehouses for unneeded workers." Here, too, students will only willingly accept these degrading roles and conditions if they believe they are receiving a real education and being prepared for something better.

Does all this mean that the university is not a place where knowledge and skills get passed on from one generation to the next, and where some people teach and others actually learn how to think more critically? Not at all. Like universities in all periods and virtually all societies, American universities embody, to one degree or another, all the fine qualities which are paraded in Commencement Day speeches. Unfortunately, these speeches neglect to mention other functions which clearly stamp our universities as products of capitalist society, and any attempt to grasp the dynamics of the present situation must focus on these historically specific qualities.

The time has come to reintroduce the idea of academic freedom and to see how it works. The first thing which strikes us from the above account is that American universities require a little critical thought, which means a few critical teachers, which means too, a little academic freedom for them to work, in order for universities to function as they are meant to and have to in capitalist society. The presence of some radical professors helps to legitimate the bourgeois ideology which comes out of universities as "social science" and the universities themselves as something more than training centers. So a few radical professors are necessary to make the point that real freedom of thought, discussion, etc. exist and that people in the university have the opportunity to hear all sides in the major debates of the day.

But a key question is - at what point do a few radical professors become too many? For the presence of radicals in universities at a time of a burgeoning working class enrollment and a declining economy constitutes a real and growing threat to the capitalist system. In the story of the Emperor's New Clothes, it didn't take many voices to convince the crowd that the emperor was naked. At a time of deepening economic crisis, the promises of capitalism are no less vulnerable.

Given the need for some radical professors and the dangers of too many, the debate over where to draw the line, who should do it and on the basis of what criteria goes on continually. It goes on in Government, in university administrations and among the faculty in almost every university department. Because the language in which these questions are posed is different on each level, even participants are not always aware that they are involved in the same debate. Without explicit coordination, using apparently different criteria and procedures, and while lost in their own internecine disputes over turf and power, the Government, university administrations and departmental faculties are all taking part in the same balancing act.

Viewed from the perspective of their victims, however, the practice of academic freedom in our universities appears as a kind of policing mechanism which operates on three levels. On the level of Government, its means and ends are pretty evident, though even here there is some attempt to disguise the ends in terms of preserving students' academic freedom from the predations of deceptive radical professors. For the administration, the disguise takes the form of preserving university autonomy from

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direct Government interference on one hand (indirect Government interference is constant and overwhelming) and making universities run smoothly (radicals tend to make waves) on the other. At the faculty level, this "internal policing" (the label is Milton Fisk's) takes the form of making so-called objective, value neutral decisions on what constitutes political science or economics or philosophy, and which journals in each discipline warrant the academic Good Housekeeping Seal of Approval - so that publishing elsewhere, which usually means in radical journals, doesn't count for promotion, tenure and the like.

Only on the first level, that of Government, is academic repression expressed in political terms, as an effort to keep radicals or Marxists out of the university because of their political beliefs. Hence, whenever Governments are forced to act against radicals, the ideological work of the university, which relies so heavily on the assumption of tolerance, is seriously jeopardized. Better by far if university administrators, using institutional arguments, refuse to hire radical professors or turn them down for tenure. Best of all, of course, is when departmental faculties, using what appear to be purely professional criteria, take the initiative themselves. Consequently, and as a general rule, politicians only get involved in academic repression, or threaten to do so, when university administrators fail to act "responsibly", or give signs that they are about to; while administrators only overrule their faculty on this matter when it is the latter who have failed to act "responsibly."

In distinguishing between the forms of academic repression peculiar to the Government, university administrators and departmental faculties, I do not mean to suggest that these three levels are autonomous. Quite the contrary. The influence of the Government on university administrations, for example - through appointing Presidents and Board of Trustees, determining budgets, setting research priorities, licensing programs, etc. - is so overwhelming that Michael Brown would have us view administrations in public universities as part of the state apparatus. The situation in what are still called "private" universities differs only in degree. Nor do I wish to play down the ties of interests and values which bind Government, university administrations and most departmental faculties to the capitalist class, a connection which another Marxist scholar, Milton Fisk, tries to highlight by designating university professors a "functional class" with a special servitor relationship to capitalists. I have been chiefly concerned, however, to examine how the contradictory functions of the capitalist university result in different forms of academic repression which turn out, upon analysis, to be different aspects of the same thing; and this just because of the intimate ties (sketched by Brown, Fish, and others) between the capitalist class, the Government, university administrations and most faculty.

As regards academic freedom, what I have been arguing is that a kind of academic freedom already exists. It takes the form of a three tiered mechanism of academic repression. It is how this repression functions, for whom and against what. The underside of who is allowed to teach is who cannot; just as, what cannot be studied organically a part of what can be studied. Setting this ever changing boundary is the act of freedom which determines the kind and degree of freedom of all concerned. Unfortunately, academic freedom, interpreted as the actual practice of freedom in the academy, its expression as repression, is not quite what we always thought it was. What, then, can be said about what we always thought it was, or what is often referred to as the ideal of academic freedom?

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First, it is clear that as long as the capitalist class controls the universities, which is to say as long as capitalism exists, the gap between the ideal of academic freedom and its practice (described above) is more or less fixed. But I have also suggested that this ideal itself may play a role in keeping this gap fixed, that rather than part of the solution the ideal of academic freedom may be part of the problem. How can this be so? Partly, it is so because the ideal of academic freedom helps to disguise and distort an essentially repressive practice by presenting it as an imperfect version of what should be. Putting what everyone is said to favor in the front (and at the start) relegates what actually exists to the role of a passing qualification. Viewed in this way (and in this order), the dynamics of who is doing what to whom and why, together with the structural reforms needed to change things, can never be understood.

Further, beginning as the soft core of people's description of real events, the ideal of academic freedom gradually substitutes itself as an explanation of what is happening that is so feeble that, with minor qualifications, all the worst villains can embrace it. Though everyone may favor academic freedom, it is in the nature of ideals - it is said - that they can never be fully realized. Something similar occurs with the ideal of consumer sovereignty in which the assumed goal of the exercise replaces and then helps to explain what people actually do in supermarkets; likewise, the ideal of democracy plays a similar two-fold role in respect to what happens to real elections. In every instance, asserting a valued goal becomes the means for misrepresenting and explaining away a reality that has little to do with it, except in so far as this reality requires for its continued functioning people's misuse of this goal. In other words, it is only because most people in the university misunderstand academic repression in terms of an imperfect academic freedom that academic freedom can continue to function so effectively as academic repression. If the practice of academic freedom is the ideology that both permits and provides a cover for its occurrence.

So much follows from privileging the qualities of academic freedom as an ideal, but the contribution that the ideal of academic freedom makes to preserving the status quo also comes from its narrow focus on freedom. Talk of freedom, whether in the marketplace, in politics, or in the academy, assumes equality in the conditions which permit people to use their freedom on the irrelevance of such conditions. Unfortunately, in a class divided society, such conditions are never equal and always relevant. Simply put, some people have the money, jobs, education, etc. to act freely, and others do not. In every case, the privileged few also benefit from a ready made rationalization of their privileges: they are simply making use of their freedom. Let others, they say, try to do as much.

In the academy, the people with power - in the administration and in the departments - use their freedom to repress radicals in the ways described. If the police mechanisms embodied in the practice of academic freedom give them the means to do this, it is the ideal of academic freedom which gives them an effective way of rationalizing it. Hence, the constant patter about exercising their academic freedom as they go about their work of repression. In the university, as throughout capitalist society, a commitment to freedom in the absence of an equally strong commitment to social justice carries with it the seeds of even greater injustice. For the ideal of academic justice to take its place alongside

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the ideal of academic freedom, however, we shall have to wait the coming of a society that no longer needs its universities to help reproduce and rationalize existing inequalities, that is, a socialist society.

So far I have examined the role that the ideal of academic freedom plays in keeping things as they are, but now I am only too pleased to admit that this ideal also plays a part in helping to change them. That is, at the same time that the ideal of academic freedom hides, distorts and helps to rationalize academic repression by Government, university administrations and departmental faculties, it also opens up a little space and provides justification for the presentation of critical opinion. Rhetorically and occasionally procedurally, it also serves as a modest defense for radical teachers who avail themselves of this space. While wishing doesn't make it so and error exacts compound interest, what people believe to be true (even if false) and what they consider good (even if impossible) are not without influence. If only through constant repetition, liberal cant occasionally takes hold, particularly on younger members of the academy, producing a subspecies of academic groupies, people too afraid to act upon their ideas but willing to give some support to those who do. With the help of the few real exceptions, liberals who try to incorporate their beliefs into their daily lives (a self-destructive impulse for all but the most established scholars) the ideal of academic freedom sometimes plays a progressive role in the struggle to extend the boundaries of what can be studied in our universities.

The ideal of academic freedom, vague, unclear, contradictory, but repeated often enough, also exercises - in my view - a very general restraining influence on what perpetrators of academic repression are able and even willing to do. It is not always true that it is better to deal with honest villains than with hypocritical ones. In our understandable disgust with their hypocrisy, many radical critics have neglected to look for its positive side. The complex effects of hypocrisy on hypocrites, in the university as indeed throughout capitalist society, requires further, serious examination.

Finally, and most important, the ideal of academic freedom also helps contribute to the development of critical thinking in the university in so far as it contains within itself elements of such thinking. At its best, this means recognizing, as part of the ideal, how the conditions of modern capitalist society have turned the practice of academic freedom into academic repression and used the ideal to cover its tracks. A critically constituted ideal understands the conditions of its own misuse as well as the structural changes necessary to reverse this process. Saved from displays of moral outrage, we are freed to work for academic freedom by helping to build the democratic socialist conditions that are necessary for it to exist. In developing this expanded understanding of the ideal of academic freedom, in sharing it in the university and with the public at large, we are beginning the work of putting it into practice. Academic freedom, by this interpretation, lives and grows in the conscious struggle for a socialist society.

Unfortunately, none of these progressive trends are dominant. At present, they are all subordinate to the role played by academic freedom in helping to police the university, and only deserve our attention once this central role has been made clear. Otherwise, there is a danger of falling victim to all the distortions mentioned above and even contributing to them. But once the capitalist context in which academic freedom

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appears has been laid out, once its main function in this context is understood, its other role in helping to undermine capitalism requires equal attention.

In summary, academic freedom is about both freedom and repression, how they are linked to each other not only as opposites, but also as pre-conditions, effects and potentials, each in the other. Their proper order of treatment is first repression and then freedom. In this way, freedom is less distorted and the contribution that freedom (in its ideological form) makes to repression is minimized. The Marxist approach to academic freedom involves analyzing it as a practice, one inextricably tied to capitalist power relations, and an accompanying ideology. This analysis embodies and helps to develop a new critical practice and an alternative vision which are also subsumed under the broader notion of academic freedom.

What then is the situation today? What is the state of these contradictory tendencies in academic freedom at the present time? The first thing to remark is that there has been a considerable increase in the number of Marxist and other kinds of radical professors in the universities. Together with the growing crisis in capitalism and the inability of most bourgeois scholarship to explain it, this has led to the increased legitimacy of Marxist scholarship in practically every discipline. At the same time, there are also more radical professors not getting hired or tenured.

Probably the most striking development is a gradual breakdown of the three tiered policing mechanism of academic repression described earlier. With a growth in the number of radical scholars and the increased legitimation of radical scholarship, the bottom tier, professors in the departments, is no longer excluding radicals with the regularity that it once was. I was jolted into recognizing this change by my experience at the University of Maryland, where a Search Committee made up of ten political scientists chose me, a Marxist, for their chairman. I don't think this would have or could have happened ten years earlier. And if this happened in political science, traditionally the most conservative of the social sciences, it is happening (though sometimes very slowly) in all disciplines, and in universities throughout the country (though many exceptions exist). In mine and other cases, this simply forced university administrations and politicians (the second and third tiers) to take a more direct part in academic repression. But, as I have argued, there are limits to how much they can do without paying what is for them an unacceptable price in terms of legitimacy.

In the coming period, I would expect to see - for reasons already given - a still greater increase in the number of radical teachers, a rise in the amount of academic repression (primarily by university administrators and to a lesser degree by the government), and - as a result of both - a continued weakening of the university's role as a legitimator of capitalist ideology. How these conflicting tendencies will finally work themselves out, of course, will depend far more on the political and social struggles of the larger society than on the positions we take within the university. Yet, what we do as professors will count, so we must become better scholars, better critics, better teachers. We will also need courage, and we will need to be steadfast. Which brings me back to Scott Nearing.

Scott Nearing is still alive and relatively well. At the age of 99 ( he will be 100 in August, 1983), he continues his fight, our fight,

(continued on next page)



Academic Freedom - Ollman (continued)

against the system of injustice which deprived him of his jobs at the University of Pennsylvania in 1915 and the University of Toledo in 1917 ( where he had the dual position of Dean of the College of Arts and Sciences and Professor of Political Science and was fired for opposing American involvement in World War I ). Recently, he sent me a letter containing an important message which he asked me to share with everyone to whom it applies:

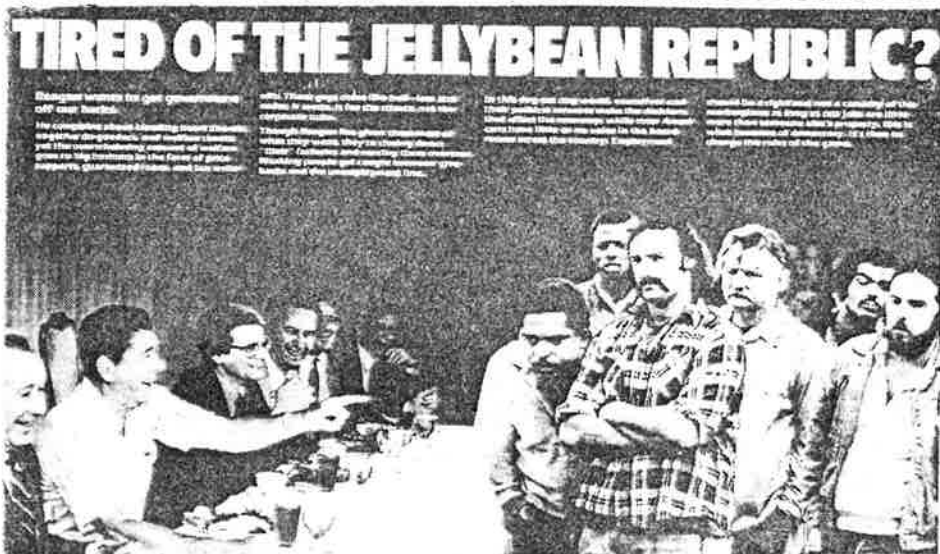
"To my comrades in the struggle for a kindlier and juster world, I send fraternal greetings. They serve a great cause. Many splendid triumphs lie ahead of them if they keep the faith, are eternally vigilant and work selflessly and without ceasing. My salutations to those who are prepared to devote their abilities, skills, and if need be, their lives, to help establish a productive, creative, cooperative world community - to those, especially, born since 1945, and who according to life expectancy tables should be alive in the 21st century.

"During the present period of worldwide change and unrest, study and teaching are particularly important. We as scholars have the right and duty to teach and impart what we believe in and what we have learned. The right to do this is the keystone of our profession. The need to do it arises whenever any authority challenges our responsibility to learn and communicate - to study and to teach.

"The present period offers scholars and students a challenge to meet and a part to play that may have vast consequences for the future of man. My salutations to the brave men and women who are opposing and resisting the forms of reaction, regression and despotism in North America." #

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# Letter from Scott Nearing dated 11/29/81.

Note: Important Marxist analyses of academic freedom can be found in Michael Brown's "The Ollman Case and Academic Freedom," NEW POLITICAL SCIENCE (Spring, 1979); and Milton Fisk's "Academic Freedom in Class Society," Edmund Pincoff (Ed.), THE CONCEPT OF ACADEMIC FREEDOM (University of Texas Press, 1975).



THE KATHERINE VAN WORMER CASE: ACADEMIC REPRESSION CONTINUES AT  
THE KENT STATE UNIVERSITY

by Helen R. Samberg

On May 4, 1970 the Kent State Massacre made Kent State University, a relatively unknown institution of higher education in the United States, historically immortal. It was on that day that four students were murdered and nine wounded for daring to protest U.S. involvement in a war they felt unjust.

For a short while after the Massacre, guilt and other mixed emotions led to noble efforts to make the Kent State campus and the city of Kent a more tolerant, open, humanistic community. Those efforts lasted about six months and then, almost as if nothing had happened, the atmosphere reverted to its pre-Massacre state accompanied by what only might be characterized as a chilling effect, a pervasive fear that it is not safe to challenge the status quo.

Fortunately, that chilling effect did not affect all professors on the Kent State faculty. There were and still are some who have the courage to exercise the principle of academic freedom which every American university claims as an inalienable right.

In 1973, then President Glenn Olds, in direct violation of Ohio State Law, dismissed the social and union activist Dr. F. Joseph Smith, a tenured professor, from his position at the University. The alleged reason for dismissal was "misconduct" (see November, 1980 and May-August, 1981 issues of ZEDEK for details on the Smith case). Smith's dismissal represented the first time in the history of the University that a tenured professor was dismissed for cause. Since that time Smith has not held a single, full-time academic position commensurate with his abilities. He has been essentially permanently blacklisted from employment in American universities and colleges.

In 1975, another social activist professor, Dr. R.M. Frumkin, also tenured, was dismissed for alleged misconduct from Kent State. Just as Smith, Frumkin has also suffered blacklisting and been unable to obtain a position commensurate with his abilities. ( See the Feb., '82 of ZEDEK)

It is noteworthy that both Smith and Frumkin are nationally recognized scholars and that, at their faculty dismissal hearings, their peers voted against their dismissal. However, in both cases, in violation of the AAUP Principles on Academic Freedom and Tenure, President Glenn Olds recommended and succeeded in getting them dismissed.

Academic repression is, we can see, nothing new at Kent State. In the <sup>later</sup> part of the 1970s the repression became so intolerable that the distinguished philosophy professor Robert Dyal resigned and left the campus. At the time of his departure he published a poignant letter in the DAILY KENT STATER, the student newspaper, in which he expressed his anguish. That letter appeared in the November, 1980 issue of ZEDEK.

Now, one decade since Smith's unjust dismissal, we find another case of academic repression at Kent State, this one, in, of all places, the Department of Criminal Justice Studies. This is the case of Dr. Katherine van Wormer, a feminist, Quaker, pacifist, humanist, and a fighter for human rights.

Dr. van Wormer came to Kent State as an assistant professor in 1977, with the main assignment of teaching minorities and women's courses.

(continued on next page)

The van Wormer Case - Samberg (continued)

The 1982-83 academic year is the one in which she is supposed to be granted tenure or not have her contract renewed (de facto dismissal).

The case of Katherine van Wormer against the Criminal Justice Studies Department of the Kent State University is a case involving not only apparent sex discrimination but also charges of violations of academic freedom on issues concerning sex, race, and politics.

The van Wormer case, moreover, provides a rare glimpse of the University's system of faculty peer review, the self-policing mechanism by which faculty are supposed to weed out the incompetent and non-productive teachers. Within this system, tenured faculty are constantly watching and monitoring untenured faculty. In this way, they inadvertently serve a legitimizing function for an administration with often contrary motives.

Katherine van Wormer, on the surface, was a prime candidate for tenure. Her scholarship record was excellent, much beyond that of other members of the department. Her courses were among the most popular with the criminal justice students. However, the department was all-male, very conservative, composed of members largely of police background. And she was a feminist and Quaker, assigned to teach the minorities and women's courses.

Dr. van Wormer was recently informed that she was denied tenure and that, at the end of the academic year, her contract will not be renewed. The reasons for tenure-denial were spelled out in writing by colleagues bent on having their say. In confidential documents, the all-male appeals committee summarized the matter as follows: "She (van Wormer) lacks objectivity, in that her strong liberal and feminist views are the only ones presented. She appears to view her classes as a device for advancing these views..." The alleged grounds are thus "inadequate teaching" and "bias."

Although ten students testified at the fifth and final appeal hearing and no students testified on the administration side, and although over 500 students signed a petition on her behalf with none against, van Wormer was still successfully denied tenure (dismissed) for alleged teaching incompetence and bias.

A racist aspect to the case has been especially disturbing to Black students on campus. The Black United Students are currently organizing support for van Wormer. Van Wormer has been stripped of her minorities course, accused of being "pro-Black." In writing, the chairperson states, "...what appears to be her ethnological or value-ridden approach to the subject matter seems to reinforce the confusion frequently experienced by the students."

Van Wormer has filed sex discrimination charges with the Equal Employment Opportunity Commission (EEOC) and the Ohio Civil Rights Commission (OCRC). She perceives the issue as less a private concern than a public issue, as a fight against injustice rather than against her department or the University. While student support has been substantial and public, faculty support has been relatively quiet and behind the scenes only. This lack of organized and collective faculty support is seen as a major reason that tenure was denied in the first place. Another reason is the new wave of conservatism with its decline in the spirit of affirmative action, now related to, in large part, the very real intimidation of losing one's job.

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### The van Wormer Case - Samberg (continued)

According to the COLLECTIVE BARGAINING AGREEMENT which is binding on the Kent State University " the parties endorse the University's commitment to ...an atmosphere of freedom and fairness. To these ends the parties reaffirm their belief in the moral and legal principles supporting a University environment free of decisions and judgments based on race, color, religion, sex, age, handicap, or national origin.. To these ends the parties support and pledge themselves to abide by the concepts of non-discrimination and academic freedom." The legal case by van Wormer against Kent State University will show a violation of this agreement in terms of the denial of academic freedom and discrimination on grounds of sex.

In order to persuade the Kent State University President Michael Schwartz to re-evaluate his position and grant tenure , van Wormer is seeking national support in her struggle. What can you do to help? You may write a letter to the Editor, RECORD-COURIER, 126 N. Chestnut St., Ravenna, Ohio 44266, and/or a letter to Kent State President Dr. M. Schwartz, and/or other influential citizens in Ohio. The threat to academic freedom concerns us all.

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Note: This is only ZEDEK's introduction to an account of the van Wormer case. A more detailed article will follow in the next issue.

### UPDATE ON THE SHIRLEY NUSS CASE

In the August, 1982 issue of ZEDEK in an article entitled "Shirley Nuss in Tenure Struggle at Wayne State", Helen Samberg reported about the AAUP accepting her case and filing grievances in her behalf based on the denial of due process and discrimination. In November, 1981 Prof. Nuss was not recommended for tenure and was also denied a renewal of her contract. However, that decision not to renew her contract was reversed and she was given a contract for the 1982-83 academic year.

Just prior to coming to press ZEDEK was informed that Prof. Nuss has been recommended for tenure by the Wayne State University College of Liberal Arts Tenure and Promotions Committee and by the Dean .The final decision now rests with the University Tenure and Promotions Committee, the Provost, and the President of the University. The present decisions represent significant progress in this case. ZEDEK will keep readers informed of further developments in Professor Nuss' struggle for tenure.

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•The WOMEN FROM HISTORY series by Helaine Victoria



ELIZABETH GURLEY FLYNN (1890-1964). Irish-American labor and free speech leader. Born to an adamant socialist father and feminist mother, she was an expert champion of the Bill of Rights all her life. In her New England childhood she was irrecoverably shocked by laborers with 12-hour shifts, and no safety provisions. She met children and women (some pregnant or nursing) with missing fingers and other permanent injuries. Her career as a spellbinding speaker began at 16, when she was arrested during a pro-labor speech in New York. Her long association with the Socialist, and later Communist, parties was simply based on her belief that they offered the best break to the working classes of her times. A travelling organizer for the International Workers of the World, she was a leader in the New England and New Jersey textile strikes of 1912-13, the Spokane 1909 Free Speech demonstrations, and was a devoted worker in defense of Sacco & Vanzetti in the '20's. She was jailed many times, lastly as an elderly woman during the infamous sedition trials of the McCarthy Era in 1952. The major work of her youth and prime is beautifully told in her autobiography, *The Rebel Girl*. She was travelling in Russia, working on further memoirs, when she died in 1964. Flynn never considered her activities at all un-American, but rather was an ardent champion of Constitutional freedoms and responsibilities.

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SAPDF NOW SEEKING NEW SUPPORTERS TO HELP FINANCE ITS STATED AIMS

SAPDF, a non-profit foundation established in 1980 to defend social activist professors whose constitutional and civil rights have been violated, is now seeking more funds through its program of annual memberships. There are four basic memberships: Individual, Supporting, Sponsor, and Patron. There is also a special membership for Students, Seniors, and Additional Members of a Household. All four basic members receive the official journal ZEDEK plus all special publications (reports, monographs, etc.) as they appear. The special members receive ZEDEK only. The stated aims of SAPDF can be found on pages 1 and 2 of the November, 1980 issue of ZEDEK. Since individual and institutional subscriptions do not fully pay for the current production and distribution costs of ZEDEK we have been reluctantly forced to raise subscription rates. To fulfill its many significant aims, SAPDF needs the wide support of interested and concerned members. If you are not already a member of SAPDF please seriously consider becoming one. Our survival depends on your fullest support.

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Scott Nearing ... Noam Chomsky ... Benjamin Spock ... Herbert Aptheker ... Sara Cooper ... Zolton Ferency ... Roy Larson ... Shirley Cereseto ... Father Victor Weissler ... Sarah Silver ... Bertell Ollman ... Thomas Lough ... Laura Boss ... John Snider ... Rick Kunnes ... Kurt H. Wolff... Maryann Mahaffey ... Ron Aronson ... Alex Efthim ... Gerald Coles ... Murray Jackson ... Richard Weiss ... Betty Lanham ... Morris Schappes... Kathleen Calahan... Jim Messerschmidt... Shirley Nuss ... Milton Tambor... Steven Shank and many others.

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Make all contributions payable to the Social Activist Professors Defense Foundation or S.A.P.D.F. and return to: 19329 Monte Vista, Detroit, Michigan 48221 U.S.A.

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Thank you for your recommendations.