

THE RELIGIOUS ROOTS OF ACADEMIC FREEDOM

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[Editor's Note: Contrary to popular opinion, the Enlightenment is not the source of the concept of academic freedom. Its historical beginnings go back to the origins of the idea of the university during the High Middle Ages. Academic freedom derives from freedom of thought, particularly freedom of theological thought. Medieval Scholasticism developed both pedagogical methods to liberate students' thinking and a hermeneutic to deal with authorities so as not to compromise the free search for truth.]

THE IDEA of academic freedom is the result of a long historical development, indeed longer than is commonly imagined. A study of how an important value arose can prove enlightening for an understanding of the value itself. In 1995 the Federal Constitutional Court of Germany defined a historical process of secularization that is characteristic for Western culture. The Supreme Court explained that "there exist numerous Christian traditions that have gone into the common cultural possessions of society over the centuries. Even opponents of Christianity and critics of its historical legacy are unable to extricate themselves from these values and norms, which in a form shaped predominantly by Christianity have become to a great extent part of the common possession of Western culture."¹ If this is the case in Germany, then all the more will it hold true for the U.S. where antireligious tendencies are less vigorous.

Academic freedom is one of those cultural values shaped, or at least influenced, by the Christian religion. Although admittedly it is a human right that only a minority actually enjoys, within the academic community it is essential and hence certainly not without relevance for civilization in general. Chief Justice Warren of the U.S. Supreme Court has gone so far as to maintain that without academic freedom "our civilization will stagnate and die."²

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¹ *Entscheidungen des Bundesverfassungsgerichts* 93 1 (May 16, 1995).

² *Sweezy v. New Hampshire*, 354 U.S. 250 (1957).

However, like most fundamentals representing acts of intellectual reflection, it is probably not very clearly understood. What exactly do we mean when we call education "liberal"? Where does academic freedom originate? The U.S. Supreme Court has called it a "transcendent value."³ To what extent is its transcendence religious?

ACADEMIC FREEDOM NOT A RESULT OF THE ENLIGHTENMENT

Popular belief notwithstanding, the birthplace of academic freedom does not lie in the Age of Reason. Typically modernity would assert that academic freedom arose during the Renaissance and Enlightenment, in other words with the inception of the Modern Age. While it is true that the idea was then in the forefront of consciousness, we should resist depicting the Enlightenment as a sort of golden age of intellectual freedom. An example for the common conviction that academic freedom begins with the Age of Reason can be found in the highly scholarly and distinguished reference work of constitutional jurisprudence *Handbuch des Staatsrechts der Bundesrepublik Deutschland* in which the following opinion is expressed: "The intellectual roots of academic freedom go back to Humanism and the Enlightenment. They freed scientific, rational, unprejudiced thought, having no other obligations but the seeking of truth, from the fetters of theological dogmatics. The founding of Halle (1694) and Göttingen (1737) mark the beginning of the modern German university with its obligation to freedom of thought, as opposed to its medieval predecessors."⁴

The important elements of the notion of academic freedom are contained in this picture, but they are related to one another in such a way that the historical truth has been virtually turned upside down, as I wish to demonstrate. In order to do so, I shall adopt a necessarily one-sided approach: I shall treat the Enlightenment negatively and the medieval predecessors positively. Of course, this does not represent a complete, well-rounded picture, but it is adequate for the purposes of the present discussion. Let me begin by offering three prominent examples to illustrate that the Enlightenment was far from being a golden age of academic freedom. I begin with the University of Halle at a time less than 30 years after its founding.

Christian Wolff's Expulsion from Halle

Because of one of his philosophical teachings that had vital theological implications, Christian Wolff, perhaps the most famous philosopher of his time, received a letter in 1723 from the King of Prussia, giving him two days to leave Prussia with his children and pregnant wife. Otherwise, the King ordered, he would be hanged. Not wishing to

³ The majority opinion in *Keyishian v. Board of Regents* (1967).

⁴ Thomas Oppermann, "Freiheit von Forschung und Lehre," in *Handbuch des Staatsrechts der Bundesrepublik Deutschland* 6, ed. J. Isensee and Paul Kirchhof (Heidelberg: C. F. Müller, 1989) §145 Rn. 2.

be either a hero or a martyr for truth (not unlike Galileo Galilei a century earlier) Wolff needed less than two days to flee to Marburg.

Wolff had been involved in a conflict with the theology professors at the university. It is typical for the 18th century that freedom of expression was defined differently for philosophy and theology. At Harvard at this time academic freedom was explicitly acknowledged for philosophy but restricted for theology.⁵ Ironically the Halle theologians were defending freedom, the freedom of choice. They maintained that Wolff left no room in his perfect rationalistic world system for individual freedom, although, it must be said, they did not attempt to expel him. Wolff, on the other hand, vehemently defended what he called the "freedom to philosophize," a term common at that time as the equivalent of our term "academic freedom." What he understood by academic freedom was freedom from authorities or freedom from outside coercion. This concept was not new. Three centuries earlier Cardinal Nicholas of Cusa had remarked, "This much I know: that I am led by the authority of no one."⁶ That comment dated from the middle of the 15th century; in some quarters that understanding of authority dominant during the earlier High Middle Ages appears to have been forgotten.

Rightly enough Wolff argued (and this undeniable principle will remain fundamental throughout my article) that "I cannot be against truth." One should be free to judge truths according to one's own reason, not according to what anyone else has said. "And this is what the freedom to philosophize consists of: that in regard to judgments about truth one be led not by others but by oneself. For if one is required to hold something to be true because someone else says that it is true and if a proof is valid because another declares it to be convincing, then one is in slavery. One must let oneself be ordered to hold something to be true which one does not see as true and a proof to be convincing of which the convincing power is not felt by oneself." The key factor for Wolff was the alien authority of another: "And, accordingly, slavery in philosophizing consists in the subjection of one's own reason to the judgment of another, which comes down to basing one's endorsement upon the authority of another."⁷ In our modern conception of academic freedom it is this freedom from external authorities which predominates. But if one goes back in history to the origins of philosophy one

⁵ In his Commencement Address of 1711 the president of Harvard, John Leverett, similarly drew a distinction between philosophy and theology: "Without any manner of doubt whatever, all humane matters must be tested by Philosophy. But the same license is not permissible to Theologians" (quoted according to Samuel Eliot Morison, *Harvard College in the Seventeenth Century* [Cambridge, Mass.: Harvard University, 1936] 1.168).

⁶ Nicholas of Cusa, *Idiota de sapientia et Idiota de mente* 6.88.11–12; English translation in *The Layman on Wisdom and the Moral*, trans. and intro. M. L. Führer (Ottawa: Dovehouse, 1989).

⁷ Christian Wolff, *Ausführliche Nachricht von seinen eigenen Schriften . . .* (Frankfurt: J. B. Andrea and H. Hort, 1733) chap. 4 § 41.

discovers that the original conception lay much deeper, to a point at least where respect for authorities cannot imply being against truth.

In regard to that conflict, Hans-Martin Gerlach, a professor of historical philosophy at the University of Halle until his dismissal after the collapse of the communist German Democratic Republic, who had been an influential academic during the final years of socialism in East Germany and surely not positively predisposed to theologians, supported the opinion of the pietistic theologians in Halle.⁸

Wolff's impassioned and profuse self-defense made use of an interesting argument that, to the best of my knowledge, has so far been overlooked by historical scholarship. Appealing to the Catholic Church's treatment of Galileo Galilei a century earlier, he argued: "Thus I have never made pretense to more freedom to philosophize than what the Roman Church granted to the Copernican system, and with the system of preestablished harmony I have demanded no more right than what Galileo enjoyed."⁹ What Wolff meant by his appeal to Galileo's case was that, whereas the authorities of the Enlightenment wanted to define thought, the Inquisition had wanted only to regulate speech.

This controversy involves four elements that will accompany us throughout the present article: authority, language, reason, and truth. The question of the nature of academic freedom comes down to seeing the relationship between those elements. The history of this relationship holds more than one surprise. In comparison with his own time Wolff may have considered Galileo's 17th century to have enjoyed more intellectual freedom than his own, but by comparison with earlier centuries Galileo's time represented a further reduction in academic freedom. In the 15th century it was still possible for Nicholas of Cusa without giving rise to any reaction on the part of the Church to teach that the universe is infinite and that the earth is not its middle point but is itself in motion. Wolff's case is certainly not unique in the Age of Enlightenment. I offer a brief look at two other famous philosophers of the Enlightenment.

Immanuel Kant and Frederick the Great

In Immanuel Kant we have the enlightened philosopher par excellence and in King Frederick the Great the enlightened king par excellence. In 1794 Kant received a written admonition from the Prussian king because of his teaching, published in *On the Radical Evil in Human Nature*, that man is by nature evil. The wording of the letter gives

⁸ Hans-Martin Gerlach, *Christian Wolff, oder von der "Freiheit zu philosophieren" und ihre Folgen: Dokumente über Vertreibung und Wiederkehr eines Philosophen*, Bibliothek Mitteldeutscher Denker, Abteilung I: Hallesche Aufklärer, Band 2 (Halle: E. Bartsch et al., s.d.) v.

⁹ *Ibid.* 11.

us a revealing taste of political authority in academic theological matters during the Enlightenment:

First, our gracious greetings, worthy, most learned, dear and loyal subject! Our most high person has for some time now observed with great displeasure how you misuse your philosophy to distort and disparage many of the principal and basic teachings of the Holy Scriptures and of Christianity. We expected better things of you, as you yourself must appreciate how irresponsibly you have acted against your duty as a teacher of youth and against our paternal purpose, with which you are very well acquainted. We demand that you give immediately a most conscientious account of yourself, and expect that in the future, to avoid our highest disfavor, you will be guilty of no such fault, but rather, in keeping with your duty, apply your reputation and your talents to the progressive realization of our paternal purpose; if not, then you must infallibly expect unpleasant measures for your continuing obstinacy.¹⁰

In this challenging affair Kant also proved himself to be no more a martyr for intellectual freedom than Galileo had been; he acquiesced completely, at least to all appearances, and responded: "With regard to both points, I shall not fail to put before Your Majesty proof of my most submissive obedience, by the following declaration." Then he went on to demonstrate with examples how he had shown "great respect for Christianity in many ways." In regard to the future, he made the following declaration: "Regarding the second point—that I not be guilty in the future of any such (as I am charged) distortion and disparagement of Christianity—I believe the surest way, which will obviate the least suspicion, is for me to declare solemnly, as Your Regal Majesty's most loyal subject, that I will hereafter refrain altogether from public discourses on religion, in both lectures and writings, whether natural or revealed." With regard to the phrase "as Your Regal Majesty's most loyal subject," Kant later in 1798 shortly after the king's death in 1797 explained: "This expression, too, I chose carefully, so that I would not renounce my freedom to judge in this religious suit forever, but only as long as His Majesty was alive."

Johann Gottlieb Fichte's Dismissal from Jena

The dismissal of Fichte in 1799 from the University of Jena represents one of the infamous scandals of the Enlightenment. Jena was a citadel of academic freedom, Fichte the epitome of the enlightened philosopher. Under the influence of persons such as the liberal Johann Wolfgang Goethe (who also vehemently attacked Kant for the teaching to which we have just referred) Fichte was dismissed by the state for theological reasons, namely his alleged atheism. That, at any rate, was the public accusation. Fichte himself remained convinced that it was

¹⁰ This text and those that follow are contained in I. Kant, *The Conflict of the Faculties* [= *Der Streit der Fakultäten*], trans. Mary J. Gregor (New York: Abaris, 1979) preface 10–19 (A XII-XXIII).

because he posed a threat to the state in that he was sympathetic toward democracy: "I have never believed that they were after my alleged atheism; they were pursuing the free thinker in me . . . and an infamous democrat; it terrifies them like a ghost, the independence which my philosophy awakens, as they darkly suspect."¹¹ Be that as it may, the fact remains that theological questions played a role in all three conflicts of the nontheologians whom I have treated thus far. However, in these three cases it was not the church but the state that encroached upon academic freedom for theological reasons. It would be informative to look more closely into the manner in which Fichte's dismissal was treated by the state, but enough has been already indicated to reveal the dark side of academic freedom during the Enlightenment. The situation was quite different in the Middle Ages. At that time theology lay at the heart of academic freedom. Perhaps it may be concluded that the authorities wielding the force of theology prove to be more competent if they are themselves theologians.

In any case it would seem justifiable to maintain that the birthplace of academic freedom is not the Enlightenment. It might also be worth mentioning that at that time the U.S. offered no exception to such intolerance. For example, one could take the case of two students who were expelled from Yale University in 1744 because with their parents they attended church services of a rival Puritan denomination (the Separatists) while at home on vacation.¹²

THE BIRTHPLACE OF ACADEMIC FREEDOM: MEDIEVAL CHRISTIANITY

In my opinion, it is not totally by chance that the first known mention of academic freedom in Western history occurs in an official document of a pope. In 1220 the young University of Bologna turned to the pope for support in a conflict it was waging with the local civic government. Pope Honorius III responded by repeatedly encouraging the university to defend its "scholastic freedom" (*libertas scolastica*)¹³ and to take extreme measures to resist the attempts of the city government to undermine the independence of academic life by requiring students to pledge an oath of allegiance to the city.

¹¹ In a letter of Fichte to Reinhold, May 22, 1799, in Johann Gottlieb Fichte, *Briefwechsel 1796-1799*, Reinhard Lauth and Hans Gliwitzky, ed. (Stuttgart-Bad Cannstatt: Friedrich Fromann, 1972) 356.

¹² See Richard Hofstadter, *Academic Freedom in the Age of the College*, (New Brunswick, N.J.: Transaction, 1996; originally published as part of his *The Development of Academic Freedom in the United States* [New York: Columbia University, 1955] 169). The president of Yale at the time, Thomas Clap, defended this move with the argument that "if the parents were to say how their children should worship and thus take this decision out of the authority of the college, then there would be as many kinds of worship at college as there were different opinions of parents" (ibid. 172); Clap expressly argued that this implied no violation of liberty of conscience.

¹³ See Peter Classen, *Studium und Gesellschaft im Mittelalter*, ed. Johannes Fried, *Schriften der Monumenta Germaniae Historica* 29 (Stuttgart: Anton Hiersemann, 1983) 242.

It is important to note, furthermore, that the pope did not regard academic freedom as a privilege, that is, as a positive right bestowed either by himself or anyone else. To be sure, such privileges had been granted and gradually academic freedom came to encompass various privileges. But neither church nor state, nor a constitution, can grant academic freedom. And, in the case just mentioned, the pope justly presupposed its existence and value, as being grounded in the very nature of academic life, arising from within and not from without. He pleaded for its due recognition (similar to the way democratic constitutions today regard natural rights) by urging the students not to allow their "scholastic purity to be marred." It is no coincidence that not only the notion of academic freedom but also the idea of the institution of the university itself arose in the High Middle Ages, at a time when the Church enjoyed an extraordinary degree of influence upon European society and culture. Both the idea of the university and the idea of academic freedom can be called gifts of medieval Christianity to the modern world, albeit in a secularized form.¹⁴

How important its freedom was to the medieval university community is further attested by the fact that the University of Toulouse, the first university founded by a pope, vaunted in 1229 its extensive freedom, attempting to attract new scholars with the claim: "What then will you lack? Scholastic liberty? By no means, since here you can enjoy your own liberty tied to no one's apron strings."^{14a}

Above and beyond its primordial essence academic freedom gradually came to encompass various special rights, explicitly granted as legal privileges by the Church or secular authorities. Among the rights enjoyed by the early universities were privileges such as the right to strike. Classen refers to the right to suspend all lectures (in the case of the illegal arrest of a member of the University) granted to the University of Paris by Pope Gregory IX in 1231 as "the oldest guarantee of the right to strike by the highest authority of the Middle Ages, by the Pope."¹⁵ In this case, incidentally, the threat came not from the secular arm but from the bishop of Paris, who wanted to have the right to determine who should be allowed to teach at the university (as well as who should be suspended). In the statutes given by the pope on this

¹⁴ The same pattern holds true for the origin of universities in the U.S. "After the Revolution, and during the first decades of the 19th century, as the American college system emerged from the eastern states and spread through the South and West in the wake of settlement, it was the pattern begun by Yale and set by Princeton which was most emulated. In the early national period the work of founding and managing colleges remained primarily in the hands of the churches, and two main streams of influence can be discerned, one emanating from Yale and spreading into the Northwest and the other emanating from Princeton and spreading into the South and Southwest" (Richard Hofstadter, *Academic Freedom* 143-144).

^{14a} See *Chartolarium Universitatis Parisiensis*, H. Denifle and A. Chatelain, ed. (Paris, 1889) no. 72, 1.131.

¹⁵ Peter Classen, *Studium und Gesellschaft* 185.

occasion there occurs for the first time the expression "curriculum reform" (*reformatio studii*). A few years earlier, in 1220, it was owing to the intervention of the French king that the university was able to defend its independence against the civic government, receiving on this occasion its first royal privileges. As a result every new provost of the Paris bishopric was required to swear a public oath that he would respect the independent rights of the university.

Some further details might be helpful in conveying a picture of the extent of academic liberties in the earliest universities. At Bologna, for example, these liberties were enjoyed primarily by the students. Bologna has been called a student university by historians because of the hegemony of students as opposed to professors. As such it served as an archetype for some later medieval universities, while Paris served as the archetype for professor universities. At Bologna the professors had no vote in the assembly of the university at large. Each year the professors were voted into office by the students. They then were required to swear an oath of obedience to the rector, who was always himself a student and who oversaw a very strict disciplinary code. Cobban calls the whole system "severely democratic."¹⁶ The rector secretly named four denunciators of the professors (*denunciatores doctorum*), a sort of secret police to watch over the professors. Actually, according to the statutes, all students were required to report misdemeanors of their teachers. Penalties were imposed, for example, if the teacher started his lecture one minute late or went beyond the set time. In this case, the students were required by statute to leave the lecture hall immediately. The matter of each course and the division into points (*puncta*) were agreed upon at the beginning of the semester. If a teacher failed to keep to the schedule, a fine was set. There was also a fine set for any teacher who tried to avoid a difficult question by postponing its treatment. If there were not at least five students at a professor's main lecture, he was considered absent and had to pay a set fine. If a professor wanted to leave the city for a few days, he had first to get permission from the students. When he departed, he was required to leave a deposit in order to guarantee his return. In fact, the professors had to deposit a determined amount in a local banker's account before the beginning of each semester to assure that their fines could be paid. If one's deposit ran out, he was expected to make a second deposit.

It was common for the students in the Middle Ages to be protected in regard to the amount of rent they paid. Overbidding was commonly forbidden. An interesting example occurred in Oxford in 1214. As punishment for the collective killing of a foreign student by citizens of the town in retaliation for a crime committed by a fellow countryman of his, the cardinal legate of the pope reduced all the rents for all student rooms to half of the estimated value and required the townspeople

¹⁶ Alan B. Cobban, *The Medieval Universities: Their Development and Organization* (London: Methuen, 1975) 62.

to pay a sum of money to poor students—a practice which continued until 1924.¹⁷

The term “universitas” is a further gift of medieval Christianity to the modern world, although in fact the term was not commonly used until the 14th and 15th century. The earlier term for it was “studium generale.” The adjective “generalis” here did not mean that all sciences were present, but referred to the fact that such an institution possessed an attractiveness for scholars from all of Europe, superseding any national boundaries. On the other hand, a school attended only by local students, and hence regarded by this very fact as academically inferior, was called a “studium particulare.” It was by their internationality, their catholicity, that the original universities, as distinct from other places of study, were defined. In other words, a university was a school defined by the boundaries of Christendom. An essential privilege of a recognized “studium generale” was the power to grant the right to teach everywhere. This “ius ubique docendi” formed the basis for the astounding mobility of both students and teachers in the Middle Ages, who moved with surprising freedom from university to university. For example, the Italian Thomas Aquinas spent his time as a student in Naples, Paris, Cologne, and then once more in Paris; his teaching career brought him from Paris to various cities in Italy, then back to Paris, and finally once more to Naples. His teacher in Paris was the Swabian German Albertus Magnus, who had studied in Padua and Paris and had taught in Cologne as well as in Paris. The Englishman William of Ockham spent the last 20 years of his life in Munich. The Scotsman John Duns Scotus studied in Oxford and Paris; his teaching career brought him twice back to Paris and three times back to Oxford. Today one can visit his grave in Cologne, where he finished out his academic career.

Freedom of movement was characteristic not only of the teachers and students; even the universities themselves as institutions enjoyed the right of free movement. Indeed, this was valued as one of the most important rights possessed by a university. It could be said that university life was supranational, although applying the term to denote medieval catholicity would actually be anachronistic. During the first two centuries of universities the idea of a national university was quite unthinkable. A university then could not be associated with any particular nation. The term “nation” was employed not to indicate an entity outside the university, but to define the inner structure of the university itself, being more important as a structural principle than the faculties (another term that we have inherited from the Middle Ages). A student who pledged allegiance, say, to the city administration of Bologna immediately lost his membership in the university. One could say that at the time of the origins of the university national patriotism and academic freedom were strictly incompatible with one

¹⁷ See Peter Classen, *Studium und Gesellschaft* 181, 252.

another. Patriotism was considered a violation of academic freedom. When the nation later became the principle for the foundation of states, having ceased to be the principle of the internal organization of the universities, the universities themselves became provincial, at the cost of a noteworthy loss of standing.

The establishment of national universities went hand in hand with the reduction of academic freedom. In 1425, when for the first time in the history of universities in Germany, state authorities tried to exert influence upon the curriculum of the University of Cologne (with the laudable intention, to be sure, of preserving academic peace), hoping to have the teachings of Thomas Aquinas and Albert the Great banned in favor of Nominalism, the university still retained enough of its medieval independence to demand in response that it be left alone in its primordial freedom (*in nostra primitiva libertate*). However, it took only a few years until King Louis XI of France in 1471 succeeded in drastically reducing the academic freedom of the University of Paris, going as far as to forbid not just something like the possibility of a foreigner being rector, but even certain theological positions (in this case it was Nominalism that was condemned, the same teaching that the secular arm in Germany had tried to make a curricular requirement). Briefly put, there is good reason for Conrad Russell's analysis: "The standards of the University degree, and many other things also, can only ever be defended effectively if they are recognized as purely academic matters, in which the State can have no legitimate say. It is only by defending a medieval liberty, a sphere of academic freedom in which the State does not enter, that academic freedom in a Millite sense can ever be effectively defended."¹⁸ No doubt the Church can be an opponent of academic freedom, but it is no less true that it can provide a protective canopy for freedom without betraying either the university or the Church itself.

There were also more essential aspects of academic freedom prevalent in the burgeoning medieval university. These prompted John Henry Newman in 1855 to offer his well-known evaluation:

This is the very age of Universities; it is the classical period of the schoolmen; it is the splendid and palmary instance of the wise policy and large liberality of the Church, as regards philosophical inquiry. If there ever was a time when the intellect went wild, and had a licentious revel, it was at the date I speak of. When was there ever a more curious, more meddling, bolder, keener, more penetrating, more rationalistic exercise of the reason than at that time? What class of questions did that subtle, metaphysical spirit not scrutinize? What premise was allowed without examination? What principle was not traced to its first origin, and exhibited in its most naked shape? What whole was not analyzed?¹⁹

¹⁸ Conrad Russell, *Academic Freedom* (New York: Routledge, 1993) 3.

¹⁹ John Henry Newman, *The Idea of a University*, ed. Martin J. Svaglic (New York: Holt, Rinehart and Winston, 1960) 353.

This opinion has been reaffirmed by contemporary historical scholarship. The renowned German secular historian Peter Classen, for example, has written: "For the first and perhaps only time in European history scholarly teaching during the thirteenth century found fullest autonomy."²⁰

In a culture formed by Christian principles it appears natural that gradually something like the university should arise. Two factors especially were relevant: the unconditional exaltation of truth and the supranational character of the papacy. The history of the university, during the period of its invention, is ecclesiastical history. Hence, it is legitimate to view our present-day situation with our type of academic freedom in this light, as, for example, Conrad Russell does: "Academics, because their privileges were originally ecclesiastical and guaranteed by the Pope, are in this the lineal heirs of the medieval Church."²¹ Richard Hofstadter also shares this view: "The medieval universities were ecclesiastical agencies founded at a time when the Church was still effectually guarding its institutions from the incursions of lay power. Both the church principle of ecclesiastical independence and the guild principle of corporate self-government provided the universities and society at large with dominant models of autonomy. This autonomy the Protestant Reformation had sharply circumscribed. As we have seen, the proud self-sufficiency, and with it much of the intellectual freedom, that had been characteristic of the medieval universities at their zenith went into decline."²²

The roots of the university, like the roots of academic freedom, are entwined with church history. The original students were mostly clerics, their teachers usually priests. From the viewpoint of the historian, the question that presents itself is not so much "How can a university be Christian, or Catholic?" It is rather "How did the university become non-Christian?"

RELIGIOUS THINKING AS PARADIGM OF FREEDOM OF THOUGHT

Thinking about God is older than Christianity, and thus freedom of thought is older than the university and its academic freedom. In spite of the innovations introduced in the 13th century, it certainly cannot be claimed that academic freedom originates essentially with the birth of the university during the Middle Ages. Academic freedom is older, and its roots lie deeper. Freedom of thought is, so to speak, the soul and life-source of academic freedom, which in turn is the embodiment of freedom of thought, namely its institutional form.

As the young university emerged, it adopted, albeit not without opposition, and developed the classical Aristotelian notion of freedom of science, not to mention the very notion of science itself. Aristotle recognized that freedom is an intrinsic characteristic of the pursuit and

²⁰ Peter Classen, *Studium und Gesellschaft* 195.

²¹ Conrad Russell, *Academic Freedom* 2.

²² Richard Hofstadter, *Academic Freedom* 121-122.

attainment of truth. Truth, sought for its own sake and for no further reason, is by its very nature free, independent, and self-determinative. Intellectual freedom, as understood by Aristotle, means freedom from any further end. The pursuit of truth as an end in itself, beyond any practical relevance, is intrinsically free. The practical relevance of education runs counter to its intellectual freedom.

The classical expression of freedom of thought was formulated by Aristotle at the beginning of his *Metaphysics*. There he explained that the most liberal knowledge is the knowledge of ultimates, which he called "theologia," a term, like "scientia," taken over from Aristotle by the medieval Scholastics. Related terms such as "scholastic" and "liberal arts" also have their source in the Christian assimilation of Greek thought at that time. The Greek word "schole" originally meant "leisure," leisure for the pursuit of truth for its own sake, as Josef Pieper pointed out in his classical defense of academic freedom. Theology for Aristotle was the paradigm of free thought. And what he meant by free was not the negative freedom from extrinsic authorities, but the positive freedom from any further end. In this context freedom means self-determination. About theology he wrote: "Evidently then we do not seek it for the sake of any other advantage; but as the man is free, we say, who exists for his own sake and not for another's, so we pursue this as the only free science, for it alone exists for its own sake."²³ Freedom is thus more than the absence of coercion; it is a positive, motivating force.

Not usefulness, but rather wonder is the motivating force for the pursuit of theological knowledge. . . . That it is not a science of production is clear even from the history of the earliest philosophers. For it is owing to their wonder that men both now begin and at first began to philosophize; they wondered originally at the obvious difficulties, then advanced little by little and stated difficulties about the greater matters, e.g., about the phenomena of the moon and those of the sun and of the stars, and about the genesis of the universe. And a man who is puzzled and wonders thinks himself ignorant . . . ; therefore since they philosophized in order to escape from ignorance, evidently they were pursuing science in order to know, and not for any utilitarian end. . . . All the other sciences, to be sure, are more necessary than this, but none is better.²⁴

That for the Greeks the purest theoretical life did not exclude religious practice is evidenced by the fact that the original academic com-

²³ Aristotle, *Metaphysics* 1.2; English translation from *A New Aristotle Reader*, ed. J. L. Ackrill (Princeton: Princeton University, 1987) 259. "Hence the possession of it might be justly regarded as beyond human power. . . . Nor should any other science be thought more honourable than one of this sort. For the most divine science is also most honourable; and this science alone is, in two ways, most divine. For the science which it would be most meet for God to have is a divine science, and so is any science that deals with divine objects; and this science alone has both these qualities; for God is thought to be among the causes of all things and to be a first principle, and such a science either God alone can have, or God above all others" (ibid.).

²⁴ Ibid.

munity, namely Plato's academy, had its own religious cult, possessing even a priestly office. Pieper has shown that for Plato "theoria in the full sense can exist and can be realized as a habit only to the extent to which the world is viewed as having meaning guaranteed by some entity beyond the human. . . . [It is clear] that the whole area of the academic, above all academic freedom, rests upon a rather unexpected foundation and that, if deprived of this foundation, it is cut off from its roots and cannot survive. Plato's academy was, in the strict sense, a cult community. It had an office for the preparation of the sacrifice."²⁵ If this holds for philosophical theology, it must hold all the more when truth itself is identified with God, as in Christian theology, and when, as in the university of the High Middle Ages, theology serves as the paradigm of all science. Of course, Aristotelian theology is not identical with Christian theology, but Christian theology can be no less.

Lest one object here that Aristotle's observation is valid merely for philosophical theology, one should consider that Thomas Aquinas, for one, took over the Aristotelian theory of knowledge, in particular the distinction between the different sciences, and developed it without hesitation to meet the requirements of theology based on Christian revelation. Aquinas interpreted Aristotelian philosophy of science as implying that theology is distinguished because of its abstraction. From this medieval conceptualization arises our notion of abstraction. Based on this, Aquinas defined theology by reason of its point of view (*modus considerandi*). Theology was understood as looking upon reality from the viewpoint of the act of Being.²⁶ Apprehending something as real, that is, with explicit reference to reality, as opposed for example to imagination, is what is called truth. Furthermore, Aquinas integrated the act of believing into this conception, for he explained the necessity of believing by appealing to that kind of wonder that arises from the awareness of reality as such.²⁷

If these thoughts currently possess any degree of validity, it would seem not unreasonable to draw the conclusion that a liberal education does not take place solely in theology, nor does it take place in every part of theology. Nonetheless, theological studies can provide a certain guarantee of the presence of liberal thought in the university. I would maintain that no other intellectual endeavor is better predisposed for this role, especially because of the Christian identification of God with truth itself, which amounts to valuing truth as absolute and universal. This holds true only to a certain point, since theology is undoubtedly susceptible to being turned to practical purposes. Disciplines such as philosophy, especially metaphysics, and theoretical physics seem bet-

²⁵ Josef Pieper, *Was heißt akademisch? Zwei Versuche über die Chance der Universität heute* (Munich: Kösel, 1964) 35.

²⁶ See esp. Thomas Aquinas, *In Boethii De trinitate* q. 5, a. 2.

²⁷ See William J. Hoye, "Der Grund für die Notwendigkeit des Glaubens nach Thomas von Aquin," *Theologie und Philosophie* 70 (1995) 374–82.

ter protected against such reversals, since their theoretical character is less frequently challenged. Still, where true theology is included in academic life, that is, where truth is being pursued most purely for its own sake, freedom of thought is present. There are, to be sure, not only liberal sciences, but also a liberal dimension for the study of any science. In a certain sense, "vocational training" is contrary to freedom of thought, even though the two are not so foreign to one another that they cannot coexist. Vocational training at a university could include the seeking of truth for its own sake and not just for its utility. Why one studies is what makes the difference. If students are motivated not only by practical, useful intentions but also by the sheer wonder about truth, they are then pursuing a liberal education.

A Christian university is characterized, therefore, not merely by its involvement with Christian traditions. More important is the way in which these traditions are viewed. A Christian university is better characterized by the fact that theology is carried on there. This endeavor testifies to the liberal attitude of the university as a whole. The theological way of viewing reality is a pure form of positive, intrinsic intellectual freedom. Like so much of what defines a university the very notion of abstraction, that is, scientific knowledge, represents another example of a legacy of 13th-century university theology. In this sense, theological thinking keeps in view the horizon of Being. And in this awareness lies the theoretical life par excellence. Every other form of liberal thought embodies a diminutive form of this kind of freedom.

The attitude one has toward truth determines more than just the intellectual life. It also determines the moral life. In other words, a liberal education, the awesome quest for truth for no other reason but to know it, is not a merely academic matter since it affects the whole person. Character is essentially shaped by one's attitude toward truth. Moreover, there exists a fundamental dependence of freedom upon truth. As Christians express it, "The truth will set you free" (John 8:32).

In his encyclical letter *Veritatis splendor* Pope John Paul II recently confronted this inherent dependence of freedom upon the adherence to truth with what he calls a contemporary "crisis of truth." As he puts it:

Certain currents of modern thought have gone so far as to 'exalt freedom to such an extent that it becomes an absolute, which would then be the source of values.' This is the direction taken by doctrines which have lost the sense of the transcendent or which are explicitly atheist. . . . Once the idea of a universal truth about the good, knowable by human reason, is lost, inevitably the notion of conscience also changes. . . . The individual conscience is accorded the status of a supreme tribunal of moral judgment which hands down categorical and infallible decisions about good and evil. To the affirmation that one has a duty to follow one's conscience is unduly added the affirmation that one's moral judgment is true merely by the fact that it has its origin in the conscience. But in this way the inescapable claims of truth disappear, yielding their place to a

criterion of sincerity, authenticity and 'being at peace with oneself,' so much so that some have come to adopt a radically subjectivistic conception of moral judgment.²⁸

When individual conscience and freedom are cut off from their natural dependence upon truth, they are in a precarious situation. But the conception of freedom presumed at the medieval university did not remain simply a rhetorical program. Scholastic theologians developed methods to arouse and support free thought.

DOUBT AND THE DISPUTED QUESTION

The pedagogical method of doubting (*dubitatio*) quickly became an essential component of medieval Scholastic method. "No one can search for truth who has not previously known doubt," reasserted Thomas Aquinas in his commentary on Aristotle's *Metaphysics*. Aquinas intensified the Aristotelian pedagogical ideal by universalizing the application of doubt in regard to truth questions; he spoke of "universal doubt concerning truth (*universalis dubitatio de veritate*)."²⁹ Medieval Scholasticism employed doubting as an instrument of intellectual emancipation. Aquinas explained: "Whoever wants to seek truth without having known doubt beforehand is like someone who does not know where he is going."³⁰ For "when someone does not know beforehand the doubt, the solution of which marks the goal of his search, then he cannot know when he has found the truth which he is seeking."³¹ Aquinas compared the learning situation with loosening something bound. Persons not acquainted with the fetter of reason will not recognize when the fetter has been loosened.³² As long as students

²⁸ *Veritatis splendor* no. 32. "Conscience is no longer considered in its primordial reality as an act of a person's intelligence, the function of which is to apply the universal knowledge of the good in a specific situation and thus to express a judgment about the right conduct to be chosen here and now. Instead, there is a tendency to grant to the individual conscience the prerogative of independently determining the criteria of good and evil and then acting accordingly. Such an outlook is quite congenial to an individualist ethic, wherein each individual is faced with his own truth, different from the truth of others. Taken to its extreme consequences, this individualism leads to a denial of the very idea of human nature" (ibid.).

²⁹ Thomas Aquinas, *In metaphysicam Aristotelis commentaria*, lib. 3, lect. 1, n. 6.

³⁰ Ibid. n. 3.

³¹ Ibid. lib. 1, lect. 2, n. 4.

³² "The study of truth is a consequence of the solving of a previous doubt. In the case of a binding on one's body, it is clear that the binding cannot be loosened as long as it is not known. Doubt regarding a question is related to the mind as a physical binding is related to the body and exhibits the same effect. The more someone doubts, the more there appears a resemblance to those who are tightly bound. For just as someone whose feet are chained is unable to move forward in a bodily sense, so is someone who doubts, his mind being, so to speak, bound, unable to move forward on the path of knowledge. Hence, just as someone who wants to loosen a binding on his body must first examine the binding and see how it binds, so also must anyone desiring to solve a doubt first study all the pertinent difficulties and their causes" (ibid. n. 2; translation mine).

remain satisfied that they are in possession of truth and are not animated by questions, they will hardly be motivated to commence a search for truth.

The mature form of this method as represented in the "quaestio disputata" is preceded by Peter Abelard's (1079–1142) conception in his programmatical work *Sic et non*, in which the teachings of faith authorities are ordered in such a way as to arouse (*excitant*) and provoke (*provocent*) young (or "tender") students by methodically demonstrating that the authorities invariably lead to contradictions. Consult the traditional authorities of faith to find the answer to a question, and you get the answer "yes and no (*sic et non*)." The purpose of the ensuing perplexity is to leave the readers with no alternative but to have recourse to their own reason. Abelard's intention was, as he explained, to excite the students to search out the truth of the matter, and render students sharper for their investigation. For the first key to wisdom is called interrogation, diligent and unceasing. By doubting we are led to inquiry; from inquiry we perceive the truth. Abelard, one of the founding fathers of the idea of a university, deliberately employed logic in order to push the teaching of revelation to the status of a free intellectual enquiry. To arouse the desired doubt, he employed authorities. This is not freedom from authorities but freedom through authorities. Ironically, the "fetters" of theological dogmatics prove in truth to be an emancipative force. To every question Peter Abelard grouped the teachings of the faith authorities into two sides, pro and con. Then, unlike the disputed questions, he simply terminated his presentation, offering no solution to the ensuing contradictions, but instead, having maneuvered the readers into a state of perplexity, simply abandoned them.

The more developed method required by the later Scholastic "quaestio disputata" demanded that the first thing one does when dealing with a question is to present the presumably false opinions of opponents and to do this as convincingly and understandably as possible, even going as far as to cite biblical arguments in favor of blatantly false opinions. In order to gain intellectual freedom of judgment, one is required to identify with falsehood. Even beginning students were confronted from the start with this method, as can be seen in Thomas Aquinas's surprising decision to structure his introductory *Summa theologiae* as a collection of small "quaestiones disputatae."

Intellectual intolerance would be less likely if the well-defined form of the "quaestio disputata" were to be reintroduced into academic life today. That may be too much to expect, but tolerance, in the authentic sense of a virtue and not just in the sense of indifference, demands nonetheless that the polemicist presume that an opponent's position be at the very least understandable. It would certainly be an improvement if an unwritten law were generally accepted requiring that everyone present plausible arguments in favor of a rejected position prior

to criticizing it. This entails more than mere dialogue, that is, more than mere exchange of opinions.

AUTHORITY AND REASON

A key word in the self-understanding of academic freedom, no less in the Middle Ages than today, is "authority." The question about the relationship between authority and reason brings us to an idea that is truly difficult for us to understand today because it is so foreign to the modern mentality. The medieval conception was expressed in the well-known depiction of someone standing on the shoulders of others; authorities of the past were viewed as giants and thinkers of the present as dwarfs.³³ It is, of course, a picture of self-effacement, but progress was not excluded, for this self-portrait concluded by remarking that the dwarfs are sitting on the shoulders of the giants and hence are able to see farther than they.

The medieval theologians turned the question of authority and reason into a problem of hermeneutics, that is, they made it into a question on how to interpret texts, especially authoritative, binding texts. A helpful analogy from our own experience would be the role of a constitution in contemporary democracies, or a text endowed with binding authority. Essential to the authority of a constitution is the continuing existence of a supreme court; the supreme court interprets the text in accordance with what judges consider to be the truth in their own time. A constitution is a dead text of a bygone age, but precisely serves to protect individual liberties against the tyranny of the majority and of the state.

The medieval university confronted itself explicitly with a dilemma which arises in an analogous manner. On the one hand, there exists an extensive predetermined, even to a degree unchangeable collection of given authorities; on the other hand there exists flourishing youthful intellectual life. What is the relationship between traditional authority and one's own reason? The academic freedom that the 13th century had in mind demanded more than mere freedom from authority. For the Scholastic mentality an authority was, precisely speaking, a traditional, classical *text*. No living person, neither thinker nor prince nor bishop, could be regarded as an authority.

The solution worked out in medieval Scholasticism to harmonize mature reason with the acknowledged commitments of faith consisted of a special hermeneutics, referred to by the schoolmen as "pious or reverent interpretation (*pia interpretatio; exponere reverenter*)."³³ The key to this approach lies in conceiving authorities as texts. This clear distinction between language and thought was what Wolff had in mind when he appealed to the case of Galileo. Aquinas recapitulated the medieval view with the enigmatic observation that if students were to

³³ See John of Salisbury, *Metalogicon* 3.4.

hear only the teachings of "naked" faith authorities at their lectures they would leave the lecture hall with empty heads, for although they would then know what faith teaches they would have acquired neither knowledge nor understanding.³⁴ This method treats an authority, as the well-known medieval caricature put it, like a nose of wax, which can be bent in different directions.³⁵ Another contemporary, Adelard of Bath (12th cent.), employed a more drastic metaphor when he wrote: "Every authority is a whore."³⁶

Abelard's method provoked a question dear to the Scholastics: What is to be done when the teachings of authorities contradict one another? Aquinas offered a Scholastic solution: "Should one desire to harmonize the statements of different thinkers, then it can be said that the authorities must be interpreted."³⁷ This implies that the understanding of an authoritative text arises out of two sources: binding faith and the reader's own reason. Medieval Christians liked to speak of the two books written by God: the Bible, read by faith, and the book of nature, read by reason. Each can be employed to find the true meaning of the one author in the other. Galileo made use of this figure in his defense, presuming the compatibility of the teachings of both books.

Furthermore, the question here under consideration can be seen most clearly by viewing a religious text, especially the Bible, unquestionably the highest authority in the Middle Ages. Whereas it is commonly known that according to medieval hermeneutics a biblical text can have several meanings, the primary one being the literal, while the others are grouped together as spiritual meanings, Aquinas went beyond this by declaring that even the literal meaning of a biblical text can have several different meanings. To be exact, he insisted that it must always be held open for a number of meanings. He argued that "it is part of the dignity of Holy Scripture that a plurality of meanings is contained under one and the same letter,"³⁸ so that it thus harmonizes with different understandings of the human readers. Thus, each one is astonished to find in divine Scripture the very truth that he has conceived in his own mind. And hence, it is easy to defend the faith against infidels in that, when someone finds a teaching in Scripture which appears to be false, recourse can simply be taken to another meaning."³⁹

Aquinas laid down three rules. First, the claim that a revelation text

³⁴ "Si nudis auctoritatibus magister quaestionem determinet, certificabitur quidem auditor quod ita est, sed nihil scientiae vel intellectus acquirere et vacuus abscedet" (Thomas Aquinas, *Quaestiones quodlibetales* 4, q. 9, a. 3c).

³⁵ Alanus ab Insulis, *De fide catholica* 1.30 (PL 210.333).

³⁶ Adelard of Bath, *Quaestiones naturales* 6.

³⁷ Thomas Aquinas, *In II. Sent.* d. 2, q. 1, a. 3, ad 1.

³⁸ The Blackfriars edition of the English Dominicans (London, 1933; 1952) misconstrues Aquinas's hermeneutics with the translation "it is part of the dignity of Holy Writ that under the one literal sense many others are contained."

³⁹ Thomas Aquinas, *De potentia* q. 4, a. 1c.

has only one specific meaning must always be avoided. Revelation teaches many truths, but there is no such thing for him as the true teaching of faith. Second, the meaning that one attributes to the text must be a truth in its own right. And, third, this meaning must respect the wording of the text. Consequently, what the human author of the text originally had in mind is not decisive for this hermeneutics; truth is decisive. As Aquinas put it, "Hence, even if the expositors of Sacred Scripture fit certain truths to the wording of the text which the human author did not intend, there can be no doubt that it was in the thought of the Holy Spirit, who is the principal author of Sacred Scripture. Therefore, every truth that can be adapted (*aptari*) to divine Scripture, without doing violence to the wording (*salva litterae circumstantia*), is its meaning."⁴⁰ To the objection that this seems to imply the possibility that the spiritual meanings could contain true meanings has been eliminated, Aquinas replied that the spiritual meanings pertain, not to meanings of the text, but to true meanings of the meanings of the text. In other words, he maintained that the realities referred to in the literal meanings of the text may themselves in turn refer to further realities.⁴¹ Accordingly, a metaphorical meaning is to be regarded as a literal meaning.⁴²

In this kind of hermeneutics, reason is granted the legitimation to be more than just a tool of theology for systematizing truths derived from revelation. In other words, reason is elevated to a genuine source of theological truth in its own right. Meister Eckhart succinctly articulated the relationship of truth to truths when he wrote, "Since therefore the literal sense is that which the author of the writing intended and the author of Holy Scripture is God, hence every meaning which is true is a literal meaning. For it is clear that every single truth (*omne verum*) originates from truth itself (*ab ipsa veritate*), is contained in it, is derived from it and is meant by it."⁴³ Truth, therefore, is the key. Not truths (i.e. individual truths), but rather the truth makes us free. This kind of hermeneutics is exactly the opposite of religious fundamentalism, for it uncompromisingly allows reason to come into full play, while acknowledging nonetheless the binding infallibility of the biblical text. For how can truth be more highly esteemed than by identifying it with God? No wonder then that truth becomes an absolute within the university. What better way could there be to ground and motivate the search for truth which is the vital principle of academic life?

This kind of hermeneutics represents a pure form of the hermeneutical "circle" as understood by Martin Heidegger. The process of understanding a text involves for him more than simply a circle between the author and the interpreter; "the circle of understanding . . . is the ex-

⁴⁰ Ibid.

⁴¹ See Thomas Aquinas, *Summa theologiae* 1, q. 1, a. 10c.

⁴² Ibid. ad 3.

⁴³ Meister Eckhart, *Liber parab. Gen.* n. 2 (LW I 449).

pression of the existential *pre-structure* of existence itself."⁴⁴ The "first, permanent and ultimate task of interpretation" consists in the interpreter's own direct study of the matter presupposed by the text.⁴⁵ The hermeneutical circle is thus based on "an ontological circular structure."⁴⁶ Hans-Georg Gadamer, who has further developed this insight,⁴⁷ has expressed it in a way which may be translated freely: "Whoever is trying to understand a text is always making his own draft."⁴⁸ As he has pointed out, it is the Enlightenment that is responsible for suppressing this aspect in the portrayal of the meaning of authorities in medieval hermeneutics.⁴⁹ The Scholastic reconciliation of reason and authority is in fact an extreme case of what Gadamer has referred to as the "prejudice of completeness," namely, the presupposition on the part of the interpreter "that what the text says is the complete truth."⁵⁰ This approach would render much conflict between individual theologians and the magisterium superfluous.

Since the application of this kind of hermeneutics, which incidentally resembles the hermeneutics presupposed within the Bible itself, is not restricted to religious authority, it represents a further aspect under which theology could serve as a model in an age that seems to be becoming increasingly conformist to rigid rules of speech. By interpreting authority as language, rational thought can be fully granted the acknowledgement that is its due, and the adherence to an inherited tradition becomes a protective structure containing a guarantee for freedom in the pursuit of truth.

⁴⁴ Martin Heidegger, *Sein und Zeit* (Tübingen: Max Niemeyer, 1993) § 32 153.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ Hans-Georg Gadamer, *Wahrheit und Methode: Grundzüge einer philosophischen Hermeneutik* (Tübingen: J. C. B. Mohr, 1990) 298–99.

⁴⁸ *Ibid.* 271.

⁴⁹ See *ibid.* 276–81.

⁵⁰ *Ibid.* 299.