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MUSICOLOGY AND ACADEMIC FREEDOM

‘Music and the University’ conference, City, University of London, 7 July 2022

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Wilhelm von Humboldt, ‘Über die innere und äussere Organisation der höheren wissenschaftlichen Anstalten zu Berlin’ (1809-10), translated as ‘On the Spirit and the Organisational Framework of Intellectual Institutions in Berlin’, *Minerva*, vol. 8, no. 2 (April 1970), pp. 242-250.

‘Since these institutions [universities] can only fulfil their purposes when each of them bears continuously in mind the pure idea of science and scholarship [these two terms are used to translate *Wissenschaft*], their dominant principles must be freedom and the absence of distraction (*Einsamkeit*).’

‘At the higher level, the teacher does not exist for the sake of the student; both teacher and student have their justification in the common pursuit of knowledge. The teacher’s performance depends on the students’ presence and interest – without this science and scholarship could not grow. If the students who are to form his audience did not come before him of their own free will, he, in his quest for knowledge, would have to seek them out. The goals of science and scholarship are worked towards most effectively through the synthesis of the teacher’s and the students’ dispositions.’

‘The state must always remain conscious of the fact that it never has and in principle never can, by its own action, bring about the fruitfulness of intellectual activity. It must indeed be aware that it can only have a prejudicial influence if it intervenes. The state must understand that intellectual work will go on infinitely better if it does not intrude.’

‘Now as regards the organisational and material side of the relationship of the institution to the state, the only concerns of the latter must be profusion (in the sense of mental power and variety) of intellectual talents to be brought together in the institution. This can be achieved through care in the selection of persons and the assurance of freedom in their intellectual activities. This intellectual freedom can be threatened not only by the state, but also by the intellectual institutions themselves which tend to develop, at their birth, a certain outlook and which will therefore readily resist the emergence of another outlook. The state must seek to avert the harm which can possibly arise from this source.

The heart of the matter is the appointment of the persons who are to do the intellectual work.’

‘The state must not deal with its universities as *Gymnasia* or as specialised technical schools; it must not use its academy as if it were a technical or scientific commission. It must in general – with certain exceptions among the universities which will be considered later – demand nothing from them simply for the satisfaction of its own needs. It should instead adhere to a deep conviction that if the universities attain their highest ends, they will also realise the state’s ends too, and these on a far higher plane. On this higher plane, more is comprehended and forces and mechanisms are

brought into action which are quite different from those which the state can command.'

'The young person, on entry into university, should be released from the This content downloaded from the compulsion to enter either into a state of idleness or into practical life, and should be enabled to aspire to and elevate himself to the cultivation of science or scholarship which hitherto have only been pointed out to him from afar.

The way thereto is simple and sure. The aim of the schools must be the harmonious development of all the capacities of their pupils. Their powers must be focused on the smallest possible number of subject- matters but every aspect of these must be dealt with to as great an extent as possible. Knowledge should be so implanted in the mind of the pupil that understanding, knowledge and creativity excite it, not through any external features, but through their inner precision, harmony and beauty. [. . .] A mind which has been trained in this way will spontaneously aspire to science and scholarship.'

Charles Sanders Peirce, 'The First Rule of Logic', in *Reasoning and the Logic of Things: The Cambridge Conferences Lectures of 1898*, edited Kenneth Laine Ketner (Cambridge, MA and London: Harvard University Press, 1992), pp. 165-180.

'...inquiry of every type, fully carried out, has the vital power of self-correction and of growth. This is a property so deeply saturating its inmost nature that it may truly be said that there is but one thing needful for learning the truth, and that is a hearty and active desire to learn what is true. If you really want to learn the truth, you will, by however devious a path, be surely led into the way of truth, at last. No matter how erroneous your ideas of the method may be at first, you will be forced at length to correct them so long as your activity is moved by that sincere desire. Nay, no matter if you only half desire it, at first, that desire would at length conquer all others could experience continue long enough. But the more voraciously truth is desired at the outset, the shorter by centuries will the road to it be.

In order to demonstrate that this is so, it is necessary to note what is essentially involved in The Will to Learn. The first thing that the Will to Learn supposes is a dissatisfaction with one's present state of opinion. There lies the secret of why it is that our American Universities are so miserably insignificant. What have they done for the advance of civilization? What is the great idea or where is [a] single great man who can truly be said to be the product of an American University? The English universities, rotting with sloth as they always have, have nevertheless in the past given birth to Locke and to Newton, and in our time to Cayley, Sylvester and Clifford. The German universities have been the light of the whole world. The medieval University of Bologna gave Europe its system of law. The University of Paris, and that despised Scholasticism took Abelard and made him into Descartes. The reason was that they were institutions of learning while ours are institutions for teaching. In order that a man's whole heart may be in teaching he must be thoroughly imbued with the vital importance and absolute truth of what he has to teach; while in order that he may have any measure of success in learning he must be penetrated with a sense of the unsatisfactoriness of his present condition of knowledge. The two attitudes are almost irreconcilable.' (pp. 170-171).

America Association of University Professors, '1940 Statement of Principles on Academic Freedom and Tenure' – at <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>

1. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
2. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter *which has no relation to their subject* [my italics]. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.
3. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

'Hillhead Amendment' to UK 1988 Education Reform Act – at <https://www.legislation.gov.uk/ukpga/1988/40/contents> . Tasks of University Commissioners include:

'to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions;'

1997 UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel – at <https://unesdoc.unesco.org/ark:/48223/pf0000160495>

III. 4: Institutions of higher education, and more particularly universities, are communities of scholars preserving, disseminating and expressing freely their opinions on traditional knowledge and culture, and pursuing new knowledge without constriction by prescribed doctrines. The pursuit of new knowledge and its application lie at the heart of the mandate of such institutions of higher education. In higher education institutions where original research is not required, higher-education teaching personnel should maintain and develop knowledge of their subject through scholarship and improved pedagogical skills.

VI. 26: Higher-education teaching personnel, like all other groups and individuals, should enjoy those internationally recognized civil, political, social and cultural rights applicable to all citizens. Therefore, all higher-education teaching personnel should enjoy freedom of thought, conscience, religion, expression, assembly and association as well as the right to liberty and security of the person and liberty of movement. They should not be hindered or impeded in exercising their civil rights as citizens, including the right to contribute to social change through freely expressing their opinion of state policies and of policies affecting higher education. They should not suffer any penalties simply because of the exercise of such rights. Higher-education teaching personnel should not be subject to arbitrary arrest or detention, nor to torture, nor to cruel, inhuman or degrading treatment. In cases of gross violation of their rights, higher-education teaching personnel should have the right to appeal to the relevant national, regional or international bodies such as the agencies of the United Nations, and organizations representing higher-education teaching personnel should extend full support in such cases.

VI. 27: The maintaining of the above international standards should be upheld in the interest of higher education internationally and within the country. To do so, the principle of academic freedom should be scrupulously observed. Higher-education teaching personnel are entitled to the maintaining of academic freedom, that is to say, the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies. All higher-education teaching personnel should have the right to fulfil their functions without discrimination of any kind and without fear of repression by the state or any other source. Higher-education teaching personnel can effectively do justice to this principle if the environment in which they operate is conducive, which requires a democratic atmosphere; hence the challenge for all of developing a democratic society.

VI. 28: Higher-education teaching personnel have the right to teach without any interference, subject to accepted professional principles including professional responsibility and intellectual rigour with regard to standards and methods of teaching. Higher-education teaching personnel should not be forced to instruct against their own best knowledge and conscience or be forced to use curricula and methods contrary to national and international human rights standards. Higher-education teaching personnel should play a significant role in determining the curriculum.

VI. 29: Higher-education teaching personnel have a right to carry out research work without any interference, or any suppression, in accordance with their professional responsibility and subject to nationally and internationally recognized professional principles of intellectual rigour, scientific inquiry and research ethics. They should also have the right to publish and communicate the conclusions of the research of which they are authors or co-authors, as stated in paragraph 12 of this Recommendation.

VI. 30: Higher-education teaching personnel have a right to undertake professional activities outside of their employment, particularly those that enhance their professional skills or allow for the application of knowledge to the problems of the community, provided such activities do not interfere with their primary commitments to their home institutions in accordance with institutional policies and regulations or national laws and practice where they exist.

On ‘collegiality’:

VI. 32: ‘The principles of collegiality include academic freedom, shared responsibility, the policy of participation of all concerned in internal decision making structures and practices, and the development of consultative mechanisms. Collegial decision-making should encompass decisions regarding the administration and determination of policies of higher education, curricula, research, extension work, the allocation of resources and other related activities, in order to improve academic excellence and quality for the benefit of society at large.’

2017 UK Higher Education and Research Act Section 2(8), at <https://www.legislation.gov.uk/ukpga/2017/29/contents/enacted>

In this Part, “the institutional autonomy of English higher education providers” means—

- (a) the freedom of English higher education providers within the law to conduct their day to day management in an effective and competent way,
- (b) the freedom of English higher education providers—
 - (i) to determine the content of particular courses and the manner in which they are taught, supervised and assessed,
 - (ii) to determine the criteria for the selection, appointment and dismissal of academic staff and apply those criteria in particular cases, and
 - (iii) to determine the criteria for the admission of students and apply those criteria in particular cases, and
- (c) the freedom within the law of academic staff at English higher education providers—
 - (i) to question and test received wisdom, and
 - (ii) to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at the providers.

2020 Academic Freedom and Internationalisation Working Group, ‘Model Code of Conduct for the Protection of Academic Freedom and the Academic Community in the Context of the Internationalisation of the UK Higher Education Sector’, at <https://hrc.sas.ac.uk/networks/academic-freedom-and-internationalisation-working-group/model-code-conduct>

- teach, discuss, assess, define the curriculum and study within their areas of academic expertise and/or inquiry;

- promote and engage in academic thinking, debate and inquiry; • carry out research, and publish the results and make them known;
- freely express opinions about the academic institution or system in which they work or study;
- participate in professional or representative academic bodies;
- not be censored; and,
- fulfil their functions without discrimination or fear of repression.

2021 bill from the UK Department of Education, ‘Higher Education: Free Speech and Academic Freedom’, at <https://www.gov.uk/government/publications/higher-education-free-speech-and-academic-freedom>

10. Academic freedom is primarily concerned with the ability of academics to question and test perceived wisdom and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or privileges they may have at the HEP. This is vital in ensuring that academics are able to teach and undertake research that challenges established boundaries in their respective areas.

11. A further related and fundamental principle in higher education is the principle of institutional autonomy. This freedom from outside intervention gives HEPs clear grounds to resist external attempts to influence curricula and calls to take action that would undermine academic freedom, such as dismissal campaigns against academic staff. This document focuses on freedom of speech and academic freedom within higher education.

The following section is key:

The HEP should not interfere with academic freedom by imposing, or seeking to impose, a political or ideological viewpoint upon the teaching, research or other activities of individual academics, either across the whole HEP or at department, faculty or other level. For example, a head of faculty should not force or pressure academics to teach from a their own ideological viewpoint, or to only use set texts that comply with their own viewpoint. This applies equally to contested political ideologies that are not associated with a particular political party or view, such as ‘decolonising the curriculum’.

The HEP also seeks to ensure that their disciplinary codes or procedures are drafted in a way that does not act to inhibit lawful free speech and/or that does not create the impression that those codes or procedures may be used to punish lawful free speech. For example, a disciplinary code which refers to ‘offensive speech’ or to ‘bringing the [HEP] into disrepute’ without reference to the right to free speech may act to inhibit free speech or academic freedom that is within the law.