

# COMMENTS

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## Dimensions of Academic Freedom in Research (43719A)

**W**e most often think of academic freedom in terms of the subject and content of lectures and class materials. When controversies arise concerning research, the issues usually concern political correctness or allegations of bias arising either from the sponsorship of the work or from an interest by the researcher in the outcome. These controversies, however, often result in pressures that threaten the freedom of the academic researcher to pursue that research he or she thinks is most important or interesting.

Threats to academic freedom in research can be grouped into three categories: 1) pressure to not work on controversial questions, 2) pressure to contribute to the college's income by working in areas that attract large grants and contracts, and 3) restrictions on the publication of results of research due to national security classification or because of the proprietary interests of commercially sponsored research.

For those who do bench research, the category about controversial research may not seem to be as personally relevant as the others. After all, when a college (in this article, any institution of higher learning from a junior college to a comprehensive university) hires someone to do research, the college pretty well knows the areas in which the work will be done and has approved it by hiring that person rather than another applicant. The researcher (any faculty member who is involved at least part time in research) tries to gather some students, postdocs, and technicians to

form a research team and undertakes research in that area. Examples that may counter that impression include the canceled conference on potential genetic basis of propensity to violence (1), studies on the potential relationship between intelligence and race (2), and possible physiological and genetic components in homosexuality (3).

Most research, however, is not bench research and is even more open to controversy. Studies that cast doubt on important aspects of a country's culture, such as religious beliefs, economic system, or political system, would be sure to be controversial and produce pressures from politicians and representatives of the group whose preeminence was questioned.

Most of the time, the individual legislator or administrator does not personally have any negative thoughts about a particular researcher's project. They have accepted that both basic and applied research benefits society and they support it to a greater or lesser extent. However, if the research is made public and controversy is generated, the legislators become concerned with the loss of political and financial support if they are seen as supporting the research or being indifferent. Or they may see an opportunity to play the demagogue and advance their careers. This concern gets transmitted to the college's president in the form of threatened loss of state support. The president is also looking at the potential loss of contributions and new students. This will probably result in a somewhat strained meeting of the President, Dean, and researcher. The meeting is probably going to be less stressful for the researcher if he or she has tenure.

Many researchers think these are important situations in the abstract, but that the situations don't really apply to them. They see their research as totally non-controversial and the situation as unlikely to change.

The Paul Fisher case is an example of a rather straightforward research project that generated some

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controversy and subsequent pressure on his institution (4). Dr. Fisher was a Professor in Family Medicine at the Medical College of Georgia. He and his collaborators published results that showed that the Old Joe the Camel™ ads appealed to children in that Old Joe was recognized as well as most cartoon characters (5). RJ Reynolds subsequently sued to obtain the raw data on which the papers were based and the names of the children who participated in the project. Dr. Fisher feared that releasing the names would expose the participants to possible harassment and refused. The legal questions involved are still in the court system and are not germane to this point. However, the Georgia State Attorney General, who by law is the legal representative of the University System of Georgia, ruled that the Georgia Open Records Act applied to the research, so Dr. Fisher could not legally refuse to release the requested records. (Incidentally, this supplied RJR with the key to obtaining the records, whereas they had not invoked the Open Records Act.) Therefore, Dr. Fisher has had to personally bear a major portion of the costs of defending his research and the confidentiality of his subjects. Again, we see a financial penalty for creating controversy, even when the majority of people would probably agree with the results of the research.

This case and others also raise questions about who owns research data, who has access to it, and how is subject confidentiality to be protected. Many colleges are actively working on this problem. This is a very difficult question because some research data, such as autoradiograms, gels, and monoclonal antibodies, cannot be duplicated. Most colleges start from the premise that results of all research done at an institution belongs to that institution because they must be able to respond to questions of fraud or misconduct that may arise even after the researcher has left their institution (6). Courts in different states have ruled differently on similar cases.

The second category of threats to academic freedom is pressure from college administrators for the researcher to contribute to the college's income by obtaining research funds. Most colleges, public and private, face budgetary problems brought on by the inability to increase revenues sufficiently to meet increased costs. In public institutions, the major problem has come from financial constraints passed on to colleges by states facing vastly increased claims on the state budget engendered by the massive shift of non-defense spending from the federal government to the states during the Reagan administration (7). Because most faculty would love to obtain grants to support their research, it would seem that both researchers and administrators have the same goal. Many administrators recognize this and approach the problem as "How

can we work together to achieve this goal of support for your research?"

The threat to academic freedom arises from another approach that is more confrontational. Some administrators have resorted to threats of loss of office and laboratory space for those who do not receive significant, external funding including salary support. This has sometimes included the statement that tenure is the only thing that keeps the researcher from being fired. A statement made by a senior vice-president at one college with which the author is familiar exemplifies this mindset. He said that the only reason publications were valued at his institution was that you cannot get grants without a good publication record.

This way of thinking leads to a focus on the bottom line. Departments and individual researchers are treated as mini-cost centers that are expected to make a profit or at least cover their costs to the college (8). Not only does this lead to the devaluing of teaching because it is not seen as bringing in money, it also leads to underfunding of departments and research areas that do not have access to large sources of funds. (Incidentally, it is precisely those programs that are likely to employ significant numbers of women and minorities.) Budgetary considerations rather than academic merit determine which programs to offer and which students to admit.

Of course, any organization must have enough income to cover its expenses if it wishes to continue in existence. However, businesses that think their purpose is to make a profit tend to concentrate on the near-term and focus internally. Successful businesses define their purpose as creating and keeping customers by producing a product or service that fills a need at a price people can afford (9). If colleges focus on financial matters, they too are likely to focus internally and ignore long term trends and the needs of society. This is likely to distort their primary role in the generation and transmission of knowledge to the benefit of society. The tendency is reinforced by the growing influence of corporate and military interests, which have shifted the missions of many colleges to serve private research interests (10).

The "bottom line" type of administrators wants their colleges to follow the latest, hottest, and therefore most easily fundable areas of research. Given the expanding opportunities for research and limited resources, colleges must choose which current areas to maintain and which of the new areas to develop. One of the major purposes of faculty development programs is to allow faculty, both those who are in areas that are being de-emphasized and those who simply wish to move from one active area to another, to gain expertise in new areas. A sabbatical leave policy that faculty are encouraged to use is a particularly effective

way to encourage development of the required expertise. For some interdisciplinary fields, administrators may also need to take the lead in overcoming a narrow focus on the departmental structure, for example by establishing research institutes or interdisciplinary programs (11). They must also ensure that faculty participating in these programs both in research and teaching receive credit equal to those whose efforts are more departmentally oriented.

Administrators focusing on grants as a source of income see the key issue as "flexibility" rather than academic development. They would prefer to be able to fire faculty in out-of-favor areas and bring in new faculty in the more fashionable fields. Tenure is a big hindrance to this, so we see growth of non-tenure track faculty at these colleges (12). Even for those on tenure track, the probationary period is often extended (13). Many colleges make use of part time faculty to carry much of the teaching load to allow more time for tenured faculty for research. Then when tenure track positions become available, the same colleges penalize their part time faculty as not being serious about research. Tenured faculty who are not funded or only modestly funded can expect only minimum raises no matter what other contributions they make. The author knows of no situation in which higher raises were given for outstanding teaching than for average research.

Thus there are enormous pressures to abandon lines of research that the individual researcher thinks are important and move into areas that are fundable. In this type of college, would Earl Southerland, Jr. be allowed ten years to fiddle around with a small, odd-ball nucleic acid that everyone thought was unimportant and perhaps just an artifact? What grants he could get certainly did not bring in much overhead money. The molecule was cAMP, and it won him a Nobel Prize in 1971. The history of science is replete with these kinds of examples.

It was the ability to take risks to which Paul Freidman, UCSD School Med. referred in a recent article (14):

Academic freedom is not simply the ability to speak out against current McCarthyisms, although that is an important part, and is as needed in medical schools as it is on the main campus. It is also the freedom to take chances academically, to explore new areas of study and research, even though the effort may not be immediately fruitful. Faculty also need the economic security to be innovative, so that their jobs do not depend on the success of new academic pursuits.

David Spence, Executive Vice Chancellor of the

University System of Georgia, echoed the thoughts of many administrators when he suggested that tenure has outlived its usefulness since freedom of speech in all its forms is protected by the First Amendment to the Constitution as defined by Supreme Court decisions over the past 50 years (15). Technically, this may be true, but there are severe practical problems with its implementation. Bringing a case of potential violations of academic freedom to court in Georgia based on the First Amendment would probably cost about \$30,000, which is about the national average, and may take a year's time to even get to court. In addition, the legal system is based on an adversarial approach that is directly counter to the academic ideal of collegiality.

The third area of pressure on academic freedom comes from the increasing amount of academic research funded by commercial concerns or national defense agencies. (Incidentally, this trend is strongly encouraged by administrators who see it simply as another source of funds.) It is perhaps the threat that is the most serious in the long run. Academic freedom is considered the central value in academe; indeed it is recognized as a basic right of the faculty which courts have held carries property rights. This is because it was and is seen as leading to knowledge that is for the common good and not to further the interests of either the individual researcher or the institution as a whole (16). Furthermore, the knowledge generated is presumed to be apolitical and value neutral (17), although there is always the danger that the knowledge will be put to uses that are neither. This is exacerbated by the increasing use of expert knowledge in highly politicized situations.

Knowledge, particularly technical knowledge, is very important for both military preparedness and industrial competitiveness. Scientists who work in industry accept as a condition of their employment that there will be restrictions on their ability to publish some of the results of their research. Similarly those who work in defense installations expect at least some of their work to be classified. Problems with academic freedom arise when college based researchers accept funding from these sources. Restrictions on publication of the results of research sponsored by these organizations is directly counter to the idea of science as part of the public domain as cited above and discussed at length by Ziman (18). Since researchers, even those at private colleges, also benefit at least somewhat from public support, this starts to blur the distinction between public and private research. It undermines the very rationale for the public's granting this unprecedented degree of autonomy to the researcher.

Studies in organizational behavior have shown that universities are the paradigm for a form of organization known as a "professional bureaucracy" (19).

This type of organization is characterized by a work force of highly self-motivated professionals who owe allegiance to their disciplines as well as to the organization. A dictatorial, top-down administrative approach not only is not effective, it is almost assured of producing active resistance. Leadership that fosters faculty participation in decision making particularly as it pertains to their work activities can be expected to increase productivity. Tenure is an important part of this climate. As described by McKeachie (20), it affords

faculty members a sense that they are working to meet standards and expectations to which they themselves are committed rather than being under constant threat of evaluation in terms of other people's standards . . . Thus, the tenure system is one that provides the opportunity for faculty members to develop the kind of intrinsic satisfactions in work that generate both greater creativity and greater investment of time.

This is not a new problem. John Dewey did not believe in absolute truth nor that its pursuit could be conducted in a completely objective, disinterested manner. Not only did he not think that this makes academic freedom impossible, he thought that this is exactly what makes academic freedom necessary (21).

In summary, threats to academic freedom in research still exist in spite of protections afforded by the first amendment. They are usually expressed through economic pressure. At the institutional level this involves the loss of state support or of contributions. This is passed on to the researcher in terms of threats of loss of his or her job or, less drastically, in salary reductions or absence of raises. Most administrators and boards of regents view tenure exclusively in terms of monetary considerations rather than protection of academic freedom. On the contrary, tenure is the way faculty is insulated from economic pressure so they can exercise their freedom to pursue the research that to them seems most relevant or important.

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## Comments by the Editor-in-Chief on “Dimensions of Academic Freedom in Research”

by Andy C. Reese

**D**r. Reese, in his discussion above, points out the clear risks both to academic freedom and the right of researchers to publish their results that can occur when university administration, for financial reasons, encourages support of research by industrial or military sponsors. I would like to point out an interesting variant on this problem that I have observed in my capacity as associate dean for research and sponsored programs at Cornell University Medical College. It not infrequently occurs that faculty members are willing to accept greater restrictions on their right-to-publish than are acceptable to the administration. A situation arises in which the administration is protecting academic freedom while the faculty member is urging “flexibility” and the acceptance of “reasonable limitations.” In my experience, such situations arise most frequently in negotiation of industry-sponsored clinical drug testing studies. The faculty members focus on the financial benefits and the desire to make the most current therapy, albeit experimental, available to their patients, while the administration focuses on protection of the principals of academic freedom and the right-to-publish.

A similar situation arises in regard to collection of indirect costs, such as electricity, water, heat, and facility maintenance, which can be loosely defined as

expenses of doing research and which are not assignable as direct costs to any individual research project. Such expenses are real and if not paid proportionately by each sponsor of research must be paid by the institution, which in this way would in effect be subsidizing the sponsors who have not paid their proportionate share—a questionable activity for a tax-exempt, educational institution. The university presses the underlying propriety and fairness of the principle of full recovery of indirect costs from for-profit corporate sponsors of research, while the faculty members, primarily concerned with obtaining funds to support the direct costs of work in their own laboratory, are often more than willing to compromise on the principle of collecting indirect costs.

Thus pressures to compromise academic freedom and other principles basic to academic institutions can come not only from administration, but also from the faculty. There is no fixed hero or villain in this piece. In the situation of increased competition for limited resources, survival is often the rationale for compromise of principle. All parties to this debate must take care that what survives is what they really want.

Gregory W. Siskind, M.D.  
*Editor-in-Chief*

### Dr. Reese responds

**I** strongly agree with Dr. Siskind’s remarks. They emphasize an important and often overlooked point. We are all, faculty and administrators, in this together, and it is our collective duty to protect academic freedom. Faculty are certainly not immune to the lures of short-term gain while ignoring the po-

tential long-term costs. Interestingly, it is my experience that the younger faculty are most susceptible. They often take academic freedom for granted without realizing the struggle that went into establishing and maintaining that principle. Perhaps we older faculty need to do a better job of education.