ACADEMIC FREEDOM IN A DEVELOPING SOCIETY

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On June 26, 1976, at a seminar similar to this one, I presented a paper on a topic that had been assigned to me by the Philippine Political Science Association, "Freedom and National Development". In that paper I rejected any implication that freedom and development are disjunctive concepts which mutually exclude each other; on the contrary, I maintained that freedom and development stand together in intimate correlation, mutually supporting each other. Let me quote three salient paragraphs of that paper:

> One thing should be made clear. As the slave civilizations of the past — and their contemporary analogues — have shown, development can be achieved without freedom or with only a modicum of freedom. But the production of enough food, clothing and shelter for the people, and the building of roads, bridges, and temples of art and culture are only half — and the less important half — of the story of development; the other half — the more important half — has to do with the building of a better man, the improvement of the interior human being. And you cannot make a better human being without freedom, for the simple reason that freedom is of the very essence of being human.
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> It is a great and good thing to produce enough food and to build houses and roads for our people, but it is infinitely better that these be produced by the labor of men who are free.
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> A nation can develop without freedom. But development is like embarking on an important voyage: half the value, half the fun of it is in getting there. Freedom is both the means and the end of development.

In asking me to contribute a paper to this seminar on the topic, "Academic Freedom in a Developing Society," I can only assume that the Philippine Council for Policy Science expects me to take due account of the premises and conclusions of my earlier paper. I am aware, of course, that the topic assigned to me this morning is not necessarily subsumed under the topic of that paper.

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Academic fredom, after all, is liberty of a special kind which appertains to a particular group of people; it is not included among the human rights and fundamental freedoms which are guaranteed by the Bill of Rights of our Constitution or by the Universal Declaration of Human Rights and the United Nations Convenants on Human Rights to which the Philippines is a signatory.

The origins of individual freedom and human rights go back to the very beginnings of human civilization. According to Benedetto Croce, "freedom may be regarded as the force that creates history . . . history is the history of freedom". While a similar claim cannot be made for academic freedom, there is a sense in which Socrates may be regarded as the first great martyr to the cause of academic freedom. Charged with corrupting the youth through his teaching, he addressed his accusers and judges in these words:

> O men of Athens, I honor and love you; but I shall obey God rather than you, and while I have life and strength I shall never cease from the practice and teaching of philosophy, exhorting anyone whom I meet . . .
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> For I do nothing but go about persuading you all, old and young alike, not to take thought for your persons or your properties, but first and chiefly to care about the improvement of the soul. . . . This is my teaching, and if this is the doctrine which corrupts the youth, I am a mischievous person. Wherefore, O men of Athens, I say to you . . . either acquit me or not; but whichever you do, understand that I shall never change though I die a thousand deaths.

Though admittedly an offshoot of the more ancient classical principles of freedom of thought, freedom of speech, and freedom of the press, academic freedom as a prerogative of universities in their pursuit of truth is a comparatively recent development. The eloquent formulation of this principle is the famous passage in Milton's *Areopagitica (1644)*: "If the waters of truth flow not in a continual progression, they sicken into a muddy pool of conformity and tradition . . . Though all the winds of doctrine were let loose upon the earth, so Trust be in the field, we do injuriously by licensing and prohibiting to misdoubt her strength".

It was in the universities of Germany in the seventheenth and eighteenth centuries that the principle of the freedom of teaching was first asserted and recognized. In 1673 Spinoza declined a professorship in the University of Heidelberg because his freedom to teach philosophy was conditioned by a pledge not to disturb the state religion. Gradually the various German universities accepted the prin-

ciple of the freedom of teaching, and in 1850 the constitution of Prussia provided that "science and the teaching of it are free".

In England and the United States nearly two centuries were to pass before the freedom of teaching and the untrammeled right to search for truth were officially recognized. The sectarian universities which predominated in both countries could hardly have been expected to support or tolerate teaching that impugned beliefs to which the universities and their supporters were committed. Not until 1828 was the University of London established as the first non-sectarian university in England. Although the first non-sectarian American state university had been earlier established in Virginia in 1819, the fact that the first teacher appointed to the faculty was subsequently dismissed at the instance of certain religious leaders showed that the principle of academic freedom was far from being observed even in the universities established by the state. Indeed, even today, the security of tenure of teachers in American universities, whether public or private, sectarian or non-sectarian, is by no means fully guaranteed. Teachers who hold opinions deemed objectionable by political, economic, sectarian or other pressure groups still run the risk of removal for reasons not provided by law or by the university charters. The principle of academic freedom needs to be continually defended even in the universities of the Western democracies where the principle was first enunciated.

If this is true of universities in the West, the predicament of universities elsewhere — in the Communist states and in the developing countries of the Third World—is not difficult to imagine. In Communist states, of course, no credible equivalent of the principle of academic freedom can exist in practice, whatever their constitutions might provide. Obviously, no university professor in a Communist state can be permitted to criticize fundamental Communist dogma or to advocate the restoration of capitalism, let alone deviate from the prevailing orthodoxy, whatever this might be in the time of Lenin, Stalin, Khrushchev or Brezhnev in the USSR, or in the time of Mao Tse-tung or Hua Kuo-feng in China. In a Communist state, the iron law of conformity brooks no exceptions and leaves no field or discipline untouched, including art, literature and science. If a writer or artist fails or refuses to conform to the prescriptions of Soviet realism, he can be a Solzhenitsyn and yet deserve nothing better from the state than the privilege of going into foreign exile. On the other hand, a scientist like Lysenko can espouse a modern variant of the discredited theory of the inheritance of acquired characters and yet enjoy the support of the

establishment because the theory is thought to be in conformity with socialist dogma.

Yet, deplorable as this situation undoubtely is, it is basically not too different from a situation which is familiar to all of us. I refer to the tacit requirement that no professor of the University of Santo Tomas may be allowed to attack Catholic dogma nor any professor of the Ateneo de Manila University to attack the principles of the Society of Jesus. We are back to the familiar saying that he who pays the piper calls the tune.

In a socialist society, however, it is possible to achieve a certain rationalization of the gag-rule on capitalism. If socialism is accepted as a superior form of social organization mainly because of the egalitarian principles that sustain it, then perhaps one can accept the loss of certain freedoms, including academic freedom, as the price one has to pay for the abolition of the great evils of human exploitation and poverty, and the assurance that these evils shall not return. This rationalization, however, does not justify the current practice in the Communist states of excessive and irrational intolerance of criticism or even dissidence in respect of matters that do not endanger the foundations of socialist polity. The need to conform to basic socialist doctrine is not incompatible with the need to encourage manifestations of individual differentiation that can only serve to enrich the social order. Without this necessary margin of diversity, a socialist society soon loses its human dimension and begins to resemble more and more a beehive or an anthill.

In developing countries similar reasons are often invoked for the diminution or temporary suspension of fundamental freedoms as well as of academic freedom. In addition to the constitutional reason for such suspension—namely, the urgent need to meet the threat of rebellion or invasion—the justification most often advanced is the need to accelerate social reform and economic development. Conformity is demanded, criticism discouraged, and dissidence punished. We are told that a revolution from the top or from the center is in progress and that a crisis government has been formed for the purpose of achieving in the shortest possible time a crash program of national development that will redound to the enduring happiness and well-being of the people. Authoritarian rule is justified by the need to avoid the time-consuming and often ineffectual processes of democracy. The Bill of Rights is suspended because it can only slow down the onrushing engine of national development. Freedom of speech, freedom of the press, and academic freedom are regarded as inconvenient impedimenta, and the mass media and the universities are quickly brought under control.

In many of the developing countries of Asia and Africa where these developments have occurred, the objective of a more equitable redistribution of income and resources, a narrowing of the enormous gap between rich and poor, is held out to the people in order to salve their suffering or mollify their misgivings. In some cases, the seizure of power is carried out in the ostensible interest of some kind of socialist transformation. But if the history of many such fly-by-night revolutions in Latin America teaches us anything at all, it is that the loudly proclaimed socialist transformation never takes place. What remains is the perpetual syndrome of political change by *coup d'etat* and the circular progression of the impoverished society from oligarchy to oligarchy.

In a genuine socialist revolution, the people may be willing to sacrifice their individual liberties partially or temporarily in order to abolish human exploitation and poverty. But they may not be prepared to make the same sacrifice merely to allow a new ruling and exploiting class to install itself in the seats of power and privilege.

The Philippines differs from most developing countries in that it has been governed under a Western-style democratic polity for nearly three quarters of a century. It has established certain institutions of popular government and developed certain traditions of liberal democracy. These institutions are necessarily imperfect and the traditions are admittedly fragile. Can they be improved and made stronger? Or are they so alien to the Filipino character and experience that they should be thrown into the scrap-heap to make way for institutions more in harmony with what we are and what we hope to be?

Let me hazard one answer. Although I believe that our people would want the political machinery of government transformed so as to make possible a more meaningful system of participatory democracy, it is not yet clear by what means such transformation can be effected. What is certain is that they want to maintain the fundamental freedoms guaranteed in the Bill of Rights of the Constitution. I also believe that our people would want to see the principle of academic freedom preserved and strengthened.

The Philippine Constitution of 1935 provided that universities established by the state shall enjoy academic freedom. This specifically applied to the University of the Philippines, which was the only state university in existence at the time of the adoption of the Constitution. On the other hand, the Constitution of 1973 provides that all universities, including the private sectarian or non-

sectarian universities in which more than 90 per cent of all college students are enrolled, shall enjoy academic freedom. The more sweeping provision of the present Constitution clearly indicates the enhanced value which academic freedom has acquired in the estimation of the people. It means that the people consider academic freedom to be an essential instrument of national progress and development.

The enlarged scope of the principle of academic freedom requires that we try to interpret it with clarity and precision. For instance, as a result of the powerful student movement of the late sixties and early seventies, the scope of academic freedom is sometimes extended to include not only the teacher's right to teach but also the student's right to learn. If the latter means the student's right to dictate his own curriculum and course of studies, then of course the notion must be rejected out of hand. What the Constitution does guarantee is the right to education, which is an entirely different thing.

The best short definition of academic freedom I have come across is the following: Academic freedom is the freedom of the university teacher or researcher to investigate and discuss the problems of his discipline and to express his conclusions without interference from any political, economic, sectarian or other authority or pressure group, or from the administrative officials or governing body of the institution in which he works.

The right is not absolute. The law may prescribe the same restraints that are imposed on the exercise of freedom in general, such as the requirements of public order and national security. But these limitations should never be in the nature of prior restraints; rather, they are consequential sanctions whose imposition under certain conditions may be reasonably expected by the teacher or researcher. Nor should the sanctions be so arbitrarily imposed or so severe in nature that the teacher or researcher is silenced as effectively by self-censorship as by prior censorship. Also, the teacher or researcher may be called by qualified bodies composed of his peers to answer any imputations of incompetence or breach of professional ethics that may be brought against him.

The question is sometimes asked whether academic freedom entitles the university professor and scholar to impose his personal views and prejudices on his students in class. The answer of course is that it is difficult to distinguish between permitted opinion and forbidden prejudice, especially since the distinction may often depend on the tone of the teacher's voice rather than on

the words he uses. Much of the best teaching is often that which is forcefully delivered, which is not content to explain an idea but actually advocates a point of view. However, a teacher who is inclined to be opinionated would be well advised not only to tolerate but to encourage the candid and forceful expression of opinion by his own students, and to rate their performance not on the extent to which they conform to his ideas but on the effectiveness with which they advance their own.

A related issue is whether a teacher or scholar may be held to account for views he holds on matters outside his field of competence or for opinions expressed outside the university. The answer to this would seem to be an obvious one: as to the first, he runs the risk of being called an ignorant busybody; as to the second, he enjoys the same immunities and runs the same risks as any other citizen under the laws of the land.

In contradistinction to the freedoms that are guaranteed under the Bill of Rights which the individual is entitled to exercise in his own interest and often against the state, academic freedom guarantees to the teacher the right to teach not in his own personal interest but in the interest of the society and the state. By allowing him freedom to teach or to undertake research, the state in effect proceeds on the assumption that the freedom thus accorded to him is a long-term investment that will yield a substantial return in terms of a better informed and more intelligent citizenry and a more progressive national society.

The history of academic freedom in the Philippines is coextensive with the history of the University of the Philippines. That history, for some curious reason, has been marked at twenty-year intervals since the early 1930's, in the time of U.P. President Rafael Palma, by high peaks of controversy concerning the autonomy of the University and the academic freedom of its professors. President Palma not only allowed but indeed encouraged two of his deans—Jorge Bocobo and Maximo Kalaw—to take leading roles in the heated debate on the Hare-Hawes-Cutting Independence Act, in violation, it was charged by some critics, of the principle that cobblers should stick to their last. What is more, Palma himself debated Senate President Quezon on the same issue and was consequently obliged to resign from the University. Students marched in the streets with banners and held campus rallies protesting Palma's removal, and made President Quezon very angry as a result.

In 1951 U.P. President Bienvenido M. Gonzalez incurred the displeasure of President Elpidio Quirino and was similarly forced

to resign. Again the students held rallies and marched in the streets with banners and manifestoes. Later a great sectarian controversy erupted during the presidency of Dr. Vidal A. Tan. This led to the establishment of a Society for the Advancement of Academic Freedom which, in August 1955, sponsored a manifesto in connection with the bitter religious controversy that gripped the university. The manifesto reaffirmed belief in democracy and the four freedoms —freedom from want, freedom from fear, freedom of speech, and freedom of worship; and since these freedoms are interdependent, the threat to freedom of worship in the University endangered all the other freedoms. Let me quote two paragraphs of the manifesto:

> We believe that without these freedoms, there can be no academic freedom either. And without the freedom to search for new knowledge and without the freedom to express one's thought, the University of the Philippines will cease to be a training ground for leadership in a free society.
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> We believe that the attempt to subvert freedom in the University of the Philippines is not only a flagrant attempt to subvert the fundamental law of the land, but also a systematic design to destroy our democratic institutions.

In January 1957 the Society addressed a petition to the Board of Regents in connection with the election of a new president of the University. This petition reminded the Board of Regents

> a.) That the University of the Philippines is a state university and, as such, enjoys the constitutional guarantee of academic freedom;
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> b.) That the University of the Philippines has been conceived as a secular, non-sectarian and non-partisan institution and, therefore, subserves no particular sect, political group, or social class;
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> c.) That the President of the University of the Philippines be a person thoroughly imbued with the liberal and libertarian traditions of the University of the Philippines and who therefore will not allow himself to be used as a tool to further the selfish interests of sectarian or partisan political groups.

Reading these earnest reaffirmations of academic freedom in the context of our times, one feels somewhat reassured and comforted. This feeling is reinforced by some of the signatures that were affixed to the manifesto and the petition, including those of Leopoldo Y. Yabes, Alfredo V. Lagmay, Ricaredo Demetillo, Eliseo M. Pajaro, Armando J. Malay, S. V. Epistola, Eleanor T. Elequin, Amor C. Guerrero, Leonor Malay-Aragon, Oscar Baguio, Dominador I. Ilio, Josefa C. Lava, Jose C. Campos, Jr., Alejandrino G. Hufana, Rony V. Diaz, Armando F. Bonifacio, and Onofre D. Corpuz—all of them militant members of the UP faculty at the time,

and all of them still serving on the faculty or occupying important positions in the University administration or in the government.

This feeling of reassurance is further strengthened by President Marcos' indignant denial the other day of a purported report of the U.S. State Department to the effect that human rights are being violated in the Philippines. This is not the customary response of dictators who usually dismiss such accusations with a casual shrug of the shoulders, as if to say, "So, what are you going to do about it?" President Marcos, on the contrary, expressed genuine puzzlement and hurt, as if to say, "How can you do this to a friend?"

Recently, the Honorable Jose D. Ingles, Undersecretary of Foreign Affairs, published an article in the local press in which he recounted the proud record and distinguished achievement of the Philippines in the field of human rights. It started in San Francisco in 1945, during the drafting of the United Nations Charter, when General Carlos P. Romulo proposed independence rather than mere autonomy as the ultimate goal of the trust and non-self-governing territories. It was pursued in Geneva, in 1947, when General Romulo and I actively participated, under the leadership of Mrs. Eleanor Roosevelt, in the drafting of the Universal Declaration of Human Rights. For more than twenty years thereafter, the leadership assumed by the Philippines in the UN effort to promote respect for and observance of human rights and fundamental freedoms was confirmed by the unbroken membership of the Philippines in the Commission on Human Rights. Ambassador Felixberto Serrano and I successively served as chairman of this prestigious body in the fifties and sixties, when the Human Rights Covenants were being elaborated. The two subordinate bodies of the Commission, namely, the Sub-Commission on Discrimination and the Rights of Minorities and the Sub-Commission on Freedom of Information and of the Press, were chaired respectively by Ambassador Ingles and myself. Ambassador Ingles produced an important pioneer study for the United Nations on the Right to Leave One's Country and to Return to It, and I prepared a similar comprehensive report on Freedom of Information and of the Press.

With such a record, President Marcos has a right to express indignation about accusations that reflect adversely on the state of human rights in the Philippines.

Two or three weeks after martial law was imposed in September 1972, Dr. Armando F. Bonifacio and I were summoned to Malacañang. Belying rumors to the effect that the universities would remain closed indefinitely, President Marcos expressed his inten-

tion to reopen them as soon as possible. He said that he would be prepared to reopen the University of the Philippines provided the teachers would agree to teach their subjects in an objective manner. "Tell them," he said, "that they can teach any 'ism' or ideology, provided they do not advocate it." We promised to convey his message to the faculty.

The next day I called a meeting of the faculty of the College of Arts and Sciences and conveyed to them the condition set by President Marcos for the reopening of the University. There was much head-shaking when they heard my report and I asked them whether they were prepared to meet the condition stipulated. One professor said: "But, Sir, there is no such thing as objective teaching. Teaching that is any good at all necessarily involves an act of advocacy. The good teacher must be an advocate of the good, the true, the beautiful." Everybody agreed with the mini-lecture, and I was pleased and proud to hear it from a member of my faculty. "Well," I said, "just do the best you can. Try to be careful; otherwise, I will be visiting you in Camp Crame." And that's how the University of the Philippines was reopened in October 1972 instead of six months or one year later.

That decision of President Marcos, by the way, illustrates the continuing dilemma that confronts him in dealing with the universities. In September 1972 the question was whether it was better in the interest of the martial law regime to reopen the universities or to keep them closed; despite the risk of possible disorders, he took what in the long run was the wiser course of reopening them as soon as possible. It is now clear that on the question of how much freedom the universities should enjoy, he appears to have been guided all along by the principles later embodied in a statement which he made in Malacañang on January 23, 1975, during the oath-taking of Dr. Onofre D. Corpuz as the eleventh President of the University of the Philippines: He said:

> This University has many great traditions...among them are patriotism, freedom from cant and superstition, commitment to the goals of independence. But over and above all these, is the love for the life of the mind. That, to me, is the meaning of a university...
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> The intellectual integrity of the University of the Philippines is paramount. Whatever we may discuss, whatever conflicts we may have, whatever we may argue about, the intellectual integrity of the University of the Philippines must be maintained.
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> If the University is only going to reflect current realities, where will the critical thought — the transforming criticism of society — come from? There has to be a zone of sanity, of clear, uncluttered

> fully provide an approach to accommodating them or putting them at the service of the society. This the university is ideally suited to do.

In the entire literature on academic freedom, you will find few passages more moving and eloquent than this statement. It recalls the passage from Milton previously quoted as well as the poetic aphorism of Mao Tse-tung: "Let a hundred flowers bloom!"

How much freedom, including academic freedom, is to be allowed in a developing society? The head of an authoritarian regime in such a society must try to establish a delicate balance between the need to maintain peace and order over the short run and the long-range imperative of assuring a constant supply of fresh expertise and new knowledge. Having regard to the vital role which, in the view of President Marcos himself, the universities are called upon to play in national development, I would offer this answer to the question posed: When in doubt, allow more freedom rather than less.