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ACADEMIC FREEDOM IN A THEOLOGICAL CONTEXT

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About the Australian College of Theology Limited:

The College was established in 1891 by the General Synod of the Anglican Church of Australia. The College is a national provider of theological education in Australia.

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ACADEMIC FREEDOM IN A THEOLOGICAL CONTEXT

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The issue of academic freedom in the teaching of theology has a long and contentious history. Put in its simplest terms, one person's academic freedom is another person's heresy. With the implementation of the new 2007 National Protocols for Higher Education Approval Processes in Australia and their explicit requirements concerning academic freedom in the higher education sector,[2] it is likely that we can expect theological colleges seeking accreditation as Higher Education Providers (HEPs) to face close questioning on the issue, particularly if such colleges are assessed for (specialist) university status. Theological colleges will need to be able to mount a defence of their practices in relation to teaching and research in theology that is compatible with some notion of academic freedom or they will find HEP status and even course accreditation at risk.

In this paper I would like to explore the notion of academic freedom within the context of a theological college or faculty/school within a university environment. I will argue that the notion of academic freedom is applicable in relation to a strong understanding of the centrality of a faith commitment. Academic freedom will always mean different things in different academic contexts. Theology has its own context and the meaning of academic freedom within that context will be different though analogous to that which operates in other fields. The problem that theological colleges face is not the possibility of academic freedom but secularist assumptions that faith commitments are inherently irrational and not open to genuine academic research.

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[2] The criteria required of all higher educational institutions include: "has a clearly articulated higher education purpose that includes a commitment to and support for free intellectual inquiry in the institution's academic endeavours". See the website: http://www.mceetya.edu.au/verve/_resources/NationalProtocolsOct2007_Complete.pdf for the full document.

What is academic freedom for a theologian?

Statements about "academic freedom" could be thought of as motherhood statements in higher education. Everyone agrees that it is a good thing, but it is difficult to pin down precisely what is meant by it. According to Wright and Wedge, academic freedom "is seen within universities as a fundamental right allowing faculty to comment on and study any topic in an unfettered way".[3] Academic freedom involves "the relentless, objective, scholarly pursuit of knowledge and truth for the advancement of the human condition".[4] Generally speaking academics should be free to pursue their research unfettered by forces which are external to the internal requirements of their discipline. These external forces may be brought to bear by college administration, student protest, social or political interference and so on. Questions can be asked whether this freedom is absolute or relative or whether in practice unfettered freedom is ever possible.

Of course some of the difficulties theology will face here concerns the meaning of "objective". If theology emerges out of a basic faith commitment – *fides quaerens intellectum* – then notions of objectivity as detachment and commitment to nothing but the goal of truth might seem to rule out theology altogether as a legitimate academic pursuit, since a faith commitment presupposes certain things held as true. This conclusion would of course fly in the face of centuries of tradition within European and North American universities where theology has found an honoured place at the academic table. The notion that faith commitment and a commitment to the truth are mutually incompatible emerges only where secularist assumptions about the irrationality of faith commitments hold sway.[5] From the perspective of the believer their faith commitments are held precisely because they are true. The difficulty for the believer in a secularist context is that this truth claim is not verifiable in terms of some scientific or empirically based conclusion but based on a claim of revelation from God. While believers themselves may be in dispute about the scope and content of

[3] James Wright & John Wedge, "Clinicians and patients' welfare: where does academic freedom fit in?" *British Medical* Journal**,** 2004 October 2; 329(7469): 795–796 , at 795. The authors cite web sites from Harvard, Yale and Toronto universities on academic freedom.

[4] Ibid.

[5] Though one may note that this assumption is often reinforced by both sides of the religion vs. science debate on questions such a creationism.

such revelation, all would hold it as true because it has been revealed, not because it is the outcome of a human process of reasoning alone.

This raises an important and related issue. Above I spoke of academic freedom as freedom from forces which are external to the internal requirements of the discipline. The question that academic freedom in a theological context must raise is whether an ecclesial interest in the work of theologians is internal or external to the requirements of the discipline? Of course churches (taken broadly as one key stakeholder for theological colleges) often take a keen interest in the workings of theologians on a variety of matters, but they usually only come to special attention when a theologian is viewed as overstepping the boundaries of orthodox faith. One could identify any one of a number of issues – the divinity of Jesus, the Trinity, the virginal conception of Jesus, moral issues in relation to homosexuality etc. – which can or have caused churches concern in the writings of their theologians. The question that the discipline of theology must face is whether this interest of the churches is viewed as external to the discipline or internal to it. In a Catholic context this tension is captured in the title of the document issues by the Congregation for the Doctrine of the Faith, "Instruction on the ecclesial vocation of the theologian".[6] The vocation of the theologian is viewed as an expression of a faith commitment which finds its natural home and expression within the faith community.

Clearly from the perspective of at least some churches, the church itself is not an external factor in the discipline of theology, but is part of the internal dynamic of the discipline. This internal aspect may be manifest in a variety of ways, for example through an explicit profession of faith required within a theological environment, through appointment processes, or through ecclesial monitoring of theological education in one form or another. The question many practicing theologians may need to ask themselves is whether they view the relationship of the churches to their discipline as external or internal.

[6] Issued on May 24, 1990 and available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19900524_theologian-vocation_en.html.

Where the relationship is viewed as internal to the requirements of the discipline then the role of the church is simply one factor (albeit an important one) among many others which the theologian needs to take into consideration. These include the standards of his/her peers within the various sub-disciplines of theology, as determined by the academic world in which we operate. Theologians are committed to excellence in intellectual inquiry, in research and publications, in taking up and debating the latest work in their fields and so on. None of these are incompatible with ecclesial concerns. In terms of the demands of academic freedom the internal relation to the church is simply part of the framework within which that freedom is exercised.

As a concrete example let us consider the statement on academic freedom from the Australian College of Theology. The College addresses the issue of academic freedom in the following manner:

> Australian College of Theology values
>
> (1) Christian—in common with our founding denomination, the Anglican Church of Australia, the College affirms the Christian faith as professed by the Church of Christ from its beginnings and in particular set forth in the historic creeds, namely the Nicene, Athanasian and the Apostles' creeds, and upholds the authority of the Old and New Testaments as being the ultimate rule and standard of faith given by inspiration of God and containing all things necessary for salvation.
> …
> (5) Academically free—the College is committed to open, independent intellectual enquiry by faculty and students in line with its educational philosophy, to the development and maintenance of a culture of sustained and published research, and to engagement in teaching and research informed by modern scholarly developments in academic and pastoral theology.

In the first instance we are presented with a profession of faith that assumes certain traditional creedal affirmations and the authority of the Bible as foundational to the study of theology in the College. It locates a particular ecclesial body, the Anglican Church of Australia, as its point of reference for its faith identity (though many of the

colleges affiliated with the ACT are in fact not Anglican). I would argue that this is an acknowledgement that the discipline of theology always exists within a faith context which is here explicitly spelt out. The relationship of the church to that discipline is not one of external constraint but internal definition. The commitment to academic freedom occurs within the boundary established by this internal definition. The commitment to "open, independent intellectual enquiry" will occur within that boundary. If it leads an individual theology outside that boundary the church is within its right to ask pertinent questions of the theologian.

Of course historically there has been and always will be some tension between the explorations of theologians and the interests of the faith community. And it is clear that the work of theologians has expanded the horizon of their respective faith communities in many ways. There have been celebrated or notorious cases (depending on one's point of view) of conflict between theologians and church authorities. Often this expansion has come at some cost to individual theologians who have found themselves in conflict with their churches. While this may be resented, it would seem to me that the alternative position which would seek to eliminate any internal reference to the church would lead to the church having not only no say, but also no interest in, the work of theologians. It would imply a separation of the theologian from the church, a situation from which both would suffer. The discipline would no longer be theology but religious studies or religious philosophy. While these are worthwhile disciplines in themselves they are what they are precisely because they no longer have an internal relationship to a faith community.

Of course there is also a need for church authorities to recognise the special expertise of theologians, which is built upon years of disciplined study and dedication. Church authorities need to be sure that they have understood the intent of the theologian and that his/her position has been fairly heard. Theologians may appeal to the judgment or acceptance of their peers. All these are important consideration, but in the final analysis the tension will remain and must be lived creatively and faithfully.

Are there analogies for this relationship?

While the physical sciences may operate under an understanding of academic freedom which is free from external constraints and internally recognises only the evaluation of the academic community as its measure of success, this is not the only norm for academic freedom. Certainly theology would not stand as academically free under such a definition. However, there are a number of disciplines where there exist constraints apart from those adopted by the academic community itself. Many professional areas recognise the right of the profession to establish norms within which the academic community must operate. For example, the professional ethics of social workers are not established by the academic community, but by the profession as a whole. Academic social workers are required to teach students to uphold these professional ethics. They have a right, as does any social worker, to agitate for a shift in the code of ethics through debate and publications, but in the end they are subject to the decision of the social work community as a whole. If they persisted in their teaching to reject some element of the code of ethics and encouraged their students to do so in their professional lives, then the social work association would be entitled to question the suitability of the lecturer for their task. This would be a judgment of the profession as a whole yet it would not be external to the discipline, but internal to its requirements.

Nonetheless there is considerable plasticity in the formulation of something like professional ethics. Perhaps a more pertinent example might be found in an area like constitutional law. The constitution is established by the nation. An academic working in the area of constitutional law has a set document to work from, much like the Christian traditions take the Bible as a foundational document. An academic working in constitutional law is not free to say that there is some provision in the constitution if it is not there, nor that a provision is not there when it is. Further relatively definitive judgments on the meaning of the constitution are not the realm of academics but of a constitutional court which determines the meaning of the constitution where disputes arise. Legal academics may pore over such judgments and speculate about the influences which led to them but the definitive judgment on the meanings occurs outside the

realm of the academic and within an authority properly constituted and recognised by the political community of the nation. The workings of such constitutional courts are internal to the discipline of the study of constitutional law. The courts establish the horizon within which the academic discipline of constitutional law operates.

This is an interesting parallel because both church and nation are communities constituted by a relatively stable set of meanings. The meanings are established by a larger set of concerns than those of the academy, yet they are subject to academic investigation. In such a setting the communities constituted by those meanings have an internal relationship to the academic study and are not simply external to it. The larger community may benefit greatly from the academic study involved, but in the end it is not subject to that study but to the judgment of the appropriate recognised authorities.

What does academic freedom mean for students of theology?

We have considered the situation of the professional academic theologian who has a dual responsibility to both push forward the boundaries of his discipline and be faithful in various ways to the community of faith out of which the theologian operates. The situation is somewhat different for those who are studying theology. They do not have the ecclesial and academic responsibilities incumbent upon a professional theologian. In fact it may be that case that their own personal faith commitment is not yet settled (I certainly have had an agnostic student in my theology classes) or their personal faith commitment does not coincide with that of the sponsoring body of the college or university (I would guess that many theological colleges have students from other denominations enrolled in their programs). Take for example a non-Catholic student enrolled in a moral theology course in a Catholic institution. Are they free to argue against the Catholic Church's teaching on contraception? Or in a course in ministry can they argue for the ordination of women? Can such a student still gain a high distinction for their essay? And of course in fairness if a Catholic student were to hand in the same essay they should in justice get the same mark. Each denomination would have its own examples of such teachings. In evangelical or reformed colleges it might be "justification by faith alone" or the "inerrancy of

scripture", and in Pentecostal Church colleges, the doctrine of "baptism in the Holy Spirit".

Part of the difficulty here is that many theological colleges exist primarily for the training of persons for ministry within a particular ecclesial community. They thus have a dual role, both the theological education of their students, and a formative discernment process of the student for suitability in ecclesial ministry. Often the theological education provides the context within which this formative discernment process takes place. Graduation from the college can then be viewed as a tick of approval for candidacy in ministry.

In this area I think theological college can be vulnerable in terms of the question of academic freedom of their students. It is clear that a college may have a responsibility towards their church to verify the orthodoxy of their students with a view to ministry. It is far from clear that this responsibility extends to the academic evaluation of their students. The academic freedom of the student includes the freedom of the student to explore the boundaries of faith in ways in which a theologian employed in a theological college may not responsibly endorse or adopt. However the student may meet standard academic requirements in terms of thorough research of a topic, exposition of a cogent argument, proper use and acknowledgement of sources and so on. Again an analogy from constitutional law may help. A student may make a strong case that the decision of the high court justices in a particular determination is wrong. The lecturer may recognise certain flaws in the argument, but for a student at an appropriate level of study, such an essay may still get a very good grade. And just as high courts judges differ on various positions, a good theologian recognises that different theological and doctrinal positions are held within different Christian traditions, and that a particular student's argument might be well accepted within a different Christian tradition. Put simply the academic freedom of the student may require us to make a clear distinction between the formative and discernment goals of a college and the academic training of students. To fail to do so will leave colleges vulnerable to a charge of not respecting academic freedom for their students.

Of course there are other more subtle ways in which a theological setting may impact on the freedom of students. Written assessment is one aspect, but there is also the issue of classroom discussion. Can the student explore the boundaries of faith through questions in class that challenge the orthodoxy of the ecclesial sponsor? Are there suitable academic resources for the student to explore those boundaries? Will that student be subject to harassment or exclusion by other students who want to prove their orthodoxy to the lecturer, particularly where the lecturer is involved in making judgments about ministerial suitability? An important element here is the ability of the lecturer to be able to model non-threatening civil discourse which respects the search for truth in the individual student and encourages others to similarly respect that process in their fellow student. On the other hand students, particularly at the beginning of their theological studies, can harass a lecturer whom they perceive to have deviated from a naively held orthodoxy. This impinges on the academic freedom of the lecturer.

There are other ways in which the ethos of a college might be perceived to undermine the academic freedom of the student apart from the assessment process. For example, does the college require attendance at chapel? This may be a legitimate expectation for those destined for ministry but may be considered coercive of students who have no interest in such an outcome. There may be other formative elements, prayer sessions, vigils, pious practices and so on which may be required of students seeking ministerial formation but cannot be required on academic grounds alone. Nevertheless, many colleges have longstanding expectations that their students will comply with the ethos and statement of faith that the college has adopted. These expectations have been explicitly recognised by state higher education authorities as legitimate, but within certain reasonable bounds where requirements reflect a broadly expressed, non-sectarian, Christian tradition and as long as colleges clearly advertise details of their ethos and expectations for participation in college life.

Certainly, the research of the Carrick project on “Uncovering theology” has found theological colleges that include policies on “spiritual harassment” which prevent students from seeking belligerently to convert other students to a particular ecclesial,

doctrinal or theological point of view. Such a policy would strengthen the argument that academic freedom is respected within the college. Just as colleges must have policies on sexual harassment and bullying, a policy on spiritual harassment may become a requirement to address concerns raised by accreditation and auditing bodies.

Melbourne College of Divinity has the following provision in their grievances policy:

> *1.2.5 Discriminatory Harassment*
> Where the action of an individual or group towards another individual or group is perceived to be offensive, humiliating, intimidating, demeaning, insulting or intimidating, 'discriminatory harassment' can be said to have occurred. In the context of the MCD, discriminatory harassment could include offensive comments about another person's spirituality or faith commitment: fair criticism of a theological perspective is not discriminatory harassment, however.

The Bible College of Queensland includes a statement on proselytising:

> Any pressure to sway students from their [church and denominational] affiliation will be considered a serious breach of the college's code of behaviour and will result in disciplinary action. Likewise, attempts to persuade students to adopt teaching inconsistent with BCQ's doctrinal basis will be viewed very seriously.

Similarly colleges may need to examine their enrolment policies. For example in the foundation of the Melbourne College of Divinity there was a "no religious test" clause for student enrolment into the College. The Carrick project has uncovered colleges which include in their enrolment form questions on "date of salvation". Such a question sets a tone in the enrolment process which may make future discussion of some topics taboo for the student (for example, questions on the certainty of salvation). Similarly while colleges may have a faith statement as central to their identity and require staff to adhere to such a statement, it might be argued that it is problematic to

require a student to make a similar commitment.[7] On the other hand the MOU signed between the Board of Directors and the affiliated colleges of the Australian College of Theology acknowledges that a college might require its students to meet certain criteria before enrolling them:

> While all affiliated colleges within the ACT are required to be Christian, the ACT does not impose denominational or religious restrictions in relation to enrolment in any ACT award. However, affiliated colleges are free to require enrolling students to qualify according to any or all of the following criteria: they may be required to give an account of their Christian commitment, and/or to express their willingness to conduct themselves in accordance with the college's Christian ethos, and/or to affirm its statement of faith, and/or to show evidence of prior experience in Christian leadership.

There will be many colleges in Australia and New Zealand who will defend their commitment to requiring all students enrolling at their college to satisfy the same or similar criteria. However, this might not be an option for university departments where direct government funding may preclude requiring enrolling students to satisfy any but academic criteria.

Academic freedom and the curriculum

A final consideration in relation to academic freedom is the freedom of the academic to establish and teach the curriculum in an appropriate manner. There is of course a large degree of congruence between the curricula of various theological programs, and these are determined by the common object of studies – the Scriptures, traditional doctrines and their theological exposition, and common pastoral practices and concerns. Is this a serious limitation on the academic freedom of theological institutions?

Here again we can find parallels in various professional programs within universities. Professional accrediting bodies almost completely

[7] Of course students will often self-select a college on the basis of its faith statement. But they may also choose a college for more mundane reasons such as proximity to their home and a general interest in some faith-based study.

determine the curriculum content in programs such as education, nursing, social work, accounting, psychology and so on. Without professional accreditation such programs would not be offered by universities and they work hard to maintain such accreditation. As many colleges exist in order to assist in the education and formation of those seeking ministry in a church community, that church community acts as a quasi-accrediting body and can have a significant say in the development of the curriculum of the college. This is not inconsistent with academic freedom.

Conclusion

In 1978 the US Supreme Court of the United States said that academic freedom means a university or college can "determine for itself on academic grounds:

1. who may teach,
2. what may be taught,
3. how it should be taught, and
4. who may be admitted to study".[8]

For theological colleges and church institutions the question is what constitutes "academic grounds". Notwithstanding the role of professional accrediting bodies, the secularist position that this implies "free from interference by church authorities" is based on an assumption that the faith community is external to the academic discourse of theology. This is not a position that faith communities necessarily adhere to and if accepted leads not to theology as it has traditionally been practiced but to religious studies. While the relationship between theologians and faith communities is always one of tension, it is a tension both must learn to live with. In the present context where theological colleges are being challenged as to whether they adhere to the principle of academic freedom, we need to be able to articulate a defence of our discipline as embodying the principles of academic freedom, but in a matter proper to the discipline and not on assumptions which are foreign and hostile to its own self-understanding.

[8] *Regents of the University of California v. Bakke*, 438 U.S. 265, 312. 1978. Source: Wikipedia (accessed: 29 May 2008).

QUESTIONS FOR CONSIDERATION

Does your institution have a public faith-statement? What requirements does this faith statement make upon staff? How is it applied to students or potential students?

Does your institution have a policy of "spiritual harassment"? Have there been examples of behaviour among students which might count as spiritual harassment? How has your institution handled these?

SCENARIO

In the setting of class room discussion a student raises questions about the doctrine of the Trinity, doubting its biblical basis. Two other students immediately respond by calling the student a heretic.

How should the lecturer respond to this situation?

Let us presume that the lecturer responds by engaging in non-threatening discourse by exploring the alternative possibilities, while affirming the constancy of Christian belief in the Trinity. The class then proceeds.

At the end of the class the two students pursue the first student and argue with him. He is later seen leaving the college in tears and does not return for classes the next day.

How should the college respond to this situation? Could the college be facing allegations of bullying? What policy framework in your college addresses this situation?

The two students are not satisfied that the lecturer adequately defended a core Christian doctrine and report the matter to the principal. They call into question the faith commitment of the lecturer and demand that action be taken.

How should the principal respond to this situation?

How would the situation be different if the lecturer had responded pastorally by sharing his/her own doubts about the doctrine of the Trinity?

How would the situation be different if the lecturer had also called the doctrine into question on the basis of his/her own academic research?

FURTHER RESOURCES ON ACADEMIC FREEDOM IN A THEOLOGICAL CONTEXT

There has been considerable discussion in the US around the question of academic freedom in a theological context. It usually has two points of concern. The first is that of evangelical Christian colleges with professions of faith which require teachers to uphold creationism, or at least not attack it. The second focus is the situation of Catholic universities in light of *Ex corde ecclesiae*, the apostolic constitution of Catholic universities which raised the issue of an ecclesial mandatum for all teachers of theology in Catholic universities. The following articles highlight various issues in the debate around academic freedom.

Cavadini, John C. “A Theologian’s View”, *Commonweal* 7/126, (04/09/99), 21-23.

Cooey, Paula, “Immigration, Exodus, and Exile: Academic Theology and Higher Education”, *Teaching Theology and Religion* 3/3 (2002), 125-32.

Hutchinson, Mark, “The battle hymn of the republic of learning: Thoughts on Academic Freedom in a Pentecostal College”, *Australasian Pentecostal Studies* 9 (2005-6), 4-22.

Mcguire, Daniel, “Academic Freedom and the Vatican’s *Ex corde ecclesiae*”, *Academe* 3/88 (May/June 2002), 46-51.

McMurtrie, Beth, “Do Professors Lose Academic Freedom by Signing Statements of Faith?”, *Chronicle of Higher Education* 48/37 (5/24/2002), 12-15.

Olszewski, Bernard, “Critical Intellectual Inquiry at Catholic Colleges”, *Academe* 1/92 (Jan/Feb 2006), 30-32.

Wagner, Kenneth, “Faith Statements Do Restrict Academic Freedom”, *Academe* 1/92 (Jan/Feb 2006), 21-22.

Occasional Papers

1. Australian Identity and The Anglican Church, by Bruce Kaye (1997)
2. The Cambridge Triumvirate and The Acceptance of New Testament Higher Criticism in Britain in 1850-1900, by Geoff Treloar (2003)
3. The Kenneth Cable Inaugural Lecture.
   Australian Anglicanism and Australian History: the need for a synthesis, by Brian Fletcher (2004)
4. Academic Freedom in A Theological Context, by Neil Ormerod (2008)