



## Freedom and Commitment: Religious Colleges and Universities in a Multicultural Society<1>

Eric Bain-Selbo  
Lebanon Valley College

### Introduction

[1] Colleges and universities have been key battlegrounds in what have been described as the Culture Wars. These wars have involved conflicts over what should be included in the canon or canons, how much non-European history and literature should be taught and whether or not it should be required, what is entailed in the obligation to respect those who are different, and many other issues arising from the efforts of institutions of higher education to address our increasingly diverse society.

[2] When one reviews the salvos launched in these battles, however, there is one area that, more often than not, is neglected: the religiously-affiliated college or university. When considering the issues of the Culture Wars most writers focus on public institutions. Certainly our public institutions have been the sites of much conflict. But we generally agree that public institutions are to be free of dogmatic viewpoints that impinge on the personal liberties or academic freedom of others. But what about institutions where certain dogma (religious in this case) is central to the identity of the institutions themselves? How should we understand the role and importance of religious beliefs when thinking about religiously-affiliated colleges and universities? Significant conflicts have occurred at such institutions, for it is at such institutions that the personal liberties and academic freedom of students and faculty tend to collide with principles and doctrines of a religious nature.

### Case studies

[3] There certainly are a wealth of examples of such collisions. Take the case of Georgetown University (for a summary, see O'Neil: 208-9). A respected Catholic institution, Georgetown ran into difficulties for refusing to recognize and provide access to campus facilities to two gay student groups. The District of Columbia had instituted an ordinance prohibiting all educational institutions from discriminating on the basis of sexual orientation. Georgetown, however, claimed that the ordinance infringed on its religious freedom, that by recognizing and supporting the student groups (through the use of facilities) it would be forced to endorse (at least implicitly) forms of sexual behavior that Catholicism prohibited. The courts eventually ruled against Georgetown, claiming that the gay rights law did not compel the university to accept the sexual behavior of these groups but simply to allow them the freedom to express themselves within the academic community - a right that Georgetown grants to many other groups.

[4] Martha Nussbaum argues that it is only appropriate that religiously-affiliated colleges and universities should promote understanding and love of neighbor. This means that they should have an educational and religious commitment to promote diversity.<2> To not do so can be divisive and even dangerous. For example, she observes that the exclusion of the lives of homosexuals (or, at least, that important aspect of their lives) from curricula only promotes a narrowness of mind, bigotry and sometimes even violence toward homosexuals. This certainly is contrary to the duty to love one's neighbor.

[5] In her research across the country, Nussbaum has found all too many institutions that not only passively refuse to recognize certain groups, but even actively seek to suppress them. At Notre Dame University she found an administration that had refused to recognize gay student groups, and issues of

sexuality and especially homosexuality were rarely treated in the classroom.<3> At Brigham Young University she found far more restrictive conditions.<4> She argues that the "elders" who govern Brigham Young pose a real threat to the tradition of teaching, learning, and research at that institution.<5> Nussbaum details the plight of individuals at BYU who have struggled to maintain their scholarship in light of a commitment to the Church of Latter-Day Saints (Mormons).<6> The situation has become so severe that a group of faculty, in a statement released during the school's accreditation review, documented the Church's assault on academic freedom (284).

[6] Inquiry about sexuality requires a commitment to open discussion about these most important matters. Both liberals and conservatives have fallen short in this regard. Certainly conservatives have borne the brunt of the criticism for silencing discussion about these matters. Their conduct often has justified such criticism. At the same time, liberals and progressives often have been intolerant of views that are contrary to their own. Thus, Nussbaum asserts that "all political viewpoints ought to be respected in any discussion of these matters, and on many campuses liberals are too intolerant of conservative opinion on matters such as abortion and homosexuality" (251).

[7] Liberal and progressive-minded academics often have a knee-jerk reaction to cases like those described above. We tend to think, for example, it is only enlightened and fair to grant equal rights to gay and lesbian groups. And for good reason. We should be beyond the bigotry and violence that too often have characterized American attitudes and actions toward the homosexual community. At a minimum, homosexuals should have the same rights to freedom of expression as everyone else. Indeed, we tend to affirm the free speech and academic freedoms of *almost* everybody. Yet we still must question how forceful we should be in ensuring these freedoms.<7>

## The Limits of Academic Freedom

[8] Alan Kors and Harvey Silvergate, though far from progressive, recognize that private institutions have the right to define themselves any way they want (within constitutional limits, of course). They attack institutions for what I call a "pernicious multiculturalism," the kind of multiculturalism that is benignly uncritical at best and thoroughly doctrinaire at worst. Pernicious multiculturalism chills conversation because of an unwarranted and absolute duty to never offend anybody (this is what I take the pejorative term "politically correct" to mean). To the extent that we use a particular idea of multiculturalism to silence the voices of others we tend toward the vicious rather than the virtuous. At the same time, institutions that use religious beliefs to silence the voices of others also may be vicious.

[9] Certainly in regard to public institutions we should expect the government to protect the right to assemble and speak for most groups. For example, the federal government should and does have an interest in free speech on any campus that receives federal funds either directly or indirectly (that includes all but the most militantly independent institutions). A distinction between public and private always has been upheld, however. As voluntary associations, private institutions should be protected from unwarranted (the trick, of course, is deciding what is warranted versus unwarranted) regulation from governmental bodies. Robert M. O'Neil provides compelling examples when he writes:

[A] historically black private college may feel it should combat racial slurs and epithets in ways the First Amendment would deny to its public counterparts. A single-sex college that recently became coeducational may wish to deal more harshly with gender-based remarks. And a university with many Jewish students and faculty may wish to single out anti-Semitic speech for harsher treatment. They have always been free to do so. There is a good argument that they should not only remain free to do so but also should not disable themselves from dealing differently with speech that touches these special interests (235-36).

While I agree with O'Neil's point, it is noteworthy that in his set of examples he deals with classic minority groups (African Americans, women and Jews) but does not imply here that the same latitude be given to institutions governed by groups representing the Christian majority in the country. The slighting of predominant religious perspectives, however, is not unique to O'Neil.

[10] For Nussbaum, academic freedom in the classroom as well as through research must be prioritized over religiously dogmatic concerns if an institution wants to be considered a college or university.<8> Yet this prioritization does not get us far. Certainly we could think of many instances in which we refuse academic freedom for some individuals. The faculty member intent on using campus laboratories in order to prove the superiority of white males might be prevented from doing so. Perhaps we even would ostracize this person for religious reasons (e.g. that God is the creator of all of us and has made us all equal). Undoubtedly Nussbaum and other advocates of academic freedom would recognize the legitimacy

of denying such freedom to a racist biologist. So academic freedom legitimately can be limited, and perhaps for reasons that even could be described as religious.

[11] Earlier I noted Nussbaum's claim that religious institutions should promote love of neighbor. Her claim is a bit disingenuous to say the least. Certainly this is the ideal toward which many religious institutions aim. But love of neighbor need not necessitate acceptance of the ideas or lifestyle of the neighbor or even a willingness to listen to those ideas or observe that lifestyle. I believe one could argue that we can love our neighbor without condoning their actions. Just because we love our neighbor does not mean we must advocate his or her beliefs or lifestyle in our institutions. We must recognize that there is a vast gray area of disagreement, but in no case do we believe in universal acceptance of others. I believe that universities and colleges should be accepting and nurturing places for students of color, women, and homosexuals (among others). At the same time, I reject the notion that it should be an accepting and nurturing place for racists, misogynists, and homophobes. The latter individuals may be tolerated, and may need to be for the sake of an open academic community. Yet we should be *intolerant* toward advocates of pedophilia and rape. They should neither be tolerated or allowed on campus. The point is that nobody, Nussbaum or others, wants to include certain people within the community characterized by academic freedom.

[12] But why are religious beliefs often singled out as reasons that are unjustified or illegitimate when it comes to limiting academic freedom? In a revealing statement (perhaps more revealing than she realizes), Nussbaum asserts that the United States has attempted and should attempt to build "a democratic culture that is truly deliberative and reflective, rather than simply the collision of unexamined preferences" (294). Coming on the heels of a chapter entitled "Socrates in the Religious University," her point is implied but clear. Schools that limit academic freedom because of their religious commitments do not help us to be "truly deliberative and reflective" because they are dominated by "unexamined preferences." She perhaps leads us to the uncomfortable conclusion that infringements of academic freedom, especially as a result of educational decisions based on religious commitments, are not rational and they are potentially destructive for the country. The defense of academic freedom is rational and patriotic!

## **In Defense of Religious Freedom**

[13] I am a strong supporter of academic freedom. Yet I believe Nussbaum's dichotomy is faulty. Religious commitments sometimes are unexamined, but not always. At times they are non-rational or even irrational, but not always. What Nussbaum's dichotomy reveals above all else is a common prejudice that has emerged in this country in which religious beliefs are to be sequestered from the public arena. They are deemed to be illegitimate or irrelevant when it comes to public policy decisions. And this goes for educational decisions as well. How this is manifested in American culture is detailed compellingly in Stephen L. Carter's *The Culture of Disbelief*.

[14] Carter documents how social and legal pressures demand that religious individuals split their personalities - part public and part private. Only in the private part of their lives are they allowed to express themselves religiously. <9> Students and teachers at all educational levels face this problem. At a minimum, the problem amounts to a public depreciation of religious beliefs. At the extreme, it results in open discrimination against those who express religious beliefs in the public arena. And the (at least implicit) claim against religious beliefs is that they are irrational. This is the view Nussbaum represents.

[15] There increasingly is pressure on religiously-affiliated colleges and universities to keep religious faith separate from secular functions. The pressure to maintain such a separation can come from governmental agencies or from public or private accreditation associations (see Carter: 150-55). Governmental agencies can use money (federal research monies, tax-exempt status, etc.) or accreditation associations can use licensing/accreditation as leverage to compel religious institutions of education to abide by, e.g. standards of admission, teacher/faculty hiring, academic freedom, that they believe are crucial to the proper functioning of an educational institution. And undoubtedly there are many cases in which this is a good thing. A university or college that discriminates in its admissions based on the race or sexual orientation of applicants should be encouraged to change its practices. But the Georgetown University case, for example, might not be so clear cut. Our question then is: Is there a good reason why the public should preserve the religious freedom of such institutions?

[16] Carter as well as many others do believe that there are important reasons why the public should respect the autonomy of religious groups and, by extension, religiously-affiliated colleges and universities. Carter argues that for religious groups to be autonomous "they should not be beholden to the secular world, that they should exist neither by the forbearance of, nor to do the bidding of, the society outside of themselves. It means, moreover, that they should be unfettered in preaching resistance to (or support of

or indifference toward) the existing order" (34-35). But why should the public support the rights of groups that resist or perhaps even actively attack the existing order? Carter identifies two reasons (36-37). First, religious groups provide a diversity of perspectives that helps prevent the tyranny of the majority. This is critical in a democracy and should be supported. Second, religious groups help to prevent people from becoming pawns of the governmental bureaucracy - cogs in the social machine. Religious traditions often help to provide people with a viewpoint from which to see many aspects of their society in a more insightful and critical way. David Tracy refers to religious traditions as "exercises in resistance" (84). And that is why we need them so much. To varying degrees, they challenge the status quo and thus spur *the conversation that we are*, the dialogue that we call democracy.

[17] So, can speech and academic freedoms be reconciled with religious freedom?<10> I think not, at least not happily. At the legal level, I agree with Carter that religious groups (and thus religious institutions of education) perhaps deserve some special protection under the law that will preserve their autonomy (124-35). I also agree with him that the state's reasons for coercing religious groups to conform with secular law or social norms has an inverse relationship to the centrality of the actions or beliefs that would be affected in the religious groups. In other words, if the actions or beliefs are determined to be central in defining a religious group then the state's reasons must be sufficiently compelling for us to act coercively against the group. But if the actions or beliefs are not central to the faith then the state's reasons need not be as compelling (143). For example, one reasonably can argue that the sanctity of heterosexual marriage is important enough in the Catholic tradition to conclude that the state acted improperly against Georgetown University. But, if Georgetown University prohibited African-Americans from entering the school, it would be hard for the institution to make the case that the exclusion of African-Americans is central to the Catholic tradition (especially the Catholic tradition as represented in the twentieth-century United States). Consequently, the state then would be justified in acting against Georgetown.

[18] Undoubtedly, cases like that at Georgetown are difficult and do not lend themselves to easy solutions. However, we must keep in mind that religious freedom should be defended not only at the individual level but also at the corporate level. We tend to think of religious freedom in terms of allowing the person to worship as he or she will and preventing the state from imposing a form of worship on any person. But the argument here focuses on the freedom of groups and institutions, not just individuals.<11> My point is that groups and institutions often make contributions to our social conversation as important as do individuals. In many cases, these contributions are even greater than any lone individual can make. For it is the confrontation of different (sometimes complementary, sometimes contradictory) worldviews that helps to broaden our horizons, to deepen our appreciation for the wealth of human reflection about the world, and perhaps to lead us closer to the truth. This broadening of horizons cannot come about simply through the defense of individual liberty but also must include the support and preservation of corporate freedom.

[19] Multiculturalism often is proclaimed via an emphasis on group identity. There is a recognition that certain groups need representation in curricula, need special protections against hate speech, or perhaps need housing accommodations or meeting spaces that allow them to feel validated and supported. Certainly individuals benefit, but the point is that the strategy tends to focus on groups. We might not require students to take a class about "James" but we might want them to take a class in African-American history or Hispanic literature or Asian religions - all representing groups of which "James" may be a part. My argument simply claims that voluntary associations like religions deserve equal recognition and consideration.<12> All voices should be valued in regard to their potential contributions to the national conversation. Certainly, some may be rejected later. In many cases, however, religious voices - individual *and* corporate - are being rejected before they even are heard.

[20] Changing the way we view religiously-affiliated colleges and universities also requires rethinking what academic freedom means. As Judith Wagner DeCew notes, academic freedom can be understood as focusing on individuals or institutions. In the narrower meaning of academic freedom, it refers solely to the individual freedoms of faculty, students, and even administrators. But, she adds, academic freedom "can be used more broadly to encompass the institutional autonomy of the university, its ability to make its own educational decisions, including those concerning admission, textbooks, dismissal, tenure, and promotion" (34).<13> Both definitions of academic freedom are necessary and there undoubtedly will be times when the narrow definition should supercede the broader one. But not, as Nussbaum would argue, *all the time*. There will be times when the broader definition must be given priority if we are truly to respect the religious freedom of religiously-affiliated colleges and universities. Determining which definition to follow will not always be easy. The choices will not be as simple as Nussbaum's one dimensional approach allows.

[21] An example of the difficult choices of academic freedom may be found in the case of Charles

Curran and his departure from Catholic University. Though a gifted theologian and moral philosopher, his controversial views ran him into conflict with the leaders of the institution. Eventually he was prohibited from teaching Catholic theology at the school (though he could teach non-theological subjects in his field). After a protracted and complicated legal battle, he left Catholic University for other opportunities. Though there were other legal and non-legal issues involved, clearly one of the central issues was whether or not Catholic University had violated Curran's academic freedom. Certainly he thinks so and objects greatly to such violation. He writes:

In my non-expert opinion, religious freedom *should* protect certain actions of churches but *not* those institutions that are incorporated as institutions of higher education . . . this brings up a significant ambiguity in the concept of institutional autonomy in relation to academic freedom. Autonomy could be wrongly invoked to violate academic freedom. A board [of trustees] is not free to accept a position that violates the academic freedom of one of its professors (105).

But why not? I think a board *should not* violate the academic freedom of its faculty, but I do not think that they are logically or morally prohibited from doing so.

[22] I have made a case for why the religious freedom of religiously-affiliated colleges and universities is imperative and (despite the fact that I think Catholic University would be better off having kept Curran than letting him go) Curran provides no convincing argument otherwise. He makes the case for individual liberty as a definition of academic freedom but fails to recognize the import of institutional liberty as an equally important definition of academic freedom (rather than simply religious freedom). I think Avery Dulles comes closer to hitting the mark when he argues:

Every theologian should enjoy academic freedom, in the sense of a right to inquire, publish and teach according to the norms of the discipline. But, because theology is an essentially ecclesial discipline, the freedom of the theologian must not be absolutized over and against other elements in the community of faith. While the freedom of the professor as an individual scholar should be respected, it should be seen in the context of other values (54).

These other values must include the freedom of religious institutions of education to define themselves and express this definition in their unique ways.

## **Dialogical Virtues as Guides**

[23] Again, solutions to such conflicts between academic and religious freedoms may not come easily and may not be completely satisfactory when they do come. While there may not be any easy formula to solve such conflicts, there are conceptual resources that can help religiously-affiliated colleges and universities achieve a balance between academic freedom and religious commitment. These resources derive from a fundamental, philosophical understanding of language and the way in which human beings are dialogical creatures.<14>

[24] As truth-seeking creatures embedded in linguistic communities, we engage in dialogue in order to construct meaningful *worlds*. *Worlds* are distinct from habitats. The latter simply refer to the material landscape (ranging from rocks to plants, from animals to humans) in which we live. Every living creature has a habitat. *Worlds*, however, are those meaningful constructs (what Germans call a *Weltanschauung*) imposed on these habitats. They infuse our material worlds with meaning, making them *human worlds*. They are created and sustained through language, through our continuing conversations with one another.

[25] These *worlds* provide us with an understanding of the good, the true, and the beautiful. Whether we are talking about moral conduct, a sculpture, or scientific "fact," what we deem to be true *always already* is informed and shaped through the conversations that define our distinct communities. Thus, dialogue is the primary activity that allows us to fulfill our function as truth-seeking creatures.

[26] Dialogue also is a social practice. For all practices, there are certain ways of thinking and conducting ourselves that allow us to perform these practices and even perform them well. These "ways" are called virtues. Consequently, there must be certain virtues by which we will excel in the practice of dialogue. I identify these as dialogical virtues, and they include humility, charity and courage. Any genuine conversation requires these virtues in at least a minimal sense. But a greater understanding of them and their role in the dialogical process of *world* construction can help in creating improved communication communities. Such communities then will be able to address more sufficiently the problems and opportunities arising on college campuses as a result of the increasing diversity of student bodies.

[27] We can use Aristotle's *doctrine of the mean* to gain a greater understanding of the dialogical virtues. For Aristotle, the *doctrine of the mean* helps us in determining virtuous conduct. The mean (what is virtuous) rests between excess on one end and deficiency on the other. In regard to dialogical virtues, I place humility between boastfulness and meekness, between egotism and low self-esteem. It does not mean simply declaring our complete ignorance of the other or the subject matter; instead, it is a recognition of the fact that we cannot know everything nor be absolutely certain about any particular thing. Similarly, I place charity between uncriticalness and stubbornness, between prodigality and stinginess. It does not mean simply accepting the other's claim as true regardless of one's own beliefs; instead, it means *presupposing* the truth of the other's claim so that we can understand it and see whether it corresponds to, complements, or contradicts our own beliefs. Both humility and charity make a case for academic freedom, for it is grounded on the belief that our knowledge may be lacking or even wrong. Therefore, we must remain open to further inquiry.

[28] Finally, I place courage between timidity and dogmatism, between self-abnegation and self-glorification. Closely linked with humility and charity, it means the ability to face the challenge of the other person and both stand up for what one believes in as well as allowing for the possibility of one's transformation through dialogue. The "standing up for what one believes in" is what religious commitment is about, and it is necessary for a dialogue to be meaningful. Conversations in which we "have something invested" are those that tend to be the most fruitful.

[29] Each of the virtues functions as a means to the good to be achieved through dialogical practice. This good is understanding and/or truth in relation to other people and other cultures. It is *the* good of a multicultural democracy. In addition, as elements of a practice the virtues also are goods themselves. In other words, they are both a means to an end *and* ends-in-themselves. The final end towards which these virtues lead (and the reason why they also are ends-in-themselves) is human solidarity. It is through solidarity that we discern the goods of life and direct ourselves meaningfully toward them. Solidarity is achieved through the mutual creation of meaningful *worlds* that results from truth-seeking creatures engaged in dialogue. Solidarity is not simply the end of dialogue, however; it also supports and promotes dialogue. We could not even talk with one another if there was an absolute absence of solidarity, so some always seems to exist. Such solidarity then is the starting point for any dialogue that subsequently builds upon it.

[30] In the end, an understanding of the truth-seeking character of human creatures, dialogue, meaningful *worlds*, and virtues results in a conception of solidarity as both the necessary means for the continuance of the human project as well as the primary goal of social and political life.

## Conclusion

[31] This account of the centrality of dialogue in human life, though not fully developed here, does indicate how we might justify academic and religious freedoms for the individual. Dialogue as social practice requires us to grant significant liberties to our conversation partners if we hope in any way to cultivate solidarity with them. At the same time, it can be extended to the corporate level to affirm the freedom - both academic and religious - of colleges and universities. It is clear that our social dialogue is not simply among isolated, atomistic individuals. Rather, we frequently express ourselves collectively through institutions (e.g. college and universities) that often affirm and defend various commitments (e.g. religious or moral). These institutions then need to be guaranteed certain liberties as well.

[32] In the end we are confronted with some tensions between the freedom of the individual and the freedom of the religiously-affiliated college or university, between an institution's commitment to academic freedom and its various faith commitments. There is no easy way to resolve these tensions. Perhaps, in some cases, there are no satisfactory resolutions at all. But it should be clear that resolutions cannot be simply assumed by calling the religiously-motivated positions "irrational" or by raising academic freedom to the status of an absolute law. The best we can do is to try to be virtuous people and create virtuous institutions in a wonderfully diverse yet necessarily conflictual world.

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