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The Historical Roots and the Future of Academic Freedom

Key note lecture, "Citizens of the World: Academic Freedom in a Global Perspective"

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President Ziegler, distinguished guests, dear colleagues and students,

On this day 60 years ago, President Kennedy spent a day in Berlin, a mere couple of hours, that, in many regards, changed the fate and outlook of this city.

President Kennedy's speech in front of the Schöneberg city hall, then the city hall of West-Berlin, has become an indispensable part of the city's mythology. It is remembered as a moment of political magic that transcends the moment at which it was delivered. President Kennedy's famous line, "Ich bin ein Berliner", which held such overbearing significance as a message to the divided city of Berlin, underwriting the promise of continued support for West Berlin, was embraced enthusiastically and has been cherished in the city's collective memory ever since.

What is much less remembered is that President Kennedy also addressed the professors and students of Freie Universität in Dahlem that very day. The two speeches he gave – 'remarks' in the technical parlance of protocol – have been described as entirely independent from each other. Commentators have pondered the relative weight and significance of each, at times making the point that despite the iconic "Ich bin ein Berliner" line delivered at Schöneberg, it was the Dahlem speech that supplied the assurances that Berliners so urgently needed to hear.

On this very day, looking back on the occasion of President Kennedy speaking outside this very building, let me foreground an aspect that has not figured prominently in the commentaries which have – understandably – focused on the political import of the addresses. President Kennedy chose to reflect on the role of universities in this precise political situation, and did not abstain from reflecting on the concept of a university and academic freedom as such. President Kennedy pointed out the apparent redundancy of Freie Universität's name since – and I quote – "the fact of the matter is of course, that any university, if it is a university, is free".

What I would like to argue in the first part of my talk is that Kennedy's two speeches are indeed closely connected. They draw on two different notions of freedom that nevertheless illuminate each other. I will then turn to the history of academic freedom, and, in concluding, I will highlight some of the consequences we can and should draw from both this history and President Kennedy's remarks.

When Kennedy uttered the immortal phrase “Ich bin ein Berliner”, Berliners enthusiastically embraced what they perceived – and what was certainly meant – as an act of solidarity. After all, the most powerful man in the world proclaimed nothing less than being one of them.

Civis romanus

But Kennedy, who is said to have added the German phrase only at the last minute, yet took the time to rehearse the German pronunciation carefully, modelled the sentence on a classical source. “Two thousand years ago”, he said, “the proudest boast was ‘civis Romanus sum.’” Curiously, Kennedy did not offer a translation, but his interpreter Heinz Weber graciously supplied “Ich bin ein Bürger Roms” – “I am a Roman citizen”. “Today”, Kennedy continued, “today, in the world of freedom, the proudest boast is ‘Ich bin ein Berliner’”. (Daum 2008: 224).

The cue card that Kennedy used to prop up his memory in order to correctly pronounce the two phrases in two languages he had no command of, lists both lines, together with another German phrase from the Schöneberg remarks (“Lasst sie nach Berlin kommen”, just in case you were wondering).¹

The Latin phrase was taken from Marcus Tullius Cicero, yet it was not simply a patriotic avowal in the sense of Cicero taking pride in being a Roman citizen. Rather, Cicero referred to the phrase when he acted as a prosecutor in the trial against Gaius Verres, the provincial governor who had wreaked havoc on the island of Sicily, driven by greed and arrogance. Cicero addressed a particular transgression in Verres’ blatant mismanagement of the province: his use of unauthorised punishments against Roman citizens. “Civis romanus sum” was a declaration of citizenship that was not hurled at foreign aggressors, but a protestation – this is exactly the Latin term: *protestatio* – of a Roman citizen’s rights compared to those of women and, above all, of slaves. As a citizen, a *civis romanus* could demand to be spared certain kinds of physical punishment – whipping, above all – that slaves were expected to endure (Cic. Verr. II, 5, 21–

President Kennedy was acutely aware of the connotations of his quotation from Cicero. Emphasizing the philosophical differences between capitalism and communism, he declared: “Freedom is indivisible, and when one man is enslaved, all are not free.”

Without doubt the audience will have understood that it was the GDR that was cast as a slaveholding society. While the two declarations may appear in parallel on the cue card (and in Kennedy’s address), the way in which he developed his argument from the classical quotation now has oppression decidedly located on the other side of the wall, in the communist bloc.

Kennedy’s declaration of “Ich bin ein Berliner” dropped the word that was at the core of the message: *civis*, Bürger, citizen. He had used it to construct a cosmopolis in which West-Berliners, Americans, and the rest of the free world could conceive of themselves as belonging to an imagined community, being citizens of the world against the backdrop of the wall.

Civis academicus

‘Citizens of the world’ is of course the link to the second speech of the day, in Dahlem, in front of Freie Universität’s Henry Ford building. Again, citizenship is at the heart of the remarks, yet in a different acceptance.

In the morning, Kennedy had declared himself to be a citizen of Berlin, in the afternoon, Freie Universität conferred to him the honour of an academic citizen.

The event in Dahlem again began with a speech, yet not Kennedy's. The first to speak was the university's rector Ernst Heinitz, who had had to flee Nazi Germany and who had returned to Germany only in 1948. He addressed President Kennedy in German, and I quote my English translation: „As a token of our gratitude and reverence, the Academic Senate has unanimously decided to confer upon you the highest honour that Freie Universität has to bestow, honorary citizenship, by which you not only receive an academic degree, but become *civis academicus* of our community.”² And he continued by reading aloud the Latin text of the diploma.

The university leadership had decided to present President Kennedy with his diploma in Latin, a language he obviously did not understand. But that was not the point: the use of Latin marked a rite of passage, revived from a distant past. Latin, long out of use, was brought back not only to give the event an even more dignified character, as the default German version was deemed too “mundane” by the university's professors (*Der Spiegel*, 18 June 1963). Latin was also the idiom that had helped, like nothing else, forge the community of academic citizens through the ages.

When Kennedy became a member, an “instant graduate” of Freie Universität, as he put it, the university was barely 15 years old. It had been founded by students with the help of some professors, who saw with sorrow how Humboldt University, in the Eastern part of town, was seized by communist ideologues. In setting forth from East Berlin and looking for a new space, both physically and intellectually, in the Western part of the city, the students, consciously or not, resorted to one of the oldest forms of academic protest, and one of the oldest ways of founding a new institution.

Throughout the early modern period, “Universitätsauszüge”, that is, students and masters departing their universities collectively in response to oppression or violation of their rights, were not a rare event at all (cf. Bahnson 1973).

In order to understand this better, let us take a quick look at the distant past, let us turn to the origins of the university in Medieval Europe. Despite being a very young institution at the time of President Kennedy's visit, Freie Universität partook in almost a millennium of practice and community organisation.

Imagining universities as concrete physical places –buildings, or even a campus – is a very late development in a centuries-long process of academic communities settling down. If we look back at the beginnings of the universities in Bologna, Paris, Oxford or Vienna, we see relatively mobile groups that did not yet have a fixed institutional space.

Universities, when they first emerged in the Middle Ages, were not linked to specific places or buildings. Rather, they were loose associations of itinerant scholars, groupings that were essentially cosmopolitan congregations without a fixed abode (cf. Füssel 2011), communicating with each other in a language that was no one's mother tongue, a genuinely cosmopolitan idiom: Latin.

Originally, the term *universitas* referred to any form of cooperative, association or corporation – and was not limited to the university's premodern predecessors at all. A ‘universitas

scholarium' was one particular form of such an association. This type of organisation emerged in the Middle Ages because the authorities did not sufficiently protect the rights of those who had travelled afar in search of learning and who thus did not have citizen rights where they roamed. From the beginning, the cosmopolitan masters and scholars, who had assembled from all directions and banded together without a fixed abode, had to defend themselves against assaults by the locals who were not always pleased with whom they perceived as intruders.

Banding together in a *universitas* was the cosmopolitans' response to citizens' rights that emboldened locals to discriminate against them, to treat them unfairly or to even enter into violent altercations with them.

Academic freedom

Scholars thought of themselves as forming a *universitas magistrorum et scholarium* – this is the etymological root of 'university': a community of teachers and students. Freedom, for these men, meant to be free in their right of free association, of self-regulation through statutes and rules of inclusion and exclusion, as well as in the choice of their representatives to the outside world. They lobbied rulers to grant them these precise privileges. Emperor Frederick I in 1155, did just that with the so-called *authentica habita*, a privilege that ensured spatial mobility and guaranteed the legal immunity of scholars. This privilege subsequently developed into an ideal of "academic freedom" based on a legal space protected from outside influences. From then on, the *universitas* of masters and scholars formed a privileged corporate association of people who settled in certain places and, in case of oppression, could leave them again in favour of another, more hospitable city. The founding bull of the University of Bologna (dating around 1220) eventually formulated another right of freedom for the first time, namely that of a *licentia ubique docendi*, the freedom to teach anywhere.

All these regulations show that the old university was a migrant institution: A university, we now understand, was continuously created by those who did not belong and who, in turn, sought to create a space of belonging. This early acceptance of academic freedom, termed in Latin *libertas scholastica*, concerned safety on the way to and from university towns, the possibility to move on, and a dedicated jurisdiction that exempted scholars from the authority of local sovereigns.

The question of the scope of these privileges arose time and again, but interestingly these privileges were not focused on intellectual activity as such. Rather, they were primarily concerned with safeguarding the undisturbed pursuit of scholarly work, unencumbered by legal disputes or such mundane obstructions as excessive noise that would hamper concentrated work.

In these early regulations, therefore, there is no reflection on what could even remotely fall under 'academic freedom' in the modern sense, that is the freedom to teach or the right to engage academically with topics of inquiry of one's own choosing. In fact, modern students of the history of universities have long insisted that the early institutional privileges had nothing to do with the freedom of thought with which we identify later concepts of academic freedom.

I would submit, to the contrary, that the long-term effectiveness of the privileges first granted in the thirteenth century can hardly be overestimated, not least with regard to intellectual freedom itself: It was legal stabilisation that endowed the always endangered minority of

masters and scholars with a far-reaching immunity that made them themselves powerful actors in the process of negotiating what could be thought and said (cf. Alenfelder 2002).

Academic freedom is intrinsically related to these community-building privileges and even when radical demands for a general freedom of thought were brought forward in the seventeenth century, it was academic liberties that served as a benchmark.

In 1670, an anonymous booklet appeared, announcing, in Latin, on the title page that it contained some dissertations, that is: treatises, which demonstrated: “that the freedom to philosophise can not only be granted without harm to piety and peace in the state, but also cannot be abolished without at the same time abolishing peace in the state”.

The book was of course Benedict de Spinoza’s *Tractatus theologico-politicus*. The term which I have rendered as “freedom to philosophise” is *libertas philosophandi* in the Latin original. It is usually translated as “freedom of thought”. Spinoza’s claim was however not directed at freedom of thought, but at free speech – and in Spinoza’s radical take, it should be granted as a right to everyone. Now, in the early modern period, it was the general consensus that not everyone was allowed to say whatever they pleased in front of any audience – which is essentially how Michel Foucault conceived of “discourse” in general.

Libertas philosophandi was a freedom that belonged to a particular institution: the university. The term did originally not refer to a general freedom of opinion, but rather to one of the privileges of the universities – now, contrary to the early prerogatives subsumed under the term *libertas scholastica*, concerning the engagement with ideas and the modes of debate.

In the centuries since their inception, universities had continued to translate the privileges granted by the authorities into procedures and practices that helped them not only to safeguard, but to expand their immunity. This may come as a surprise to many who have been taught to picture the Medieval and early modern universities as the strongholds of theologians, as bastions seeking to halt innovation, as antagonists of scientific empiricism, and as ossified guardians of uncritical belief in authority.

And of course, universities were all of these things. Universities were – and partly still are – essentially conservative institutions. But curiously, while upholding the authority of Aristotle and Christian doctrine, medieval and early modern schoolmen also based their core methods – lectures and disputations – on the practice of doubt, regularly subjecting their textual authorities to critical inquiry. They came up with ways to do this by shielding their debates: conducting them in Latin, not keeping records of the arguments exchanged, and requiring their members to regularly defend and attack arguments regardless of their own convictions and views.

And what is more, they let themselves be guided by a powerful *as-if*. This as-if was born in the philosophical faculty, the ‘lowest’ of the four traditional faculties. The philosophical faculty comprised what is today the sciences and the humanities, and from there one went on to study the law, medicine, or theology. While official religious doctrine held that revelation was unconditionally true, the faculty of philosophy took the liberty of thinking and arguing ‘as if’: as if there was no church, no doctrine, as if it was only human reasoning that decided on all philosophical questions. This is what *libertas philosophandi* was about.

Yet this freedom was limited to ephemeral formats that would not reach a broader public: It was safeguarded by a strict adherence to spoken Latin as the medium of debates, and only sworn members of the university were admitted to take part. If this sounds like the perfect safe haven, let me remind you that these privileges and prerogatives were of course contested throughout their history, subjected to threats and attacks. Academic freedom, including in its embryonic forms, has always been fragile.

Veritas – iustitia – libertas

When, in 1948, the newly founded Freie Universität sought to emblematised its identity vis-à-vis the university it had just split from, it harked back to an ancient mode of self-presentation. Freie Universität gave itself a seal. Erwin Redslob, the art historian and founding member of Freie Universität Berlin who also served as its rector from 1949 to 1958, designed the university's seal, choosing three words as the university's motto: Veritas – iustitia – libertas // Truth – justice – freedom.

First of all, this is not and never has been a logo. It is a device. Other than the branding exercises which are undertaken in order to peddle one's merchandise in the marketplace, a device is a promise – above all a promise to oneself. A device is an expression not just of who you are but who you strive to be.

The nature of a device lies in its futurity: it epitomizes a path forward. As such, truth, justice, freedom are not markers of what has been accomplished, but of challenges that need to be met.

The seal has been subjected to several design tweaks since it was first conceived, and as we are currently undergoing another tweak, the three key terms have temporarily vanished from view. Temporarily, I am sure. In the meantime, the three guiding notions are certainly not forgotten. We, as academic citizens, know them by heart and we wear them on our sleeves.

Truth and **freedom** form the inseparable cornerstones. They belong together. Academic freedom, contrary to a general freedom of opinion, is concerned with knowledge, with critical inquiry, impartial judgment, and the search for truth. As Jacques Derrida put it, universities need to claim – and I quote – “an *unconditional* freedom to question and to assert, or even, going further, the right to say publicly all that is required by research, knowledge, and thought concerning the truth. However enigmatic it may be, the reference to truth remains fundamental enough to be found [...] on the symbolic insignias of more than one university.” (Derrida 2002: 24). The status and the changes to the value of truth need to be discussed, Derrida says, precisely *in* the university.

Justice, the third term, is even more of an ongoing mission.

Historically, the university defined itself not just without, but against women, and it would continue to do so to this very day had not women intervened and fought for their right to study, to teach, and to be members – citizens – of the university. It is a mere one hundred years ago that they succeeded. The university, meanwhile, with patriarchy being part and parcel of its DNA, continues to struggle with diversity, as the low percentage of women in the highest ranks of professorships and the blatant gender pay gap document.

Still, we have come a long way if we compare this audience with the congregation at President Kennedy's induction as an academic citizen: not a single female face in the long rows of robed

dignitaries. There are female students crammed into the window spaces above, to be sure. But they were only beginning to make their way into the ranks of the university.

On this day, let us thus not forget that it was the university's marginalised members – students, women – who time and again forced the institution to take its historical pledge to justice seriously.

But we also need to acknowledge that progress has been made. I am proud that our university, my university, has been at the forefront of offering a safe haven to scholars at risk. This anniversary calls upon all of us to continue and even intensify this work.

And I am proud that my university, our university, continues to embrace change. We all know that we need to both cherish and expand the core values in order to make them relevant in a changing world. Academic freedom is a mission that is never accomplished, but a project that is always under construction.

Citizens of the world

When addressing a crowd of thousands outside this very building, President Kennedy spoke of the role of the university in the world.

“This school”, he said, “is not interested in turning out merely corporation lawyers or skilled accountants. What it is interested in – and this must be true of every university – it must be interested in turning out citizens of the world.”

His sentence is both descriptive – “it is interested” – and prescriptive: “it must be interested”.

He was right, the university is in the world, both as an institution awarded the liberty to dedicate itself to research and inquiry, thus assuming an important systemic function in society; and as an institution of higher education that sends out its graduates to the world every year. We are not in an ivory tower, never have been. Our members not only go on to become lawyers, doctors, and less so nowadays, theologians. Who educates all the journalists, librarians, publishers, tv and theater people, curators, politicians, art dealers, tech start-up entrepreneurs? We do, and we continue ourselves to underestimate our reach in and into the world.

Many of those I just listed are humanities graduates. And it is not just for this reason that academic freedom cannot be just something we defend on the outside, it is something we need to live on the inside. Only a university that facilitates freedom of inquiry in the whole range of disciplines, from the sciences to the humanities, is a free university. A free university is a university that cultivates a broad range of subjects and fields, from quantum physics to the historical humanities, and does not succumb to short-sighted utilitarianism.

Again on the outside, a free university must continue to connect. Actor-network theory has given us the methodological tools to think about the university as a connected agent in a multitude of networks, both local and global.

Being a node in these networks, freedom is not something we have. It is something we do. This holds true for academic freedom in particular, yes even more so: it is something we are called to do, we ought to do. And we do this in a global community, as academic citizens of the

world, together with our sister universities and partners worldwide, and in alignment with the cosmopolitanism that engendered the university at its very inception.

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¹ Universitätsarchiv Freie Universität Berlin, Faksimile s. <https://www.fu-berlin.de/sites/kennedy/dokumente/media/index.html>.

² „Als Zeichen unserer Dankbarkeit und unserer Verehrung hat der Akademische Senat einstimmig beschlossen, Ihnen die höchste Ehre, welche die Freie Universität zu vergeben hat, das Ehrenbürgerrecht, durch das Sie nicht nur einen akademischen Grad erhalten, sondern *civis academicus* unserer Gemeinschaft werden, zu verleihen.“ Universitätsarchiv Freie Universität Berlin, Faksimile s. <https://www.fu-berlin.de/sites/kennedy/dokumente/media/index.html>.