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Academic freedom and faculty careers: A case study of four Nobel laureate exiles, 1930-1940

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ACADEMIC FREEDOM AND FACULTY CAREERS:
A CASE STUDY OF
FOUR NOBEL LAUREATE EXILES
1930-1940

A Dissertation
Presented to
The Faculty of the School of Education
The College of William and Mary in Virginia

In Partial Fulfillment
Of the Requirements for the Degree
Doctor of Education

by
Timothy Dale Norton
December 1995
ACADEMIC FREEDOM AND FACULTY CAREERS:
A CASE STUDY OF
FOUR NOBEL LAUREATE EXILES
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ACADEMIC FREEDOM AND FACULTY CAREERS:
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ABSTRACT

The purpose of this historical study was to evaluate the consequences that the politically-determined conventions of academic freedom in Germany and in the United States had on the careers of four elite scientists before and after their emigration resulting from the threats of Nazism. This problem consisted of three distinct conceptual parts: (1) academic freedom, as a concept, (2) the political conventions of academic freedom within pre-World War II Germany and within pre- and World War II America, and (3) the effect that these definitions had on the careers of Albert Einstein, James Franck, Otto Meyerhof, and Otto Stern. The methodology that best suited this evaluation was the historical case study.

In Germany, I followed academic freedom's evolution beginning with Humboldt's work at the University of Berlin, continuing through to the Weimar Republic, and
concluding with the National Socialists. In the United States, I traced academic freedom’s development from its classically-based roots, moving through the entrance of the German model, and closing with the impact of the American Association of University Professors.

Incumbent in this discussion was the effects that German nationalism, National Socialism, the Great Depression, communism, and anti-semitism had upon the evolution of academic freedom. I concluded that the nature and development of academic freedom was formed and directed by the constructs of and the constraints upon intellectual liberty. Its politically-determined conventions influenced, both positively and negatively, the careers of four particular scientists.

More in-depth study is necessary to further evaluate the relationship between various governing bodies and the academic freedom of the Jewish professoriate. Additionally, insight into the degree and manner of influence of university presidents upon the careers of faculty is also needed.

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ACADEMIC FREEDOM AND FACULTY CAREERS:
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CHAPTER 1

ACADEMIC FREEDOM AND THE CAREERS OF FOUR INTELLECTUALS

Introduction

It takes but one look at the inscription on the Statue of Liberty to be reminded that America has always been a place of refuge for those "tired...poor" individuals who, in their attempts to escape intolerance and oppression in foreign lands, found in this nation a place where they could finally "breath free." Scattered among the "huddled masses" fleeing Hitler's strangle-hold were intellectuals looking for opportunities to continue to pursue their careers in the country that had so willingly opened its "golden door" to them. This study evaluates the influence that academic freedom in Germany and the United States had on the careers of four such intellectuals both before and after their emigration from the threats of Nazism.

Understanding Academic Freedom

In order for an institution of higher learning to legitimately state that academic freedom exists within its boundaries, the professors of that institution must
be able to say that they can "pursue the truth unhindered" (Pincoffs 1975, viii). Although this definition is brief, it focuses upon the core issue of an educational concept that can be adulterated by the most innocent of attempts to clarify its various conventions.

Within the context of this inquiry, "pursuit" is defined as "the act of following with a view to reach, accomplish or obtain" (Webster, 1828). The professor who claims to be functioning in a free academic environment is intimating that he or she is involved in a process that has an attainable goal. The precise intention and ultimate expectation is the "attainment" of the goal, truth, that is being pursued (Searle, 1975; Metzger, 1977).

Truth, which is defined as "conformity to fact or reality" (Webster, 1828), is an objective for which the scholar labors tirelessly. Attempts, however valiant and well-intentioned, to articulate its parameters inevitably result in an acknowledgement that there are numerous dissimilar perceptions about as well as countless disparate approaches to its elusive essence (Pincoffs, 1975; Metzger, 1977).

Finally, this "pursuit of truth" must occur in an "unhindered" environment, that is, one "without opposition" (Webster, 1828). Pincoffs (1975) offers two
perspectives that are helpful in determining the precise nature of a hindrance to teaching or to learning. First, is the hindrance an "innocent" one? In other words, does it arise in the form of a natural event such as a thunderstorm or hurricane that causes an interruption in a power supply? Or second, does the hindrance betray deliberate intentions to obstruct particular activities, as would an administrative decision to withdraw research funds from a project that is considered "professionally desirable?"

The effects of academic freedom in a system of higher education are of fundamental importance to this study. Does the presence of academic freedom in a college or university influence the careers of that institution's professors?

Academic Freedom in a World Gone Mad

During the 1800s and early 1900s, German universities were generally accepted as having evolved into the premier institutions of higher learning in Europe. Foreign students who were studying at universities in Berlin, Heidelberg and Leipzig during this time filled educational journals with articles that praised the scholarly life that they were experiencing (Hofstadter and Smith, 1961). After the end of the
American Civil War, students in the United States experienced limited opportunities for scientific research or for serious contemplation of studies due to the lack of scholarship in American colleges. Opportunities paled in light of what they read about educational institutions in Germany (Rudolph, 1962).

By the late 1890s, however, some American students who had decided to study abroad began to show signs of disenchantment with German universities. These scholars were slowly gaining enough confidence to evaluate the German model of higher education with a more discriminating eye—accepting those aspects, such as the research ideal, which they liked, and moving away from those, such as an extreme emphasis on certain subjects, which they did not like (Veysey, 1965).

On November 11, 1918, with the loss of World War I, Germany became a republic under the stipulations of the Treaty of Versailles. Most German professors bitterly rejected both the Treaty and the newly formed Weimar Republic. Since they were convinced that the Republic had been forced upon the people by the Allies and that such democratic forms of government were "un-German," these professors used their lectures and writings to present dangerous nationalistic themes, such as the build-up of German armed forces to protect the honor of
the Fatherland, in spite of such moves being in direct violation of the stipulations of the Treaty of Versailles (Kelly, 1972). They "fell out" of society as a result of their embitterment against the elite class that they felt was embodied in the Weimar Republic (Ringer, 1948).

Additionally, they were also distressed by the decline of their lecture fees. These fees made up approximately half of their income and were now being paid in highly inflated currency. A loss in social prestige accompanied the professors' financially deteriorating status, as personal wealth had been an effective facilitator to their social aspirations (Kelly, 1972). It was such views that fueled the fires of dissent throughout the nation and made the even more extreme nationalism of zealous National Socialists (Nazis) appear comparatively moderate (Kneller, 1941).

When the Nazi candidate Adolph Hitler took office as Chancellor in 1933, the professoriate regarded him as a temporary presence to be endured until his promises to ameliorate the injustices of the Treaty of Versailles could be implemented (Kneller, 1941; Lilge, 1975; Beyerchen, 1977). Since the academic community had chosen to tolerate Hitler's presence, his National Socialist Party met with no substantive opposition when they moved to control the Weimar universities. The
Nazis' initial efforts were directed toward a modification of the tenets of academic freedom so as to facilitate the attainment of their ultimate political goal of transforming the professoriate into an instrument of unquestioning support for the State (1941).

Up to this point in time, professors had always insisted that freedom of research and impartiality in learning--the basic constructs of the German model of academic freedom--be maintained in order to preserve the integrity of the university. However, members of university faculties quietly stood by as Hitler altered these revered ideals. Professors raised few objections when he insinuated that their personal research projects were, in actuality, occasions for the development of ideas in opposition to the fundamental aims of National Socialism (Kneller, 1941; Beyerchen, 1977).

Hitler expected the professoriate to acknowledge the inherent superiority of the Aryan race and the innate inferiority of anyone not aligned with the pure Germanic ideal (Kneller, 1941). The outcome of any deviation by a professor from these and other Nazi dictates was expulsion from his or her teaching position; indeed, over 2,000 persons--almost 25% of the faculty that had been employed in German universities during the academic year
of 1931-32—literally disappeared by the end of the winter semester of 1933-34 (Hartshorn, 1937).

Beginning in the 1930s, therefore, numerous members of German academia left their homeland in search of personal safety and professional opportunity in the United States. In fact, the number of intellectuals emigrating from continental Europe increased each year between 1930 and the early 1940s (Fermi, 1968). The magnitude of this Intellectual Diaspora was "so large and of such high [intellectual] quality that it constituted a new phenomenon in the history of immigration" (1968, 11).

Within this throng of highly educated immigrants there existed a subgroup of elite German scientists, including Albert Einstein (1879-1955), James Franck (1882-1964), Otto Meyerhof (1884-1951), and Otto Stern (1888-1969), who came to the United States. These four individuals, all of whom had either won the Nobel Prize in their chosen field or would soon move into laureate status, joined faculties of American institutions of higher education and renounced their allegiance to the Fatherland to become naturalized citizens of their adopted homeland.

Why did these men choose to leave Germany and come to the United States? To what degree was Hitler's effort
to control the universities academic freedom related to their emigration?

After their arrival in the United States, these men had to adjust to a new system of higher education and to reestablish successful academic and research careers (Zuckerman, 1977; Geiger, 1986; Haffner, 1991). The model of academic freedom that Einstein, Franck, Meyerhof, and Stern found in American universities had originally been influenced by the German concept of Lehrfreiheit (the freedom to teach); however, American scholars had extended the German parameters of academic freedom to also include freedom of speech and expression outside the educational institution (Hofstadter and Metzger, 1955; Poch, 1993). American professors believed that the freedom of expression guaranteed to every citizen was sufficient foundation for their claim to "extra-mural utterance." This claim was substantiated in the American Association of University Professors’ 1915 General Declaration of Principles (Hofstadter and Smith, 1961).

In the years following the presentation of this declaration, questions about the application of the concept of "extra-mural utterance" surfaced. In pre-World War II America there was concern over the political ideologies of communism, fascism, and National Socialism
emerging from the European continent. Consequently, in an effort to discourage "un-American" opinions, a number of the forty-eight states enacted teacher-oath statutes (Brubacher and Rudy, 1958). This legislation, which required a vocal support of state and federal constitutions, was considered by members of the professoriate as a limitation to their right to "extramural" utterance. The oaths were not dissimilar in many respects to some of the nationalistic requirements of the Third Reich (1958). Academic freedom in both Germany and the United States was being restricted by political forces.

What then were the similarities and dissimilarities between the condition of academic freedom in Germany at the time of Einstein, Franck, Meyerhof, and Stern's departure and that of academic freedom in America upon their arrival?

The Research Problem

The problem of this historical study is to evaluate the consequences that the politically-determined conventions of academic freedom in Germany and in the United States had on the careers of four elite scientists before and after their emigration resulting from the threats of Nazism. This problem consists of three
distinct conceptual parts: (1) academic freedom, as a concept, (2) the political conventions of academic freedom within pre-World War I Germany and within pre- and World War II America, and (3) the effect that these definitions had on the careers of four elite scientists.

In order to solve the research problem, four research questions are posed. The first deals with the theory of academic freedom:

1. What forces impacted upon the evolution of the concept of academic freedom in Germany from 1800-1938 and in America from 1700-1940?

The next two questions take the concept of academic freedom and place it into the context of pre-World War II Germany and of pre- and World War II America:

2. What were the politically-determined conventions of academic freedom within pre-World War II Germany?
   a. How was academic freedom manifested within and influenced by the Weimar Republic?
   b. How did Hitler's efforts to control the German university affect academic freedom?

3. What were the politically-determined conventions of academic freedom within pre-and World War II America?
   a. How did "wartime" influence academic freedom in America?
   b. How was the right to intra-and extra-mural utterance preserved by the actions of the AAUP?

The fourth question addresses the effect that the German and American models of academic freedom had on the
careers of these four elite scientists; Einstein, Franck, Meyerhof, and Stern:

4. What elements of the political conventions of academic freedom effected the careers of these scientists before they left Germany and after they arrived in America?

   a. What were the similarities and distinctions between the condition of academic freedom in Germany at the time of their departure and that of academic freedom in America upon their arrival?

   b. Did American academic freedom permit these scientists a different arena for research and teaching than that which had existed in pre-World War II totalitarian Germany?

The Concept of Academic Freedom

Searle (1975) argues that at the heart of any theory of academic freedom is the contention "that professors should have the right to teach, conduct research, and publish their research without interference..." (87). He argues that the justification for these prerogatives derives from the fundamental objective of the university of advancing and disseminating knowledge. In other words, in order for a professor to "pursue the truth unhindered" (Pincoffs, 1975) and for the outcome of that inquiry to be transmitted to others, an environment free from academic restraints must be in place (Searle, 1975).

Fuchs (1963) and Lovejoy (1930) also attach great importance to professors' being allowed to function
without hindrance from political, ecclesiastical, or administrative authority. Fuchs emphasizes that academic freedom "has been expanded in the United States to...protect the liberty to participate in extra-mural as well as intra-mural activities" (1963, 444). Lovejoy presents only one exception to the prohibition against interference with this liberty. In his definition of academic freedom, he argues that the sole occasion when a teacher or research worker may be challenged is if "his methods are found by qualified bodies of his own profession to be clearly incompetent or contrary to professional ethics" (1930, 384).

My study compares and contrasts the manifestation of academic freedom in institutions of higher education both in Germany and in the United States during the 1930s and the early 1940s. I show how the political climate of these time periods influenced academic freedom's evolution in each national arena and in turn how its conventions then influenced the academic careers of the four emigrant nobel laureate scientists.

Academic Freedom in Germany

In defining academic freedom within pre-World War II Germany, I explain the concept's evolution beginning with Humboldt's work at the University of Berlin, continuing
through to the Weimar Republic and concluding with the National Socialists in the 1930s. From this point, I ascertain the influence that academic freedom's politically-determined conventions had upon the careers of Einstein, Franck, Meyerhof and Stern before their emigration from the threats of Nazism.

**Academic Freedom in America**

An analysis of academic freedom in America demonstrates the concept’s evolution from the 1700s to the early 1940s and the influence that its politically-determined conventions had upon the careers of Einstein, Franck, Meyerhof and Stern after their emigration from the threats of Nazism and their arrival in the United States. It includes a presentation of the American paradigm of academic freedom as it evolved over the 25 years following its elucidation in the AAUP’s 1915 General Declaration of Principles. It was during this period that all of these scientists arrived in this country and began the process of assimilation into its culture and its system of higher education.

**The Purpose of the Study**

The justification for my study is found in two areas. First, my analysis compares the influence that
the different politically-determined conventions of academic freedom had upon the careers of four elite scientists. Although numerous studies have focused on how and to what extent academic freedom has existed on college campuses (Alberty and Bode, 1938; Rudolph, 1962; Gay, 1968; McClelland, 1980) and several researchers have described the influence that political realities in American and Germany during the 1930s and early 1940s had upon academic freedom (Burlingham, Byrne, Seabury and Stimson, 1936; Hartshorne, 1937; Davie, 1947; Beyerchen, 1977; Zuckerman, 1977), no inquiries have emphasized an evaluation of the influence that the politically-determined conventions of academic freedom had upon the careers of the scientists in this study.

Second, I address the limits which can be placed upon academic freedom when its principles are not safeguarded. The National Socialists' rise to power made it possible for them to implement their educational philosophy, which radically altered the exercise of academic freedom in German universities (Hartshorne, 1937; Kneller, 1941; Gallin, 1986). Likewise, the ethnocentrism and nationalism in the United States during the 1930s and early 1940s were manifested in the imposition of teacher oath laws and other limitations to
freedom of thought, speech, and teaching (Capen, 1937; Carlson and Lovejoy, 1937; Duggan, 1937; Tyler, 1937).

Research into the influence that different politically-determined conventions of academic freedom had upon the careers of four elite scientists and into the limits which can be placed upon academic freedom when its principles are not safeguarded is important because it illustrates that limitations to academic freedom can be manifested in either a socialistic dictatorship or a democratic republic. It reinforces the necessity of constant vigilance as the inevitable price of freedom.

Delimitations and Limitations

Academic freedom is an educational practice whose roots go back to Socrates, Plato and Aristotle. It has been an issue of concern and debate as long as there have been teachers who taught the truth (Lovejoy, 1930; Fuchs, 1963). When addressing an educational concept with such an extensive and wide-ranging heritage, limitations must be set as to the time frame within which it will be analyzed. For this reason, I established the 1930s as the central time period for my study.

I have limited this study to the careers of four particular German scientists who served on faculties of German institutions of higher education during pre-World
War II Germany because scholars from this time period would have experienced the shift from Weimar isolation to Nazi control. Further, I selected immigrant professors who became naturalized citizens of the United States after their emigration from Germany and who joined faculties of American institutions of higher education. The reason for this being that an evaluation of the influence of academic freedom upon their careers would provide supportive documentation for the comparative study of academic freedom and its influence on professorial careers. Finally, I chose Nobel laureates primarily because the personal notoriety generated by the receipt of a Nobel Prize should insure the availability of sufficient documentation for an accurate evaluation of various aspects of their careers.

This study is limited by the available research sources of records, personal diaries, published writings of the period and other documents. As is often the case with historical studies (including this one), the option of gathering primary data from personal interviews is eliminated as the individuals under study are deceased. Also, it is unfortunate that considerably less documentation is available on the career of Otto Stern than on those of Albert Einstein, James Franck, and Otto Meyerhof. No additional information on Stern was found
after (1) speaking with Dr. Frank Mecklingburg of New York's Leo Baeck Institute, which is a library dedicated to the collection of volumes that contain information about German-speaking Jews from central Europe; (2) contacting Mr. Kenneth Schoen, who is a specialist in scholarly out-of-print and used Judaica texts on exiles; and (3) talking to the research librarian of the Research Institute of the United States Holocaust Memorial Museum in Washington, D. C. The paucity of material available on this one scholar limited the evaluation of his career.
CHAPTER 2
REVIEW OF THE LITERATURE

Introduction

"...[T]he interaction between the university's own built-in conservatism and the pressures upon it to adapt to new external conditions is one of the most potentially illuminating...aspects of the process of historical change" (Stone, 1974, vol. I, v). Looking at the interactive nature of the relationship between the university and its environment, academic freedom is one particular dynamic of that relationship whose parameters have often been the subject of heated debate during those occasions when institution and society conflict. The development and influence of this somewhat abrasive catalyst during certain historical periods serve as the underlying themes of this review of related literature.

The Concept of Academic Freedom

Academic freedom is viewed as the prerogative of scholars "to be left free from interference or punishment to teach and to publish what they sincerely believe to be true" (Jones, 1975, 38). The conviction of academics, as
with Socrates when he chose hemlock rather than capitulation to state demands to alter his teachings, has been that they be allowed to present their studied view of truth with the intention of equipping their students with the capacity, as Max Weber argued, "to think clearly" (Shils, 1973, 37). As a result of the tension occasionally created by this conviction, the issue of academic freedom has been for centuries the subject of debate. In order to gain a full-orbed understanding of this fundamental concept, an appropriate starting point, as the roots of the concept of the modern university can be traced there, is the Middle Ages (Franklin, 1981; Pulliam, 1987).

Ushered in by the death of the last Carolingian Emperor in 877, the Middle Ages were replete with barbarian attacks upon western Europe from the North. As a result of the terror and disruption these invasions caused, medieval populations chose to rally around local strongmen, thereby becoming dependent upon them for their lives and their livelihood (Franklin, 1981; Kagan, Ozment, and Turner, 1983). Fear of annihilation was a component of the fidelity that the common people showed to their feudal masters and of the contempt that they had for foreigners. This aversion to foreigners initially led to the formation of scholastic guilds, universitas,
which were designed for the protection and support of foreign students. Although guilds had no campus and no administrative structure, they permitted the medieval professor to teach truth. However, the Middle Ages' concept of truth required faculty to expound upon that which had already been revealed by a higher ecclesiastical or political authority, not to search freely for something that was as yet undiscovered (Thelin, 1982, Haskins, 1984). This early model of intellectual liberty was a precursor of its modern counterpart, academic freedom.

The constant fear of impending devastation by invading barbarians that was a reality of life in the Middle Ages was replaced by the comparative security of the Renaissance. Historians generally mark the beginning of the Renaissance with the fall of Constantinople to the Ottoman Turks in 1453, an event that resulted in scholars of the Byzantine Empire fleeing to western Europe for safety (Thompson and Hicks, 1985). When these academics arrived, they found the ties between academic activity and strict ecclesiastical authority and influence loosening as a result of the doubts that were developing in the freer atmosphere of the Renaissance (Franklin, 1981).
Additionally, a new heightened regard for individuality also contributed to the reappraisal of authority structures in general. The philosophical basis for the Renaissance’s increased emphasis upon the dignity of man and his individualism, commonly labeled Humanism, served to move scholars to promote an increased awareness of the need for political and civic liberty (Kagan et al., 1983).

Humanism provided scholars with a theoretical perspective that influenced the scope, or development, of intellectual freedom. Academics began to draw their own conclusions about the Classics, not necessarily mimicking the views of previously recognized scholastic authorities. This heady atmosphere fostered a considerably freer academic environment for intellectual pursuits than had ever existed during the Middle Ages (Fuchs, 1963; Fleming, 1980; Haskins, 1984).

The questioning of authority that was a hallmark of the Renaissance prepared the way for the Protestant Reformation in Germany; with the precipitous event in 1517 being Martin Luther’s presentation of his "95 Theses," which contained direct challenges to papal practices (Fleming, 1980; Kagan et al., 1983). Academic institutions were influenced by scholars fresh with excitement over the liberty they anticipated developing
as a result of the ever-increasing interest in humanistic philosophy. The professoriate soon realized, however, that liberty was much easier to contemplate than to apply. Instead of finding encouragement and support from their ecclesiastical superiors, professors came face-to-face with opposition from church leaders who felt threatened by the increasing intellectual liberty being enjoyed by academics (Pincoffs, 1975; Fleming, 1980).

In the early 1500s, noteworthy scholar Johann Wessel of Gansfort, who taught Greek and Hebrew at Heidelberg, had his writings characterized by university officials as inappropriate for dissemination to students. The influential ecclesiastical hierarchy labeled Wessel's ideas as being disintegrative of their allegiance to the Pope (Thomas and Hicks, 1985). It is noteworthy that the professoriate and the university, two entities that by design must work in close proximity with one another and that have similar theoretical foundations--the discovery and propagation of truth--surface at cross purposes when each is faced with pressure from the fluctuating political and social agendas around them (Veysey, 1965; Pincoffs, 1975).

Over the next 200 years, with the decline of the influence of the ecclesiastical system over the academic arena, scientists-scholars like Galileo and Newton, were
revered with an almost God-like status as they were individuals capable of solving the mysteries of the universe and displaying their results with mathematical precision. In like manner, political philosophers such as Locke offered solutions to the excesses of governmental authority by presenting all men as being "equal and independent" (Kagan et al., 1983, 526). The concept of individual freedom of thought that was developed out of this egalitarian philosophy allowed professors to begin to extend the limits of intellectual activity beyond the borders set for them by previous thinkers (1983).

The German Model of Academic Freedom

One extension of this intellectual activity that surfaced at the beginning of the 1800s was the German educational reform posed by Wilhelm von Humboldt. As head of the educational bureaucracy in Germany, he was determined to support university reform and greatly influenced changes at the University of Berlin. Berlin's founding in 1810 marked the beginning of the modern period of German university development. Humboldt's efforts were primarily directed at removing the influence of the Germanic princes and in establishing the university as a "privileged corporation with self-
governing rights." (Samuel and Thomas, 1971, 113). By endowing universities with self-governing corporate status, Humboldt's intent was to remove them from the whims of political influence and censorship that were inherent in their state as "royal" institutions (Beyerchen, 1977).

Humboldt imbued the concept of academic freedom with two fundamental principles that influenced subsequent models. The first principle, Lehrfreiheit, was the freedom of teaching. He argued that the professor should be free from restraint to follow his convictions while teaching, and should be free to select his lecture subjects and to not follow a government-prescribed syllabus. Humboldt's second principle, Lernfreiheit, was the freedom of study; the student was free to attend whatever lectures he wished and could constantly shift from one university to another during his academic career (Samuel and Thomas, 1971). Such concepts were embraced by some of the faculty and slowly began to develop in the fertile environment that such liberty provided. However, these ideas of German educational reform were ultimately destined to be implemented only as far as the state's educational officials allowed (Thompson and Hicks, 1985).

By the latter 1800s, the several German principalities had been molded into one unified state
through the diplomatic efforts of Prussian Chancellor, Otto von Bismarck (Franklin, 1981; Thompson and Hicks, 1985). This new government's centralized educational ministry became the one primary source for university funding. From this vantage point, members of the state educational ministry could pick and choose those concepts that they would allow members of the professoriate to propagate (Ringer, 1969; Kelly, 1972). This strong governmental presence in academic circles continued through the end of World War I in 1918, when Germany became a republic (Franklin, 1981).

Universities in the Weimar Republic, where according to writers such as Abraham Flexner (1932) academic freedom was alive and well, were in actuality fraught with religious and political discrimination. The situation was so desperate that Max Weber, a prominent German scholar and social scientist, upon hearing that a friend's political and religious views made it impossible for him to secure a teaching position in Germany, stated in an open letter that he was "unable to behave as if we possessed a freedom of teaching which somebody could still take away from us" (Ringer, 1969, 143).

This case was typical of other situations where blatant acts of discrimination resulted in the development of a mutant version of Humbolt's original
model of academic freedom, which allowed for a diversity of opinion within the university faculty (Gallin, 1986). "[German universities] were [becoming]...nurseries of a woolly-minded militarist idealism and centers of resistance to the new in art or the social sciences; Jews, democrats, socialists, in a word outsiders, were kept from the sacred precincts of higher learning" (Gay, 1968, 3).

Largely due to the Weimar Republic's support of the Treaty of Versailles, conservative professors gradually became disillusioned with the government. These professors believed that the Treaty's stipulations that Germany pay reparations to the Allies was unacceptable and "un-German." They also felt that such policies were taking Germany into a period of economic decline. Government funds were going to pay the war reparations stipulated at Versailles; therefore, there was less money available to pay state employees such as professors (Kandel, 1935; Kelly, 1972).

After little more than thirteen years in power, the Weimar Republic began to loose control of the political sphere. By the time of the national elections in 1932, the German economy was near collapse. To meet the increased demands for state money to pay war debts, the government printed more and more "marks." The
uncontrolled inflation that resulted left the mark practically valueless and over six million workers unemployed. These circumstances, coupled with a nationalistic resentment over the impact of Germany having lost World War I, led to the National Socialist (Nazi) Party gaining control of the Reichstag and Hitler being appointed by President Hindenburg as Chancellor of Germany (Hoover, 1933; Rodes, 1964; Franklin, 1981).

The Nazi Party immediately focused their efforts toward controlling the educational system. "The...[influence of the] National Socialist regime [was] devoted to two main tasks, first to destroy all vestiges of the contributions to education made during the Republican period, and, second, to build up a new philosophy of education based on the doctrines of the Revolution" (Kandel, 1935, 33). The Nazis saw institutions of higher learning as potential instruments for the advancement of their political agenda. Because the National Socialist Party felt that some professors had sacrificed the common national interest to their own narrow concerns, the Nazis had to "save the universities and found them on the soil of the national (volkish) idea...to give [them] body and soul, and to hasten [their] development in the light of racial theory" (1935, 53).
The Nazis' adjustments to the German model of academic freedom were based upon their determination to alter the concepts of freedom of teaching and research to meet the needs of the totalitarian state. To ensure loyalty, Hitler decided that promotion within the ranks of the university faculty was to be determined, not by peers, but by Nazi state officials who would make candidates swear to teach and conduct research solely in the interest of the state. Policies such as this brought about the dismantling of Humboldt's German model of academic freedom (Kandel, 1935; Ringer, 1969; Gallin, 1986).

The American Model of Academic Freedom

Much of the struggle for academic freedom in America centered around the idea that intellectual liberty included freedom of thought, speech, and writing. Although professors generally considered intellectual liberty to be their right, there were some ecclesiastical and political authorities who considered it to be a privilege over which they alone had authority. This conflict between a professor's view of his rights and a collegiate governing board's view as to their jurisdiction began to surface after the American
Revolutionary War (Hofstadter and Metzger, 1955; Cohen, 1968).

As citizens in a new and independent nation, Americans were eager to move into the period of discovery and expansion that lay ahead of them (Cohen, 1986). The classically-based curriculum of the colonial college did not equip its graduates to function successfully within this emerging frontier society (Lowman, 1983). Instead, the call was for institutions of higher education with utility-centered curricula that would academically outfit the graduate to face the needs of this new nation (Portman, 1972; 1983). Such reform in the content of collegiate course work and in curriculum design required educators to move into higher levels of scholarship and research. This provided an opportunity for professors so equipped to become more involved in the decision-making processes of their colleges (French, 1964; 1972; Herbst, 1982).

As the curriculum was expanded, more funds were needed to support the innovative programs being offered. This put college boards and administrators in need of increased amounts of state monies and consequently moved them closer to the political realm. University boards, whose political views were generally similar to those of their governmental benefactors, did not want their
faculty members to express views that conflicted with the political status quo. One particularly explosive issue was slavery. Depending upon the political climate of the area, being in support of or in opposition to this issue could either cost a university its funding or a professor his position (Brubacher and Rudy, 1958; French, 1964; Portman, 1972).

As colleges were attempting to expand their programs, progress was not always being made quickly enough for young scholars. When these men looked at the universities in Germany, they saw institutions that were offering a higher level of learning than they could find at home. Consequently, many of these students chose to continue their studies abroad in universities at Berlin and Gottingen. While in Germany, they had the opportunity to see the concepts of Lehrfreiheit, freedom of teaching, and Lernfreiheit, freedom of learning, establishing an environment of free intellectual activity that they wanted to transfer to their academic institutions in America (Thwing, 1928; Flexner, 1932; Hofstadter and Metzger, 1955; Veysey, 1965).

Upon returning home, these scholars extended the German model of academic freedom to include the right to extra-mural utterance, the freedom to address issues of their choice beyond the campus of their college or
university. Professors believed that their constitutional guarantee to freedom of speech served as the foundation for their claim. It was this professorial contention that led to confrontations with university boards and financial supporters when they did not agree with a professor's position (Thwing, 1928; Veysey, 1965; Portman, 1972).

By the early 1900s, professors who were exercising their right to extra-mural utterance were concerned that they did not have an arena to which they could appeal when they felt their rights were being infringed. It was out of this concern and frustration that college professors founded the American Association of University Professors (AAUP) in 1915 as an organization dedicated to the protection of the principles of academic freedom (Hofstadter and Metzger, 1955; Brubacher and Rudy, 1958; Pulliam, 1987).

Over the next 25 years, the AAUP issued five major statements which charted the course for the development of academic freedom in America. The first such document was the 1915 Declaration of Principles, which set forth the right of professors to pursue the truth unhindered as well as the right to intra- and extra-mural utterance (Alberty and Bode, 1938; Joughin, 1969; Hendersen and Hendersen, 1975; Karier, 1986). The second document was
the Report of the Committee on Academic Freedom in Wartime, which was presented in 1918. This Report stated that restraints could be placed upon the academic freedom of professors during a time of war; but, that these limitations could not go beyond those expected of the average citizen (Report, 1918; Bearde and Bearde, 1930; Bentwich, 1953; Brubacher and Rudy, 1958; Finkelstein, 1984).

The third document was the 1925 Statement on Academic Freedom. This report was the product of collaborative efforts on the part of several national educational organizations. One major benefit of this report to college and university professors was that various national organizations had worked together on this project and that they were all available to assist in investigations of possible infringements upon academic freedom (Alberty and Bode, 1938; Bentwich, 1953; Hofstadter and Metzger, 1955). The fourth document was the 1937 Statement of Committee B in which the AAUP responded to the controversy over teacher loyalty oaths, which required professors to pledge their allegiance to state and federal constitutions. The Committee stated that scholars should be permitted to discuss controversial issues; therefore, they could not tolerate
limitations upon their academic freedom (Carlson, 1937; Alberty and Bode, 1938; Knight and Hall, 1951).

The final document was the 1940 Statement of Principles and Interpretive Comments on Academic Freedom and Tenure, which became the most widely known and endorsed statement of its kind in America (Poch, 1993). As a product of the joint efforts of the AAUP and the American Association of Colleges, an organization of college presidents, this report restated the principles of academic freedom in order to ensure that the constitutionally-guaranteed rights of those who seek to teach the truth are maintained within a society that has the right to know the truth (Joughin, 1969; Poch, 1993).

The Careers of Four Elite Scientists

The careers of Albert Einstein, James Franck, Otto Meyerhof and Otto Stern, thrived during the Weimar period, suffered during Germany's transition to National Socialism, and culminated in institutions of higher education in America (Weber, 1980; Magill, 1989). Each of these men won a Nobel Prize and was recognized as being part of the elite international scientific community of the first half of the Twentieth Century (Heathcote, 1953; Estermann, 1959; Zukerman, 1977). What adds additional interest to their already illustrious
careers are the times in which they lived and the choices they made in response to the influence of those times upon the institutions of higher education in which they served (Bentwich, 1953; Fermi, 1968; Beyerchen, 1977).

Germany had lost the "War To End All Wars" (Franklin, 1981, 198) and her destiny was now in the hands of its victors, all of whom wanted her to pay dearly for the over 40 million lives that had been claimed by the conflict. The Treaty of Versailles, signed in 1919, stipulated that Germany relinquish one-seventh of her land, all of her overseas territories, and pay reparations. Largely as a result of these requirements, the country was bankrupt, both financially and emotionally; resentment had begun to build against those countries that the German people felt were exacting their "pound of flesh" from a nation that had nothing left to give (Hoover, 1933; Kelly, 1972; Fleming, 1980; Franklin, 1981).

It was during these turbulent times just after World War I that Einstein, Franck, Meyerhof, and Stern were researching, experimenting and teaching in German universities. Each man had been recognized and lauded for efforts in his field. Einstein, whose "General Theory of Relativity" had been published in 1915, and whose Nobel Prize in Physics in 1921 had firmly ensconced
him as an international celebrity, was serving as a professor of physics at the University of Berlin. A recipient of the 1925 Nobel Prize in Physics, Franck had accepted the position of Director of the Zweite Physikalische Institut in 1920 (Weber, 1980; Magill, 1989; Fox, Meldrum, and Rezak, 1990).

While serving at the Department of Physiology at the University of Kiel, Meyerhof had won the Nobel Prize for Medicine and Physiology in 1922. He later moved to the Kaiser Wilhelm Institute for Medical Research in Heidelberg and was working there as the head of the Department of Physiology in 1929. Stern, who was deeply involved in his molecular-beam research, was serving as Director of the laboratory at the University of Hamberg (Beyerchen, 1977; Jackman and Borden, 1983, MacPherson, 1986).

All of these scientists were involved in research projects at highly respected Weimar universities. Although academic freedom in such institutions was occasionally marred by discrimination against Jews, these four elite, Jewish scientists enjoyed considerable respect in scholastic circles, due to their significant scientific and intellectual achievements (Davie, 1947; Farber, 1953).
After Hitler became Germany's Chancellor on January 30, 1933, the atmosphere of intellectual freedom within which the academic careers of these scientists thrived disintegrated. Slightly more than two months after assuming power, Hitler had convinced the Reichstag to pass the Civil Service Law on April 7, 1933 (Franklin, 1981). The initial implementation of this law led to over a thousand scholars--classified as either "politically unreliable" or "non-Aryan"--being immediately forced to leave their academic positions (Fermi, 1968; Beyerchen, 1977; 1981).

On May 10, 1933, the works of authors ranging from Marx to Einstein were flung into bonfires at the University of Berlin and elsewhere across Germany, all in the name of "Action Against the Un-German Spirit" (Jackman and Borden, 1983, 31). The universities became the instrument for the dissemination of Nazi policy that would endorse the National Socialist agenda (Grunberger, 1971; Beyerchen, 1977).

The careers of Einstein, Franck, Meyerhof, and Stern, which previously had been immune to the effects of discrimination, suddenly had to endure religious and political bigotry. Einstein, who was serving as a Director of the Kaiser Wilhelm Society in 1933, left Germany to take a position at the Institute for Advanced
Study in Princeton. Franck resigned his professorship at Gottingen in 1933 and spent over a year in Copenhagen, Denmark, before accepting a professorial post in 1935 at Johns Hopkins University in Baltimore (Asimov, 1964; Fermi, 1968; Zuckerman, 1977).

Meyerhof remained in Germany until 1938, when he left to work briefly in Paris, prior to coming to America in 1940 to accept a position as a professor at the University of Pennsylvania (Fox et al., 1990). Stern left his post at the University of Hamburg in 1933 and founded a molecular-beam laboratory at the Carnegie Institute of Technology in Pittsburgh during the same year (Weber, 1980).

Once established in American universities, they all became naturalized citizens of the United States. These men had chosen, for the culmination of their careers, an academic environment that contained some limitations and prejudices; but, generally provided fertile ground for continued development of their extraordinary abilities (Fermi, 1968; Weber, 1980; Hielbut, 1983; Jackman and Borden, 1983; Clark, 1984).

Conclusion

Scholars have defined the concept of academic freedom for application to the university setting as
early as 1915 (Brubacher and Rudy, 1958; Pincoffs, 1975), and have exhorted administrators and their professorial colleagues to safeguard its presence on campuses (Metzger, 1977; Poch, 1993) throughout the century. Even today, the concept continues to be analyzed and translated for the younger members of the professoriate (Clark, 1984; Renneberg and Walker, 1994). The concept has intrigued faculty throughout the century because at various times, certain non-faculty groups have sought and managed to curb professional speech in the name of various political expediencies. These attempts to bridle academic freedom have occurred in various western countries, including both the United States and Germany.

Although numerous scholars (Pulliam, 1982; Craig, 1984; Macrakis, 1993) have provided examples of institutional and governmental policies that restricted faculty speech, none has made an evaluation of the consequences that the politically-determined conventions of academic freedom have had on the careers of professors before and after their emigration from the threats of Nazism. It is the intent of this study to make such an evaluation.
CHAPTER 3
METHODOLOGY

The methodology that would best suit an evaluation of the consequences of the politically-determined conventions of academic freedom on the careers of great scientists would be to interview these men in person; however, as all four of the scientists in this study are deceased, gathering interview-generated data is an impossibility. That being the case, the appropriate methodology is the historical case study.

Historical research focuses upon the interpretation and significance of individuals and events. Strictly defined, it is "...the process of critical inquiry into past events to produce an accurate description and interpretation of those events" (Wiersma, 1986, 219); therefore, since historical research does not permit either the control or manipulation of historical phenomenon, it is suited to this study (Yin, 1984).

Case study methodology does permit an analysis of motivations. Studying the way individuals respond to external realities, evaluating how they accommodate themselves to those realities, how they fight to break
out of them, or even how they attempt to change them—all adapt well to case study research (Hakim, 1987). Employing a methodology that allows the analysis of such motivations is particularly helpful when analyzing the decisions made by each of these four scientists as they distanced themselves from the Nazi regime and emigrated to the United States.

Fundamental to historical research is a review of the related literature. This process establishes a context for the direction of the research and for interpreting its results (Wiersma, 1986). Primary sources, "original or firsthand accounts of the event or experience" (Wiersma, 1986, 220), and secondary sources, "accounts that are at least once removed from the event" (1986, 220), are used to establish an understanding of the historical period under study (1986). A comprehensive evaluation of the consequences of the politically-determined conventions of academic freedom upon the careers of four individuals requires the compilation of considerable research. The research base facilitates a deeper understanding of the historical setting in which these individuals lived as well as a more fully developed comprehension of the educational concept involved in the evaluation.
This historical case study employs an embedded research design (Yin, 1984). The embedded design facilitates connecting the research done on the initial issue of the study--academic freedom--to an evaluation of the consequences that its politically-determined conventions had on the careers of four elite scientists before and after their emigration from the threats of Nazism.

The reason for the selection of this multiple-case research strategy is that, as a robust design, it draws evidence from several different cases instead of from only one. The evaluation of each of the cases (the careers of the four elite scientists) follows "replication" logic; that is, each of the four careers is expected to have been influenced by the politically-determined conventions of academic freedom thereby "replicating" or "repeating" the expected outcome (Yin, 1984).

Each man's academic career has been selected with the expectation that it was influenced by the politically-determined conventions of academic freedom. "The ability to conduct [four]...case studies, arranged effectively within a multiple-case design, is analogous to the ability to conduct [four]...experiments on related topics....If all the cases turn out as predicted, these
[four]...cases...would provide compelling support for the initial...[question]" (Yin, 1984, 53). In this study, such "support" is a justification for the question: Did the politically-determined conventions of academic freedom have consequences for the careers of four elite scientists before and after their emigration from the threats of Nazism?

This historical research follows the four steps suggested by Wiersma (1986). First, is the identification of the research problem, which includes conjectures about characteristics of the situation under study (1986). In this case, the research problem is to evaluate the consequences that the politically-determined conventions of academic freedom had on the careers of four elite scientists before and after their emigration from the threats of Nazism.

Second, is the collection and evaluation of resource materials. These procedures involve more than the mere gathering together of research that is related to the problem. Resources must be closely examined so as to determine from where they came and by whom they were produced. This process of "external criticism" establishes the validity or authenticity of documents. In addition, resources must be examined in order to determine their accuracy as well as their meaning. This
process of "internal criticism" establishes whether or not resource materials are trustworthy (Wiersma, 1986).

Third, is the synthesis of information. Once resource materials have been subjected to external and internal criticism, they can then be reviewed so as to determine their value in relationship to each other. This process facilitates the elimination of secondary sources that duplicate the material found in primary sources. It also is the point in evaluation where inconsistencies that arise from contradictory reports must be resolved either through further research or by an alteration in the research question (Wiersma, 1986).

Fourth, is the analysis, interpretation and formulation of conclusions. The basis for these three procedures is a logical evaluation of the information that has been extracted from the resource material. Ascertaining which are the essential points of the information gathered, presenting the meaning of that information, and making a final determination about that information in light of the original research question is the last step in historical research (Wiersma, 1986).
CHAPTER 4

THE EVOLUTION OF THE MODERN MODEL OF ACADEMIC FREEDOM

IN GERMANY

1800-1938

Introduction

The account of the evolution of the modern model of academic freedom in Germany is a narrative of a struggle for control of a nation's intellectual freedom. Moving through the decades between 1800 and 1938, that struggle occurred within and between the state's political agenda and the university's desire to pursue the truth, unhindered. The dawn of the modern evolution of this conflict began with the conquest of numerous German principalities and duchies by the armies of Napoleon at the beginning of the nineteenth century. These conflicts resulted in intellectuals and political activists from the smaller German states fleeing to the security of the largest, and as yet unconquered Germanic kingdom, Prussia. There, they believed, they would still find the freedom to proclaim the need for a great German national awakening, a right that they felt had been denied in the
face of the French occupation of their homelands (Rodes, 1964; Maurois, 1966; Thompson and Hicks, 1985).

Their hopes for liberty were endangered when Napoleon conquered Prussia and filled it with his occupying army; however, the presence of French forces on Prussian soil incited the Prussian population to outbursts of nationalism (Rodes, 1964; Maurois, 1966; Van de Graaff, 1975). Ernst Moritz Arndt, a German poet, articulated this doctrine of German national pride in his book, The Spirit of the Time: "We live in a beautiful, large, rich land, a land of glorious memories, undying deeds, unforgettable service to the world in remote and recent times. We are the navel of Europe...we are as good as the best...German! What a name and what a people" (1964, 266)!

One manifestation of this nationalistic surge fostered by the immigrant intellectuals and political activists was the improvement of institutions of higher education in Prussia. Frederick William III, ruler of Prussia, looked to the state universities to assist him in "replacing, by intellectual strength, the material forces [the state] had lost" (Rodes, 1964, 271). He appointed Baron Karl Wilhelm von Humboldt as chief of the Department of Worship and Public Instruction and, in 1810, provided him with the funds necessary to establish
a royal university in Berlin (Samuel and Thomas, 1971; Van de Graaff, 1975).

Humboldt and Berlin

Frederick wanted the University of Berlin to become "the center of all intellectual activity in northern, Protestant Germany" (Rodes, 1964, 272). His advisors counseled him to use the University as a tool for the political reform and reorientation of Prussia. Frederick recognized the tremendous influence that teachers could exert upon the minds of their students. He, along with his advisors, anticipated that state universities would facilitate Germany's national renewal through ideas and public opinion (1964; McClelland, 1980).

Humboldt's view of the role of the university in general and the University of Berlin in particular was quite different from Frederick's. He did not see higher education as an instrument to be used to dispense state propaganda into the lecture halls and ultimately into the minds of the students. On the contrary, he felt that universities were too closely controlled and directed by governmental bureaucrats with agendas designed to prepare intellectuals to serve the state. He believed that the university should be free to cultivate the uniqueness of each individual and prepare him for a lifelong voyage of
personal development—not be directed to produce human instruments that would increase the state's power and prosperity (Rodes, 1964; Maurois, 1966; McClelland, 1980).

With the intent of lessening the state's control, Humboldt urged Frederick to accord the University of Berlin status as a corporation with self-governing rights, a status that would have meant emancipation from the whims of political influence and censorship. His proposal was vehemently opposed by the Prussian educational bureaucracy which knew that it inevitably would lose considerable power under such a system (Beyerchen, 1977; McClelland, 1980).

Much of the bureaucracy's control was derived from its prerogative to select appointees to fill positions in state institutions like the universities. Not only did these career bureaucrats not want to sacrifice their authority, they also did not want to create a situation where the universities would be free to propagate ideas that were contrary to those of the state. They successfully lobbied the King and, as a result, Humboldt's proposal was not instituted (Gay, 1968; Van de Graaff, 1975; McClelland, 1980).

Additionally, many of the professors, who were bureaucratic appointees, did not embrace Humboldt's
ideas, fearing that their positions would be jeopardized. They felt Humboldt's proposal to institutionalize safeguards to preserve their intellectual freedom from state interference was unnecessary (Gay, 1968; Ringer, 1969); instead, they relied upon the idea that the "worldly setting in which the search for truth takes place is not capable of seriously distorting the results of that search" (1968, 112). By assuming that the state could not distort "pure learning," they believed they were able to maintain the security of their positions and the integrity of their intellectual pursuits.

Humboldt's fundamental problem with state control of the university, the professoriate, and the students was based upon its treatment of the citizenry and their institutions as instruments by which it could increase its power and prosperity (Lilge, 1975). This was a theme he presented several years earlier in his famous essay on The Sphere and Duties of Government. His writings often resounded with the necessity of maintaining an individual's freedom in order to preserve an individual's dignity:

He was pleading for a form of social organization which would allow complete freedom for the self-activity of the mind, for the growth of indigenous interests, for the expression of genuine tastes and
beliefs, and for the formation of sincere and intimate relationships between human beings (1975, 9).

This concept, demonstrated in the details of his model of academic self-government, established the guiding parameters for the evolution of Germany’s modern model of academic freedom (Beyerchen, 1977).

Humboldt set forth three principles that he considered necessary for the freedom of the intellect to be established and the fruits of that freedom to grow. First was the principle of academic self-government. According to this idea, faculties, comprised of professors under the chairmanship of a faculty-elected Dean, nominated qualified individuals to accept appointments for professorial positions and extended to them a certificate giving them the right to teach (venia legendi). This concept took the "appointing" power out of the hands of the state bureaucracy (Rodes, 1964; Maurois, 1966; Lilge, 1975).

Second was the principle of the "freedom of teaching" (Lehrfreiheit), which accorded to professors the right to teach their own convictions without hindrance from any other arena and to choose their own lecture subjects without having to follow a state-prescribed syllabus. Humboldt was concerned that
government censorship and curriculum control would seduce men into a uniformity of opinion that would hamper their selection of a vocation and ultimately their self-realization. He was convinced that only if an individual were permitted to pursue that vocation, which would develop within him a love of work for its own sake, would his mind be cultivated and his character ennobled (Rodes, 1964; Lilge, 1975; McClelland, 1980).

Finally, the principle of the "freedom of study" (Lernfreiheit), allowed a student to attend lectures of his choice as well as to migrate in his course work from university to university. Humboldt wanted the university to be a place where responsible self-education could occur. For him, the aim of education was the cultivation of human individuality. This could only happen in an atmosphere where the student was free to develop his personality as he wished, an idea that was in conflict with the state's desire to dictate the direction and utility of a student's development (Rodes, 1964; Maurois, 1966; Lilge, 1975).

The Legitimization of Manipulation

The state wanted to maintain control over the individual freedom that was basic to the nationalistic movement of the 1800s. The Ministry of Education
repressed student unrest and divergent professorial political views through funding, through the appointment and firing process, and through increased scrutiny of student activities (Lilge, 1975).

The government was concerned with the turmoil on university campuses that was being brought about by students returning from the Napoleonic Wars with an increased sense of importance as well as an intense desire for German nationalism (McClelland, 1980). At the University of Berlin the education ministry asked the Rector to turn over the names of students who had participated in a meeting that the police had labeled as "foreboding of revolutionary chaos" (Lilge, 1975, 22). In response to the state's reaction to student unrest, Ernst Moritz Arndt, a member of the faculty of the University of Bonn, published demands for greater freedom of expression for students (Kandel, 1935; 1975).

Arndt's subsequent arrest by the state for having protested on behalf of the students brought complaints from the academic senates of both the Universities of Berlin and Bonn for what they termed as "arbitrary interferences with academic freedom" (Lilge, 1975, 23). Although their objections were ignored, a willingness to confront the bureaucracy was developing among the professoriate. The ideology of nationalism was spreading
to the faculties of state universities (1975; McClelland, 1980).

In the struggle to maintain their control over institutions of higher education, one "trump card" that the state repeatedly used was that of funding. Universities and their faculties had to depend for their financial support primarily upon the state. As a result, most of the professoriate felt obliged to support a system upon which they relied for the preservation of their economic interests (Kandel, 1935; Samuel and Thomas, 1971; Lilge, 1975).

By the latter part of the 1800s, a situation developed that was significant in the state's continued effort to control the affairs of the university. Professorial academic freedom was once again the issue. The Prussian Minister of Education, Freidrich Althoff, was not known as a supporter of the principles of academic freedom. He frequently filled vacancies on university faculties without conferring with other faculty members and was never hesitant about letting professors know of the risks they were running if their views did not align with Imperial policy (Craig, 1978; Gallin, 1986).

Upon discovering that Leo Arons, a young physics lecturer at the University of Berlin, was active in the
Social Democratic party--a political group whose agenda was in opposition to that of the state, Althoff demanded that his *venia legendi* be withdrawn. The faculty senate refused to sanction Arons as there was no evidence that his political inclinations had any negative impact upon his teaching (Gallin, 1986; Craig, 1978). In the face of this rebuff, Althoff went over their heads and the Prussian government deprived Arons of his *venia legendi* by passing a new law stating that "the deliberate promotion of Social Democratic purposes is incompatible with a teaching post in a royal university" (Samuel and Thomas, 1971, 117).

The passage of "lex Arons" by the Prussian government was a direct infringement upon academic freedom. It encroached upon the authority of academic self-governance granted to the university; the faculty, not the state, was the body that bestowed the *venia legendi* upon qualified professors and lecturers and, thereby had the authority to sanction those who they determined had acted in an unprofessional manner. In spite of the attack upon academic freedom embodied in the passage of "lex Arons," many of the faculty were reluctant to go beyond mere criticism for fear that they would be putting their own careers in peril (Ringer, 1969; Samuel and Thomas, 1971; Craig, 1978). In contrast
to this stance were the challenges brought to this arena by world renowned sociologist and scholar Max Weber.

Weber was angered by the acquiescence of some members of the professoriate to political pressures that gradually corrupted academic freedom (Shils, 1973). In a speech entitled, "The Alleged 'Academic Freedom' of the German Universities," Weber concluded with the following:

...it should be required in the interest of good taste and truthfulness that henceforward we ought not to speak of the existence of 'the freedom of science and teaching' in Germany, as it has always been done. The fact is that the alleged academic freedom is obviously bound up with the espousal of certain views which are politically acceptable in court circles and in salons.... If it is, it should be honorably admitted, but we should not delude ourselves that we in Germany possess the same freedom of scientific and scholarly teaching which is taken for granted in [other] countries... (1973, 17-18).

Weber believed that professors were too willing to conform their political views to those of the state. He was convinced that the German professoriate was deceiving itself if it thought, that by allowing the state to continue to dictate the parameters of academic freedom,
it could avoid enfeebling the very prestige and scholarship it was laboring so hard to protect. Near the turn of the century, Robert Michels, a young scholar who had grown discouraged by the lengthy process he had to endure in seeking a professorial chair in Germany, accepted a teaching post in Italy. Weber pointed out that the delays Michels' encountered in the Prussian Ministry of Education were based upon officials' awareness of his support for a political agenda that was contrary to that of the state and not concerns related to his teaching qualifications. This manifestation of the ever-tightening governmental criteria for professorial conduct was interpreted by Weber as a manipulation of academic freedom (Lilge, 1975; Craig, 1978; McClelland, 1980). It was this manipulation that Weber believed would render the university "incapable of offering any resistance to public opinion or to the government because of the weakening of their moral authority" (1980, 269).

The Weimar Years

This period in German history began with the conclusion of World War I and the signing of the peace treaty at Versailles in 1919 (Kagan et al., 1983). As designated by the Treaty, the German government was
reestablished as a republic under a new constitution. Most of the officials in this new Weimar Republic supported the Treaty of Versailles. These officials had alienated many of the professoriate by agreeing to a Treaty that forced Germany to succeed all of its overseas territories and to pay war reparations, both of which drained the same national treasury that was the source of professorial funding (Hasluck, 1938; Kelly, 1972).

The Republic, because it was implementing the stipulations of a Treaty that symbolized international resentment toward Germany, was seen by many university professors as representing the desires of the international community and not those of the German people (Kelly, 1972). The Weimar government's inability to maintain the professoriate’s pre-World War I funding level along with the preferential treatment it gave to international interests diminished its sway over many university faculties (Hasluck, 1938).

Another reason that the Weimar Republic was disliked by German professors was that many of its bureaucratic positions were filled by Jews. Most Germans believed that Jews were working within the Wiemar Republic because they held to the same internationalist views as did the government (Lilge, 1975; Craig, 1978). The resentment that was developing within many university faculties for
Jews, who already held a disproportionate number of faculty positions in light of their numbers within the population, was deepened by the Republic's willingness to continue to fill some vacant faculty positions with Jewish candidates. These factors made it a simple matter to justify the anti-semitic bias generally held by the German professoriate (Kelly, 1972).

Such anti-semitism was apparent in the willingness of the faculty of the University of Munich to deny Hans Nawiasky, a Jewish professor of law at the university, his right to academic freedom. During the early 1930s, in one of his international law classes, Nawiasky stated that one sovereign state can legally establish power over another by means of a peace treaty, such as the Treaty of Versailles (Gay, 1968; Gallin, 1986). When his statement was challenged by angry gatherings of nationally motivated students, the university faculty did not support Nawiasky's right to make such a comment under the principle of Lehrfreiheit (Ringer, 1969; Grunberger, 1971).

The professors were unable to see that, if Nawiasky's academic freedom could be questioned, their's could also be in jeopardy. The Nawiasky case illustrated that the German professoriate had undergone another drastic change. They had come to the point of being
willing to delimit the academic freedom of one of their peers if they disapproved of his political beliefs or ethnic background (Gay, 1968; Ringer 1969; Grunberger, 1971).

The Nazi Nexus

When Adolph Hitler became the Chancellor of the Third Reich on January 30, 1933, he immediately called for the establishment of a totalitarian racial state. He did not want any individual to hold a state office if he was not of Aryan racial heritage or if he held political opinions contrary to those of the National Socialists (Kneller, 1941; Grunberger, 1971; Kelly, 1972).

With full knowledge of Hitler's commitment to this policy, a coalition of professors who held university chairs, signed and presented a manifesto to the citizenry, asking them to support Hitler's party in the March 1933 election. This professorial effort aided the National Socialists in gaining a majority in the Reichstag on election day (Bentwich, 1953; Beyerchen, 1977). On April 7, 1933, the newly-elected Reichstag then passed Hitler's "Cleansing of the Civil Service Act." This law stated that: "Officials who are not of Aryan origin are to be dismissed....Officials whose previous political activities do not offer the assurance
that they will invariably and unreservedly support the National State must be dismissed (1953, 1)." This legislation meant that the National Socialist Party (Nazi) had created a totalitarian Aryan state that desired to control people--only the right people for membership, to control existing ideas--only the right knowledge, and finally, to control thinking--only the right political teachings (1953).

The Civil Service Act legitimized Nazi removal of over 1200 scholars and scientists from the educational system (Van de Graaff, 1975; Bentwich, 1953). The majority of these scholars were either Jews or in sympathy with the Weimar internationalist agenda. Many members of the German professoriate did not protest these dismissals since Jewish professors had been scapegoated partly due to the status of the job market. The Jews, who constituted only one per cent of the entire German population, held one eighth of the professorial positions available in the universities. The Nazis and many professors found this situation to be intolerable as they felt that Jews had been given positions by the Weimar government that would have otherwise been available to "Aryan" Germans (Hartshorn, 1937; Jackman and Borden, 1983).
In addition to professorial cooperation, the Nazis had the support of many university students. The German Students Association participated in the campaign, "Against the Un-German Spirit," a movement that was climaxed on May 10, 1933 by the public burning at the University of Berlin of over 20,000 books. These volumes had been singled out either because their content was unsympathetic to the Nazi cause or they had been authored by Jews (Kneller, 1941; Jackman and Borden, 1983). The May 10th destruction marked another instance when academic freedom had been delimited by political activists who determined that the accomplishment of their agenda was of greater significance than that of the "freedom of teaching" (Kandel, 1935; Hartshorn, 1937). Hitler had effectively begun to negate the essence of academic freedom in German universities.

Hitler's agenda was to implement ever-increasing degrees of governmental control over various aspects of academia. The first step had been the passage of the "Cleansing of the Civil Service Act" in 1933 whereby he took control over who did and did not teach. Although academic freedom provided for the appointment of new faculty members by nomination of professors and the election of Deans and rectors by the professoriate, this new law gutted the concept by eliminating certain groups
from the nominating process for university teaching positions. The state was now solely responsible for determining who would and who would not teach in German universities (Ringer, 1969; Gallin, 1986).

Not satisfied with controlling "who" taught in the universities, the Nazi Party then moved to control "what" was taught. The "Law to Prevent Overcrowding of German Schools and Universities" was passed on April 26, 1933 (Kelly, 1972; Gallin, 1986). It defined the mission of the universities as providing an education that would facilitate a student's ability to carry out the "national purpose." No longer were universities to be institutions dedicated to the ideal of scholarship, they were now carefully coordinated instruments of the state with the sole purpose of assisting in the attainment of national policy (Kandel, 1935; Samuel and Thomas, 1971). In 1935, the "Nuremberg Laws" gave even a broader scope to Nazi anti-semitic policy by calling for the dismissal of any teacher with a Jewish wife (Joughin, 1969). By 1938, according to the German newspaper, Frankfurter Zeitung, "one-third of the total teaching staffs of all universities had been retired or 'transferred'" (1969, 131).

Under Hitler's Reich, the professoriate was "cleansed" of any dissidents and became little more than
an undisguised instrument of Nazi propaganda. Academic freedom was exterminated. The professoriate’s abdication of its obligation to defend the freedom of its own along with the freedoms of its nation created an opportunity for leaders with their own agendas to infiltrate the university. Once these invaders took hold of the structures of academic freedom, it was too late for the professoriate to defend its sacred ground.
CHAPTER 5

THE EVOLUTION OF THE AMERICAN MODEL OF ACADEMIC FREEDOM
1700-1940

Introduction

The evolution of the American model of academic freedom centered around the struggle of professors for intellectual liberty. They believed that their status as free men included the right not to conform their thoughts, lectures, or writings to any particular set of beliefs. Other groups however, in positions of authority in ecclesiastical, collegiate, political, and financial realms believed that their status entitled them to place limitations upon a professor's intellectual liberty. This struggle was first manifested after the American Revolution.

After the Revolution

With the end of the American Revolution in the 1780s, the motivation for higher education in the United States became one of utility. The classically-based curriculum of the colonial college was suddenly being
called upon to produce graduates who could lead this new nation into a period of remarkable discovery and expansion (French, 1964; Herbst, 1982). Response to the call for a more utilitarian education led to the introduction of more professional chairs such as medicine and law to college faculties. This reaction to the demand for utility allowed for the expansion of the role of the professoriate in American higher education to that of assuming control over dynamic aspects of these newly formed professional schools. Professors, rather than boards and administrators, now had the authority to "announce standards of admission and performance and publicly confer honors for meritorious achievement" (1982, 161). The professors became more involved in the innovative aspects of curriculum reform and were considered the experts and authorities in fields that were being acknowledged by boards and administrators as increasing in complexity.

The innovative academic programs that were being introduced into higher education brought with them a need for more funds, which required increased funding from state sources. With the need for more money came the willingness of administrators and board members to adopt the views of their legislative benefactors and to censor
those professors who did not perpetuate the same beliefs (French, 1964; Portman, 1972).

One clear illustration of the influence that political agendas now had on academic affairs was the conflict between faculties and their boards that arose around the question of slavery. There were professors with strong views on both sides of this issue. By the early 1800s, slavery had become both the touchstone for debate as well as the cornerstone for bias. If a professor made his views known on this issue and they were not in concordance with those of his college's board or president, the professor could be sanctioned in an administrative effort to maintain the college's supportive stance with governmental officials (Hofstadter and Metzger, 1955; Veysey, 1965). A professor's right to pursue and teach the truth was held hostage to the whims of partisan politics. He was still subject to reprisals by individuals in authority who viewed him, not as a "guardian" of intellectual verity, but as a "hawker" of factional interests.

The Impact of the German Model

During the 1800s, approximately ten thousand American students matriculated in German universities. Many of these scholars went to Germany because they were
firmly convinced that the scholarship of American colleges was vastly inferior to that of universities such as Gottingen and Berlin. American ante-bellum colleges offered meager libraries and mediocre research facilities. To students seeking a more scholarly education, such deficiencies were only heightened when viewed with the possibility of pursuing their studies abroad at prestigious universities in the company of like-minded intellectuals (Thwing, 1928; Hofstadter and Metzger, 1955; Veysey, 1965).

While in Germany, these scholars were exposed to the concept of academic freedom and studied in universities where the principles of Lehrfreiheit, the freedom of teaching and inquiry, and Lernfreiheit, the freedom to learn had been put into practice. The intellectual liberty enjoyed by the German professoriate was an intoxicating phenomenon for many American scholars (Thwing, 1928; Hofstadter and Metzger, 1955; Veysey, 1965). The interpretation of the German professoriate's freedom as recounted by Edward Tyrrell Channing, a celebrated American professor of rhetoric, is reflective of the high esteem in which many American scholars held the liberty accorded their German professors:

The first [advantage] is an extreme freedom, and, as I should call it, latitudinarianism in thinking,
speaking, writing, and teaching on all subjects, even law, religion, and politics... A more perfect freedom, and in most cases a more perfect use and indulgence of it cannot be imagined than is now to be found in Germany; and nobody can read the books published, without observing their high abstract nature, and seeing that their free tone is derived almost, perhaps altogether, from the general character of the prevalent metaphysics (1928, 30-31).

This atmosphere of "extreme freedom" perceived by American students as being allotted to German professors, whether in their lecture halls or in their writings, was assimilated into the educational philosophy of many of the returning scholars. Professor Paul Russell Pope of Cornell University concluded that, "more...than the concrete amassing of facts...[he] owed to German universities new intellectual...principles: A mind freed from prejudices...free intellectually, free spiritually" (quoted in Thwing, 1928, 63). For these scholars, "it would [become] the assumption that academic freedom, like academic searching, defined the true university" (Hofstadter and Metzger, 1955, 393). Having once studied in such an environment, many of these returning "professors-to-be" strove to impress upon the system of
higher education in America the necessity of recognizing that one of the measures of the stature of a university was the extent of the liberties enjoyed by its professoriate (1928).

Upon returning to the United States in the latter part of the 1800s, these scholars took the German model of academic freedom and began to reshape it to fit colleges and universities in a democratic nation peopled with citizens who constitutionally were guaranteed the right to freedom of speech. It was this professorial demand for freedom of expression both inside and outside the walls of academia, i.e., the right of intra- and extra-mural utterance, that led to confrontations between professors and college presidents, boards of trustees and financial supporters (Thwing, 1928; Rudolph, 1962; Veysey, 1965).

One instance where a professor’s attempts to establish the right to extend academic freedom to include "extra-mural utterance" involved a conflict between Professor of Economics Edward A. Ross and Mrs. Leland Stanford. Professor Ross was dismissed from the Stanford faculty in 1900 after he had stated that he believed that municipal ownership of public transportation was preferable to its being controlled by big business interests. Such a position was diametrically opposed to
that of the university's financial matriarch, Mrs. Leland Stanford, whose husband had made much of his fortune in the railroad business. She was convinced that Professor Ross could not "entertain such rabid ideas [about big business] without inculcating them in the minds of the students under his charge" (Hofstadter and Metzger, 1955, 439) and that he could no longer be trusted to teach at the university (1955; Brubacher and Rudy, 1958; Veysey, 1965; Joughin, 1969). A subsequent investigation into the "Ross Case" by the American Economic Association led to the conclusion that Professor Ross' dismissal by Mrs. Stanford had been substantially based upon his "utterances and beliefs" and that his right to extra-mural utterance had been violated (1955, 445).

By the beginning of the 1900s, many professors felt that they still had no arena to which they could go to petition redress for what they considered to be infringements upon their right to academic freedom. It was this frustration and uncertainty within the ranks of the American professoriate that led to the founding of the American Association of University Professors in 1915, an organization devoted to the protection of the academic freedom of university and college professors (Hofstadter and Metzger, 1955; Brubacher and Rudy, 1958).
The American Association of University Professors

In response to the futility and apprehension voiced by its membership, the Committee on Academic Freedom and Academic Tenure of the American Association of University Professors presented, during its first year, the 1915 Declaration of Principles. This document contained the following statement:

It is better for students to think about heresies than not to think at all; better for them to climb new trails, and stumble over error if need be, than to ride forever in upholstered ease in the overcrowded highway. It is a primary duty of a teacher to make a student take an honest account of his stock of ideas, throw out the dead matter, place revised price marks on what is left, and try to fill his empty shelves with new goods (as quoted in Joughin, 1969, 171).

Professors wanted the freedom to teach their students how to critically assess new ideas so that they could determine which should be accepted and how to critique old concepts so that they could calculate which should be discarded. They considered that it was their obligation or purpose to "inquire into the validity of all beliefs and [to] search for new perspectives and fresh knowledge" (Henderson and Henderson, 1975, 170).
They were determined to hold fast to this purpose even though their tenacity frequently set them at odds with groups in and out of the institutions of higher education at which they taught (1975).

College presidents and boards of trustees were two such groups. Many believed that professors whose lectures or writings did not support the institution's agenda would be working at cross-purposes with the goals of that college or university. They were concerned that allowing professors to voice such "contrary" opinions could possibly even divert potential financial benefactors and political supporters of the institution (Hofstadter and Metzger, 1955).

In spite of the united front against academic freedom that was initially presented by college presidents and boards of trustees, many members of the professoriate were determined not to acquiesce to attempts to infringe upon their rights. Professors believed that, in order to adequately explore new horizons of truth, they must continue to press for the dimensions of intra- and extra-mural utterance that was supported by the AAUP. Its Committee's report stated that "...teachers should be exempt from all restraints as to the matter or manner of their utterances, either within or without the university" (as quoted in Joughin,
The AAUP had taken a firm stand against attempts to muzzle a professor's voicing of his views beyond the confines of the institution of higher education of which he was a member. Any concern that a college president or board might have that potential financial benefactors, or political allies could in some way be offended by a professor's pronouncement of his views did not move the AAUP from its position as an advocate for this tenet of academic freedom (Alberty and Bode, 1938; Karier, 1986). The AAUP was able to successfully press institutions of higher education to accept its agenda. It did so through the negative publicity produced by its formal censuring of any college or university that had violated a professor's academic freedom. What made AAUP censuring such a powerful tool, so powerful in fact that colleges and universities often voluntarily changed their policies to conform to AAUP guidelines, was that it played upon the same fear of unfavorable public opinion that was often the impetus behind attempts to muzzle faculty members (Baade, 1964; French, 1964).

The Impact of War

The entrance of the United States into World War I in 1917 set the stage for a conflict that tested the
resolve of those professors who supported the tenets of the 1915 Declaration and those boards and administrators who saw the need to position their institutions as supporters of nationalistic policies. The primary issue of concern was whether or not it was legitimate to place limits upon a professor's individual freedom during a time of extreme national emergency. In other words, was it appropriate to ask members of the professoriate to keep silent about their positions on sensitive issues (Beard and Beard, 1930; Brubacher and Rudy, 1958; Finkelstein, 1984).

In response to this conflict, the AAUP appointed a committee on Academic Freedom in Wartime. Their report supported the view that war brought with it the need to place some restrictions upon the liberty of university professors in reference to the "rights and obligations of free speech" (Report, 1918, 29). The committee did say, however, that no more restraints should be placed upon university professors than were put upon other citizens. Its report states that university professors "should be subject to the inhibitions which, because of the exigencies of war, the government may enjoin upon all citizens alike, and to those inhibitions alone" (1918, 33).
The fact that the AAUP supported any limitations upon the civil liberties of professors seemed to some members of the professoriate to be in direct contradiction of their endorsement of professorial freedom of speech stated in the 1915 Declaration. Although the members of the committee did have some supporters among the AAUP membership, they were depicted in some corners as having surrendered that high ground which had so eloquently been captured in 1915 (Bentwich, 1953; Hofstadter and Metzger, 1955). An article in The Nation went so far as to say that "The Committee...had handed over the keys of the castle to the enemy" (1955, 504).

In spite of the disappointment that surrounded the Report of the Committee on Academic Freedom in Wartime, the AAUP's 1915 Declaration still served for almost a decade as a basis for the Association's investigations into alleged infringements upon professorial academic freedom. By 1925, however, it had become apparent to those working on such investigations that the case load was increasing beyond the ability of the AAUP to adequately investigate. As a result, in 1925 several national educational societies such as the Association of University Women, American Association of University Professors, Association of Governing Boards, Association
of Land Grant Colleges, Association of Urban Universities, National Association of State Universities, and the American Council on Education met together with the intent of coming up with a joint statement on academic freedom. After considerable debate, the Conference adopted the *1925 Statement on Academic Freedom and Tenure*. The primary accomplishment of this new statement was its having been adopted by several educational organizations that would result in a broader base of support for the tenets of academic freedom as well as an increase in the number of arenas where professors could go to voice their grievances (Alberty and Bode, 1938; Bentwich, 1953).

**Professorial Persistence**

Efforts to ensure that the American model of academic freedom would be the standard for intellectual freedom in institutions of higher education throughout the country met another roadblock less than ten years after the adoption of the *1925 Statement of Principles*. This time the issue was teacher loyalty oath legislation. The Stock Market Crash of 1929 had led the way to the Great Depression; American institutions of higher education were not exempt from the severe economic realities of the period. In addition to the short supply
of funds during the 1930s, there also was a wave of anti-communist fever sweeping the country. Being connected, even indirectly, to individuals who supported communism brought immediate criticism from the public. As a result of these two perspectives, many college presidents and boards of trustees were deeply concerned. They feared that having members of their faculties voicing views that were not clearly nationalistic and claiming protection under the umbrella afforded by academic freedom could lead to the demise of their institutions since it could result in lessened government and private financial support as well as lowered enrollment figures. Adding to this pressure being exerted upon those professors whose views were being questioned was the passage of teacher loyalty legislation in over twenty states. Legislators were reluctant to fund educational institutions whose faculty members held views they considered to be in sympathy with communism. These concerns made them willing to vote in favor of loyalty oaths (Knight and Hall, 1951).

A professor's right to the unhindered pursuit and expression of the truth was once again being questioned. The 1937 Statement of Committee B of the AAUP interpreted the movement for loyalty oaths as "a manifestation of an essentially un-American temper...[and] the insidious
beginning of a movement hostile to what is best and most fundamental in our political principles and our national ideals" (Conference, 1937, 32). They contended that such oaths would constitute an unwarranted limitation of academic freedom as "the statute's intent was to cause professors to refrain from criticizing or suggesting changes in the fundamental law of the country" (Alberty and Bode, 1938, 323).

Reflective of the existence across academia of support for the AAUP's stand against such legislation was an article written by Judge Ogden L. Mills, "A Harvard Man on Academic Freedom," that was published in the University of Chicago Magazine. The Honorable Judge Mills wrote:

That [a professor's] views do not coincide with those of a governing board...may be unfortunate, but to ask him to remain silent unless his opinions conform to theirs, would be to limit his right as a citizen, to deprive him of part of his liberty and to impose humiliating restrictions unacceptable to independent and high-minded men. Any university attempting to enforce such a censorship would soon cease to attract preeminent men who combine independence of mind with sound scholarship, the
very men who bring it strength and vitality (Alberty and Bode, 1938, 153).
Judge Mills' perspective not only underscores the fact that professors are citizens and, as such, are entitled to the right of free speech—he also focuses in on another very important point, that institutions supportive of such measures would likely be unable to attract individuals with the level of scholarship so necessary to the survival of any college or university.

That these points were understood by some college presidents is made clear in an article written in 1938 by Alexander Meiklejohn, the President of Amherst. He comes out in full support of the maintenance of academic freedom not only as a professorial right but also as a necessary policy decision for those institutions that wanted to maintain high levels of scholarship. He argued that the intellectual welfare of the people is placed in jeopardy when the freedom to deal with controversial issues by that nation's professoriate is in any way hindered. Furthermore, he explained that "the health and effectiveness of our national education depend upon our keeping it in active touch with the fundamental controversies of our society" (Meiklejohn, 1938, 22). He firmly believed, as did Judge Mills, that teachers must be permitted to discuss controversial issues and that in
that liberty lay not only the welfare of truth but also that of higher education.

The controversy surrounding teacher loyalty legislation persuaded the membership of the AAUP to formulate their 1940 Statement of Principles and Interpretive Comments on Academic Freedom and Tenure. This document became the most widely known and endorsed statement of academic freedom in the United States (Poch, 1993). The process of its formulation began in 1934 when the American Association of Colleges, which was formed by college presidents largely out of a desire to establish an organization that would be as helpful in pressing their agenda as the AAUP had been in furthering that of professors, and the American Association of University Professors began a series of joint conferences on the most expedient and beneficial means whereby to implement the principles of academic freedom in institutions of higher education. The end result of these meetings was the aforementioned statement, which presented as its fundamental purpose to "...promote public understanding and support of academic freedom and tenure and an agreement upon procedures to assure them in colleges and universities" (Joughin, 1969, 2). Included in those procedures was a delineation of four particular arenas in which the professoriate were to be entitled to an
unhindered pursuit of the truth: research, publication of research findings, lecturing, and intra- and extra-mural communication (1993, 11).

The value and import of the 1940 Statement was not reflected solely in the principles of academic freedom and tenure that were once again presented in it, even though the need for such a re-articulation was necessary if for no other reason than there had been repeated attempts to limit those principles. Instead, its very existence stands as a testimony to the unwavering commitment of members of the American professoriate to refuse to relinquish any of their Constitutionally-guaranteed rights merely because they had chosen to be educators; that, although being part of the teaching profession carries with it considerable privileges, those privileges are counterbalanced by an equally considerable number of responsibilities to the society in which those privileges are resident.
CHAPTER 6
THE EVALUATION OF THE INFLUENCE OF ACADEMIC FREEDOM
IN GERMANY AND AMERICA
UPON THE CAREERS OF FOUR SCIENTISTS

Introduction
An essential component in a system of higher education is the professoriate. In order for there to be a transmission of the knowledge contained in university libraries, research institutes, and programs of study, colleges or universities must be comprised of faculties who can successfully convey such information to students. As the professoriate plays a fundamental role in this process, the presence or absence of academic freedom influences the ability to transmit truth. The political climate in which the professoriate functions acts as either a catalyst for or deterrent to the exercise of this academic freedom.

The Legislative Onslaught
On January 30, 1933, Adolph Hitler took office as the Chancellor of Germany; this position in the German Reich afforded him the electoral power that he needed to
carry out his political agenda (Franklin, 1981). Two months later, he addressed a letter to German President Paul von Hindenburg expressing the rational behind his impending legislative assault against the Jews, whose presence within Germany he was determined to remove (Tal, 1982).

Hitler believed that the Jewish influence in the academic arenas of "law, medicine, and the like" (Tal, 1982, 5), was detrimental to the German nation and that it had to be ended. His letter to von Hindenburg contained his three reasons for this contention. First, he was convinced that, in light of the percentage of Jews in the German population, their disproportionate representation in positions of authority and responsibility in the government kept "disadvantaged, true Germans" out of work (1982).

Second, Hitler considered the Jews to be a "foreign body" (Tal, 1982, 5) with enough economic leverage in Germany to sabotage any of his efforts to cure the economy, the society, and the state. Third, he firmly believed that the Jews could not be trusted to support the foreign and domestic policies of the Reich (Kevles, 1978; 1982).

Hitler's anti-semitism was based upon what he considered to be a competition for living space and
national dominance. He believed that the Jews were members of a separate nation, not individuals who could be citizens of any nation-state. He further considered Jews as comprising a corporate entity grappling for domination of a foreign nation (Kevles, 1978; Gordon, 1984). Therefore, according to Hitler’s concept of national sovereignty, every nation comprised of an indigenous "race" had to fight to maintain its own living space. As long as Jews remained in any nation, they threatened "the political, military, economic, cultural, and racial strength of those nations among whom they were dispersed" (1984, 95).

Accordingly, Hitler felt that if this internal struggle between Jew and non-Jew were permitted to continue, his country might lose its pre-ordained geographical position in history. As Hitler was determined that Germany would achieve the world domination for which he believed it was pre-destined, he considered it a political necessity for him to remove all Jews, both within Germany’s own borders and within every nation that it annexed (Proctor, 1988).

Hitler focused upon the Jewish professors primarily because of his concern that they would spread their "Jewishness" by contaminating those students who would be the future leaders of nationalistic Germany. He was
determined to use the universities as a tool for the advancement of his own political agenda (Jackman and Borden, 1983). In revitalizing the German spirit, Hitler first assaulted academic freedom. He believed that only through a conquest over and control of the intellectual freedom of the professoriate would the goals of the government, "honor to the Fatherland and restoration of Germanic lands to the Reich" (Gallin, 1986, 87) be attained.

Within two months after becoming Chancellor, Hitler began his legislative attack against the Jewish members of the civil service, which included university professors. His first move was to introduce the Law for the Re-establishment of the Professional Civil Service to the German Reichstag (Tal, 1982; Gallin, 1986).

This law was aimed at removing Jewish or non-Aryan (according to Nazi doctrine, individuals whose parents or grand-parents were Jewish Caucasians) employees from the civil service. Specifically, the law stipulated that non-Aryan professors were to be retired and that non-tenured, non-Aryan professors were to be dismissed. In addition, it revoked the "eligibility for citizenship" status of all Jewish faculty who had become naturalized citizens after November, 1918. In order to accept a faculty chair at a state university, professors, if they
held foreign citizenship, had to become naturalized citizens of Germany. Therefore, this legislation not only meant the loss of a faculty position, it also meant the loss of German citizenship (Hartshorne, 1937; Jackman and Borden, 1983).

The Law for the Re-establishment of the Professional Civil Service had within it several exemptions. First, its restrictions did not apply to individuals who had been employed by the state during World War I. This meant that those Jews who were university professors during World War I would not be dismissed. Second, persons who themselves had fought on the front lines or who had had a father or son killed in World War I were excluded from dismissal from their government positions. This was due, in part, to Hitler's desire to appease those members of the Reichstag who would feel comradeship with World War I veterans. These exemptions did not last long, however (Beyerchen, 1977; Tal, 1982).

Between 1933 and 1939, the few exemptions allowed by this law were systematically eliminated by German courts and legislatures through the passage of some 400 pieces of anti-semitic legislation (Weinberg, 1986). The most famous of these statutes were the series of Nuremberg Laws passed in 1935. These laws were used to further cleanse the German population of unwanted, non-Aryan,
elements. One of these laws stipulated that if an Aryan professor had a Jewish wife, he would be dismissed because intimacy with a Jew would taint his Aryan nature. Another Nuremberg Law was the Reich Citizenship Law of September 15, which served to delineate the difference between individuals who were citizens and those who were residents. A citizen was defined as a person of pure Aryan blood who was willing and able to serve the German people and nation. A resident was defined as anyone of non-Aryan blood, including all Jews, who were, conversely, not eligible to serve the German people and nation (Proctor, 1988; Muller, 1991).

A third piece of Nuremberg legislation was the Law for the Protection of German Blood and German Honor. It forbade marriage and sexual relations between Jews and non-Jews. This Blood Protection Law specified which groups could intermarry. It also forbade Jews from employing German servants under the age of 45. The intent of this latter stipulation was that no German would be in a position of "taking orders" from a Jew. The final Nuremberg Law, passed a month later, on October 18, was the Law for the Protection of the Genetic Health of the German People (Proctor, 1988; Muller, 1991). Since Jews were considered to be genetically inferior to Aryans, it required Jewish couples to be examined before
marriage in order to determine if they might pass on any "racial damage" that was believed to be inherent among Jews (1988, 132).

Collectively, all of these laws segregated the Jewish professor from his fellow countrymen. No longer was he a citizen, he was a resident. No longer was he a teacher in search of the truth, he was classified as a dispenser of anti-German propaganda. No longer was he a researcher who shared his findings with his students, he was now considered an alien without a country, and relegated to being an inquirer without a laboratory, and a teacher without a lecture hall. He represented racial pollution rather than scholastic purity. He was anathema to all he held sacred in academia.

The Adulteration of German Science

The Civil Service Laws as well as the Nuremberg Legislation of the 1930s both had a devastating effect upon the universities of Germany and the academic freedom of their professoriate. For the government to stipulate Aryanism as a criterion for professorial appointments was a violation of the principle of academic self-government. No longer was a candidate for a university position accepted or rejected by the faculty based upon his teaching ability and his competency in his subject area.
Instead, racial purity and political adherence to Nazi policy had become the determining factors (Hartshorne, 1937; Rodes, 1964; Lilge, 1975).

Scientific work in Germany was severely limited by these legislative measures, since they served to restrict the output of institutions of higher education by hobbling the intellectual freedom of the professoriate. Particularly desolated were those institutions of higher education that were involved in scientific research. Between the years 1933 and 1935, approximately 1,150 non-Aryan scientists were dismissed or forced to retire. Among these were many illustrious scholars, several of whom had either already won the Nobel Prize or would soon achieve laureate status (Hartshorne, 1937; Beyerchen, 1977; Nachmansohn, 1979).

Professor David Hilbert, who was a member of the faculty of the famous Mathematics and Physics Department of the University of Gottingen lamented as to the destruction that "racial purity" had brought to the University's science departments. When in a meeting in 1934 the Nazi Minister of Science, Education and Popular Culture, Bernhard Rust, asked Hilbert about the faculty. Reflecting on the catastrophic impact of Hitler's policies, Hilbert responded, "[The faculty] just does not
exist....It was destroyed when its most illustrious leaders were simply chased away" (Nachmansohn, 1979, 45).

The Kaiser Wilhelm Institute of Physics also suffered a terrible blow. Of its highly qualified scientists, a quarter were either dismissed or retired due to the stipulations of the Civil Service Act. The departure of so many exceptional faculty without consultation with other members of the professoriate was a violation of the principle of Lehrfreiheit. This mass exodus left the Institute without the leadership necessary to give it the direction it required. As a result, the Nazi Ministry of Education had the opportunity to slowly redefine the course of German science. No longer was "theoretical" science the star in the academic crown of the German university; instead, science was limited to practical applications (Bentwich, 1953; Van de Graaff, 1975). The new Reich neither valued nor condoned the long-term, theoretical approach to German science that had been the mark of "Jewish" professors. Instead, it wanted a science that would provide short-term, practical solutions for problems in industry, agriculture, and defense (Kevles, 1978; Nachmansohn, 1979).

Positions formerly occupied by elite theoretical scientists were now filled by men who were more concerned
with the furtherance of Nazi ideology and practical advancements than with the elevation of German science (Muller, 1991). The Minister of Education promoted into positions of leadership two strongly anti-semitic, Nobel Prize-winning physicists, Johannes Stark and Philip Lenard. Both of these men were committed to replacing irrelevant "Jewish" theory with sound "German" practicality. Stark and Lenard even opposed the distinguished German Physical Society solely because they considered it to have been dominated by Jews. As German scientists, more importantly as "Nazi German" scientists, they were convinced that adhering to the politically-motivated criteria of the Nazi agenda instead of to the standards of the international scientific community was an appropriate academic measure for determining the worth of a specific line of research as well as the value of a particular researcher (Nachmansohn, 1979; Macrakis, 1993). Lenard, who made no effort to hide his anti-semitic feelings, even had the following notice posted on his office door: "Entrance to Jews and Members of the German Physical Society Not Permitted" (1979, 119).

The intellectual freedom of the German professor was systematically annihilated through the unrelenting political onslaught of the Nazi Party. Hitler had made his first assault on the spirit of free inquiry within
the German university. In addition to segregation and relegation to second-class residents, Jewish members of the professoriate were no longer free to pursue theoretical innovation. As a result, four elite scientists had to struggle to find their response.

Albert Einstein in Germany

The career of Albert Einstein before his emigration from the threats of Nazism reveals the unfolding of a pattern of intolerance. His career decisions reflected an awareness that his ideologies were in conflict with those of his German Aryan colleagues as well as with those of officials of the Third Reich. As early as 1921, Einstein determined that both his political and scientific ideas would eventually separate him from his homeland (French, 1979; Jackman and Borden, 1983).

In June, 1921, Einstein commented to Philipp Frank, a theoretical physicist and close personal friend (French, 1979) that, "I am not likely to remain in Germany longer than another ten years" (Jackman and Borden, 1983, 174). Einstein had determined the early signs of a rising provincial and narrow-minded attitude among his fellow intellectuals in the German universities (1979; 1983). His ideas had already begun to cause a rift between him and his colleagues.
He and George Nicolai, a professor of physiology at the University of Berlin, had just co-authored the "Manifesto to Europeans" (Clark, 1984, 228). In this document, Einstein and Nicolai presented their internationalist and pacifist ideology. Their "Manifesto" was written as a rebuttal to the nationalistic ideology of the widely-circulated "Manifesto to the Civilized World," this document, written by some and endorsed by most of his colleagues, exonerated Germany from guilt for starting World War I (Franklin, 1981; 1984).

In his "Manifesto," Einstein pointed out that such extremely nationalistic attitudes were a detriment to the cultural cooperation that scholars in every country should support. He believed that, if men of science condoned war, they were doing so to their detriment. The volatile environment that was created by conflict would only serve to undermine international collaboration necessary for research (Nachmansohn, 1979; Macrakis, 1993).

Einstein was convinced that research could not attain its highest level unless a political environment existed where scholars from different countries could share with one another. This conflicted with the nationalistic ideas of his colleagues who saw the
emergence of Germany as being linked to the emergence of the superiority of the German mind. Clearly, Einstein's academic anchor was the world; for many of his colleagues, it was Germany (Clark, 1984).

After Einstein's and Nicolai's document was circulated among the other members of the professoriate at the University of Berlin, only two signatures were added. Most of Einstein's colleagues found his "Manifesto" to be traitorous, particularly since it criticized Germany's actions during World War I (Franklin, 1981). This overwhelming refutation of his internationalist-pacifist agenda was representative of the schism that existed between this world-renowned scientist and many of his fellow professors (Clark, 1984). In an arena where a tolerance for the ideas of others was intended to serve as a guiding force in professorial relations, he faced a professoriate that was increasingly open in their antagonism toward his beliefs (Weinberg, 1986).

In acknowledgement of his inability to garner support for his ideas among members of the professoriate, Einstein reluctantly joined the political party, Bund Neues Vaterland. He was convinced that the only solution to the world's problems lay in a substantial surrender of autonomy by individual countries and governments (French,
Bund neues Vaterland had as its primary political objective the establishment of an international diplomatic body, which through peaceful arbitration, would make future wars impossible (Clark, 1984). His association with this organization was but the laying of another symbolic brick in the wall that was separating him from the majority of the German academic community.

Einstein ignited even more animosity with members of the German professoriate by making several trips to the United States during the 1920's. His colleagues were angered by his willingness to share his scientific knowledge with "the enemy" that had just defeated Germany in World War I. He added even more fuel to their anger and intolerance by spending time during these trips raising money to help build a Jewish university in Jerusalem (Jackman and Borden, 1983; Clark, 1984).

As these events and issues unfolded, Einstein began to change his political views. Previously, his connection to international Jewry had always been based upon the "pursuit of knowledge for its own sake, an almost fanatical love of justice and the desire for personal independence" (French, 1979, 201). These beliefs and values were the features of the Jewish tradition that had made Einstein grateful to be a Jew (1979). He had not seen the need for all Jews to be
united geographically, for he had always believed that it would be through cultural assimilation that the Jew would eventually find his "homeland." However, with the increasing nationalistic bias of the German professoriate and the onslaught of Nazi anti-semitism, Einstein began to realize that the preservation of the Jew could only occur with the establishment of a Jewish state. Einstein was becoming a Zionist (Bentwich, 1953; 1979; Clark, 1984).

In April, 1933, when the Law for the Re-establishment of Professional Civil Service was passed, Albert Einstein was the Director of Theoretical Physics in the Kaiser Wilhelm Institute. Having held this position since 1914, he was exempted from dismissal. However, there was little doubt that he would have been dismissed under the "politically unreliable" clause of that same piece of legislation. This clause stated that any individual who could not be counted upon to adhere completely to the National Socialist Party philosophy would be considered "politically unreliable" and therefore subject to dismissal. In any case, Einstein, realizing the true intent of the law was to ensure "cleansing," and recognizing the loss of intellectual liberty that it would bring, submitted his resignation from the
Directorship of the Institute of Theoretical Physics (Beyerchen, 1977; Kevles, 1978).

A few of Einstein's colleagues were willing to openly risk questioning his treatment by the Nazis. One such individual was Dr. Max von Laue, a distinguished German physicist. He reminded the May, 1933 meeting of the Kaiser Wilhelm Society that the determination by the Ministry of Education that Einstein's research was valueless and that his books were traitorous had been carried out without the government office having consulted even one member of the Institute's professoriate. Von Laue then called upon the Society to raise objections to their exclusion from the Ministry's deliberations, as it was a violation of their right to academic self-government. The majority of the membership of the Society, however, voted to support the actions of the Ministry's Secretary (Kelly, 1972; Beyerchen, 1977; Macrakis, 1993).

The Society's scholars overrode Einstein's right to academic freedom by sustaining the Ministry of Education's decision to debase the content of his research based upon their intolerance for his pacifism, internationalism, and non-Aryanism. In so doing, they jeopardized their right to academic self-government (Gallin, 1986; Macrakis, 1993). As a result, they
"betrayed their own freedom and prepared the way for a totalitarianism that would overwhelm [German academia]" (1986, 70).

In addition, Einstein also resigned from the Prussian Academy of Sciences. Here, too, a lack of tolerance for his political viewpoint and his racial heritage reigned. Upon receipt of Einstein's resignation, the Academy informed him that "he had let himself be used by opponents not only of the new German government, but of the German people as a whole" (Beyerchen, 1977, 41). The Academy stated that Einstein's position as a supporter of the enemies of the German Reich was "a bitter, painful disappointment for us, which would probably have necessitated a parting of the ways even if we had not received your resignation" (1977, 41).

In response to this resignation, Professor Max Planck, a Nobel Laureate and member of the Prussian Academy of Sciences, addressed a session of the Academy on May 11, 1933, the day after Einstein's books had been among those publicly burned at the University of Berlin because of their "un-German" spirit. He compared Einstein's greatness to that of Kepler and Newton, and stressed that he hoped posterity would not speak ill of the Academy for not recognizing Einstein as a great
thinker nor perceiving his significance to science. However, Planck, being known as having adopted "an attitude of prudential acquiescence and delaying tactics" (Wistrich, 1982) balanced his comments by concluding that Einstein's politics made it impossible for the Academy to retain him (Beyerchen, 1977).

Planck's straddling of the fence, his attempt at balancing his support for Einstein with his support for Nazi policy, became the model for the compromising position taken by many in the German professoriate during the initial stages of academic cleansing by the National Socialists. This stance stood as a direct assault against the bulwark of academic freedom. By choosing what appeared to be a compromise, the rights of others could be placed in the balance between what was right and what was expedient (Kelly, 1972; Beyerchen, 1977; Gallin, 1986).

When the 1933 Civil Service Act was passed by the Reichstag, Einstein was out of the country. After resigning from both professional positions, he also decided to renounce his German citizenship. This man, who had won the Nobel Prize in 1921, who had become an internationally respected and honored scientist, and who had desired only to see science--and in particular, German science--prosper, had reached a point where German
citizenship had become, for him, "a strange affair" (Clark, 1984, 564). His life of allegiance to Germany had been fraught with repeated instances of political and racial intolerance. Although Nazi persecution of the Jews had moved Einstein to become a Zionist, he still believed that, personally, as "an internationally-minded man, citizenship of a specific country was not important; [rather] humanity is more important than national citizenship" (1984, 564). With this thought in mind, Einstein formally surrendered his right to full German citizenship at the German Embassy in Brussels. Upon exiting the Embassy, Einstein "left German territory for the last time" (1984, 565).

James Franck in Germany

James Franck, a distinguished German physicist who received the Nobel Prize in 1925 (Candee, 1957), was a man content to spend his entire life working within the halls of academia. He, like so many of his close colleagues, felt the world of politics was something that should remain at a distance from the university. All of this changed for Franck when, as a matter of principle, he made a solitary public protest in opposition to the policies of the Nazi Party (Gallin, 1986; Macrakis, 1993).
In 1921, Franck was offered the chair of the Second Institute of Physics at the University of Göttingen. This, for him, was an ideal position. He was able to direct his research according to his own interests and to establish close contacts with the students within his department. Such informal relationships were a rare feature at German universities, where formality generally prevailed in the communication between professors and students (Nachmansohn, 1979; Macrakis, 1993).

By the 1930s, Franck was the leading experimental physicist in Germany. His accomplishments elevated the department at Göttingen and led to its being christened the "Mecca of Atomic Physics" (Wistrich, 1984, 78). In 1932, he was the foremost candidate for the chair of physics at the University of Berlin. He was unable to accept this position, at this high point in his career, because of the implementation of the 1933 Civil Service Law (Nachmansohn, 1979).

The University of Göttingen suffered greatly from the impact of this legislation. Within the faculty of physics, in addition to Franck, a number of other brilliant Jews held prominent positions. Upon notification of the Civil Service Law's passage, these men joined Franck in extensive discussions as how to best
respond to the racist elements of the new law (Bentwich, 1953; Beyerchen, 1977).

Franck, who had been a highly-decorated German veteran of World War I, was exempt from dismissal (Bentwich, 1953). His ethical dilemma was whether or not he should retain his position when other Jews would have to lose theirs (Beyerchen, 1977). The principle at stake was one of academic freedom, in that, by keeping his position, Franck would be acknowledging and supporting the right of governmental policy to stipulate who could or could not teach within the university. Franck concluded that, despite his exempted status, he would have to resign. He knew that he could not obey a law that required him to dismiss colleagues on the basis of a racial heritage that he shared. Franck became even more resolute in his decision as he watched the manipulation of the Nazi-dominated student leadership and witnessed the response of the professoriate to their actions (Kelly, 1972; Gallin, 1986).

Where once Franck had brought students together to pursue truth from many sources, the government now dictated truth under the guise of ideological purity. At the direction of Joseph Goebbels of the newly formed Reich Ministry for the Enlightenment of the Volk and Propaganda, the German Minister of Education re-
established student self-government, which had been removed during the Weimar years (Bentwich, 1953; Kelly, 1972; Gallin, 1986). On April 13, this newly formed student government association announced its campaign "against the Un-German Spirit" (Beyerchen, 1977, 16). Within its twelve-point declaration was a pronouncement that:

The Jew can only think Jewish, and when he writes in German, he is lying; students should view Jews as aliens, and Jewish works should appear in Hebrew, or at least be designated as 'translations' if they were printed in German; students and professors should be selected according to their guarantee of thinking in the German Spirit (1977, 16).

The German student movement further manifested its disdain for intellectual liberty when it conducted public book burnings that it held at nearly every German university on May 10, 1933 (Kelly, 1972; Gallin, 1986). Although the students were manipulated into initiating this campaign, a considerable amount of support existed among university faculty for the book burnings. Their disregard for the right of other professors to hold views contrary to their own reflected the low esteem in which they held the principle of Lehrfreiheit (Kelly, 1972; Kevles, 1978; Weinberg, 1986). Hans Naumann, professor
of Germanistics at the University of Bonn, was thrilled with this movement among the youth. He wrote that:

We see this action as overpoweringly beautiful, it is not to be darkened or endangered through any human weaknesses. We want union and purity, high-mindedness of conviction, subordination and association.

That is what we want for our hearts and that is what we also want in our literature....a literature which educates us...in kinship, be it in the profession, be it in allegiance or in the race and the nation. That [which] educates us to the state and to leadership and to obedience and to militant bearing (1972, 72).

Naumann's interpretation of the destruction of the findings of intellectuals of the past and of the present as being "overpoweringly beautiful" reflected the change in attitude about academic freedom within the Third Reich that led to its willingness to compromise the right of professors to publish an unhindered view of the truth (1972; 1978).

Although Franck's friends and colleagues petitioned him not to take hasty action, he knew that fundamental issues of principle were at stake. On April 17, Franck
submitted the following letter to the Nazi appointed
Minister of Education:

With these lines I ask you, Mr. Minister, to release
me from my duties as full professor at the
University of Gottingen and Director of the Second
Physical Institute of this University.

This decision is an inner necessity for me
because of the attitude of the government toward
German Jewry (Beyerchen, 1977, 17).

In addition, Franck sent a letter of resignation to
the Rector of the University of Gottingen, a copy of
which he also made available to the *Gottinger Zeitung*,
one of the city's two newspapers:

I have asked my superior authorities to release me
from my office. I will attempt to continue my
scientific work in Germany.

We Germans of Jewish descent are being treated
as aliens and enemies of the Fatherland. It is
demanded that our children grow up in the awareness
that they will never be allowed to prove themselves
as Germans.

Whoever was in the war is supposed to receive
permission to serve the state further. I refuse to
make use of this privilege, even though I also
understand the position of those today who consider
it their duty to hold out at their posts (Beyerchen, 1977, 17).

Such public protest was highly unusual; however, holding dear the rights of university professors to make the public aware of those causes that violated the true German spirit, Franck hoped that, by taking his protest to the people, they might be moved to press the government to alter its anti-Semitic policies (Bentwich, 1953; Beyerchen, 1977).

Franck's letter of protest elicited editorial support by the *Gottinger Zeitung*. The editors wrote that the World War I honors that Franck had won, his war record, and the esteem that he had brought to Gottingen, all had served to economically benefit the city. He was responsible for having increased the number of students at the University and for securing a Rockefeller Grant to expand the University's buildings. The editors stated that they hoped that Franck's sacrifice would somehow prevent the dismissal of those individuals who would otherwise be lost to German science due to the stipulations of the Civil Service Law (Beyerchen, 1977).

Franck's correspondence was also printed by several other newspapers throughout Germany. Most of their articles contained expressions of concern that consideration must be given to the possible future
implications of such legislation. In contrast, the Berliner Tageblatt, stated that Franck would have done better if he had remained at his post while issuing his protest against the Nazi regime; in other words, they felt his resignation was ill-timed and ill-advised (Fermi, 1987; Beyerchen, 1977).

Franck's story was quickly picked up by the London Times in an article entitled, "Treatment of Jews in Germany, Nobel Prize-Winners Protest" which appeared in the April 19, 1933 issue. His actions caused a definitive split along political ideological lines. Some pro-Nazi faculty believed that Franck was placing concern for his own right to academic freedom above the necessity for the establishment of the new Reich (Fermi, 1987; Beyerchen, 1977).

Professors on the medical faculty and in the agricultural institute of the University of Gottingen thought that Franck, along with those who had entered into discussions with him about his resignation, were conspiring to hinder the national cause. When the foreign press used Franck's resignation to support anti-German propaganda, forty-two instructors at Gottingen issued a condemnation of Franck's action. Their "42-Statement" charged that Franck's public resignation had impeded the domestic and foreign policy of the new
government (Beyerchen, 1977; Weinberg, 1986). "We are unanimously agreed...that the form of [his] declaration of resignation is equivalent to an act of sabotage, and we hope that the government will therefore accelerate the realization of the necessary cleansing measures" (1977, 19).

Although Franck recognized their right to disagree with his actions, the idea that such actions would require "cleansing" measures was anathema to the freedom of dissent that he believed was his right as a German professor. Franck contended that loyalty to a national political agenda did not necessarily have to conflict with the idea of academic freedom as long as that agenda allowed conflicting ideas an opportunity to surface and to be subject to review by the academic community. However, when nationalistic policy holds that concepts in conflict with its tenets must be "cleansed" from the minds of its followers, then the principles of academic freedom must take precedence so that freedom itself may remain (Kevles, 1978; Macrakis, 1993).

Although Franck had desired to remain in Germany and had hoped for a position outside of the Civil Service from which he could continue his opposition to the National Socialist Party, the persistent execution of Nazi policy forced him to concede that he no longer had a
place within the Fatherland. His willingness to place his safety as well as that of his family in jeopardy for the principles of academic freedom was the act of an heroic nature that set a precedent for others of like conviction to follow.

Otto Meyerhof in Germany

Germany, in 1930, led the world in the fields of physical and social sciences largely due to the efforts of excellent German researchers. However, by 1935, one out of every five university professors had been removed from their faculty positions. The "cleansing" policies of the National Socialist Party had forced either the emigration, the retirement, or the imprisonment of some of Germany's most eminent scientists (Bentwich, 1953; Nachmansohn, 1979).

In the area of medicine, the loss was particularly high due in part to the large representation of Jewish researchers and physicians in the medical field. Between 1933 and 1938, 10,000 medical personnel had been forced to leave their jobs. Among those either compelled or coerced into leaving was the Nobel Laureate, Otto Meyerhof, who was Director of the world-famous Kaiser Wilhelm Institute of Physiology at Heidelberg (Kevles, 1978; Proctor, 1988). Although he had hoped, as had so
many other Jews, that the Nazi regime would not last very long, his decision to attempt to weather the storm of Hitler's anti-semitic policies eventually proved to be untenable (Beyerchen, 1977; Nachmansohn, 1979).

After leaving the Kaiser Wilhelm Institute of Biology in Berlin-Dahlem in 1929, Meyerhof took up residence at the newly-established Kaiser Wilhelm Institute at Heidelberg. The Institute was comprised of four independent research divisions: physics, chemistry, physiology, and basic medicine. Meyerhof had been selected to fill the position of Director of the Department of Physiology. For the first time in his career, he had at his disposal the facilities necessary to further his sophisticated research. Not only did he have the proper facilities, but also superlative colleagues. His fame attracted several medical researchers from around the world to the faculty of the Institute (Nachmansohn, 1979; Weinberg, 1986; Proctor, 1988).

The Kaiser Wilhelm Society even built a magnificent house for him. Meyerhof had finally achieved what he considered to be the "dream of a true scientist: not glory, but the opportunity to carry out his creative work under the most comfortable, pleasant, and efficient conditions" (Nachmansohn, 1979, 283). While he was in
the midst of these most active and dynamic years of his career Hitler became Chancellor of Germany, the Nazi Party gained control of the Reichstag, and the Law for the Re-establishment of the Professional Civil Service was passed (Fleming and Bailyn, 1969; 1979; Weinberg, 1986).

Meyerhof had qualified as a certified lecturer of physiology at the University of Kiel in 1912 and had worked there until 1924 when he achieved the status of Professor Extraordinary. That being the case, he, though a Jew, was exempt from the dismissal policies of the Civil Service Act under the World War I state service stipulation (Nachmansohn, 1979; Weinberg, 1986). Although the exemption existed, state officials were authorized to determine, based upon racial heritage, who could and could not serve as professors in German institutions of higher education.

Meyerhof was exempted. His decision to accept the exemption, in spite of the governmental manipulation that it represented, resulted from his hesitancy to leave a situation where his scientific work was proceeding well and where many highly qualified investigators had come to work with him (Nachmansohn, 1979; Niewyk, 1980). His choice to remain at the Institute was heralded by the
Kaiser Wilhelm Society's President as being most fortuitous (Beyerchen, 1977).

After the decision had been made to remain in Germany and to endure the difficulties incumbent in such a determination, Meyerhof used his position to implement several strategies that were in direct opposition to the restrictions upon intellectual liberty established by the Civil Service Law. In so doing, he was able to ensure the continuation of the careers of many of his Jewish colleagues (Beyerchen, 1977; Nachmansohn, 1979).

Initially, as Director of a Kaiser Wilhelm Institute, Meyerhof wrote a letter to Frederick Glum, the acting President of the Society, to remind the officer of the "moral duty one had to employees who had served the Society for many years" (Macrakis, 1993, 54). He emphasized that the Society and its membership could not change the law; but, he also stressed—to no avail—that the utmost should be done to "modify the brutality in the ruthless application of the law" (1993, 55).

Another strategy of Meyerhof's was to use the semi-private status of the Kaiser Wilhelm Society as a means of protecting as many professors from dismissal as possible. Since the Civil Service Law's "cleansing policy" applied only to those institutions that received more than 50% of their funding from the government, the
Nazis' did not have total control over his Institute. Realizing that he was funded from both state and private monies, with the larger portion coming from private sources, Meyerhof was able to maneuver around the dismissal policy on behalf of his "non-Aryan" professors. By using the Institute's semi-private funding statute, Meyerhof helped to maintain its academic freedom during the difficult years from 1933 through 1938 (Jackman and Borden, 1983; Macrakis, 1993).

The National Socialist Party, in its move to control all education, had violated the academic principle of Lehrfreiheit by requiring professors to propagate the Nazi Party agenda. Faculty who had received university positions were required to participate in political training so that they could indoctrinate their university students with National Socialist ideology. Since professors in those positions were, in actuality, training the youth in the tenets of Nazi policy, Party officials were generally very inquisitive as to their racial backgrounds. However, Meyerhof's professors and their students, due to the semi-private status of the Institute, were far enough removed from the educational main-stream that they were able to avoid such regulations and the inevitable scrutiny that came with them.
In addition, Meyerhof labored with the Society to increase the monetary support of Germany's industrialists. This enabled the Institute of Physiology to ensure that financial concerns would not cause them to have to relinquish their non-government status and their control over their right to academic self-governance. Meyerhof worked to elect presidents of the Society from among the leaders of industry rather than only from the fields of science. The selection of these individuals as Society presidents was a skillful diplomatic move (Niewyk, 1980; Macrakis, 1993).

Any connection with industry served to improve relations with the National Socialists, since the Nazi's needed whatever help they could get from the industrial sector to assist their build-up of war technology. If the industrialists were supportive of the Kaiser Wilhelm Society's Institutes, the likelihood of Nazi interference with those Institutes was decreased (Fleming and Bailyn, 1969; Beyerchen, 1977).

The benefits of this industrial connection also extended to the facilitation of Meyerhof's attempts to fill the professorial positions vacated as a result of the dismissal policy of the Civil Service Law. Since the
Nazi's wanted to maintain good relations with the industrialists who supported the work done by the Society, Meyerhof's candidates for faculty posts were generally accepted by the Nazi Ministry of Education. The ability to formulate and to execute such positive strategies accounted in large part for Meyerhof's and his Institute's relatively undisturbed survival in the advance of Hitler's anti-semitic juggernaut (Beyechen, 1977; Kevles, 1978; Nachmansohn, 1979).

As Meyerhof worked to maintain both his position of influence and his research, his efforts on behalf of his colleagues could only be categorized as unusual. He had been born into a well-established upper middle-class family and had been totally absorbed in his youth with philosophy, art, and science. After a serious illness, he had been sent to Egypt for four months to recover. During this period of forced seclusion, Meyerhof went through a philosophical and artistic metamorphosis. The result, for Meyerhof in his later years, was a more humane approach to both the science of medicine and to its practitioners. His colleagues were co-discoverers not just co-workers; therefore, his "moral duty" (Macrakis, 1993, 54) to them extended beyond the academic realm. His humane approach, contrasted against the backdrop of the inhumanity of Nazi politics, motivated
him to continue to work in Germany and to ensure, as long as he could, the safety of his colleagues (Bentwich, 1953; Nachmansohn, 1979; 1993).

Despite the implementation of his strategies to remain in Germany and to assist others to do the same, Meyerhof's campaign eventually was overwhelmed by the determination of the Nazi Party to press its agenda upon every segment of German society. In addition, by the middle 1930s the Reichstag gave the Ministry of Education in Berlin the authority to classify any instances of "non-conformity" to Nazi policy as treasonous (Gallin, 1986). In other words, if the political ideology of a professor did not align with the ideals of the Third Reich, both he and his research were judged as "non-conforming" and thereby "un-German" (1986; Nachmansohn, 1979). Once again, the government increased its control over the minds of the professoriate. To think, speak, or publish anything contrary to the Nazi agenda was deemed an act of treason. The National Socialists determined that they had the right to dominate all expressions of the truth that were necessary for the maintenance of the people's liberty (Macrakis, 1993).

Increasingly, Meyerhof found himself in the situation of choosing between exile or capitulation. According to William Dodd, the United States Ambassador
to Germany at that time, "The universities have been deprived of the place they once held as centers of German intellectual life....all the disciplines within the university had suffered because nothing could be taught that conflicted with the 'Nazi faith'" (Weinberg, 1986, 100). Meyerhof eventually had to acknowledge to himself and to others that his "position had become untenable" (Macrakis, 1993, 65) and that he would, therefore, have to leave Germany.

Otto Stern in Germany

On the day that Adolph Hitler became Chancellor of Germany, January 30, 1933, Otto Stern informed his colleagues at the University of Hamburg that he was going to resign from his position as professor of physical chemistry. Temporarily dissuaded by the pleas of his colleagues, Stern agreed to delay his decision. However, he stressed to them that, at the first hint of any attempt by the Nazi's to interfere with the personnel in his department, he would indeed leave. Stern had seen, over the past two decades, the anti-semitism that was growing within the German state. He realized that, with the rise of the Nazi Party to power, the future of Jewish scientists within academia would grow increasingly uncertain. Within weeks of the National Socialists
having passed the Civil Service Laws in April, 1933, the impact of the new dismissal policy was felt in Stern's department. In June of that same year, Stern walked out of his laboratory, never to return (Farber, 1953; Clark, 1984; Weber, 1980).

Otto Stern's early academic career had greatly benefitted by his birth into a prosperous Jewish family, which desired that their children satisfy their thirst for knowledge by traveling and exploring several fields before deciding on a career. Although his studies at the Gymnasium emphasized the Classics, Stern's private readings lead him to further explore several areas of science and mathematics. When the time came for him to follow his interests at the university level, the financial support from his family provided the means for him to migrate from university to university. He was able to attend lectures on a variety of subjects without regard to curricula or the time needed for completion of promotion requirements. Stern experienced the classic expression of *Lernfreiheit* throughout his years as a university student (Heathcote, 1953; Grunberger, 1971; Beyerchen, 1977).

During this time of independent academic pursuit, he attended lectures on both theoretical and experimental physics, which gave him the foundation for his later
decision to pursue a career in theoretical science. After he received his Ph.D. in 1912, his decision to work in theoretical physics brought him into contact with Albert Einstein. He became one of Einstein's post-doctoral associates both at the German University in Prague, from 1911-1912, and then at the Technische Hochschule in Zurich, from 1912-1914 (Kevles, 1978; Weber, 1980; Schlessinger and Schlessinger, 1986; Macrakis, 1993).

Subsequent to his work with Einstein and his teaching positions at the Universities of Frankfurt and Rostock, Stern accepted a chair as professor of physical chemistry in 1923 at the University of Hamburg, where he immediately was given the opportunity to establish a molecular beam research laboratory. Stern had finally been given an opportunity both to teach and to do the research that he had, for over a decade, wanted to begin (Heathcote, 1953; Fleming and Bailyn, 1969; Proctor, 1988).

Although Stern had chosen the field of theoretical physics primarily because of his intense interest in the subject, there was another reason for his selection—the limited opportunity to choose other academic areas in which to work. The anti-semitic prejudice that began to develop among the German professoriate during the years
of the Weimar Republic indirectly caused many talented young researchers to move into physics rather than into other areas of science. In general, the non-Jewish German professoriate did not insist upon a Jewish student's right to choose the field in which he studied. Usually, the professors in the more established disciplines, that is, chemistry, were unwilling to take on Jewish students. They did, however, not prevent them from moving into those areas where Jews had already established themselves (Bentwich, 1953; Beyerchen, 1977; Nachmansohn, 1979; Niewyk, 1980).

Although access to the broad spectrum of academia was not "encouraged" for Jewish students, one area in which Jewish scholars were tolerated, was physics. Their relatively high concentration in physics departments later proved to be a disadvantage for Jewish professors, for it made them perfect targets for Nazi attacks against their intellectual freedom (Bentwich, 1953; Nachmansohn, 1979; Niewyk, 1980).

As mentioned previously, two German scientists who were quite open in their racist attitudes toward Jewish professors were Philipp Lenard and Johannes Stark. Lenard had written a text book whose introduction came to serve as the battle cry for "German" physicists: "'German physics?' People will ask. I could have also
said Aryan physics or physics of Nordic natured persons, physics of the reality-founders, of the truth-seekers, physics of those who have founded natural research" (Beyerchen, 1977, 125).

Stark’s writings repeatedly attacked the reliability of Jewish physics from the perspective that a researcher’s racial heritage affected the conclusion he would draw from his work (Weinberg, 1986). The assumption that being a Jew meant that one’s findings would automatically have a Jewish limitation to it called into question the integrity of Jewish professors and assumed that their scientific endeavors were not geared toward pursuing the truth, but toward presenting Jewish propaganda (Beyerchen, 1977).

Such protracted philosophical attacks lay at the root of Stern’s initial response to Hitler’s move into power. He knew that the imposition of anti-semitic policies would probably increase. When the Civil Service Laws were passed, although Stern was exempted from dismissal due to his service in the German Army during World War I, he could foresee the inevitability of the corruption of intellectual life that would follow (Kevles, 1978; Gordon, 1984; Proctor, 1988).

The seriousness of the situation for "Jewish" scientists that had developed between the April passage
of the Civil Service Laws and Stern's June resignation is confirmed by the contents of a letter written on June 19, 1933 by the American mathematician, John von Neumann, to Princeton mathematician, Oswald Veblen. Relative to his recent visit to Germany, von Neumann wrote that:

Germany...was very depressing. We have been three days in Gottingen and the rest in Berlin, and had time to see and appreciate the effects of the present German madness. It is simply horrible. In Gottingen, in the first place, it is quite obvious that if these boys [Nazis] continue for only two more years (which is unfortunately very probable), they will ruin German science for a generation--at least (Fleming and Bailyn, 1969, 205).

Stern's recognition that anti-semitism would increase under the Nazi regime was confirmed when the Nazi Party demanded that he dismiss his Jewish colleagues. With this, Stern realized that his own professional demise was not far away. These realities led him to resign from his professorial chair as he recognized the historical pattern of violation of the academic freedom of the German Jewish professoriate. German science no longer held a place for him.
The Opportunities in America

An article in the November 7, 1938 issue of Newsweek, opened with the following line: "The United States now leads the world in science." The statement declared that the accumulation in America over the previous two decades of superior intellects represented in its scientific community had surpassed all other nations (Kevles, 1978).

In support of this claim, several accomplishments could be enumerated. American graduate schools were offering first-rate training in both the fundamentals and the frontiers of scientific thought. Students no longer felt compelled to travel abroad to find high levels of intense and sophisticated research. Throughout the country several well-appointed laboratories had superior professorial staffs running them. Scientific journals from the United States were filled with ground-breaking articles and their publication was awaited with anticipation throughout the world (Kevles, 1978; Perry, 1984).

America owed no little debt for this new-found fame within the global scientific community to the numerous European immigrants who had come to this country since 1933 (Fermi, 1987). Once absorbed into America's system of colleges and universities, these refugees enriched
science departments with their "mathematical techniques, their experimental imagination, and their sophisticated philosophical approach to the analysis of natural phenomena" (Kevles, 1978, 282).

On the surface, a fertile academic environment replete with world-renowned immigrant scientists was functioning within the "picture-perfect" atmosphere of a spirit of cooperation. Underneath the surface, however, the American scene was characterized by some shortcomings that have historically been part of the journey undertaken by those "yearning to breathe free" (Fermi, 1987). In the case of the emigrating intellectuals during the 1930s, three particular adverse situations confronted them: the Great Depression, communism, and anti-Semitism (Fleming and Bailyn, 1969; Kevles, 1978; Clark, 1984).

The Great Depression

In June, 1933, Alvin Johnson, head of the New School for Social Research, estimated that 5,000 Ph.D. graduates from American universities were unemployed in the United States. The Great Depression had hit the academic community hard and its impact was especially felt by these newest entrants. In the face of too many academically qualified individuals chasing too few
professorial and research positions, foreign immigrant professors appeared as "unfair" competition. On the other hand, college and university administrators could not ignore the highly qualified senior immigrant professors who were knocking on their doors. Such being the case, a university often risked criticism when it bypassed American candidates for positions and instead selected foreign researchers (Fermi, 1987; Perry, 1984; Weinberg, 1986).

Realistically, there was not enough money to go around. The Depression had caused government financial support for research to begin to plummet. During the early 1930s, Congressional economizers had slashed the budgets of federal research projects an average of twelve and one-half percent. These projects, even after their appropriations had passed by their appropriate committees, still barely made it through debate on the floor of Congress. By 1933, federal support for education had fallen as much as twenty-six percent from pre-depression levels (Fleming, 1980; Perry, 1984).

University budgets were also being cut considerably by state legislatures as well as by governors who often required more reductions before approving them. Private capital funds also collapsed and some endowments for research, such as those at Cornell, were completely
devastated. The annual income of the endowed Carnegie Institution of Washington fell by over $1 million. Washington University in St. Louis had so little money that it was unable to complete the third story of its physics building; instead, that floor was converted into a children's skating rink. The reduction in financial support faced by American colleges and universities from both their public and private benefactors meant that fewer professorial positions awaited an increasing number of applicants, both foreign and domestic (Kevles, 1978; Perry, 1984).

To further complicate matters, the public had grown discontented with the wonders of the new technology of the "machine civilization" (Kevles, 1978, 257). Unfortunately, technology was often blamed for high levels of unemployment. Americans began wondering if science had produced more than consumers could absorb and if machines were destroying more jobs than they could create. The resulting lack of public enthusiasm for the funding of scientific endeavors further narrowed the number of and entrance to new academic positions (Fleming and Bailyn, 1969; 1978; Weinberg, 1986).

This lack of popular support for funding new university positions was also due in part to citizen concern for their own financial security. As William
Green, the President of the American Federation of Labor, had pointed out, the cast-offs of technology had been able previously to find work in new industries. However, the economic climate of the early 1930s offered no new industries for these newly unemployed (Clark, 1984; Perry, 1984). President Hoover's Committee on Recent Social Trends even reported that, "Unless there is a speeding up of social invention, or a slowing down of mechanical invention, grave maladjustments are certain to result" (Kevles, 1978, 237). This mood and reality of tight money and native-born American self-preservation often set scholar against scholar and layman against intellectual. The environment was perfect for an intensification of American xenophobia.

Communism

As America entered World War I, patriotism was often focused in the direction of Theodore Roosevelt's slogan, "America for Americans" (Fermi, 1987, 21). In an effort to promote this concept of "100% Americanism" (1987, 21), patriotic crusaders sometimes even went into minority neighborhoods to encourage Americanization of the foreign-born. Such well-meaning efforts faded, however, when German agents committed the first acts of sabotage in the United States during World War I.
Instead, these incidents inevitably led to a campaign against German-born "hyphenated Americans" whose loyalty to America was now presumed to be divided (1987; Kevles, 1978).

The schism, which continued throughout the war, intensified at its end. Post-war America experienced a new surge of patriotic nationalism, due to its victory in World War I and its elevation into a position of international prominence. Nationalism bolstered the idea that admitting aliens was an unwarranted hazard to national welfare (Fermi, 1987; Clark, 1984). This foundation of fear was strengthened during the 1920s and early 1930s by the furor over communism.

The American Communist Party of the 1920s was composed primarily of immigrants who had come to America during the previous twenty years. Nine out of every ten Communist Party members was an immigrant. Of this foreign membership, the second largest group was made up of individuals of Jewish origin. Of the nearly 16,000 members of the Party in 1925, over 1,400 were Jews who spoke as their native tongue the Yiddish dialect. However, within the other foreign-language sections of the Party, such as the Polish, Rumanian, Russian, Lithuanian, Hungarian, etc., there were also individuals of Jewish heritage. Consequently, the American Communist
Party was viewed as having a heavy Jewish influence (Glaser, 1978).

Such figures did not reflect the political views of most Jews in America since, at the Communist Party's height in the middle 1930s, its membership only briefly rose above 50,000 at a time when there were over 4,500,000 Jews in America. However, these mid-1920 figures were enough to create fear among the American populace that the ideals of the American dream were being supplanted by foreign-born "non-Americans" (Klehr, 1984).

"Red Scare" (Fermi, 1987) hysteria began to sweep through the United States. The idea that American capitalism could be replaced with European communism and that these new immigrants should have the opportunity to enjoy what natural-born Americans had worked so hard to establish brought fear into the heart of the "average" American. This double-edged political and economic sword struck deep into those whose idea of nationalism excluded foreigners and whose xenophobic fears primarily focused on the Jew (1987).

The blame for the influx of communism into the American dream on those who were not "truly" American made communism appear to be an entirely foreign import. In order for "loyal" Americans to prevent its spread, it was logical for them to curb the access its perpetrators
had to American society. Although intellectuals as a whole were unwilling to take the final step of actually becoming communists, their liberal stance was viewed by some Americans as sufficient confirmation of their commitment to universal communism. Such stereotypic inferences served to widen the gap between immigrants and those university positions that were supposedly to be filled only by "patriotic" Americans (Ferlo, 1987; Perry, 1984; Weinberg, 1986; Klehr and Haynes, 1992).

Anti-Semitism

Just as the "Red Scare" limited immigrants in their attempts to assimilate into American society, a parallel mass hysteria, the "Jewish Scare" during the 1920s and 1930s (Weinberg, 1986), isolated the Jewish segment within the immigrant population, making their integration into American culture quite difficult. The anti-semitism of the "Jewish Scare" was greatly aggravated by the actions of multi-millionaire industrialist, Henry Ford. During the 1930s, The Dearborn Independent, Ford's weekly newspaper, with a circulation of over 250,000, printed exposes of alleged Jewish evils in ninety-one consecutive weekly issues. He then reprinted excerpts of this series in a four-volume pamphlet entitled, "The International Jew" and had it translated into sixteen different
languages so that his anti-semitic message was even more widely circulated (Fleming and Bailyn, 1969; 1986). The blatant use of the Jew as a scapegoat for the social ills of the era by such an influential individual served to further exacerbate the anti-Jewish feeling in America.

During the decades of the 1920s and 1930s, the Ku Klux Klan also pushed to make "the Jew" a national issue. With chapters at such universities as Harvard, Yale, and Syracuse as well as in many mid-western and southern towns, the Klan was able to spread its anti-semitic propaganda across the various social strata in America. It was not uncommon for the Klan to "frequently, [in] Friday evening automobile caravans, pass synagogues, shouting insults from behind their white hoods" (Weinberg, 1986, 214). With such forces at work, anti-semitism gradually became institutionalized in American society (Franklin, 1981; 1986).

As historian, Stanley Feldstein (1978) wrote in his survey of three centuries of Jewish history:

During these decades, employment agencies openly advertised that 'No Jews need apply,' quota systems were adopted by universities, membership in social and professional organizations was limited to 'Christians only,' and 'gentlemen's agreements' were
reached to keep the 'sheenies' out of the 'better' residential neighborhoods (1978, 283).

In such a hostile environment, American higher education was largely closed to Jewish candidates for faculty positions. By the middle 1920s, less than 100 Jews could be counted among the university professoriate of liberal arts and science faculties in the United States. In 1930, Washington Square College of New York University, which enrolled the largest Jewish student body in the world, employed no Jewish professors. Not that there was a lack of Jewish candidates for professorial positions; rather, the paucity was due to prejudice and discrimination. Highly qualified Jewish applicants were often placed on waiting lists, where they "waited" endlessly (Fleming and Bailyn, 1969; Clark, 1984; Fermi, 1987). Obviously, certain university faculties and administrations were unwilling to stand against the prejudices of their times.

In one respect, American anti-semitism differed from the European variety. The limitations it imposed upon Jews were not necessarily inflicted by the state; rather, it was the "'private governments' -- industry and trade, banks and insurance companies, real estate boards and neighborhood associations, clubs and societies, colleges" that erected walls to keep Jews out (McWilliams, 1948,
147-148). It was this America, filled both with opportunities and prejudices that greeted the four elite scientists upon their arrival from Germany. Once again, they had to struggle to find their response.

Albert Einstein in America

"Wouldn't it be funny if they won't let me in? Why, the whole world would laugh at America," responded Einstein to a newspaper reporter's questions about the conversation he had had during the course of applying for his visa to the United States at the American Consulate in Berlin in December 1932 (Sayen, 1985, 7). George Messersmith, the American Consul, was out of Berlin when Einstein came to the get his visa. Problems had begun to develop when Einstein, who was normally spared having to answer the series of questions typically asked of individuals applying for visas, was questioned by Raymond B. Geist, assistant to the American Consul (Fermi, 1987; 1985).

Mr. Geist asked numerous questions ranging from queries about Einstein's political affiliations to inquiries about the purpose for his visit to the United States. Finally, the weary Einstein exploded at the assistant with the statement, "What's this, an
inquisition? Is this an attempt at chicanery?" (Sayen, 1985, 7).

Einstein was quick to inform Mr. Geist that he had not asked to go to America; but, had been begged to visit the country by American scientists. He went on to say that, if he was to be considered a "suspect," he would prefer to cancel his trip. Einstein then demanded that his visa be issued by noon the following day or he would remain in Berlin. By that afternoon, the press had picked up the story and the American Consulate became the target of international ridicule. Einstein got his visa (French, 1979; Clark, 1984; Sayen, 1985).

This event had followed an even more explosive situation that had begun to develop a month earlier. Einstein had been invited to spend a third consecutive winter-term at the California Institute of Technology. When Mrs. Randolph Frothingham, President of the Woman Patriotic Corporation, heard of the invitation, she submitted a sixteen-page brief to the State Department. The legal brief on behalf of the Corporation requested that Einstein be barred from entering America (Fleming and Bailyn, 1969; Clark, 1984).

The Corporation claimed that Einstein was the leader of an "anarcho-communist program to shatter the military machinery" of the existing government as a "preliminary
condition" for a world-wide people’s revolution (Sayen, 1985, 6). Recognizing that Einstein’s scientific and religious views could not prevent his entry, the brief charged that he had

promoted lawless confusion to shatter the Church as well as the State--and to leave, if possible, even the laws of nature and the principles of science in confusion and disorder and subject to revision with every new proclamation of an Einstein Theory! His frequently revised theory of relativity is of no more practical importance than the answer to the old academic riddle, "How many angels can stand on the point of a needle if angels do not occupy space" (1985, 6).

Even though these events had occurred a few months prior to Hitler’s official acceptance of the position as Chancellor of Germany, they represented the difficulties experienced by Einstein in his attempts to enter the United States. Although Einstein was an international figure, whose scientific value to mankind had many times been heralded, the impact of American xenophobia still touched him. After renouncing his German citizenship and spending a short time in England lecturing, Einstein sailed to America to become the first professor of the

Upon his arrival, a pattern of challenges to Einstein's academic freedom emerged due to Abraham Flexner's autocratic control over the Institute of Advanced Study. Flexner, Einstein's academic recruiter and the Institute's Director, began to infringe upon Einstein's academic freedom by taking control of his personal appointments. Flexner repeatedly rejected outside invitations for the scientist using the excuse that such interruptions would not be conducive to advancing his research. Initially, this control did not appear to bother Einstein, in that he was a reserved individual who enjoyed his solitude (Dukas and Hoffmann, 1979; Sayen, 1985).

Flexner also discouraged Einstein from becoming involved with Jewish activities. When Einstein had played his violin at a Jewish benefit, and his picture had appeared in the New York Times, Flexner voiced concern that Einstein's attendance at such activities would fan the flames of anti-semitism. Perhaps, Flexner feared potential adverse publicity. The Institute's survival depended upon the generosity of donors whose views on Zionism and politics did not necessarily coincide with those of Einstein. From this and other
similar incidents, it slowly became obvious that extra-
mural utterances by Einstein were perceived by Flexner as
being detrimental to the new Institute (Fleming and
Bailyn, 1969; Fermi, 1987).

Flexner also had rejected an invitation to Dr. and
Mrs. Einstein from President and Mrs. Roosevelt for
dinner at the White House, using the same excuse of
research privacy without exception. Upon hearing of
Flexner's response, Einstein wrote a letter to Mrs.
Roosevelt expressing his sincere regret for this action.
He wrote, "You can hardly imagine of what great interest
it would have been for me to meet the man who is tackling
with gigantic energy the greatest and most difficult
problem of our time" (Sayen, 1985, 66). Upon receipt of
Einstein's letter, Mrs. Roosevelt immediately extended a
second invitation, which the Einstein's accepted (Clark,
1984; 1985).

As a result of such incidents, Einstein grew furious
with Flexner. His irritation was expressed once in a
return address on a letter to Rabbi Wise, "Concentration
Camp, Princeton" (Sayen, 1985, 66). Einstein, in a long
letter to the Board of Trustees of the Institute,
complained about Flexner's interference in his private
affairs and threatened to resign if Flexner did not leave
him alone. Flexner immediately terminated his daily
admonitions and memos. His next correspondence to Einstein was dated several years later (Clark, 1984; Sayen, 1985).

By the mid-1930s, Flexner's poor interpersonal relations extended beyond merely Einstein. The rest of the faculty felt that they had a right to participate in daily and future policy and decision-making in the Institute. They requested representation on the Board of Trustees (Clark, 1984; Sayen, 1985; Dukas and Hoffmann, 1979).

Over the next several years, relations between the Director and the faculty continued to worsen. Finally, in November 1932, after no improvement, Einstein addressed a letter to his close friend Samuel Leidesdorf, Treasurer of the Institute's Board of Trustees. He shared his fear that a growing number of issues involving the Institute could jeopardize its autonomy and development. Einstein's main concern was the growing influence that Princeton University was having over the Institute's internal affairs. It had been said, at a faculty meeting at the Institute, that "A young mathematician was denied admission...in a discrete manner, because his being 'colored' would have caused problems with Princeton University" (Sayen, 1985, 92). Flexner, at the meeting, had not questioned the facts,
but denied knowledge of the incident (Kevles, 1978; French, 1979; 1985).

Einstein and many of his Institute colleagues did question the incident as well as Flexner's knowledge of it. They also wondered whether other undesirables, such as Jews, might be excluded from admission. By way of substantiating their concern, Einstein pointed out that he had learned that a high ranking administrator at the University had told a group of friends that "there are too many Jews [at the Institute]" (Sayen, 1985, 92). Einstein was alarmed by the direct attack upon ethnicity that was being carried out by the Institute and the University. Their actions amounted to a denigration of the essence of intellectual freedom (Fleming and Bailyn, 1969; French, 1979; 1985).

Einstein was also concerned that, with Flexner nearing retirement, a change in the Directorship of the Institute would soon occur. He feared that, due to Flexner's autocratic managerial tendencies, a new appointment would be made without any faculty participation. Such an unilateral decision would have been inconsistent with making the Institute a place where each faculty member shared in the governance process. Einstein was also concerned that the Board of Trustees would be sacrificing their authority. This decision-
making process might be so subtle that the Trustees would be unaware of the interference (Dukas and Hoffmann, 1979; Clark, 1984; Sayen, 1985).

Once again, in December, 1937, Einstein addressed a letter to Leidesdorf. In this correspondence, he charged that the faculty still did not have a true voice in the affairs of the Institute. Although Flexner had finally recommended two faculty members to serve on the Board, Einstein and the other professors did not feel that they represented the faculty. They had been chosen without professorial consultation. He also questioned why none of those appointed were Jewish (Dukas and Hoffmann, 1979; Clark, 1984; Sayen, 1985).

Einstein suggested the only possible solution was for faculty to choose their own representatives and to invest them with the formal authority to represent their views to the Board. He concluded the letter by asking Leidesdorf to initiate appropriate action with the Board. He received no reply to his letter and apparently no action was taken. Once again, the request for Institute policy to be supportive of faculty self-government was ignored, this time at the highest level of policy-making (Fermi, 1987; Kevles, 1978; Sayen, 1985).

In 1938, the faculty of the Institute was again in an uproar. Flexner appointed two faculty members in his
new School of Economics and Politics without consulting two of the three sitting professors. Neither appointee was a distinguished scholar, neither was an experienced teacher, and neither had a Ph.D. The faculty felt that neither man was qualified to teach at a graduate school. Nevertheless, Flexner had employed them at the maximum salary. Einstein and the other faculty members felt that it was essential for the selection of new faculty members to involve peer evaluation and consent. For the contrary to occur was counterproductive to the maintenance of high academic standards for teaching (Kevles, 1978; Clark, 1984; Sayen, 1985).

Finally, in response to these repeated violations of academic freedom, the faculty passed, in March, 1939, a formal resolution asking Flexner to bring before the Trustees their request to be consulted on the appointment of the Director. The persistence of the faculty over the next several months relative to this issue forced Flexner to admit, in early August, that he could no longer coexist with his faculty. He tendered his resignation effective October 9, 1939 (Fermi, 1987; Dukas and Hoffmann, 1979; Clark, 1984).

The Institute’s new Director, Frank Aydelotte, exerted a calming influence through his willingness both to recognize the faculty’s role in the governance of the
Institute and to acknowledge their autonomy. He even moved his office so that, as Director, he was no longer isolated from the other scholars in the Institute. This daily contact proved to be immensely helpful in ensuring a unified approach to issues of concern to the Institute (French, 1979; Clark, 1984).

Although Einstein loathed faculty politics and harbored no personal ambitions, when the issue was the question of academic freedom, he was willing, as always, to be a leading figure in the conflict. Through his actions and those of his colleagues, a greater level of academic freedom was experienced, especially under Dr. Aydelotte’s leadership. Where there had once been little, if any, professorial representation on the Board, there was now a clear understanding of the need for faculty to assist in governing the Institute. Additionally, the place of the faculty in the evaluation of candidates for academic positions was secured. Finally, the freedom of association and expression outside the Institute’s walls had been firmly established.

James Franck in America

Immediately after leaving Germany, Franck accepted a one-year professorship at the University of Copenhagen in
Denmark. Upon fulfilling this commitment, he arrived in America in 1935 to take a position as professor of physical chemistry at Johns Hopkins University. Although Franck had planned to remain at this position, he left after only three years. The unrelenting anti-semitic attitude displayed toward the Jewish members of the faculty by the University's President, Isaiah Bowman, was apparently the primary impetus. Franck, having left a country in which his academic freedom had been curtailed by government policy, now found himself attached to a university where he was restricted by a president who was allowed to give full sway to his racist sentiments (Duggan and Drury, 1948; Fleming and Bailyn, 1969; Kevles, 1978; Jackman and Borden, 1983).

The anti-semitic behavior of Bowman was particularly strange in light of his decision, only one year later, to sign a Rockefeller Foundation sponsored report entitled, "Proposed Program for Joint Action by the American Universities to Provide an Asylum for Those Refugees from European Countries Who Are Distinguished Members of the International Community of Scholars--Declaration of Principles" (Duggan and Drury, 1948). This document had been formulated with the intent of securing the cooperation and financial donations of wealthy Jews in order to assist immigrant Jewish professors in the United
States. Bowman and the other signers expected that these financial benefactors would more readily endow foundations and grants for the employment of immigrant Jewish professors if the university administrators seeking such support had pledged to encourage and promote potential Jewish faculty members (Duggan and Drury, 1948; Schlessinger and Schlessinger, 1986).

The text of the report included various references to the immigrant professors and their plight:

The American universities and colleges further recognize the importance of taking some joint action to assist the members of the academic world who are today suffering through no fault of their own and who have been deprived of their opportunity of contributing to the advancement of knowledge. This action is to be undertaken...to further that ancient university tradition which recognized no racial or national barriers to free inquiry or the promotion of sound learning. It is the belief of the undersigned administrative heads of the American universities and colleges that in making appointments to the staff, merit alone should be considered (Duggan and Drury, 1948, 99).

In affixing their names to this report, individuals pledged the cooperation of their organizations and their
institutions of higher education not to focus upon race, but, instead to lean upon an individual's merit. The report was designed to foster, beginning at the organizational level, the continued growth of an atmosphere of professorial intellectual liberty (1948).

The document was signed by the officers of the Association of American Universities, the Association of State Universities, the Association of Urban Universities, the Association of American Colleges, and college and university presidents whose names would be influential. Appearing among the signatures of these individuals were those of twelve university president's, including Conant of Harvard, Wriston of Brown, Day of Cornell, Gates of the University of Pennsylvania, Dodds of Princeton, and Seymour of Yale. Also in this list of prestigious educators was the name of Isaiah Bowman, President of Johns Hopkins University (Duggan and Drury, 1948).

In the report, the university presidents pledged to support all Jewish immigrant professors. Dr. Bowman's support of this document contrasts with an administrative style whose anti-semitic inclination accounted for Franck's willingness to leave his position at Johns Hopkins in order to seek a post elsewhere. In this instance, academic policy did not match academic reality
(Duggan and Drury, 1948; Fermi, 1987; Jackman and Borden, 1983).

At the same time, Robert M. Hutchins, Chancellor of the University of Chicago, realized that the dismissals occurring in German universities offered him an unprecedented opportunity to enrich his faculty with superior professors (Kevles, 1978; Fermi, 1987). By extending invitations to exiled intellectuals to teach at the University of Chicago, he was able to "come out strongly for academic freedom and at the same time enlarge his staff with the most eminent men in Europe" (1987, 72). The exodus from German academia had resulted in an influx of disenfranchised, yet highly qualified professors into America. The idea of a professor's freedom to exercise his academic rights resulted in benefits both for the American university as well as for the immigrant professoriate (1978; 1987).

The college and university presidents involved consulted each other, exchanged copies of letters from Europe requesting positions, and feverishly sought wealthy individuals and foundations to find financial backing (Fermi, 1987). Hutchins wanted the University of Chicago to "bring at least four distinguished German scholars to the university for no less than three years" (1987, 72).
Hutchins wrote to a prominent attorney expressing his need for someone to underwrite a new professorial chair in the physics department. After securing the endowment, Hutchins extended an invitation to James Franck to accept a position at the University of Chicago, in 1938. Franck accepted the position of professor of physical chemistry and continued his work through a research grant extended to the university by the Samuel Fels Foundation. Franck retained his professorship at the University of Chicago until 1947, when he retired as an emeritus (Fleming and Bailyn, 1969; Schlessinger and Schlessinger, 1986).

In spite of the shoddy way in which he was initially treated, Franck did not appear to be disillusioned about his life in his newly adopted homeland. He continued to believe that "while democracy might not be the perfect form of government and society, it was the best" (Kevles, 1978, 282).

Otto Meyerhof in America

When Meyerhof left Germany in 1938, he came directly to America in hopes of finding a professorial position at a university. However, by this time, the attitude in the United States toward immigrant Jewish professors had worsened. This attitude was reflected in the lack of
opportunities that Meyerhof had during his academic
career in America. With the first Diaspora of Jewish
intellectuals in the early 1930s, Americans were somewhat
in sympathy with the needs of immigrant Jewish scientists
because of the sudden persecutions of the Nazi regime.
By the latter part of the 1930s, however, the realities
of the Depression and of the resultant focus upon self-
preservation along with the anti-semitism inherent in the
social concerns of the period had begun to make some
Americans willing to limit the freedoms of the Jews
(Fermi, 1987; Duggan and Drury, 1948).

Twice in 1938, national polls included the
question, "Do you think the persecution of the Jews in
Europe had been their own fault?" In both March and May
of that year, an average of eleven percent of the
respondents said that it was entirely the Jews fault;
fourty-nine percent stated that, in their opinion, the
persecution of the Jews in Europe was partly their fault.
Such findings indicated that a majority of Americans
believed that the Jews in Europe "had it coming to them"
(Weinberg, 1986, 220).

Additionally, the same March poll also asked, "Do
you think Jews have too much power in the United States?"
Forty-one percent of the respondents answered yes.
Similarly, high percentages of the populace thought that
Jews were "greedy, dishonest, and overly aggressive" (Weinberg, 1986, 220). Seven percent of the respondents even said that they would support an American campaign against the Jews (1986, 221). With such a large percentage of the American population now willing to openly express anti-Semitic beliefs, coupled with the slow economic recovery from the devastation of the Great Depression, finding positions in American universities became more difficult for immigrant Jewish professors (Fermi, 1987; Nachmansohn, 1979; Weinberg, 1986).

The only offer Meyerhof received was for a directorship of a small laboratory within a commercial enterprise at an annual salary of $5,000 (Nachmansohn, 1979). With this unsatisfactory option on the horizon, Meyerhof became quite disheartened. David Nachmansohn, a former colleague at the Kaiser Wilhelm Institute and a very close friend, suggested that he take a position in France. Nachmansohn knew that the French had a great admiration and appreciation for Meyerhof and his scientific research and that they would be quite willing to accept him (1979).

Meyerhof was very productive during his tenure at Institut de Biologie Physico-Chimique (Schlessinger and Schlessinger, 1986). In all likelihood, Meyerhof would have chosen to remain in Paris except for the outbreak of
hostilities between Germany and France and the declaration of war that occurred just one year after his arrival. By May, 1940, Meyerhof determined that he would have to return to America (Nachmansohn, 1979).

His efforts to leave Paris, however, did not go smoothly. He and his family had to make a difficult and dangerous journey through France and Spain. With the spread of the war throughout Europe, escape grew increasingly difficult. Once again, with the German Army's impending occupation of Paris, Meyerhof found himself, as he had previously in Germany, in a place where the opportunity for him to teach and to research within an atmosphere of free inquiry was being eliminated by a narrow-minded political ideology (Duggan and Drury, 1948; Kevles, 1978; Nachmansohn, 1979).

Meyerhof called upon his friend David Nachmansohn who, in the meantime, had accepted an invitation to join the faculty of Yale University. Nachmansohn contacted A. V. Hill, who was Meyerhof's long-time scientific colleague and personal friend, who in turn contacted A. N. Richards, a professor at the University of Pennsylvania and the President of the National Academy of Sciences. Together they solicited the Emergency Relief Committee (ERC) to assist in Meyerhof's escape (Duggan and Drury, 1948; Nachmansohn, 1979; Weinberg, 1986).
The ERC, headed by Dr. Stephen P. Duggan, the founder and director of the Institute of International Education, had been developed through collaborative efforts with Dr. Alfred E. Cohn of the Rockefeller Institute of Medical Research. The Committee, which had functioned for twelve years in the United States providing assistance to foreign emigres, made funds available through grants-in-aid for salaries and research to colleges, universities and learned institutions. Between 1933 and 1939, the Committee, with the aid of Rockefeller Foundation matching grants, distributed about $1,000,000 in professorial stipends (Duggan and Drury, 1948; Weinberg, 1986). Additionally, to counter-act anti-semitism, the ERC advocated an increasingly powerful moral argument as to the need to rescue these immigrant intellectuals. It raised funds by sponsoring concerts and charity affairs (Kevles, 1978).

With the help of the Emergency Relief Committee, Meyerhof finally escaped to Spain and from there reached the United States in October, 1940. He was further assisted by the ERC when it partially funded a professorship created by Dr. Richards for Meyerhof at the University of Pennsylvania in the Department of Physiological Chemistry. The joint efforts of friends, colleagues, national organizations, and philanthropists
proved to be adequate to the task of securing for
Meyerhof the opportunity to pursue the truth, unhindered
by the dreadful political forces spreading across Western
Europe and the equally foreboding forces of anti-semitism
that were now socially and politically overt in America
(Duggan and Drury, 1948; Nachmansohn, 1979).

Upon arrival in Philadelphia, he once again built
his laboratory. He began to share his methods and to
enlighten his colleagues with his concepts. He inspired
great admiration and affection among those within his
department and they were much influenced by his ideas.
Meyerhof was finally able once again to attain the level
of research that had won him the Nobel Prize
(Nachmansohn, 1979).

Otto Stern in America

In 1933, the American Association of University
Professors issued a public resolution that was
transmitted to the Committee on Intellectual Cooperation
of the League of Nations. It stated that the AAUP
has no wish to express any opinion on the political
life or ideals of any nation, but science and
scholarship long since have become international,
and the conditions of intellectual life in every
important country are a matter of legitimate concern to every other (Fleming and Bailyn, 1969, 208).
The statement was intended as an expression of conviction and sympathy for "members of the profession who had been subjected to intolerant treatment in these difficult times" (1969, 208).

This aspect of intellectual internationalism, that circumstances that impact one intellectual impact all intellectuals, was a conviction held by Otto Stern. The idea of an international intellectual brotherhood of scientists continued to be part of his personal philosophy even after leaving Germany. Stern was convinced that all scholars had the right to pursue truth within their fields of study. To him, the protection of this right was essential, not only for the academic freedom of the individual scholar, but also as a means of furthering the intellectual freedom of the international academic community as a whole (Heathcote, 1953; Zuckerman 1977; Davie, 1947).

Stern came to America in 1933 to accept a physics professorship at the Carnegie Institute of Technology in Pennsylvania. He had left Germany not merely because of the likelihood of his own persecution but also because the Nazi regime had begun to adversely affect the lives of his colleagues within the physics laboratory he
directed. He further demonstrated his willingness to aid fellow scientists when he helped to arrange the escape from Germany of Otto Frisch, a physicist at the University of Hamburg. Stern, through his association with the Academic Assistance Council, which was established in May, 1933, was also able to help Frisch secure a position as a physicist at P. M. S. Blackett's laboratory at Birkbeck College in London (Davie, 1947; Fleming and Bailyn, 1969).

Stern's involvement with the Academic Assistance Council (AAC) was born out of his commitment to the ideal of an international intellectual brotherhood. The AAC, which had been established by Sir William Beveridge, an English economist, and Lord Ernest Rutherford, a dominant figure in English science, had been chartered "to defend the principle of academic freedom and to help those scholars and scientists of any nationality who, on grounds of religion or political opinion, were prevented from continuing their work in their own country" (Fleming and Bailyn, 1969, 211). The financial support for the Council came from English scholars who choose to contribute a percentage of their salary in order to create and support positions for exiled German intellectuals. For Stern, the AAC served as a platform from which he could assist exiled immigrants to secure
academic positions. In Frisch's case, after service at the Blackett's laboratory, he was asked to accept a chair at the Bohr Institute for Theoretical Physics in Copenhagen, Denmark. To Otto Stern, the essence of his efforts in this area was, not only helping fellow scholars relocate, but ensuring that the academic environments to which they gravitated allowed them the opportunity to exercise the intellectual freedom that Stern believed was vital to useful academic activity (1969; Weber, 1980).

Stern's continued concern for his German colleagues as well as his work with organizations that assisted exiled intellectuals was further demonstrated by his identification with two groups that protested the Nazi denigration of science (Davie, 1947; Fleming and Bailyn, 1969; Zuckerman, 1977).

In 1934, a group of distinguished European scholars in America issued a statement calling for scientists to condemn the limiting boundaries that political forces in Germany had placed around German science:

In that country the exact sciences have been openly degraded to jobbing for war industries. During the education of young physicists and chemists, much time is devoted to lectures and practical exercises in "defensive science": gas protection, air
protection, study of explosives, war intelligence service, which have no relation to the scientific significance [of their field]. Moreover, only such investigations are favored which are likely to bring about a direct technical advance (Fleming and Bailyn, 1969, 209).

These constraints, which were being imposed by Nazi policy, were placing limitations upon the professors' freedom to pursue their own research. Whereas science had been previously viewed as a means of enlightening the concepts of mankind and encouraging the pursuit of future knowledge, it was now being called upon to support the political agenda of the state. By forcing the replacement of scholarly intellectualism with the "science of armaments", a professor's research was no longer his own; instead, it had to be carried out within state-defined parameters. Out of a desire to stop such limitations upon professorial rights, Stern decided to embrace the tenets of this declaration.

In 1938, Stern joined another effort to challenge Nazi limitations upon the academic freedom of German professors. He supported the 1,284 signatories of a manifesto that challenged an article written by the Nazi Nobel Laureate, Johannes Stark. In his article, Stark denounced "theoretical physics, stressing the importance
that, in German universities, applied research be pursued for technology, industry, economic self-sufficiency, and war production" (Wistrich, 1982, 297). The manifesto labeled Stark's article as

an attack on all theoretical physics, and by obvious implication, on scientific theory in general. It introduces the official racism of the Nazi's to divide physicists into good, that is, non-theoretical and Aryan, and bad, that is, theoretical and Jewish (Fleming and Bailyn, 1969, 209-210).

Stern's agreement with the manifesto's position was largely predicated upon his belief that "any attack upon freedom of thought in one sphere, even as non-political a sphere as theoretical physics, is in effect an attack upon democracy itself" (1969, 210). To allow a degradation of scholarly pursuit such as that being perpetrated by Stark and his colleagues in the Nazi Party, served only as a means to enslave the intellectual freedom of a people and therefore to disallow the unhindered pursuit of truth.

By the late 1930s, Stern was firmly established in the American academic community; he had held a position at the Carnegie Institute of Technology in Pennsylvania since 1933. He served there as a professor until 1945, when he retired as a professor emeritus. Two years
before he retired, Stern won the Nobel Prize in Physics, largely due to the productive research which he was able to pursue at the Carnegie Institute. The fruitfulness of his research is appraised by fellow Nobelist, Max Born:

Stern became a great physicist, as I had predicted. The method of molecular radiation which he introduced into atomic physics has become one of the main instruments of present-day research; his teaching has spread all over the world, and has produced numerous discoveries of the first rank as well as a significant number of Nobel Prize winners (Zuckerman, 1977, 25).

The lack of material available on Stern did not permit me to evaluate whether or not the limitations upon academic freedom in America, which were experienced by the other scientists in my study, were limitations that Stern also encountered. However, the direction and calibre of work that Otto Stern was able to produce in the United States would not have been possible under the requirements and constraints imposed upon scholars and scientists in Nazi Germany. Stern apparently found, in America, the intellectual liberty that permitted free and unhindered research (Fleming and Bailyn, 1969). He believed that every scholar had the right to work in an environment that would allow for the fullest expression
of his talents without concern as to political agendas or geographical boundaries.

Summary

The events that impacted the careers of Albert Einstein, James Franck, Otto Meyerhof, and Otto Stern were focused on an academic realm that was nestled within an arena of political turmoil. Academic freedom was the singular element upon which the fruitfulness of their careers balanced. It was the setting askew of this balance that caused these elite scientists to re-examine their lives, their careers, and their professions and to take steps to once again see that balance restored.

They each had made the decision to leave their homeland because those things that had been held dear were being trampled by Nazi boots. Likewise, they hoped to rediscover those same precious elements in a foreign land. The journey was for each of these professors the same crucial, yet brave quest that is occasionally necessary for men who desire to continue to "breathe free."

On one hand, there was the German state--controlled by the Nazi agenda for a pure Aryan race using a pure Aryan science that stilled the heart of true research and true teaching. To surrender to such an agenda would have
been to acquiesce to the sheer impossibility of academic freedom existing while bound by the chains of academic slavery.

On the other hand, there was the United States—where there existed a conflict between the prerogatives of the academic and the fears of the populace. As a mortal import, the emigrant arrived on the same barge as did economic chaos, communism, and xenophobia. These elements were as real a threat to academic freedom as was the propaganda of the Nazi regime.

In America, the door had been opened upon a field where the battle for equality remained to be fought. The arena was different; yet, the foe was essentially the same—the belief that the demands of the many should take precedence over the rights of the few. These four immigrant scholars faced this new challenge and took up the gauntlet of academic freedom.
CHAPTER 7

CONCLUSION

Introduction

The nature and development of academic freedom has been formed and directed by the constructs of and the constraints upon intellectual liberty. When academic freedom's structural and theoretical tenets, which are a product of time and place, are challenged by those elements that seek to manipulate truth, forces come into play. The forces of universally-applicable and educationally-specific constructs and constraints (see Figure 1) constitute the politically-driven conventions that define academic freedom. The ensuing dynamic interaction between ideological lines either nullifies or solidifies the intellectual liberty of scholars. The examination and evaluation of such interactions has led me to conclude that the politically-determined conventions of academic freedom have both positively and negatively influenced the careers of four particular scientists.
### CONSTRUCTS

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### CONSTRAINTS

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Figure 1. Universal constructs and constraints upon the endeavors of mankind and their devolved conceptual representation in the educational arena.
The heart of academic freedom, as indicated by Searle (1975), is the right, without interference, to teach, to conduct research, and to publish the findings of that research. This principle operates from two perspectives: the first represents a special, institutionally-specific basis and the second is a general, universal foundation. My study indicates that the "special" basis for the implementation of academic freedom is that which is found within the university and is exemplified by the interaction between the professoriate and other internal entities. The "general" basis is an understanding that, as free individuals, professors should be able to share their professional viewpoints, uninhibited by forces outside the university. I conclude that both the internal and external elements of Searle's principle must function simultaneously in order for intellectual liberty to be maintained.

The combination of these elements of academic freedom is affected by what Fuchs (1963) emphasizes as the development of intellectual liberty through both evolutionary and environmental processes. These two components work hand-in-hand within the university and society in establishing academic freedom. The changes that occur in the historical development of intellectual
liberty within the German and American professoriate and within the careers of four elite immigrant scientists reflect the interplay between evolutionary constructs and environmental constraints.

Germany

When Humboldt, in 1810, attempted to lessen the state's control over the University of Berlin by establishing a model of academic freedom, he did so based upon three constructs: Lehrfreiheit, the freedom of teaching and research; Lernfreiheit, the freedom of learning; and academic self-government (Rodes, 1964; Maurois, 1966). While Humboldt was stressing the need to separate the monarchy and the university so that higher education might prosper, the bureaucracy was working to increase state control by use of the constraints of selecting appointees and of requiring that the university and its professors support the state's agenda (Gay, 1968; Beyerchen, 1977).

As nationalism invaded the political conscience of the German nation during the mid-1800s, an increasing desire for academic freedom moved some members of the professoriate to exercise their right to greater intellectual liberty. Professor Ernst Arndt supported students' rights to protest even though the protests had
been labeled "revolutionary" by the state. Arndt's subsequent arrest by state officials was protested by his fellow professors as an arbitrary limitation to Humboldt's construct of Lehrfreiheit. The Prussian government's use of power to prevent both students and professors from expressing their intellectual liberty by challenging state authority was a constraint in opposition to the construct of individualism, paramount in the nationalistic philosophy (Kandel, 1935; Lilge, 1975).

With Professor Leo Arons, the Prussian government wanted the University of Berlin to revoke his veni legendi because Arons' political views did not align with those of the government; however, the faculty senate refused to sanction Arons. In response, the government passed legislation in 1899 prohibiting professors with unacceptable political beliefs from teaching at royal universities. The construct of academic self-governance as exercised by the faculty senate was flagrantly constrained by the legislative power of the government embodied in the passage of "lex Arons" (Samuel and Thomas, 1971; Craig, 1978).

The Weimar Republic, established in 1919, was unable to eliminate the nationalism that was becoming more and more characteristic of the "German" mind. As a means of
constraint, the government had historically used its financial resources to keep the allegiance of the professoriate. With the World War I reparations stipulated by the Treaty of Versailles, the Weimar Republic did not have the fiscal assets to maintain the professoriate's pre-World War I funding level. The impact of this deficit upon the faculty was manifested in a lowering of their prestige within society and a struggle for professorial security. The professors feared that reduced finances would create a reduced number of faculty positions. This led the faculty to look for a scapegoat responsible for their lowered prestige and lack of security (Hasluck, 1938; Kelly, 1972).

Some of the professors believed that their Jewish colleagues generally held internationalistic philosophies because many Jews had positions in the internationally-focused Weimar Republic. This belief, coupled with current professorial woes, provided the fuel necessary for anti-semitic sentiments to flourish (Kelly, 1972). Many of the professors ascribed their financial distress to the Jewish members of the Weimar bureaucracy. They did not want to accept that their support for Germany's pre-World War I nationalism had led to a war that was concluded by a treaty that financially crippled the
nation; (2) brought about the establishment of the Weimar Republic; and (3) led to the professors' reduced circumstances. As Allport (1983) indicates, when fear and anxiety over real or imagined danger threatens an individual's security, people will often seek out an individual or group to blame. In most cases, as in this case, "scapegoating" is either partly or wholly unfounded.

When the Jewish professor, Hans Nawiasky, of the University of Munich, spoke out in favor of the legal validity of the Treaty of Versailles, his professorial liberty was restricted. When his position was challenged by angry students, his colleagues did not uphold Nawiasky's right to comment on controversial political issues. Many members of the professoriate disapproved of the Treaty and of those Jews they felt were sympathetic with it. Their disapproval was based on the belief that the Treaty's stipulations were the root causes of their financial distress. The faculty had chosen to limit one of its own member's access to the construct of Leihfreiheit (Gay, 1968; Grunberger, 1971). A scapegoat had been found in the person of Hans Nawiasky and the faculty's anger over the present political environment led them to use the constraint of sanctioning
as a means of curtailing a colleague's classroom expression (Allport, 1958; Ringer, 1969).

Humboldt's principles of academic freedom were violated when, prior to World War II, some of the German professoriate began to view Jewish scapegoating as acceptable within the philosophy of the National Socialist Party. As Beyerchen (1977) indicates, many of these National Socialist professors began to believe that the state and the faculty should work together in a spirit of nationalism. This nationalistic philosophy contended that the Jew represented a despised intrusion into the Teutonic background and the historical foundations of German culture. National socialism practiced discrimination by exclusion. As scapegoats, Jewish professors were isolated as a repugnant threat to the nationalistic goals of the university and the Party and, by extension, the government. The attack was not merely upon the person of the Jewish professor. As Allport (1958) conceptualized, the attack took the form of labeling a discredited group to which all connections must be severed. Thus, the elimination of non-Aryan thought throughout German society was manifested through Jewish professors being fired, their books being burned, and their teachings being labeled as "un-German." This three-fold approach used by the Nazis was an effective
constraint in that it delimited academic freedom in Germany. Humboldt's constructs of Lehrfreiheit, Lernfreiheit, and academic self-governance deteriorated when both the faculty and the state used discrimination and scapegoating as constraints (Kneller, 1941; Bentwich, 1953).

A systematic program of increasing state control concluded with the Nazis determining who taught, who administrated, who learned, and what was taught. The interaction between the evolutionary constructs and the environmental constraints of German academic freedom resulted in the phenomena of scapegoating, where the weaker social group is abused verbally or physically by the stronger body politic (Allport, 1983). The interaction equally devastated Humboldt's idea of academic freedom and destroyed the intellectual liberty of the German professoriate.

America

The development of academic freedom in America during the 1700s was marked by the development of several forces, such as the combined constraints of the power and influence of the American aristocracy. This group, comprised of members of the ecclesiastical, political, and collegiate arenas, used their financial power at
times to constrain professorial intellectual liberty. Often, these benefactors used their financial influence to muzzle faculty members who held viewpoints that conflicted with theirs. Academic freedom was limited as college presidents and governing boards were willing to acquiesce to the demands of those who held the purse strings (Hofstadter and Metzger, 1955; French, 1964; Portman, 1972).

With the move into the 1800s, classically-based curriculum was being augmented by newly-established professional schools, such as law and medicine. This utilitarian emphasis required a professor whose expertise was based upon his specialized knowledge in the professional disciplines. Utilitarian education also required increased funding from state sources because it involved both curriculum expansion and increased faculty. With the dependence upon the government for more financial resources, governing boards attempted to curtail professorial freedoms so that there would be no conflict between the agenda of the university and that of their financial benefactor, the states. These attempts took the form of limits upon the construct of faculty authority over the development of the curriculum. The restraint to the university's deliberate act of undermining professorial rights was professorial
expertise. Because of the uniqueness of the faculty’s specialized knowledge, they were in a position to cause governing boards and states to capitulate to their demands to retain control over the curriculum (French, 1964; Herbst, 1965).

With the onset of the Civil War, slavery became the issue upon which professorial freedom to pursue and teach the truth was questioned. The politically-motivated construct of ideological bias, based upon how the North and the South saw the necessity of slavery, became an issue of debate within the university setting. Professorial opinions, whether for or against the black man’s freedom, could be interpreted as a direct attack against the "national-view" of either the North or the South. To hold controversial views, particularly ones as volatile as those incumbent to the slavery issue, could result in a professor’s dismissal. States and their universities were willing to use their administrative authority as a constraint to ensure a professor’s allegiance (Hofstadter and Metzger, 1955; Veysey, 1965).

American students, throughout the latter part of the 1800s, began to travel to Germany in search of a higher level of scholarship than that which was available to them in American colleges. While there, they observed the intellectual liberty enjoyed by German professors and
students. This liberty was the result of the application of the constructs of Lernfreiheit, Lehrfreiheit, and academic self-governance. Inspired by their experience, they desired to transplant these constructs of the German model of academic freedom into American colleges and universities. At the turn of the century, the paramount concern of many of the returning scholars was to improve scholarship and instruction in the United States. This coincided with the struggle of some professors to implement and define, within the system of higher education in the United States, not only the constructs of Humboldt's model of academic freedom, but also the uniquely American concept of the constructs of intra- and extra-mural utterance (Thwing, 1928; Rudolph, 1962).

In 1900, Professor Edward A. Ross of Stanford spoke out publicly against some of the business practices that had proved successful for Mr. Leland Stanford, the founder of Stanford University. At that time, the financial resources upon which the university rested had been placed, not with a board of trustees, but solely in the hands of Mr. Stanford's widow. Highly offended by Professor Ross' comments, she demanded and eventually secured his dismissal. Through the economic clout of Stanford's "one-woman" governing board, constraints had been placed upon the construct of extra-mural utterance.
Professor Ross' dismissal, coupled with the growing desire for the guarantee of extra-mural utterance, led some members of America's professoriate to establish an organization where their demands for academic freedom could be addressed (Hofstadter and Metzger, 1955; Brubacher and Rudy, 1958).

The American Association of University professors (AAUP) was formed in part to ensure the proper exercise of the constraint of lay-board authority over the university. Judge Ogden L. Mills, a distinguished jurist and Harvard graduate, indicated that professorial views might not always coincide with those of governing boards, but that a greater disservice would be done to society if the voice of the professoriate to search for and speak the truth were restricted (Alberty and Bode, 1938). The 1915 Declaration of Principles of the AAUP laid a foundation that served to strengthen this concept. By asserting that constraints against the freedom of professors to pursue, to teach, and to share truth should be discarded, students would be able to critically assess new ideas and determine their validity (Declaration, 1915). The construct of faculty intra- and extra-mural utterance embodied in the AAUP proclamation was challenged when America became involved in World War I.
At the height of America's participation in the war, a debate arose as to whether or not national security was threatened by a professor's right to academic freedom. The state governments desired to use legislative authority as a constraint against such liberty. Professors believed that national security could only be maintained through a free exercise of the constructs of intra- and extra-mural utterance (Bentwich, 1953). The AAUP responded to such legislative restraints with a statement that allowed the limitation of professorial rights, within a wartime setting, as long as those restrictions were commensurate with those enjoined upon all citizens (Report, 1918).

Constraints against academic freedom surfaced during the 1930s as a result of the "Red Scare," an hysterical fear of many Americans that European communism would replace American capitalism and that the ideals of the American dream were being supplanted by foreign-born immigrants (Fermi, 1987; Kleves, 1987). The "Scare" was countered by state legislatures that instituted teacher loyalty oaths. Under this legislation, professors, because they were viewed as having considerable influence over the minds of America's youth, were required to declare their allegiance to state and national constitutions and to acknowledge their support of
American nationalism. This action was seen by many faculties and universities as a constraint to a professor's fundamental right to express and evaluate the controversial issues of society. The AAUP and the American Association of Colleges, in their combined strength began, in 1934, to work on their "Statement of Principles and Interpretative Comments on Academic Freedom and Tenure" in opposition to such legislation. As a result of their continued efforts, the constraint of teacher oath laws gradually faded (Alberty and Bode, 1938; Knight and Hall, 1951).

During the 1930s, the Great Depression brought about a plummeting of governmental financial support for higher education; with fewer resources, faculty job security lessened. When both state and federal legislatures slashed fiscal appropriations, universities had to cut back programs and limit faculty hiring. This financial reality acted as a constraint upon the construct of faculty self-governance in the hiring process. Whereas professors would normally be hired based upon their qualifications, fiscal concerns led to the consideration of other factors (Kevles, 1978; Perry, 1984).

An additional consideration that occasionally kept professorial expertise from being relied upon as one of the paramount qualifications for hiring was the
constraint of authority used by hiring committees upon the construct of academic self-governance. Many faculty recruitment processes in colleges and universities across the country yielded to citizen pressure to give preference to "native-born" applicants rather than to immigrants, particularly Jews (Fleming and Bailyn, 1969; Clark, 1984). When some universities hired new faculty, they relied upon the constraint of "tabloid thinking." This form of scapegoating occurs when an individual or group simplifies an issue in order to facilitate finding an acceptable solution to a social dilemma (Allport, 1983). During this time of fiscal scarcity, some hiring committees, in adopting this form of scapegoating, simplified their social dilemma of having to find positions for "native-born" American applicants by ignoring the applications of many highly qualified Jewish immigrants who were seeking faculty positions (1983; Fermi, 1987).

Intellectual liberty in America was largely established and maintained by the AAUP through its issuance of resolutions that formed a codified foundation for academic freedom, upholding the constructs of Lehrfreiheit, academic self-governance, and intra- and extra-mural utterance. This was done in the face of constraints such as governmental power being used to
restrict professorial rights during wartime, limitations to free speech being applied in the form of teacher oath laws, and scapegoating. The dynamic interplay between these prevailing forces served as a catalyst for the development of academic freedom in America.

The Four Intellectuals

In this case study, I have examined the lives of four exiled intellectuals. Their experiences with academic freedom hinged upon several elements. One such element was their Jewish heritage. With the passage of the Civil Service Laws in Germany during the 1930s, the Jew was relegated to an inferior position relative to that of individuals of pure Aryan heritage (Tal, 1982). In like manner, anti-semitism was evident in America when popular polls indicated that a majority of Americans considered Jews to be "greedy, dishonest, and overly aggressive" (Weinberg, 1986, 220). The question being asked is "Why is prejudice aimed at the Jew?" The answer to this question established the constraints upon the academic freedom of four particular elite scientists.

As Allport (1958) indicates, groups rather than individuals are often chosen as objects of hate and aggression. The reason for this choice is that one human being is, after all, fairly similar to another. To
attack an individual would be to arouse some pain within ourselves. Groups, however, are more abstract and impersonal, particularly if either a visible or corporate distinguishing characteristic is identifiable for such a group. Group characteristics may include skin color or a particular cultural heritage.

Additionally, people hold prejudices against groups because they find it unnecessary to test unfavorable stereotypes against reality. A stereotypical expression, such as all Jews have big noses, does not require proof for the prejudiced group to believe the statement (Fromm, 1947). In group scapegoating, "character-conditioned" (1947, 214) hatred surfaces. This hatred arises from a continued readiness to hate based upon a perceived, whether real or not, danger from the hated group (1947). In my study, the elements of this hatred have acted as constraints upon Jews and particularly upon the academic freedom of Jewish professors.

Jews were hated by the Aryans in Germany. Aryans feared that Jewish internationalist views threatened the nationalistic demand for support of all things German. Jews were hated by "white, Anglo-saxon Protestants" (WASPS) in America for their international views because of the fear that those views were closely aligned with communism. The four scientists in my case study saw
themselves presenting scientific knowledge as a means of bettering the lives of every citizen in the world. Their knowledge, their expertise, their inquiry, and their findings were dedicated to universal good, not for partisan or nationalistic honor (Hasluck, 1938; Fromm, 1947; Fermi, 1968).

In Germany, as Einstein’s intellectual liberty was challenged due to the constraint of nationalism, the Nazi party chose to use their power to dismiss him as a constraint against his internationalist philosophy. Likewise, upon receipt of the news of his intended move to America, individuals such as Mrs. Randolph Frothingham, President of the Woman Patriotic Corporation, used protest as a constraint against the dissemination, in America, of Einstein’s internationalist, and perceived communist beliefs. In Germany, Einstein resisted the constraints by resigning his position before he could be dismissed. In America, his professional power and personal influence, due to the country’s need for his intellectual advancements, superseded the Woman Patriotic Corporation’s political influence. In some cases, such as Einstein’s, despite group scapegoating, personal characteristics outweigh group characterizations, which allow for a tolerant
response from the "scapegoaters" (Allport, 1958; Clark, 1984).

The Jew was also hated in Germany for his non-Aryan heritage because of the fear that his "Jewishness" would pollute the "pure Aryan" ideal. Likewise, in the United States, he was hated for his "non-American" heritage because of an irrational fear of foreigners. These fears served to color the perspective held by some individuals in Germany and in America as to the theoretical approach of some Jewish scientists. The Nazis felt that this theoretical approach was one that gave science a "Jewish" perspective rather than a practical nationalistic or Aryan one. The Jewish view of scientific research did not rest easy on the minds of certain Americans who felt that the world was being fooled by a "foreigner's" revision of the natural order of things (Kneller, 1941; Fromm, 1947; Jackman and Borden, 1983; Sayen, 1985).

Franck had determined to remain within Nazi Germany as long as his Jewish colleagues were not restrained. When the Nazis used their political power as a constraint against the Jew, Franck resigned his position and left Germany. Under President Isaiah Bowman of Johns Hopkins University, Franck once again found that, because of his Jewish heritage, he was limited by the constraint of administrative power. In these situations, the
constraint of either political or administrative power was used as a means of discrimination because a particular individual belonged to a scapegoated group (Duggan and Drury, 1948; Kelly, 1972; Allport, 1983; Gallin, 1986).

The Jew was hated by some of the citizenry of the Weimar Republic. They feared that the Jews' position within the bureaucracy would ensure the employment of Jews rather than "pure Germans" in the limited governmental positions available within a depressed economy. The Jew was hated by Americans for his mere presence because of their fear that his gaining employment would fill the limited number of positions that "native-born" Americans were seeking in Depression America. The Jews' affiliation with the Weimar Republic and their labeling as "foreigners" positioned them as scapegoats for the anxieties inherent in financially depressed economies (Fromm, 1947; Perry, 1984; Gallin, 1986).

In Germany, the alignment of the four scientists in my study with the Weimar Republic's support for the Treaty of Versailles resulted in their being seen by some of their colleagues as partly responsible for the financial distress caused by the Treaty. In America, their selection for professorial positions that could
have been filled by "native-born" Americans caused them to be linked to the financial problems associated with the limited number of employment possibilities for Americans during the Depression. Therefore, these Jewish professors' exercise of Lehrfreiheit, as a construct that provided academic freedom, was limited by the constraint of public opinion (Hasluck, 1938; Gallin, 1986).

In both Germany and America, the public's fear of economic failure fueled anti-semitism. As an individual, Stern countered this constraint by assisting other individual immigrant professors in finding faculty positions where the construct of academic freedom was not limited by anti-semitism. In the case of each of the scientists in my study, they were able, through their individual skills, knowledge, and abilities, to circumvent the scapegoating against their "Jewish" group and to garner support from certain collegiate spheres of influence in order to find freedom rather than suffer under discrimination in their academic pursuits. These four scientists faced the constraint of a xenophobic and ethnocentric public through an ability to override social discrimination in their attempts to find professorial positions, whether at home or abroad, where the constructs of academic freedom prevailed (Lilge, 1975; Perry, 1984).
The foundation for their campaign for academic freedom can be seen in Wilhelm von Humboldt's writings of over a century ago:

It is not that the State ought to teach respect for the Jews. What it ought to do is to eradicate the inhumane and prejudiced mentality that judges a human being not by his specific qualities but by his descent and religion, and treats him not as an individual but as a member of a group with which he is considered to share certain characteristics of necessity. This the State can only do by saying loud and clear that it no longer recognizes any differences...(Weinberg, 1986, 89).

Recommendations

The major recommendations that can be drawn from my case study revolve around three distinct concepts; those of the universities, the faculties, and academic freedom. The interplay between these three entities created the stage upon which the intellectual liberty of scholars rests. Examining the relationship among these three yields the following recommendations.

Although much research is available with reference to the historical evolution of academic freedom and the history of both the German and American universities,
scholars have neglected the impact of the politically-determined conventions of academic freedom on the careers of particular faculty members. The relationship between the political state and the university is evident. However, the converse effect between the politically-determined evolution of the university and of its impact upon faculty members has not been explored in depth. Even in the research on Einstein, Franck, Meyerhof, and Stern, where one would anticipate an interest based upon the consequences of such conventions, the main aspect—the Jewish question—was the only political emphasis on which substantial information was available.

My research on the careers of these men was hampered by a lack of primary sources on Franck, Meyerhof, and Stern and secondary sources on Stern. Particularly lacking were biographies on and autobiographies by Franck, Meyerhof, and Stern. Additionally, in the case of Stern, connections were not made within the available literature indicating his involvement in many of the situations with which his colleagues had to deal. Research focusing into Stern's tenure at the Carnegie Institute of Technology might reveal more about conditions he experienced relative to academic freedom.

Additional research should tackle the effect of "private governments" (McWilliams, 1948) or various
governing bodies, upon the academic freedom of the Jewish professoriate. Just as Henry Ford affected the thoughts of citizens through his anti-semitism, so others, whose power and influence remain outside the university walls, can influence its internal and external academic liberty. Although Hofstadter and Metzger (1955) have researched the impact of big-business philanthropy upon higher education, it would be of particular value to look more closely at the impact that such private philanthropies have had upon the constraint of anti-semitism.

As in the case of Isaiah Bowman, university presidents can and do affect academic careers. Studying the degree and manner of influence by which university presidents may have altered the careers of faculty would provide insight into how the constructs of academic freedom serve as restraints to administrative authority.

Contemporary aspects of academic freedom are seen in the case of the Afrocentrist Leonard Jeffries at CUNY, the bills to abolish tenure before the South Carolina legislature, and faculty members taking institutions to court over tenure issues at Regent University in Virginia. Further study is recommended in order to examine the effects of current time-frames and social concerns upon intellectual liberty.
Academic freedom is a product of time and place. It is also a result of particular constructs and constraints. Politically-driven conventions remain one of the catalysts that affect the intellectual liberty experienced by scholars and students as they continue to seek for truth within a climate of change.
REFERENCES


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