An emphasis upon student rights is both a very old and a relatively recent phenomenon. The medieval University of Bologna (Italy)—arguably the oldest university in the West—was a student-centered institution. Each year the students elected the faculty rather than the faculty selecting the students. The faculty promised obedience to the rector who was a student; with his fellow students, the rector supervised the behavior of the faculty who paid fines for violations including the offense of “[trying] to avoid a difficult question by postponing its treatment.” There were rent controls for students’ room payments. It was a striking system indeed, but it had little impact on the later history of higher education in northern Europe and North America; for the latter the professor-centered University of Paris was the early model.¹

In the new world and beginning with Harvard, the colleges existed for the training of students until the intellectual revolution of the late nineteenth century added to the original purpose of transmitting knowledge a second purpose of discovering knowledge. Gradually research became more important than the teaching of students until the major student protest movement of the 1960s and 1970s, with the result being a somewhat increased formal recognition of student rights.

The balance of this chapter is a discussion of ways that institutions have restricted or can restrict the academic freedom of their students.

**A Heavily Prescribed Curriculum**

Students had little or no choice in the courses they studied through the first two centuries of American higher education. Beginning in the eighteenth century, however, the debating clubs or literary societies, as they came to be known, broadened the intellectual experience; their origin and operation were by student initiative. They helped to compensate “for the neglect of science,
English literature, history, music, and art” in the heavily classical curriculum. One of the most radical critics of the lack of student choice in the courses was Ralph Waldo Emerson who lamented that

In college we thwart the natural love of learning by leaving the natural method of teaching what each wishes to learn, and insisting that you shall learn what you have no taste or capacity for. The college, which should be a place of delightful labour, is made odious and unhealthy, and the young men are tempted to frivolous amusements to rally their jaded spirits. I would have the studies elective. Scholarship is to be created not by compulsion, but by awakening a pure interest in knowledge. The wise instructor accomplishes this by opening to his pupils precisely the attractions the study has for himself.2

Even today when the prescribed curriculum (i.e., general education) comprises 30–40 percent of the four-year course of study, colleges do well to offer students multiple course options for meeting a requirement and professors do well to provide some choice within a required course for completing it. Students like other adults are most fulfilled when they can exercise a meaningful degree of control over the most important parts of their lives.

An Inadequate Emphasis upon Student Learning

After 1890 as the professors devoted more time to research, they placed less focus upon the students. A second factor contributing to the growing impersonalization of the faculty/student relationship was the sharp increase in enrollments which resulted in larger-sized classes and increased faculty/student ratios. No wonder that the students’ discontentment and sense of alienation finally exploded into the sometimes violent Student Protest Movement of the 1960s and 1970s.

Beginning with the Berkeley (University of California) Free Speech Movement in 1964, the turmoil quickly spread to other campuses and involved complaints about many aspects of the educational process. The classes were too large; the faculty were too inaccessible; the courses were too irrelevant to problems of the modern world; the rules were too archaic for young adults; the giving of student grades to draft boards to decide draft deferments was intolerable; the military recruitment on campus and employee recruitment for defense-based industries were too cozy of a university relationship with the Vietnam War effort; and the university decision-making processes were too lacking in participatory democracy.

When the federal government finally investigated the causes of student unrest, the resultant Scranton Report gave primary blame to the long-lasting Vietnam War even while acknowledging that factors within the universities