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FOREWORD

Educational circles, like other parts of our society, are not free from those who preach without practicing. Fortunately, however, there still are men whose lives faithfully reflect the lofty ideals they espouse. Such a person was Duke University's Douglas B. Maggs, whose dedication to the concept of intellectual and personal freedom led him to struggle unremittingly for the rights of others. A right that he prized especially was that of academic freedom—in whose defense he spent many laborious hours in tasks for the American Association of University Professors and otherwise. Significantly, although Dr. Maggs was himself a person of strong beliefs, he battled as vigorously for colleagues whose outlook he opposed as for other academicians whose views corresponded to his own.

Since Douglas Maggs was a major inspiration for this symposium on academic freedom, the editors have sought to publish here articles on some of the topics with which he was especially concerned. For example, as an esteemed teacher of constitutional law, he would have been interested in Professor Murphy's argument that recognition of a constitutional right to academic freedom is implicit in recent Supreme Court decisions. Similarly, Dr. Maggs, an inveterate opponent of loyalty oaths in any form, would have welcomed Professor Morris' analysis of the constitutional issues involved in requiring teachers to reaffirm their loyalty.

Active himself in civic affairs, Douglas Maggs abhorred any university policy or practice that might tend to limit participation by scholars in the lives of their communities—even when such participation was oriented towards rapid and controversial change. Thus, he would have appreciated the importance of the analysis offered by Professors Emerson and Haber of the teacher's responsibilities as a citizen and their effort to fit those responsibilities into a comprehensive theory of freedom.

Dr. Maggs stressed the value of academic tenure as a handmaiden of academic freedom; and, in turn, he recognized that tenure might be meaningless in the absence of procedural safeguards discussed in Dr. Joughin's paper on "Academic Due Process." However, he also understood the point made by former university president Harold Dodds, that perhaps the best bulwark for academic freedom is erected by a university administration which, from the earliest possible moment, educates persons within and outside the academic community concerning the necessity for academic freedom.

While recognizing that vital educational programs at the university level may require aid from the Government—and in many instances may also provide aid to the Government in achieving vital national goals—Douglas Maggs was concerned that the relationship not become too intimate. Similarly, he feared that, unless properly scrutinized, subsidies offered to universities by benevolent foundations might prove dangerous to academic freedom. And so, the articles by Dr. Kidd and by Dr. Russell Kirk concern problems whose complexity he recognized clearly.

In private conversations, faculty meetings, and elsewhere, Douglas Maggs battled to expand the area of responsibility entrusted to the student. In his view, the student's development should occur outside as well as inside the classroom; and so it seemed important to avoid arbitrary restrictions on student activity—restrictions which might hinder progress towards intellectual and emotional maturity. Thus, he would have been pleased that this symposium on academic freedom contains Professor Monypenny's discussion of freedom for the student.

Since in his research and teaching, Dr. Maggs often employed insights derived from other legal systems, he would have found useful the two papers concerning academic freedom abroad. He would have vividly perceived the irony in the circumstance that, despite explicit constitutional guarantees of university autonomy, academic freedom has languished in Latin American countries, while in England, without the safeguards of a written constitution, the freedom of scholars has generally flourished.

Articles on academic freedom cannot match the luster of that ideal as embodied in the life of Douglas Maggs. Yet, as a token that his efforts do not go unremembered, the editors of *Law and Contemporary Problems* dedicate this symposium to the memory of their departed colleague.

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