



1994

The Attitudes of the Presidents of Lutheran Colleges and Universities Regarding the Nature and Limits of Free Expression for Students on Their Campuses

H. Robert Hayes
Loyola University Chicago

Follow this and additional works at: https://ecommons.luc.edu/luc_diss



Part of the [Education Commons](#)

Recommended Citation

Hayes, H. Robert, "The Attitudes of the Presidents of Lutheran Colleges and Universities Regarding the Nature and Limits of Free Expression for Students on Their Campuses" (1994). *Dissertations*. 3447.
https://ecommons.luc.edu/luc_diss/3447

This Dissertation is brought to you for free and open access by the Theses and Dissertations at Loyola eCommons. It has been accepted for inclusion in Dissertations by an authorized administrator of Loyola eCommons. For more information, please contact ecommons@luc.edu.



This work is licensed under a [Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 License](#).
Copyright © 1994 H. Robert Hayes

LOYOLA UNIVERSITY OF CHICAGO

**THE ATTITUDES OF THE PRESIDENTS OF LUTHERAN COLLEGES AND
UNIVERSITIES REGARDING THE NATURE AND LIMITS OF FREE
EXPRESSION FOR STUDENTS ON THEIR CAMPUSES**

**A DISSERTATION SUBMITTED TO
THE FACULTY OF THE GRADUATE SCHOOL
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY**

DEPARTMENT OF EDUCATIONAL LEADERSHIP AND POLICY STUDIES

BY

H. ROBERT HAYES

CHICAGO, ILLINOIS

JANUARY 1994

© Copyright by H. Robert Hayes, 1994.
All rights reserved.

PREFACE

There is a tension that exists in higher education today and it involves the way people communicate with each other. Of all places, college and university campuses -- frequently the locus of significant discovery and the development of profound insight as a result of dialogue -- should be settings which are open and free for expression and inquiry wherever it may lead.

One might also expect, however, that a collegial environment would produce and display the most rational discourse and highest levels of civility, due to what arguably could be the common objective universally shared by all so engaged; namely, to arrive at the "truth," or at least somewhere closer to it than before the dialogue began.

Such is often not the case these days. Indeed, there are many issues the discussions about which are conspicuously avoided in many academic communities. "Political correctness," while well-intended in its early days, has created a chilling effect on many campuses. Sensitivity to the feelings of all individuals and groups who have endured years of insensitivity should most certainly be increased, but it should not be at the expense of genuine and legitimate intellectual pursuits.

The matter may even be a bit more complex at church-related institutions. Though still committed to the pursuit of truth, some working in these environments begin with the presumption that certain truths have already been apprehended and there is nothing more to say in those areas. Consequently, tolerance for expression about certain topics may be considerably lower when that is the case. That is their right, of

course, and it may be perfectly consistent with the mission and the values upon which the institution was established and its curriculum is based.

It is also important to recognize, however, that freedom and propriety may be able to be balanced in such a way so as not to do irreparable damage to either in the process of gaining a better understanding of the world and the human condition nor in transmitting what is discovered to succeeding generations of students. The key, it might be suggested, is in remembering that, when one engages in the exercise of his or her freedom with the spirit that it is done on behalf of or in the service of others, tensions can be eased and the cooperation that is such an essential part of collegial collaboration can be maximized.

While a synthesis of freedom and service may appear to be contradictory, those who view each in relation to the other might find that, when practiced in the context of a Christian college, both can be enhanced. This study was motivated by an interest in the degree to which the colleges and universities of the Lutheran tradition have embraced this principle, one which served as a central tenet in the theology of Martin Luther himself.

It is hoped that in providing a portrait of how these institutions approach both their relation to the Church and the freedom of expression on their campuses, the importance of these two crucial components of Lutheran higher education can be recognized and deliberate measures taken to make them consistent with the missions and objectives of each of these Christian academic communities.

ACKNOWLEDGMENTS

Many relatives, friends, and co-workers helped, supported, encouraged, and covered for me during the preparation of this dissertation, often to their own great inconvenience. For all of them and their contributions I am very grateful. Unable to name each one, there are, nevertheless, some groups and individuals who deserve public recognition and thanks. Those include my administrative colleagues at Concordia University, particularly President Eugene Krentz, and Vice Presidents Norm Young and Fred Spurgat; the staffs of Concordia's library and computer center; Barbara Capozzoli, who very ably transcribed the interviews; Kathy Chekel, who provided invaluable assistance in the preparation of the graphs; the presidents of the colleges and universities who served as the subjects of the study; my dissertation committee, Terry Williams, who gave me the idea several years ago to look at the role of free expression in higher education; Michael Perko, S. J., whose expertise on church-related higher education guided me in an understanding of that dimension of the study which literally shaped its ultimate focus; and Barbara Townsend, who, as director, was accurate in her criticisms and consistent in her encouragement, and who graciously consented to remain involved with the project after moving to another university. Finally, I am grateful to my wife Kathy, and my children, Rebecca, Justin, and Eric, who have been remarkable in their ability to balance, juggle, and patiently take in stride all that my graduate studies have demanded over the years.

TABLE OF CONTENTS

PREFACE	iii
ACKNOWLEDGEMENTS	v
LIST OF TABLES	xi
LIST OF ILLUSTRATIONS	xiii
LIST OF ABBREVIATIONS	xiv

Chapter

1. INTRODUCTION	1
-----------------------	---

Context and Justification for the Study

Purpose of the Study

Statement of the Problem

Theoretical Rationale

Definition of Terms

General Hypothesis

Sample and Data Gathering Procedures

Assumptions

Limitations

Significance of the Study

Organization of the Study

2. REVIEW OF THE LITERATURE	21
-----------------------------------	----

Introduction

Review and Rationale for the Study

Summary of Relevant Literature

Free Expression and Higher Education Institutions

Introduction

The current state of the law: The St. Paul case

A response to the St. Paul decision

The link to higher education

A case from higher education and reactions to it from different perspectives

Speech codes and higher education

Speech rights and tenured administrators

Legal and Moral Perspectives of Restrictions on Racist Speech and Group Defamation

A legal remedy in tort: Delgado

Criminal prosecution for a moral wrong: Matsuda

Hate speech is free speech: Gard

Hate speech is not speech: Lasson

Seeking legal rights and moral authority for people before principles: Laramie

Preliminary research: Penney

Freedom of Expression in Church-Related Higher Education Institutions

Introduction

Criteria for defining church-related higher education in America

Attempts to classify church-related institutions

The relationship between truth and freedom at church-related institutions

Freedom and truth from the Lutheran perspective

Summary

3. METHODOLOGY	89
Population and Selection of the Sample	
Procedures	
Data Gathering	
Ethical Safeguards and Considerations	
Instrumentation	
Description	
First Survey	
Second Survey	
Interview Questions	
Validity and Reliability	
Design	
Specific Hypotheses	
Statistical Analysis	
Summary	
4. ANALYSIS OF RESULTS	109
Introduction	
Results and Analysis of Phase One	
Characteristics of the Respondents	
Institutional Characteristics	
Determination of Church-Relatedness	
Results and Analysis of Phase Two	
Responses to the Survey	
Determination of Support for Freedom or Restraint	

Convergence of Phases One and Two

Results and Analysis of Phase Three in the Context of Phases One and Two

Church-Relatedness

Incidents

Examples of Support for Freedom and Restraint

Hypotheses

Summary of Data Analysis

5. SUMMARY AND CONCLUSIONS 203

Summary of the Study

Context

Methodology

Procedures

Data analysis

Major Findings

Discussion and Interpretation of the Findings

Conclusions

Significance of the Study

Limitations of the Study

Implications for Practice

Implications for Further Research

Conclusion

Appendix

1. PRESIDENTS OF LUTHERAN COLLEGES AND UNIVERSITIES PARTICIPATING IN THE STUDY	230
2. COVER LETTER ACCOMPANYING FIRST SURVEY	234
3. FIRST SURVEY INSTRUMENT	236
4. FOLLOW-UP LETTER TO THOSE NOT RESPONDING TO FIRST SURVEY	240
5. SECOND SURVEY INSTRUMENT	241
6. LETTER SENT WITH SECOND SURVEY TO THOSE NOT IN ATTENDANCE AT LECNA MEETING	246
7. LETTER SENT WITH SECOND SURVEY TO THOSE WHO ATTENDED LECNA MEETING BUT DID NOT COMPLETE SECOND SURVEY	247
8. LETTER TO THOSE INDICATING A WILLINGNESS TO PARTICIPATE IN INTERVIEW PHASE	248
9. INTERVIEW APPOINTMENT FORM	249
10. INTERVIEW CONFIRMATION LETTER	250
11. INTERVIEW QUESTIONS	251
12. FOLLOW-UP LETTER TO THOSE NOT SCHEDULING INTERVIEWS	253
13. SUMMARY OF RESPONSES TO FIRST SURVEY	254
14. SUMMARY OF RESPONSES TO SECOND SURVEY	265
15. LETTER SENT WITH SURVEY RESULTS TO THOSE REQUESTING THEM	278
REFERENCES	279
VITA	283
APPROVAL SHEET	284

LIST OF TABLES

Table	Page
1. A matrix of the criteria used to define church-relatedness	75
2. Age distribution of respondents	111
3. Racial/ethnic ancestry of respondents	112
4. Denominational affiliation of respondents	113
5. Clergy membership of respondents	113
6. Length of time at current institution in any capacity	114
7. Length of time as president at current institution	114
8. Length of time as an administrator in higher education	114
9. Length of time in Lutheran higher education in any capacity	115
10. Type of doctoral degree held by respondents	116
11. Academic disciplines reported by the respondents	116
12. Fall, 1992 undergraduate enrollment of institutions in the sample	117
13. Percentage of Lutheran undergraduate students at institutions in the sample	118
14. Number of full-time faculty at institutions in the sample	118
15. Percentage of full-time faculty that is Lutheran at institutions in the sample	119
16. Number of theology or religion courses required for graduation as part of the institution's general education requirements for undergraduate students at institutions in the sample	120
17. Denominational affiliation in 1993 of the Lutheran colleges and universities in the sample	122

18.	Denominational affiliation in 1985 of the Lutheran colleges and universities in the sample	123
19.	Frequency of institutional scores on ten criteria of church-relatedness . . .	125
20.	Summary of responses to second survey instrument	127
21.	Frequency of institutional scores on 48-item free expression (second) survey	158
22.	Paired scores from both scales for all institutions in the study	160
23.	Frequency of scores of institutional church-relatedness reported by presidents interviewed	167
24.	Comparison of actual and self-reported scores of church-relatedness	168

LIST OF ILLUSTRATIONS

Figure	Page
1. Graph of coordinates from the scores of the first and second surveys	161
2. Denominational clusters based on the paired scores of the first two surveys	163
3. Plotted coordinates of the institutions involved in the interviews	169
4. Percentage of presidents from the ELCA, LCMS, and WELS agreeing with the statements in items 30-32 of the second survey	212
5. Percentage of presidents from the ELCA, LCMS, and WELS agreeing with the statements in items 20 and 25 and disagreeing strongly with the statement in item 28 in the second survey	214
6. Percentage of presidents from the ELCA, LCMS, and WELS agreeing with statements in items 46-48 of the second survey	216

LIST OF ABBREVIATIONS

AELC	Association of Evangelical Lutheran Churches
ALC	American Lutheran Church
CLC	Church of the Lutheran Confession
ELCA	Evangelical Lutheran Church in America
ELS	Evangelical Lutheran Synod
LCA	Lutheran Church in America
LCMS	Lutheran Church-Missouri Synod
LECNA	Lutheran Educational Conference of North America
WELS	Wisconsin Evangelical Lutheran Synod

A Christian is a perfectly free lord of all, subject to none.
A Christian is a perfectly dutiful servant of all, subject to all.

Martin Luther, The Freedom of a Christian, 1520.

CHAPTER 1

INTRODUCTION

Context and Justification for the Study

The First Amendment to the United States Constitution guarantees, in part, that "Congress shall make no law . . . abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." Supreme Court decisions have extended the applicability of this language to the states through the due process clause of the Fourteenth Amendment which provides, "No state shall deprive any person of life, liberty, or property without due process of law." While most recognize that "no law" has not been interpreted to grant absolute freedom of expression of any kind, few deny that the First Amendment contains some of the most important rights members of a democratic society could possess. Indeed, freedom of expression is often viewed as holding the status of a "preferred freedom" vis-à-vis other constitutional rights with which it may find itself in conflict.

In colleges and universities, freedom of expression is important because communication about and discussion of ideas arguably is one of the primary purposes of higher education. If there is anything that ought to prevail in an institution which desires and deserves the designation "higher education," it is open and uninhibited communication. Therefore, the nature and limits of free expression on a college or university campus could very well represent one of the more important issues facing higher education today, if only because without the ability to inquire, explore, discuss,

debate, and disagree, something surely must be lacking from the collegiate experience. This extends beyond mere academic freedom, although that constitutes a significant part of it. It goes to the very heart of how the educational process in a "collegial" setting occurs. It is true that individuals can educate themselves by independent inquiry, exploration, and study. The purpose of a "college," however, which is literally "an association of individuals . . . engaged in some common pursuit" (Webster's New World Dictionary, 1976), is predicated on the notion that communication is central to the endeavor. If the process cannot include free and open dialogue where participants have the right to be wrong, disagreeable, and even offensive in the process, the educational experience and quality of the learning environment is diminished.

In public colleges and universities which are, by definition, government agencies, the First Amendment applies and the freedom of expression can be taken to its constitutional limit. In the private sector, which includes church-related colleges and universities, institutions of higher education are not directly bound to the First Amendment, since the Bill of Rights is only applicable to action by the federal government and the states (which would include all public colleges and universities), to the extent that its provisions have been incorporated through the Due Process Clause of the Fourteenth Amendment. But even on private campuses, freedom of expression is crucial to the educational mission. Many private institutions affirm the principle of free speech and extend the liberty to the level allowed in the public sector. For example, a given church-related college may elect to adopt and publish in its official handbooks a policy which, for all intents and purposes, extends the same rights to its community, thereby binding itself contractually to the same standards or level of tolerance which the Constitution automatically imposes upon its public counterparts.

While free expression has always been a significant issue in higher education, since the late 1980s questions concerning the appropriate nature and limits of expression have been challenging the intellectual community, not merely as theoretical constructs, but in terms of practical policy questions revolving around hate speech, political correctness, and academic freedom. A cursory examination of a few recent issues of The Chronicle of Higher Education, for example, would produce a list of articles on the following topics: community response to racist graffiti written on the walls of an office at the University of Colorado (May 12, 1993, p. A4); offensive messages transmitted on an electronic bulletin board which raise questions about whether this form of expression should be restricted (May 19, 1993, p. 28); the freedom of one student to refer to a group of other students as "water buffalos" (May 19, 1993, p. A32); a concern over the content of commencement speeches which might be controversial (May 19, 1993, p. A33); students debating whether a panel should be established to restrict offensive art after some object to the display of a sculpture depicting "fatness" (May 5, 1993, p. A5); the implications for free expression when 4,000 copies of a right-wing campus newspaper often critical of feminism are stolen at Penn State (July 28, 1993, p. A30); the theft of 14,000 copies of the student daily at the University of Pennsylvania by African American students who acted in protest of the paper's coverage of racial issues (September 22, 1993, p. A35). The list could be extended, but the point is that such incidents continue to occur, each one raising issues of both freedom and propriety and necessitating the determination by someone where the limit on certain kinds of expression will be established. Those which end up as court cases, of course, have the limits set by judges.

Speaking at the May, 1993, commencement of George Mason University, Chief Justice William Rehnquist acknowledged the timeliness of the issue of free expression

in higher education by addressing the tension that exists between the need, on one hand, to explore ideas which may cause offense to some and the obligation, on the other hand, to challenge those "ideas or viewpoints which seem obnoxious to us" (The Chronicle of Higher Education, June 2, 1993, p. A18).

It is not uncommon for personal interests or individual rights to collide in constitutional litigation as these incidents illustrate. On one hand, individuals utter all manner of things in the name of free expression, some of these quite offensive. In response, others claim a right to be free from that which has the result of bringing harm to them through certain remarks or behavior. When rights seem to be in conflict, one doctrine of constitutional interpretation assigns a "preferred" status to the First Amendment freedoms, for it is claimed that they represent the foundation upon which all other freedoms in the society rest. While it was not necessarily declared as such, this conflict really becomes the underlying issue in most, if not all, controversies involving offensive speech and free expression.

Private institutions, technically free from First Amendment constraints, may be as restrictive as they want in terms of what kind of expression is prohibited on campus. Many, however, do seem to want to operate as a free marketplace of ideas where the quality of one's expression determines the degree to which it is given value. Indeed, some of the most open academic environments are found on private campuses which pride themselves in having a progressive approach to free expression. Elite institutions such as Stanford and Yale, for example, see their missions as including the advancement of knowledge through research in every area. Their private status seemingly imposes no restrictions on that which they may seek to explore. Yale University produced an extensive "Report" on free expression which clearly implies that the search for truth is

to take priority over an individual's moral responsibility to remain civil (Pavela, 1989, p. 5). Such a position reinforces the notion that if the right of free expression is to mean anything, people are going to have to be able to tolerate hearing things on occasion that they would prefer not to hear. In other words, it could be argued that a college or university campus is the very place where expression should be the most free.

Others, however, take a different perspective and assert that precisely because it is an institution of higher education, higher standards of conduct and expression can be expected and even demanded and, as a result, administrators can be that much more scrutinizing about what is said. While private -- and especially church-related -- institutions may take advantage of their status and establish strict codes which proscribe offensive remarks, they must recognize that when they do this they may be compromising their equally important status as a place where some offense may have to be endured in order to get closer to the truth for which many claim to be searching.

Young and Gehring, editors of the newsletter The College Student and the Courts, have commented in a recent issue (June, 1993) that "[t]he regulation of hate crimes is one of the most difficult issues facing the colleges and universities of our nation" (p. 1031). Attempts at such regulation by both public and private institutions have borne out the controversial nature of this approach of dealing with offensive expression. Two state universities, the University of Michigan and the University of Wisconsin, have had speech codes struck down by federal courts because they were found to be in violation of the First Amendment.

One of the luxuries for those at church-related institutions is that there need be no reluctance to provide plenty of value-laden responses to those whose messages divert from the moral or religious standards of the sponsoring body. It is important to

remember that there is nothing in the First Amendment to stop either a private or a public institution from condemning in the strongest possible language incidents which, though perhaps constitutionally protected, are reprehensible to decent individuals.

Since the problems connected with offensive speech which have been experienced on a number of college campuses raise questions of propriety and, ultimately, whether it is right to allow certain things to be written or said, one wonders whether those who operate within the context of church-related academic communities would be more inclined to support or oppose restrictions on such expression. In other words, is doing what is believed to be right, as defined by certain religious values, just as important, or perhaps even more important, than tolerating what one may have a right to do? Since many of the private institutions in the United States are church-related and look to their missions, values, and the beliefs of their respective denominations to help them determine how certain practices and policies will be carried out, it will be helpful to examine how this segment reconciles the challenges of open and free expression in their academic communities with the values they may espouse regarding how individuals on their campuses should act toward and treat one another. It may also be instructive to see if their institution's values are actually reflected in the attitudes of their presidents. Finally, there is additional interest in knowing, in the context of the church-related institution, how the rights of specific constituencies such as individual students, student groups, and guest speakers are viewed in such settings as classrooms, residence halls, open forums, outside lectures, and on the campus generally.

Purpose of the Study

The purpose of this study was to determine the attitudes of the presidents of

Lutheran colleges and universities about the nature and limits of free expression on a church-related campus. More specifically, the study sought to determine: 1) the degree of church-relatedness for a sample of Lutheran colleges and universities; 2) the level of support or tolerance that exists for freedom of expression on each campus according to its president; 3) the possible relationship between an institution's degree of church-relatedness and its level of tolerance for free expression; and 4) how the different Lutheran church bodies which sponsor these institutions compare to each other in terms of these relationships and attitudes.

Statement of the Problem

While academic communities are places where open and free expression is essential to accomplish their objectives, church-related colleges and universities may be confronted with a potential conflict if certain types of expression occurring on their campuses are considered by some to be inconsistent with institutional mission and values. As the individual ultimately responsible for the climate that exists on the campus, the president of a church-related institution, therefore, must weigh the nature of this expression and consider imposing or recommending limits if it violates the standards established by the institution's religious character. Specifically, the problem can be stated as follows: Does the degree of an institution's church-relatedness influence its president's attitudes toward the nature and limits of free expression on the campus?

Theoretical Rationale

The presidents of these institutions were selected to serve as the sample for the study because presidents are often seen as the single most important individuals in an

academic community and the ones who either actually have the power to -- or are perceived to be able to -- set the tone for the kind of environment that should be established for the communication and free exchange of ideas. Presidents not only determine the direction for but also embody their institutions. It is assumed, as well, that they are somewhat familiar and conversant with the general topic, given the amount that has been written and said about it in recent months and their own need to remain knowledgeable about such issues.

Presidents from Lutheran colleges and universities were chosen for a number of reasons. First, the forty-five institutions in the United States affiliated with some Lutheran body constitute an identifiable and distinct -- if not distinctive -- segment of the private sector. The first Lutheran college was founded in 1832 and ever since then thousands of students and professors have engaged in teaching and learning in the context of values, both educational and theological, which have their roots in the Reformation tradition.

The importance of free inquiry and expression was important to Martin Luther himself, who, for the sake of the truth as he understood it, risked his own positions in both the Church and the university for persisting in that truth. It was believed that presidents of Lutheran institutions would appreciate the significance of the tension that exists between the need for free expression and the problems that can arise when the freedom is abused. Some were also willing to identify the problem as one with theological overtones, something that was of interest to the researcher.

It was also believed, however, that because of the various denominational differences that exist as a result of American Lutheranism's historical divisions, the members of the sample would display a moderately wide range of views on the relative

importance of freedom and restraint in their responses to both closed-ended statements and open-ended interview questions.

Also facilitating the use of these individuals is the existence of a relatively moderate degree of cooperation among the presidents themselves, many of whom participate regularly in annual meetings and other activities sponsored by the Lutheran Educational Conference of North America (LECNA), which provides support for and is open to all Lutheran colleges and universities regardless of one's particular synodical or denominational affiliation among the five Lutheran bodies which sponsor institutions of higher education.

Given this setting, and the expectation that the sample would produce results suggesting that a wide range exists among these institutions and their presidents on scales of both church-relatedness and support or tolerance for free expression, the theory posited is that Lutheran colleges and universities exhibit characteristics which allow them to be placed into one of four categories corresponding to the four quadrants produced when a scale of church-relatedness and a scale of support for free expression are made to intersect. The first scale ranges from "secular" to "religious" and the second from "freedom" to "restraint." Pairing an institution's scores from the two scales and plotting the coordinates on a graph produces a scattergram which demonstrates not only the relationship between church-relatedness and support for freedom of expression, but also the degree to which individual church bodies arrange themselves into clusters in the respective regions of the graph. These are designated as either Secular-Freedom, Secular-Restraint, Religious-Freedom, or Religious-Restraint.

The theory, therefore, suggests that the presidents of more secular (or less church-related) institutions are more supportive of free expression in higher education

in general, and Lutheran higher education in particular, than those from institutions which are more religious (or church-related), and consequently less supportive, or more likely to favor restraint, when it comes to offensive expression. This theory gives rise to another as well; namely, that the institutions tend to cluster together with the others from their own church bodies.

Finally, the study also provides an opportunity to examine the extent to which the principle of freedom of expression can be viewed as either a legal, moral, or theological issue; or at least one having legal, moral, and theological dimensions. These three categories represent an ascending degree of intolerance as applied to offensive or controversial expression in a church-related campus setting, and those who see free expression merely as a legal issue with no moral or theological dimension are more likely to oppose limits on expression. Those who see it primarily as a theological issue recognize it as having a moral and legal dimension as well, but seem to respond on the basis of their theological perspective or their institution's religious values. These are more likely to support limits on offensive expression.

Definition of Terms

Expression refers to any written, spoken, or symbolic communication from one person to another person or group. Close physical proximity, especially in the case of written expression, is not a requirement.

Offensive expression is that which causes an average person of his or her social group to become hurt or offended because a connection can be seen between the expression and the characteristics of the individual victim. A racial slur is an example of one form of offensive expression. Offensive expression does not refer, for example,

to vulgar language which is uttered in the presence of someone, regardless of whether it offends or not, if it could not reasonably be construed as an insult specifically directed to the offended person and connected to his or her group status.

A **group** is "an aggregation of people identified by a common race, religion, national origin, ethnicity, gender, or sexual preference" (Laramee, 1991, p. 57); and **group defamation** refers to "[o]ral, written, or symbolic speech that debases or degrades members of a group on the basis of a characteristic that is allegedly common to the group, or that by its very utterance inflicts injury on a member of a group, or that promotes animosity against a group" (Laramee, p. 57).

Hate speech is basically the same as group defamation but could be directed to an individual as well. An **epithet**, often the vehicle used in the commission of hate speech and group defamation, is any disparaging word, phrase, or "slur" directed to an individual or group. Epithets are often referred to as something which one might "hurl" at another, such as one would do with a rock or other weapon intended to cause harm. **Racist speech** is hate speech or group defamation based on one particular characteristic of the victim. Often racist speech is accomplished through the use of epithets. The presumption is that little or no substantive content, and consequently a minimal amount of **value** is present with this kind of expression. (See Alexander (1989) for a discussion of "low value speech.")

Values attempts to convey the notion of some qualitative, and admittedly subjective, set of "principles, goals, or standards held or accepted by an individual, class, society" (Webster's New World Dictionary, 1976), or some other group which carry for the group a sense of intrinsic worth. **Religious values**, therefore, are those principles which have as their source a belief in the tenets of the particular church or

denomination of the people who hold them, with **Christian values**, in turn, being those which have been founded on the specific teachings of Jesus Christ. While "Christian" and "religious" clearly should not be viewed as being synonymous, both derive their sense of value from a particular understanding of a God whose relationship with the believers helps define the values. An example of a common Christian value is that all people are considered to be precious in the sight of God and, because they have been redeemed by the work of Christ, therefore, have inherent dignity and worth. Consequently, some Christians would consider the right to unrestricted freedom of expression to be in conflict with and subordinate to certain Christian values.

Toleration in the context of this study refers to the willingness to endure or absorb, for the sake of the constitutional principle, expression which is offensive or undesirable. **Freedom of expression** is the collective right provided in the First Amendment of the United States Constitution and covers spoken, written, and symbolic speech, as well as demonstrations. **Symbolic speech** is expression which conveys a message in a non-verbal manner. Wearing a black arm-band and burning the flag are well known examples.

Church-relatedness is the characteristic of each Lutheran college which has been used to analyze the attitudes of the institutional presidents. Very generally, it represents how certain factors, such as the college or university's mission statement, course requirements, policies, traditions, worship practices, denominational affiliation of faculty and students, and requirements for a president to be a member of the clergy, contribute to a portrait of each institution as an agency more or less of its sponsoring church.

It has been stated that this is a study of presidential **attitudes**. According to Shaw & Wright (1967),

attitude is best viewed as a set of affective reactions toward the attitude object, derived from the concepts or beliefs that the individual has concerning the object and predisposing the individual to behave in a certain manner toward the attitude object. Although intimately related to attitude, neither the propositions that the individual accepts about the object (beliefs) nor the action tendencies are a part of the attitude itself (p. 13).

Belief, in turn, is "any expectancy, set, or proposition which the individual accepts as true of the object or event." One's "belief becomes an attitude when it is accompanied by an affective component which reflects the evaluation of the preferability of the characteristics or existence of the object. The attitude would be the sum of such beliefs about the object" (Shaw & Wright, 1967, p. 13). In comparison with an "opinion," which has been considered more of a verbalized response, "attitudes" are "unconscious . . . response predispositions" (p. 5).

General Hypothesis

The general hypothesis for this study was that the attitudes of the presidents of Lutheran colleges and universities concerning the nature and limits of free expression on their campuses would be influenced to some extent by the degree of church-relatedness of their respective institutions. More specifically, it was expected that the Lutheran colleges and universities which display a higher degree of church-relatedness would have less tolerance for offensive or questionable expression. Likewise, the attitudes of the presidents of those institutions which are less church-related would be less supportive of formal codes, policies, or practices which would place limits on expression determined to be controversial or offensive. In short, it was believed that support for expression would be linked to how "secular" or "religious" an institution is.

Sample and Data Gathering Procedures

Each one of the presidents of the forty-five Lutheran colleges and universities in the United States was contacted with an invitation to become a participant in this study. Forty of them elected to be included.

The collection of data took place in three phases. The first phase consisted of mailing a researcher-designed survey instrument to each of the forty-five members of the population. It solicited information not only about the presidents themselves but also about certain characteristics of their respective institutions.

The second phase consisted of the distribution of another researcher-designed survey instrument. Copies of this were administered to some of the presidents in person at a LECNA meeting many of them attended. Those who were not at the meeting or those who did not complete it on that occasion were then mailed a copy along with a request to complete and return it. It consisted of 48 items to which the presidents could respond in one of the following ways: strongly agree, mildly agree, neither agree nor disagree, mildly disagree, or strongly disagree. Forty individuals ultimately responded to this instrument. Since all of them had also completed the first phase, these presidents constituted the sample. The three who had completed the first survey but refused to respond to the second were dropped from the sample, although their responses to the items on the first survey are included in the presentation of the results for those items in Appendix 13.

The third phase of the study, which was more supplemental than integral to the first two, consisted of phone interviews with those who indicated at the end of the second survey instrument a willingness to participate in this way. Although twenty-one of the forty originally said they would be interviewed, seventeen ultimately provided oral

responses to nine researcher-designed questions they had received in advance.

Assumptions

The assumptions underlying the study can be grouped into five main categories. The first is "Free Expression" and includes the following points: the right to freedom of expression is not absolute but, at the same time, it is also one of the most important rights for a democratic society. On the other hand, some expression, even that which traditionally has been considered to be within the scope of constitutional protection, is so harmful to certain individuals that proscribing it may be warranted.

The second category is "Free Expression and Higher Education." Here it is assumed that open and free expression is an essential commodity for students in an academic community; that offensive speech by and among students is a current and significant issue for higher education; and that differences of opinion and the discussion of those differences make an educational community vital and dynamic. Therefore, some conflict and tension is inevitable and often good insofar as it serves to stimulate intellectual debate.

Third, with regard to "College and University Presidents," it is asserted that individuals holding this position understand the tension that exists between the value of free expression in an academic community on the one hand, and the importance of maintaining a climate free of communication which does not contribute to the educational experience, or achieve any social good, on the other hand. Moreover, these not only are the best individuals to represent the institutional viewpoint on the issue of expression in higher education, but also are likely to be relatively well informed about the topic. Finally, it is assumed that college and university presidents will be answering

not as private individuals but as spokespersons for their institutions.

The fourth category of assumptions deals with "Lutheran Colleges and Universities." About them it is assumed that they will vary widely in terms of the degree of church-relatedness they exhibit.

Finally, under the category of "Legal and Moral Rights," it is assumed that legal or constitutional rights do not create moral rights. That is, having a legal right to say something does not automatically mean that it is morally right to say.

Limitations

The following limitations, concerns, and precautions have been identified in the preparation of this study. First, while the sample is numerically small, it does represent 89 percent of the entire population, so generalizations can be made based on the findings. However, they may not be generalizable beyond this particular population and sample.

Second, the population is very homogeneous; all but one of the presidents are white males and almost all of them are Lutherans of northern European ancestry. To the extent that the personal characteristics of the members of the sample influence their responses, this may have resulted in relatively insignificant findings, especially in terms of any value outside the population's constituency itself. Since one of the objects of the study is to discern the subtle differences that exist among the institutions, however, their similarities relative to other groups may not be relevant. In other words, the focus becomes the more subtle differences that do exist within this specific sample of Lutheran college and university presidents.

Third, arriving at a determination of what constitutes church-relatedness is

something about which few researchers have been able to agree. The literature review in the next chapter presents some examples of how the issue has been addressed.

Fourth, presidents were asked to respond as representatives or spokespersons for their institutions. A respondent may hold an attitude as an individual different from his official response given as a president speaking for the institution. If a president responded on the basis of a personal attitude which differed from the official position of the corporate entity, the findings could be misleading.

Finally, because of the somewhat sensitive nature of the study, some members of the sample may have been inclined to give answers which reflected neither their true attitudes nor the practice of the institution but rather what was thought to be the answer most acceptable to whomever may see the responses. Dillman (1978) acknowledges the "tendency to offer socially desirable answers" or "to answer questions in a way that conforms to dominant belief patterns among groups to which the respondent feels some identification or allegiance" (p. 62). He suggests that it is most likely to occur in interviews and least likely in mail surveys (pp. 62-63). Perhaps because the first phase of this study was done exclusively by mail, and the second with the researcher present, but in a non-interactive way, a sense of trust may have been established so that, by the time the interviews were conducted, the inclination to respond candidly and honestly were present to a greater degree for those who participated in that phase of the study.

Significance of the Study

Given that the attitudes of the presidents of any sector of higher education, let alone Lutheran higher education, have not been studied on the matter, this study provides a starting point for further exploration on most aspects of this topic. It also

contributes to the general literature on church-related higher education and, to a lesser extent, on presidential leadership in those kinds of institutions.

In short, the study was designed to reveal the attitudes of a particular group of college presidents on an important and current topic in higher education. It demonstrates the differences that exist among Lutheran colleges and universities with regard to the varying degrees of church-relatedness they display. It also reveals some interesting tendencies with regard to the individual church bodies themselves. Finally, it provides some indication of the degree to which church-relatedness affects how Lutheran college and university presidents view the nature and limits of free expression on their campuses.

The theoretical significance of the study is represented by the convergence of the scales of church-relatedness and tolerance for expression which were devised specifically to examine this problem. When all the paired scores are plotted on intersecting axes, the position of each member of the sample can be viewed in relation to every other member enabling one to determine the degree to which each institution exhibits the characteristics of one which is either "secular and free," "secular and restrained," "religious and free," or "religious and restrained." By then identifying the specific denominational affiliation of each institution, one can also determine the degree to which the different church bodies represented within the sample display any distinctive characteristics, both as individual groups and in relation to each other. Particularly, this will allow a determination of the degree to which denominational affiliation may be related to how a president views the issue of free expression in society, in higher education generally, on a church-related campus, and at his own particular institution.

From a practical perspective, this study is not only helpful in clarifying the role

that religious mission and values play in the life and practice of Lutheran colleges and universities; it also reveals the degree to which each institution has developed its position with regard to offensive expression on the campus. This provides an opportunity for institutions to reevaluate existing policies and, if seen as appropriate, to establish new ones which address the issues identified in the study. Finally, the study also presents a relatively clear portrait of Lutheran higher education, generally, insofar as it reveals the differences which exist among institutions calling themselves "Lutheran," as well as differences among the various church bodies with which they are affiliated.

Organization of the Study

In this chapter the context for the study was established by explaining the pertinent constitutional principles involved as well as the timeliness and relevance of the topic. An attempt was also made to justify the relevance of the study for church-related higher education today by citing a number of recent examples of the kinds of problems that have emerged in this sector. The specific purpose of the study was then stated and the research problem identified. After providing a rationale for the study's theoretical framework, including an explanation as to why it was facilitated by using Lutheran college and university presidents as the sample, significant terms used in the study were defined. The general hypothesis was then posited, information about the sample and data gathering procedures were outlined, and the assumptions, limitations and significance of the study were stated. The chapters that follow include a review of the literature which deals with both free expression in higher education generally, as well as how it is addressed in church-related higher education; an explanation of the methodology employed to conduct the study; an analysis of the results of both survey

and interview phases of the study; and a summary and discussion of the findings, including the implications that exist for current practice and future research.

CHAPTER 2

REVIEW OF THE LITERATURE

Introduction

After reviewing briefly the purpose of this study, as well as the rationale for undertaking it, the main focus of this chapter will be to summarize the literature relevant to the study itself. It will be presented in two major sections. The first is an examination of "Free Expression in Higher Education Institutions" and will include accounts of some recent incidents, court decisions, and critical commentary on the topic. The second section will address "Free Expression in Church-Related Higher Education Institutions" and will discuss, in turn, criteria for defining church-related higher education in America and the relationship between truth and freedom at church-related institutions. A conclusion will summarize the main points made in the chapter which are most pertinent to the chapters that follow.

Review of and Rationale for the Study

This study represented an attempt to discover how the presidents of Lutheran colleges and universities felt about the importance of freedom of expression in their church-related academic communities. In the abstract, one would assume that this sample of well-educated, relatively successful administrators would recognize the intrinsic value of freedom of expression. They are, after all, educators and, as such, supposedly interested in a better understanding of the various subjects that can be

taught, learned and explored. Because the normal vehicle used in teaching, learning, and reporting one's research findings involves expression, to support its suppression seems contrary to the educational task. In short, Lutheran college and university presidents, along with most others in academe, would seem naturally to be among those for whom freedom should tend to prevail over restraint.

It is important to recognize, however, that as Lutheran college and university presidents, these individuals may also feel a commitment to other values as well; namely, those arising out of the church-related nature of their institutions. It is possible and even likely for some that the imposition of limits upon or lack of support for certain forms of expression could be justified because they violate values inherent in their mission as an arm of their church.

An undertaking to discover how this particular segment of higher education administrators approaches the topic should help those who might wish to understand better not only church-relatedness in Lutheran higher education but also the challenges that confront all college and university presidents who may be forced to determine an appropriate balance between freedom and restraint.

Summary of Relevant Literature

Free Expression in Higher Education Institutions

Introduction. This section of the review consists of an examination of a small number of court decisions and critical commentary directed to them; the views of several scholars on the issue of free expression in general and campus-based expression in particular, especially as it may address both legal and moral dimensions of the topic; and information regarding what little research has been done in the area of institutional

positions on the nature and limits of free expression in church-related higher education.

Due to the nature of the topic, the case references which appear throughout are not necessarily discussed in chronological order. Indeed, the review begins with one of the most recent Supreme Court decisions to address the issue of free expression generally.

The summaries of the articles which display varying perspectives on the propriety of restrictions for offensive expression attempt to identify the degree to which the scholars cited view the matter as a legal or a moral issue. No literature was found which approaches it from a theological or spiritual perspective.

The current state of the law: The St. Paul case. Those who are concerned about the nature and limits of free expression on college and university campuses have watched with more than passing interest the developments in, the announcement of, and the various responses to the recent United States Supreme Court decision in the case of R.A.V. v. St. Paul, 120 L Ed 2d 305 (1992). The case itself is not situated in or directly related to any particular institution of higher education, but, rather, a municipality. The implications for colleges and universities, both public and private, are significant, nonetheless, and could have a substantial impact on how the nature and limits of free expression on campuses across this country are viewed for some time to come. The case is quite complex, not only because of the perplexing issues and arguments which are raised on both sides, but also because of the split among the Justices as to the rationale for their respective opinions. While the decision itself was unanimous, the majority opinion was joined by only five persons. The three separate opinions in the case, while concurring in the result, represent a rather adamant disagreement with the majority over the direction current First Amendment doctrine should take.

The incident which gave rise to this decision involved the burning of a cross on the lawn of an African-American family in the city of St. Paul, Minnesota. The individual accused of committing this act was charged under St. Paul's Bias-Motivated Crime Ordinance, one of several laws which could have been invoked to respond to this matter. It provided:

"Whoever places on public or private property a symbol, object, appellation, characterization or graffiti, including, but not limited to, a burning cross or Nazi swastika, which one knows or has reasonable grounds to know arouses anger, alarm or resentment in others on the basis of race, color, creed, religion or gender commits disorderly conduct and shall be guilty of a misdemeanor" (R.A.V. v. St. Paul, 120 L Ed 2d, at 315).

The trial court ruled that this "ordinance was substantially overbroad and impermissibly content-based and therefore facially invalid under the First Amendment" (p. 315). On appeal to the Minnesota Supreme Court, however, this ruling was reversed. The state Supreme Court was of the opinion that the ordinance was drafted narrowly enough to avoid impermissible restrictions on the content of expression and, therefore, provided the state with a valid "means toward accomplishing the compelling interest in protecting the community against bias-motivated threats to public safety and order" (p. 316).

The United States Supreme Court first acknowledged its obligation to accept the Minnesota Supreme Court's narrow reading of the ordinance as one which "reaches only those expressions that constitute 'fighting words' within the meaning of Chaplinsky" (p. 316). In spite of this and the Petitioner's request to "modify the scope of the Chaplinsky formulation, thereby invalidating the ordinance as 'substantially overbroad,'" the Court then immediately went on to rule that it would not be necessary to consider the overbreadth issue. The majority stated that even if "all of the expression reached by the

ordinance is proscribable under the 'fighting words' doctrine, the ordinance itself is unconstitutional on its face because "it prohibits otherwise permitted speech solely on the basis of the subjects the speech addresses" (p. 316).

Justice Scalia wrote the opinion joined by Chief Justice Rehnquist, and Justices Kennedy, Souter and Thomas. Justices White, Blackmun and Stevens, on the other hand, felt strongly enough about what the focus in the case should have been that they each wrote separate opinions to demonstrate their division with those in the majority; if not with the outcome, then at least with the logic they employed.

Justice Scalia was careful to make clear the fact that he finds it "reprehensible" that any family would have a cross burned in its front yard (p. 326). Because St. Paul had "sufficient means at its disposal to prevent such behavior without adding the First Amendment to the fire," however, he determined that the "content discrimination" in this ordinance was not "reasonably necessary to achieve St. Paul's compelling interests" (p. 326). In other words, a city can punish such destructive behavior without connecting it to a restriction on expression which a particular governmental body may find undesirable, for the First Amendment exists precisely to prevent Congress, any state or a unit thereof from proscribing expression with which it may disagree, even if such a restriction is eminently popular with, or viewed as wise by, most of the people. This particular law, which was found to have gone "even beyond mere content discrimination to actual viewpoint discrimination," could not, under the First Amendment, "impose special prohibitions on those speakers who express views on disfavored subjects" (p. 323).

Justice White, whose opinion was joined by Justices O'Connor and Blackmun and, in part, by Justice Stevens, sounded very much like a dissenter in the case. The

senior justice concurred, nevertheless, in the ultimate judgment that the St. Paul ordinance was unconstitutional. His opinion made three points: (1) any ordinance which prohibits "expressive conduct that causes only hurt feelings, offense, or resentment," had the effect of criminalizing expression protected by the First Amendment and thus was overbroad;" (2) there are "certain categories of speech, including 'fighting words,' [which] are not protected by the First Amendment;" and (3) this ordinance "would have been a valid regulation of unprotected speech for purposes of the Constitution's Fourteenth Amendment equal protection clause" if it had not been overbroad (p. 306).

Justice Blackmun also stated in his brief concurrence that the ordinance restricted expression protected by the First Amendment and was therefore invalid. In addition, he feared that the majority's approach would have the effect of either relaxing "the level of strict scrutiny applicable to content-based laws," or be interpreted as an attempt by the Court to manipulate First Amendment doctrine to strike down an ordinance the majority could not support as a matter of policy (p. 306). Finally, he pointed out, somewhat cynically, that the majority's new approach to the nature and limits of expression either will or will not become precedent which, in either case, is very discouraging (p. 339).

In addition to agreeing that it was fatally overbroad, Justice Stevens, who was joined in part by Justices White and Blackmun, also pointed out that "the majority, in ruling that proscribable speech cannot be regulated based on subject matter, wrongly gave fighting words and obscenity the same sort of protection afforded core political speech." Moreover, he went on to provide a thorough analysis of the issue and concluded that "not all content-based distinctions are equally infirm and presumptively invalid" and, therefore, fighting words may, on occasion, depending on both the content

of the expression and the context in which it occurs, be protected by the First Amendment (p. 306). He did not believe that the ordinance was "an unconstitutional content-based regulation of speech," and would have voted to uphold it had it not been overbroad (p. 352). One of the things he particularly liked about the ordinance was its evenhandedness. He stated:

In a battle between advocates of tolerance and advocates of intolerance, the ordinance does not prevent either side from hurling fighting words at the other on the basis of their conflicting ideas, but it does bar both sides from hurling such words on the basis of the target's "race, color, creed, religion or gender. . . . It does not, therefore, favor one side of any debate" (p. 352).

Justice White charged that "by characterizing fighting words as a form of 'debate,' . . . the majority legitimates hate speech as a form of public discussion" (p. 330). "By placing fighting words, which the Court has long held to be valueless, on at least equal constitutional footing with political discourse and other forms of speech that we have deemed to have the greatest social value, the majority devalues the latter category" (p. 331).

Justice Blackmun expressed the concern that this case may have been used by the Court to manipulate "doctrine to strike down an ordinance whose premise it opposed, namely, that racial threats and verbal assaults are of greater harm than other fighting words . . . [and] that the Court has been distracted from its proper mission by the temptation to decide the issue over 'politically correct speech' and 'cultural diversity,' neither of which is presented here" (p. 339).

Justice Stevens pointed out that one cannot judge speech without judging its content. Therefore, it is not only possible, but necessary to conclude on appropriate occasions that some content is indeed not entitled to First Amendment protection (pp. 342-343). He insisted, in disagreement with Justice White over the latter's categorical

approach to the First Amendment, that "[t]he meaning of any expression and the legitimacy of its regulations can only be determined in context" (p. 346). In each analysis, one must consider both "the content and context of regulated speech, and the nature and scope of the restrictions on speech" (p. 347). To protect fighting words based on subject matter, such as race, for example, is to give it greater protection than commercial speech and even some core political speech, according to established case law, for there are examples of restrictions even on certain kinds of commercial and political speech (p. 344).

For a case from which there was no dissent, it appears that much is still left to be done to settle the law in this area. Judges and commentators alike struggle with the need for freedom on the one hand and propriety on the other. Finding the proper balance and determining the appropriate limit are complex matters to resolve. When similar incidents occur on a college campus, it is often the president who is charged with finding and then justifying that balance.

A response to the St. Paul decision. Within the scholarly community, criticism of the official ruling was equally intense. Young (1992), writing in Black Issues in Higher Education, suggests that with a decision like this the Court could very well be "Making America Safe for Bigotry" (p. 52). He believes that the hidden agenda in the decision is an attack on what he calls "the newest right-wing nemesis -- 'politically correct speech'" (p. 52), an idea also expressed by Justice Blackmun in his concurring opinion in the case (120 L Ed 2d, at 339).

In response to Justice Scalia's presumed position that even "fighting words" can no longer be regulated because they -- by prohibiting the expression of views on certain "disfavored subjects" -- would result in "content discrimination," Young calls it a

"curious flight of fantasy" to elevate cross-burning on a person's lawn to "debate" protected by the First Amendment (p. 52). The decision, in effect, affords to fighting words and obscenity, which prior cases clearly indicated did not fall within the scope of protected expression, the same protection as political speech.

Young also makes the point that the mentality of the majority block disregards the "barbaric history of racial intimidation, harassment and assault that has been heaped upon citizens of color," by issuing the decision outside of a context which does not recognize the absurdity of equating terms like "whitey" and "nigger" (p. 52). It also ignores the fact, borne out by history as well, that "racial threats and verbal assaults" -- admittedly only speech -- very often represent what is really the first step in the commission of violent hate crimes "directed against unfavored persons or groups" (p. 52).

As one of a growing number who argues that a qualitative difference exists when certain things are said or done to certain individuals or groups, as opposed to others, Young denounces the message which this decision sends not only to the children of the family upon whose lawn the cross was burned, but to all who need only little encouragement to participate in acts of bigotry. This could include immature and inexperienced college students who may find themselves for the first time in a setting which includes people who appear different to them and yet about whom they are ignorant. "There are some words and symbols whose use in this society have the power and impact of deadly force," Young asserts (p. 52); and the victims, like the family in this case, will never be the same. But beyond what has happened to those individuals, it has also "bequeathed to the country a continuing legacy of tolerance for bigotry . . . and made it clear to those citizens who have been historically and systematically

subordinated, that protection from acts of bigotry may be a long time coming from the land of the free" (p. 52). The fact that Justice Scalia finds acts like this "reprehensible" falls short of what Young feels is needed now to address the kinds of problems this case represents.

The link to higher education. Robert O'Neil (1992), director of the Thomas Jefferson Center for the Protection of Free Expression, and former President of the University of Virginia, has also commented on this case. He looks at it particularly from the perspective of one interested in what it may mean for campus speech codes or policies which prohibit the expressive harassment of various kinds of individuals and groups.

He recognizes that this case goes beyond the banning of certain kinds of expression which might take place in a campus setting. He also is well aware of the interest and concern of those, including institutional presidents, who seek guidance for responding to incidents like this which are becoming increasingly frequent at colleges and universities. Furthermore, he knows that many view speech codes as an easy way to communicate an institution's standards to its community, and that many would have expected an ordinance like St. Paul's to be an effective way of controlling the acts proscribed. Yet he also understands how the Court -- if it has determined that "fighting words, including racist, sexist, homophobic, and ethnically demeaning epithets, are not devoid of ideas or messages," but are, in the words of Justice Scalia, "quite expressive indeed" -- could find it logical to conclude that "[w]hen it is the particular message or viewpoint that triggers penalties -- even within a category of speech such as 'fighting words' that normally would not be protected by the First Amendment -- that singling out of particular expression may violate the Constitution's guarantee of free speech" (p.

A40). It is natural, then, that "sensitive communities," including many academic communities, will "seek ways of limiting such abusive and venomous language" because they recognize that "[i]t is the hateful thought behind the epithet or slur that makes it so offensive" (p. A40).

O'Neil observes that, in light of this decision and the view of the First Amendment it presents, some speech codes and rules may have more difficulty being sustained than others. For some time, however, he has felt that they have been of questionable value (See O'Neil, 1989; Pavela, 1989), and seems to welcome this opportunity the Court has provided to reassess all such policies (p. A40). Rules which restrict "fighting words" or language deemed offensive to the hearers because of their "race, religion, gender, and sexual preference," he believes, are those most likely to fail under the holding in St. Paul (p. A40).

O'Neil comments on the fact that policies at both the University of Michigan and the University of Wisconsin, designed to prohibit racial harassment and discrimination, were struck down by federal district courts because they were determined to be unconstitutionally vague. (See Doe v. University of Michigan, 721 F. Supp. 852 (E.D. Mich. 1989); and UW-M Post v. Board of Regents, 774 F. Supp. 1163 (E.D. Wis. 1991)). He also notes that attempts by the Wisconsin Legislature to improve their code has been frustrated by divisions cut along the lines that divide the general population. Further, Congress has considered a bill that would forbid all public and private colleges and universities which receive federal funds "from disciplining students on the basis of protected speech," although O'Neil is not optimistic of its chances for passage (p. A40). Finally, O'Neil notes that the American Association of University Professors has issued a strong statement calling unjustifiable all codes which "ban or punish speech based

upon its content'" (p. A40).

O'Neil believes that in spite of how one may feel personally about the decision in St. Paul, those who serve in academic communities should not miss the opportunity to reevaluate what their own response will be. He recognizes that some private institutions may be tempted to disregard it completely because the First Amendment does not apply to them. He also anticipates that some public institutions may take the position that the ruling will have a limited and narrow application which may not extend to campus policies (p. A40). His point, however, is that this case should prompt all to consider the nature and limits of campus speech in general and particularly the educational opportunities afforded in the midst of crisis. The latter point was made by several members of the sample in the present study as well.

Just as speech codes are not needed to prohibit and punish much of the offensive behavior that occurs on campus, neither was a Supreme Court decision necessary to require a better job of discerning the important distinction between expression with no value and that which contributes to the educational process. Nor should the opportunity be missed to enhance what is done to educate about why it is wrong to engage in offensive behavior -- even if it is technically legal. O'Neil advocates vigorous "condemnation of racist and sexist epithets and slurs" as both appropriate and essential (p. A40). But he also recommends the establishment of rules that focus on conduct as opposed to speech. Such presumably may have saved the St. Paul ordinance. Such would also, in his mind, protect the expression of all ideas and their respective contributions to the mission of each academic community. This should inspire only the highest levels of discourse. That which degrades has no place in an educational institution. On the other hand, to proscribe the expression of even the most hateful

person always risks drawing the line too far on the side of what should be tolerated for the sake of the greater principle of free expression. The ultimate irony is that while offensive expression is, perhaps, least tolerable in an academic community, this may also be where the greatest toleration for the expression of any idea should be found (p. A40). Members of the sample had an opportunity to express themselves on how they resolved this dilemma.

A case from higher education and reactions to it from different perspectives. A case which preceded the St. Paul decision, and seems to have anticipated its outcome, did take place on a university campus. And while some might hold that there is a substantial qualitative difference between burning a cross on a particular African-American family's lawn and a fraternity skit featuring a white male wearing an afro wig and blackface with pillows stuffed "in his bosom and backside" while competing in an "ugly woman" contest (Wiley, 1991, p. 1), others would find both equally violent in terms of the impact of each incident upon its respective victims.

The Sigma Chi chapter at George Mason University is the group that chose to exercise its right to free expression in this manner. When the university suspended the fraternity, suit was brought to declare the penalty an infringement of the group's First Amendment rights. A United States District Court judge agreed and ordered that sanctions imposed by the university be lifted. He stated that even though "the university disagreed with the message" it could "not discipline the students by infringing on their First Amendment rights based on the perceived offensive content of the activity" (Wiley, p. 1). (See Iota Xi Chapter of Sigma Chi v. George Mason University, 773 F. Supp. 792, E.D. Va. 1991.)

Typically, there were two reactions to the decision. One side expressed the

concern that this would not only open the way for "those who might conduct racist or sexist activities in the future," but it would also inhibit "administrators from curtailing racial hostility on campus" (Wiley, p. 20). The minority affairs director at the university regrets the message sent by the decision, as well as the message that is not sent; namely, the pain felt by the students throughout the ordeal. He also sees it as "a bad precedent for those trying to discipline students who commit acts of insensitivity -- knowingly or unknowingly. This case will clearly dictate how universities take action around the country" (p. 20). It is pointed out that the so-called "hostility factor" on predominantly white campuses has been found "to be largely responsible for the gradual decline in enrollment of African American Students at predominantly white institutions" (p. 20).

If colleges and universities are going to have to comply with court decisions such as this one, it has been suggested that they should at least establish something like "community value codes" which can then be reinforced "with workshops and programs on sensitivity to ensure their effectiveness" (p. 20). It is no secret that "an environment where discrimination is tolerated . . . is not conducive to learning," especially for the victims (p. 20). Supporters of the decision, if not the conduct, contend that a different outcome "would have been constitutionally unjustifiable, and that in a democracy, objectionable expression" while often unpleasant, is the price to be paid for freedom (p. 20).

Victor Glasberg, the ACLU lawyer who represented the fraternity, referred to the matter as "a hard-line civil libertarian case, predicated on the theory that merely offensive speech and conduct cannot be punished at all, whatever its content" (Glasberg, 1991, p. 21). He also expressed the hope that the decision would free the university "to focus on the real issues of the ugly women contest -- sensitivity to racial diversity and

women's concerns -- which have received short shrift to date'" (Wiley, 1991, p. 20).

Wiley (1991) reports that George Mason history professor Roger Wilkins, an African American and self-proclaimed absolutist on First Amendment issues, considers this a close case in terms of whether the skit could be considered protected expression. He is more certain, however, about the very kinds of expression the First Amendment was designed to protect; namely, that which runs the risk of being offensive or controversial. He also points out that those who are sometimes the victims of offensive language are also significant beneficiaries of strict rules in support of unpopular messages. He even goes so far as to say that being hit with a racial slur is the price one must pay to be able to press his or her own agenda (p. 20). Others, whose views will be examined shortly, believe that the price is too high.

Wilkins also makes the important distinction between that which may be "acceptable" expression under the Constitution and what is appropriate in an academic community. He states that even though it may be "legally wrong" for the university to punish the fraternity, "it is educationally correct for the university to make it clear that that speech has no place in a civilized society. It has an educational obligation to teach appropriate behavior'" (Wiley, 1991, p. 20). This is a relatively balanced approach for a First Amendment absolutist to make and represents, through its emphasis on educating for normative behavior, an approach which could be classified as having a moral perspective.

Glasberg (1991), on the other hand, focuses less on the moral or educational obligations and more on the importance of protecting offensive expression as a matter of legal principle, the principle being that "content does not matter and suppression of offensive free expression is unconstitutional" (p. 21). He admits that while "the law has

not adequately protected minority groups," the answer to this unfortunate development is not "more repression of diversity and dissent, more prescribed orthodoxies, more uniform standards of behavior" (p. 21). Rather, it is "making sure that the system stays as open as possible" (p. 21). In Glasberg's opinion, minorities have the most to lose if the government begins to restrict the legal limits of speech (p. 21).

Speech codes in higher education. One who most likely has applauded the ruling in both the George Mason and St. Paul cases since they have been handed down is Miller (1992), who has issued a commentary on many of the recent attempts around the country to restrict offensive expression. Noting some of the more ambitious attempts to demonstrate sensitivity to certain historically victimized groups at the expense of expression, he seems not to appreciate the sincere motives behind the need to eliminate the behavior in question, even if the means used are ill-advised.

He cites, for example, provisions from the University of Michigan's code, which was found to be unconstitutionally vague, which prohibited, among other things, distributing flyers in the residence halls which contained racist threats, not inviting a person to a floor party because she is suspected of being a lesbian, or displaying a Confederate flag on the door of one's room (p. 4). The University of Connecticut went even farther by prohibiting "inappropriately directed laughter" or "conspicuously excluding" someone from joining in a conversation (p. 4). Reverting to a more traditional means of control for a distinctly different kind of problem, Vassar requires that anything a student may publish which criticizes the college or its administration must be approved by the public relations office (p. 4).

Regardless of what kind of expression an institution attempts to control, however, Miller is correct to point out that "the free exchange of ideas" has traditionally been

considered "to be of central importance" to the mission of higher education (pp. 4, 17). Moreover, he believes that "universities and colleges are unique in their need to remain absolutely autonomous from policies prohibiting specific kinds of speech." This is why he sees "the presence of speech codes on college campuses" as both "ironic" and "disturbing." The irony stems from the fact that "the academy has always been a bastion of liberal and free thinking," but now, just as "repressive governments around the world are in the process of liberalizing," universities are tightening up (p. 17).

Miller suggests that the current rush to establish speech codes is the result of successful "pressure from student activists" who have been used as "tools" by "an entrenched Left-wing activist network" to "stifle any discussion that dissents from an orthodoxy pandering to every special interest group that proclaims itself oppressed" (p. 17). He asserts that students who openly criticize "the new p.c. orthodoxy" risk direct repercussions for the expression of their opinions, and student newspapers which dare to express "views counter to the university's official party line on questions of race and gender have been either shut down or denied facilities and funding" (p. 17). This issue, in particular, was pursued with some intensity in the second and third phases of the present study.

Miller believes that, in the final analysis, "speech codes fail in their mission to diminish discriminatory harassment because they mean to prevent discrimination rather than overcome it" (p. 17). He agrees with O'Neil that "colleges and universities need to work toward solving the problem of discriminatory harassment by maintaining the ideals of free inquiry (p. 17). Miller also castigates what he considers to be the "liberal" tendency to promote "the concept of group identification and the ideology of victimization while concurrently ignoring the primacy of the individual" (p. 17). This

"group-entity fixation," in his opinion, has fostered a number of "ridiculous theories about a privileged class of white male oppressors [and] intensifies the resentments that speech codes hope to eliminate" (p. 17). Perhaps, O'Neil (1992) shouldn't be so surprised that "a normally conservative Court" (p. A40) would strike down the St. Paul law. According to Miller, this is precisely what a conservative would advocate. "To think freely," he says, "we must be allowed to learn freely. Failure to challenge speech codes now may make future challenges futile" (p. 17).

In addition to his questionable perception of the reality of privilege in the United States, Miller makes a comment which is not only inaccurate, but also overlooks the sweeping nature of the problems of free expression on campus. He states that the proliferation "of speech codes marks a departure from other forms of university censorship" by targeting students rather than "campus speakers or university professors, as in the past." He then quotes George Will on the matter who perceives this to be "a broader threat to freedom than the liberal mobs that howled down speakers supporting the U.S. commitment to Vietnam," and is ultimately more disturbing "than McCarthyism . . . because today the forces of censorship arise within academic culture" (p. 17).

Speech rights and tenured administrators. Dr. Leonard Jeffries may have a different opinion from Miller and Will about the current situation. He sued CCNY for \$25 million because he was dismissed as chair of the Black Studies department for making "comments allegedly anti-semitic and Black supremacist in tone" in public. His tenured professorship was not affected (Barnes, 1992, p. 1).

By even raising such a question as what constitutes "appropriate public commentary by faculty who are appointed to chair departments," another aspect of the nature and limits of free expression in an academic community is presented. Barnes

(1992) reports on the views of a number of people representing a variety of vantage points in higher education. One side of the argument in this case is presented by David Mercowitz, director of public affairs at the American Council on Education. He points out that an administrative position is a discretionary appointment, and not one to which anyone has a right (Barnes, p. 1,6). The administration and the governing body must always retain the right to determine whether lower administrators can adequately fulfill their duties. If it was determined "that the public notoriety of his speech prevented him from being an effective administrator, they had the right to remove him and find someone who could do a better job'" (p. 6). Similarly, Peter L. French, provost and vice president of academic affairs at Mercy College in New York, acknowledges the tension that exists "between the line that a university establishes for academic freedom and that of a faculty member holding an administrative position." In the former capacity, one should be able to report whatever emerges from his or her research without fear of negative repercussions. That same kind of freedom does not automatically accompany one's administrative position (p. 6).

Another perspective is offered by Michael Levin, a white member of the philosophy department at CCNY who has asserted publicly "that Blacks are intellectually inferior to whites." He believes that the public statements of his African American colleague should nevertheless be protected by the First Amendment. He further asserts that it would be wrong to remove anyone from an administrative position because of statements he or she has made as a scholar. Levin, himself, was on the winning end of a suit which concluded "that CCNY did not have the right to file disciplinary action against" him for writing "a letter to the editor of an academic journal declaring that lack of intelligence and not discrimination or poverty is the cause for Blacks' `meager`

representation in the science disciplines" (p. 6).

In agreement, Ernst Benjamin, general secretary of the American Association of University Professors, has said that a tenured faculty member, administrative duties notwithstanding, should have "the same rights as any citizen'" (pp. 6-7). Likewise, one speaking on behalf of the ACLU expressed that it would be cause for serious concern if Jeffries' removal from a position he held for twenty years was because of his beliefs or any remarks he may have made (p. 7).

In spite of the differences of opinion, two points seem to carry the weight of consensus among those commenting. First, if nothing controversial were ever said, there would be little conflict, but also no "marketplace of ideas;" and second, there are few easy answers or solutions in cases like this (p. 7). One of the purposes of this study was to see if those who have to produce the answers and solutions to these problems in Lutheran colleges and universities look to their relationship with their churches and the values inherent in that relationship to inform their answers and shape their solutions. For some, it almost takes the form of a moral or theological imperative. Consequently, the next section will examine some of the literature which focuses on at least the moral dimension of free expression. The first two issues addressed deal with whether civil or criminal remedies should be used for expression problems. Since the presidents in the study had an opportunity to address them, it was felt that it would be helpful to provide the theoretical arguments supporting each position by their leading spokespersons.

Legal and Moral Perspectives of Restrictions on Racist Speech and Group Defamation

A legal remedy in tort: Delgado. Two individuals who have invested considerable effort into the formulation of a solution for the problem of racist speech are Delgado

(1982) and Matsuda (1989). Both authors have written a significant law review article which presented their respective approach. In "Words That Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling," Delgado (1982) argues that such a remedy for these problems "is both permissible and necessary" (p. 134). After examining "the harms caused by racism and racial insults to the victims, to the perpetrators, and to society as a whole," as well as "the various doctrines under which plaintiffs have brought lawsuits for racial insult," he concludes that they "fail to provide adequate protection against such language" (p. 134).

It seems perfectly logical to him, therefore, that if the law is capable of restricting segregated schooling, offensive mottos on license plates, unwanted non-violent physical contact or the removal of one's hat, it should also be able to address the harm which most certainly occurs as a result of a racial insult (p. 145). It is often said, as appropriate responses to offensive speech are discussed, that the best solution is "more speech," rather than restriction of that which gave rise to the issue in the first place. Delgado points out, however, that, unlike the kind of dialogue which can move debaters closer to a synthesis or resolution of a social or political issue, more speech in response to a racial insult is unlikely to help and may very well cause further injury to either the original victim or even the perpetrator (p. 146; 177, note 260).

The notion that one brings harm to himself or herself when engaged in hateful behavior, including expressive activity, is developed further by Delgado. It is easy to recognize that "a racial insult is always a dignitary affront, a direct violation of the victim's right to be treated respectfully" (p. 143). But it may also be true that those who issue insults based solely on the race, gender, or other characteristic or disposition of the victim have really degraded themselves in the process, for it could be said that those who

would attack the dignity of another in this way have also denigrated their own humanity because of their disrespect for themselves and the other (pp. 143-144).

Legal sanctions available to victims, therefore, may not only relieve "the sense of helplessness that leads to psychological harm," but also communicate "to the perpetrator and to society that such abuse will not be tolerated" (p. 147). Delgado recognizes that law, in itself, will not change the heart of a person, but he does suggest that making the consequences of such behavior undesirable to the perpetrator should reduce its frequency. Moreover, it could also begin, over time, to establish patterns of behavior which gradually evolve into changed attitudes. Consequently, he believes that "a tort for racial slurs is a promising vehicle for the eradication of racism" (pp. 148-149).

The crucial issue for him is not so much whether it is morally right to speak offensively to another with the intent to hurt that person -- for most would agree that it is not -- but to ascertain whether a constitutional right exists to do so. Delgado takes the position that racially offensive speech is outside the scope of First Amendment protection. He admits that it is content-based speech and therefore subject to the strictest scrutiny by the courts to make sure that speech which should be protected is not being proscribed. But he also recognizes that courts are constantly balancing various interests, and that when the right of protection is weighed against the values inherent in eliminating racist speech, the scales must tip in favor of the latter. He believes that the government has a legitimate interest in providing for such a tort action and ultimately eliminating racial invective and the harm done to the victims and the entire society. He cites Chaplinsky v. New Hampshire which holds "that words which 'by their very utterance inflict injury or tend to incite an immediate breach of the peace' are not protected by the first amendment" (pp. 173-174). Since the primary purpose of a racial

insult is to injure another by using words as weapons, by their very nature they are not protected (p. 176). He then suggests that it may not even be "speech" at all (p. 176, note 254). In any event, the argument certainly can be made that such insults can be analogous to fighting words (p. 173) or obscenity (p. 177).

It has been stated that one of the reasons for having freedom of expression in a democracy is to provide each member of the society the opportunity to contribute to the collective "consent of the governed." Delgado asserts that "[r]acial insults do not further this goal. On the contrary, they constitute 'badges and incidents of slavery' and contribute to a stratified society in which political power is possessed by some and denied to others" (p. 178).

Delgado recommends that an individual bringing a suit in response to a racial insult be required to prove that: 1) the language in question was addressed to the plaintiff by the defendant; 2) it was intended to demean the plaintiff through reference to his or her race; 3) the plaintiff understood the message to be one intended to demean by reference to race; and 4) a reasonable person would recognize the message to be a racial insult (p. 179). According to Delgado, until the law address affirmatively the problem of racism and racial insult, it will continue to convey that equality and justice are not fundamental principles and that "respect for individuals is of little importance" (p. 141). Many of the presidents in the sample of the present study seemed to agree and accepted an action in tort as a legitimate means of resolving offenses of this nature.

Criminal prosecution for a moral wrong: Matsuda. Building on the work of Delgado (1982), and writing from the perspective of a minority female who has experienced personal attacks as a result of her race and gender, Matsuda (1989) advocates the use of what she calls "outsider jurisprudence." This is a legal approach for

addressing the problem of racist speech which considers the issue from the perspective of those traditionally left out or found at the "bottom" of the social scale (p. 2322). There is a significant difference between the policies of Delgado and Matsuda, however. Whereas the former advocates recognition of an established tort action for racist speech, the latter lays out an elaborate argument in support of the view that formal criminal and administrative sanction is an appropriate response to racist speech.

While referring to Delgado's work as representing a "breakthrough," Matsuda moves a step farther by encouraging a legal response to racist expression which goes beyond allowing a civil lawsuit for a tort to requiring the prosecution of a criminal act (p. 2321). She fully recognizes the tension that exists between the desire of many to prevent the harm that accompanies racist speech and the need to protect the freedom of expression. She even provides a very complete and objective statement of the so-called "American position" (pp. 2348-2353), which essentially protects the expression of just about every idea, including the most reprehensible. In the final analysis, however, she sides with the need to eliminate hate speech and the use of criminal sanctions to either deter or punish such offenses (p. 2322).

She cites Bollinger (1986) as one of many who point out that hate speech is protected by the Constitution, in part, "to reinforce our commitment to tolerance as a value" (p. 2322). Given what has happened in the past precisely because minority views were not tolerated, she does not take her position lightly, since it is generally held, and is often true, that tolerance for one set of views should ensure that all others will be heard as well. Nevertheless, there is a difference with hate speech, she believes, for the level of tolerance which some must exhibit in order to bear it is not shared equally by all members of the community at large. It hits disproportionately hard the victims and

those in their group and becomes "a psychic tax imposed on those least able to pay" (p. 2323). In her opinion, whereas minorities take very seriously the kind of attacks in question, and are moved to seek legal redress, non-minorities often wonder what the fuss is all about, viewing the attack as an isolated prank (p. 2327). Being the victim of a racist attack naturally makes one feel alone and scared. Matsuda suggests that while receiving the message is bad enough, the government's tolerant response can become even more a source of despair. When the police, for example, protect racist demonstrators, when the courts dismiss suits for racial insults, or "when racist attacks are officially dismissed as pranks, the victim becomes [either] a stateless person" or a member of a state which supports racism (p. 2338). The point can also be made with regard to membership in an academic community where, because of the closer relationships that often exist, greater injury could occur if the offense is tolerated by those the student has come to trust. The implications for the church that sponsors such a college would be even more negative since the church is one institution whose primary purpose is supposed to be concerned with the well-being of the individual.

One of the reasons Matsuda believes immediate redress must be made available is because such incidents are rarely isolated. She mentions, particularly, that when one occurs on a college campus, "it is rare to hear of one incident only" (p. 2327, note 37). She even goes so far as to provide an extensive footnote which refers to incidents occurring on various campuses prior to the writing of the article (p. 2333, note 71).

She also notes that the United States is the only country in the common law tradition which demonstrates such a high level of tolerance for racist speech (pp. 2347-2348). Ironically, the United States has even expressed its support (although the Senate has not ratified the agreement) for the elimination of racism, and has recognized the

illegitimacy of racist propaganda and the need for its control under the international law of human rights (p. 2344).

Another source of frustration for those seeking greater legal weapons against hate speech is the fact that other limitations on expression already exist. The law allows some commercial speech to be restricted. Likewise, the law of defamation and the lack of protection for obscenity and speech which violates the public order demonstrate that the American position is not absolute (p. 2355-2356). The question, then, becomes one of determining why restrictions cannot also be extended legitimately to racist speech as well. The "public order" categories, such as incitements to riot and "fighting words," Matsuda points out, are those which fall outside the scope of First Amendment protection because they are likely to "bring men . . . to blows" (p. 2355). Pointing out that "this is a male-centered standard," she identifies what may be the answer to the question posed above; namely, that the prevailing philosophy of law in this country is a white male-dominated institution which has had difficulty comprehending how the so-called "outsiders" she emphasizes in her jurisprudence could feel by this treatment. If they could, she presumably would conclude, the law would be different. This is reminiscent of John Rawls' (1971) A Theory of Justice which suggests that if people did not know what position they would hold in society while they were making the rules for it, they would be quite sure to protect the rights of those who would be the "least advantaged" because they could end up being one of them.

Therefore, Matsuda advocates treating racist speech as a "sui generis category." This would require the use of "a narrow definition of actionable racist speech," but would also not violate the integrity of basic First Amendment values. The only acceptable alternative would be to expand "existing . . . exceptions, such as the `fighting

words' doctrine and the 'content/conduct' distinction." The former "non-neutral, value-laden approach" is preferable because such special treatment will not only recognize the seriousness of the matter, it will also "better preserve free speech" (p. 2357).

In order for expression to qualify for this proposed restricted category it would have to 1) convey a "message . . . of racial inferiority," 2) be "directed against a historically oppressed group," and 3) be "persecutorial, hateful, and degrading" (p. 2357). By employing very narrow elements such as these the interference with legitimate speech is avoided. Therefore, one would still be allowed to argue, for example, that a particular group might be genetically superior as long as it was done "in a context free of hatefulness and without the endorsement of persecution." Likewise, stereotyping and satire would also be permissible as long as it did not use "persecutorial language" (p. 2357), as would the research findings of "the dead-wrong social scientist" (p. 2364). All this is not to say that such affronts must be tolerated in silence. It still remains very appropriate to use speech to counter offensive speech by education, "social approbation, boycott, and persuasion" (p. 2357).

While Matsuda recognizes, even before the decision in R.A.V. v. St. Paul, that prohibiting speech on the basis of its content has always been resisted, and is likely to be even more so now, she nevertheless argues that "explicit content-based rejection of narrowly defined racist speech is more protective of civil liberties than the competing-interests tests or the likely-to-incite-violence tests that can spill over to censor forms of political speech." She asserts that the "need to fight racism at all levels, the value of explicit formal rules, and a fear of tyranny . . . suggest the wisdom of legal intervention with only a narrowly defined class of racist hate propaganda" (p. 2360).

One controversial aspect of her proposal is the exclusion of members of majority

groups as people eligible to use the law as a means of redress in response to hate speech attacks. She recognizes that this could be "troublesome" to some, but ultimately believes that there is a qualitative difference between the hurt felt by and the harm done to minorities as opposed to non-minorities (p. 2361). The difference for her is that "[t]he dominant-group member hurt by conflict with the angry nationalist is more likely to have access to a safe harbor of exclusive dominant-group interactions" (p. 2361).

Matsuda also spends some time discussing racist "symbols and regalia" (p. 2365), "anti-Semitic literature" (p. 2366), "monetary conspiracy theory and holocaust hoax literature" (p. 2367), "ethnic humor" (p. 2368), "the use of racist slurs in the interests of realism in books, films, and theater" (p. 2369), and "the right of the Klan to exist publicly and to spread a racist message" (p. 2379). For each of these she is open to their criminalization, often suggesting that "the experience of victim-group members" serve as a guide in the decision (p. 2369). Such a subjective standard for something which also seems to fit the category of political expression, makes this part of her argument a bit more tenuous. Items in the second survey used in this study sought responses from the presidents on some of these topics.

In the area of campus-based hate speech, Matsuda believes that toleration is more harmful for an academic community than for society in general. Victims learn that they cannot come to depend on the institution to provide a sense of community, intellectual development, or self-definition (p. 2371). When the racist expression occurs in a classroom and is not part of a discussion about the limits of free speech, a very confusing message is sent. It also hurts perpetrators by teaching them that they can get away with behavior which is counter to the typical objectives of a liberal education, which Matsuda believes should include "lessons in critical thought and inquiry," not "cynicism and

hate" (p. 2371).

In the final analysis, she believes that "[w]hen hate speech is protected the First Amendment values are sacrificed" (p. 2377). And when the state is silent, it has nevertheless acted, and the implication is an endorsement of or indifference to what is widely considered to be "socially unacceptable . . . aggression" (p. 2378). Because a society expresses its values through its laws, and has done so in many other areas, when it doesn't address the problem of racist speech the message is even more direct (p. 2379). Matsuda believes that racist speech can be attacked, "not because it isn't really speech, [or] because it falls within a hoped-for neutral exception, but because it is wrong" (p. 2380). This ultimately moves her position into a moral as well as a legal sphere. She recognizes the potential for misuse for various legal remedies, but believes that this should not deter the effort (p. 2380). For her, the ultimate justification must be the belief that each person has inherent worth and "is entitled to a life of dignity" (p. 2381), a position one would assume would be shared by the participants in this study.

Hate speech is free speech: Gard. In direct opposition to Matsuda's position that racially insensitive expression in almost every form should constitute a violation of the criminal law, in disagreement with Delgado's view of a special tort for racist speech, and perhaps even a bit to the right of the Supreme Court majority in R.A.V. v. St. Paul, is Gard (1980), who holds the opinion that the "societal interest in free and uninhibited expression," even when it is "candid and unpleasant," is so profound that the Constitution prohibits anything which would restrict it (p. 581). He offers an opinion about the use of tort law in cases where offensive words have caused "severe emotional stress" which, considered in light of recently heightened sensitivity to language and racial issues, seems remarkable for its insensitivity. He states that the law of torts in American

jurisprudence "has consistently held that although personally abusive epithets may cause momentary hurt feelings, such a minor injury is simply too trivial for the law to recognize" (p. 579). With regard to the "fighting words" doctrine, he does not believe that it can "withstand first amendment scrutiny" (p. 581).

He points out that the decision in Chaplinsky v. New Hampshire, which created the doctrine of "fighting words," and enumerated the other alleged exceptions to First Amendment protection (libel, obscenity, commercial speech, and offensive language), is the only case where a conviction was affirmed using this approach (p. 531). Consequently, he feels that its authority in this narrow holding is suspect and its inconsistency with established constitutional law significant.

The language of the Court in Chaplinsky, which Gard believes has caused the current problem, reads as follows:

"There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or 'fighting' words -- those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality" (p. 533).

Chaplinsky notwithstanding, Gard asserts in response that

the fighting words doctrine is nothing more than a quaint remnant of an earlier morality that has no place in a democratic society dedicated to the principle of free expression. The doctrine, which operates, at best, to penalize individuals for failing to show others the respect society deems proper and, at worst, to penalize individuals for vehement criticism of government officials, is simply not constitutionally justifiable. Whatever the desirability of maintaining a polite society, the first amendment prohibits the government from seeking its preservation by means of censoring expression entitled to constitutional protection (p. 536).

In the midst of a thorough examination of the elements of the "fighting words"

doctrine, Gard points out how important it is to distinguish between speech toward individuals and groups, speech for which the focus is content as opposed to the reactions it evokes from the hearer in light of the circumstances in which it occurs, and speech with audiences which are hostile versus those which are sympathetic to a subversive message (pp. 536-537).

In order for speech to qualify as "fighting words," it must: 1) "constitute a personally abusive epithet," 2) "be addressed in a face-to-face manner," 3) "be directed to a specific individual and be descriptive of that individual," and 4) "be uttered under such circumstances that the words would have a direct tendency to cause an immediate violent response by the average recipient" (p. 563). Gard spends a significant amount of time discussing how important the first element is, but also how complex analyses in the cases with so-called "mixed utterances" can become if the speech also happens to assert a message with sufficient ideological content to bring it within reach of constitutional protection (pp. 540-541). He then goes on to explain why the facts in Chaplinsky v. New Hampshire, the very case which gave rise to "fighting words," made the case itself a poor candidate for application of the doctrine. He asserts that the statements that were made, to whom they were made, and the context in which they were uttered, clearly should have invoked the First Amendment to protect them (p. 542). If the Supreme Court had considered "the issue of whether the words were objectionable merely because of the ideas they expressed," the conviction would not have been upheld in his opinion (p. 542). Indeed, he believes a strong argument could be made that this particular utterance, because of its political content, should have been "entitled to the highest degree of constitutional protection" (pp. 542-543). It is fortunate, therefore, according to Gard, that Chaplinsky itself has not become a strong precedent (p. 543).

Gard calls the questions that are raised when a personally abusive epithet involves the use of racial and religious slurs the most difficult to deal with because they take to the limit "the principle that a listener's ideological objection to the content of a communication cannot form the foundation for a fighting words conviction" (p. 545). He asserts that a "well founded . . . judicial recognition" that censorship of racial and ethnic slurs, merely to avoid the danger of violence in response to the expression, will not be justified (p. 547). This is because such a response is neither "the necessary consequence of such speech" nor "the serious evil of the speech" (p. 547).

Gard does acknowledge that the real evil inherent in such expression is the "extraordinary hatefulness and ugliness of the ideas" conveyed in it and the danger that certain individuals or groups will embrace them and then act in accordance with those ideas. This, he concludes, makes the primary objection to racial and religious slurs one which is ideologically based (p. 547). But such expression automatically finds itself among that which traditionally is entitled to the highest constitutional protection. Therefore, according to this logic, racial and ethnic slurs are, by definition, within the scope of the First Amendment.

A holding, then, that the display of a swastika (or the burning of a cross) can be proscribed as fighting words would be in violation of the First Amendment and the American "tradition of uninhibited interchange of ideas," since a democratic society must afford constitutional protection to "even the most odious ideas" if it "is to retain its essential characteristic of popular self-governance" (pp. 547-548). To conclude, however, that "it is virtually impossible to find fighting words cases that do not" represent an "expression of opinion on issues of public policy" (p. 548) is quite an overstatement. Based on the responses of some in this study, it can be concluded that

a portion of the sample would agree.

Gard cites Gooding v. Wilson, 405 U.S. 518 (1972), as the best example of the principle that the Constitution protects private expression of dislike and disrespect. Similar to its ruling in R.A.V. v. St. Paul, the Supreme Court set aside the conviction being appealed on the ground that the statute was found to be invalid on its face because it prohibited expression that the First Amendment protected. The question of whether the expression met the test for fighting words was never reached because the definition of "fighting words" in the statute also "proscribed expression that was merely offensive, vulgar, insulting, or disgraceful to the person to whom it was addressed" (pp. 548-549).

Gard points out the importance in distinguishing between the fighting words doctrine and the hostile audience doctrine. The former applies to speech directed to an individual; the latter when a group is addressed. One significant difference between the two is that the police are obligated to protect the speaker from the hostile audience whenever possible (pp. 561-562).

As was evident in the separate opinions in St. Paul, the members of the Supreme Court do not always view the application of various doctrines in a similar way. Gard cites the dispute over the use of Chaplinsky as support for a group libel conviction in Beauharnais v. Illinois, 343 U.S. 250 (1952). As a member of the majority in Chaplinsky, Justice Black dissented in Beauharnais because it applied a holding based on speech addressed to an individual to a situation where the offensive expression was directed toward a group (p. 562). Regardless of how the Court holds, it is Gard's contention that if offensive language is protected, and expressions of dislike or disrespect are also protected, speech which combines them both should receive no less protection (p. 569).

One of the reasons he cites for the protection of offensive language, which bears

somewhat on the issue of racial and religious groups, is that it is often difficult to know what may or may not be universally offensive, given the variety of subcultures in the society. He fears that what a majority may find unacceptable may not be so perceived by a particular group, and to restrict all on the basis of that majority attitude would "reflect a myopic ethnocentricity" and increase the risk of a judge or jury making its decisions in a very subjective fashion (p. 571).

With regard to the idea of criminalizing libelous expression (which Matsuda would extend to racist speech as well), Gard asserts that much legal opinion is opposed to that tendency (pp. 574-575). Citing the Model Penal Code, for example, he reports that the criminal law cannot be invoked just because "defamation is evil or damaging to a person in ways" which might support a civil action. Instead, it should be reserved "for harmful behavior which exceptionally disturbs the community's sense of security" (p. 575). The latter is precisely what Matsuda, and others who support greater legal sanctions for offensive speech, believe is already happening in a most profound way.

Interestingly, Gard cites "discrimination against ethnic and racial minorities" as one of the major reasons for not allowing censorship of messages which would nevertheless be offensive or hurtful to some who would hear them (p. 578). Finding an acceptable balance is a significant dilemma. Finding a solution which will please everyone is clearly impossible. As some comments from the presidents interviewed for this study reveal, however, various segments of their campus communities still expect balance and solutions to be achieved.

Hate speech is not speech: Lasson. Taking the position that "Beauharnais is still good law" (p. 32) because libel, including group libel, is non-speech" (p. 34), Lasson (1985) considers the tradition of including racial defamation within the scope of free

speech and concludes that it is an abuse of the First Amendment (p. 11). He asserts that "whenever the speaker's intention, or the perceived effect of his speech, is to cast ridicule or contempt upon a racial group" racial defamation occurs. Determining "intention" and "effect" is left completely within a court's subjective discretion. He believes that the trier of fact in a case "must be free to discern (and punish) bigotry masquerading as history or science" (p. 48).

One of the common arguments in support of an absolutist approach to the First Amendment is the notion that all expressive activity should be allowed to compete in the so-called marketplace of ideas and succeed or fail on its merits alone. And while there is great appeal in this position, Lasson suggests that, in the case of racial defamation, there is no legitimate idea for the marketplace to consider. Consequently, the principle is not applicable and the expression therefore can be proscribed with no fear of violating the First Amendment. He does not even consider racial defamation to be a false idea, but solely "a form of assault" (p. 46) that the law has no choice but to restrict.

He recognizes that the difficulty in drawing lines between what is acceptable and what is not is inevitable. That alone, however, should not deter those charged with drawing them from doing so. Indeed, line-drawing is already quite common in the law, especially in First Amendment jurisprudence. Determinations must constantly be made, for example, with the analogous case of pornography versus art and claims based on the free exercise of religion. Distinguishing "between racial defamation and political comment," Lasson concludes, may even be easier than the others (p. 48).

To those who would say that this still is an infringement on one's liberty, he suggests that the only way personal liberty can be measured, especially freedom of

expression, is by determining

the degree to which it allows an individual to impose his speech on someone else, and the deleterious effect his actions might have on others. If either is excessive, the liberty must be restricted. The effect of racial defamation is demonstrably deleterious to all persons within the scope of its contempt. It lacks constitutional value; its imposition is the verbal counterpart of a body blow to all persons swept within the scope of its contempt, as well as to the social fabric of American democracy. The ultimate liberty, after all, is not freedom of speech, but the right to live in peace, secure from harassment (p. 53).

If expression which is obscene, speech which is dangerous, or statements damaging to a person's reputation can be punished, how, Lasson wonders, could one ever conclude that speech which conveys racial hatred and contempt should be protected? In his opinion, it is just as "damaging to a free and civilized society" whether it is "subtly undercutting human dignity or explicitly calling for the destruction of an entire race" (p. 54).

He admits that it may be impossible to eliminate "private thoughts of racial superiority," but asserts that "the survival of democratic principles" could be threatened if the idea is allowed free expression (p. 54). According to Lasson, freedom of speech was never designed to protect racial defamation. The law should not begin to protect it now (p. 55). He looks briefly at the intent of the framers of the Constitution and concludes that it provides the following argument against protecting racial defamation:

Group libel deliberately exacerbates group tensions, playing negatively upon the heterogeneous character of American society. The stirring up of racial or ethnic "fears, hate, guilt and greed" is fundamentally opposed to the Framers' intent to ensure cooperative social pluralism. Insofar as differences of opinion are protected by the first amendment, the tenor of debate may be anywhere between polite and bitterly caustic But racial defamation is essentially different. By casting contempt on a group on the basis of race or ethnicity, the goal is not to participate in debate founded on the principle of pluralism, but to destroy it. In this sense, racial defamation is subversive speech. Unlike political extremism, in which (however distorted its form) the Framers' principle of self-government is evident, the principle underlying racial defamation is pure

discrimination. Invidious race and ethnic discrimination has been rejected as antithetical to American national policy. See *Bob Jones Univ. v. United States*, 461 U.S. 574 (1983). The positive intent of the Framers to found a nation based on pluralism should not, therefore, be distorted to tolerate the free rein of vindictive attack which is unrelated, except in appearance, to a constitutional or national purpose (p. 23. note 80).

Opinions differ as to the actual current precedential value of Beauharnais v. Illinois. The case itself involved an appeal from the conviction of a white supremacist who had been charged under a statute making it unlawful

"to manufacture, sell, or offer for sale, advertise or publish, present or exhibit in any public place in this state any publication . . . which portrays depravity, criminality, unchastity, or lack of virtue of a class of citizens, of any race, color, creed, or religion which . . . exposes the citizens . . . to contempt, derision, obloquy or which is productive of breach of the peace or riots" (p. 32, note 144).

The Supreme Court held that the statute was constitutional. And even though the decision was only five to four, three of the dissenters were not opposed to a state's right to legislate against group libel. Their respective objections in the case revolved around the vagueness of this particular statute, procedural irregularities at the trial, or the standards for such statutes, and not the concept of proscribing group libel. Only Justice Black, an absolutist on most First Amendment issues, believed that the defendant's expression was protected (pp. 32-33).

While it is true that Beauharnais has never specifically been overruled, there is some disagreement among the commentators as to the value of its authority. Lasson asserts that the "Court continues to cite it with favor (p. 33). It remains to be seen if even that will continue in light of the decision in St. Paul. In any event, it certainly has not established a strong precedent. Lasson also points out that "the conceptual framework of Chaplinsky, on which Beauharnais was grounded, remains the starting point for first amendment analysis" (p. 33). As was stated earlier, however, Justice Black

sees a problem in using one case designed for individual encounters as authority for a case where the issue is group libel (Gard, p. 569).

Nevertheless, Beauharnais is still seen by some to "stand . . . for the proposition that libel is non-speech" (p. 34), a fact Lasson believes is substantiated by reference to the rulings in Roth v. United States, 354 U.S. 476 (1957), and New York v. Ferber, 458 U.S. 747 (1982), which deal with obscenity, and a comment, also in Ferber, which calls the holding in New York Times v. Sullivan, 376 U.S. 255 (1969), an exception to Beauharnais. This is significant because Sullivan is sometimes thought to have overruled Beauharnais. In short, the conclusion is that the Court seemingly would uphold a statute prohibiting racial defamation of a group if it was properly drawn (p. 35).

Lasson suggests that courts must make at least three inquiries in the process of determining the constitutionality of group defamation laws. The first is whether "the deleterious effect of racism [is] so substantively evil as to justify state action to prevent or counteract it." The second, even with a compelling state interest, is whether "the evil persist[s] where whole groups, not individual persons, are defamed." Finally, it must be determined whether "group libel [is] properly characterized as speech, somewhere within the hierarchy of first amendment protection, or . . . classified as totally unprotected 'non-speech'" (p. 37).

In response to the last concern, Lasson takes the position that group defamation is not speech at all since hardly

any intellect is necessary to hurl racial epithets, paint a swastika, burn a cross, or blame a minority group for specific problems. A "free and robust exchange of ideas" is nonexistent; there is an absence of debate by which the individual can make up his own mind on the basis of all the evidence and on every political or moral issue. Thus, racial defamation short-circuits the democratic principles of self-government. By threatening these basic principles, racism becomes a substantive evil not only to those persons directly targeted, but also to all of society (p. 39).

Presumably in response to those who would distinguish between fighting words to one person and group libel, Lasson suggests that "[a]n intimate nexus exists between individuals and the groups or associations to which they belong" (p. 39). He recognizes, however, that this is still a minority view and that there remains a tendency to reserve redress to those incidents where an individual and not a group is the victim. Nevertheless, in the final analysis, Lasson maintains that "[w]hen society permits destructive attacks on a group, individuals within that group inescapably suffer" (p. 40).

Seeking legal rights and moral authority for people before principles: Laramée.

Addressing the issue of "Racism, Group Defamation, and Freedom of Speech on Campus," Laramée (1991) offers yet another attempt to confront the delicate balance between group defamation and free speech with the hope of arriving at the most prudent and just solution to this perplexing problem (p. 61). Sensitive to the crucial role that the freedom of expression plays in the democratic society, especially in an academic community, he nevertheless also feels that the abuse of this freedom can no longer be tolerated and must incur "swift and sever punishment" (p. 62). The fact that the very "roots of racism" that need to be eliminated are "found in the language that we use" (p. 55) compounds the problem of walking the delicate line between the proper balance of freedom to speak and freedom from hateful speech.

He considers "group defamation" to be "any oral, written, or symbolic speech that debases or degrades members of a group on the basis of a characteristic that is allegedly common to the group, or that by its very utterance inflicts injury on a member of a group, or that promotes animosity against a group" (p. 57). By "group" he means "an aggregation of people identified by a common race, religion, national origin, ethnicity, gender, or sexual preference" (p. 57). His conclusion is that in spite of the

risks involved and the chance that some may feel that their First Amendment rights have been abridged, "the victims of group and class defamation have waited long enough for relief, for some practical and hybrid mechanisms that will not only preserve the principle of free speech but also lessen the divisions between groups that often judge each other with blind hatred, contempt, and ignorance" (p. 62).

What makes it risky and also perplexing to tamper in any way with the First Amendment is the acknowledged value of freedom of expression for the very groups who seek relief for its abuse against them. Laramée cites legal scholar Monroe Freedman who, in addressing a Group Defamation and Freedom of Speech Conference in 1988, suggested that "the greatest safeguard of minority rights in this country . . . along with the Equal Protection Clause . . . is the First Amendment guarantee of freedom of speech and of association -- an essential limitation on the power of the majority to impose its will on any minority" (p. 60). If, however, state officials become the ones who "determine which ideas are to be punished as hateful," the potential for a paradoxical conflict of interests is created. As "freedom of speech and association is restrained in order to protect minorities from group defamation, incalculable harm could be done to minority rights of speech and association" (p. 60).

In the context of today's collegiate environment, Laramée believes that simply advocating the traditional "marketplace of ideas" principle does not take into account the increased complexity of "the application and function of free speech" on campus, and may actually be more limiting than one might expect (p. 61). He suggests that it may be more appropriate, from both a legal and moral perspective, to consider the issue of group defamation. During periods of racial conflict and unrest, which some believe exists now given the number of incidents occurring on campuses across the country, the

law must be used as the base from which the right to free expression and the right to be free from abusive expression are balanced. At the same time, so that "the moral foundation of the academy" can be preserved, the use of the law should be supplemented by rigorous efforts in the areas of "education, mediation, counseling, and policy initiatives" which do everything possible to meet expression which "debases, degrades, inflicts injury, or promotes animosity against minority groups" with appropriate sanctions (pp. 61-62). These are the kinds of concerns with which college presidents must deal.

Preliminary research: Penney. Little research has been conducted to elicit from institutional leaders either the attitudes toward the problem of offensive expression or the means that have been used to address specific incidents. Robert O'Neil (1992) has recently encouraged research which goes beyond "conjecture and hypothesis" as to the relative worth of speech codes and other policies attempting to reconcile the conflicting values of free expression and freedom from discrimination and harassment (p. A40).

One such attempt (Penney, 1992) surveyed a small number of Midwestern institutions and found that more than half of those responding did not have codes designed to regulate hate speech. Nearly two-thirds also indicated that they had no intention of adopting such a code, and about the same amount stated that there had been no desire for one expressed on their respective campuses. Penney pointed out in an interview which discussed her study (Cox, 1992) that colleges and universities must not only find more effective ways for minority students to express their concerns, they must also create a supportive environment where these students are encouraged to participate fully in all programs of their institutions. She is not convinced, however, that speech codes represent the best solution (Cox, 1992, p. 10).

The instrument used in Penney's study makes no mention of legal rights, moral wrongs, or theological concerns of any kind in its examination of campus-based speech codes. Neither is there any item in it which would reveal whether a respondent institution was church-related. Likewise, in the responses to the study's open-ended questions, nothing was written which acknowledged the moral or theological dimension of this topic. Finally, in the notes used for her presentation of the study, which she was willing to share upon request, there is no reference to the denominational affiliation of any of the institutions in the study (Penney, 1992). Church-relatedness clearly was not a factor or a consideration in this study. The concept of church-relatedness in private colleges and universities, however, has been well studied. What follows is an overview of various definitions of church-relatedness and how this study's attempt to use it as a variable in the study related to those previous attempts.

Freedom of Expression in Church-Related Higher Education Institutions

Introduction. Throughout its formal history, higher education has had a close connection with a variety of religious bodies. Indeed, to speak of "church-related higher education" up until a little over one hundred years ago would have been to state the obvious. Today, many colleges and universities still have definite connections -- granted, in varying degrees of strength -- to some established denomination. Consequently, much has been written in the field. This section will examine the topic of church-related higher education in general and some aspects of Lutheran higher education in particular. Some of the issues related to free expression in church-related higher education will also be discussed.

What may be the classic study in this area is the Report of the Danforth

Commission written by Pattillo and Mackenzie (1966), Church-Sponsored Higher Education in the United States. Based on an extensive survey from which the responses of 817 Protestant, Catholic, and Jewish colleges and universities were received, the authors offered not only information and analysis on a wide variety of issues and problems often unique to these institutions, but also some recommendations as to the role they can play in the future of American higher education and how they can aid the churches in the fulfillment of their respective missions.

Intended to be "a systematic assessment of church-related higher education in the United States," in order to provide information about institutions and students which "had never been studied on a comprehensive basis" (p. v), the project directors set out to address five issues: 1) "the most influential forces and ideas, academic and religious, that have shaped the church-sponsored institutions of higher education;" 2) "the essential facts concerning their students, graduates, faculties, curricula, facilities, government (including the forms of relationship with churches), financing, and educational results;" 3) "their major points of strength and weakness and their most important contributions to American education;" 4) the "distinctive" nature of "their . . . roles as academic and religious institutions in our predominantly secular culture and educational system;" and 5) the "courses of action" to "be recommended for their sound development in the years ahead" (p. v.). Pertinent to the present study, Pattillo and Mackenzie also contribute to the discussion of both defining church-relatedness and the role of free expression in church-related higher education.

To determine which institutions would be included in the study, the researchers sent a questionnaire to the 1,189 "non-publicly controlled institution[s], except theological seminaries, included in the 1962-63 Education Directory with the request

that the president provide . . . specific information on any existing church association." The response rate to this inquiry was 100 percent, and 817 institutions were considered to be sufficiently church-related for inclusion in the main study (p. 19). The researchers then used "[q]uestionnaires, legal and historical documents, interviews, statistical analyses, testing of students, group discussions, and personal inspection . . . as means of gathering . . . and interpreting" data from each of the 817 schools. In addition, they relied heavily on what was gained from "detailed case studies of 50 representative colleges and universities" which were part of the sample (pp. v-vi).

Criteria for defining church-related higher education in America. Pattillo and Mackenzie have identified a number of elements which contribute to such a designation for church-related institutions in general. They have also formulated a classification of four types of institutions based on the respective features of the various schools analyzed.

In determining whether a college or university is church-related, Pattillo and Mackenzie looked at the elements of "board composition, ownership, financial support, acceptance of denominational standards, or use of denominational name, educational aims, and selection of faculty and administrative personnel" (p. 31). In their analysis, they found that among the Lutheran institutions which were part of the study in 1963, 61.4 percent "reported that all six applied to them," and that no Lutheran institution reported less than three (p. 34). With 29.5 percent reporting the presence of five elements, over 90 percent of these schools reported the presence of at least five (p. 33). The following percentages were reported for the elements listed for the Lutheran colleges and universities in the study (p. 34-35):

<u>Element of Relationship</u>	<u>Percentage</u>
1. Composition of Board Control	97.7
a. Church membership required	86.4
b. Board members nominated/elected by church	79.5
2. Institution owned by church (or religious order or congregation)	79.5
3. Institution receives financial support from official church sources	97.7
a. For educational and general budget	93.2
. . . c. For capital purposes	75.0
4. Institution affiliated with church college organization/subscribes to set of standards	86.4
a. Institution affiliated with denominational organization of colleges	52.3
b. Institution subscribes to standards or policy set by church for colleges	61.4
5. Institutional statement of purpose reflects religious orientation	97.7
6. Preference given church members in faculty and staff selection	86.4

After singling out the Lutheran institutions as places "where . . . the board member is usually required to be a church member" (p. 40); where "ownership [by the church] is most frequent" (p. 42); where substantial financial support is provided (p. 46-47); and where "more affirmative feelings" are found by church members (p. 139), Pattillo and Mackenzie conclude that Lutheran institutions have "the most extensive relationships with their churches" among Protestant bodies (p. 52). That study did not, however, distinguish between the different Lutheran church bodies which sponsor institutions, but reported all information for Lutheran colleges in the aggregate.

Cuninggim (1978) addresses the same issue from the perspective of many years in service to and observation of church-related higher education. He has also devoted considerable thought to what does and does not make an institution church-related. At the outset of a substantial analysis of the general topic (see Parsonage, 1978), and cognizant of the work of Pattillo and Mackenzie, he identifies what he considers to be "myths of church-relatedness" (pp. 17-27). He addresses and attempts to refute the usefulness of indicators such as historic ties to and even ownership by a church body (p.

18); church members, including clergy, on the governing board (p. 19); the president's membership in the sponsoring church (p. 19); the mere fact that religion is taken seriously, since non-church-related colleges theoretically could be more serious here than those officially connected (p. 19-20); required courses in religion or the frequency of chapel or other worship activities (p. 20); church membership or "creedal conformity" of faculty, staff, or students (p. 21); amount of financial support by the sponsoring church (p. 22); or a particular "party line of moral attitude or behavior" (p. 23).

In his analysis, Cuninggim cites the work of Anderson (1977) as an example of what does not contribute to a better understanding of church-relatedness. In his book, Strategic Policy Changes at Private Colleges, Anderson devised a "religiosity index" which includes eight variables, where the presence of any three would indicate church-relatedness: [1] "percentage of full-time equivalent students of the same religion, [2] percent of total church support, [3] religious requirements for members of the governing board, [4] required chapel attendance, [5] compulsory religious courses, [6] strict moral demands placed upon students, . . . [7] statement of religious purpose in catalog, and [8] specialization of denominational ties in the catalog" (p. 23). Cuninggim claims that, while it would be unlikely, an institution with only two indicators present conceivably could be more genuinely church-related than one with many more (p. 23).

Cuninggim then offers his own eight "essentials" which should be present if an institution is even to be considered church-related. (Underlined material appeared as italics in the original.)

1. To be church related, a college must want to be and aim to be so related. There must be on the part of the college a conscious intention to achieve and maintain a continuing relationship with a church or perhaps churches and a significant measure of congruence among the constituent groups of the college in their understanding of this intention. . . . If genuine, then the college will communicate its desire to the church. That is, it would

be expected that the college would express clearly in official documents and publications its intentionality of relationship. Further, . . . the college's willingness to own [up] to a connection should make it respectful of the church and its representations (p. 74).

2. To be church related, a college must make proper provision for religion in all its dimensions, in at least rough harmony with the views of its sponsoring denomination. . . . In regard to religion, at least two affirmations would seem to be common to all churches and their colleges: that there is an ultimate source of all life, and that all humankind are kin. [That is,] . . . to love God and neighbor. . . . A second implication of the insistence that a church-affiliated college must provide properly for religion is that it will take worship seriously (pp. 75-77).
3. To be church related, a college must put its values and those of its church into recognizable operation in every aspect of the life of the institution, including the functions of scholarship, teaching, and learning, as well as in personnel practices and the campus ethos (pp. 78-79).
4. To be church related, a college must be able to count on its church's understanding of the educational task in which the college is engaged. . . . The emphasis now is on the necessity that the denomination know what a college is all about. . . . If a college can't count on its denomination's sympathetic understanding of what that particular institution feels it must be and do, then the ecclesiastical connection is in trouble (pp. 81-82).
5. To be church related, a college must receive tangible support from its church (p. 82).
6. To be church related, a college must be made to feel that the denomination also gives it intangible support, when needed and justified by the institution's pursuit of its proper purposes (pp. 82-83).
7. To be church related, a college must inform and illumine its denomination on all matters that would appear to be relevant or useful and must welcome being informed and illuminated in return. The heart of this proposition is the simple expectation that the college should have some amount or kind of beneficent influence on its sponsoring church and vice versa (p. 83).
8. . . . To be church related, a college must know why it wants to be so related, and to complete the reciprocal arrangement, the church must know why it wants connections with its colleges. In other words, each must develop a rationale for its relationship with the other (p. 84).

In short, Cuninggim believes that "whatever else qualifies a college for a place on the

spectrum, it needs to be an institution that, first, puts forth some sort of claim to being connected with a church and, second, supports that claim with some sort of observable action that makes the claim credible" (pp. 29-30).

Rand (1985), a seasoned veteran administrator in several Lutheran colleges, noted on the occasion of the 75th anniversary of the Lutheran Educational Conference of North America (LECNA), that "[t]here is no one way to define a 'church-related' college, but there are those in our churches who would like to see a higher degree of uniformity in this regard than we believe proper, or than will be pragmatically achievable in the years ahead" (p. 48). Problems that arise as a result of attempts to impose such uniformity will be cited later in this review.

Attempts to classify church-related institutions. Pattillo and Mackenzie (1966) have also contributed a four-category typology of church-related colleges. The typology is based on their examination of the 817 institutions constituting the sample and their observations and interviews during extensive visits to fifty of them. The four types and a brief description of each follows.

The first of these hypothetical composites is the "defender of the faith college." It exists to provide the future leaders of the supporting denomination with a liberal arts education. Though not a requirement, most of the students and almost all of the faculty are members of the sponsoring church body, and their commitment to its tenets and beliefs is seen as essential. It views the popular culture of the secular society as being in tension with its values, and it expects that students and faculty will support and defend loyally the standards of their tradition. Views in conflict with the college or the church supporting it are discussed openly, but "they are evaluated in terms of the beliefs and principles officially espoused by the institution" (p. 192). Student conduct at these

institutions is monitored closely, and all in the community are expected to participate regularly in the worship life of the campus which is seen as "a unifying factor" (p. 192). In addition, all students must take a certain number of courses in theology or religion (p. 192). Members of the church body provide generous financial support for the institution and, in return, expect that the college will "defend the faith" on behalf of the constituency. The cost of this "clarity of purpose" and "strong religious influence" is a certain restriction on freedom since much, at least in the theological arena, is not really left open for debate (p. 193).

The second category in the Pattillo-Mackenzie scheme is the "non-affirming college." Technically still church-related, this type is at the other end of the spectrum from the "defender of the faith." Neither religious belief nor church membership is a factor in the admission of students or the employment of faculty members; likewise neither of these groups is attracted to the institution because of its denominational affiliation. References in institutional literature to the values present will likely be stated more in terms of general moral and ethical concepts than by way of specific spiritual, religious, or theological statements. Chapel services are attended by a small number, and religion courses may or may not be prescribed as part of the students' general education requirements. While some financial support does come from the sponsoring body and at least some of the trustees are members of it, it is quite possible that the president is not. In short, the institution itself has done much to foster the perception that it is non-sectarian in character. While this may result in a less than clear identity, it may be perceived as being more "open-minded religiously," which many view as an advantage as well as a sign of educational strength and integrity. Attendant to this is a greater sense of freedom of inquiry with regard to religious questions and issues, and

presumably other issues as well (p. 193).

The "free Christian . . . college" is the third type, and is something of a synthesis of the first two. Pattillo and Mackenzie state that while it does acknowledge a definite Christian commitment, "[i]t is free because it does not control thought" (p. 194). Combining the characteristics of the "defender" and "non-affirming" models, it asserts the importance of religion in a liberal arts institution, but "relies on example, persuasive presentation of ideas, and a climate of conviction, rather than on conformity, to accomplish its ends" (p. 195). Most faculty are active members of the sponsoring church body, and many of these provide leadership to the denomination itself (pp. 194-195). Students for whom a religious dimension to campus life is important appreciate the institution's attempts to find the proper balance between faith and learning. These colleges typically assert that they are interested in the development of the "whole individual;" that is, addressing the "intellectual, religious, moral, artistic, [and] social" needs of its students (p. 194). Worship activities are voluntary but very important. Religion courses are challenging, but popular, and an integral part of the curriculum. Students may not all believe the same thing in the same way, but all are expected and most are willing to struggle "with the basic religious and philosophical questions and arrive at a considered position of their own" (p. 195). Faculty also possess the freedom to inquire and criticize, but recognize the benefit to both the church and the college if it is done in a constructive fashion (p. 195).

Pattillo and Mackenzie add a fourth model to their scheme: the "Church-related university." This is represented by a relatively large (5,000-20,000), urban, religiously pluralistic, demographically heterogeneous institution which "serves primarily a community or a region rather than a particular religious group" and "draws its financial

support from a wide range of sources, including many donors who have little if any interest in its function as a church-related institution" (p. 195-196). Because its mission also extends to a broad range of graduate and professional programs, the expectation is that its religious character, to the extent that it exists, will not be one of its dominant features.

Carlson (1977), writing on "the future of church related higher education" over a decade after Pattillo and Mackenzie, noted that their four classifications of church-related institutions were somewhat "controversial" when they appeared (p. 97). The reason seems to involve not so much the descriptive content of the groups but the connotations conveyed by the designations themselves. For example, those colleges included in the "defender of the faith" category felt that it sounded too apologetic. Something like "the affirming college" would have been preferred. Likewise, those assigned the label of "non-affirming college" did not like how negative it sounded (pp. 97-98).

Other observers of church-related higher education have offered their own designations for the differences among the institutions. Pace (1972), for instance, in the book, Education and Evangelism: A Profile of Protestant Colleges, offers four types:

1. Institutions that had Protestant roots but are no longer Protestant in any legal sense;
2. Colleges that remain nominally related to Protestantism but are probably on the verge of disengagement;
3. Colleges established by the major Protestant denominations and which retain a connection with the church; [and]
4. Colleges associated with the evangelical, fundamentalist, and interdenominational Christian churches (p. xii).

Commenting on the value of Pace's contribution, less from the point of view of

the categories themselves but with regard to the flagrant, and obviously careless, misclassification of one particular institution, Olsen (1980) concludes that placing "Valparaiso [University] with the so-called Evangelical colleges, presumably because of an assumption that LC-MS colleges are conservative and therefore like the evangelical schools," could only be done by "someone who really does not know Lutheran institutions" and lacks "an historical sense of the Lutheran presence in higher education" (p. 19).

Cunningham (1978) posits his own groupings as "a valid model of church-relatedness." He identifies "The Consonant College" ("The Ally"); "The Proclaiming College" ("The Witness"); and "The Embodying College" ("The Reflection") (p. 32).

His descriptions of each follow:

The **Consonant College** is an institution that, feeling independent in its own operations, is committed to the tradition of its related church and to consistency with that tradition in its own behavior. Its values are in the main its denomination's values. They are taken seriously and are evident in the life of the college and the lives of its alumni/ae. . . . The Consonant College may talk very little about its church-relatedness, and this may be one of its marks of consistency with its church, which itself may also be less concerned with public protestation (p. 32).

The **Proclaiming College** . . . is an institution that joyously announces its affiliation with its sponsoring denomination at every appropriate occasion. But it does more than merely identify its connection; in its program it practices what it proclaims in ways that seem approvable to the two worlds in which it exists -- education and religion. [It] . . . is the acknowledged academic partner of the church, taking seriously both its intellectual and its ecclesiastical character. . . . The Proclaiming College is a free and credible witness to its being an academic partner of its proud denominational parent (pp. 34-35).

The **Embodying College** constitutes a third category distinct from either of the other two but closer to its Proclaiming cousin. Whereas it might be said that the Proclaiming College is one whose allegiance is to the norms of higher education with ecclesiastical overtones, the Embodying College would be one whose allegiance is to the tenets of its church with educational overtones. It is the mirror, almost the embodiment, of the denomination to which it gives fealty. Whether forced or unforced, it is

the Reflection of the church, true in every major respect, sound in faith and observance. When one walks on its campus, one knows immediately where he or she is, ecclesiastically speaking. . . . The denomination involved has a clear orthodoxy to uphold, and the Embodying College is one of its means for doing so enthusiastically (pp. 35-36).

Gamelin (1975) is another who has arrived at a classification of colleges. Dealing exclusively with Lutheran institutions, he did an analysis of catalog statements which he believes provide a good source of information about an institution's identity, purpose, and character. He recognizes that such information "may be idealistic" or "claim more than the truth," but it is likely to represent "the best expectations that college personnel have of their institutions" (p. 3). He found that while many of them "publish almost interchangeable statements of philosophy and purpose," they "do not all claim similar identity" (p. 3). He concludes that Lutheran colleges and universities fall into three main groups:

1. The "**Church College**," which "is committed primarily to the service of the church from which it receives its primary financing" (p. 3), and is seen as "an arm of the church for meeting its educational/vocational needs" (p. 43);
2. The "**Christian College**, . . . which explicitly affirms a Christian stance" (p. 3); and
3. The "**Church-Related College**," which is "related to a church body by heritage, governance, and financing" (p. 3).

He also identifies two sub-categories: the "Church Vocations College" and the "Bible-Centered College." The former is a variation of the "Church College." Its mission is the preparation of workers for the sponsoring church. The latter falls into Gamelin's "Christian College" category. As the name implies, study of the Bible constitutes the primary focus of the curriculum (p. 3).

In arriving at these categories, Gamelin (1975) examined many of the same factors identified earlier by other writers, such as ownership and control by and financial

support from the church, employment and enrollment of church members, "[a]ffirmation of church beliefs and values," and the presence of "programs which serve the church or its interests" (p. 43). When these are added to the various criteria suggested by Pattillo and Mackenzie, Anderson, and Cuninggim, one observes in the total list not only some duplication but also some criteria unique to each. It is possible, therefore, to construct a matrix displaying all the criteria referred to above which have been used in the studies cited to define church-relatedness. Table 1, which appears on the following page, presents this comparative information.

Table 1.--A matrix of the criteria used to define church-relatedness.

Criteria / Studies*	A	C	G	P
1. Control by church body			X	
2. Ownership by church body			X	X
3. Financial or other tangible support from official church sources	X	X	X	X
4. Make-up of board, including need to be church member	X			X
5. Preference given to church members for faculty and staff positions			X	X
6. Percentage of full-time undergraduate students who are church members	X			
7. Enrollment of church members			X	
8. Required religion courses	X			
9. Required chapel attendance	X			
10. Provision made for all dimensions of religion		X		
11. Statement of purpose reflects conscious intent to be tied to church	X	X		X
12. Church ties stated in college catalog	X			
13. College and church know why they want to be in a relationship		X		
14. Mutual information and influence between college and church		X		
15. College receives church's intangible support		X		
16. Church supports college's educational task		X		
17. College's programs serve church's interests			X	
18. Values of college and church are operative		X		
19. College affirms church's beliefs, values and standards			X	X
20. Strict moral demands placed on students	X			

* A = Anderson; C = Cuninggim; G = Gamelin; P = Pattillo & Mackenzie.

An examination of the table reveals that there is little consistency or agreement

as to what constitutes church-relatedness, at least on the basis of the four attempts to define it which are reported here. The criteria are arranged in an order which allows them to be grouped into broad categories represented in the table by the double lines separating one category from the next. Criteria 1-4 could be labeled "Governance"; 5-7: "Faculty, Staff, and Students"; 8-10: "Instruction and Worship"; 11-20: "Mission and Values."

The relationship between truth and freedom at church-related institutions.

Frequently in the course of their reporting and analysis, Pattillo and Mackenzie (1966) confront what they correctly identify as a common dilemma faced by church-related institutions and which, from some perspectives, constitutes "the central problem of Christian higher education;" namely, how a given college or university can "do justice to its avowed purpose as a Christian institution, a purpose which carries with it commitment to a set of beliefs, and at the same time maintain the freedom of inquiry which most academic people think is necessary for good education" (p. 204). Because this also has significant implications for the way in which free expression is viewed on church-related campuses, Pattillo and Mackenzie's discussion of faculty and student freedom will be more closely examined.

Pattillo and Mackenzie point out that church-related colleges and universities are often criticized, sometimes even from within, for abridging the freedom of their students and faculties (p. 70). Ironically, while an institution of higher education is supposed to be engaged in intellectual inquiry, one which is church-related may also believe that it must determine the degree to which indoctrination -- or at least intolerance for certain views -- will occur.

Pattillo and Mackenzie propose, in light of this tension which exists, that

"freedom, responsibility, and institutional purpose" are essential elements for church-related institutions and must be balanced and reconciled so that no single element would be pursued outside the context of the other two. They also recognize that problems usually emerge when one constituency desires to press its own self-interest to the point where the rights or the interests of the members of another constituency are violated or subordinated (p. 70).

The goal, then, should be "to reconcile freedom and commitment, or freedom, responsibility, and institutional purpose" by constant reference to the values which represent both "the convictions of the present staff as to what is good, true, and beautiful" as well as "the convictions of previous generations who have contributed time, thought, and money to the development of the institution" (pp. 73-74). Consequently, these can establish the basis upon which "major decisions affecting the whole character of the institution" are made (p. 74), including the role that freedom of expression will have on the campus. In their strongest statement regarding freedom in church-related colleges and universities, Pattillo and Mackenzie assert:

Institutional purpose and the responsibility of trustees and staff to accomplish it, though essential, must not be permitted to crowd out freedom. Once the faculty member is appointed, he should enjoy a large measure of freedom in teaching, research, and private life. He, in turn, should respect the student's right to freedom. The principle of faculty and student freedom must be made unmistakably clear. It is the duty of the administration and the trustees to safeguard it. They must insist upon as much freedom for the individual as is consonant with the freedom of others. They must be willing to tolerate heresy. If a college develops a strongly affirmative climate in support of the philosophy implicit in its educational purposes, it can afford to have some members of the faculty who hold conflicting views. Unanimity is neither necessary nor desirable. Freedom is so basic to the process of teaching and learning that colleges and universities must protect it at all costs. Moreover . . . a Christian institution has theological as well as educational reasons for insisting on freedom. . . . A definite institutional philosophy does not preclude a genuine exposure of the student to alternative views nor prevent free inquiry and expression on the part of the faculty (pp. 74-75).

Repeatedly, Pattillo and Mackenzie cite concerns expressed to them during their research regarding the chilling effect religion allegedly has upon one's ability to search for the truth or to engage in unimpeded intellectual inquiry at church-related colleges. They state, for example, that "[t]here is a widespread feeling, often unconscious, that religion is not genuinely concerned with truth, that by its very nature it is inharmonious with the purposes of an academic community" (p. 139). The point is reiterated later, when they suggest that it is a commonly held view "in the academic world that freedom to teach and to learn is severely circumscribed in institutions conducted under religious auspices" (p. 167).

Martin (1966) echoes a similar sentiment, and identifies precisely the kind of suspicions that inspired this study, when he acknowledges at the outset of his article on "Freedom and Restraint in the Christian College" that

[i]t is generally assumed among educated people, especially among educators, that Christian colleges provide less freedom and more restraint than secular colleges. Academic freedom, in particular, is thought to fare better in colleges under public auspices than in those affiliated with churches. Exceptions are usually made in regard to a few Christian colleges, but such allowances are accompanied by reminders that these colleges are really more secular than Christian, more independent than church-related. The prevailing notion is that Christian educators have never trusted Jesus' assurance that "the truth will make you free" (p. 1372).

Church-related institutions of higher education, in other words, have the reputation of being "restricted environments" (Pattillo and Mackenzie, p. 139), and it is indeed true that for some this is an accurate description. The authors also believe, however, that for many church bodies it is feasible to reconcile "freedom, responsibility, and institutional purpose, as these are involved in the religious character of a college" (p. 204). This is accomplished by making sure that a significant portion of the faculty consists of practicing church members who are committed to the religious missions of their

respective institutions; that freedom of inquiry is guaranteed for students and faculty; that an environment is created which leaves no doubt about the institutional mission but which also does not require acceptance; and that the relevance of religion to life in contemporary society is a permanent topic of exploration by the academic community. It is crucial, they point out, to avoid the attitude that religious commitment and freedom of inquiry are necessarily mutually exclusive (pp. 204-205).

Freedom and truth from the Lutheran perspective. Since the purpose of this study was to determine the extent to which Lutheran colleges and universities are "restricted environments" or whether some have been able to reconcile the tension between free inquiry and a Christian witness and identity, this section is provided to show how some engaged in or familiar with Lutheran higher education have addressed that issue.

Over the years, but particularly during the 1970s, the Lutheran Educational Conference of North America (LECNA), which is made up of the presidents of most of the Lutheran colleges and universities, addressed questions of identity and church-relatedness at many of their annual meetings. The published Papers and Proceedings of these conventions are helpful in gaining a better understanding of where the group was collectively on these and other issues. Much of what follows is taken from reports, essays, and lectures offered at these meetings.

Ahlstrom (1974), while addressing the question "What's Lutheran about higher education?" at an annual LECNA meeting, suggests that "investigative spirit" and a "willingness to ask the deepest philosophical questions, to question even the most accepted assumptions, to pursue the most sensitive kinds of scriptural study" represented "what was in many ways a self-conscious Lutheran movement" (p. 12). Indeed,

Luther's views of history, ethics, rationalism, and scholarship, his conception of biblical exegesis, his attitudes toward the canon, his willingness to evaluate individual books of the Bible, his understanding of the Gospel, even his views on psalmody and hymnody reveal a remarkable openness to the investigative spirit (p. 12).

In light of this, Ahlstrom then wonders whether "a Lutheran institution of any of these types [can] maintain its intellectual health and credibility if it neglects or denies its own critical traditions?" (p. 16). And another commentator, who has recognized from his position as both an institutional and associational leader the different approaches to higher education carried out in the name of Lutheranism, has asserted that, these differences notwithstanding, "[o]ur Lutheran theology, (even with nuances of interpretations) clearly holds that the search for truth is part of -- and not separate from -- our Christian commitment" (Nelson, 1986, p. 28). A college which calls itself Lutheran, in other words, should be committed simultaneously to both the "search for truth" and "the teaching of Christian values" (p. 29).

Lotz (1979), in his "reflections on the theological foundations of Lutheran higher education," presented as the keynote lecture at a LECNA meeting devoted to "institutional mission and identity in Lutheran higher education," points out that Luther clearly "treats education specifically as an affair of the mind, of human rationality and wisdom" (p. 9), and that his "efforts on behalf of universal education are well known" (p. 8). He also explains that church-related institutions rooted in the Reformation tradition may justify thorough inquiries in the arts and sciences, including theology, by viewing it as the proper use of God's gift of human "creative rationality and wisdom" (p. 17). Moreover, one accepting it as such is then obligated to see it cultivated and developed to the fullest extent as good stewards of the gift and to become "equipped for responsible service in the world" (p. 17).

Marshall (1969), who at the time was the president of the former Lutheran Church in America, also recognized, in his comments to Lutheran college and university presidents in the late 1960s, that those who are involved in church-related higher education and who take both the "church" and the "education" dimensions of the endeavor seriously, must struggle with a complex set of dynamics as they attempt to maintain a delicate balance between faith and learning. He states,

The church should want its campuses to be places where faculty members with profound and penetrating faith explore the dangerous areas of knowledge, seeking the honest facts about modern life, facing up to all the unanswered questions and feeding the results and findings of such exploration into the life of the church and its members. . . . The church college should be a forum for . . . ascertaining the truth of faith and the truth of science (p. 26).

Olsen (1977) contributed the opening piece in a collection of essays on the need for church-related colleges to seek a "viable saga." He points out, in his analysis of Sherry's (1967) "Church or College: Either, but Not Both," that church colleges perform functions of both church and college by assuming that each has the goal of producing people of faith and learning. It is Sherry's contention that this assumption, which may have been accurate in past centuries, is unworkable in the present pluralistic age (Olsen, p. 15).

Rather than seeing pluralism as a disqualification of or deterrent to church-related institutions, however, Olsen believes that colleges and universities affiliated with religious bodies should instead reevaluate their missions and their sagas in light of the pluralism of groups, knowledge, and their own values and beliefs (p. 15). Narum's (1977) essay on "commitment," which follows Olsen's, affirms this by pointing out that "faith and learning, commitment and the search for truth, and thus church and college are not incommensurate, but that rightly understood they form a valid and creative

partnership in higher education" (pp. 39-40).

Kauper (1974), addressing a LECNA meeting from the perspective of both a constitutional law scholar and frequent lay member of church-wide boards and commissions dealing with higher education, also recognized the struggle involved in finding the proper balance by shedding "a narrow sectarian view" and yet providing a visible witness to Christian faith and values (pp. 32-33). He is also careful to caution against allowing this witness to become so indistinct that the institution comes to resemble merely another private college (p. 33).

In the use of reason and the pursuit of intellectual excellence, then, Christian revelation should not "dictate the results of rational inquiry," and each academic discipline should be "free to pursue truth for truth's sake on the grounds of its own methodological canons and in accord with the rules of logical argument" (Lotz, 1979, p. 17). Furthermore, holding professors to a specific standard of orthodoxy in terms of what they explore or what findings they choose to report as a result of their inquiries, is evidence more of "a theological failure of nerve" or a lack of faith that "the truths of the Christian faith can hold their own" than a reliable method of safeguarding that truth (p. 17). Lotz feels it is important to emphasize that what distinguishes Christian scholars from their non-Christian colleagues is not that they will find different facts, but that they will "see the same facts differently;" the former "contemplating them in the light of the Christian revelation" which is received on faith (pp. 17-18).

Joining the throng of those who view church-related higher education as a "both/and" rather than an "either/or" proposition, Vos (1977) suggests, in his essay on faculty in church-related colleges, that there indeed is a way to find "unity amid heterogeneity" in Lutheran institutions. He states,

Liberal education itself demands that an arena of openness, freedom, and diversity be present in order for meaningful teaching and learning to take place. A Lutheran college should provide an environment of real dialogue between the Gospel and other current faiths, philosophies, and ways of life. Such dialogue takes place most authentically in a setting of heterogeneity (p. 111).

Bertram (1974), a Lutheran seminary professor who addressed the annual LECNA meeting shortly after experiencing personally the consequences of teaching in an environment that demanded not only unity but also uniformity, has concluded that those denominations which seek to avoid a full commitment to free inquiry and expression are not only susceptible to "the harshest intolerance" (p. 19), but also will find higher education, in the truest sense of the term, including the truest Lutheran sense, close to impossible (p. 19). Differences of opinion about this issue have likely contributed to the "identity crisis" experienced by some Lutheran institutions of higher education and identified by Farwell in his "President's Report" to LECNA (1974, p. 6). Nevertheless, "[m]ost Lutheran colleges," according to Gamelin (1975), "want to maintain a Christian identity" (p. 44). Claiming to be able to provide "a living Christian community and a Christian view of life," these institutions genuinely seem not to want to join those churches whose colleges have "depreciate[d] religious claims by ignoring or disparaging them, secularizing them, consigning them (sometimes affectionately) to tradition, or treating them as equally valid or invalid" (p. 44).

Carlson (1977), a former Lutheran college president who later served as director of The Minnesota Private Colleges Council, presumably is able to appreciate the value and place of church-related colleges across the spectrum in terms of religiosity. For him, however, the purpose of education is unequivocal. It is simply "the pursuit of truth in its own right and for its own sake . . . and the development in the student of the capacity to discern and use it" (p. 29). He notes further, in his book on "the future of church-

related higher education,"

that the orientation of both teacher and student is toward the "pursuit" of truth, rather than merely its transmission. It is not, in any case, a matter of merely transferring some content from one container to another; it is the development in the student of the capacity to recognize truth and to use it. The student is to become a competent learner and knower, capable of recognizing, verifying, and validating what presumes to qualify as truth. But this is not an end in itself. Truth is to be both used and served, depending on the nature of the truth involved. Knowing and doing are integral to one another (p. 29).

It must also be presumed that, in order to know the truth and to be able to distinguish it from that which is not true, one must be given the opportunity to choose from both varieties of information, and be allowed to come to his or her own determination as to the reliability or veracity of the matter under consideration, and to be able to assert the truth of a matter even though others may disagree. This requires, as Carlson recognizes, the ability to teach and learn in an environment where people "with minds open to any outcomes which the facts dictate" have "complete exposure to all relevant data." He fears that if this is not the case, the agency or institution that controls the flow of information will "slant" it to reflect its own ends (p. 45).

Carlson is concerned that those church-related colleges and universities whose commitment to their own moral and religious values is such that no honest question or challenge to them would be tolerated will not provide adequate support for academic freedom and the pursuit of "the truth wherever it may lead." As an alternative, however, he suggests that "a commitment to take seriously all moral and religious issues and positions would appear to be more consistent with academic freedom and the essential purposes of education than would any limitation of that concern" (p. 53). From his perspective, it is the church-related institution which is the best suited and most well-equipped to display "a high sense of calling to the academic life and the

pursuit of truth," for that is its very mission; and the institution and its faculty is obligated to assist the student to do this wherever it leads, regardless of the outcome. Neither should this pose a threat to the church which supports the truth-seeking college. Indeed, Carlson feels the church should "insist on it," for "[t]o prescribe outcomes for individuals on any issue is to call in question the validity of the educational process itself, since it denies the investigator the right to be guided by evidence or reason" (p. 163). This calls to mind Luther's legendary words in response to the question at the Diet of Worms concerning whether or not he would disavow the theological views he came to hold based on his new understanding of the Bible: "Unless I am convicted by Scripture and plain reason -- I do not accept the authority of popes and councils, for they have contradicted each other -- my conscience is captive to the Word of God. I cannot and will not recant anything, for to go against conscience is neither right nor safe" (Bainton, 1950, p. 144; emphasis added).

Several colleges and universities which have descended from the tradition born in the events represented by that utterance and subsequent developments have affirmed in their catalogs the importance of pursuing truth, often mentioning specifically the value of free expression to the process. In 1975, as part of "A Report to the Commission on the Future" for LECNA, Gamelin analyzed the content of the catalogs of all Lutheran colleges and universities in a study which attempted to determine the "church-related identity" of this segment of private higher education. Some of the statements he cites from those documents address the issue of free expression and are quoted here as samples of how institutions from the population claim to balance free inquiry with the values of a Christian college.

Concordia College (Moorhead, Minnesota), asserts that "the Christian college

fosters a true spirit of free and honest intellectual inquiry according to the highest traditions of liberal education: we are invited and challenged to test all things" (Gamelin, p. 9). Pacific Lutheran University, after affirming that "all truth is God's truth," states that "the University, in achieving its educational and spiritual goals, maintains the right and indeed the obligation of faculty and students to engage in an unbiased search for truth in all realms" (p. 11). St. Olaf's catalog stated: "In the spirit of free inquiry and free expression, St. Olaf aims to offer an education that prepares for self-understanding, vocational usefulness, and responsible citizenship. Indispensable to this program is a confrontation with The Christian Gospel, hopefully leading to a mature faith in God" (p. 11).

After acknowledging the value of its church-relatedness and its acceptance of "God as the ultimate source of all life and truth," the statement from Wartburg College supported the view that "[f]reedom to explore all facets of God's truth is held to be an essential feature of this church-relatedness" (p. 12). Meanwhile, Susquehanna College was offering this description of its intellectual commitment:

"There is respect for and understanding of the traditions and beliefs of the Christian faith, but there is no hinderance to free exploration of ideas, no attempt on the part of the church to inhibit the free exchange of viewpoints. If Susquehanna's parallel commitments to inquiry and to faith seem to be in tension with one another, this is not only recognized but considered helpful" (p. 13).

Augustana (Rock Island, Illinois) recognized the need to balance one's personal freedom with his or her obligation to others in the context of their religious beliefs when it said that "freedom of choice as a citizen is coupled with responsibility for one's own behavior and the welfare of others. Students are encouraged to make rational judgements and personal commitments that are consistent with moral integrity and the Christian faith" (p. 15).

Finally, Muhlenberg College, while affirming the need for exploration, also downplayed the value of a phrase common to discussions about the role of free expression as a means to the truth: "Our religious associations serve to remind us that truly liberating education is not a ruthless quest for the 'right answers' in the "market-place of ideas," but a process through which people acquire self-understanding, a capacity to communicate values, and the ability to improve the quality of human life" (p. 16). Here, according to this statement, at least, it sounds like the conflict between the right to express oneself and the obligation to be sensitive to the feelings of another was recognized.

In sum, a number of Lutheran colleges and universities consider the freedom to pursue truth wherever it leads to be essential, provided that the means employed are civil and done within the context of Christian concern and respect for all people. How the presidents of each institution in the sample specifically sought to balance these two dimensions is what the study set out to examine.

Summary

This chapter began with an examination of the tension that exists between the value of free expression in an academic community and the values a church-related college or university may possess which would require it to impose limits on expression in support of those institutional values. It also looked at some of the reasons why the attitudes of Lutheran college and university presidents on this topic might be of interest and value to the higher education community.

A general examination of freedom of expression in higher education was presented through an analysis of a recent Supreme Court decision and the critical

response to it. Various other incidents, policies, and court cases were also included.

Reference was then made to several theoretical works which discussed certain legal and moral issues related to some of the more extreme forms of expression dealt with on college and university campuses. Arguments regarding the use of both tort and criminal law as a response to racist speech and group defamation as well as the issue of the legal and moral status of hate speech itself was discussed. A single study conducted on free expression in higher education was also briefly reviewed.

The final section of the literature review examined freedom of expression in church-related higher education. It began by looking at the criteria used in four different attempts to define the concept of "church-relatedness." Both the relationship between truth and freedom and whether church-related institutions are capable of reconciling a search for truth and a commitment to their Christian beliefs and values were then identified as central factors in resolving the problem posed in the study. What has been said about that relationship and the tension inherent in it was examined by both general commentators and those involved in Lutheran higher education.

CHAPTER 3
METHODOLOGY

Population and Selection of Sample

The population for this study was the presidents of the forty-five American colleges and universities which are affiliated with or have historic ties to the Lutheran Church. This represents every Lutheran institution of higher education in the country. Appendix 1 provides the names of the presidents in office at each institution at the time the study was conducted, the winter and spring of 1993.

Ten of these schools are owned and operated by the Lutheran Church-Missouri Synod (LCMS) and together constitute the Concordia University System. While the individual schools themselves have functioned as agencies of the church both individually and collectively for many years (the oldest since 1864 and the newest having been founded in 1976), the Concordia University System was established in 1992 to coordinate the operations of these institutions in a more systematic way. They include the following:

Concordia College	Ann Arbor, Michigan
Concordia Lutheran College	Austin, Texas
Concordia College	Bronxville, New York
Christ College Irvine	Irvine, California
Concordia University Wisconsin	Mequon, Wisconsin
Concordia College	Portland, Oregon
Concordia University	River Forest, Illinois
Concordia College	St. Paul, Minnesota
Concordia College	Selma, Alabama
Concordia College	Seward, Nebraska.

Another institution, Valparaiso University, Valparaiso, Indiana, though always independent of any direct denominational control, has maintained a strong informal relationship with the LCMS since the Lutheran University Association gained control of the institution in 1925. All of its presidents have been members of the LCMS clergy.

Three colleges are owned and operated by the Wisconsin Evangelical Lutheran Synod (WELS): Dr. Martin Luther College, New Ulm, Minnesota; Northwestern College, Watertown, Wisconsin; and Wisconsin Lutheran College, Milwaukee, Wisconsin. One junior college, Bethany Lutheran College, Mankato, Minnesota, is operated by the small Evangelical Lutheran Synod. Another institution, Immanuel Lutheran College, Eau Claire, Wisconsin, is affiliated with the Church of the Lutheran Confession, an association of a handful of congregations.

The remaining twenty-nine institutions are affiliated, in varying degrees of strength, with the Evangelical Lutheran Church in America (ELCA), a denomination formed in 1988 as a result of a merger between the American Lutheran Church (ALC), the Lutheran Church in America (LCA), and the Association of Evangelical Lutheran Churches (AELC). While the AELC -- a relatively small and somewhat transitory denomination formed as a result of a split in the LCMS in the middle 1970s -- did not have any colleges or universities of its own, the ALC and the LCA have had a long history of involvement in higher education, beginning in 1832 with the founding of Gettysburg College. The higher education institutions of the ELCA are listed below with their pre-merger denominational affiliations in parentheses. It should be noted that California Lutheran College (now University) was established as a joint venture between the ALC and the LCA.

Augsburg College (ALC)
Augustana College (LCA)

Minneapolis, Minnesota
Rock Island, Illinois

Augustana College (ALC)	Sioux Falls, South Dakota
Bethany College (LCA)	Lindsborg, Kansas
California Lutheran University (Joint)	Thousand Oaks, California
Capital University (ALC)	Columbus, Ohio
Carthage College (LCA)	Kenosha, Wisconsin
Concordia College (ALC)	Moorhead, Minnesota
Dana College (ALC)	Blair, Nebraska
Gettysburg College (LCA)	Gettysburg, Pennsylvania
Grand View College (LCA)	Des Moines, Iowa
Gustavus Adolphus College (LCA)	St. Peter, Minnesota
Lenoir-Rhyne College (LCA)	Hickory, North Carolina
Luther College (ALC)	Decorah, Iowa
Midland Lutheran College (LCA)	Fremont, Nebraska
Muhlenberg College (LCA)	Allentown, Pennsylvania
Newberry College (LCA)	Newberry, South Carolina
Pacific Lutheran University (ALC)	Tacoma, Washington
Roanoke College (LCA)	Salem, Virginia
St. Olaf College (ALC)	Northfield, Minnesota
Suomi College (LCA)	Hancock, Michigan
Susquehanna University (LCA)	Selinsgrove, Pennsylvania
Texas Lutheran College (ALC)	Seguin, Texas
Thiel College (LCA)	Greenville, Pennsylvania
Upsala College (LCA)	East Orange, New Jersey
Wagner College (LCA)	Staten Island, New York
Waldorf College (ALC)	Forest City, Iowa
Wartburg College (ALC)	Waverly, Iowa
Wittenburg University (LCA)	Springfield, Ohio.

These forty-five institutions, while technically all "Lutheran" in an affiliational sense, vary widely in terms of the degree to which they exhibit the signs or traits of that tradition or even acknowledge the relationship. Indeed, when they are examined for evidence of something called "Lutheran-ness," or "church-relatedness," they are distributed all across a continuum with some on either extreme; that is, some very Lutheran and others only nominally so.

Nevertheless, in spite of both the actual or merely the perceived differences that exist among these colleges and universities, there is one unifying factor related to the denominational identity of most of them. With the exception of the three WELS schools, Bethany (Mankato), and Immanuel (Eau Claire), the remaining forty are

members of the Lutheran Educational Conference of North America (LECNA), which was established in 1910 "to encourage, assist and promote cooperation among Lutheran colleges, universities and seminaries by activities such as an annual meeting, public policy monitoring, and selected projects" (LECNA, 1988, Papers and Proceedings of the 74th Annual Meeting). With offices in Washington, D.C., LECNA employs an Executive Director along with a small clerical staff.

Presidents of Lutheran colleges and universities were chosen for the study because the researcher wished to understand better the way these institutions, through their presidents, would address the problem of offensive, controversial, or inappropriate expression among the people on their campuses, particularly students, both in the context of First Amendment principles and the presidents' own understanding of the missions of their institutions. In other words, how would the president balance the value of free expression on a Christian college campus with the value of establishing limits on expression which may be considered inappropriate for some reason?

The presidents of these institutions were viewed as establishing a good population to investigate because they not only represent a significant tradition of church-related higher education but also were perceived by the researcher to be relatively diverse in terms of how their institutions would exhibit characteristics of church-relatedness and how they would respond with regard to questions about free expression on their campuses.

At the outset of the study the potential existed for the population and the sample to be the same inasmuch as the actual sample was determined through the process of self-selection by the respondents. That is, the sample consisted of all those in the population who elected to complete both the first and second survey instruments.

Because the members of this sample technically are volunteers, and there were five individuals who elected not to participate, the question of the sample's representativeness must be addressed. Given the breakdown of the various institutions by church body provided above, it can be seen that with twenty-nine institutions, the level of response from the ELCA would not be diminished significantly if some did not participate. Had any of the eleven LCMS institutions, or the three from the WELS, or either of the single colleges from the ELS or CLC had declined to participate, a greater degree of representativeness would have been lost. The fact that all five non-responses were from the ELCA, however, means that this church body still had more than twice as many respondents from it as from the next largest group. Consequently, the sample remains as representative as it could possibly be with five members (or eleven percent) of the population excluded.

Procedures

Data Gathering

Prior to any collection of data or contact with the presidents, the executive director of the Lutheran Educational Conference of North America (LECNA) was consulted about the possibility of administering a survey (which was to become the second instrument) to the presidents who attended the annual LECNA meeting. Upon his recommendation, a formal request to address and survey the presidents at the February, 1993 meeting was made to the LECNA executive committee. The researcher began data collection when he sent a researcher-designed survey and a cover letter, representing the first phase of the study, to all forty-five Lutheran college and university presidents explaining the study, inviting their participation, and requesting that they

provide certain personal and institutional information (Appendices 2 and 3). A mail follow-up to the first request was sent to those not responding after one week (Appendix 4), and one week after that a telephone follow-up was conducted. This resulted in the return of 43 completed surveys for a response rate of 96%.

The second phase began when another researcher-designed instrument consisting of 48 closed-ended statements was administered to thirty-five of the presidents at the annual LECNA meeting held February 7-8, 1993 (Appendix 5). A week later copies of this second survey was mailed, with appropriate cover letters (Appendices 6 and 7), to those presidents who either did not attend the LECNA meeting or who did attend but did not complete and return the survey to the researcher at that time. Follow-up telephone calls were made to those who received the second instrument by mail. Ultimately, 40 completed surveys were returned, representing a response rate of 89%.

The data from the first two instruments were entered into computer files, and frequencies and cross-tabulations were performed with SPSS. Responses to the first two instruments were then tabulated and summarized (Appendices 13 and 14) and mailed to those respondents who had requested a copy of the results.

At the end of the second survey instrument, a space was provided for those in the sample to indicate their willingness to participate in the third, or interview, phase of the study. Those who responded positively were sent a letter (Appendix 8) thanking them and requesting that they select a time during the months of April and May of 1993 when they would be able to answer questions on the topic of free expression in academic communities, generally, and on their campuses in particular. In order to make it as convenient as possible for them, they were asked to state first, second, and third choices for the date and time of the interview. Those returning this sheet (Appendix 9) were

then sent a confirmation (Appendix 10) along with a copy of the questions used in the interview (Appendix 11). One follow-up letter (Appendix 12) was mailed a month later to those not responding. The interviews ranged from thirty minutes to one hour and fifteen minutes with approximately forty-five minutes being the typical length. Each interview was tape recorded with the permission of the subject and then transcribed.

The interviews did not consist merely of a straightforward reading, in order, of the nine printed questions with no dialogue occurring between the subject and the interviewer. Instead, the subjects were encouraged to provide their responses during the course of a flexibly structured conversation where the questions served as focal points in the dialogue. Their statements were then often followed-up by other inquiries including the invitation to address various hypothetical situations based upon and suggested by the original responses to the questions. In short, the interviews were conducted in an interactive way. Every effort was made by the interviewer, however, to avoid the suggestion that a particular response or view was preferred or valued more highly. Presidents from the following seventeen institutions participated in this phase of the study:

Bethany College, KS	(ELCA)
Bethany Lutheran College, MN	(ELS)
Carthage College, WI	(ELCA)
Christ College Irvine, CA	(LCMS)
Concordia College, MI	(LCMS)
Concordia College, NY	(LCMS)
Concordia College, MN	(ELCA)
Concordia University, IL	(LCMS)
Concordia College, MN	(LCMS)
Concordia College, NE	(LCMS)
Dana College, NE	(ELCA)
Gustavus Adolphus College, MN	(ELCA)
Susquehanna University, PA	(ELCA)
Thiel College, PA	(ELCA)
Upsala College, NJ	(ELCA)
Valparaiso University, IN	(Ind.-LCMS)

Ethical Safeguards and Considerations

To ensure that participation in any phase of this study involved no risk for the subjects, a copy of a formal proposal of the study was submitted to the Institutional Review Board for the Protection of Human Subjects of Loyola University. It was determined that the study, as proposed, carried no risk for those involved.

Two other precautions were also taken to safeguard the rights of the subjects. First, they were assured that every effort would be made to avoid identifying either them or their institutions by name in the reporting of the results. Secondly, those who participated in the interview phase of the study were assured that their responses would not be tape-recorded without their express permission which they could provide on the form used to schedule the interviews themselves.

Instrumentation

Description

Three researcher-designed instruments were used in this study, two written surveys and a list of interview questions.

First Survey. The first survey (Appendix 2) was in two parts. One part requested certain personal background information about the presidents such as age, ethnic ancestry, education, administrative experience, and church membership. In the other part, certain facts about the institutions they served were solicited as well. The following information was requested: 1) student enrollment and the percentage of the students that is Lutheran; 2) the number of full-time faculty members and the percentage of this group that is Lutheran; 3) the number of theology courses required for graduation as part of

the institution's general education requirements; 4) how often in a typical week formal worship services or devotions are conducted; 5) the frequency of communion services; 6) whether the academic year begins and ends with a special worship service; 7) the frequency with which faculty meetings open with prayer or some other form of devotional activity; 8) whether the president is required to be a member of the institution's sponsoring church; 9) whether he is required to be a member of that church's clergy; 10) whether there is any individual or group in the structure of the institution's sponsoring church body, other than the local board, which has a legal right to exercise control over institutional policy; 11) whether the institution has a written policy or code which specifically limits, restricts, or prohibits expression of any kind or for any reason; and 12) the church body with which the institution is affiliated, both at the time of the study and in 1985 which was prior to the merger uniting the ALC and the LCA.

Ten items among those in the first instrument were selected to establish a score for church-relatedness which could assist in distinguishing between the institutions in terms of a number of priorities, practices, or policies which are at least related to the connections they have with the churches with which they are affiliated or identified. The items themselves and an explanation of the weight assigned for each response to arrive at the score are listed below. The number in parentheses after each item is the number of the item on the instrument (Appendix 3).

- The percentage of undergraduate students who are Lutheran (# 2). One point for each ten percent.
- The percentage of full-time faculty members who are Lutheran (# 4). One point for each ten percent.
- The number of religion courses required for graduation as part of the institution's general education (# 5). One point for each course.

- The number of formal worship services held on campus each week (#6). One point for each number reported.
- The practice of opening the academic year with a worship service (#8). One point if held.
- The practice of closing the academic year with a worship service (#9). One point if held.
- The frequency with which faculty meetings are opened with either a prayer or some other devotional activity (#10). Three points for "always;" two points for "usually;" one point for "seldom;" zero points for "never."
- The policy that the President is required to be a member of the sponsoring church body (#11). One point if he is.
- The policy that the President is required to be a member of the clergy of the sponsoring church (#12). One point if he is.
- The existence of some authority above the Board which can exercise control over institutional policy (#13). One point if there is.

The purpose for determining church-relatedness for the institutions in this study through a use of ten items in the first survey was to arrive at a score which could then be compared or related to the score of tolerance for freedom of expression derived from the responses of the presidents of those institutions to the statements in the second survey. The researcher wished to use criteria which could be reported by the presidents themselves and which focused on how "Lutheran" an institution was. Since nothing was found in the literature which provided a quantitative method for calculating the church-relatedness of Lutheran colleges and universities, the researcher decided that this could best be determined by examining factors such as the percentage of Lutherans on the faculty and in the student body, as well as whether the president was required to be Lutheran or even an ordained Lutheran minister. In the area of governance, the study did not request information about the religious affiliation of the institution's board members, as two studies cited in the literature review did (Anderson, 1977; Pattillo and

Mackenzie, 1966). What it did seek to find, however, was whether there was some authority beyond the local board, such as a council of the church body itself, which had authority over institutional policy. It was felt by the researcher that this would be a better indicator of church-relatedness than even financial support from the church body, a criterion used by the studies cited in the literature review in their determination of church-relatedness (Anderson, 1977; Cuninggim, 1978; Gamelin, 1975; Pattillo and Mackenzie, 1966).

Perhaps the most distinct difference between the criteria used in the present study and those discussed in Chapter 2 is in the area of worship practices. In light of the researcher's assumption that worship arguably is one of the primary activities for a church, as well as his observation that it seems to have both traditional and practical significance for Lutherans particularly, he deemed it appropriate to examine factors such as the number of formal services held on the campus per week, the frequency of devotional activity at the start of campus meetings, and the use of worship services to open and close the academic year in determining relative church-relatedness. Obviously, providing an opportunity for worship does not guarantee that what happens is genuine. Nevertheless, this researcher believed that increased opportunities would indicate a desire on the part of the institution to provide the formal means for the members of the community to acknowledge in worship the values supposedly inherent in being a college of the church.

A similar argument might be made for including courses in religion or theology as part of the general education requirements of the institution. Every college and university has only a finite number of credit hours that can be reserved for required courses, and it is typical for faculties to struggle with how those hours are to be allotted.

This researcher believed that those institutions which were willing to commit more hours to religion or theology courses, in spite of the arguments which could be offered for the inclusion of other types of courses, could be considered more "religious" or church-related than those opting for requirements in other disciplines.

The one area which the current study did not use at all in its quantitative determination of church-relatedness was that which was designated "Mission and Values" in Table 1. Among the other four studies reported there (Anderson, 1977; Cuninggim, 1978; Gamelin, 1975; Pattillo and Mackenzie, 1966), a number of different criteria were identified. In Cuninggim's (1978) analysis, this is the primary focus in arriving at a definition. There is no denying that mutual support and shared values between the college and its sponsoring church body are crucial to the relationship between the two. The problem for this study, however, is that this was not seen as something that could be readily measured by the kind of quantitative means that was used to determine church-relatedness. Moreover, it was believed that evidence of this underlying shared sense of mission could be assumed in the criteria that were used.

In sum, the current study employed at least one criterion for its determination of church-relatedness from each of the major categories identified in Table 1 with the exception of the last one, for reasons that were just explained. It should be emphasized, however, that one of the foci of this study has been to find how the missions and values of the institutions in the sample are incorporated into the attitudes of their presidents with regard to the role free expression plays on their campuses. The analysis of this matter, however, is addressed in the section which reports on the interview phase of the study. One of the key issues in this regard relates to the alleged tension that exists between truth and freedom at church-related institutions of higher education.

With regard to the points assigned for each item, the researcher determined, in the absence of previous studies attempting to make similar assessments, that the weights were relatively equal and, if applied consistently to each response, would produce a useable score.

Second Survey. The second instrument (Appendix 5), another researcher-designed survey, sought to elicit presidential responses which would reveal their attitudes in a number of areas and on several issues related to free expression in society generally (13 items), in higher education (15 items), in Lutheran higher education specifically (10 items), and on their campuses in particular (10 items), with the ultimate purpose of arriving at a determination of support for expression or restraint, the dependent variable. It consisted of forty-eight statements to which the subject could respond in one of five ways: strongly agree, mildly agree, neither agree nor disagree, mildly disagree, or strongly disagree. A copy of the complete instrument, along with the frequency and percentage of responses, can be found in Appendix 14.

The second survey was designed to provide information which would allow for a determination of the degree of support for free expression which existed at all of the institutions in the sample. In order to accomplish this, each of the 48 items in the second survey was assigned (on the five-point scale) a response which represented what was determined by the researcher to be the one most supportive of free expression. By comparing the actual responses of the presidents to those designed to indicate the greatest support for free expression, and assigning certain points for each response relative to the "standard pro-expression response," it was then possible to calculate a score for each of the forty respondents which represented their position on a scale of "freedom" and "restraint" where one's degree of tolerance or support for free expression

could be determined. For example, if the respondent placed a "1" (for "strongly agree") next to a statement where a "1" represented the most "pro-expression" response for that item, a score of five points was awarded. If the most "pro-expression" response was a "5" (for "strongly disagree"), but the subject answered "1" ("strongly agree"), the item would receive a score of one point. With one through five points possible for each of the forty-eight items, the total "pro-expression" score could range from a low of 48 to a maximum of 240. The higher the score, the more supportive of free expression the responses supposedly were, collectively. Appendix 5 provides the responses for each item which represent what has been determined to be the most favorable response from a free-expression perspective and on which basis the individual scores were computed.

Interview Questions. The third instrument (Appendix 11) consisted of nine open-ended interview questions and was designed to add depth and texture to the findings, to clarify what might have appeared as ambiguous in the results of the other two instruments, and to help confirm the reliability of the second instrument in particular. The questions sought information about the following: 1) what incidents, if any, have occurred on the respondents' campuses where free expression was perceived to have been an issue; 2) what concerns may have been expressed by members of their campus communities regarding either one's freedom to express himself or herself or 3) what abuses of that freedom were reported by someone else; 4) what respondents would rate their institutions in terms of the degree of its church-relatedness and what criteria they used to come to that determination; 5) what the respondents' view of the role of free expression was in the context of a church-related academic community and 6) what perspectives and values have informed those views; 7) what presidential response to student expression was, specifically with regard to the student newspaper; 8) what their

view was of written policies designed to limit expression on the campus; and 9) what, if anything, their board has said with regard to the issue of free expression on the campus. Interview questions were sent to respondents along with the Interview Confirmation Letter (Appendix 10) which informed them of the date and time the interview would take place as soon as they returned the Interview Appointment Form (Appendix 11). It was hoped that the ability to see the questions prior to the interviews would enable the presidents to provide more thoughtful responses.

Validity and Reliability

Validity is concerned with whether the instruments used in the study measure what they purport to measure. The first survey consisted of a straightforward request for specific demographic information. It was determined by a panel of experts to be aptly suited for its intended purpose. Because the information sought in the second survey consisted of presidential attitudes on a number of matters related to free expression, content validity was considered to be the most appropriate type of validity for the instrument used here. The same panel of experts examined the 48-items in this survey and determined that it contained a valid representation of material for the topic under study in light of the method being used to study it. The instrument is also valid in terms of construct validity, for it does appear to have provided a useful measurement of the degree to which the respondents supported either freedom or restraint with regard to free expression in higher education.

An attempt was also made to ascertain the reliability of the second instrument, or its ability to produce consistent scores. Because only one form of this instrument was administered only one time, and only to the members of this particular sample, a

determination could not be made regarding consistency that might have occurred between two forms of the same instrument or between scores on the same instrument given at different times. Consequently, the reliability was tested by looking at the consistency which existed among items in the instrument. Using the split-half method with the Spearman-Brown Formula, responses to the odd and even scores were compared first. This analysis produced a result of $r = .38$. This procedure was performed again using groups of six items where $x =$ items 1-6, 13-18, 25-30, and 37-42, and $y =$ items 7-12, 19-24, 31-36, and 43-48. The result here was $r = .04$.

While this raises a question concerning the reliability of the instrument, at least in terms of using analyses like these to determine such reliability, these rather divergent and low results also raise a question regarding the appropriateness of using this particular type of analysis at all, for it may be possible that the very nature of the inquiry has contributed to an apparent lack of internal consistency and that the responses themselves, and not necessarily the items in the instrument, have produced such results. This explanation is suggested because a number of respondents commented on the difficulty they found in providing consistent responses. One, for example, wrote at the end of his survey, "It is obvious that I lack consistency." Others commented during the interviews that they found the topic to be so perplexing that they felt as if they were, as one put it, "speaking out of both sides of my mouth."

Design

This was a descriptive exploratory study which used, at the conclusion of the first two phases, a comparison of two scores to determine the effect that the church relatedness of each institution (the independent variable) had on the presidents' attitudes

with regard to the nature and limits of free expression in higher education (the dependent variable). Scales for each of these measurements were established on the basis of the responses to the first two instruments and the scores were paired and plotted on a graph to display the relative position not only of each individual institution but also of the institutions as each was situated in relation to the others in its denominational group. Once the position of each institution was established, it would also then be possible to assign a label to each one based on its location in one of the quadrants on the graph, Secular-Freedom, Religious-Freedom, Secular-Restraint, or Religious-Restraint.

Specific Hypothesis

The hypothesis was that the higher an institution scored on the scale of church-relatedness, the more supportive of restrictions on expression a president would be, as measured on the scale of tolerance or support for free expression. Conversely, the presidents of those institutions which were more "secular" than "religious" on the scale of church-relatedness would produce responses representing greater support for free expression.

Statistical Analysis

The analysis consisted of the tabulation of the responses from the first two instruments and a comparison of the two variables to see if there was any relationship between the church-relatedness of an institution and the support or tolerance for free expression based on the responses of each institution's presidents.

Also, the points for each of the paired scores were plotted to display the relative

position of each institution on a two-dimensional graph producing the quadrants referred to above. The horizontal axis represents the Secular-Religious scale, while the vertical axis represents the Freedom-Restraint scale.

The placement of the midpoint for each scale could not be selected arbitrarily because to do so would alter the parameters of the quadrants. The "secular-religious" scale midpoint was set at 27, which is midway between the two extreme scores on this scale. It was determined that the midpoint for the "freedom-restraint" scale should be set at point 144 because that represents the score which would result if one responded to all 48 items on the second survey with "neither agree nor disagree."

Using the paired scores, a point for each of the forty institutions was plotted on the graph. The points of the institutions in each of the Lutheran church bodies represented in the study were then connected to demonstrate not only the relation of each institution to the others in their denomination, but also the relation of the different denominations to each other.

Summary

The population for this three-phase study was the presidents of the forty-five Lutheran colleges and universities in the United States. The sample consisted of the forty members of the population who elected to respond to both the first and second survey instruments used.

The first survey was mailed to all the presidents and sought personal and institutional information which would contribute to the establishment of a score of church-relatedness for each institution. The second survey consisted of forty-eight statements with which the respondents could either agree or disagree on a five-point

scale. It was designed to elicit data which would produce a score for each respondent that represented his attitude toward freedom of expression. It was administered in person to a large number of the presidents assembled for an annual meeting. Those who did not attend the meeting or complete the survey there were sent an instrument in the mail. Mail and telephone follow-ups were conducted for both the first and second phases of the study. Validity of the instruments was established by a panel of experts who judged that they would measure what they were designed to measure. Attempts to establish statistically the reliability of the second instrument produced very low estimates which could be attributed as much to inconsistent responses, due to the nature of the topic, as to the internal inconsistency of the items in the instrument itself.

Taped telephone interviews with the seventeen presidents who volunteered to participate in the third phase of the study were then conducted to provide depth to the findings and to add a more personal dimension to what some of the subjects felt was a relatively perplexing topic.

The hypothesis in this descriptive exploratory study was that an institution's score on the scale of church-relatedness (the independent variable) would be related to the president's score on the scale of tolerance for free expression (the dependent variable). Specifically, the more secular an institution on a scale from secular to religious, the stronger its president's support would be for freedom of expression on a scale of freedom and restraint. Support for the hypothesis was determined by constructing a two dimensional graph which displays the two scales on intersecting axes. By plotting the points of each pair of scores, both the relative positions of each individual institution and president's scores can be seen, as well as the various denominational patterns produced by the placement of the points. This will be shown in the next chapter which

provides a report on the specific results of all three phases of the study and an analysis of the data represented in those results.

CHAPTER 4

ANALYSIS OF RESULTS

Introduction

In this chapter the results from the two surveys administered and the interviews conducted for the study will be presented. The characteristics of the respondents and the institutions, as well as a determination regarding the concept of church-relatedness will be provided as part of the results and analysis of Phase One. The results and analysis of Phase Two give rise to a determination of presidential support for either expressive freedom or restraint. Data from the first two phases will be presented in the form of a graph to demonstrate how the two variables of church-relatedness and support for free expression converge when the scores from each of these dimensions are paired.

In the results and analysis of Phase Three, the interview data are reported primarily in terms of what was found regarding how the presidents perceived the notion of church-relatedness and the criteria they cited as they considered the church-relatedness of their own institutions; the nature of the incidents occurring on their campuses where freedom of expression became an issue; and the support for both freedom and restraint that the presidents themselves displayed in their comments representative examples of which are provided. The qualitative data from the third phase will then be analyzed insofar as they support or refute the findings from the first two phases.

Finally, the hypothesis of the study will be examined in light of the data and a

brief summary of the foregoing analysis will be provided as a way of introducing the presentation of findings and conclusions to be offered in Chapter Five.

Results and Analysis of Phase One

The first survey was mailed to all members of the population in January, 1993. Designed by the researcher specifically for this study, it consisted of twenty-five items, some of which were open-ended requests for information and others which presented items with limited-choice responses to questions about the institution in general, campus policies in particular, and the respondent's personal background. One section requested information about the presidents such as age, ethnic ancestry, education, experience, and church membership. The other section sought certain facts about the institutions they served. This information was used to arrive at a determination of each institution's relative degree of church-relatedness and explored such areas as student enrollment and the percentage of the students that is Lutheran; the number of full-time faculty members and the percentage of this group that is Lutheran; and the number of theology courses required for graduation as part of the institution's general education requirements. It also inquired about the frequency of formal worship services or devotions in a typical week, communion services, or faculty meetings opening with prayer or some other form of devotional activity. Other questions dealt with whether the academic year begins and ends with a special worship service; whether the president is required to be a member of the institution's sponsoring church; whether he is required to be a member of that church's clergy; whether there is any individual or group in the structure of the institution's sponsoring church body, other than the local board, which has a legal right to exercise control over institutional policy; and whether the institution has a written

policy or code which specifically limits, restricts, or prohibits expression of any kind or for any reason. Finally, information was requested concerning the institution's denominational affiliation, both at the time of the study and in 1985, which was prior to the merger uniting the ALC and the LCA.

The frequency and percentage of responses for each of these items can be found, along with the complete instrument, in Appendix 13. The reporting of these results will consist of a description of the respondents' characteristics through the use of text and tables, followed by a determination of church-relatedness which was made for each institution.

Characteristics of the Respondents

The 40 individuals who responded to both the first and second surveys are all white males over the age of forty-five, with the exception of one man who is an African-American. The ages and racial/ethnic ancestry of the respondents are described more specifically in Tables 2 and 3. For the item on racial/ethnic ancestry, respondents were permitted to check as many categories as they believed were appropriate to describe them best.

Table 2.--Age distribution of respondents. N=40. Mean = 55.75.

<u>Age</u>	<u>f</u>	<u>%</u>
45-49	10	25.0
50-54	9	22.5
55-59	9	22.5
60-64	7	17.5
65-69	4	10.0
75-79	1	2.5

Almost one-half (19, or 47.5%) of the sample were under the age of 55, with ten still in their 40s. Five were over 65. The respondent between 75-79 has been the president of three Lutheran colleges throughout his career. He left office in July, 1993, after serving as interim president at an institution engaged in a presidential search.

Table 3.--Racial/ethnic ancestry of respondents. N = 40.

<u>Racial/ethnic ancestry</u>	<u>f</u>	<u>%</u>
African	1	2.5
English	3	7.5
Finnish	1	2.5
German	18	45.0
Irish	2	5.0
Norwegian	2	5.0
Swedish	2	5.0
Norwegian/Swedish	2	5.0
English/Norwegian	1	2.5
German/Norwegian/Swedish	1	2.5
Danish/German	1	2.5
Danish/Norwegian	1	2.5
English/German	1	2.5
Danish/Swedish	1	2.5
English/German/Irish	1	2.5
German/Irish/Norwegian/Scottish/Swiss/Polish	1	2.5
Unknown (adopted)	1	2.5

Regarding ethnic ancestry, most of the respondents claim German or Scandinavian backgrounds, both of which have strong Lutheran heritages and connections. Nearly one-half (18, or 45%) marked only "German." When that is added to those who indicated "German" as part of their heritage, along with another ethnic category, the number goes up to 23 (57.5%). Those identifying some Scandinavian background (which included "Danish," "Finnish," "Norwegian," "Swedish," or any combination of these groups), totaled 13 (32.5%).

The respondents were also asked about their denominational affiliation. Their

responses appear in Table 4. With the exception of the one individual who is a Presbyterian, and the one who left this item blank, the presidents claim membership in, or at least identify with, the church bodies with which their institutions are affiliated.

Table 4.--Denominational affiliation of respondents. N = 40.

<u>Denominational affiliation</u>	<u>f</u>	<u>%</u>
Church of Lutheran Confession	1	2.5
Evangelical Lutheran Church in America	22 ^a	55.0
Evangelical Lutheran Synod	1	2.5
Lutheran Church-Missouri Synod	11	27.5
Wisconsin Evangelical Lutheran Synod	3	7.5
Other: Presbyterian	1	2.5
no response	1	2.5

^a One indicated "not formal member."

Seventeen of the 40 respondents (42.5%) indicated that they were ordained members of the clergy. The denominations in which they hold membership appear in Table 5. Only 4 (10%) of the 40 institutions require that their president be an ordained Lutheran minister.

Table 5.--Clergy membership of respondents. N = 17.

<u>Clergy membership</u>	<u>f</u>	<u>%</u>
Church of Lutheran Confession	1	5.88
Evan. Lutheran Church in America	7	41.18
Lutheran Church-Missouri Synod	7	41.18
Wisconsin Evan. Lutheran Synod	2	11.76

Respondents were also asked how long they had been at their current institutions in any capacity, how long they had been president at their current institutions, how long they had been administrators in higher education, and how long they had served in

Lutheran higher education. The frequencies of those responses are provided below in Tables 6-9, respectively.

Table 6.--Length of time at current institution in any capacity. N = 40. Mean = 12.

<u>Number of years</u>	<u>f</u>	<u>%</u>
0-5	14	35.0
6-10	8	20.0
11-15	6	15.0
16-20	4	10.0
21-25	2	5.0
26-30	4	10.0
31-35	2	5.0

Table 7.--Length of time as president at current institution. N = 40. Mean = 8.075.

<u>Number of years</u>	<u>f</u>	<u>%</u>
0-5	17	42.5
6-10	9	22.5
11-15	9	22.5
16-20	5	12.5

Table 8.--Length of time as an administrator in higher education. N = 40. Mean = 18.825.

<u>Number of years</u>	<u>f</u>	<u>%</u>
0-5 years	0	0.0
6-10	5	12.5
11-15	10	25.0
16-20	8	20.0
21-25	8	20.0
26-30	7	17.5
31-35	2	5.0

Table 9.--Length of time in Lutheran higher education in any capacity. N=40. Mean=21.3.

<u>Number of years</u>	<u>f</u>	<u>%</u>
0-5 years	5	12.5
6-10	5	12.5
11-15	2	5.0
16-20	5	12.5
21-25	5	12.5
26-30	9	22.5
31-35	6	15.0
36-40	2	5.0
41-45	1	2.5

Some observations to note from these data might include the fact that over half of the presidents (55%) have been at their current institutions for 10 years or less (Table 6). Since some could have moved into office from other positions on their faculties, the percentage of those serving as president at their current institutions for 10 years or less is even higher at 65% (Table 7). That is not to say, however, that they are inexperienced administrators. While 17 (42.5%) have held their current position for 5 years or less, every one of them has more than 5 years of administrative experience in higher education, with 17 (42.5%) reporting more than 20 years in some administrative role (Table 8).

When it comes to service in Lutheran higher education, the group's collective experience is much more evenly distributed (Table 9). Some are newcomers and others have spent their entire careers in this sector, with the average tenure being 21.3 years.

Finally, one notes that 75% of the presidents received an undergraduate degree from a Lutheran college or university, and 8 of them currently preside at their own alma maters. Thirty-four (85%) possess an earned doctorate. The type and frequency of doctoral degrees held by the presidents are displayed in Table 10.

Table 10.--Type of doctoral degree held by respondents. N=34.

<u>Degree</u>	f	<u>%</u>
Ph.D.	27	79.5
Ed.D.	4	11.8
S.M.D. ^a	1	2.9
Th.D.	1	2.9
J.D.	1	2.9

^a Doctor of Sacred Music

The respondents were also asked to indicate their academic disciplines or majors for the degrees they received. Table 11 provides a listing of the various fields represented by this group of individuals. It is based on the discipline cited for the highest degree earned. Some of the areas were combined for the sake of this display. The actual responses as they were received appear as part of the results of the first survey (Appendix 13).

Table 11.--Academic disciplines reported by the respondents. N=40.

<u>Discipline</u>	f
American Civilization/Studies	2
Chemistry	1
Communication/Speech/Rhetoric	3
English	1
Education/Administration	9
Educational Psychology	1
History/Church History	6
Law	1
Math	4
Music	1
Philosophy	1
Physiology	1
Political Science	1
Religion/Theology	6
Social Psychology	1
Zoology	1

Almost one quarter of the respondents (9, or 22.5%) cite education or educational administration as their academic discipline. Two other areas, tied for second in terms of frequency with 6 (15%), are history, which includes church history, and religion/theology. These were followed by mathematics with 4 (10%).

Institutional Characteristics

Concerning that part of the first survey dealing with institutional information, the responses displayed in Table 12 reveal that 17 (42.5%) of the 40 institutions have enrollments of 1000 students or less (6, or 14 %, with 500 or less). Another 13 (32.5%) have between 1000 and 2000 students. The remaining 11 (27.5%) have over 2000 students, with just one institution reporting an enrollment of over 3000.

Table 12.--Fall, 1992 undergraduate enrollment of institutions in the sample. N = 40.

<u>Undergraduate enrollment</u>	<u>f</u>	<u>%</u>
500 or less	6	15.0
501-1000	10	25.0
1001-1500	10	25.0
1501-2000	3	7.5
2001-2500	6	15.0
2501-3000	4	10.0
Over 3000	1	2.5

With regard to the percentage of Lutheran students at these institutions (Table 13), only 2 schools (5%) have under 10%. Another 5 (12.5%) are between 10 and 19%. Sixteen colleges and universities (40%) have between 20 and 50% of their undergraduate enrollments made up of students reporting that they are Lutheran. Twelve schools (30%) are between 50 and 80%, and 5 colleges (12.5%) have student bodies that are over 80% Lutheran. Three of those report that all of their students are members of

some Lutheran church.

Table 13.--Percentage of Lutheran undergraduate students at institutions in the sample. N = 40.

<u>Institutional percentage</u>	<u>f</u>	<u>%</u>
Under 10%	2	5.0
10-19%	5	12.5
20-29%	3	7.5
30-39%	8	20.0
40-49%	5	12.5
50-59%	8	20.0
60-69%	3	7.5
70-79%	1	2.5
80-89%	1	2.5
90-99%	1	2.5
100%	3	7.5

When it comes to the number of faculty and the percentage that is Lutheran, the responses, especially to the latter inquiry, were a little more vague. Table 14 shows that 25 (62.5%) of the institutions report having 100 or less full-time faculty members. Ten (25%) have between 101 and 200, and only 4 (10%) have over 200.

Table 14.--Number of full-time faculty at institutions in the sample. N = 40.

<u>Number of faculty</u>	<u>f</u>	<u>%</u>
50 or less	11	27.5
51-100	14	35.0
101-150	5	12.5
151-200	5	12.5
201-250	1	2.5
251-300	3	7.5
no response	1	2.5

When asked to provide figures about the percentage of their faculties that are Lutheran (Table 15), 10% stated that they did not know, some adding, "We don't ask."

Three respondents (7.5%) left that space blank. A little more than one-quarter (27.5%) of the schools report having faculties where less than half of the people on them are members of the Lutheran church. Just over one-half of them (22, or 55%) have more than 50% Lutheran faculty, with 7 institutions (17.5%) reporting that all of their professors are Lutheran.

Table 15.--Percentage of full-time Lutheran faculty at institutions in the sample. N = 40.

<u>Institutional percentage</u>	<u>f</u>	<u>%</u>
Under 10%	1	2.5
10-19%	1	2.5
20-29%	2	5.0
30-39%	5	12.5
40-49%	2	5.0
50-59%	5	12.5
60-69%	2	5.0
70-79%	1	2.5
80-89%	1	2.5
90-99%	6	15.0
100%	7	17.5
"Don't know"	4	10.0
no response	3	7.5

The number of required religion or theology courses ranges from 0 - 8 (Table 16). The most common requirement is 2 courses which exists for 15 institutions (37.5%). Another 8 (20%) require 3 courses and 7 more (17.5%) require 4. Students at 4 institutions (10%) must take only 1 course in religion or theology for their entire program.

Table 16.--Number of theology or religion courses required for graduation as part of the institution's general education requirement for undergraduate students at institutions in the sample. N = 40.

<u>Number of courses</u>	<u>f</u>	<u>%</u>
0	1	2.5
1	4	10.0
2	15	37.5
3	8	20.0
4	7	17.5
5	0	0.0
6	2	5.0
7	0	0.0
8	1	2.0
no response	2	5.0

Reported frequency of chapel or worship services or formal group devotions per week ranged from 1 - 15. The most common response was 5 times per week, the practice at 8 institutions (20%). This suggests a routine of daily chapel throughout the week. Twice a week (probably once on Wednesday and a Sunday service) is also common, with 7 schools (17.5%) responding this way. Five institutions (12.5%) reported conducting 4 services and another 5 provided the opportunity for formal worship 6 times per week. It was not always possible to determine the nature of the worship experience counted in the reported number, but the comments of some indicated that Sunday services were not conducted because students were encouraged to visit local congregations where, in some cases, the church was virtually across the street from the campus. A few comments written on the surveys indicated that services were also conducted for students of other denominations and faiths by clergy of those traditions, including some for their Roman Catholic and Jewish students. None of the institutions have mandatory chapel attendance, although a few make a point of indicating that while it is not required, it is expected and strongly encouraged for all students.

The nature of the responses to the question concerning the frequency of the celebration of Holy Communion make it somewhat difficult to summarize, for so many different confessional practices exist among the various church bodies represented by the institutions in the study. For instance, some schools, including some of the most church-related, indicate emphatically that they never have Communion on the campus; that it can only be received at local congregations. Another much larger institution, on the other hand, has it 5 times a week during daily chapel. Consequently, it was not used as an indicator in the determination of church-relatedness. Also, some schools reported the frequency not by week or month as the item requested, but by semester or year. One can generalize, however, that it most commonly is offered once per week (18, or 45%, reported that frequency; 2 have it four times per month, and another 2, six times per month).

With regard to opening and closing worship services, it was found that 35 (87.5%) of the institutions begin each academic year with an event that could be considered a worship service and all but one of them (97.5%) close the year with a baccalaureate or closing worship service.

One question inquired as to the frequency that faculty meetings were begun with prayer or some other form of devotional activity. The results were as follows:

	<u>f</u>	<u>%</u>
Always	35	87.5
Usually	2	5.0
Seldom	1	2.5
Never	2	5.0

On another topic, 34 (85%) of the institutions require that the president be Lutheran. All but a couple (one for sure who is Presbyterian and possibly the one who did not respond) are, in fact, members of some Lutheran body. Only 4 schools (10%)

require that the president be a member of the clergy of the sponsoring church. On the item dealing with the existence of some individual or group with authority to exercise control over institutional policy, 15 (37.5%) answered in the affirmative.

The presidents were also asked if their institution had a written policy or code that specifically limited, restricted, or prohibited expression of any kind for any reason. Eighteen (45%) indicated that they did.

One of the most important aspects of institutional information received for the purposes of this study was the denominational affiliation of the institution both presently and also as it existed in 1985. This is because there is significant interest in finding whether such affiliation has any relationship to how the presidents responded to many of the items in the second survey.

The following tables present the names of the Lutheran church bodies which sponsor institutions of higher education and the number of colleges or universities owned, operated, or identified with each. All 5 of the institutions whose presidents refused to participate in both the first and second surveys are affiliated with the ELCA.

Table 17.--Denominational affiliation in 1993 of the Lutheran colleges and universities in the sample. N=40.

<u>Church body</u>	<u>f</u>	<u>%</u>
Church of Lutheran Confession	1	2.5
Evan. Lutheran Synod	1	2.5
Evan. Lutheran Church in America	24	60.0
Lutheran Church-Missouri Synod	11	27.5
Lutheran-Independent	0	0.0
Wisconsin Evan. Lutheran Synod	3	7.5

Table 18.--Denominational affiliation in 1985 of the Lutheran colleges and universities in the sample. N=40.

<u>Church body</u>	<u>f</u>	<u>%</u>
American Lutheran Church	10	25.0
Church of Lutheran Confession	1	2.5
Evan. Lutheran Synod	1	2.5
Joint ALC/LCA	1	2.5
Lutheran-Independent	0	0.0
Lutheran Church in America	13	32.5
Lutheran Church-Missouri Synod	11	27.5
Wisconsin Evan. Lutheran Synod	3	7.5

It is interesting to note that one of the ELCA colleges which provided affiliational information for 1985, left the space blank for 1993. (It is included, nevertheless, in the figures above.) One conclusion might be that it may no longer view itself as being connected in any meaningful way with the church body which still claims it as one of its schools. This suspicion is supported by language in the college's catalog regarding its Lutheran character. The most that is acknowledged is a historical or traditional connection. It states,

Like so many other small, private colleges, [Institution 41] also benefits from the historical tradition of theological origins. A Lutheran seminary in the late 1800's, [Institution 41's] evolution to independent college did not alter its commitment to meaningful traditions of incorporating considerations of ethics and values integrally in its academic offerings.

Later under a section on "History" it states, "The college is . . . associated with the ELCA."

Interestingly, one of the other institutions in the sample, in actual fact, is not linked officially to any church body; that is, it truly is an independent institution. Consequently, the "Lutheran-Independent" designation was included as an option on the list. The president of this institution, however, elected to identify his university with the

LCMS, since it does have an historic connection and several informal ties with that church. Moreover, he is a member of the LCMS clergy, just as all of his predecessors have been. Consequently, all data pertaining to and received from that institution was included along with the ten schools of the LCMS.

It will be recalled that the ELCA is the result of a merger of the ALC and the LCA which took place in 1988. The reason for requesting pre-merger affiliational information was to see if the schools of the ALC or the LCA display any distinctive tendencies as their presidents responded to the 48 items in the second survey instrument.

Determination of Church-Relatedness

One of the objectives of the study was to determine the degree of church-relatedness of the institutions in the sample. In order to do this, selected items from the first survey were analyzed and each institution was assigned a score based on the information provided. Chapter 3, which outlined the methodology used in the study, enumerated the ten items among those in the first instrument which were used to establish a score of church-relatedness for each institution.

When the individual institutions are analyzed using these criteria, their scores range from 7 - 47 with low scores reflecting a less church-related posture compared to those with higher scores. Table 19 presents the scores of the 40 institutions in the sample. The names of the colleges and universities have been replaced by an identification number to provide the anonymity that was promised to all and specifically requested by some of the institutions. The numbers are those assigned before the final sample was established. Consequently, numbers above 40 are used and those assigned to the five institutions which ultimately did not participate (29, 33, 35, 43, and 45) are

omitted from the list.

Table 19.--Frequency of institutional scores on ten criteria of church-relatedness. N = 40.

Score	f	Institution
7	1	39
9	2	22, 41
11	1	36
12	1	23
13	1	7
15	2	26, 38
16	3	2, 4, 30
17	2	8, 24
18	2	28, 32
19	2	3, 37
20	1	17
21	2	6, 27
22	1	20
23	1	13
25	1	34
26	1	12
27	1	1
29	2	16, 42
30	4	5, 9, 14, 15
31	1	19
32	1	11
33	2	10, 40
34	1	44
35	1	18
42	1	21
44	1	31
47	1	25

It is suggested, therefore, that by creating a scale using these scores, with "secular" on the low side and "religious" for the higher scores, the institutions' relative positions of church-relatedness can be established and ultimately compared to the scores derived from a determination of each institution's respective support for expressive freedom or restraint to see if there is any pattern to the paired responses.

Results and Analysis of Phase Two

Responses to the Survey

The researcher-designed survey which constituted the second phase sought to elicit presidential responses which would reveal their attitudes in a number of areas and on several issues related to free expression in society generally (13 items), in higher education (15 items), in Lutheran higher education specifically (10 items), and on their campuses in particular (10 items). Thus, the survey consisted of 48 statements to which the members of the sample could respond in one of five ways: strongly agree, mildly agree, neither agree nor disagree, mildly disagree, or strongly disagree.

As stated earlier, this instrument was first administered at a meeting which 35 of the presidents attended. Of that number, 25 submitted completed surveys. One week later instruments were mailed, both to the 10 who had been at the meeting but had not completed the survey, as well as to the 10 who had not attended. This mailing and two telephone follow-ups resulted in a total of 40 instruments being completed. While 43 individuals responded to the first phase, only the 40 who responded to both were considered part of the sample. This represents a return rate of 88.9%. The two individuals who elected not to respond to either instrument, and the three who answered only the first, told the researcher in person that they would not participate. None were willing to give specific reasons for their refusal.

A copy of the complete instrument, along with the frequency and percentage of responses, can be found in Appendix 14. As explained in Chapter Three, responses for each item were also judged against hypothetical responses (see Appendix 5) which represented what was considered to be the most supportive of free expression on the basis of whether expression was either supported or restricted by the responses given.

By comparing the actual responses to those designed to indicate the greatest support for free expression, it was then possible to calculate a score for each of the 40 respondents which represented the respondent's position on a scale of "freedom" and "restraint" where one's degree of tolerance for free expression could be measured.

Table 20 presents a summary of all the responses for each item in the second survey and is followed by a discussion of the specific results for each of the items. Appendix 5 or Appendix 14, both of which reproduce the statements in the second survey, should be consulted for the wording of any item in the survey.

Table 20.--Summary of responses to second survey instrument.

Item #	strongly agree		mildly agree		neither agree nor disagree		mildly disagree		strongly disagree	
	f	%	f	%	f	%	f	%	f	%
1	36	90.0	4	10.0	0	0.0	0	0.0	0	0.0
2	4	10.0	4	10.0	1	2.5	10	25.0	21	52.5
3	9	22.5	7	17.5	6	15.0	5	12.5	13	32.5
4	28	70.0	9	22.5	1	2.5	0	0.0	2	5.0
5	2	5.0	5	12.5	15	37.5	11	27.5	7	17.5
6	35	87.5	4	10.0	0	0.0	0	0.0	1	2.5
7 ^a	25	62.5	7	17.5	4	10.0	2	5.0	1	2.5
8	4	10.0	11	27.5	10	25.0	6	15.0	9	22.5
9	4	10.0	10	25.0	11	27.5	6	15.0	9	22.5
10	27	67.5	11	27.5	1	2.5	1	2.5	0	0.0
11	31	77.5	7	17.5	2	5.0	0	0.0	0	0.0
12	25	62.5	11	27.5	2	5.0	2	5.0	0	0.0
13	16	40.0	20	50.0	1	2.5	1	2.5	2	5.0
14	2	5.0	5	12.5	7	17.5	12	30.0	14	35.0
15 ^a	6	15.0	6	15.0	6	15.0	14	35.0	7	17.5

16	19	47.5	11	27.5	3	7.5	6	15.0	1	2.5
17	1	2.5	6	15.0	6	15.0	14	35.0	13	32.5
18 ^a	2	5.0	4	10.0	5	12.5	18	45.0	10	25.0
19	2	5.0	4	10.0	2	5.0	15	37.5	17	42.5
20	4	10.0	7	17.5	12	30.0	9	22.5	8	20.0
21	27	67.5	10	25.0	2	5.0	1	2.5	0	0.0
22	2	5.0	5	12.5	6	15.0	12	30.0	15	37.5
23	3	7.5	12	30.0	7	17.5	10	25.0	8	20.0
24	5	12.5	19	47.5	5	12.5	4	10.0	7	17.5
25	10	25.0	16	40.0	4	10.0	7	17.5	3	7.5
26	4	10.0	14	35.0	10	25.0	2	5.0	10	25.0
27	11	27.5	15	37.5	7	17.5	3	7.5	4	10.0
28	7	17.5	5	12.5	3	7.5	5	12.5	20	50.0
29	33	82.5	3	7.5	1	2.5	2	5.0	1	2.5
30	28	70.0	4	10.0	2	5.0	5	12.5	1	2.5
31	26	65.0	3	7.5	4	10.0	7	17.5	0	0.0
32	24	60.0	5	12.5	2	5.0	2	5.0	7	17.5
33	5	12.5	3	7.5	3	7.5	15	37.5	14	35.0
34 ^b	3	7.5	14	35.0	2	5.0	7	17.5	13	32.5
35	14	35.0	10	25.0	11	27.5	3	7.5	2	5.0
36 ^a	7	17.5	2	5.0	7	17.5	10	25.0	13	32.5
37	4	10.0	3	7.5	3	7.5	4	10.0	26	65.0
38	15	37.5	10	25.0	8	20.0	5	12.5	2	5.0
39	5	12.5	2	5.0	4	10.0	13	32.5	16	40.0
40	2	5.0	2	5.0	2	5.0	4	10.0	30	75.0
41	14	35.0	15	37.5	5	12.5	4	40.0	2	5.0
42	11	27.5	11	27.5	5	12.5	5	12.5	8	20.0
43	10	25.0	9	22.5	5	12.5	5	12.5	11	27.5
44	9	22.5	14	35.0	5	12.5	5	12.5	7	17.5

45 ^c	15	37.5	12	30.0	7	17.5	2	5.0	3	7.5
46	4	10.0	8	20.0	6	15.0	14	35.0	8	20.0
47	16	40.0	20	50.0	2	5.0	0	0.0	2	5.0
48 ^a	12	30.0	10	25.0	8	20.0	5	12.5	4	2.5

^a One respondent marked "?". ^b One respondent marked "depends." ^c One respondent revised the question.

The following discussion will present a narrative summary of the results of the second survey, for the most part, on an item-by-item basis. It started with a statement with which all respondents, as expected, agreed, 90% of them strongly. It asserted simply, "Freedom of expression is one of the most important rights in a democratic society." It was followed in item 2 by, "There are some issues which should not be discussed in any setting." Twenty-one presidents (52.5%) selected "strongly disagree." Another 10 (25%) mildly disagreed for a total of 77.5% who seem to believe that every issue has at least some appropriate place where it can be discussed. Four individuals each, however, in spite of how important freedom of expression was to all of them in item 1, either strongly agreed or mildly agreed with this statement. Some things, according to these responses, apparently should never be discussed.

When the denominational affiliation of the respondents to this item is examined, one finds that all 3 of the presidents of the WELS colleges are among the 8 (20%) who agree. Two of the 11 from the LCMS mildly agree, and 3 of the 23 ELCA presidents agree. It should be kept in mind as one works through these results that how the presidents of the respective church bodies -- particularly of the ELCA, LCMS, and WELS -- responded as collective groups was also of significant interest to the researcher, Consequently, those data will be reported along with the results of other selected cross-

tabulations of the survey items when a noteworthy pattern seems to exist.

The third item attempts to get a response to a statement which alludes to a specific part of the U. S. Constitution, as well as one interpretation of that language, which has been endorsed over the years by a number of judges and commentators. It states, "The First Amendment's right to free expression should be considered an absolute right; that is, no law should be passed which abridges this freedom." Nine (22.5%) strongly agree and 13 (32.5%) strongly disagree. When the respective "mild" responses are added to these it comes to 40% who agree and 45% who disagree. Likewise, no generalizations can be made with regard to specific church bodies, for each denomination is scattered across the continuum. Two individuals who would not include themselves in the "absolutist" camp made reference in the margins of the instrument to the familiar exception to the freedom of speech; namely, the proscription against yelling "Fire!" in a crowded theater.

Number 4 is the first to insert the topic of education into the survey. It also suggests that expression may vary in terms of its value. The item states, "Some expression may be so offensive as to lack any social or educational value." Seventy percent strongly agree, with another 22.5% who mildly agree for a total of 92.5%.

Number 5 makes reference to another common constitutional problem, the direct conflict of two significant rights. The responses to this item indicate just how perplexing such issues can be. It states, "If, in a given situation, the right to free expression finds itself in direct conflict with another constitutional right (such as the right to be free from discriminatory treatment), free expression should be given preference." Over one-third (37.5%) could neither agree nor disagree, the highest number giving that response for any of the items in the survey. Of those who could make a choice, however, almost half

(45%) did agree, most of them mildly, providing some popular support for the principle that rights of expression are considered to be preferred freedoms in constitutional jurisprudence. One respondent underlined "discriminatory treatment" in the item and added the comment, "This is not a constitutionally protected right." One might justifiably differ with that conclusion, however, if it is true that the Equal Protection Clause of the Fourteenth Amendment does indeed prohibit at least some discriminatory treatment when it says, "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws." That certainly is how it has been interpreted by the Supreme Court over the years. (It is also interesting to note that this individual reported having earned a B.A. in history and an M.A. in political science. In other words, he, of all people, should have known better.)

The sixth item attempts to determine the collective view of the respondents on one aspect of an important philosophical issue, the relationship between law and morality. It states, "Just because a person has a constitutional right to say something does not necessarily mean it is morally right to say it." All but one of the respondents either strongly agreed (87.5%) or mildly agreed (10%).

Number 7 is the first to introduce the concept of Christian values and beliefs into the survey. It states, "The Constitution protects some expression that is inconsistent with certain Christian values and beliefs." Twenty-five of the 40 presidents (62.5%) strongly agree. When the 7 who mildly agree are added to this, the percentage of those in agreement goes up to 80.

Items 8 and 9 address two issues in the law of free expression which have been discussed in the literature (see Chapter Two) and are somewhat controversial because they involve the use of the civil and criminal law, respectively, as a response to or

remedy for offensive expression. Number 8 states, "A person who can demonstrate that genuine offense was caused by the expression of another should be able to succeed in a civil suit against that individual." Number 9 also begins the same way but concludes with the language, ". . . should be able to find recourse in the criminal laws of the state." Even though a significant difference exists between the technical arguments which favor civil remedies as opposed to those of a criminal nature, the presidents responded, collectively at least, in almost identical fashion to these two items. The only difference in the two frequency lists is a change of one "mildly agree" response in number 8 to "neither agree nor disagree" in number 9. One might have expected greater willingness to support civil remedies, such as in tort or defamation, over criminal sanctions for expression which causes offense, although there is a movement which is attempting to increase the use of the latter in such cases. As it happens, however, there is only the smallest reduction of support for a criminal -- as opposed to a civil -- response.

A closer examination of the responses to these two items, however, reveals that more shifting took place in the aggregate than the one response from agreement for civil suits to neither agree nor disagree for criminal prosecution. Of the 40 pairs of responses to these two items, 23 people (57.5%) gave the same answer to both. Eight (20%) presidents gave a higher response to number 8. That is, they felt more strongly about a civil remedy as opposed to one from criminal law. However, 9 respondents (22.5%) felt that the criminal law was more appropriate and gave a higher response to number 9. Looking at this item from the perspective of denominational affiliation, one finds that considerable movement took place among all the church bodies. The WELS colleges tended to favor criminal sanctions over civil. Whereas the presidents of these three schools responded with either mildly disagree (2) or neither agree nor disagree (1) for

number 8, two of them moved to the agree side for number 9. The LCMS presidents as a group, on the other hand, agree more with civil over criminal remedies. Five of the 11 favored civil suits, but only 3 agreed with the use of criminal trials. Likewise, the ELCA presidents shifted slightly in favor of civil remedies. Eleven of the 24 agreed in number 8 (civil) whereas only 8 of 24 agreed in number 9 (criminal).

Items 10, 11, and 12 treat in slightly different ways the relationship between the value of free and open expression and the goals of a liberal education in a collegial setting. Number 10 states, "Freedom of expression is one of the most valuable commodities that can exist on any college or university campus." With the exception of one LCMS president who mildly disagreed with that statement and one ELCA respondent who could neither agree nor disagree, everyone else (95%) agreed, over two-thirds (67.5%) strongly.

To the assertion in number 11 that "The discussion of unpopular ideas is an essential aspect of a liberal education," there was almost unanimous agreement. Ninety-five percent (77.5% strongly agreeing) recognize this as being an inherent part of the process of intellectual development. The two individuals who could neither agree nor disagree were from an ELCA college and a WELS college.

Number 12 takes the idea in number 11 a step farther when it states, "The discussion of ideas which may be offensive to certain individuals or groups is occasionally necessary to accomplish the goals of a liberal education." Here, total agreement was almost as strong as the combined responses for the previous item (90%), but the relative strength did diminish somewhat. Whereas 31 presidents strongly agreed with the statement in number 11, only 25 of the 40 (62.5%) strongly agreed in number 12. One each from the LCMS and the WELS mildly disagreed. Two more would not

agree or disagree.

Number 13 makes reference to one of the recognized exceptions to the general principle that expression should be free and unrestrained under the First Amendment, and it seeks to find the degree to which members of the sample agree. It states, "It is appropriate to put limits on expression because of the time, place, or manner in which it occurs." It is not known how many respondents were familiar with the actual phrase involved, but a full 90% agreed (40% strongly, 50% mildly). Only 3 individuals disagreed; 1 from the LCMS (mildly) and 2 from the ELCA (strongly).

Number 14 attempts to discern the extent to which it makes a difference to the respondents where on the campus expression takes place. It states, "Some topics are appropriate to discuss in a classroom setting but not outside the class." Evidently, to most, it does not seem to matter where such discussions occur. Thirty-five percent strongly disagree and 30% do so mildly. Those few (17.5%) who seem to agree that some things are alright to talk about in -- but not out of -- class include representatives from the CLC (1), the ELCA (3), the LCMS (2), and the WELS (1).

Moving to another specific venue on the campus, item 15 inquires about whether "Students should be able to say anything they want when they are in their residence hall rooms." The most frequent response was "mildly disagree" (35%). Another 17.5% strongly disagreed, making it just a little over one-half who were opposed to this position. An equal number of responses (6, or 15%) for the two "agree" choices and the one in between, rounds off the relatively inconclusive collective response to this statement. The ones who did agree, that is, those who favored unrestricted speech for students in their rooms, were from the ELCA (8 of 24) and the LCMS (4 of 11).

Number 16 seeks to find if the respective roles of the two key populations in an

academic community are perceived any differently by those who lead them. It states, "Students and professors should be held to the same standard regarding free expression when acting as members of the campus community." Of the 7 presidents who disagree (6 mildly), 5 of them are from the LCMS which is almost 50% of that entire cohort. Five others from the LCMS joined most of the ELCA (20 of 24) and all 3 WELS presidents in agreeing with a common standard for both groups.

Another category of campus speaker is introduced into the setting in number 17. It asks whether "Outside speakers should have greater freedom while on the campus making a presentation than is typically allowed students or professors addressing the same issue in class." Only 7 people in this sample (17.5%) think they should, and only one of them feels strongly about it. On the other hand 67.5% of the presidents do not feel that outside speakers should have any greater freedom than students and professors. Of all those who disagreed with the statement, 32.5% felt strongly and 35% felt mildly opposed to it. Of those who favored a different standard, 2 were from the ELCA (both mild), 4 from the LCMS (3 mild and 1 strong), and 1 from the WELS (mild).

Number 18 is the first of 10 items located throughout the remainder of the survey which request the presidents to respond to specific situations in terms of what action they might take on their own campuses when confronted with the problem presented. It states, "The institution you serve would take the same action against a student for inappropriate off-campus expression as it would if the expression had occurred on the campus." According to the responses, a large majority of them (70%) would not take the same action. Fifteen percent would take the same action and the remaining 15% could not commit to one position or the other; or they did not understand the question, one respondent having marked "?" in the space instead of one of the standard options.

Of the 6 individuals who make up the 15% agreeing, all five church bodies are represented, the LCMS having 2 who mildly agree. Of the 2 who strongly disagree, 1 is from the WELS and 1 from the CLC.

It was pointed out early in the first chapter that while the First Amendment's guarantee of free expression is automatically applicable to public institutions of higher education, inasmuch as they are, inherently, governmental agencies, the same is not true for private institutions, including those operated or sponsored by church bodies. It is also true, however, that all private institutions can adopt or impose upon themselves the obligations of the First Amendment by simply saying, usually in their official publications, that this is their desire and intent. Item number 19 seeks to find how the presidents feel, in a general way, about the distinction between these two sectors. It also is the first item to mention specifically Lutheran institutions when it states, "Lutheran colleges and universities should always follow the same standards for expression as public colleges and universities."

When the item was drafted, it was done with the assumption that the typical respondent would view public institutions as representing the most free, open, and tolerant environments in terms of expression, and that this and other similar items would provide a way to determine the degree to which Lutheran college and university presidents felt their institutions should simulate that environment. For many, that may indeed be how the item was perceived, but it also became apparent, based on comments made during the interviews and reported later, that some who may be very much in favor of open and free expression on their campus would disagree with the statement in number 19 because of the restrictions public institutions must impose (for other constitutional reasons) on some expression which is related to religion. The actual

responses to this item were as follows: 5% strongly agreed, 10% mildly agreed, 37.5% mildly disagreed, and 42.5% strongly disagreed, representing an 80% opposition rate. The written comments of two respondents who registered the strongest disagreement are worth quoting here. One explained that he answered this way "because at most public universities, prayer, for example, is forbidden. Lutheran colleges should not have that standard!" The other stated, "Not so in liturgical settings; the question is not precise." In other words, for a church-related college to employ the same standard as a public university in the area of free expression, there likely would be restrictions or limitations for the religious institution which would be inconsistent with its mission as a college of the church. A similar sentiment was also expressed by two of the presidents who participated in the interview phase of the study. Of the 6 institutions that did agree, 1 was from the LCMS (mild) and the other 5 from the ELCA (2 strong, 3 mild).

To ascertain how the presidents of Lutheran colleges and universities would view the importance of free expression vis-à-vis the feelings of someone hurt by expression which was offensive to him or her, item 20 sought to find out whether they felt that "Lutheran colleges and universities should place a higher priority on a person's feelings than on another's right to say something offensive to that person." More disagreed (42.5%) than agreed (27.5%; only 10% strongly), but a full 30% could neither agree nor disagree. When the responses to this item are examined by church body, it was found that 67% of the WELS presidents, 36% of the LCMS presidents, and only 17% of the presidents from the ELCA schools said the priority in a Lutheran college or university should be the person's feelings. Of the 17 individuals who disagree, the ELCA accounts for 12 (6 mild and 6 strong).

It is interesting to examine how some of the other variables are related to the

responses for this item. While the low numbers involved probably render these findings less than highly significant, some trends or tendencies still seem to emerge from the data. When one looks, for example, at how the fact of a respondent's attendance at a Lutheran college related to his response to this item, it is discovered that, of the 8 presidents who did not go to one of the institutions represented in the sample, none agreed that such schools should "place a higher priority on a person's feelings than on another's right to say something offensive to that person." Not everyone who did attend a Lutheran college did agree; in fact, 12 of the 32 (37.5%) specifically disagreed. Nevertheless, all those who did agree 11 (34%) received their undergraduate degrees from a Lutheran college or university.

A similar finding is made when one examines the responses of the presidents who are required to be ordained to hold their positions. None of them disagreed with the statement in number 20.

There also seems to be a perceptible difference between presidents of those institutions where more than 50% of the faculty is Lutheran and those with less than 50%. Of the 11 who agreed with the statement, 9 (82%) served at institutions where more than half of the faculty were Lutheran. When the responses of the 17 who disagreed are examined, one finds that 11 (65%) are from schools where less than one-half of the faculty are members of some Lutheran church.

As a follow-up to the somewhat general principle explored in number 20, items 21 and 22 seek a response based specifically on how local religious values inform one's view of the role of expression and whether conflict with those values would result in some sanction at the respondents' own institutions.

Item 21 states, "Some expression could be considered to be in clear conflict with

the religious values of the institution you serve." This is followed immediately by number 22 which says, "Expression which is considered to be in clear conflict with the religious values of the institution you serve would be prohibited and punished." While 37 of the 40 (92.5%) do agree with the statement in number 21 (with 27 of them, or 67.5%, doing so strongly), only 7 (17.5%), agree with the statement in number 22 (and only 2 of them strongly). Of those 7, there are 2 each from the ELCA and the WELS and 3 from the LCMS. Presumably, then, the 67.5% who disagree with number 22 would neither prohibit nor punish expression found to be in clear conflict with their respective religious values. If the 15% who would neither agree nor disagree with this statement is added (since here no decision may be a decision not to prohibit or punish after all), then the opposition to this kind of reaction or response to such expression is increased to 82.5%. An examination of the responses to this item by church body shows that the colleges of the WELS are more likely to prohibit and punish the expression in question than any of the others.

Items 23 and 24 offer normative statements about how Lutheran institutions, specifically, should respond to two distinct problems that sometimes arise, the suggestion in the wording of each being that a restrictive solution is desirable. Number 23 states, "Lutheran colleges and universities should establish and enforce limits on expression which is found to be offensive by certain identifiable groups on the campus." Number 24 gets a bit more pointed when it says, "Lutheran colleges and universities should establish policies which make punishable the uttering of racial epithets." It would be expected that those who favor limits in the first case would also support them in the second, since racial epithets represent a common (and relatively grievous) form of the problem suggested in number 23. One would also anticipate that a higher level of

agreement would be registered with number 24 because it does identify a more serious offense, and this, in fact, is what happened. The total of those agreeing with number 23 was 15 (37.5%), as opposed to the 24 (60%) who agreed with the statement in number 24. Forty-five percent disagreed with number 23 versus 27.5% who were opposed (17.5% strongly disagreeing) to the statement in item 24.

It is also interesting to see how the different Lutheran bodies responded to these two items. All the presidents of the WELS colleges mildly agreed with item 23; all also agreed with number 24, one strongly. The LCMS respondents split on both questions but the distinction was much sharper for the statement on racial epithets. On number 23, 6 of the 11 agreed (2 strongly) and 2 disagreed (1 strongly). On number 24, however, 9 agreed (again, 2 strongly) and the other 2 disagreed, this time both strongly. Assuming that the two who disagreed in both were the same people, it is strange that one would have only mild disagreement on number 23 but change it to strong disagreement in number 24, especially when the movement for most of the other respondents was to greater agreement with the punishment of epithets.

The respondent from the one ELS school mildly disagreed with number 23 and strongly agreed with number 24, demonstrating the "logic" just suggested. Likewise, the one president of the CLC moved from mildly disagree for the more general "offensive expression" addressed in item 23 to mild agreement for policies and punishment of racial epithets in Lutheran institutions. Responses of the ELCA presidents were much more distributed across the spectrum; although, like their counterparts from the other denominations, more agreed with a more restrictive response to racial epithets (10 of 24, or 42%) than general offensive expression (6 of 24, or 25%).

Number 24 is another interesting item to examine from the perspective of some

of the other data collected about the characteristics of the respondents and their institutions. For example, when the variable, "percent of faculty who are Lutheran" is looked at, certain tendencies seem to emerge. When the responses from the 22 schools with over 50% Lutheran faculty are examined, one finds that 17 (77%) agree that "Lutheran colleges and universities should establish policies which make punishable the uttering of racial epithets." Looking at the 18 schools with faculties under 50% Lutheran, it is found that only 7 (39%) agree. Another way to look at the same data is to say that of the 24 people who agreed, 17 (71%) are from schools where at least half of the faculty are Lutheran.

Another variable which seems to demonstrate a remarkable pattern of responses for item 24 is the number of years the respondent had been president at his current institution. The range was from 1 - 20 years, and it seems that the longer one has been in his current office, the more likely he is to agree strongly with the ban and punishment of racial epithets and the less likely to disagree strongly. Everyone who strongly agreed (5 people) had been in office over 10 years. Everyone who strongly disagreed (7 people) had been in office for less than 12 years. Of the 14 presidents with over 10 years as president at their current institution, 12 (86%) agree.

As might be expected, the results are similar when the variable, "years at one's current institution in any capacity" is examined. Here, the range is from 1 - 33 years. Again, there is rare disagreement (only 2 of 11, or 18%) once a person has been at his current institution in any role for more than 11 years.

Item number 25 attempted to discover to what extent the respondents would agree with the following statement: "Lutheran colleges and universities should not prohibit and punish expression which is in conflict with its values, but respond only with

admonition, education, and information about why it opposes the position it finds offensive." Here, 65% agree (25% strongly). Twenty-five percent also disagree. Coming as it does after two items which discuss policies and punishments, the focus in this one shifts somewhat and suggests that perhaps there is another way to respond besides imposing limits and sanctions on behavior. It would be interesting to see if the responses would be any different if this item had appeared before numbers 23 and 24. In spite of their relative placement, however, this item did have the highest rate of agreement, 65%, as opposed to 37.5% and 60% for items 23 and 24, respectively. It should also be pointed out that this is relatively consistent with the results of item 22 which presents very close to an opposite position. It will be recalled that the agree/disagree division there was 17.5%/67.5%, which is quite close to the 65% agreement of number 25.

If any generalization could be made concerning the responses to this item according to denominational affiliation, it would be that, of the three larger bodies, the presidents of the ELCA colleges and universities would be less supportive of restrictions and punishments for expression which conflicts with their institutions' values and more inclined to admonish, educate, and inform those in violation of these standards. Seventy-five percent of this group (18 of 24) agreed, as opposed to only 45.5% of the LCMS presidents and 33.3% of those from the WELS. Interestingly, the president from the ELS also agreed (mildly) as did the one from the CLC (strongly); a notable point since the presidents of those two smaller institutions report that they identify with and more closely resemble WELS schools than those from the LCMS and certainly those of the ELCA.

The responses to number 26 provide an opportunity to see if the presidents have different expectations for public institutions on the matter of policies against and

punishment for the expression of racial slurs. The actual item states, "Public colleges and universities should establish policies which make punishable the uttering of racial epithets." Whereas 60% agreed with the statement when it applied to Lutheran colleges and universities (item 24), only 45% think this should happen in the public sector (only 10% strongly). One quarter of the sample would neither agree nor disagree. Thirty percent disagreed, but it is interesting to note that another full quarter disagreed strongly, presumably because they would expect expression in public institutions to be free regardless of the content. Ten of the 12 among those who disagree are from the ELCA. The other 2 are from the LCMS. The presidents of the CLC and ELS colleges each responded the same way for items 24 and 26; that is, expressing no difference between public or Lutheran colleges when it comes to handling racial epithets. They supported policies and punishment for both sectors.

Item numbers 27 and 28 provide another opportunity to see how the sample views expression about a controversial topic, first in public institutions and then in their own. The two statements, respectively, are as follows: 27) "The student newspaper at a public college or university should have a right to carry an advertisement for an abortion clinic." 28) "The student newspaper at the institution you serve would be permitted to carry an advertisement for an abortion clinic." More than twice as many agreed with number 27 as did with number 28 (65% versus 30%). Strong disagreement was registered by only 10% in number 27 but a full 50% in number 28. Another 12.5% disagreed mildly with the latter item. It might also be added that even though total disagreement is very low, of the 7 who did disagree, 5 of them (71%) had been president at their current institutions for more than 12 years. Likewise, there is no disagreement on item 27 by those who did not receive their undergraduate degrees at Lutheran

colleges.

An examination of the responses to these items (especially number 28) by church affiliation is striking. For instance, of the 20 presidents who expressed in the strongest possible way that their student newspaper would not be allowed to carry an advertisement for an abortion clinic, only 5 were from the ELCA's 24 schools. All 3 WELS schools, 10 of the 11 LCMS schools, as well as both the ELS and the CLC institutions were in this group. Twelve of the 24 ELCA institutions, on the other hand, would permit such information to be provided in their student newspapers.

When the variable of "percentage of Lutheran students" is examined, one finds that once the rate is over 70%, the only response to this item is "strongly disagree." A similar result occurs for the "percentage of Lutheran faculty." Of the 17 presidents who serve institutions with 60% or more Lutheran faculty, 16 (94%) disagreed.

Three more variables merit discussion here as well. The first, is "number of weekly worship services." Ten institutions report having more than 6 opportunities for formal worship on the campus per week. Of those, 8 (80%) disagree strongly with the statement in number 28. A similar result is found for "number of religion courses required." Of the 18 presidents whose schools require more than 2 such courses for graduation, 16 (89%) would not permit abortion advertisements in their student newspapers. Finally, the 4 whose institutions require that they be ordained all disagree in item 28.

Item 29 stated, "The student newspaper at the institution you serve is free to criticize your administrative decisions." Thirty-six of the 40 presidents (90%) agreed (33 strongly). Of the 3 who disagreed, there was one each from the CLC (mildly), the WELS (strongly), and the LCMS (mildly). All the ELCA presidents agreed strongly.

The issues in items 30, 31, and 32 can be examined together since they all deal with the freedom of the student newspaper at Lutheran colleges and universities to express criticism of the sponsoring church body on three matters which, it was thought, could be seen as becoming more progressively controversial in the order in which they are presented. Number 30 stated, "The student newspaper at a Lutheran college or university should be free to criticize the position taken by the sponsoring church body on a matter of public policy." Numbers 31 and 32 substitute ". . . on a matter relating to church practice," and ". . . on a matter of biblical interpretation," respectively.

If one looks at the response "strongly agree" for each of these three items, there is, indeed, a gradual diminishing of support from number 30 through number 32. Seventy percent answered this way when the issue was public policy, 65% when it was church practice, and 60% when the criticism concerned biblical interpretation. Taking total agreement into account, the percentages are 80, 72.5, and 72.5 for items 30, 31, and 32, respectively. In short, a vast majority of the Lutheran colleges and universities, taken as a whole, tolerate editorial criticism of the positions taken by their sponsoring church bodies. Focusing on those few who disagree, one sees that only 15% do for item 30 (12.5% mildly); 17.5% for item 31 (all mildly); and 22.5% for item 32 (17.5% strongly). In general, those schools with smaller student bodies, but with a higher percentage of Lutheran students, tend to disagree more.

Even more interesting is how the individual church bodies line up specifically on these issues. Indeed, there are few items in the entire survey which produce such polar extremes in terms of denominational response than do these. For question 30, all but one of the ELCA schools strongly agree with the newspaper's right to criticize the church body's position on matters of public policy. (The one that did not join his fellow

23 ELCA colleagues chose "neither agree nor disagree" as he did for many items. This is also the same president who did not admit to a current denominational affiliation for the institution, and whose presence in the group of Lutheran colleges and universities is most tenuous according to the perceptions of many. It is also the same institution, mentioned earlier, which views its church affiliation as more historical than actual.) In any event, the ELCA is quite unified on this matter. The same is true for the colleges of the WELS, but taking the opposite position. All three presidents of that church body believe that student newspapers at Lutheran colleges and universities should not criticize the position of its church body, even on issues of public policy. As one might expect, the same is therefore also true for church practice and matters of biblical interpretation. The progressive nature of these three questions is nevertheless reflected in the responses of the WELS presidents too, however, because while only 1 of the 3 strongly disagreed on item 30 when the issue was only public policy, 2 disagree for the item that deals with church practice and 3 for the one on biblical interpretation. The LCMS presidents start out with a relatively high degree of tolerance in item 30, with 8 of the 11 agreeing (5 strongly). Three disagreed mildly. When the issue turned to church practice, 6 still agreed (4 strongly), but 4 also disagreed mildly. One was neutral. By the time they got to biblical interpretation, however, the diversity of the schools of the LCMS had become more clear, with 6 agreeing and 5 disagreeing (4 strongly). In other words, almost half of the LCMS presidents line up like their WELS colleagues (and also the one from the CLC) on the issue of criticism of the church's position on biblical interpretation. Those in the other half are more like their counterparts from the ELCA who consistently agree across the board on all three items. The existence of two camps in the LCMS is depicted quite clearly when all the data from the first two surveys are displayed graphically later

in the chapter.

Items 33 and 34 deal with the freedom of "underground" newspapers on the campuses of the respondents. The first inquires whether "You would restrict the distribution of an unofficial (or `underground') student newspaper on your campus regardless of whether any of its content was offensive." The second is altered slightly to read, "You would restrict the distribution of an unofficial (or `underground') student newspaper on your campus only if its content was offensive." The changed condition in item 34 regarding the content of the material in the publication seemed to make a difference to some. Whereas the agree/disagree split for item 33 was 20%/72.5%, for item 34 it was 42.5%/35%. All three of the church bodies which sponsor multiple institutions were split on both of these items, including the WELS, which had 2 colleges strongly agreeing with restriction in both sets of circumstances and 1 disagreeing. While the split in this camp is somewhat notable, since the three schools usually responded similarly, the responses do represent a pattern in reverse of the majority of the other presidents, a somewhat common occurrence. It might also be noted of this item that of the 8 individuals who agreed, all had attended Lutheran colleges as undergraduates.

One comment written on the instrument next to this item is worth reporting. A president from an ELCA college who responded "strongly disagree" to both items 33 and 34 pointed out, "The issue is not `official' vs. `unofficial' (or underground), but whether those who edit and write the `unofficial' paper identify themselves or not. If not, then it is to be regarded as not protected by the canons of academic freedom."

Items 35 - 40 consist of three pairs of statements (35 and 38, 36 and 39, 37 and 40) which attempt to compare how the respondents feel about the three issues contained in them from the perspective, first, of the freedom of students at public colleges and

universities, and then at their own institutions. The intent was, again, to present situations which were perceived by the researcher to be progressively more difficult to tolerate. The first pair (35 and 38) asks whether "Students at a public college or university should be free [or `at the institution you serve would be free'] to display a Confederate flag on the door of their residence hall room." The language of the second pair (36 and 39) states, "Students at a public college or university should be free [or `at the institution you serve would be free'] to wear clothing on the campus which clearly communicates that a specified racial or ethnic group is intellectually inferior." The third pair (37 and 40), offering perhaps the most extreme situation, inquire as to whether "Students at a public college or university should be free [or `at the institution you serve would be free'] to wear clothing on the campus which clearly communicates that a specified racial or ethnic group should be exterminated." It should be noted that when the issue is asked in the context of the public sector it is framed in normative language such as ". . . should be free" Those items which deal with the presidents' own campuses, on the other hand, are stated in terms of ". . . would be free"

With regard to the display of the Confederate flag, there is not a great deal of difference between the responses to the two items. The amount agreeing with the statement relating to public institutions totals 60%, while all those willing to tolerate such expression on their own campuses equals 62.5%. In other words, these respondents, collectively, say they would give their students more freedom than they think students at public institutions should have. The WELS was the only church body not represented among those who agreed to any degree for both items. All but one of the eleven LCMS schools and over half (54%) of the ELCA institutions would allow it for their own students.

The next pair of items addressed the issue of clothing being worn with an undeniably offensive message; namely, that a certain identifiable group is intellectually inferior. Here the presidents were much less tolerant for students both on public and their own campuses, and the degree of intolerance was greater locally. Only 22.5% supported the freedom of public students in this situation, while an even smaller 17.5% said their students would be free to wear clothing with such a message. Those supporting freedom for public students here include 1 president from the LCMS and 8 from the ELCA. With regard to the respondents' campuses, only 7 ELCA presidents say they would agree (5 strongly) to permit their own students to express themselves in this way.

The results from the cross-tabulations of two additional variables with number 39 are worth mentioning. Looking again at "percentage of Lutheran students," one sees that there was only disagreement (89% strong) for those institutions where 60% or more of the students are Lutheran. When related to the number of religion courses required for graduation, it is found that for the 18 schools where more than two courses are required, not one agreed with the statement in number 39.

The statements in items 37 and 40 represent a very controversial and offensive means of expression, arguably more so than with either the display of a Confederate flag or aspersions concerning the intelligence of a particular racial or ethnic group. To suggest that the members of such a group should be exterminated, in the minds of many, is intolerable. Some members of this sample, however, were willing to tolerate it, presumably for the sake of the principle involved, for students at public institutions as well as at their own. The rate, however, is much lower than for either of the other two situations. Only 17.5% agreed (10% strongly) in number 37 which addressed what

should be allowed on public campuses. Six of these were from the ELCA and one from the LCMS. Only 4 individuals (10%) would allow this message to be worn by students at their own institutions. All of these were from ELCA schools. Total disagreement amounted to 85%, with 75% holding the opinion strongly. The 10% disagreeing mildly were also from the ELCA.

Only strong disagreement was registered on number 37 by presidents serving institutions with student bodies over 60% Lutheran. Likewise, there was no agreement of any degree from all schools with more than 6 formal worship opportunities per week. The 4 who are required to be ordained all disagree as well. For number 40, there was no agreement by any president whose school had over 50% Lutheran students.

The next item gets more general again and pursues an issue that is developed in the four succeeding items as well. Basically, it concerns the degree of tolerance for certain -- or all -- kinds of expression in institutions of higher education in light of the fact that expression and discussion of ideas is a key component of the experience. The differences introduced in the language of items 42 through 45 include weighing the value and degree of freedom in colleges and universities as opposed to society in general, and also comparing the so-called "standard of decency" expected in both public and Lutheran institutions with society at large. Whereas items 42 and 43 take the position that more freedom should be tolerated in the educational setting because of the alleged goal of seeking "truth by any means," items 44 and 45 present the opposite opinion; namely, that not more freedom, but more self-restraint in expressive matters should be expected from people engaged in higher education. After reproducing these items, the responses to each will be summarized.

Number 41 states, "College and university campuses should be the most tolerant

places when it comes to expression and the free exchange of ideas, whatever their value." This statement is similar to number 10, discussed above, in that it connects the value of free expression to the educational process. While not reporting a level of agreement as high as in that previous item, almost three-quarters (29 of 40, or 72.5%) of the presidents agreed. One of only two who strongly disagreed, a mathematician from a highly respected ELCA college, provided an explanation for why he could not support such a position. Evidently taking a very literal reading of the statement, he added, "Mathematicians should not `tolerate' a statement that $2+2=5$." His point is well taken, although the assumption in the question, admittedly not specifically stated, was that this applied to ideas where there was as of yet no clear way to refute them with unequivocal facts. The other strong disagreement was registered by the president of one of the WELS schools. The 4 individuals (10%) who mildly disagreed came from the ELCA (1), the LCMS (2), and the WELS (1).

Number 42 states: "Expression which might not be tolerated in society at large should be allowed on a public college or university campus because of the academic interest in seeking the truth by any means." The only difference in number 43 is the substitution of the word "Lutheran" for the word "public." In the responses to the first item in this pair, an equal number (11) both strongly agreed and mildly agreed, making the total 55%. With the change from the public to the Lutheran campus, there appears to have been only a very slight downward shift of a few responses among the ELCA and the LCMS presidents to bring the total agreement to 47.5%. The 3 WELS presidents strongly disagreed with both statements, the CLC president moved from mild to strong disagreement, and the respondent from the ELS went from mild agreement to mild disagreement. It might be noted that one respondent added this comment after

recording agreement: "So long as it is not disruptive." None of the four who are required to be ordained agreed in either of these items.

Items 44 and 45 are identical with the exception of the one word change, as in 42 and 43, reflecting the desire to see the difference in the respondents' views between public and Lutheran higher education. The statement is as follows: "Expression on public [or Lutheran] college and university campuses should adhere to a higher standard of decency than is required in society at large because more is expected of those who are supposed to be engaged in legitimate intellectual pursuits." As suggested above, these items are viewed as presenting a position somewhat opposed to the value of extended freedom in the academic setting; that is, proposing that those "engaged in legitimate intellectual pursuits" will rise above a tolerance for what many believe to be intolerable and not worthy of protection, either by the Constitution or institutional policy.

Whereas 55% and 47.5%, respectively, agreed with the positions posed in items 42 and 43 (that colleges and universities should tolerate, for the sake of the search for truth, what might not be accepted in society at large), the responses to items 44 and 45 seem to suggest that these respondents have a preference for a higher standard for higher education, with an even higher standard being expected for campuses like theirs. The percentage agreeing with the statement in number 44 is 57.5; 67.5% agree with the one in number 45. One might expect that the majority of these were in the minority for the previous pair of items which supported a more open educational environment. That this is true for the colleges of the WELS is clearly evident from the data when analyzed along denominational lines. On both items, 44 and 45, these presidents agreed, whereas they disagreed uniformly on items 42 and 43.

With the responses from the CLC and the ELS, both of the presidents of these

small, lone schools of their respective denominations strongly disagreed on item 44, supposedly suggesting that the standard in public education need not be high at all. When it came to Lutheran education, however, the CLC person strongly agreed and the ELS individual moved to the neutral position. Responses from the ELCA presidents look very similar collectively between the two items. The LCMS presidents, as a group, did shift in favor of a higher standard for Lutheran education. Whereas 6 of 11 agreed and only 3 disagreed in number 44, 9 agreed and only 1 disagreed in number 45. It could also be added that for number 45, none of the schools with more than 60% Lutheran students disagreed with the statement here.

Some written comments accompanied the responses to number 45 which are worth noting. One person drew a line through the words "legitimate intellectual pursuits" and replaced them with "religious and spiritual pursuits," answering "strongly agree" for the revised question. (This response was not included among the others answered the same way because the question was revised.) Another underlined the word "decency." A third underlined the words "because more is expected of those who are supposed to be engaged in legitimate intellectual pursuits," and noted that this is the "wrong reason," suggesting that the reason for a higher standard of decency is not intellectual pursuit, but something else.

The last three items in the survey, numbers 46, 47, and 48, represent an attempt to determine how the presidents of the Lutheran colleges and universities in the study view the problem of offensive or defamatory expression, not so much in terms of how they might address a specific problem, or what opinion they hold about the role of free expression in higher education generally, or the church-related sector in particular, but rather how they might classify the problematic expression along something

approximating a scale of philosophical categories. In other words, do they view the kind of expression described in these items as merely a legal or constitutional matter to deal with according to the applicable statutory law or court decision; or, does it go beyond the law and require that the issues be addressed according to certain moral or ethical considerations; or, finally, does the problem suggest to them that there are theological or spiritual issues involved which might require approaching concerns or problems in this area as one would when other matters of a religious nature arise? The exact statement in items 46, 47, and 48 is as follows: "Expression which could be considered offensive or defamatory because it contains a message intended to hurt its hearers through the use of language that is racist, sexist, or based on some other characteristic of the hearer presents a problem that is primarily legal or constitutional [or 'moral and ethical', or 'theological and spiritual'] in nature."

Of the three categories, more presidents felt that the situation presented in the statements posed primarily a moral or ethical problem. A full 90% agreed (40% strongly) in number 47 that it was more appropriate to view it this way than in terms of law (number 46) or theology (number 48). Those seeing it primarily as a legal problem amounted to 30% (only 10% agreeing strongly). Fifty-five percent agreed that it was primarily a theological problem.

Even though these three statements, taken together, should have received responses which would have been relatively self-exclusive, such was not the case. In other words, one would think that if a respondent viewed an approach as "primary" the others would not be so viewed, and that there would not have been so many responses which did not take the self-exclusive nature of these approaches into account. In fact, some specifically avoided being confined by the word "primarily" in the statements and

responded to all of them with the same choice. Three members of the sample, recognizing the seeming inconsistency of such responses, made an effort to at least explain the reason for answering the way they did. One who marked "strongly agree" for items 46 and 47 drew a bracket around them and wrote "both." (Incidentally, after item 48, which he left blank, he wrote, "No idea what this means." It is interesting to note, further, that this individual is the president of the institution which turned out to be the most "secular" in terms of church-relatedness, and also the most free on the scale of freedom and restraint.) Another, answering "neither agree nor disagree" for all three, added that it is "both constitutional and moral . . . and spiritual [sic]." The third president, answering "strongly agree" for all three, wrote, "My responses to questions 46, 47 and 48 are contradictory in that not all three can be primary at the same time; therefore I have removed the word primary from each of the three sentences in selecting my responses." (These responses and the accompanying notes from the respondents themselves may help explain why the reliability estimates for this instrument were low.)

Some movement of the data takes place when the responses to the three items are examined by church body. There is a general tendency for the respondents of the CLC, ELS, and WELS to move gradually toward greater agreement as they went from the legal to the moral and on to the theological categories. For example, both CLC and ELS presidents marked "mildly disagree" on item 46, moved to mildly agree for number 47, and then for number 48, one (ELS) remained at mildly agree, while the CLC president moved further to strongly agree. On item 46 the WELS had one each at mildly disagree, mildly agree and strongly agree. On number 47, the one who had disagreed on 46 had joined his colleague on mildly agree. When offered the choice of identifying the problem as theological, all three strongly agreed.

Tracing the LCMS presidents through the series, one finds that 4 of 11 agreed (1 strongly) and 8 disagreed on number 46; 10 agreed (3 strongly) and only 1 disagreed on number 47; and 7 agreed (4 strongly) and 2 disagreed on number 48. While the greatest collective agreement was to see this as primarily a moral problem, feelings of strongest agreement were expressed when the ability to identify the problem as one with theological or spiritual implications was provided as an option.

The ELCA presidents seem to feel that the statement posed more than a mere legal problem, is primarily a matter of morality or ethics, but could also carry with it some theological implications as well. One-quarter of this segment of the sample (6 of 24) agreed (2 strongly) that it was primarily a legal problem. Twenty of the 24 agreed (12 strongly) that the issue was primarily a moral one. Eleven (5 strongly) saw it as a theological concern. It is worth noting that 6 of the 24 indicated that they could neither agree nor disagree here, leaving the remaining 6 to disagree (2 strongly) with the proposition that offensive or defamatory expression is primarily a theological problem.

Some miscellaneous information from selected cross-tabulations for number 48 includes the following: All those from institutions which required the president to be ordained agreed strongly; one who is a non-Lutheran trained in law also agreed strongly; and all those without doctorates disagreed that the issue is primarily a theological or spiritual problem.

Determination of Support for Freedom or Restraint

The second survey was designed to provide information which would allow for a determination of each president's level of support for free expression on his campus. As was explained in Chapter Three, each item was assigned a response which

corresponded to what was determined by the researcher to represent the one most supportive of free expression on a five-point scale and each instrument was then scored accordingly based on how the actual responses compared to the standard pro-expression response. It will also be recalled that the total pro-expression score could range from a low of 48 to a maximum of 240. The higher the score, the more supportive of free expression the responses supposedly were collectively. In fact, the actual scores ranged from 92 - 214. Appendix 5, which is the second survey instrument, displays the standard pro-expression responses on the basis of which the scores on the "freedom - restraint" scales were calculated. Table 21 lists the frequency of institutional scores for the pro-expression responses to the second survey.

It is suggested that by creating a scale using these sources, with "restraint" on the low side and "freedom" for the higher scores, the institutions' relative positions of tolerance for expression can be determined and compared to the scores derived from the determination, already reported, of each institution's level of church-relatedness to see if there is any pattern to the combined responses.

Table 21.--Frequency of institutional scores on 48-item free expression (second) survey.

<u>Score</u>	<u>f</u>	<u>Institution</u>
92	1	21
108	1	17
109	1	31
116	1	19
118	1	44
122	1	11
125	2	12, 18
126	1	25
128	2	6, 10
137	1	20
139	2	9, 41
144	1	14
145	2	23, 38
146	3	4, 26, 28
152	1	5
153	1	13
155	3	2, 24, 34
159	2	37, 42
160	1	16
164	1	32
165	1	1
168	1	36
175	2	7, 40
178	1	8
182	1	27
185	1	3
188	1	15
194	1	30
199	1	22
214	1	39

Convergence of Phases One and Two

While it is interesting to look at the results of each individual item in the second survey and compare them to the results of a number of variables from the first survey, especially the denominational affiliation of the respective institutions, a more significant picture of how the responses to these two survey instruments relate collectively can be seen when the paired scores from the two scales of church-relatedness and expressive

tolerance are plotted on a graph (Figure 1) with intersecting axes, displaying the relative positions of each institution to all the others. The paired scores are listed in Table 22.

Figure 1, which follows, consists of a two-variable diagram where the horizontal axis represents the scale of church-relatedness and the vertical axis represents the scale of expressive freedom and restraint. Given the fact that one scale goes from "secular" to "religious" and the other from "freedom" to "restraint," the resulting quadrants can be labeled according to the four institutional models which emerge:

1. Secular-Freedom (upper left)
2. Secular-Restraint (lower left)
3. Religious-Freedom (upper right)
4. Religious-Restraint (lower right)

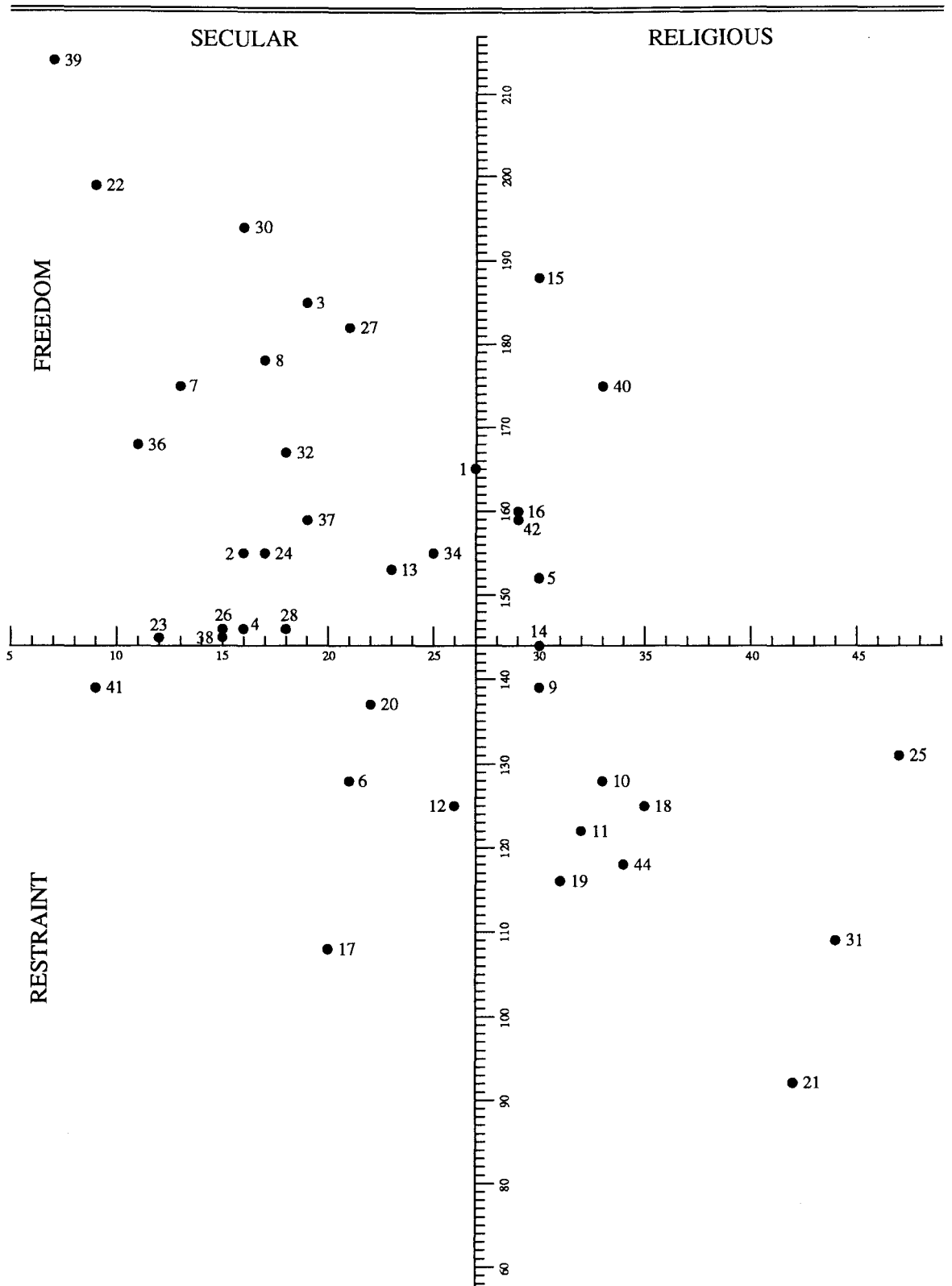
The placement of the midpoint for each scale could not be selected arbitrarily because to do so would affect the location of each institution in its appropriate quadrant. The "secular-religious" scale midpoint was set at 27, which is midway between the two extreme scores on this scale which ranged from 7 - 47. It was determined that the midpoint for the "freedom-restraint" scale (which had a range of scores from 92 - 214) should be set at point 144 because that represents the score which would result if all 48 items on the second survey were given the response "neither agree nor disagree."

The resulting diagram, therefore, displays the relative position of each institution to all the others. Moreover, each institution, except for those few which fall precisely on one of the axes, can be identified as clearly being one of the four types.

Table 22.--Paired scores from both scales for all institutions in the study.

<u>Institution</u>	<u>Scores</u>
1	27,165
2	16,155
3	19,185
4	16,146
5	30,152
6	21,128
7	13,175
8	17,178
9	30,139
10	33,128
11	32,122
12	26,125
13	23,153
14	30,144
15	30,188
16	29,160
17	20,108
18	35,125
19	31,116
20	22,137
21	42,92
22	9,199
23	12,145
24	17,155
25	47,126
26	15,146
27	21,182
28	18,146
30	16,194
31	44,109
32	18,167
34	25,155
36	11,168
37	19,159
38	15,145
39	7,214
40	33,175
41	9,139
42	29,159
44	34,118

Figure 1.--Graph of coordinates from the scores of the first and second surveys.

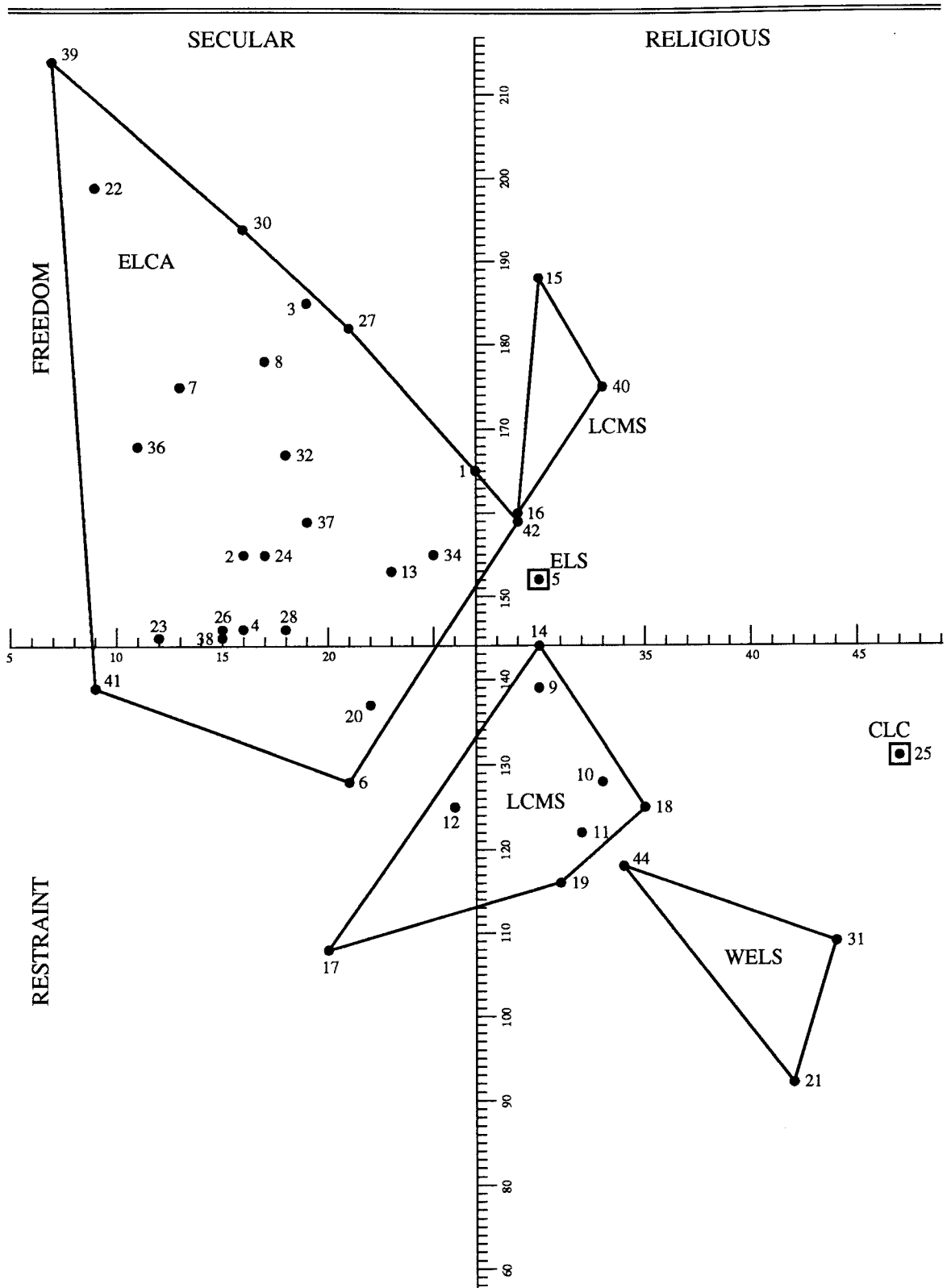


Upon examination of the graph, one sees a number of things. First, there is the tendency of the points to flow from the general direction of secular-freedom in the upper left to religious-restraint in the lower right. In other words, there does seem to be a negative relationship between high church-relatedness and presidential support for expressive freedom. More specifically, the more secular the institution, the more free it is also more likely to be. Conversely, the more religious the college or university, the greater the likelihood that it will also exhibit signs of being a bit more restrictive in terms of the degree to which free expression is tolerated.

It is obvious from the figure that this relationship is not perfect; that is, the diagram produced is not a straight line from the upper left-hand corner which moves diagonally through the midpoint to the lower right-hand corner with no points on either side of that diagonal line. Nevertheless, the placement of most of the points is in that general direction. It will be noted that the institution which proved to be the most "secular" (# 39) also occupies the position of most "free." And while the one that is the most "religious" (# 25) is not the one demonstrating the most "restraint" (# 21), these two are not very far apart, and clearly are in the same quadrant.

Perhaps the most visibly striking finding among these quantitative data is what results when the outside points of each church body's individual members are connected to form the geometric shapes shown in Figure 2.

Figure 2.--Denominational clusters based on the paired scores of the first two surveys.



The one which dominates the upper left-hand quadrant connects, in a counter-clockwise direction, points 39, 41, 6, 42, 1, 27, 30, and then back to 39 again. Every point on, as well as inside, this shape represents all (and only) the institutions of the ELCA.

At the opposite extreme in the lower right quadrant is a small triangle made up of three lines connecting the points 44, 21, and 31. Again, these are self-contained in that they intersect no other figure. They represent the three colleges of the WELS.

The eleven institutions of the LCMS have not aligned themselves as compactly, although they too have avoided any contact with either of the other denominations as they form their "free" and "restrained" camps. The small triangle in the upper right-hand quadrant, made up of points 15, 16, and 40, represents the institutions which fall outside the hypothetical expectation for Lutheran colleges and universities on the topic explored here. That is, they are academic communities that are both religious and free. The other group from the LCMS, the four-sided figure (created by connecting points 14, 17, 19, 18, and 14), is a cluster which is very similar in terms of the range of religiousness or church-relatedness displayed (with the exception of #s 12 and 17), but being considerably below the horizontal axis in the expected range for those which are more "religious." While Institution 17 seems clearly to be outside either of the typical LCMS orbits, there is a reasonable explanation, given the historical mission of that particular institution, which is clearly unique among these schools, for this is the Historically Black College of the LCMS. What accounts for its placement in the secular-restraint quadrant, among other things, is a low Lutheran enrollment and a very strict attitude toward and relative intolerance for a number of behaviors, apparently including some expressive freedom, which is what many of the constituents of this institution demand.

Of the two institutions which are left floating alone to certain extent (# 5 of the ELS and # 25 of the CLC), the placement of the first is something of a surprise, while that of the second is not. First, it was expected that they would be closer to each other than they are. But it was also thought that their similar location would have been closer to the three schools of the WELS than either of them actually are and perhaps to the lower right of them as well. The interview with the president from # 5 confirmed that this small and conservative junior college is nevertheless led by one who takes freedom of expression seriously -- the fact that it ranks higher in "freedom" than several ELCA institutions is remarkable -- while maintaining its unmistakable religious character.

Finally, it is also somewhat striking to see the existence of a distinct corridor of un-plotted space between the shapes which make up the ELCA and the LCMS, a chasm which is somewhat symbolic of relations between the two church bodies, if not always between the faculties and presidents of their respective member institutions. The even greater distinction between the collective responses of the ELCA and the WELS presidents also reflects what is generally perceived to be the relationship between these two denominations. In this context it also might be fitting to recall a fact noted earlier in Chapter 1; namely, that the colleges of the WELS, ELS, and CLC do not participate in the activities of LECNA, the conference which brings the presidents of the ELCA and the LCMS together annually, supports research in and the study of Lutheran higher education, and also sponsors various cooperative ventures such as travel seminars and other joint projects of a curricular nature. More can and will be said concerning the results from Phases One and Two, but at this point the results of the interview phase will be presented.

Results and Analysis of Phase Three

It will be recalled that 17 of the 40 presidents in the sample agreed to discuss a variety of issues related to the topic of free expression in Lutheran higher education from their perspectives as the chief executive officers of their own institutions. The purpose of conducting the interviews was to add depth and texture to the study as well as to see whether the examples and conclusions drawn from them would confirm the findings or clarify any ambiguities produced in the more objective responses to the first two surveys. While nine questions were used in the interviews (see Appendix 11), the results reported here will draw selectively from only a few of the areas explored; namely, the respondents' determination of the degree of church-relatedness of their institutions and the criteria used to make that determination, the nature of the incidents they have cited which involve free expression problems on their campuses, and a variety of general comments which are supportive of both freedom and restraint of expression in an academic community.

Church-Relatedness

Each president was asked about the church-relatedness of his own institution and the criteria he employed to arrive at a rating on a scale of 1 to 5, where 1 represents an institution which is not church-related at all and 5 represents one which is very church-related. All but one of the presidents interviewed provided a numerical rating, but it clearly was difficult for several of them to commit to a particular score. Some provided ranges and suggested certain conditions or contingencies which made them feel like the score should be one thing if seen from one perspective but something else if viewed from another. For instance, one rated his institution between 3 and 4 if compared to the

colleges of various other denominations, but only a 2 or 3 if compared to other Lutheran colleges. Another suggested that if he considered the personnel and ethos of the institution, it would be a 4 or 5; but if he looked at the different constituencies with which he interacted on behalf of the college, the score would be lower. He also distinguished between the students in their traditional undergraduate program and those in the adult degree-completion program, commenting that the church-relatedness appears to be different from one to another. One institution which actually scored relatively high on the basis of the responses to the first survey was assigned only a 3 by the president in the interview.

Table 23 presents the church-relatedness scores reported by the presidents interviewed. It should be remembered that it would be inappropriate to compare these scores with each other for any reason other than to report them as individual responses to the same question since each respondent used different criteria to arrive at his rating.

Table 23.--Frequency of scores of institutional church-relatedness reported by presidents interviewed. These are based on a scale of 1 - 5 where 1 is not church-related at all and 5 is very church-related. N = 17.

<u>Rating</u>	<u>f</u>	<u>Institution</u>
2-3, 3-4	1	36
3	1	40
3-4	2	10, 20
4	3	8, 24, 28
4-5	3	5, 13, 16
5	6	4, 9, 12, 15, 18, 42

Table 24 compares the actual scores of church-relatedness calculated on the basis of the first survey [A] and the self-reported scores of the 17 presidents provided during the interviews [B]. Scale A ranges from 7 to 47. Scale B goes from 1 to 5. The low

scores on both scales represent a less church-related, or a more secular institution.

Table 24.--Comparison of actual and self-reported scores of church-relatedness.

	39* 36	38, 4, 8, 24, 20	13, 12, 16, 42, 5, 9, 15	10, 40, 18	
[A]	7-14	15-22	23-30	31-38	39-47
		36**	40, 36** 10, 20	8, 24, 38, 5, 13, 16	4, 9, 12, 15, 18, 42
[B]	1	2	3	4	5

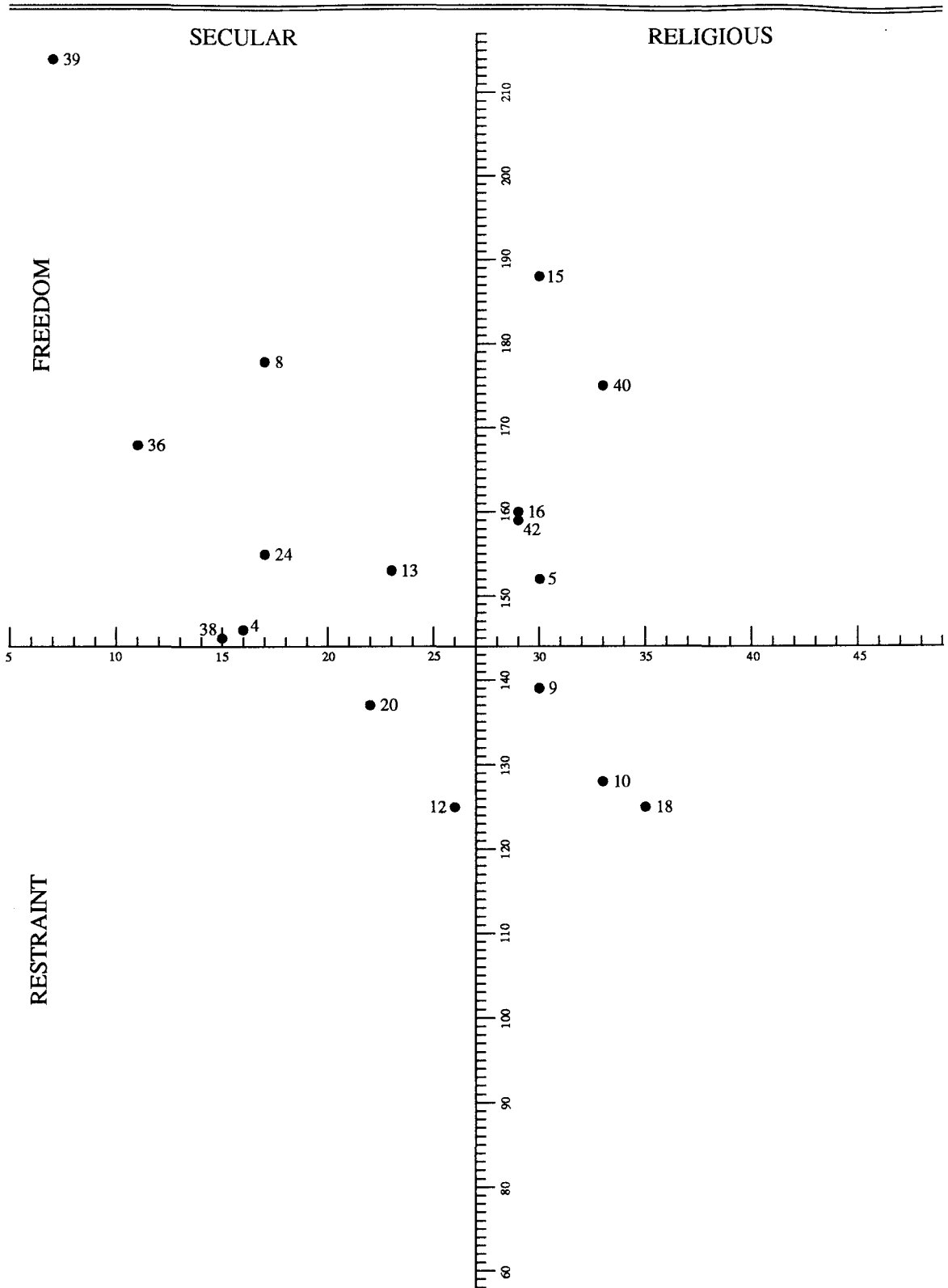
* Institution 39 would not give a self-rating.

** Institution 36 gave two self-ratings.

It is obvious that the presidents have perspectives of how church-related their institutions are which are different from those based on the criteria used for that determination in the first survey. As Table 24 shows, none of those interviewed had actual scores of church-relatedness which fell within the top 20% of the range. Six, however, did give themselves the highest rating on a scale of 1 to 5.

As can be seen in Figure 3 below, which illustrates the relative position of just the presidents interviewed, Institutions 9, 15, 18, and 42 do fall within one of the two "religious" quadrants. The other two who scored themselves a "5" (Institutions 4 and 12), are situated in the "secular" side of the graph.

Figure 3.--Plotted coordinates of the institutions involved in the interviews.



There are also 6 who scored themselves a "4." Again, one of them fell within the comparable range on the actual scale. Indeed, 5 of the 6 were two units lower with scores on the actual scale ranging from 15-22. It is also interesting to note that 2 of the institutions that rated themselves in the "3" range actually emerged (on the basis of having scores from the first phase between 31 and 38) as being more church-related than they saw themselves.

In short, presidential perceptions of church-relatedness were always either lower or higher than what was demonstrated on the basis of the criteria used in Phase One. However, as noted earlier, this could be attributed almost exclusively to the fact that different criteria were used for the self-rating and the determination made for the study. It would have been interesting to see if their ratings would have been closer if they had been asked to consider only the 10 objective criteria used in Phase One.

With regard to the criteria the presidents identified as having been used to arrive at the scores printed above in Scale B, they mentioned, collectively, 40 different factors which they claimed contributed to such a determination. The criteria cited are listed below in eight groups with the frequency of times cited and the identification numbers of the individuals mentioning each one shown in parenthesis. After all these data were gathered and recorded, group headings were established on the basis of categories which were devised in light of the main idea or emphasis found in each comment. It should be emphasized that by citing a particular criterion, a president was not necessarily reporting that the condition existed at his institution; only that he believed it was appropriate to use in arriving at a determination of the church-relatedness of a college or university.

Mission and Identity

- History and Heritage (f=5; # s 8, 10, 24, 36, 38).
- Mission Statement: Institution is committed to religious purpose and tenets of church body and/or Lutheran theology (f=7; # s 4, 5, 12, 13, 15, 16, 42).
- Church-related purpose proclaimed in literature (f=2; # s 4, 20).
- Church-related by choice; self-identified as church-related (f=3; # s 8, 13, 40).

Church Relations

- Identification with church body and a consciousness of what church-relatedness means (f=5; # s 8, 12, 20, 24, 38).
- Relationship of the college to congregations of the church; college seeks input from the church (f=5; # s 4, 24, 36, 38, 42).
- Church perceives college as church-related (f=1; # 13).
- Church body expects it to be Lutheran college for Lutheran people (f=1; # 10).
- Values espoused by the president give evidence of church-relatedness (f=2; # s 20, 24).
- President participates in national and regional church gatherings (f=1; # 4).
- College hosts church conventions and gatherings (f=1; # 4).
- College addresses the issue of church-relatedness in a scholarly way, e.g., with task forces and outside speakers (f=2; # s 20, 36).
- Church-relations position on staff (f=1; # 38).

Ownership and Governance

- Board members must be church members (f=8; # s 5, 9, 13, 15, 16, 20, 39, 40).
- Church body elects governing board (f=5; # s 5, 15, 16, 24, 38).
- Board members committed to church-relatedness (f=1; # 15).
- Ownership by church (f=6; # s 5, 9, 15, 18, 20, 24).
- Operated by church including budget control (f=3; # s 9, 12, 18).
- Financial support by church (f=7; # s 9, 10, 12, 16, 20, 24, 39).

Personnel

- President required to be Lutheran (f=3; #s 20, 24, 38).
- Church selects president (f=1; # 18).
- Faculty asked to support the institutional mission as a college of the church (f=2; #s 20, 42).
- Preference in hiring members or desire to have strong representation or maintain a credible presence of church members (f=8; #s 9, 10, 13, 15, 16, 24, 36, 40).
- Religion faculty is Lutheran (f=1; # 20).
- Church approves all hiring of faculty (f=1; # 18).

Campus Climate

- The nature of interrelationships and how people view each other on campus (f=1; # 15).
- Daily activities of college are done in the spirit of church-relatedness; a spiritual emphasis permeates the campus (f=7; #s 4, 8, 12, 20, 24, 36, 39).
- Campus climate is student-centered; care and concern for their character and spiritual life (f=1; # 8).

Students

- Religion of students or number of Lutheran students on campus (f=9; #s 5, 10, 13, 15, 16, 20, 24, 40, 42).
- Code of conduct or behavior established by college (f=2; #s 24, 36).
- Scholarship and financial aid for Lutheran students and ministers (f=1; # 38).
- College is committed to diversity includes recruitment of minority students for ministry (f=1; # 39).

Ministry and Worship

- Worship practices (f=6; #s 4, 9, 15, 20, 24, 36).
- Frequency of chapel (f=2; #s 9, 20).
- Importance of campus ministry and influence of personnel such as campus pastor or chaplain (f=3; #s 13, 20, 38).

Curriculum

- Academic programs reflect church connection and address questions of faith (f=2; #s 13, 42).
- Content of religious instruction is Lutheran (f=1; # 9).
- College prepares church workers (f=1; # 12).
- Required religion courses (f=5; #s 9, 20, 24, 36, 38).
- All curriculum and programs approved by church (f=1; # 18).

The following analysis of these data includes 1) an examination of those criteria which emerge as most important to the presidents, collectively, based on frequency with which they were mentioned, and 2) a comparison of them to the criteria used in Phase One to arrive at the score for church-relatedness used in the study.

If one looks at all the criteria which were mentioned by at least five or more respondents, one could offer the following hypothetical profile based on an examination of those 13 factors: A church-related college or university is one which is owned and supported financially by the sponsoring denomination. It also identifies with that church body in terms of its history and heritage, its religious tenets and official theology (all of which is clearly reflected in the institution's mission statement), and relates to and seeks input from the congregations of the church. Members of the governing board are not only required to be members of the sponsoring church, they are elected to it by the church as well. Likewise, there is a preference in hiring and recruiting church members to work at and attend the college so that a strong representation and credible presence can be maintained. Finally, the daily activities of life on the campus reflect a spirit of church-relatedness. In addition to the fact that formal worship opportunities are frequent and play an important role in the life of the institution, students are also

required to take a certain number of courses in religion or theology. In short, a spiritual emphasis seems to permeate the campus.

In general, if one examines the 10 items listed in Chapter 3 and used in this study to arrive at a determination of church-relatedness and compares it to the criteria cited most frequently by those who participated in the interviews, a common thread of emphasis can be seen running through both, particularly with regard to the Lutheran presence on the campus and the role that religious instruction, formal worship, and other forms of devotional activity play in the life of the community.

Incidents

Those interviewed also cited a total of 44 incidents which, in their opinions, raised issues of free expression on their campuses. These were grouped by the researcher into 8 categories with anywhere from 2 to 8 incidents in each. What follows is a brief description of each incident as reported by those interviewed, organized according to the category groupings and listed in order from the most frequent to the least.

The first category is Student Newspapers and 10 incidents were cited relating to the campus press. They included the following:

- an article reporting the results of a sexual activity survey was censored (prior restraint before distribution) because it was done in bad taste;
- the letters F U C K U were arranged in a vertical acrostic in the paper, which resulted in disciplinary action for the students responsible;
- underground newspapers appeared and were not discouraged;
- official campus paper's articles are reviewed for content, even though uncontrolled underground papers are tolerated;
- the president commented that underground papers are tolerated because he

found that they become less frequent that way, but he believes that they really do not contribute to debate in any meaningful way;

- an underground newspaper began addressing the sponsoring church's position on various issues causing some concern to elements of the community;
- the editorials in a campus paper lead to increasingly bitter exchanges between students, resulting in a campus forum on the topic;
- an ambiguous cartoon in the student newspaper about abortion caused concern on the campus which and led to the president speaking to the responsible student;
- some students took offense at a newspaper editorial which resulted in a "hateful exchange";
- the newspaper was criticized by many on the campus for allowing pro-choice or pro-gay expression in it.

The next category of incidents in terms of frequency is called Fine Arts Issues.

It includes the following nine situations identified by the presidents:

- A play was canceled after the first performance due to what was considered to be offensive content;
- theater presentations which included language offensive to some were allowed in spite of complaints that it was inconsistent with the values of a Christian college;
- "street language" in a literary journal which offended some local pastors was defended;
- complaints over certain language or situations in dramatic presentations were received but the practice was defended;
- a student talent-show performance was considered by other students to be in bad taste and the curtain was dropped on the act;
- a theater production with a realistic embrace was objected to by some, but allowed and defended;
- a concern was expressed over the use of nude models in art courses, but the practice was allowed;
- complaints were registered over theater offerings containing scenes and dialogue offensive to some;
- a campus literary publication containing a piece with a sexual tone and vulgar

language offended board members who communicated their concern to the president.

The third grouping, containing eight incidents, is categorized as Racial or Hate Speech issues and includes the following:

- verbal sexual advances and racial statements made by African American males were directed to white females, resulting in the dismissal of the men involved;
- a hateful phone call was made to a Jewish student, whose African American roommate became offended as well;
- a swastika on a publicity poster for a dramatic production about a concentration camp was viewed out of context, misunderstood, and a cause of offense to many;
- derogatory language was used against an Hispanic student who perceived it as hate speech;
- a Confederate flag on display in a campus Civil War museum was objected to by local African American pastors;
- African American males at a fraternity party were called "niggers";
- white faculty members expressed a reluctance to discuss the breakdown of the African American family in their classes;
- African American students indicated that they were hesitant to talk about the intolerance they see or experience;

Seven incidents which were cited were classified as Gay/Lesbian issues and include the following:

- newspaper editorials supporting gay rights caused offense when they were displayed on a student's residence hall room;
- objection was expressed towards a policy which did not allow one to openly advocate a gay lifestyle or promote the gay movement;
- some felt it was inappropriate for a faculty member to invite a lesbian to speak in her class;
- a gay community group was not allowed to distribute material on the campus which advocated a homosexual lifestyle;
- in spite of some opposition, a gay community group was allowed to distribute material when it was modified to address only gay rights and not advocacy;

- a faculty member who appeared on TV in a role which implied either his involvement with or endorsement of homosexuality was ultimately dismissed;
- signs addressing gay issues were put up and torn down.

There were four incidents cited which gave rise to a category called Outside/Controversial Speakers which basically consisted of occasions when a person perceived to be inflammatory or likely to cause offense was invited to speak on a campus and some objection to their anticipated presence was expressed.

The remaining three categories each have two incidents in them. Both of the incidents in the first category, Abortion Protests, took place at the same institution. They involved a right-to-life group putting up white crosses on the campus to protest the fact that abortions are performed, and the display of art pieces produced by pro-choice people which angered the pro-life people.

The next category is Cursing and Vulgarity and the two incidents reported here involve a student who used God's name in vain in a class which caused offence, especially when the professor did not admonish him for it, and a song with vulgar lyrics being sung to or in the presence of some women.

The last category is Academic Freedom, and consists of two unrelated incidents. One arose when a science professor made it clear that he not only supported evolution but was openly critical of those who accepted the tenets of creationism. The other was not an incident so much as an occasion where students came to the president for permission to conduct a forum where the issue of academic freedom itself was to be discussed and he informed them that neither the forum nor the topic needed approval but could simply be conducted.

On the basis of the incidents cited by the presidents, one could conclude that they have experienced a representative sample of free expression problems and most

likely were able to identify with the hypothetical incidents and issues put before them in the second survey for their response.

Examples of Support for Freedom and Restraint

Approximately 14 hours of discussion with a relatively diverse selection of Lutheran college and university presidents concerning the nature and limits of free expression in church-related institutions of higher education produced many interesting statements. Some were made in support of protecting and extending what was perceived to be an essential right for members of an academic community, but others showed no reluctance in asserting the need for restraint in the area of free expression. What follows is a sampling of some of the remarks made from both perspectives. The information that appears in the brackets in relation to either a president or his institution include the identification numbers explained earlier and the institution's type based on the quadrants of the graph in Figure 3.

One president [5, Religious-Freedom] established at the outset the principle that guided him in his reflections and decisions on this topic. Even though he could assert that "the First Amendment . . . surely guides us as an institution," he added that, in the end, "our religious principles stand stronger than that." Moreover, he declared that

we are going to be guided by our beliefs as an institution in terms of what is right in terms of the Christian faith. While it may be somewhat difficult for some people to believe . . . we have an obligation to our church . . . and there isn't going to be any question where the institution stands.

Demonstrating how easy it is to hold seemingly contradictory positions on the matter, however, the same president moved back to a pro-expression position by pointing out that

part of your existence in the world is to understand where other people

are coming from. Even if you don't agree with them you have to understand them, and unless you investigate and listen to some open inquiry, you're never going to get far enough in order to exist in a positive way in our very pluralistic society.

Ultimately, in what seems to be an attempt to reconcile the two views, he concluded, "We, in our very limited way, try to maintain our commitment to the liberal arts and open inquiry."

He also pointed out, however, that "there are limitations whether we are at the most liberal institution in our country or the most conservative." The difference, it appears, hinges on the nature of one's values and how one views right and wrong. He is familiar with graduates of his institution who have gone on to large state universities and have had their expression limited by "professors [who] just totally disallow the discussion to take place in their classroom" if the topic may evoke comments which reflect the Christian perspective. He also claims that "much of the problem we are having in this country is because we have artificially defined freedom of expression to mean 'any and all' rather than some sort of guideline of what is really right and wrong." Whether it is "a political correctness issue" or one coming "from the conservative side, . . . lots of discussion and freedom . . . is hampered."

Expressing support for restraint from a slightly different perspective, another president [15, Religious-Freedom] admitted to being motivated by "love and concern for our neighbor." Recognizing that this is likely to result in limits on expression "even though [the message] is true and right," he confesses to "a common sort of respect for . . . human beings that leads me to not . . . say something that [will] deliberately hurt someone." Although his responses on the second survey resulted in one of the highest scores in support of free expression, this president's interview continued to emphasize the balance that is necessary in these matters. He states, "In the exercise of our freedom

of expression, one of the facts that we may have to consider at times is "How is this really going to affect somebody?"

Recognizing also that there is risk involved in trying to maintain the proper balance, this president asserted that "there would be a readiness on the part of the institution to take some risk." Evidence of this is his unwillingness "to say that everybody who comes to this campus has to hold to either our theological or politically correct point of view." Ultimately, however, he seems to see freedom of expression as merely one of many "important principles" which are

hedged about by a whole range of other things that we believe strongly as well: respect for human beings, treating people with dignity, not destroying other human beings emotionally or psychologically or physically or morally or spiritually. And if I respect those things, then it will also inform the kinds of decisions that I make.

The president of the most secular and also the most free institution [39], according to the scores derived from the first two phases of the study, affirmed in his interview the impressions left in the surveys. Commenting on whether there should be different standards for different kinds of institutions, this individual stated,

I would say the same thing with regard to a church-related academic community as I would to a non-church related academic community. I don't think there are any canons of freedom of expression that are more absolute than absolutes; either you are completely committed to it or you are not committed to it, church-related or not.

Yet, even this strong language gave way to the following small concession. His closing sentiment, however, was made in support of tolerance and the free market approach to expression.

I guess there is some point at which the absolute guarantee of freedom of expression is that people may express themselves freely so long as they don't interfere with other people's freedom of expression; that is, keep other people from speaking. And so long as they do not cause or tend to cause physical harm to other people or prohibit . . . other people's opportunity, then, if it's phony, if it's untrue, if it does not conform with

reality, it will die a natural death.

Another president [42, Religious-Freedom], in the context of a strong statement in support of free expression, pointed out not only that things should be different at the church-related college but also that there are other values competing with free expression that require one to balance them. Raising the question himself he asked: "But does our church-related character shape our threshold [of tolerance for valueless expression]?" His answer:

On a church-related campus it ought to, but you also have to keep in mind that while our central values, as institutions, relate to openness and inquiry and the pursuit of truth, . . . there is a second value that is equally important . . . and that is the education of students; and openness is not the only value related to that task.

We have an educational responsibility to those students which, if it is harmed by perhaps what is an unfortunate or overzealous term for one person's right to do their thing, then I wonder about the wisdom of leadership in that setting. It seems there are no easy answers here, conceivably, on some issues, and you have to make the best judgment possible, and the judgement may not be perfect, but one ought to keep in mind those two values and not just the one.

Picking up on this theme later, and also demonstrating a sensitivity to the perceptions of presidential power, he pointed out that

not all ideas are equal and there is such a thing as nonsense. I mean, we're talking about the pursuit of objective truth, and . . . maybe there's a time to just call nonsense, nonsense, and I suppose if the president does that it becomes quite intimidating and that might be seen as limiting expression.

This president also addressed the issue of the limits often imposed on expression in the public sector when students' comments which reflect the "values growing out of their faith . . . [are] responded to in a derisive way." The frequency with which he has heard of these incidents has led him to conclude that, in spite of the fact that

we talk about the church-related college . . . being a place where expression is limited, it may be that -- given the character of our society right now -- this may be the place where free expression is perhaps most

able to be practiced, at least for people of faith.

Yet another respondent [13, Secular-Freedom] asserted both the importance of free expression as well as the need for some limits and the process of balancing that must be used to reconcile the two. He noted that "we uphold freedom of expression on the one hand, but on the other hand, if it violates or makes it uncomfortable, in some serious way, on the members of the community, then at that point we would weigh the issue."

This particular president also addressed in an eloquent way an important point made in the literature review regarding the Lutheran tradition of open and free inquiry:

I think we really have built in, as a Lutheran institution, a tradition of freedom of inquiry. I mean, I begin the discussion [with prospective faculty members] by talking about Luther and the fact that it was in a university community that he found freedom to search for the truth as he felt he was drawn to do, and then to express the results of his work. And it was Luther who really engaged the culture and church of his day in a kind of open debate. His attitude was really . . . , 'Let the argument begin and let the truth prevail. Let the argument lead us to the truth because in this truth we find out a new thing about God.' And so I have a marvelous sense of that tradition of freedom of expression in a Lutheran-related academic community and take every opportunity to articulate it and celebrate it. I think it's one of the keystones for this institution and others like it.

Prominent themes in the views of the next president [9, Religious-Restraint] included the tension and the need for balance which are inherently connected to the notion of a church-related academic community. Throughout his interview, he made comments such as the following:

On this campus . . . we have tried to be open to people taking a contradictory point of view and having the chance to work that through and believing . . . that it is an important and integral part of the educational process. . . .

So long as the expressions are contained within our campus community, I'm pretty generous in allowing people to grapple with things. . . .

An academic institution has been constituted for the very reason of searching for the truth, so I see academic inquiry as an education, as distinct from indoctrination, and I see the role of the college or the university to provide religious instruction that is persuasive in its character but does not preclude the opportunity for the members of the academic community to raise a question or to engage in an honest search for understanding. I think if that is disallowed on the campus, I am not sure that, in my definition, such a campus would qualify to be called a college or university but perhaps would be some kind of a . . . Bible college or something like that.

But in light of all the support for expression, this individual felt that an "underlying question" is whether

the student or a faculty member, or the president of an institution, or a member of the board of regents -- do those individuals have a responsibility over and against the church and the word of God that that church represents, which should place constraint upon what they might otherwise feel free to do? I believe the answer is "Yes" to that. I believe that once a student chooses to enroll in an institution like ours that does take a strong and very forthright confessional posture over against the word of God and the Lord Jesus Christ -- that student has placed himself or herself under certain constraints, and has done so voluntarily and needs to, in the practice of one's life, needs to honor such a commitment. That's not to say that students don't have the right to pursue issues of curiosity and question. I think academic pursuit -- legitimate academic pursuit on the one hand -- needs to be distinguished from a conscious deliberate attempt to inflame or to insult. Yes, that can be seen as a freedom of expression, but I don't think that's the same as academic freedom; or I would distinguish between academic freedom, on the one hand, and First Amendment rights or freedom of speech on the other, and I would place parameters on First Amendment rights when one voluntarily associates with a church-related college.

In the end, he claimed that "the role of the educator" is to use one's freedom to teach, "and yet not be flagrant about such freedom." Moreover, "there's a certain balance that the representative of the gospel must take, particularly when such an individual serves in an academic setting, where young people are trying to grow and develop understanding."

It was obvious that the next president [12, Secular-Restraint] had given serious thought to the tension that exists inherently in being a college of the church. To set the

tone for his interview, he made the following statement at the outset which belies his "secular" label:

I know there is always potential for faith and knowledge to come into conflict. My position is that at that point faith has to supersede knowledge because I think that faith is finally the truth and knowledge is going to be changing, evolving, developing; and so, I encourage the instructors here to explore knowledge because we want them to be as informed as possible and whatever kind of research and so on that is required, so be it. But at the point at which the research does come into conflict with the faith that we hold as a religious community, then I expect them to allow faith to supersede that knowledge.

He also saw "changing attitudes" as part of the mission of the college. He realized, however, that one cannot do that in a meaningful way by forcing only one viewpoint upon the students or without helping them to learn how to distinguish between good and bad ideas. Sounding somewhat restrictive, but certainly not the most supportive of restraint (although he was), he concluded,

I don't think that I'm going to get anywhere trying to change attitudes if we just squelch discussion of the issues. And so, we have not done that. . . . We have to deal with them and we have to help students learn how to deal with them. That does not mean that I have to signal some kind of support for those positions by allowing advertising in the school paper.

It is interesting to contrast the position of the previous president from a college on the East Coast (where expression is often thought to be more open) who openly supports restraint based on the religious mission of his institution, to the following statement of one who presides over a more secular and free school [4] located in the Midwest (usually thought to be more restrained):

I don't really think there should be any difference between the role of free expression in a church-related academic community versus any other academic community, except that, in the church-related academic community, I think you do have the added element of our sense of value, our respect for the individual that adds a dimension to the civility of that relationship. So in that sense, I think we go beyond it, but I would certainly hope that we find as much free expression on any campus as we would the church-related. . . . [J]ust because we're church-related should

not make us different. The only thing that makes us different is how we approach the total subject of education and the value judgements that are involved in that. So, I think there's a big difference in the educational environment at a church-related college and that certainly affects the respect and those things that enter into the freedom of expression.

One would think, on the basis of those remarks, that he would have had a score more reflective of greater support for expression, but he barely made it over the line between freedom and restraint.

Joining him is another [8, Secular-Freedom] who also did not believe that much should be made of the fact that a college happens to be church-related, at least with regard to the role that free expression should play on a college or university campus. In his case, however, his score on the Freedom-Restraint scale reflected that attitude.

I think that expression does have to be free there as in any other kind of academic community. I would not favor limiting the expression even though much of what is said I might disagree with [or] . . . find silly or obnoxious. That is part of, after all, an academic enterprise. People are able to say what they think and have their ideas tested, and in the course of discussion and debate try to arrive at something more closely approximating the truth of the matter. So, I see no essential difference between a church-related college and a non-church-related college, as far as expression is concerned. . . . I do think that there does come a time when the line should be drawn, but I don't know that that decision should be made any differently in a church-related school as compared with a secular school. I do think that when speech goes to the point of inciting physical violence where persons or property might be seriously hurt or damaged, then [some] . . . authority has to step in and say, "This has gone too far."

It is interesting to note that while he is supportive of some restraint, it apparently is not because of anything that has to do with the church-related nature of the institution. Moreover, this position is taken even by some of the presidents of the more "religious" institutions.

The president of the next institution [40, Religious-Freedom] believed that most people would ultimately support the restraint of something; it is just that they disagree

as to what that should be.

There is a constant pressure, depending upon what one perceives as being agreement with one's ideological positions, as to whether it should or should not be permitted; and I find it to be interesting that people, both on the political and religious left, as well as on the political and religious right, have basically the same set of assumptions; namely, that some things ought to be banned and some things out to be included. It's just that they disagree on what those things are.

He explained, without hesitation, that certain kinds of expression can be subject to restraint at his institution. The particular example he cited happened to deal with demonstrations, but he suggested that the principle employed in this type of case is applied universally.

[W]e certainly would not speak out against students if they were to stand out in front of my office, for whatever reason, if they were to do it without damaging anything and without interfering with the work-a-day-world of the people who work in my facility. They could do that for the whole year if they wanted to. As soon as they . . . get in the way of people doing their jobs or make it impossible for people to go to class or are disruptive of classes -- at that stage of the game we move into a different kind of behavioral response, and we could perhaps seek an injunction, we perhaps could put them before a judicial committee here on campus, and ultimately suspend or expel. So, we do have limitations on one's expression.

He then went on to explain how he understands the nature of the tension that exists for colleges of the church.

It seems to me that the struggle here is that, on one hand, when the church is feeling anemic, or when the university or college is feeling anemic, and feeling that Christianity is being buffeted on every side, and every wind of doctrine is being contemplated as being a possibility, when the church gets into a kind of siege mentality (and again I'm trying to use that term pejoratively), . . . when the church or the institution feels under siege, then what tends to happen is that the draw bridges will get pulled up and the walls will get built higher to protect the church or the institutions from the infiltration from the barrage from the outside. On the other hand, when the institution or the church feels strong about itself, it tends to lower the walls and lower the draw bridges. And it seems to me that at this particular point in time, that -- given the overriding power of human secularism and rejection of the Christian faith, and the kind of things that people perceive in the lack of being able to

have prayers in public functions and all other kinds of things -- that a lot of people see the church, and Christian (Lutheran, Calvinist, whatever) colleges and universities understand that there is a tendency to want to raise the walls higher and draw the draw bridges back up again. But in that very process, there is also the potential admission that the church or that the doctrine of the church, or that the affirming message of the biblical record cannot make it in a society in which it must compete for the affections and the sympathy and the support of people. And the only way the church is going to -- and the gospel is going to exist is if somehow or another, it has special protection. And that, in itself, is a very interesting admission, or very interesting fear. It's like one guy that I read once, when talking about his reaction to people who feel that Scripture has to be protected, said, "My view is that my attempting to protect Scripture is like my walking down the street with a lion on a leash, and I'm there to protect the lion;" his point being that if Scripture is so anemic that it cannot function for itself -- then, my gosh, what have we got? -- and it puts a tremendous amount of responsibility on me and I've arrogated to myself the role of God, etc. So, there's a real tension here that when one becomes overly protective of the Christian message and the Christian faith, [as well as] what it implies about one's faith in and one's perceptions about the viability and the power of the gospel and of the biblical message.

So, in my own case, I constantly struggle with this, but I'm not of a mind, personally, if you feel it's my task to arrogate to myself a fourth place in the Godhead and somehow or another imply or believe that without me and my efforts the message will not be productive. Now, that's different, however, from saying that I believe very strongly that it's my task to share the message, reclaim the message, to witness on behalf of the message. But witnessing on behalf of and sharing is different from the mentality of protecting, if you follow what I'm saying.

Another [38, Secular-Freedom] who also saw the tension and was forced to struggle with the controversy brought an administrator's eye to the situation, as well, by acknowledging the need to avoid the kind of legal controversy that could result by either those who are offended or those whose expression is restricted. He suggested that, at his institution,

What we always have to do is . . . try to balance these things in terms of potential exposure to . . . future litigation. But that doesn't mean that you cut and run and hide under the rug. What we would probably do, at a certain point, is simply say that this is offensive and take it down . . . on the grounds that it's insulting and demeaning to a particular class of people.

Further acknowledging the perplexing nature of the matter, he continued, moving from a pragmatic concern about liability to a rather philosophical approach that seemed to seek resolution in some sort of vague relativity.

[I]t's really a tough issue between freedom of speech and action and trying to insure that the speech and action is appropriate to the kind of community that you're trying to create or trying to sustain. One doesn't want to be unnecessarily restrictive because that sets up all kinds of problems too. Yet one doesn't want to be so unrestrictive that one creates the impression that . . . you know, anything goes. So you're sort of in that very grave situation of ambiguity, and I think probably sometimes the best way to face some of these things is existentially; you know, life is full of ambiguities, and there is no ready answer to some of it, no ready way of dealing with it, and I sometimes wonder if we could move more in that direction if we would sometimes diffuse some of these rather sharp irreconcilable either/ors between control of speech and action and free speech, and freedom to act on the other side. Those things seem to be, you know, sort of win/lose situations at best, and somehow we've all got to get to a place . . . [where] it really is kind of win/win where everybody says, "Yeah, this is the best way to go because we all come out the better for it;" . . . and not where making a choice for one thing automatically means something else is going to go down the tubes, either free speech or the college's integrity.

One very new to the presidency [16, Religious-Freedom] has found the move from the life of scholarship and critical exchanges (which he truly relished), to that of full-time administration at the highest level, to be somewhat frustrating. He stated, "It's assumed on this campus that controversial issues not only can be discussed, but must be discussed. But there's an uneasiness, I think, in [the church body]." In reference to the Lutheran tradition of open inquiry, he commented, "I often say that we should be the ones that are the best. We were born posting theses for debate." Nevertheless, he was somewhat disappointed to find that

Students are not really into debate They want a very firm, almost catechetical view of life. College is tough because it challenges assumptions. So, I think we have to develop an atmosphere in which we encourage debate and permit people to say what's on their minds, and develop the kind of security around them for people to change their minds. If you're being attacked all the time, then you can't change your

mind. But if you can just have a free exchange of ideas with friends, then you can walk away and say, "Gee, thanks 'cause I really learned something and I'm going to change my mind on that."

Commenting, as did several others, on the difference between church-related higher education and its public or secular private counterparts, he observed that

We have more freedom of expression on this campus than a lot of public universities. I taught at . . . Purdue . . . , I taught at UC [University of California], I taught at Princeton, and there are certain topics in a public university where you have to be very careful; you have to be politically correct.

This individual is also an ordained Lutheran minister and the following comment revealed the pastoral theology he employs in his approach to the topic under study.

I think free expression in the church-related academic community is an essential. It must be there, but probably needs to be done with Christian love. We want to protect the right to explore ideas, but not to destroy weak-faced or struggling people either. And there I would say we use common sense in a number of ways. If I have a friend who is overweight, I have a right to say, "Gee, you're fat." But I wouldn't do that, even if I thought it was a health-threatening thing. I might try to find subtle ways to encourage that person to deal with the issues that cause that. I think on a Christian campus we must have freedom of expression. We must also deal with that in love.

The next president [24, Secular-Freedom] also seemed to acknowledge the value of establishing a "caring community," and the need for occasional restrictions on expression to do that. But he also recognized that one doesn't materialize by itself. Ultimately, this president, like the previous respondent, saw the matter in terms of love for others, but he emphasized more the fact that it may simply be a matter of good manners when he noted that

it's an effort to be . . . a caring community where the emphasis is on education and caring and that we don't hurt each other . . . intentionally, and if [it happens] unintentionally, that we learn from those experiences. . . . What we're really talking about is good manners; we're not talking about restriction of freedom of expression, but good manners. . . . I think that the colleges all have responsibilities to encourage good manners, respectful relationships between people; that there are ways of . . . dealing

with either youthful stupidity or youthful indiscretion, or even with misguided hatefully motivated behavior of various kinds, even verbal behavior that you can deal with in various ways. To have either laws prescribing or specifically protecting the right to say and do, or perhaps to specifically say, whatever one wants to say -- it seems to me that we already have the First Amendment. I mean, we have other kinds of laws already in place. . . .

I think there [is] certainly, particularly in a college [of] the church (the Lutheran Church in our case), the sense that we are each our brothers' and sisters' keepers, and we do care, and we do have responsibility to treat each other in an open, loving, caring manner. All those things can be communicated in many ways. . . . The addition of a speech code or similar kinds of codes which restrict freedom of expression, I think, should be unnecessary; . . . and, not just unnecessary. I think they are inherently unwanted and inappropriate.

Having dismissed the need for specific codes or policies which regulate expression, this president then addressed the issue of whether the Christian character of the college is what should determine the civil behavior he expects to see. Ultimately, however, that is not to be a significant factor in how free expression is understood at his institution.

I think we have, by making claims to be church-related, . . . the notion that we somehow have, within our mission statement, the true understanding of the Christian faith and sense of community, an appreciation for diversity and all of that. So the Christian openness -- all those things, I think -- affect the culture and the way we relate to each other, the way we treat each other, and how we talk to each other, and so on. So, I think that that does have an impact in terms of, perhaps, what speech codes or other codes that you might feel are necessary to have. But then, . . . when you're talking about an academic institution, you're talking about an academic institution whether it's secular or whether it's church-related. . . .

The basic principle of freedom of speech and the freedom of, or the responsibility to search for truth, wherever it might lead you, is one that is firmly entrenched at [this college], and I did not see any conflict [with us] as a church-related college and even as a Christian College.

Affirming the label imposed by his placement in the graph, the president at the next college [18, Religious-Restraint], when asked how he would rate his own institution on a scale of 1-5, where 5 is very church-related, said that it was a "5+, or 5 going on

8." Because of that, he continued,

my view . . . of free expression on this campus . . . would probably be much more narrow than what it might be in many other institutions. . . . I think . . . the most important things which lead us toward that is simply starting with Scripture; what God views as acceptable and, I think, unacceptable.

He is also able to recognize, however, that one need not depend on the Christian or church-related nature of the place to bring behavior to a higher standard. Like the previous president, he saw it as a matter of manners or, as he called it, "good taste."

I think many times as I work with students . . . who may have been unhappy about this thing or that, I have, at times, said, "This has nothing to do with being a Christian. This has nothing to do with being a disciple of Jesus Christ." I think this is just plain a question of what is good taste socially, and what isn't, and so while, if people are using vulgar language, using racial slurs and all that, while some would like to pull out the Handbook of Synod or [the Lutheran] Confessions, if they could find something on it in there, or Scripture -- while I don't object to it, I try to talk to them as a person to another person, and say, "I would object to this even if I were not a Christian. . . . I think that's uncouth and it's not showing good taste, common sense, or what have you."

The next president [10, Religious-Restraint], however, went specifically to Scripture for direction, and confessed that

one of my guiding principles . . . over the years as an administrator has been to try to follow the example of St. Paul in the sense of saying, "If you know something is going to give offense to someone else, don't do it." And part of the issue then is trying to make that kind of determination, and that would be true with expression as well. If I know that something I'm going to say is going to offend somebody, going to upset somebody, hit on an area of sensitivity that is inappropriate, then I should just not say it even though I may have the right to say it.

Nevertheless, he then went on to express that, as far as the institution is concerned, it is necessary to tolerate some offensiveness for the sake of the educational process. Citing a particular example, he elaborated.

There was some language used [in the student newspaper] that some people thought was really quite inappropriate, but again officially, as an institution, we let it happen because . . . we feel that pretty wide freedom

of expression is okay. This is the place to do that in an academic community, and . . . as anybody knows who is involved in trying to do morals education or values education along side of academic things, . . . there's that fine line to walk.

As both his response to the survey question on the issue and the following quote reveal, this president seemed to draw his line between the classroom discussion and the campus demonstration. Incidentally, he was one of only 7 among the 40 who agreed on that item (# 14).

I believe that any opinion can be expressed within the context of a classroom where it is a structured academic setting. That's the place to ask questions, to form opinions, to seek out the truth -- all those laudable kinds of things we talk about in higher education. But when it's moved outside of the formalized academic structure, and you would have, like, a political rally, for instance, being formed -- which is really more for the sake of advancing an individual, or an individual's opinion outside of the structure -- then, I think that's inappropriate. That's disruptive to the educational process. . . . [T]here's protected speech within the structure, but outside it the institution has some rights too. So, while it would be appropriate to have a discussion about pro-choice issues, let's say, the right-to-life issues within the context of the classroom, whether it's a sociology class or a theology class or whatever. But because we are church-related and we have a specific stance on that issue that we try to stand for, it would be inappropriate for a group of students to try to hold a rally out in front my office advocating pro-choice.

Clearly, he and his colleague from Institution 40 differ on the propriety of this means of expression.

Commenting specifically on the nature of expression in a church-related academic community, he said,

I think it is possible to be strongly church-related without being parochial. I'm using parochial, I guess, in a very negative connotation, as being very narrow-minded, almost fundamentalist in viewpoint; everything is black and white. We set up fences to keep the rest of the world out. . . . [But] church-related doesn't have to be parochial. You can be a part of the community, but at the same time, you're willing to stand up for values and beliefs that you believe are important. So that for us, as a church-related institution, you would never apologize that we are Christ-centered; that we are willing to stand up and say that the basic precept of understanding and operation on this campus is driven by the fact that we

believe that Jesus Christ died and rose for our sins. It doesn't matter if you're Lutheran or not, that is what we believe, and that we believe that impacts every part of your life; but that's not being parochial.

The score of Institution 36 [Secular-Freedom] on the scale of church-relatedness was one of those situated very close to the "secular" end. Nevertheless, its president demonstrated in his remarks that he finds it "reasonable" for "a college of the church" to take a more "dogmatic position" when it comes to the matter of questionable expression: "I don't think there is anything wrong with a college having some limitations in light of its traditions and the church to which you are related." He stated that it is his "personal view," however -- suggesting, perhaps, that he does not view his institution primarily as "a college of the church" -- that, in general,

freedom is to be preferred over constraint and that successful institutions are ones that have a character which encourages -- in the vast majority of cases, successfully encourages -- courtesy, respect, reasonableness; but in which people have the freedom to act unreasonably, uncharitably, discourteously. And in the process of being in that institution, they become imbued with a willingness to be supportive of the values of respect for others, appreciation for the views of others, openness to the concerns of others, but at the same time, they become clear and committed to views that fall out of the tradition of the institution.

He also recognized, however, that one must use his or her judgement as each case arises.

He cited one incident which involved the posting of intimidating signs on a student's residence hall door where

we intervened to try to see . . . whether we could find out who posted it and to try to help that person deal with what struck us as potentially dangerous feelings, although that's one area in which it's not entirely clear what the right position should be as to what you can say. Our feeling is that you can't say that; and at the same time we might lose a case in court if we undertook to say that you can't say that. But that's a risk we'd be willing to take, and where we find such a thing we would remove it and where we find a person who's been involved in such a thing and we would counsel and attempt to put substantial pressure on the person to change from that course of action. . . . Our view would be that that's an intimidating act and there's damage to the person who is intimidated, and that that damage is outweighed in the balance of issues and should not be

allowed, and that [the] damage outweighs the consideration of freedom of speech. It's conceivable that our action in such a case could depend somewhat on the specifics of the circumstance, whether the person involved, the person who was being attacked, as it were, was, in fact, a person who was being injured in that process. But in this instance, our sense was that there was an injury being done, that it was an injury that was, or if it should continue, it was an injury that would be consequential, and the risk of limiting freedom of expression and the consequences of taking that risk were outweighed by the risks of allowing the behavior to continue. But that's a judgement call.

The last president [20, Secular-Restraint] to be discussed clearly appreciated, but was concerned about, the tension that is inherent in an institution that purports to be "both . . . a learning community and . . . a college community of faith." On the one hand, while admitting that "I tend to err on the side of supporting people's rights to an opinion and to expressing that, so long as it doesn't result in the denigration of others," he still had, on the other hand,

a great deal of difficulty establishing how far one dare go. And how, you know, I haven't found an instance yet in which I have been moved to say, "Okay, that's it; you can't go any further." But I suspect that I would if there were displays of, you know, copulation on stage. I expect I would say, "That's gone too far." . . . I'm not very inclined, I think, to restrict the pursuit of issues that may be sensitive, may even be very offensive to some group. I guess what I would be concerned about is whether the conclusion is warranted.

By way of conclusion to this section, a comment by one of the veteran presidents interviewed [13] is useful in summarizing the issue and then providing a sensible perspective. He could have been speaking for several of his fellow presidents when he observed that

the fact that we are church-related and that we take the Confessions of the church seriously will always open us to a question of criticism about "Can you be an academic institution and be a church-related institution at the same time?" But I think that question is probably a good one to raise periodically in the life of these institutions, but I guess coming out of the kind of Lutheran family that we do, we have a very good position from which to work our way through that kind of question.

Sharing a similar sentiment, the president of Institution 40 used the occasion to quote from a 1992 work by the Lutheran scholar, Jaroslav Pelikan, Sterling Professor of History at Yale University (who was also the keynote speaker at the LECNA meeting where the second survey was administered). Entitled The Idea of the University: A Re-examination, this president felt that the following statement was appropriate to include in the record. Speaking of the university, Pelikan wrote,

"What is needed is the skill and the art of holding views strongly and yet respecting views that are diametrically opposed. This skill is one with which diversity has had rich experience and involves a civility of discourse that is all too often overlooked in discussions of free speech inside and outside the university. Civility in discourse is sometimes treated as though it were, at best, an arbitrary convention and hypocrisy, at worst. But the discourse that goes on within the university may serve as the most impressive exhibit available to prove that civility is, in fact, the best means that human reason has devised over the centuries of warfare and aggression for coping with fundamental differences."

In the opinion of the president who read this passage in the interview, what presidents of Lutheran colleges and universities should try to do is

keep people focused upon the fact that there can be and are differences of opinion, and those differences of opinion need to be debated vigorously and strongly, but they need to be done with civility . . . in such a way that you honor your opponent as well as honor yourself.

From the foregoing, a number of themes emerge but the predominant one seems to be that it is seen to be important, at many of these institutions, to balance the value of free expression with other values such as Christian love, civility, good taste, and a sound education. To the extent that one's exercise of the rights deriving from the First Amendment comes into conflict with those, the interview group seems to be willing to entertain certain limitations. Even the six who claimed in their responses to item 3 in the second survey that "[T]he First Amendment's right to free expression should be considered an absolute right," all seemed able to think of certain situations during the

interviews where they could support restraint.

Nevertheless, in their attempt to bring a balanced approach to the matter, many statements supportive of open inquiry and tolerance for unpopular ideas were expressed. At least three presidents even pointed out how the Lutheran tradition, from an historical perspective at least, is actually quite characteristically inclined, especially in an academic community, to pursue the truth by any means, one of them noting that the Lutheran Church was "born posting theses for debate."

Several made comments about the problems inherent in viewing Lutheran and public institutions as the same when it came to expression. Item 19 in the second survey stated: "Lutheran colleges and universities should always follow the same standards for expression as public colleges and universities." When the responses to this statement were consulted for only those who were interviewed, it was found that 13 of the 17 (76.5%) did not support following the same standard in the two sectors. While not all of them commented on that point in the interviews, two completely different reasons were offered for this lack of support. One was seemingly based on the fact that, as Christian institutions, certain things that the First Amendment might force a public university to tolerate would be inappropriate in a Christian community. In other words, non-support for a common standard was based on a desire to limit or restrict expression. Others, however, felt that to follow the standard of the public sector would, itself, impose unwanted limits on the expression at the Lutheran institution, especially in the area of religious discussions and particularly in various worship activities.

Ultimately, the general sense that seemed to emerge from the interviews was that, as in many dimensions of life, there is a certain element of risk involved in trying to find the proper distinction between and perfect balance of freedom and propriety in the area

of campus-based expression at a college or university of the church. In response to item 6 in the second survey, which asserted that "Just because a person has a constitutional right to say something does not necessarily mean it is morally right to say it," there was almost total agreement. Part of the act of balancing for these presidents seemed to focus on the effect that it would have on those negatively affected. In other words, while it is possible to acknowledge, on the one hand, that a certain freedom to act a certain way or to express a particular unpopular idea in an offensive manner does indeed exist, many of these respondents are willing to defer to the existence of equally valid values which are rooted in the Christian ethic of love and concern for other people. This is reminiscent of the statement of Luther himself which appears as the epigraph to this dissertation: "A Christian is a perfectly free lord of all, subject to none. A Christian is a perfectly dutiful servant of all, subject to all."

Hypothesis

The controlling hypothesis for this study, as stated in first chapter, was that the attitudes of the presidents of Lutheran colleges and universities concerning the nature and limits of free expression on their campuses would be determined to some extent by the degree of church-relatedness of their respective institutions. Specifically, it was expected that the higher the degree of church-relatedness an institution exhibited, the greater support there would be for limits upon and restraint of expression on the campus. Conversely, the more "secular" an institution, the more support or tolerance there would be for expression of all kinds, including that which could be considered questionable or offensive. The results of the convergence of the first and second phases of this study, as well as the comments offered by the presidents interviewed in the third

phase, support this hypothesis.

It was also expected that the responses of the presidents would likely indicate that offensive speech was discouraged generally as something which is antithetical to the religious values and missions of the institutions. That is, when expression violates those values, there would be a greater willingness to favor restrictions on it, in spite of the fact that the value of free expression would also be strongly affirmed. In short, it was expected that religious values do, in fact, inform a Lutheran college or university president's attitude of what is appropriate campus-based expression. The resolution of this issue can be found in the results of item numbers 21 and 22 discussed above. It will be recalled that while the sample, as a group, did indeed acknowledge a clear distinction between certain kinds of expression and the religious values of their institutions, they were also, on the whole, quite reluctant to prohibit or punish expression to any great extent. It must also be remembered, however, that there was a tendency for presidents of the more church-related institutions to be more inclined to take a more restrictive posture toward this kind of expression and respond in a more punitive way.

It might also be said, however, especially in light of the interviews, that religious values were not the only values put forth as that which directs the form or tone that campus based expression might take. It was found, even among some institutions that appear to be quite church-related, that courtesy, decency, and respect -- even love, all possible motivating factors for people regardless of their connections with a church -- could also contribute to the kind of civility desired by many in the group. Consequently, while for certain individuals Christian love or other religious values may have proven to be an adequate incentive, these standards, as they are communicated to members of the campus communities, were not always couched in this language. Even the president

who rated his college "5, going on 8" was able to say, "I would object to this even if I were not a Christian." Good manners or good taste is not a virtue exclusive to church-related people.

Therefore, in light of the findings reported in this chapter, but particularly as illustrated by Figures 1 and 2 above, there does seem to be considerable support for the general conclusion that presidents of the Lutheran colleges and universities which display a higher degree of church-relatedness indicate less tolerance for offensive or questionable expression, and that denominational affiliation is related to the church-relatedness of the colleges and universities sponsored by each church body.

Summary of Data Analysis

In this chapter the results of all three phases of the study were reported and analyzed. The first phase consisted of a survey which was sent to the presidents of all 45 Lutheran colleges and universities in the United States. It solicited information about both the institutions and the presidents. The responses were used to arrive at a determination of church-relatedness for each institution. For the 40 individuals whose self-selection established them as members of the sample, the scores on the scale of church-relatedness which was established ranged from 7 to 47. The label on the two extremes of this scale were "secular" for the low scores and "religious" for the higher scores.

The second phase consisted of another survey which contained 48 closed-ended statements dealing with freedom of expression in both society and higher education. They also contained situations or hypothetical incidents to which the presidents were to share how they would respond if such were to occur on their campus. Their responses

took the form of agreement or disagreement on a five-point scale. These data were then used to establish a scale of tolerance or support for expression for each individual. The range of possible scores was 48 to 240. The range of actual scores of the respondents was 92 to 214. The labels on the two extremes of this scale were "restraint" for the lower scores and "freedom" for the higher scores.

The two scores representing institutional position and presidential attitude were then paired and plotted on a graph consisting of intersecting axes; the vertical axis was the scale of church-relatedness and the horizontal axis was the scale of tolerance. The resulting figure displayed the relative position of each institution in the form of a scattergram. Each institution (with the exception of two whose coordinates placed them on either axis) was also located in one of the quadrants of the graph and assigned, on the basis of the characteristics consistent with its tendencies on each of the scales, one of the following labels: "Secular-Freedom," "Secular-Restraint," "Religious-Freedom," or "Religious-Restraint."

The hypothesis of the study was that those institutions which were more church-related would tend to have presidents whose attitudes toward free expression were more restrictive. An examination of the graph affirmed that the points did tend to move from the upper-left quadrant of Secular-Freedom to the lower-right quadrant labeled Religious-Restraint. Indeed, if one were to draw a line connecting the most extreme cases of Secular Freedom and Religious Restraint, it would pass almost directly through the vertex of the two axes.

The study was also interested in determining whether there was any pattern to the placement on the graph of the three largest Lutheran church bodies which sponsor institutions of higher education (ELCA, LCMS, and WELS). When lines were drawn

around the outermost points of each specific denomination, the resulting geometric shapes provided a vivid display of distinct and relatively self-contained clusters for each denomination. The 24 schools of the ELCA, as expected, were heavily (and almost exclusively) situated in the Secular-Freedom quadrant. The 3 WELS institutions, on the other hand, formed a rather tight triangle in the middle of the Religious-Restraint area. Interestingly, the 11 LCMS colleges and universities split into two camps. One, containing 8 institutions, was situated between the ELCA cluster and the WELS block and directly in the path of the flow of points from the upper-left to the lower-right of the graph. The three remaining LCMS institutions exhibited the relatively rare characteristics of a category which is not consistent with the hypothesis; namely, they were both religious and free.

The third phase of the study produced descriptions of how the 17 presidents interviewed perceived the church-relatedness of their own institutions, as well as a long list of criteria accumulated from their assessment of what determines whether a college or university is church-related. These presidents also provided information about the kinds of incidents that have occurred on their campuses where freedom of expression had been an issue. Finally, their comments were analyzed to find statements of support for either extending the right to free expression or restricting it. Interestingly, almost all respondents made statements which exhibited support for both of these positions. The various reasons given for supporting restraint in a church-related academic community sometimes reflected the religious character or values of the institutions and at other times did not. These ranged from feeling a sense of obligation, as a Christian, to love one's neighbor, to the simple exercise of good manners as a contribution to the maintenance of civility.

When the data from the interviews were examined in the context of the survey data, it was found that the statements of the presidents in the interviews were very often, but not always, consistent with their responses in the surveys.

In the next chapter the entire study will be summarized and its findings discussed. After stating the conclusions derived from the research, their significance will be assessed and the practical implications and possibilities for future research will be identified.

CHAPTER 5

SUMMARY AND CONCLUSIONS

Summary of the Study

Context

Because academic communities are places where open and free expression is essential to accomplish their objectives, church-related colleges and universities may be confronted with a potential conflict if certain types of expression occurring on their campuses are considered by some to be inconsistent with the mission and values of the institution. On one hand, people in academic communities need to be able to engage in open and free inquiry, to report what they find, and to state their opinions about those findings -- all for the sake of the production of knowledge that might lead to truth. On the other hand, there is a feeling by some that there should be a limit on what can be expressed in an institution of the church and restrictions imposed on the content of and means used for expression, especially if it has the potential to hurt -- or even merely offend -- another. To the extent that a college or university sees itself as a community of faith, forgiveness, compassion, and love, it is likely that these attributes, if viewed as primary values, could result in restrictions being imposed on expression.

As the individual ultimately responsible for the climate that exists on the campus, the president of a church-related institution, therefore, must weigh the nature of questionable expression and consider imposing or recommending limits upon it if it violates the standards established by the institution's religious character. It is in light of

this tension, therefore, that this study addressed the following problem: Does the degree of an institution's church-relatedness influence its president's attitudes toward the nature and limits of free expression on the campus?

Growing from this, it became the purpose of the study to determine 1) the degree of church-relatedness for a sample of Lutheran colleges and universities; 2) the degree of support or tolerance that exists for freedom of expression on each campus according to its president; 3) the nature of the relationship between an institution's degree of church-relatedness and its degree of tolerance for free expression; and 4) the nature of the relationships that exist between the different Lutheran church bodies which sponsor these institutions.

The presidents of these institutions were selected to serve as the sample for the study because presidents are often seen as the single most important individuals in an academic community and the ones who either actually have the power to -- or are perceived to be able to -- set the tone for the kind of environment that should be established for the communication and free exchange of ideas. Presidents not only determine the direction for their institutions; they also often embody them to a great degree. Presidents from Lutheran colleges and universities were chosen because the researcher believed that they could identify with both the Lutheran tradition of support for scholarship in the pursuit of truth, as well as the teachings of the church with regard to how people should treat one another. In other words, they would appreciate the significance of the tension that exists between the need for free expression and the problems that can arise when the freedom is abused. The degree to which the problem could be identified by the presidents as having theological overtones was something that was of interest to the researcher as well.

It was also believed that, because of the various denominational differences that exist as a result of American Lutheranism's historical divisions, the members of the sample would display a moderately diverse set of views on the relative importance of freedom and restraint in their responses to both closed-ended statements and open-ended interview questions, as well as the extent to which this was viewed as a theological problem.

Given this setting, and the expectation that the sample would produce results suggesting that a wide range exists among these institutions and their presidents on scales of both church-relatedness and support for free expression, the theory posited was that Lutheran colleges and universities exhibit characteristics which allow them to be placed into one of four categories corresponding to the quadrants produced when a scale of church-relatedness and a scale of support for free expression are made to intersect. The first scale ranges from "secular" to "religious" and the second from "freedom" to "restraint." Pairing an institution's scores from the two scales and plotting the coordinates on a graph produced a scattergram (see Figures 1 and 2) which demonstrated not only the relationship between church-relatedness and support for freedom of expression for each institution, but also the degree to which individual church bodies arranged themselves into clusters in the respective regions of the graph. These quadrants were designated as either Secular-Freedom, Secular-Restraint, Religious-Freedom, or Religious-Restraint.

The theory, therefore, suggests that the presidents of more secular (or less church-related) institutions are more supportive of free expression in higher education in general, and Lutheran higher education in particular, than those from institutions which are more religious (or church-related), and consequently less supportive, or more

likely to favor restraint, when it comes to offensive expression. This theory gives rise to another as well; namely, that Lutheran institutions of higher education tend to cluster together with the others from their own church bodies.

Finally, the study provided an opportunity to examine the extent to which the principle of freedom of expression would be viewed as either a legal, moral, or theological issue; or at least one having legal, moral, and theological dimensions. These three categories were viewed as representing an ascending degree of intolerance as applied to offensive or controversial expression in a church-related campus setting.

The primary question addressed in this study was as follows: To what extent does the degree of church-relatedness of the Lutheran colleges and universities in the sample determine or influence the attitudes of the presidents of these institutions with regard to the nature and limits of free expression on their campuses? The hypothesis was that the higher the degree of church-relatedness an institution exhibited, the greater support there would be for limits upon and restraint of expression on the campus as determined by the president. Conversely, the more "secular" an institution, the more support or tolerance there would be for expression of all kinds, including that which could be considered questionable or offensive. In short, it was believed that support for expression would be linked to how "secular" or "religious" an institution is.

Methodology

Procedures. Each one of the presidents of the forty-five Lutheran colleges and universities in the United States was contacted with an invitation to become a participant in this study. Forty of them elected to be included.

The collection of data took place in three phases. The first phase consisted of

mailing a researcher-designed survey instrument to each of the forty-five members of the population. It solicited information not only about the presidents themselves but also about certain characteristics of their respective institutions.

The second phase consisted of the distribution of another researcher-designed survey instrument. Copies of this were administered to some of the presidents in person at a meeting many of them attended. Those who were not at the meeting or those who did not complete it on that occasion were then mailed a copy along with a request to complete and return it. It consisted of 48 items to which the presidents could respond in one of the following ways: strongly agree, mildly agree, neither agree nor disagree, mildly disagree, or strongly disagree. Forty individuals ultimately responded to this instrument. Since all of them had also completed the first phase, these presidents constituted the sample.

The third phase of the study, which was designed as a supplement to the first two, consisted of taped phone interviews with the seventeen presidents who had indicated a willingness to participate in this way.

Data Analysis. Data were analyzed by calculating frequencies and percentages for all of the responses to the first two surveys. On the basis of 10 criteria selected from the first survey, a score of church-relatedness for each institution was determined. The presidents' responses to the second survey were also converted to points which gave rise to an institutional score representing its support for free expression. As stated above, the convergence of these scores produced a graphic illustration of not only the relative positions of each institution, but also the relationship of each church body to the others. Cross-tabulations were also performed on the variables from the first survey with each of the items in the second survey.

The analysis of the interview data focused on three main topics: 1) the presidents' perspectives of the church-relatedness of their institutions and the criteria they used to arrive at that determination; 2) the presidents' recollections of the incidents which had occurred recently on their campuses where the freedom of expression was an issue; and 3) the presidents' approaches to reconciling the tension perceived between freedom of and restraints upon expression on their campuses.

Major Findings

Lutheran colleges and universities in the United States display a wide array of distinctive characteristics in spite of the fact that, with few exceptions, their presidents consider them to be authentically church-related institutions of higher education in the Lutheran tradition. Some were begun as liberal arts colleges and remain so today. Others have evolved from seminaries or teachers' colleges into more comprehensive institutions. Still others maintain an exclusive focus on the preparation of future workers for the sponsoring church body. The years of their founding range from the 1830s to the 1970s, and their Lutheran enrollments go from less than 5% to 100%.

The respondents themselves are a relatively homogenous group of individuals in terms of their personal characteristics, even if the institutions over which they preside vary a great deal with regard to their respective levels of church-relatedness. It was also found that the presidents' attitudes on the degree of support for freedom of expression extends from one extreme to the other.

Finally, there appears to be a relationship between the church-relatedness of a Lutheran college or university and the extent to which its president supports either free expression or the restraint of expression. Moreover, when the relative position of each

institution is examined, a definite pattern can be seen with regard to the relationships that exist not only between the institutions within the three largest church bodies represented in the study (ELCA, LCMS, and WELS), but among those church bodies as well.

More specifically, the colleges and universities affiliated with the ELCA, as a group, clearly tended to be the most secular and nearly the most free. Indeed, of the 24 ELCA institutions in the sample, 20 (83.3%) were situated either in or on an axis bordering the quadrant labeled "Secular Freedom." On the other hand, the three colleges of the WELS were all found in the quadrant which represented "Religious Restraint." All but 2 of the 11 LCMS institutions (82%) were located in the two "religious" quadrants, but were split into Religious Freedom and Religious Restraint camps, with 3 and 6 institutions in each, respectively. (One LCMS institution was situated directly on the horizontal axis between freedom and restraint but was counted as being with the latter because it was closer to the other LCMS colleges in that quadrant than to the three in the "freedom" quadrant.)

Discussion and Interpretation of the Findings

What the findings seem to suggest, first of all, is that Lutheran colleges and universities differ significantly with regard to the degree to which they exhibit certain characteristics of church-relatedness. Some are very church-related and others only nominally so. This can be seen clearly in the range of scores produced in Phase One of the study. The most "secular" institution accumulated 7 points and the most "religious" had 47. While it was only one of 10 criteria used to determine the scores, the percentage of Lutheran students enrolled at a college or university became somewhat representative

of the nature of these extremes. The most secular college, for instance, had "less than two dozen" Lutheran students according to its president, while the one designated as most religious had a student body made up entirely of Lutherans. Similar figures were true for faculty percentages, as well, along with opportunities for worship and required religion courses. The tendency was for those scoring high on any of these areas to also be high on the others too. The converse tended to be true, as well.

Furthermore, the most secular institutions were those affiliated with the ELCA, the largest Lutheran church body in the United States. With its 29 institutions (24 of which were in the sample), and a number of them being located in the East and the South where few Lutherans reside, the ELCA collectively seems not to appear, at least in comparison with the LCMS and the WELS, as being very church-related. This can also be explained, in part, by the fact that almost all of the ELCA institutions have existed primarily as liberal arts colleges for most of their histories, whereas those of the LCMS were intended, until relatively recently, to serve as schools for the preparation of professional workers for the church. Two of the three WELS colleges still have that as their sole purpose.

The ELCA is also the result of a merger which took place in 1988 that joined three bodies which, themselves, had evolved as a result of previous mergers. Consequently, there has not been a tradition of centralized control over or coordination of its "system" of higher education. All the institutions of the LCMS, WELS, ELS, and CLC, on the other hand, are controlled quite closely by their parent church bodies.

Perhaps for some of these same reasons, therefore, the ELCA institutions also seem to display less sensitivity to the concern about offensive or controversial expression, at least to the point of restricting it to any great degree, or feeling that it should be

restricted, for that matter. This is seen not only from the overall scores of its institutions on the scale of support for freedom or restraint but also on the basis of a number of representative items selected from the second survey and examined in the following pages to support the significance of the findings, particularly those which show the relative positions of the three largest church bodies.

It will be recalled that the theoretical range of scores for Phase Two was 48-240 and that the actual range for all members of the sample was 92-214. It was found that the denominational ranges and average scores of the three major church bodies were as follows:

ELCA	128-214	162.2
LCMS	108-188	139.1
WELS	92-118	106.3

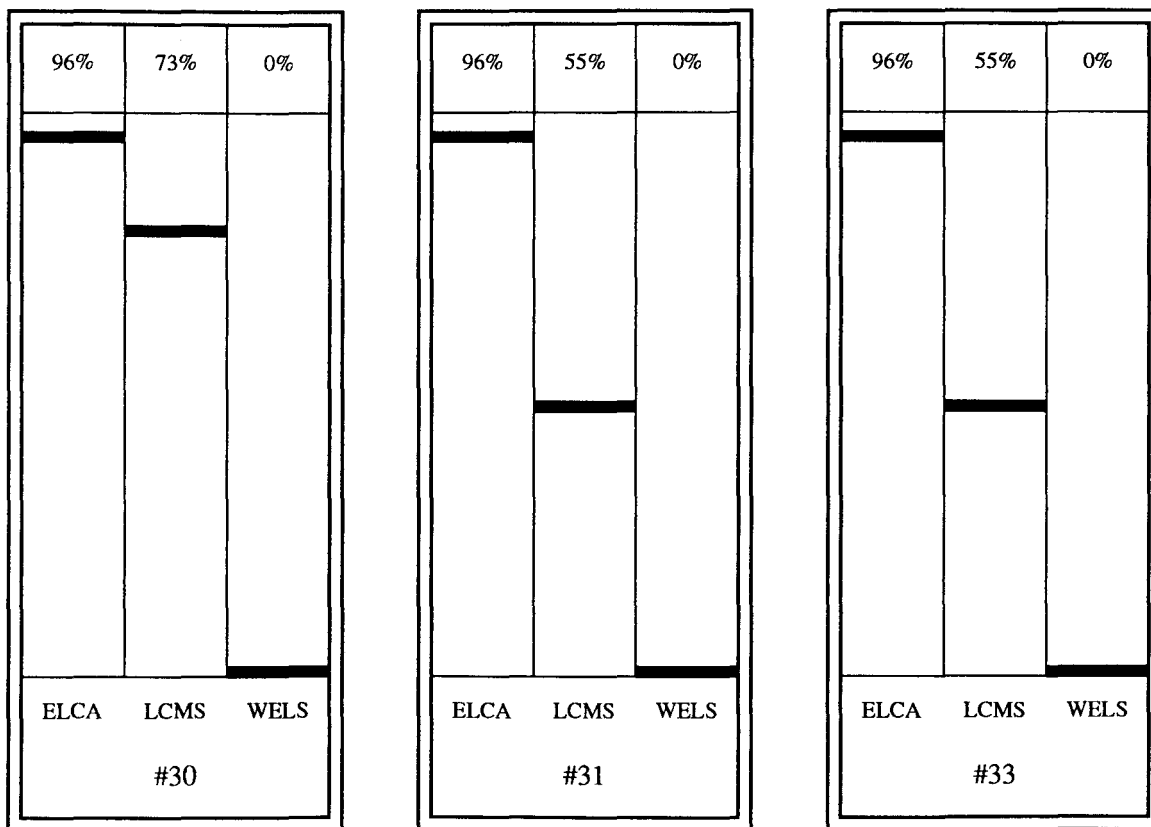
If only the 8 institutions from the "restrained" camp of the LCMS are examined, its range is 108-144 and its average is only 125.9. In any event, the LCMS institutions are positioned squarely between those of the ELCA and the WELS which appear, in turn, as polar opposites on the continua employed in this study.

Again, in support of the findings discussed above, if one reexamines the responses to a few selected items in the second survey, presented more graphically than they were in Chapter 4, it is possible to see how the presidents of the institutions of the three larger church bodies display consistent responses relative to each other.

For example, when the denominational responses to items 30-32 are examined by church body, one sees a certain aspect of the "freedom" of the ELCA, the "restraint" of the WELS, and the mixed responses from the LCMS. This is illustrated in the bar graphs in Figure 4. The statements in items 30-32 were as follows:

30. The student newspaper at a Lutheran college or university should be free to criticize the position taken by the sponsoring church body on a matter of public policy.
31. The student newspaper at a Lutheran college or university should be free to criticize the position taken by the sponsoring church body on a matter relating to church practice.
32. The student newspaper at a Lutheran college or university should be free to criticize the position taken by the sponsoring church body on a matter of biblical interpretation.

Figure 4.--Percentage of presidents from the ELCA, LCMS, and WELS agreeing with the statement in items 30-32 of the second survey.



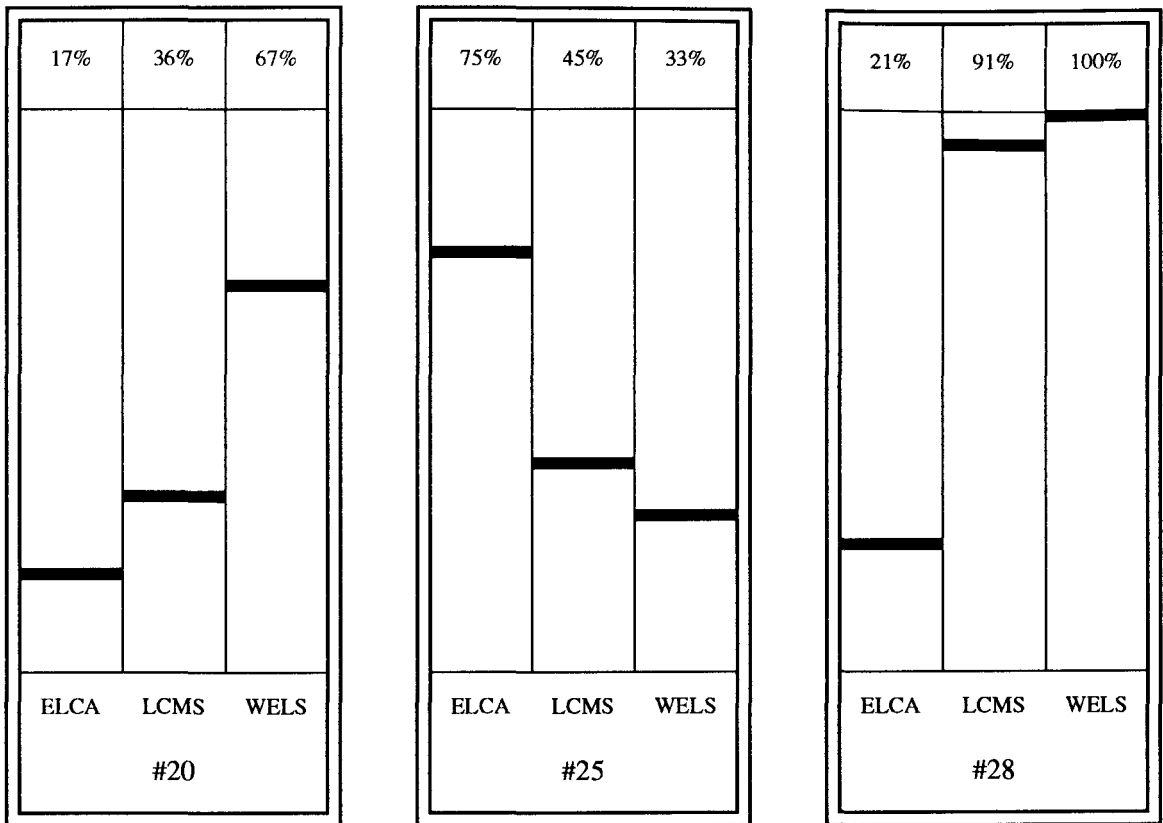
The collective responses to these statements are instructive because they pit the two key elements in the controversy under study against each other in classic fashion. The freedom allowed to a student newspaper could be considered a good indicator of the attitude toward freedom or restraint of expression. When the issue in question is related to an ecclesiastical concern, the two dimensions of free expression and church-relatedness confront one another and the responses may reveal the priorities of the respondent on the major issue. Consistent with the general findings, the ELCA presidents strongly support free expression, the WELS presidents favor complete restraint, and the LCMS presidents are split.

Three more statements, not arranged sequentially, but illustrative in the same way of the relative position of these three church bodies, are items 20, 25, and 28. They are worded as follows:

20. Lutheran colleges and universities should place a higher priority on a person's feelings than on another's right to say something offensive to that person.
25. Lutheran colleges and universities should not prohibit and punish expression which is in conflict with its values, but respond only with admonition, education, and information about why it opposes the position it finds offensive.
28. The student newspaper at the institution you serve would be permitted to carry an advertisement for an abortion clinic.

Figure 5 shows how the representatives of the ELCA, LCMS, and WELS responded. It should be noted that the percentages in items 20 and 25 are for those agreeing with the statements, whereas the percentages in item 28 represent those disagreeing strongly with the statement regarding tolerance for abortion advertisements.

Figure 5.--Percentage of presidents from the ELCA, LCMS, and WELS agreeing with the statements in items 20 and 25 and disagreeing strongly with the statement in item 28 in the second survey.



Once again, the responses on these items support the findings that the ELCA is consistently more pro-expression, the WELS more pro-restraint, and the LCMS somewhere in between.

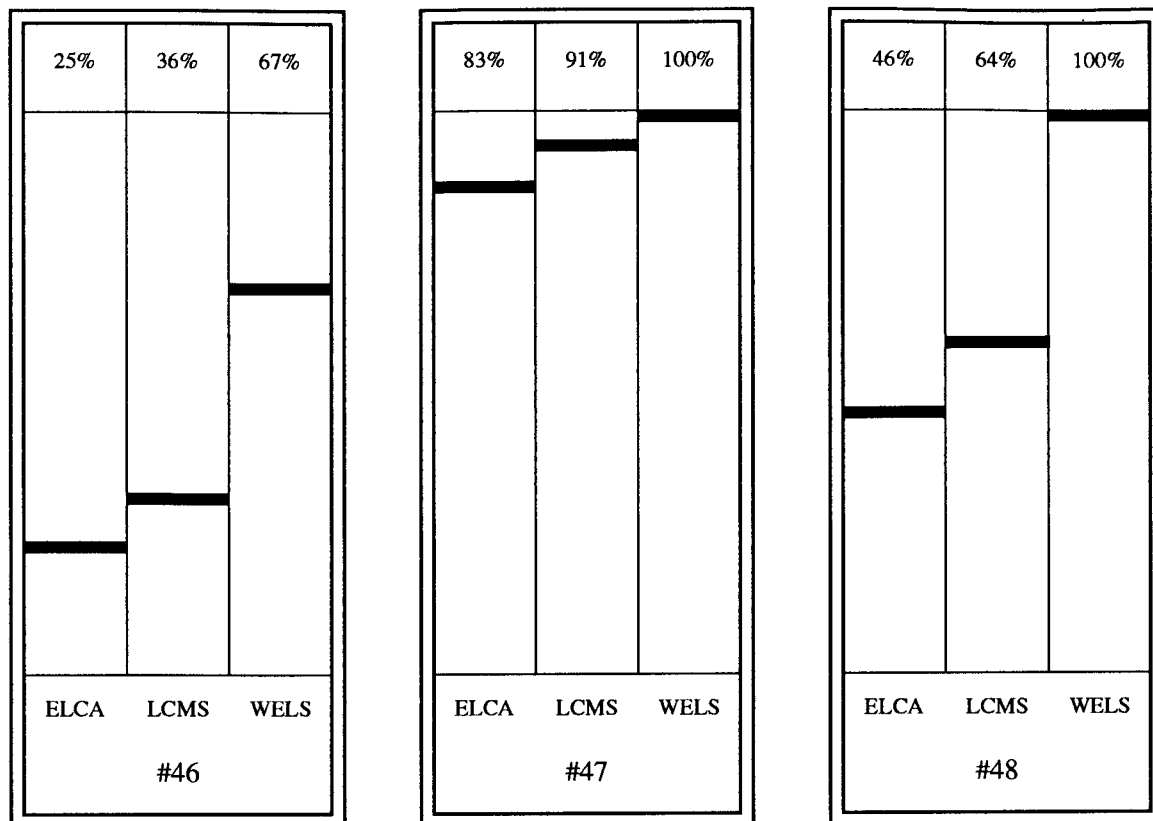
Finally, the last three items in the second survey were designed to determine the degree to which the presidents saw offensive expression as either a legal, moral, or theological problem. It will be recalled that this was one of the issues the study set out to explore. Items 46-48 state:

46. Expression which could be considered offensive or defamatory because it contains a message intended to hurt its hearers through the use of language that is racist, sexist, or based on some other characteristic of the hearer presents a problem that is primarily legal or constitutional in nature.

47. Expression which could be considered offensive or defamatory because it contains a message intended to hurt its hearers through the use of language that is racist, sexist, or based on some other characteristic of the hearer presents a problem that is primarily **moral** or **ethical** in nature.
48. Expression which could be considered offensive or defamatory because it contains a message intended to hurt its hearers through the use of language that is racist, sexist, or based on some other characteristic of the hearer presents a problem that is primarily **theological** or **spiritual** in nature.

The expectation was that the ELCA, being less church-related and more supportive of free expression would see this primarily as a legal issue to be controlled by court interpretations of constitutional language. The researcher then expected that the LCMS and the WELS would be more inclined to view this as a moral, and perhaps as even a theological matter, with the WELS being more definitive concerning the spiritual implications of this kind of behavior. At least in the last case, that is precisely what happened, with 100% of the WELS presidents agreeing on both items 47 and 48. What was surprising, however, was the high degree to which all three church bodies viewed the issue as primarily a moral one, including the 83% of the ELCA presidents, with only 25% seeing it primarily as a legal issue. This is illustrated clearly on the next page in Figure 6.

Figure 6.--Percentage of presidents from the ELCA, LCMS, and WELS agreeing with statements in items 46-48 of the second survey.



In short, while the results were not exactly as expected in terms of the progressive and consistent matching of church body and primary philosophy, they nevertheless confirm the general finding; namely, that these institutions, when viewed in clusters of their sponsoring church, are arranged in a distinctive fashion from Secular Freedom to Religious Restraint.

The third phase of the study produced descriptions of how the 17 individuals interviewed perceived the church-relatedness of their own institutions, as well as a long list of criteria accumulated from their assessment of what determines whether a college or university is church-related. In general, it was found that if one examines the 10 items used in this study to arrive at a determination of church-relatedness and compares it to the 13 criteria cited most frequently by those who participated in the interviews, a

common thread of emphasis can be seen running through both, particularly with regard to the Lutheran presence on the campus and the role that religious instruction, formal worship, and other forms of devotional activity play in the life of the community. This was an encouraging finding because it also supports the validity of the means used to determine church-relatedness in Phase One.

In the interviews, the presidents also provided information about the kinds of incidents that have occurred on their campuses where freedom of expression had been an issue. What was striking about the findings here was the broad range of situations that have been addressed on these campuses. They included a wide variety of problems utilizing several different means of expression from traditional speech and press issues to matters relating to artistic expression and academic freedom. It is also interesting to note that some of the incidents would likely only arise on a church-related campus. Concerns such as cursing and creationism demonstrate the nature of the conflict possible when the values of freedom and propriety collide.

Finally, when their comments were analyzed to find statements of support for either extending the right to free expression or restricting it, almost every respondent demonstrated support for both of these positions. The various reasons given for supporting restraint in a church-related academic community sometimes reflected the religious character or values of the institutions and at other times did not. These ranged from feeling a sense of obligation, as a Christian, to love one's neighbor, to the simple exercise of good manners as a contribution to the maintenance of civility. All who participated acknowledged at some point the fact that free expression is essential for an academic community.

Because none of the presidents from the institutions of the WELS elected to

participate in the third phase of the study, one can only speculate as how these individuals would have replied to the interview questions. Based on their responses to the statements in the second survey and the positions of these three schools on the graph (see Figure 2) -- not only in terms of the quadrant in which they are situated but also their close proximity to each other -- one might expect that the WELS presidents probably would have stated opinions uniformly reflecting support for the restraint of expression found to be in conflict with the Christian values which serve as the basis of their institutional missions.

In terms of findings that were expected and unexpected, it was expected that the ELCA presidents would tend to be more secular and also more free; that WELS leaders would tend to be more religious and also more restrained; and that those of the LCMS would tend to be somewhere between the other two. This was, to a great extent, what was found. Consequently, the data seem to support the hypothesis of the study that the church-relatedness of a Lutheran college and university is linked to the degree of support for freedom or restraint of expression on its campus. What was unexpected was how distinct the church bodies were from each other and how neatly these expected findings appeared graphically. It was also unexpected, however, that the LCMS would split into two distinct camps, one more supportive of freedom and the other relatively restrained. Moreover, it was also a surprise that the three LCMS institutions which did not follow the pattern of either the other eight from their own church body or the total sample in terms of the general flow of the plotted points, would be situated in the Religious Freedom quadrant of the graph.

The combination of church-relatedness and support for free expression, while ultimately the ideal for a church-related academic community, in the opinion of the

researcher, was clearly outside the scope of the hypothesis. It was particularly unexpected that even three institutions of the LCMS would exhibit as much support for free expression as did those in the Religious-Freedom quadrant.

Finally, the placement of Institution #5 from the ELS was something of a surprise. The researcher would have predicted, on the basis of general perceptions of the institution, that it would have been situated in the midst of the WELS cluster.

In the analysis of the data for this study, it became apparent that there were a number of variables which could have accounted for a president's general attitude or his response to a particular item which were difficult or even impossible to identify. While cross-tabulations of all the items from the first survey were performed with all those from the second survey, the small number in the sample made it difficult to isolate a large number of the variables to determine the degree to which they may have contributed to or helped explain the findings. When a pattern of any kind emerged, it was noted in the reporting of the results for Phase Two in Chapter 4.

The variable, of course, which did provide a substantial amount of guidance was denominational affiliation, and that explains its extensive use in the analysis and the significant weight given to it in the discussion and interpretation of the findings. Apart from the general tendency for the hypothesis to have been supported, the relative positioning of the three larger Lutheran church bodies constitutes the most important finding in the study.

As reported in the literature review, there has been only one other attempt (Penney, 1992) to examine institutional response to offensive expression. That survey of a small number of Midwestern colleges focused more on the existence of codes designed to regulate hate speech. Penney found that more than half of the institutions

in her sample had no codes and nearly two-thirds had no intention of adopting one. Two-thirds also stated that no desire for one had been expressed on the campuses in the study.

The instrument used in Penney's study makes no mention of legal rights, moral wrongs, or theological concerns of any kind in its examination of campus-based speech codes. Neither is there any item in it which would reveal whether a respondent institution was church-related. Likewise, in the responses to the study's open-ended questions, nothing was written which acknowledged the moral or theological dimension of this topic. Finally, in the notes used for her presentation of the study, which were shared with the researcher, there is no reference to the denominational affiliation of any of the institutions in the study (Penney, 1992). Church-relatedness clearly was not a factor or a consideration in this study.

Because that study was so different from this one, it is difficult to compare its findings to any focus of the present study except to say that the Lutheran presidents, to a great extent, also demonstrated in their comments a lack of support for or interest in establishing speech codes for their campuses. It was frequently mentioned in the interviews that such policies often create more problems than they resolve, and that there are other ways to deal with this matter such as education, encouragement and admonition.

Conclusions

In light of what was found in this study, a number of conclusions can be formed. First of all, it has become relatively clear that the issues of defining the nature of free expression and determining appropriate limits for it are seen as vital to an academic

community. Moreover, it appears to be particularly important for church-related institutions because they must constantly weigh each challenge to freedom of expression -- which is acknowledged as an essential value for accomplishing educational goals -- against what may be seen as equally precious values which are related to the religious mission and character of their particular academic communities.

As a result of the subjective nature of the issues involved and the inherent tension that exists between what are often seen as equally compelling values, it can also be concluded that it is difficult to study the nature and limits of free expression at church-related colleges and universities. It became very apparent during the course of the interviews that these college and university presidents appreciated the complexity of the dilemma posed in the study and expressed a certain amount of perplexity about the issue and the constant tension that accompanies it. But they also seemed to be willing to accept the fact that it can be, in a sense, a healthy tension which produces for their campuses a controversy which, in its resolution one way or the other, helps establish the intellectual and spiritual tone for those who work and study there.

In any event, based on the responses in all three phases of the study, it is therefore possible to conclude that the extent to which a college or university is church-related seems to affect presidential attitudes toward freedom of expression on their campuses. The more church-related an institution, the more support is exhibited for restraint of expression. The more secular an institution, the more likely the president is to support the freedom of expression.

Finally, it can be concluded that within the general body of Lutheranism in the United States, there is a tendency for the three largest individual church bodies to display distinctive characteristics relative to each other, at least on the basis of the

church-relatedness of their respective colleges and universities and how the presidents of those institutions demonstrate support for either free expression or the restraint of expression on their campuses.

Significance of the Study

Given that the attitudes of the presidents of any sector of higher education, let alone Lutheran higher education, have not been studied on the matter of free expression, this study provides a starting point for further exploration on most aspects of this topic. It also contributes to the general literature on church-related higher education and, to a lesser extent, on presidential leadership in those kinds of institutions.

Further, the study provides, through the responses of 89% of all Lutheran college and university presidents, a portrait of Lutheran higher education and demonstrates that within what may appear to be a relatively homogeneous mainline Protestant denomination, there is a significant amount of diversity, at least on the issue addressed in this study.

In short, the study revealed the attitudes of a particular group of educational leaders on an important and current topic in American higher education. It demonstrated the differences that exist among Lutheran colleges and universities with regard to the varying degrees of church-relatedness they display. It also revealed some interesting tendencies with regard to the individual church bodies themselves. Finally, it provided some indication of the degree to which church-relatedness affects how Lutheran college and university presidents view the nature and limits of free expression on their campuses.

Limitations of the Study

Research is motivated by a desire to understand better the object of study; to come closer to the truth of some issue. Survey research, however, can only ever hope to approximate or approach -- but never attain -- perfect understanding. Conscientious efforts may be expended to avoid the common problems which weaken the results of survey research such as interviewer bias and non-uniform conditions for the administration of the instruments, among others. Yet, even after taking all possible precautions, there is ultimately no way to guarantee that one's findings have not been affected by one or more of these problems.

In the present study, a number of factors might be identified as weaknesses or limitations of the research. First of all, it could be pointed out that because the respondents had to identify themselves, it is possible that they were not as candid as they would have been had they been able to remain anonymous. It is possible that at least some of the five presidents who elected not to participate did so because of this aspect of the research design. It should also be noted that some of the respondents were acquainted with the researcher, which may have influenced their responses.

Another data collection issue is the length of the second instrument. With only 48 items, it could have been longer, which may have improved its internal reliability. It is also possible, however, that there is a greater likelihood for a shorter instrument to be completed and returned.

Although the cost to do so would have been prohibitive, personal rather than telephone interviews may have improved the quality of the data collected in Phase Three. On more than one occasion, it became evident during the course of the interviews that the subject was distracted by things happening in his office while he was

responding to the questions. During one session, a president twice had to interrupt the interview, hang up, take a call from "a \$10,000-a-year donor," and call the researcher back.

It also may have enriched the study to have had a higher number of individuals participate in the interview phase. Moreover, it would have been preferable to have spent an entire week on each of the campus, interviewing and administering surveys to students, faculty members, and other administrators as well, to get a complete portrait of the role of free expression at each institution. This could then be supplemented by additional interviews with the executives responsible for the supervision of higher education from the headquarters of each of the national church bodies.

Finally, one limitation was in the non-uniform way in which the data ultimately were collected, in spite of deliberate attempts to administer the surveys consistently. It will be recalled that the intent was to have all subjects provide their responses to the second survey at a meeting of the presidents, but only 25 did so necessitating the use of the mail for the balance of the sample. Consequently, conditions for their participation for this phase of the study were not the same for all subjects. Some did it in one sitting during a rather compressed time-frame; others may have provided their responses only after taking considerable time to reflect on each item.

With regard to data analysis, it is likely that more sophisticated methods of statistical applications could have been employed not only with the determination of the concept of church-relatedness but also in the analysis of data through the use of regression to identify other variables which may have been significant in the formulation of the presidents' attitudes on free expression.

Implications for Practice

From a practical perspective, this study is not only helpful in clarifying the role that certain religious values play in the life and practice of Lutheran colleges and universities; it also reveals the degree to which each institution's president has developed his position with regard to free use of or restraint for offensive expression on the campus. This provides an opportunity for institutions to reevaluate any existing policies or practices and, if seen as appropriate by individual campus communities, to establish new ones which address the issues identified in the study.

The study also presents a relatively clear portrait of Lutheran higher education, generally, insofar as it reveals the differences which exist among institutions calling themselves "Lutheran," as well as differences among the various church bodies with which they are affiliated. Theoretically, it provides one -- and possibly the only -- empirically-based conclusion relating to the ideological and theological position of the church bodies represented in the study. In other words, while casual observers of American Lutheranism may have suspected, on the basis of the respective doctrinal positions and public pronouncements of the church bodies represented in this study, that the ELCA is more "liberal" than the LCMS and the WELS, with the latter being the most "conservative" of the three, the study provides empirical support for that conclusion.

Such a determination may be perceived as valuable to those who desire to know where the institutions of a given church body stand on the issue. Certainly it could be seen as important for the institutions and church bodies themselves to want to know where they stand in the event that their self-perception is different from what was found. It could also provoke further research by those who wish to either confirm these findings

or explore other issues in a similar manner.

This research could also aid in keeping alive a discussion that has been revisited periodically over the years, both by the Lutheran college and university presidents through LECNA, and the Association of Lutheran College Faculties (a group which meets annually to discuss issues of mutual concern to its members); namely, what, if anything, is distinctive about Lutheran higher education, and how can each institution better facilitate the processes of teaching, learning, research, and service from that distinct perspective?

As these questions are addressed, presidents and faculty members alike would be well advised to give some attention to the role of expression on their campuses, since the tension identified in the study seems genuine and has been acknowledged by several of the subjects as an important issue to be exploring. Representative of a number of remarks made during the interviews was the following:

I think it's a very intriguing issue, and the response of my colleagues when I told them about this study was, "What an interesting idea." It's a very key kind of issue. I think with the whole political correctness debate, it's pretty timely. I would be one who would be interested in knowing more, partly because I would like to learn. I think it is such a fundamental issue to the academy that it seems to me as a president I need to . . . know what other presidents think about these key issues; and I might be able to learn something. . . . It's been fascinating.

While this individual may have found the experience fascinating and the issue intriguing, the topic itself is one that is still capable of provoking bitter tension and acrimonious debate. That the tension persists on these and other campuses is evidenced by the incidents reported both by the presidents in the study and the national media. That the presidents often feel caught between the competing values of freedom and propriety as they work to resolve the conflict on their campuses can be seen in their comments reported extensively in Chapter 4.

Institutions should be led to see the potential negative consequences for an academic community which consistently attempts to reconcile conflict between open inquiry and challenges to either religious teachings or someone's feelings by resolving it through the proscription of expression. On the other hand, those who study and teach in church-related colleges and universities must accept the inconsistency in deliberately attempting to harm another or in subverting the most basic teachings of the sponsoring church in intellectually dishonest ways.

Finally, Lutheran educators must understand that if they want to maintain a recognizable and effective relationship with the church body which sponsors -- and perhaps to some degree supports -- them, additional dialogue should be encouraged between the leaders of the higher education institutions of the churches and the churches themselves. In short, Lutheran college and university presidents should take the initiative in opening more effective channels of communication with the leaders and laity of their respective church bodies. By employing the tools of research, critical analysis, and continuous dialogue, institutional leaders can help educate church members about the role higher education can play in the fulfillment of the church's greater mission, whatever they may define that to be. In the process, church leaders may also begin to see those who teach and learn at its colleges and universities as less of a threat to the truth and more as partners in the ongoing pursuit of it through means which acknowledge the value of both faith and reason.

Implications for Further Research

A number of options present themselves for follow-up or duplicate studies to the research reported here. For example, similar studies could be conducted with presidents

of 1) public, 2) private, non-church-related, and 3) non-Lutheran church-related institutions. It would be particularly interesting to duplicate the study with another specific group of institutions with a distinct affiliational identity, such as all Jesuit, or all Roman Catholic, Baptist, or other denominational colleges. It might also be interesting to focus specifically on any differences which may be due to the geographical region of the institutions in the study. Finally, the study could also be replicated within the Lutheran sector, but with a different group of respondents, such as chief academic officers, chief student affairs officers, faculty, or students. Future research could also be conducted on faculty expression and academic freedom using any number of respondent groups, either as individuals or in comparison with each other.

Finally, interesting findings might also be provided if lay members of the church bodies were surveyed about their perceptions and expectations with regard to the degree to which free expression should be supported on the campuses affiliated with their church. Would those not directly involved with higher education hold a view more supportive of restraint than college presidents? And would there be any difference between the attitudes of members who were and were not college educated; or were and were not educated at a Lutheran college or university? Research with these foci might contribute to the broader body of literature which is concerned with the significance of receiving an education at a particular kind of institution.

Conclusion

It appears to be certain that as long as academic communities are populated by individuals whose primary purpose is to explore different ideas and engage in communication about them, there will be no end of controversy and debate over what

constitutes appropriate expression. It would be well, therefore, if institutions which consider themselves places of dialogue and learning would occasionally reconsider the role that expression should play in the course of its daily activities. Through the means of expression itself it might then arrive at some determination regarding the relative importance both freedom and restraint -- and, in the case of church-related institutions of higher education, truth and love -- are to be given in the academic enterprise.

APPENDIX 1

PRESIDENTS OF LUTHERAN COLLEGES AND UNIVERSITIES PARTICIPATING IN THE STUDY

Charles S. Anderson
Augsburg College
Minneapolis, Minnesota 55454

Thomas Treadway
Augustana College
Rock Island, Illinois 61201

Sidney Rand
Augustana College
Sioux Falls, South Dakota 57197

Joel McKean
Bethany College
Lindsborg, Kansas 67456

Marvin G. Meyer
Bethany Lutheran College
Mankato, Minnesota 56001-4490

Luther Luedtke
California Lutheran University
Thousand Oaks, California 91360-2787

Josiah H. Blackmore
Capital University
Columbus, Ohio 43209-6108

F. Gregory Campbell
Carthage College
Kenosha, Wisconsin 53141

D. Ray Halm
Christ College Irvine
Irvine, California 92715

James Koerschen
Concordia College
Ann Arbor, Michigan 48105

Ray F. Martens
Concordia Lutheran College
Austin, Texas 78705

Ralph C. Schultz
Concordia College
Bronxville, New York 10708

Paul J. Dovre
Concordia College
Moorhead, Minnesota 56560

Charles Schlimpert
Concordia College
Portland, Oregon 97211-6099

Eugene L. Krentz
Concordia University
River Forest, Illinois 60305-1499

Robert Holst
Concordia College
St. Paul, Minnesota 55104

Julius Jenkins
Concordia College
Selma, Alabama 36701

Orville C. Walz
Concordia College
Seward, Nebraska 68434

R. John Buuck
Concordia University Wisconsin
Mequon, Wisconsin 53092

Myrvin F. Christopherson
Dana College
Blair, Nebraska 68008

Lloyd O. Huebner
Dr. Martin Luther College
New Ulm, Minnesota 56073

Gordon A. Haaland
Gettysburg College
Gettysburg, Pennsylvania 17325

Arthur E. Puotinen
Grand View College
Des Moines, Iowa 50316

Axel Steuer
Gustavus Adolphus College
St. Peter, Minnesota 56082

John Lau
Immanuel Lutheran College
Eau Claire, Wisconsin 54701-7199

John E. Trainer, Jr.
Lenoir-Rhyne College
Hickory, North Carolina 28603

H. George Anderson
Luther College
Decorah, Iowa 52101-1045

Carl L. Hansen
Midland Lutheran College
Fremont, Nebraska 68025

Raymond Bost
Newberry College
Newberry, South Carolina 29108

Robert J. Voss
Northwestern College
Watertown, Wisconsin 53094

Loren Anderson
Pacific Lutheran University
Tacoma, Washington 98477

Melvin D. George
St. Olaf College
Northfield, Minnesota 55057

Joel Cunningham
Susquehanna University
Selinsgrove, Pennsylvania 17870-1001

Charles H. Oestreich
Texas Lutheran College
Seguin, Texas 78155

C. Carlyle Haaland
Thiel College
Greenville, Pennsylvania 16125

Robert E. Karsten
Upsala College
East Orange, New Jersey 17019

Alan F. Harre
Valparaiso University
Valparaiso, Indiana 46383

Norman R. Smith
Wagner College
Staten Island, New York 10301

William E. Hamm
Waldorf College
Forest City, Iowa 50436

Gary J. Greenfield
Wisconsin Lutheran College
Milwaukee, Wisconsin 53226

APPENDIX 2

COVER LETTER ACCOMPANYING FIRST INSTRUMENT

January 18, 1993

Dear President :

Freedom of expression in academic communities has received much attention over the last few years. News stories and opinion pieces in both the popular press and The Chronicle of Higher Education provide accounts of specific incidents and commentary on the important principles connected with this controversial issue. Perhaps you saw the September/October (1992) Journal of Higher Education which was devoted entirely to "Racial Harassment on Campus." Some early efforts at research on this timely topic have taken place but more, from both the public and the private sector, is needed.

I am writing to request your invaluable assistance in a study I am conducting on the attitudes of the presidents of Lutheran colleges and universities regarding the nature and limits of free expression on their campuses. I am also interested in learning how the mission and values of Lutheran institutions of higher education guide their presidents in their responses to questions and problems that arise in this area. As president of a Lutheran higher education institution, your views will provide valuable insights on this topic. As president, you officially represent your institution's perspective on freedom of expression at your campus.

Since the presidents of all the Lutheran colleges and universities in the United States have been included in the sample, it is crucial to the study that each one participate. Your willingness to cooperate at each stage, therefore, will be greatly appreciated.

Data collection for this study is being done in three phases. The first is this mailing with its request to you to provide certain information about your institution and yourself. The second will be a survey of presidential attitudes to be administered at the LECNA meeting in February. The distribution of the survey and time for its completion have been approved by the executive committee of LECNA, and Don Stoike, the executive director, has indicated that a certain amount of enthusiasm about the study has been expressed. Those not attending the LECNA meeting will be mailed a copy of the survey and requested to complete it shortly after the meeting is held. The final phase will involve personal interviews conducted at a later time with a smaller number of the presidents. Your willingness to participate in the interview stage will be requested in the survey administered at the LECNA meeting. Again, a 100 percent response rate for the first two stages is being hoped for and is possible with your help.

For this first part, then, I am asking that you do three things:

1. Please **complete and return the attached survey** which includes 25 items. Numbers 1-15 consist of inquiries which will provide information about your institution. Numbers 16-25 seek information about you.
2. Please **send me a copy of your institution's Mission Statement** or whatever most closely approximates such a document.
3. Please **send me a copy of any written code or policy which may specifically address the issue of expression on your campus**, including anything that limits, restricts, or prohibits expression of any kind for any reason. For the purposes of this study, **expression** refers to any written, spoken, or symbolic communication from one person to another person or group of people.

Please return the above items in the enclosed envelope. Under no circumstances will you be identified by name or institution in the analysis and reporting of this study. If you have any questions please call me at 708-209-3007 (office, with phone mail) or 708-344-2259 (home).

I look forward to receiving your early reply and to seeing you at the LECNA meeting in February.

Sincerely,

H. Robert Hayes
Vice President and Dean of Students
Associate Professor of Political Science

APPENDIX 3

FIRST SURVEY INSTRUMENT

Please provide the requested information about the college or university you serve and return it, along with a copy of the institution's Mission Statement, in the enclosed envelope. Thank you.

1. What was the institution's total undergraduate enrollment (headcount) for fall, 1992? _____
2. What percentage of the undergraduate students is Lutheran? _____
3. How many full-time faculty (including those assigned to administrative duties) are there? _____
4. What percentage of the full-time faculty members is Lutheran? _____
5. How many theology or religion courses are required for graduation as part of the institution's general education requirement for undergraduate students? _____
6. How often in a typical week are worship services or formal group devotions conducted on the campus (not including convocations or assemblies)?
_____ per week
7. How often is Holy Communion celebrated on the campus? _____ per week
_____ per month
8. Does each academic year begin with an event which could be considered a worship service?
Yes _____ No _____
9. Does each academic year conclude with a baccalaureate or closing worship service?
Yes _____ No _____

10. Do faculty meetings typically begin with a prayer or some other form of devotional activity?

Always _____ Usually _____ Seldom _____ Never _____

11. Is the president required to be a member of the sponsoring church?

Yes _____ No _____ N/A (for independent) _____

12. Is the president required to be a member of the sponsoring church's clergy?

Yes _____ No _____ N/A (for independent) _____

13. Is there any individual or group in the structure of the institution's sponsoring church body, besides your local board of regents or trustees, which has a legal right to exercise control over institutional policy?

Yes _____ No _____ N/A (for independent) _____

14. Does the institution have a written policy or code that specifically limits, restricts, or prohibits expression of any kind for any reason? If so, please return a copy of it along with this survey.

Yes _____ No _____

15. Indicate denominational affiliation of the institution today and in 1985.

	<u>1993</u>	<u>1985</u>
American Lutheran Church	N/A	_____
Church of Lutheran Confession	_____	_____
Evan. Lutheran Synod	_____	_____
Evan. Lutheran Church in America	_____	N/A
Lutheran-Independent	_____	_____
Lutheran Church in America	N/A	_____
Lutheran Church-Missouri Synod	_____	_____
Wisconsin Evan. Lutheran Synod	_____	_____

PERSONAL BACKGROUND INFORMATION. Please check the appropriate space or provide the requested information for the following items.

16. Age: 30-34 _____
 35-39 _____
 40-44 _____
 45-49 _____
 50-54 _____
 55-59 _____
 60-64 _____
 65-69 _____
 70-74 _____
 75-79 _____
 80-84 _____

17. Racial/ethnic background: Please identify the racial or ethnic category which best describes you. (If you feel it is more descriptive, you may check as many as are appropriate.)

African _____
 Danish _____
 English _____
 Finnish _____
 German _____
 Irish _____
 Norwegian _____
 Slovak _____
 Swedish _____
 Other(s) (please specify) _____

18. Of what denomination or faith are you a member?

Church of Lutheran Confession _____
 Evan. Lutheran Church in America _____
 Evan. Lutheran Synod _____
 Lutheran Church-Missouri Synod _____
 Wisconsin Evan. Lutheran Synod _____

Other (please specify) _____

19. Are you an ordained member of the clergy in any religious denomination?

Yes _____ No _____

20. If you are ordained, please indicate in which denomination you hold clergy membership.

Church of Lutheran Confession _____
 Evan. Lutheran Church in America _____
 Evan. Lutheran Synod _____
 Lutheran Church-Missouri Synod _____
 Wisconsin Evan. Lutheran Synod _____

Other (please specify) _____

21. Please list your academic degrees, the institutions from which each was received, and the major area of study for each program. If you wish, you may also include institutions attended for work which did not result in or lead to a degree.

<u>Degree</u>	<u>Institution</u>	<u>Major</u>
---------------	--------------------	--------------

22. How long have you been at your current institution in any capacity? _____
23. How long have you been the president at your current institution? _____
24. How long have you been an administrator in higher education? _____
25. How long have you served in Lutheran higher education? _____

Please sign and date here. _____
 (Name) (Date)

Your institution. _____

Check here if you would like a copy of the results of this study. _____

THANK YOU

APPENDIX 4

FOLLOW-UP LETTER TO THOSE NOT RESPONDING TO FIRST SURVEY

January 25, 1993

Dear President :

Last week a questionnaire which represents the first phase of a study I am conducting on the attitudes of all the Lutheran college and university presidents on the issue of free expression was mailed to you. As I indicated in my cover letter, every president has been included in the survey and the hope is for a 100 percent response.

A number of surveys have already been returned. As of today, however, yours is not among them. If you have, in fact, already sent me your completed three-page, twenty-five-item instrument called "Survey of Lutheran College and University Presidents," please accept my sincere thanks. If you have not, please do so today. Due to the nature of the study, the response of each president is crucial.

If for some reason you did not receive the questionnaire, or it has been misplaced, I have enclosed another copy along with the original letter. Again, your participation is important and greatly appreciated.

As the letter indicates, the second phase of the study will be administered on February 8, at the LECNA meeting in Florida. If you do not attend that meeting I will be sending you a copy of that questionnaire in the mail as well. **By all means, please complete this survey and the next one even if you do not attend the meeting.**

I look forward to hearing from you soon and, hopefully, seeing you in another week or so.

Sincerely,

H. Robert Hayes
Vice President and Dean of Students
Associate Professor of Political Science

APPENDIX 5

SECOND SURVEY INSTRUMENT

This survey is designed to obtain your responses to statements concerning the nature and limits of free expression in society at large, in Lutheran higher education in general, and also on your particular campus, especially as it relates to the rights of students.

It is important that you answer each item in terms of **your official position as president of your institution** instead of as a private citizen. This is not to suggest that the responses would necessarily be different from one role to the other; only to emphasize that **this is a survey of the attitudes of Lutheran college and university presidents**. Therefore, please respond on behalf of your institution and not on the basis of your personal opinion.

To study responses in relation to institutional characteristics, I need to know the identity of each respondent. Consequently, I ask that you write your name and the name of your institution at the end of this survey instrument. **Please be assured that under no circumstances will you be identified by name or institution in the analysis or reporting of this study.**

Spaces have also been provided at the end for you to indicate whether you would be willing to participate in the interview phase of this study and whether you would like to receive a copy of the results of this survey.

Thank you for your participation.

DIRECTIONS: Please respond to each statement by selecting one of the following five choices and putting the number corresponding to your response in the space next to each item. **NOTE WELL:** For purposes of this survey, the term **expression** refers to any written, spoken, or symbolic communication from one person to another person or group.

1. strongly agree
2. mildly agree
3. neither agree nor disagree
4. mildly disagree
5. strongly disagree

[NOTE: The numbers in the spaces were not included on the instrument as administered but represent the responses considered to be the ones most supportive of free expression and used to calculate the score of support for freedom or restraint of expression.]

- 1 1 Freedom of expression is one of the most important rights in a democratic society.
- 2 5 There are some issues which should not be discussed in any setting.
- 3 1 The First Amendment's right to free expression should be considered an absolute right; that is, no law should be passed which abridges this freedom.
- 4 5 Some expression may be so offensive as to lack any social or educational value.
- 5 1 If, in a given situation, the right to free expression finds itself in direct conflict with another constitutional right (such as the right to be free from discriminatory treatment), free expression should be given preference.
- 6 5 Just because a person has a constitutional right to say something does not necessarily mean it is morally right to say it.
- 7 1 The Constitution protects some expression that is inconsistent with certain Christian values and beliefs.
- 8 5 A person who can demonstrate that genuine offense was caused by the expression of another should be able to succeed in a civil suit against that individual.
- 9 5 A person who can demonstrate that genuine offense was caused by the expression of another should be able to find recourse in the criminal laws of the state.
- 10 1 Freedom of expression is one of the most valuable commodities than can exist on any college or university campus.
- 11 1 The discussion of unpopular ideas is an essential aspect of a liberal education.
- 12 1 The discussion of ideas which may be offensive to certain individuals or groups is occasionally necessary to accomplish the goals of a liberal education.
- 13 5 It is appropriate to put limits on expression because of the time, place, or manner in which it occurs.

- 14 5 Some topics are appropriate to discuss in a classroom setting but not outside the class.
- 15 1 Students should be able to say anything they want when they are in their residence hall rooms.
- 16 1 Students and professors should be held to the same standard regarding free expression when acting as members of the campus community.
- 17 5 Outside speakers should have greater freedom while on the campus making a presentation than is typically allowed students or professors addressing the same issue in a class.
- 18 1 The institution you serve would take the same action against a student for inappropriate off-campus expression as it would if the expression had occurred on the campus.
- 19 1 Lutheran colleges and universities should always follow the same standards for expression as public colleges and universities.
- 20 5 Lutheran colleges and universities should place a higher priority on a person's feelings than on another's right to say something offensive to that person.
- 21 5 Some expression could be considered to be in clear conflict with the religious values of the institution you serve.
- 22 5 Expression which is considered to be in clear conflict with the religious values of the institution you serve would be prohibited and punished.
- 23 5 Lutheran colleges and universities should establish and enforce limits on expression which is found to be offensive by certain identifiable groups on the campus.
- 24 5 Lutheran colleges and universities should establish policies which make punishable the uttering of racial epithets.
- 25 1 Lutheran colleges and universities should not prohibit and punish expression which is in conflict with its values, but respond only with admonition, education, and information about why it opposes the position it finds offensive.
- 26 5 Public colleges and universities should establish policies which make punishable the uttering of racial epithets.
- 27 1 The student newspaper at a public college or university should have a right to carry an advertisement for an abortion clinic.

- 28 1 The student newspaper at the institution you serve would be permitted to carry an advertisement for an abortion clinic.
- 29 1 The student newspaper at the institution you serve is free to criticize your administrative decisions.
- 30 1 The student newspaper at a Lutheran college or university should be free to criticize the position taken by the sponsoring church body on a matter of public policy.
- 31 1 The student newspaper at a Lutheran college or university should be free to criticize the position taken by the sponsoring church body on a matter relating to church practice.
- 32 1 The student newspaper at a Lutheran college or university should be free to criticize the position taken by the sponsoring church body on a matter of biblical interpretation.
- 33 5 You would restrict the distribution of an **unofficial** (or "underground") student newspaper on your campus regardless of whether any of its content was offensive.
- 34 5 You would restrict the distribution of an **unofficial** (or "underground") student newspaper on your campus only if its content was offensive.
- 35 1 Students at a public college or university should be free to display a Confederate flag on the door of their residence hall room.
- 36 1 Students at a public college or university should be free to wear clothing on the campus which clearly communicates that a specified racial or ethnic group is intellectually inferior.
- 37 1 Students at a public college or university should be free to wear clothing on the campus which clearly communicates that a specified racial or ethnic group should be exterminated.
- 38 1 Students at the institution you serve would be free to display a Confederate flag on the door of their residence hall room.
- 39 1 Students at the institution you serve would be free to wear clothing on the campus which clearly communicates that a specified racial or ethnic group is intellectually inferior.
- 40 1 Students at the institution you serve would be free to wear clothing on the campus which clearly communicates that a specified racial or ethnic group should be exterminated.

- 41 1 College and university campuses should be the most tolerant places when it comes to expression and the free exchange of ideas, whatever their value.
- 42 1 Expression which might not be tolerated in society at large should be allowed on a public college or university campus because of the academic interest in seeking the truth by any means.
- 43 1 Expression which might not be tolerated in society at large should be allowed on a Lutheran college or university campus because of the academic interest in seeking the truth by any means.
- 44 5 Expression on public college and university campuses should adhere to a higher standard of decency than is required in society at large because more is expected of those who are supposed to be engaged in legitimate intellectual pursuits.
- 45 5 Expression on Lutheran public college and university campuses should adhere to a higher standard of decency than is required in society at large because more is expected of those who are supposed to be engaged in legitimate intellectual pursuits.
- 46 1 Expression which could be considered offensive or defamatory because it contains a message intended to hurt its hearers through the use of language that is racist, sexist, or based on some other characteristic of the hearer presents a problem that is primarily **legal** or **constitutional** in nature.
- 47 5 Expression which could be considered offensive or defamatory because it contains a message intended to hurt its hearers through the use of language that is racist, sexist, or based on some other characteristic of the hearer presents a problem that is primarily **moral** or **ethical** in nature.
- 48 5 Expression which could be considered offensive or defamatory because it contains a message intended to hurt its hearers through the use of language that is racist, sexist, or based on some other characteristic of the hearer presents a problem that is primarily **theological** or **spiritual** in nature.

Your name _____ Your institution _____

___ Please check here if you would be willing to participate in the interview phase of this study.

___ Please check here if you would like to receive a copy of the results of this survey.

THANK YOU

APPENDIX 6

LETTER SENT WITH SECOND SURVEY TO THOSE NOT IN ATTENDANCE AT LECNA MEETING

February 10, 1993

Dear President _____:

As part of a study I am doing on the attitudes of Lutheran college and university presidents regarding free expression on their campuses, I am attempting to get responses on two different survey instruments from all 45 of the individuals who lead Lutheran institutions of higher education in the United States.

As you may recall, the first was mailed in the middle of January. I would like to take this opportunity to thank you for completing your copy and returning it to me. The second was administered at the LECNA meeting February 8-9, in Florida, which you did not attend. Therefore, I am enclosing a copy of that and would request that you complete and return it right away so your responses can be analyzed along with those of your fellow presidents.

Because of the nature and size of the population being studied, it is very important that the highest possible number of responses be included in the study. Your participation now can assure that of happening.

Please return your form in the enclosed envelope. Again, under no circumstances will you be identified by name or institution in the analysis of this study. If you have any questions please call me at 708-209-3007 (office, with phone mail) or 708-344-2259 (home).

I look forward to receiving your early reply, and I thank you for your participation.

Sincerely,

H. Robert Hayes
Vice President and Dean of Students
Associate Professor of Political Science

APPENDIX 7

LETTER SENT WITH SECOND SURVEY TO THOSE WHO ATTENDED LECNA MEETING BUT DID NOT COMPLETE SECOND SURVEY

February 12, 1993

Dear President :

It had been my hope that the setting at Marco Island for the LECNA meeting would have provided the most conducive environment for the greatest possible return of my survey of Lutheran college and university presidents. As one who also receives many requests to fill out these kinds of instruments, I thought that avoiding the mail, your busy office, and even busier schedule, and going directly to you and your fellow respondents would not only be more convenient but would also provide relatively uniform conditions for the administration of the survey.

For some reason, this did not prove to be true in your case; for even though you were kind enough to take the time to complete and return the first instrument which I mailed in January, I did not receive the second one handed out last Monday prior to the LECNA business meeting. Possibly you had stepped out and did not get one. Perhaps you just did not feel like doing it at the time. I also recognize that you may simply object to the study, or the instrument, or, as a matter of principle, are unwilling to participate.

I would like respectfully to request that you reconsider and complete the enclosed copy and return it to me at your earliest convenience in the envelope provided. It should only take about 15-20 minutes.

A number of your colleagues expressed genuine interest in the project, and I do believe that it is attempting to address an extremely important issue in higher education -- especially church-related higher education -- which has obvious implications for our institutions and is certainly in keeping with the spirit of both the Lina Meyer lecture and Dr. Pelikan's keynote speech.

Please take the time to become part of this project. Again, except for the fact that I will be aware of your responses, you will not be identified by name or institution in the analysis or reporting of this study. If you have any questions or wish to discuss some aspect of the study with me, please do not hesitate to call me at 708-209-3007 (office) or 708-344-2259 (home).

Sincerely,

APPENDIX 8

LETTER TO THOSE INDICATING A WILLINGNESS TO PARTICIPATE IN INTERVIEW PHASE

March 30, 1993

Dear President :

Thank you for taking the time to complete my survey on the attitudes of Lutheran college and university presidents concerning free expression on their campuses. I am also grateful for your willingness to participate in the interview phase of this study.

I recognize that you are very busy, and I would like to try to make this experience as convenient for you as possible. Therefore, I ask that you pick the date and the time when you could spend approximately one hour in a phone interview about freedom of expression in church-related institutions of higher education.

Please indicate on the enclosed sheet three different times, in order of preference, sometime between April 5 and May 29, 1993, when I could call you and conduct the interview. Feel free to select any time of the day or evening. It is almost assured that your first or second choice will be honored. I will mail or fax you a confirmation of your date and time along with a copy of the interview questions.

With your permission I would like to tape record the interview. At no time will the tape ever be heard by anyone other than myself and the individual who may transcribe the interview. Furthermore, neither you nor your institution will be identified by name in the reporting of anything included in the tape. If you do not wish to have the interview tape recorded, please so indicate on the enclosed sheet.

Once again, thank you for your participation. I look forward to receiving your reply within the next few days.

Sincerely,

Bob Hayes

APPENDIX 9

INTERVIEW APPOINTMENT FORM

Survey of Lutheran College and University Presidents
Phase Three

Interview Appointment Form
for
PRESIDENT _____
_____ COLLEGE

Please indicate in the spaces below your first, second, and third choices for your phone interview of approximately one hour sometime during April or May and return to me in the enclosed envelope.

<u>Choice</u>	<u>Month</u>	<u>Day</u>	<u>Time/Zone</u>
example	April	15	3 p.m. E.S.T.
1st choice	_____	_____	_____
2nd choice	_____	_____	_____
3rd choice	_____	_____	_____

Phone number to be called: (_____) _____ - _____

Please indicate below your willingness to allow me to tape record our conversation.

_____ Check here if you will permit your remarks to be recorded.

_____ Check here if you will not permit your remarks to be recorded.

Please sign here _____

Return in the enclosed envelope. Thank you.

Bob Hayes

APPENDIX 10

INTERVIEW CONFIRMATION LETTER

April 5, 1993

Dear President :

Thank you for your prompt response to my request to schedule your phone interview. I will call you on

TUESDAY, APRIL 13, 1993, AT 11:30 A.M., C.D.T.

The interview should last approximately one hour, give or take five to ten minutes. Attached is a copy of the questions we will be discussing. It is my understanding that I have your permission to tape record our conversation.

I appreciate your willingness to do this, and I look forward to speaking with you next week.

Sincerely,

Bob Hayes

APPENDIX 11

INTERVIEW QUESTIONS

1. Can you recall anything happening on your campus within the last five years which could be considered, in any sense, an "issue" or an "incident" related to anyone's freedom of expression? For example, this could include, but not be limited to, a racial, ethnic, or gender-related matter. If so, would you please identify
 - a. the actors involved,
 - b. the nature of any controversy present,
 - c. the facts in the case, and
 - d. how it was resolved.
2. Are you aware of any current concerns that any members of your campus community have with regard to their own right to freedom of expression? If so, please elaborate.
3. Taking a slightly different approach to the matter, are you aware of any concerns that anyone on your campus may have regarding the way someone else's exercise of freedom of expression is affecting him or her? Please elaborate.
4. Please identify what criteria you would use to determine the degree of church-relatedness of your institution. On a scale of 1-5, where 1 represents an institution which is not church-related at all and 5 represents an institution which is very church-related, rate your institution. Please relate the criteria you identified to the rating you gave for your institution.
5. How do you view the role of free expression in a church-related academic community?
6. What perspectives help inform your approach, or what are the values that most influence your attitudes, with regard to the role of free expression at your institution? Which are most important and which are least important in your mind?
7. Do you favor a written institutional policy of any sort which would establish limits on what can or should be prohibited in terms of any kind of expressive activity on your campus? Please elaborate.

8. Please describe the approach that is taken by the administration on your campus with regard to the students' exercise of free expression, including the role of the student newspaper.
9. Are you aware of any occasion where your Board of Trustees or Regents has addressed the issue of freedom of expression on your campus? If so, please elaborate.

APPENDIX 12

FOLLOW-UP LETTER TO THOSE NOT SCHEDULING INTERVIEWS

April 26, 1993

Dear President :

A few months ago, when you completed my survey on the attitudes of Lutheran college and university presidents concerning free expression on their campuses, you indicated a willingness to participate in the interview phase of the study. On March 30, I sent you a letter and a form to fill out and return to me which allowed you to select the time when you would like the interview to take place. As of today, I have not yet received your reply.

If you have sent your form back but have not received a confirmation and list of questions from me, please contact me at (708) 209-3007 as soon possible. If you have decided that you would rather not participate after all, it would also be helpful for me to know that. If you could send back the "Interview Appointment Form" or call me with your decision, it would be greatly appreciated.

Naturally, it is my hope that you still are willing but simply have not been able to respond. The interviews which have already been conducted have ranged from about 30 minutes to an 1 hour and 15 minutes, but the typical call lasts less than three-quarters of an hour. Those who have participated so far seem to have found it to be interesting, and at least worth the time invested in the exercise. For me, it has been quite rewarding.

Please consider remaining in the interview group and return the enclosed form as soon as possible. If you want to participate but cannot find a time in April or May, it would be possible to extend the time for interviews into the first two weeks of June, if necessary. If you choose to remain in the study I will mail or fax you a confirmation of your date and time along with a copy of the interview questions. Regardless of what you decide, I hope to hear from you soon.

Best wishes as you conclude your current academic year.

Sincerely,

Bob Hayes

APPENDIX 13

SUMMARY OF RESPONSES TO FIRST SURVEY

[Based on data collected from 43 respondents]

1. What was the institution's total undergraduate enrollment (headcount) for fall, 1992?

	<u>f</u>	<u>%</u>
500 or less	6	14
501-1000	11	26
1001-1500	10	23
1501-2000	5	12
2001-2500	6	14
2501-3000	4	9
Over 3000	1	2

2. What percent of the undergraduate students are Lutheran?

	<u>f</u>	<u>%</u>
Under 10%	3	7
10-19%	6	14
20-29%	4	9
30-39%	8	19
40-49%	5	12
50-59%	8	19
60-69%	3	7
70-79%	1	2
80-89%	1	2
90-99%	1	2
100%	3	7

3. How many full-time faculty (including those assigned to administrative duties) are there?

	<u>f</u>	<u>%</u>
50 or less	12	28
51-100	15	35
101-150	6	14
151-200	5	12
201-250	1	2
251-300	3	7
no response	1	2

4. What percent of the full-time faculty members are Lutheran? [40 responses; 3 spaces left blank]

	<u>f</u>	<u>%</u>
"Don't know"	4	9
Under 10%	1	2
10-19%	3	7
20-29%	3	7
30-39%	5	12
40-49%	2	5
50-59%	5	12
60-69%	2	5
70-79%	1	2
80-89%	1	2
90-99%	6	14
100%	7	16
no response	3	7

5. How many theology or religion courses are required for graduation as part of the institution's general education requirement for undergraduate students?

<u>no. of courses</u>	<u>f</u>	<u>%</u>
0	2	5
1	6	14
2	15	35
3	8	19
4	7	16
5	0	0
6	2	5
7	0	0
8	1	2
no response	2	5

6. How often in a typical week are worship services or formal group devotions conducted on the campus (not including convocations or assemblies)?

<u>no of services</u>	<u>f</u>	<u>%</u>
1	3	7
2	7*	16
2.5	1	2
3	3	7
4	5**	12
5	8	19
6	5	12
7	3	7
8	1	2
6-8	1	2
8-9	1	2
9	2	5

11	1	2
12	1	2
15	1	2

* ["2 Lutheran; there are also Catholic and Jewish services."]

** ["4, plus 3 Catholic masses per week; 1 Sabbath per week in Jewish Center.]

7. How often is Holy Communion celebrated on the campus? [Totals more than 43 due to multiple responses.]

per week

<u>no. of times</u>	<u>f</u>	
1	18	[includes "1 + every other Sunday"]
1.5	1	
2	3	
1-2	1	
5	1	

per month

	<u>f</u>
1	7
2	1
4	2
6	2
8	1

per semester

	<u>f</u>
1	1
2	1

per year

	<u>f</u>
0	7*
2	1

[* 2 responses which never have it on campus explain that students take it in local congregations.]

8. Does each academic year begin with an event which could be considered a worship service?

	<u>f</u>	<u>%</u>
Yes	36	84
No	7	16*

* [One of these is a "convocation with an invocation."]

9. Does each academic year conclude with a baccalaureate or closing worship service?

	<u>f</u>	<u>%</u>
Yes	42	98
No	1	2

10. Do faculty meetings typically begin with a prayer or some other form of devotional activity?

	<u>f</u>	<u>%</u>
Always	37	86
Usually	3	7

Seldom	1	2
Never	2	5

11. Is the president required to be a member of the sponsoring church?

	f	%	
Yes	9	21	
No	34	79	[2 added: but <u>does</u> have to be Lutheran]

12. Is the president required to be a member of the sponsoring church's clergy?

	f	%
Yes	4	9
No	39	91

13. Is there any individual or group in the structure of the institution's sponsoring church body, besides your local board of regents or trustees, which has a legal right to exercise control over institutional policy?

	f	%
Yes	16	37
No	27	63

14. Does the institution have a written policy or code that specifically limits, restricts, or prohibits expression of any kind for any reason? [42 responses, one left blank]

	f	%
Yes	19	44
No	23	54
no response	1	2

[One "no" added: "Unless the expression constitutes sexual harassment or creates a hostile working environment. Another "no" stated: "However, there are expectations outlined in the Faculty Handbook which are relevant. . . . I sense they are fairly typical of expectations for faculty with, perhaps, the exception of expression related to our mission in a church-related college.]

- 15a. Indicate denominational affiliation of the institution in 1993.

	f	%
Church of Lutheran Confession	1	2
Evan. Lutheran Synod	1	2
Evan. Lutheran Church in America	27	63
Lutheran Church-Missouri Synod	11	26
Lutheran-Independent	0	0
Wisconsin Evan. Lutheran Synod	3	7

[One ELCA college left blank for '93; two did not participate.]

15b. Indicate denominational affiliation of the institution in 1985.

	<u>f</u>	<u>%</u>
American Lutheran Church	9	21
Church of Lutheran Confession	1	2
Evan. Lutheran Synod	1	2
Joint ALC/LCA	2	5
Lutheran-Independent	0	0
Lutheran Church in America	15	35
Lutheran Church-Missouri Synod	11	26
Wisconsin Evan. Lutheran Synod	3	7

PERSONAL BACKGROUND INFORMATION

	<u>f</u>	<u>%</u>
16. Age: 45-49	11	26
50-54	10	23
55-59	10	23
60-64	7	16
65-69	4	9
70-74	0	0
75-79	1	2

17. Racial/ethnic background: Please identify the racial or ethnic category which best describes you. (If you feel it is more descriptive, you may check as many as are appropriate.)

	<u>f</u>	<u>%</u>
African	1	2
Danish	0	0
English	3	7
Finnish	1	2
German	20	46
Irish	2	5
Norwegian	2	5
Slovak	0	0
Swedish	2	5
Norwegian/Swedish	2	5
English/Norwegian	1	2
German/Norwegian/Swedish	1	2
Danish/German	1	2
Danish/Norwegian	1	2
English/German	1	2
Danish/Swedish	1	2
English/German/Irish	1	2
German/Irish/Norwegian/Scottish/Swiss/Polish	1	2
Unknown (adopted)	1	2

18. Of what denomination or faith are you a member?

	f	%
Church of Lutheran Confession	1	2
Evan. Lutheran Church in America	24	56*
Evan. Lutheran Synod	1	2
Lutheran Church-Missouri Synod	11	26
Wisconsin Evan. Lutheran Synod	3	7
Other: Presbyterian	1	2
no response	2	5

* [one ELCA respondent noted: "not formal member"]

19. Are you an ordained member of the clergy in any religious denomination?

	f	%
Yes	17	39.5
No	26	60.5

20. If you are ordained, please indicate in which denomination you hold clergy membership. N=17.

	f	%
Church of Lutheran Confession	1	6
Evan. Lutheran Church in America	7	41
Evan. Lutheran Synod	0	0
Lutheran Church-Missouri Synod	7	41
Wisconsin Evan. Lutheran Synod	2	12

21. Education.

Undergraduate degrees, institutions, and majors

AA	Bethany Lutheran College (MN)	
	Concordia College (St. Paul)	Pre-Seminary
	Concordia College (Selma)	
	St. John's College (KS)	
	St. Paul's College (MO)	
	Suomi College	
BA	Augustana (IL)	German
	Augustana (IL)	History
	Augustana (IL)	Philosophy
	Baylor University	History, English
	Bethany College (KS)	History
	Brown University	European History
	Concordia (Moorhead)	Economics
	Concordia (Moorhead)	Speech, Economics
	Concordia (Moorhead)	Philosophy
	Concordia Senior College (IN)	
	Concordia Seminary (St. Louis)	Biblical Languages, Humanities
	Concordia Seminary (St. Louis)	

Concordia Teachers College (IL)	Education, Church Music
Franklin and Marshall College	Biology
Gettysburg College	Mathematics
Gustavus Adolphus College	English
Dana College	
Lenoir-Rhyne College	History
Luther College	Economics
Miami University (Ohio)	Political Science
Northwestern College (MN)	Liberal Arts, Languages
Northwestern College (MN)	Religion, Languages, and History
Northwestern College (MN)	Pre-theology
Northwestern University	Mathematics
Occidental College	Philosophy, Psychology
St. Olaf College	English
University of Tennessee-Chattanooga	Math, Psychology
Wartburg College	History
Wheaton College	Psychology
University of Wisconsin-Madison	Philosophy
Yale University	Interdisciplinary
BS Capital University	Chemistry
Concordia Teachers College (NE)	Biology
Concordia Teachers College (NE)	English
Concordia Teachers College (NE)	Secondary Music Education
Concordia Teachers College (NE)	Elementary Education
Dr. Martin Luther College	Elementary Education
Drexel University	
Mankato State University	Mathematics
Muhlenberg College	Biology, Education
BSEd Concordia Teachers College (IL)	Education
Concordia Teachers College (NE)	Elementary Education
BMus Cosmopolitan School of Music	Theory

Graduate degrees, institutions, and majors

MA Ball State University	American Literature
Brown University	American Economic History
University of Chicago	History of Christianity
Eastern Michigan University	Education
Emory University	History
Harvard University	Philosophy
University of Illinois	History
Indiana University-Bloomington	Zoology-Genetics
University of Iowa	Political Science
Marquette University	Educational Administration
Michigan State University	Rhetoric and Public Address

	University of Northern Colorado	Ecology
	Northwestern University	Rhetoric, Public Address
	University of Oregon	Mathematics
	University of Pennsylvania	American Studies
	Presbyterian School of Christian Ed.	
	Rutgers University	Mathematics
	Wake Forest University	Biology
	University of Wisconsin-Eau Claire	English Literature
	University of Wisconsin-Madison	Medieval English
	Yale University	History (Church History)
	Yale University	Church History
MEd	Concordia Teachers College (NE)	Elementary Education
	University of Missouri	Counseling
	Ohio State University	Educational Administration
MMus	Cleveland Institute of Music	Composition
MMusEd	Wayne State University	Music Education
MSEd	Moorhead State University (MN)	Educational Administration
MS	Ohio University	Chemistry
	Purdue University	Speech, Philosophy
	University of Wisconsin-Madison	Curriculum and Instruction
	University of Wisconsin-Madison	Education
STM	Concordia Seminary (St. Louis)	New Testament
	Concordia Seminary (St. Louis)	
	Lutheran Theological Seminary (PA)	Church History
ThM	Princeton Theological Seminary	New Testament Theology
ABD	Marquette University	Educational Administration
CAS	Harvard University	Higher Ed. Admin., Social Policy
EdD	Harvard University	Education
	Marquette University	Education
	University of Nebraska	Educational Administration
	Pepperdine University	Administration
PhD	Brown University	American Civilization
	University of Chicago	American Religious History
	University of Colorado	Philosophy
	University of Denver	Religion
	Indiana University-Bloomington	Zoology-Genetics
	University of Michigan	Education

University of Michigan	Communication Theory and Research
University of Nebraska-Lincoln	Educational Administration
University of Nebraska	Physiology
Northwestern University	History/Church History
Northwestern University	Rhetoric, Public Address
Ohio University	Chemistry
Oklahoma University	Zoology, Parasitology
University of Oregon	Mathematics
University of Pennsylvania	Religious Thought
University of Pennsylvania	American Studies
University of Pittsburgh	Mathematics
Princeton University	Mathematics
Princeton Theological Seminary	New Testament
Purdue University	Speech, Philosophy
University of Southern California	Educational Psychology
SUNY Buffalo	Social Psychology
University of Texas	Higher Education Administration
Union Seminary (NYC)	Reformation Studies
Wayne State University	Education
University of Wisconsin-Madison	Curriculum and Instruction
Yale University	History
Yale University	History (Church History)
Yale University	Church History
SMD Union Theological Seminary	Sacred Music
ThD Lutheran School of Theology	New Testament
<u>Divinity degrees, institutions, and majors</u>	
BD Concordia Seminary (St. Louis)	
Concordia Theological Seminary (IL)	Theology
Garrett Theological Seminary	
Luther Seminary (St. Paul)	
Luther Theological Seminary	Theology
Lutheran Theology Seminary Philadelphia	
STB Harvard Divinity School	Theology
CRM Wisconsin Lutheran Seminary	Theology
CTh Luther Seminary (St. Paul)	
Colloquy Concordia Seminary (St. Louis)	
MDiv Augustana Seminary (IL)	Theology
Concordia Seminary (St. Louis)	New Testament
Concordia Seminary (St. Louis)	

Concordia Theological Seminary (IL)	Theology
Lutheran School of Theology (IL)	
Lutheran School of Theology (IL)	
Wisconsin Lutheran Seminary	Theology
Wisconsin Lutheran Seminary	Theology
Lutheran Theol. Southern Seminary	Church History

Professional degrees, institutions, and majors

JD Ohio State University Law

MBA Drexel
Wake Forest University

Additional or Post-doctoral work

Carnegie-Mellon University	College Management
Charles University (Prague, Czechoslovakia)	History
Columbia University	
Eastman School of Music	
Harvard University	
Harvard University Inst. for Ed. Management	Administration
University of Michigan	
University of Minnesota	
University of Minnesota	History, Music
National War College	International Relations
New York Theological Seminary	Bible
Philipps Universität (Marburg, Germany)	History
University of Puerto Rico	Spanish (Spoken)
University of Texas	Education
Union Theological Seminary (Strassbourg)	
United States Coast Guard Academy	Marine Engineering
University of Wisconsin-Madison	Social Work

22. How long have you been at your current institution in any capacity?

	f	%
0-5 years	17	39
6-10	8	19
11-15	6	14
16-20	4	9
21-25	2	5
26-30	4	9
31-35	2	5

23. How long have you been the president at your current institution?

	<u>f</u>	<u>%</u>
0-5 years	20	46
6-10	9	21
11-15	9	21
16-20	5	12

24. How long have you been an administrator in higher education?

	<u>f</u>	<u>%</u>
0-5 years	0	0
6-10	6	14
11-15	10	23
16-20	9	21
21-25	8	19
26-30	8	19
31-35	2	5

25. How long have you served in Lutheran higher education?

	<u>f</u>	<u>%</u>
0-5 years	7	16
6-10	5	12
11-15	2	5
16-20	5	12
21-25	5	12
26-30	10	23
31-35	6	14
36-40	2	5
41-45	1	2

APPENDIX 14

SUMMARY OF RESPONSES TO SECOND SURVEY

[Based on data collected from 40 respondents]

1. Freedom of expression is one of the most important rights in a democratic society.

	<u>f</u>	<u>%</u>
strongly agree	36	90
mildly agree	4	10
neither agree nor disagree	0	0
mildly disagree	0	0
strongly disagree	0	0

2. There are some issues which should not be discussed in any setting.

	<u>f</u>	<u>%</u>
strongly agree	4	10
mildly agree	4	10
neither agree nor disagree	1	2.5
mildly disagree	10	25
strongly disagree	21	52.5

[Comment: One respondent underlined the words "issues" and "discussed" in this item.]

3. The First Amendment's right to free expression should be considered an absolute right; that is, no law should be passed which abridges this freedom.

	<u>f</u>	<u>%</u>
strongly agree	9	22.5
mildly agree	7	17.5
neither agree nor disagree	6	15
mildly disagree	5	12.5
strongly disagree	13	32.5

[Comment: One respondent added, "e.g., 'fire' in a theater." Another stated, "yelling fire in a crowded theater, et al."]

4. Some expression may be so offensive as to lack any social or educational value.

	<u>f</u>	<u>%</u>
strongly agree	28	70

mildly agree	9	22.5
neither agree nor disagree	1	2.5
mildly disagree	0	0
strongly disagree	2	5

5. If, in a given situation, the right to free expression finds itself in direct conflict with another constitutional right (such as the right to be free from discriminatory treatment), free expression should be given preference.

	f	%
strongly agree	2	5
mildly agree	5	12.5
neither agree nor disagree	15	37.5
mildly disagree	11	27.5
strongly disagree	7	17.5

[Comment: One respondent underlined "discriminatory treatment" in the item and stated that "this is not a constitutionally protected right."]

6. Just because a person has a constitutional right to say something does not necessarily mean it is morally right to say it.

	f	%
strongly agree	35	87.5
mildly agree	4	10
neither agree nor disagree	0	0
mildly disagree	0	0
strongly disagree	1	2.5

7. The Constitution protects some expression that is inconsistent with certain Christian values and beliefs.

	f	%
strongly agree	25	62.5
mildly agree	7	17.5
neither agree nor disagree	4	10
mildly disagree	2	5
strongly disagree	1	2.5
"?"	1	2.5

[Comment: One respondent wrote, "It appears so" above "The Constitution" in this item.]

8. A person who can demonstrate that genuine offense was caused by the expression of another should be able to succeed in a civil suit against that individual.

	f	%
strongly agree	4	10
mildly agree	11	27.5
neither agree nor disagree	10	25
mildly disagree	6	15
strongly disagree	9	22.5

[Comment: One respondent who answered "strongly disagree" to this item circled the word "offense" and added item "8.5" to which he answered "strongly agree": "A person who can demonstrate that genuine injury was caused, etc., etc." Another underlined "genuine offense" in items 8 and 9 and wrote a question mark above the phrase.]

9. A person who can demonstrate that genuine offense was caused by the expression of another should be able to find recourse in the criminal laws of the state.

	f	%
strongly agree	4	10
mildly agree	10	25
neither agree nor disagree	11	27.5
mildly disagree	6	15
strongly disagree	9	22.5

[Comment: In the margin next to items 8 and 9, one respondent wrote "libel/slander."]

10. Freedom of expression is one of the most valuable commodities that can exist on any college or university campus.

	f	%
strongly agree	27	67.5
mildly agree	11	27.5
neither agree nor disagree	1	2.5
mildly disagree	1	2.5
strongly disagree	0	0

[Comment: One respondent wrote, "I'm not sure it can always take place on a Christian campus." Another underlined the word "commodities" in the item.]

11. The discussion of unpopular ideas is an essential aspect of a liberal education.

	f	%
strongly agree	31	77.5
mildly agree	7	17.5
neither agree nor disagree	2	5
mildly disagree	0	0
strongly disagree	0	0

[Comment: One respondent, who answered "mildly disagree" to this item, wrote, "The discussion of ideas, including those which may be 'unpopular' with some. . . . It is the focus growing out of your phrasing which diminishes my 'enthusiasm.'"]

12. The discussion of ideas which may be offensive to certain individuals or groups is occasionally necessary to accomplish the goals of a liberal education.

	f	%
strongly agree	25	62.5
mildly agree	11	27.5

neither agree nor disagree	2	5
mildly disagree	2	5
strongly disagree	0	0

13. It is appropriate to put limits on expression because of the time, place, or manner in which it occurs.

	<u>f</u>	<u>%</u>
strongly agree	16	40
mildly agree	20	50
neither agree nor disagree	1	2.5
mildly disagree	1	2.5
strongly disagree	2	5

14. Some topics are appropriate to discuss in a classroom setting but not outside the class.

	<u>f</u>	<u>%</u>
strongly agree	2	5
mildly agree	5	12.5
neither agree nor disagree	7	17.5
mildly disagree	12	30
strongly disagree	14	35

15. Students should be able to say anything they want when they are in their residence hall rooms.

	<u>f</u>	<u>%</u>
strongly agree	6	15
mildly agree	6	15
neither agree nor disagree	6	15
mildly disagree	14	35
strongly disagree	7	17.5
"?"	1	2.5

[Comment: After answering "?" for this item, the respondent wrote, "There are reasonable limits set in law -- yelling `fire,' e.g." Another asked, "Who else is there?" A third stated, "Students do; they have no inherent (or constitutionally protected) right to do so."]

16. Students and professors should be held to the same standard regarding free expression when acting as members of the campus community.

	<u>f</u>	<u>%</u>
strongly agree	19	47.5
mildly agree	11	27.5
neither agree nor disagree	3	7.5
mildly disagree	6	15
strongly disagree	1	2.5

[Comment: After underlining "same standard" in this item, the respondent wrote, "`same' as each other? As other citizens under the Constitution?"]

17. Outside speakers should have greater freedom while on the campus making a presentation than is typically allowed students or professors addressing the same issue in a class.

	f	%
strongly agree	1	2.5
mildly agree	6	15
neither agree nor disagree	6	15
mildly disagree	14	35
strongly disagree	13	32.5

18. The institution you serve would take the same action against a student for inappropriate off-campus expression as it would if the expression had occurred on the campus.

	f	%
strongly agree	2	5
mildly agree	4	10
neither agree nor disagree	5	12.5
mildly disagree	18	45
strongly disagree	10	25
"?"	1	2.5

19. Lutheran colleges and universities should always follow the same standards for expression as public colleges and universities.

	f	%
strongly agree	2	5
mildly agree	4	10
neither agree nor disagree	2	5
mildly disagree	15	37.5
strongly disagree	17	42.5

[Comment: After answering "strongly disagree," one respondent added, "but my answer is because at most public universities, prayer, for example, is forbidden. Lutheran colleges should not have that standard!" Another, also answering strongly disagree, stated, "Not so in liturgical settings; the question is not precise."]

20. Lutheran colleges and universities should place a higher priority on a person's feelings than on another's right to say something offensive to that person.

	f	%
strongly agree	4	10
mildly agree	7	17.5
neither agree nor disagree	12	30
mildly disagree	9	22.5
strongly disagree	8	20

21. Some expression could be considered to be in clear conflict with the religious values of the institution you serve.

	<u>f</u>	<u>%</u>
strongly agree	27	67.5
mildly agree	10	25
neither agree nor disagree	2	5
mildly disagree	1	2.5
strongly disagree	0	0

22. Expression which is considered to be in clear conflict with the religious values of the institution you serve would be prohibited and punished.

	<u>f</u>	<u>%</u>
strongly agree	2	5
mildly agree	5	12.5
neither agree nor disagree	6	15
mildly disagree	12	30
strongly disagree	15	37.5

[Comment: One respondent wrote "Hate language that constitutes a threat to safety" under this item. Another underlined the word "religious" and added "narrowly defined." A third inserted the words "by faculty" after the word "Expression" in this item.]

23. Lutheran colleges and universities should establish and enforce limits on expression which is found to be offensive by certain identifiable groups on the campus.

	<u>f</u>	<u>%</u>
strongly agree	3	7.5
mildly agree	12	30
neither agree nor disagree	7	17.5
mildly disagree	10	25
strongly disagree	8	20

[Comment: One respondent underlined the words "by certain identifiable groups on" in this item, then added a "?" and the words "vs. by the academic community?"]

24. Lutheran colleges and universities should establish policies which make punishable the uttering of racial epithets.

	<u>f</u>	<u>%</u>
strongly agree	5	12.5
mildly agree	19	47.5
neither agree nor disagree	5	12.5
mildly disagree	4	10
strongly disagree	7	17.5

[Comment: After circling the word "punishable" in this item, one respondent added, "I can't respond until I learn what you mean by this." Another wrote, "I

don't feel I should advocate for the whole."]

25. Lutheran colleges and universities should not prohibit and punish expression which is in conflict with its values, but respond only with admonition, education, and information about why it opposes the position it finds offensive.

	<u>f</u>	<u>%</u>
strongly agree	10	25
mildly agree	16	40
neither agree nor disagree	4	10
mildly disagree	7	17.5
strongly disagree	3	7.5

[Comment: One respondent circled the words "conflict with its values" and "offensive," connected them with a line and added, "2 different issues! (could be)." Another circled the word "only" and added, "in all cases?" A third wrote the word "initially" at the end of this item.]

26. Public colleges and universities should establish policies which make punishable the uttering of racial epithets.

	<u>f</u>	<u>%</u>
strongly agree	4	10
mildly agree	14	35
neither agree nor disagree	10	25
mildly disagree	2	5
strongly disagree	10	25

27. The student newspaper at a public college or university should have a right to carry an advertisement for an abortion clinic.

	<u>f</u>	<u>%</u>
strongly agree	11	27.5
mildly agree	15	37.5
neither agree nor disagree	7	17.5
mildly disagree	3	7.5
strongly disagree	4	10

28. The student newspaper at the institution you serve would be permitted to carry an advertisement for an abortion clinic.

	<u>f</u>	<u>%</u>
strongly agree	7	17.5
mildly agree	5	12.5
neither agree nor disagree	3	7.5
mildly disagree	5	12.5
strongly disagree	20	50

[Comment: One respondent added, "Note: Policy established by the Board does not allow abortion ads. I would tend to allow them." He answered this item "strongly agree." One respondent answered "yes," which was counted as "strongly agree."]

29. The student newspaper at the institution you serve is free to criticize your administrative decisions.

	<u>f</u>	<u>%</u>
strongly agree	33	82.5
mildly agree	3	7.5
neither agree nor disagree	1	2.5
mildly disagree	2	5
strongly disagree	1	2.5

[Comment: One respondent answered "yes," which was counted as "strongly agree."]

30. The student newspaper at a Lutheran college or university should be free to criticize the position taken by the sponsoring church body on a matter of public policy.

	<u>f</u>	<u>%</u>
strongly agree	28	70
mildly agree	4	10
neither agree nor disagree	2	5
mildly disagree	5	12.5
strongly disagree	1	2.5

31. The student newspaper at a Lutheran college or university should be free to criticize the position taken by the sponsoring church body on a matter relating to church practice.

	<u>f</u>	<u>%</u>
strongly agree	26	65
mildly agree	3	7.5
neither agree nor disagree	4	10
mildly disagree	7	17.5
strongly disagree	0	0

32. The student newspaper at a Lutheran college or university should be free to criticize the position taken by the sponsoring church body on a matter of biblical interpretation.

	<u>f</u>	<u>%</u>
strongly agree	24	60
mildly agree	5	12.5
neither agree nor disagree	2	5
mildly disagree	2	5
strongly disagree	7	17.5

33. You would restrict the distribution of an **unofficial** (or "underground") student newspaper on your campus regardless of whether any of its content was offensive.

	<u>f</u>	<u>%</u>
strongly agree	5	12.5
mildly agree	3	7.5
neither agree nor disagree	3	7.5

mildly disagree	15	37.5
strongly disagree	14	35

[Comment: One respondent answered "no," which was counted as "strongly disagree."]

34. You would restrict the distribution of an **unofficial** (or "underground") student newspaper on your campus only if its content was offensive.

	f	%
strongly agree	3	7.5
mildly agree	14	35
neither agree nor disagree	2	5
mildly disagree	7	17.5
strongly disagree	13	32.5
"depends"	1	2.5

[Comment: One respondent wrote the word "extremely" over "unofficial (or 'underground') student newspaper" and made reference to a "1992 action". Another drew a bracket around both items 33 and 34, answered "strongly disagree" to both and added, "Another question that is imprecise. The issue is not 'official' vs. 'unofficial' (or underground), but whether those who edit and write the 'unofficial' paper identify themselves or not. If not, then it is to be regarded as not protected by the canons of academic freedom." Another answered "no," which was counted as "strongly disagree."]

35. Students at a public college or university should be free to display a Confederate flag on the door of their residence hall room.

	f	%
strongly agree	14	35
mildly agree	10	25
neither agree nor disagree	11	27.5
mildly disagree	3	7.5
strongly disagree	2	5

[Comment: One respondent circled "free" in items 35-40 and added, "with no reaction or response?"]

36. Students at a public college or university should be free to wear clothing on the campus which clearly communicates that a specified racial or ethnic group is intellectually inferior.

	f	%
strongly agree	7	17.5
mildly agree	2	5
neither agree nor disagree	7	17.5
mildly disagree	10	25
strongly disagree	13	32.5
"?"	1	2.5

[Comment: One respondent underlined the words "be free to wear" in this item. Another answered "no," which was counted as "strongly disagree."]

37. Students at a public college or university should be free to wear clothing on the campus which clearly communicates that a specified racial or ethnic group should be exterminated.

	<u>f</u>	<u>%</u>
strongly agree	4	10
mildly agree	3	7.5
neither agree nor disagree	3	7.5
mildly disagree	4	10
strongly disagree	26	65

[Comment: One respondent answered "no," which was counted as "strongly disagree."]

38. Students at the institution you serve would be free to display a Confederate flag on the door of their residence hall room.

	<u>f</u>	<u>%</u>
strongly agree	15	37.5
mildly agree	10	25
neither agree nor disagree	8	20
mildly disagree	5	12.5
strongly disagree	2	5

[Comment: Respondent underlined "be free" in this item, and wrote, "free, yes, but counseled not to do so."]

39. Students at the institution you serve would be free to wear clothing on the campus which clearly communicates that a specified racial or ethnic group is intellectually inferior.

	<u>f</u>	<u>%</u>
strongly agree	5	12.5
mildly agree	2	5
neither agree nor disagree	4	10
mildly disagree	13	32.5
strongly disagree	16	40

[Comment: One respondent answered "no," which was counted as "strongly disagree."]

40. Students at the institution you serve would be free to wear clothing on the campus which clearly communicates that a specified racial or ethnic group should be exterminated.

	<u>f</u>	<u>%</u>
strongly agree	2	5
mildly agree	2	5
neither agree nor disagree	2	5

mildly disagree	4	10
strongly disagree	30	75

[Comment: One respondent answered "no," which was counted as "strongly disagree."]

41. College and university campuses should be the most tolerant places when it comes to expression and the free exchange of ideas, whatever their value.

	f	%
strongly agree	14	35
mildly agree	15	37.5
neither agree nor disagree	5	12.5
mildly disagree	4	10
strongly disagree	2	5

[Comment: One respondent underlined the words "free exchange of ideas" in this item. Another answered this item "strongly disagree" and added, "Mathematicians should not `tolerate' a statement that $2 + 2 = 5$."]

42. Expression which might not be tolerated in society at large should be allowed on a public college or university campus because of the academic interest in seeking the truth by any means.

	f	%
strongly agree	11	27.5
mildly agree	11	27.5
neither agree nor disagree	5	12.5
mildly disagree	5	12.5
strongly disagree	8	20

[Comment: One respondent stated, "imprecise: so long as it is not disruptive." Another added, "depends on forum."]

43. Expression which might not be tolerated in society at large should be allowed on a Lutheran college or university campus because of the academic interest in seeking the truth by any means.

	f	%
strongly agree	10	25
mildly agree	9	22.5
neither agree nor disagree	5	12.5
mildly disagree	5	12.5
strongly disagree	11	27.5

44. Expression on public college and university campuses should adhere to a higher standard of decency than is required in society at large because more is expected of those who are supposed to be engaged in legitimate intellectual pursuits.

	f	%
strongly agree	9	22.5
mildly agree	14	35

neither agree nor disagree	5	12.5
mildly disagree	5	12.5
strongly disagree	7	17.5

[Comment: One respondent underlined "adhere to a higher standard of decency" with a question mark above it. Another circled the word "should." Another underlined the word "decency."]

45. Expression on Lutheran college and university campuses should adhere to a higher standard of decency than is required in society at large because more is expected of those who are supposed to be engaged in legitimate intellectual pursuits.

	f	%
strongly agree	15	37.5
mildly agree	12	30
neither agree nor disagree	7	17.5
mildly disagree	2	5
strongly disagree	3	7.5
revised question	1	2.5

[Comment: One respondent drew a line through the words "legitimate intellectual pursuits" and replaced them with "religious and spiritual pursuits," answering "strongly agree" for the revised question. Another underlined the word "decency." A third underlined the words "because more is expected of those who are supposed to be engaged in legitimate intellectual pursuits," and noted that this is the "wrong reason."]

46. Expression which could be considered offensive or defamatory because it contains a message intended to hurt its hearers through the use of language that is racist, sexist, or based on some other characteristic of the hearer presents a problem that is primarily **legal** or **constitutional** in nature.

	f	%
strongly agree	4	10
mildly agree	8	20
neither agree nor disagree	6	15
mildly disagree	14	35
strongly disagree	8	20

47. Expression which could be considered offensive or defamatory because it contains a message intended to hurt its hearers through the use of language that is racist, sexist, or based on some other characteristic of the hearer presents a problem that is primarily **moral** or **ethical** in nature.

	f	%
strongly agree	16	40
mildly agree	20	50
neither agree nor disagree	2	5
mildly disagree	0	0
strongly disagree	2	5

[Comment: One respondent who answered "strongly agree" to items 46 and 47 drew a bracket around them and wrote "both." After item 48, which he left blank, he wrote, "No idea what this means."]

48. Expression which could be considered offensive or defamatory because it contains a message intended to hurt its hearers through the use of language that is racist, sexist, or based on some other characteristic of the hearer presents a problem that is primarily **theological** or **spiritual** in nature.

	f	%
strongly agree	12	30
mildly agree	10	25
neither agree nor disagree	8	20
mildly disagree	5	12.5
strongly disagree	4	10
"?"	1	2.5

[Comment: For #s 46-48, one respondent (answering "neither agree nor disagree" for all three, added that it is "both constitutional and moral . . . and spiritual." Another, answering "strongly agree" for all three, wrote, "My responses to questions 46, 47 and 48 are contradictory in that not all three can be primary at the same time; therefore I have removed the word primary from each of the three sentences in selecting my responses."]

APPENDIX 15

LETTER SENT WITH SURVEY RESULTS TO THOSE REQUESTING THEM

April 23, 1993

Dear President :

Last winter you were kind enough to complete two different questionnaires for my study of Lutheran college and university presidents. At that time you indicated that you would like to receive a copy of the results.

Enclosed are the raw tabulations of the responses and a compilation of the information provided by you and the other respondents, including all comments which were written on the completed instruments.

Please accept my thanks once more your participation. Best wishes as you conclude the current academic year.

Sincerely,

Bob Hayes

REFERENCES

Books and Articles

- Ahlstrom, S. E. (1974). What's Lutheran about higher education? -- A critique. What's Lutheran about higher education. Papers and Proceedings of the 60th Annual Convention of the Lutheran Educational Conference of North America, 8-16.
- Alexander, L. (1989). Low value speech. Northwestern University Law Review, 83, 547-554.
- Bainton, R. H. (1950). Here I stand: A Life of Martin Luther. New York: The New American Library.
- Barnes, E. (1992). Faculty vs. administrative rights a key issue in Jeffries \$25 million lawsuit. Black Issues in Higher Education. 9(9), 1, 6-7.
- Bertram, R. W. (1974). What's Lutheran about higher education? -- Theological presuppositions. What's Lutheran about higher education. Papers and Proceedings of the 60th Annual Convention of the Lutheran Educational Conference of North America, 17-29.
- Bollinger, L. (1986). The tolerant society. New York: Oxford University Press.
- Carlson, E. M. (1977). The future of church-related higher education. Minneapolis: Augsburg Publishing House.
- Cox, T. (1992). Many midwestern universities offer no protection from hate speech: Two-thirds of those surveyed have no intention of adding anti-harassment codes. Black Issues in Higher Education. 9(12), 10.
- Cuninggim, M. (1978). Varieties of church-relatedness in higher education. In R. R. Parsonage (Ed.), Church related higher education: Perceptions and perspectives (pp. 17-89). Valley Forge, PA: Judson Press.
- Delgado, R. (1982). Words that wound: A tort action for racial insults, epithets, and name-calling. Harvard Civil Rights-Civil Liberties Law Review, 17, 133-181.
- Dillman, D. A. (1978). Mail and telephone surveys: The total design method. New York: John Wiley & Sons.

- Farwell, E. D. (1974). President's report. What's Lutheran about higher education. Papers and Proceedings of the 60th Annual Convention of the Lutheran Educational Conference of North America, 5-7.
- Gamelin, F. C. (1975). Church-related identity of Lutheran colleges. Washington, D.C.: Lutheran Educational Conference of North America.
- Gard, S. W. (1980). Fighting words as free speech. Washington University Law Quarterly, 58, 531-581.
- Glasberg, V. M. (1991). Commentary: Offensive expression, free speech and campus civility. Black Issues in Higher Education, 8(14), 21.
- The Journal of Higher Education. (1992, September/October). 63(5), entire issue.
- Kauper, P. G. (1974). Should we be more assertive about our Christian values? -- A constitutional perspective. What's Lutheran about higher education. Papers and Proceedings of the 60th Annual Convention of the Lutheran Educational Conference of North America, 31-45.
- Laramee, W. A. (1991). Racism, group defamation, and freedom of speech on campus. NASPA Journal, 29(1), 55-62.
- Lasson, K. (1985). Racial defamation as free speech: Abusing the first amendment. Columbia Human Rights Law Review, 17, 11-55.
- LECNA, (1988). Papers and proceedings of the 74th annual meeting, p. 2.
- Lotz, D. W. (1979). Education for citizenship in the two kingdoms: Reflections on the theological foundations of Lutheran higher education. Institutional mission and identity in Lutheran higher education. Papers and Proceedings of the 65th Annual Convention of the Lutheran Educational Conference of North America, 7-20.
- Marshall, R. J. (1969). The college, a place of dialog. Whose institutions? Papers and Proceedings of the 55th Annual Convention of the Lutheran Educational Conference of North America, 21-29.
- Martin, W. B. (1966, November 9). Freedom and restraint in the Christian college. Christian Century, 83(45), pp. 1372-1374.
- Matsuda, M. J. (1989). Public response to racist speech: Considering the victim's story. Michigan Law Review, 87, 2320-2381.
- Miller, J. J. (1992). Free speech: First amendment right or privilege? Campus, 3(3), 4, 17.

- Narum, W. H. K. (1977). Colleges and commitment. In R. Baepler, W. H. K. Narum, A. L. Olsen, M. Stenshoel, & N. Vos (Eds.), The church-related college in an age of pluralism: The quest for a viable saga (pp. 39-48). Valparaiso, IN: Association of Lutheran College Faculties.
- Nelsen, W. C. (1986). LECNA and Lutheran higher education: A partnership for proclamation. Affirming the origins and values of Lutheran higher education. Papers and Proceedings of the 72nd Annual Meeting of the Lutheran Educational Conference of North America, 25-32.
- Olsen, A. L. (1977). Prologue: Colleges in quest of a saga. In R. Baepler, W. H. K. Narum, A. L. Olsen, M. Stenshoel, & N. Vos (Eds.), The church-related college in an age of pluralism: The quest for a viable saga (pp. 11-17). Valparaiso, IN: Association of Lutheran College Faculties.
- Olsen, A. L. (1980). Unpacking Luther's heritage -- American style. Lutheran higher education in the 1980's: Heritage and challenge. Papers and Proceedings of the 66th Annual Convention of the Lutheran Educational Conference of North America, 11-20.
- O'Neil, R. M. (1989, October 18). Colleges should seek educational alternatives to rules that override the historic guarantees of free speech. Chronicle of Higher Education, pp. B1, B3.
- O'Neil, R. M. (1992, July 8). A time to re-evaluate campus speech codes. The Chronicle of Higher Education, p. A40.
- Pace, C. R. (1972). Education and evangelism: A profile of Protestant colleges. New York: McGraw-Hill.
- Parsonage, R. R. (1978). An overview of current denominational policies and current studies in higher education. In R. R. Parsonage (Ed.), Church related higher education: Perceptions and perspectives (pp. 189-301). Valley Forge, PA: Judson Press.
- Pattillo, M. M., & Mackenzie, D. M. (1966). Church-sponsored higher education in the United States. Washington, D.C.: American Council on Education.
- Pavela, G., ed. (1989, January). Freedom of expression and racial harassment on campus. Synthesis: Law and Policy in Higher Education, 1(1), 1-8.
- Penney, S. W. (1992, March). Me v. we: Codes of individual v. community responsibility. Paper presented at the meeting of the National Association of Student Personnel Administrators, Cincinnati, OH.
- Rand, S. A. (1985). Perspectives of Lutheran higher education and Lutheran cooperation. Seventy-five years of LECNA: The pursuit of opportunity. Papers and Proceedings of the 75th Anniversary Meeting of the Lutheran Educational

Conference of North America, 45-49.

Rawls, J. (1971). A theory of justice. Cambridge: Harvard University Press.

Shaw, M. E., and Wright, J. W. (1967). Scales for the measurement of attitudes. New York: McGraw-Hill.

Sherry, P. H. (1967, October 4). Church or college: Either, but not both. Christian Century, pp. 1247-1250.

Vos, N. (1977). The Faculty in a church-related college: Unity amid heterogeneity. In R. Baepler, W. H. K. Narum, A. L. Olsen, M. Stenshoel, & N. Vos (Eds.), The church-related college in an age of pluralism: The quest for a viable saga (pp. 107-116). Valparaiso, IN: Association of Lutheran College Faculties.

Webster's new world dictionary of the American language. Second College Edition. (1976). Cleveland: William Collins & World Publishing Company.

Wiley, E. (1991). Judge's decision to lift penalty on frat intensifies free speech debate. Black Issues in Higher Education, 8(14), 1,20.

Young, D. P., and Gehring, D. D., eds. (1993, June). Additional comments. The College Student and the Courts, 20(3), 1031.

Young, W. Y. (1992). Making America safe for bigotry. Black Issues in Higher Education, 9(11), 52.

Cases

Beauharnais v. Illinois, 343 U.S. 250 (1952).

Chaplinsky v. New Hampshire, 315 U.S. 568 (1942).

Doe v. University of Michigan, 721 F. Supp. 852 (E.D. Mich. 1989).

New York v. Ferber, 458 U.S. 747 (1982).

New York Times v. Sullivan, 376 U.S. 255 (1964).

R. A. V. v. St. Paul, 120 L. Ed. 2d 305 (1992).

Roth v. United States, 354 U.S. 476 (1957).

Sigma Chi v. George Mason University, 773 F. Supp. 792 (E.D. Va. 1991).

UW-M Post v. Board of Regents, 774 F. Supp. 1163 (E.D. Wis. 1991).

VITA

The author grew up in Detroit, Michigan and received his undergraduate education at Macomb County Community College (Warren, Michigan) and Eastern Michigan University (Ypsilanti, Michigan) from which he received the Bachelor of Science degree in political science in 1971. After attending the Detroit College of Law from 1971-1973, he attended Concordia Teachers College, River Forest, Illinois from 1973-1974, where he studied theology and education. Having been certified to teach at the secondary level, he taught religion and social studies at Luther High School North, Chicago, Illinois, from 1974-1978. During that time he began graduate studies at Concordia and received the degree of Master of Arts in Education in 1976.

In 1978 he was appointed Assistant Professor of Political Science at Concordia. He received the Master of Arts degree in political science from Loyola University of Chicago in 1982 and was admitted to doctoral candidacy in that discipline in 1983. In 1987 he was appointed Dean of Students at Concordia. In 1989 he transferred from Loyola's department of Political Science to the Ph. D. program in Higher Education in the department of Educational Leadership and Policy Studies. He is currently Vice President for Student Services and Associate Professor of Political Science at Concordia University.

DISSERTATION APPROVAL SHEET

The dissertation submitted by H. Robert Hayes has been read and approved by the following committee:

Dr. Barbara K. Townsend, Director
Professor, Educational Leadership
Memphis State University

Fr. Michael Perko, S. J.
Professor, Educational Leadership and Policy Studies and History
Loyola University of Chicago

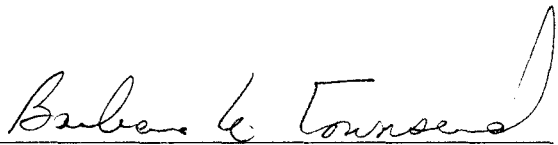
Dr. Terry E. Williams
Associate Professor, Educational Leadership and Policy Studies
Loyola University of Chicago

The final copies have been examined by the director of the dissertation and the signature which appears below verifies the fact that any necessary changes have been incorporated and that the dissertation is now given final approval by the Committee with reference to content and form.

The dissertation is, therefore, accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

11-29-93

Date



Director's Signature

"Short Title" to be used on the bound edition of the dissertation:

**THE ATTITUDES OF THE PRESIDENTS OF LUTHERAN COLLEGES AND
UNIVERSITIES REGARDING THE NATURE AND LIMITS OF FREE
EXPRESSION FOR STUDENTS ON THEIR CAMPUSES**

by

**H. Robert Hayes
Educational Leadership and Policy Studies
Loyola University of Chicago**

**LUTHERAN COLLEGE PRESIDENTS & FREE EXPRESSION, R. HAYES, PHD
(exactly 60 spaces used, including blank spaces)**