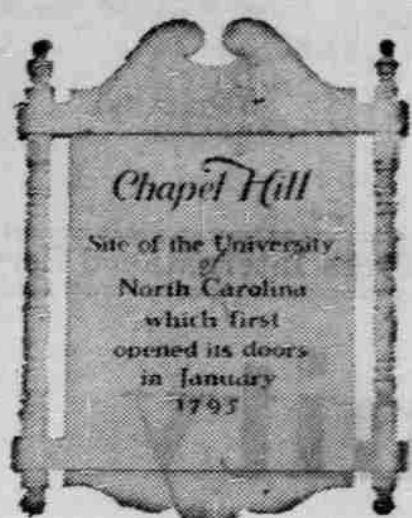


# Academic Freedom In Germany

## The Daily Tar Heel

70 Years of Editorial Freedom



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## About Those Inconsistencies

We have been asked two important questions in that portion of the great debate over the President's Public Accommodations proposals that is occurring on the campus.

First of all, a reader wanted to know, how can we be for equal rights for all and also give unremitting support to the accommodations bill? The reader professed to see a basic inconsistency in our position.

Secondly, we have been asked how we can support the Supreme Court's ruling outlawing mandatory Bible-reading and prayers in classrooms, and support the accommodations bill.

Normally we don't answer readers' letters. For one thing, it inhibits letter-writing, as the authors are apt to feel they can't win; and secondly, if we answered every letter we get, we'd have time for nothing else.

However, these two questions are important, and on the minds of more than just the two people who posed them, so we shall try to explain our reasons for supporting the accommodations law.

First of all, 31 states of the union already have Public Accommodations laws—many of them far more stringent than the one under consideration by Congress.

Beyond that, under English common law, one of the bases of our own legal system, an inn-keeper was required to serve all well-mannered and orderly persons who requested service.

Furthermore, there already exist many laws regulating private property, such as Minimum Wage and Hour laws, Zoning laws and laws regulating sanitary conditions of facilities serving the public.

All this does not mean we need an accommodations law. But it does point out that regulating private property is not a radical new concept, and it plus the concept of equal treatment in places of public accommodation was not discovered by President Kennedy in June, 1963.

Now, having put this question into some perspective, what about our readers' two arguments?

The first one, about our being for equal rights for all and also supporting

the accommodations law, only seems to be an inconsistency on our part.

For what the accommodations bill would do is to recognize in law the natural right of all men to be judged as men, as individuals, not solely as a member of a certain race, creed or color.

The bill does take away the segregationist owner's freedom to blanketly discriminate against ten per cent of the population he is licensed to serve, simply because he wishes to. But is that a higher right than the right of a man to be judged on his own merits?

Only a person whose values are in serious need of re-ordering will argue 'yes' to that question; only a person whose commitment to Christian principles is in great doubt.

That brings us to the Supreme Court's ruling outlawing mandatory Bible-reading and prayers in the classroom. The second letter-writer asked how we could support that ruling and also support the accommodations law.

What our friend overlooked is the substantive difference between religion and public accommodations.

Prayer and religion are essentially a private matter. They are between a man—or a child—and his conscience, and we believe they should remain that way.

A restaurant owner, however, is licensed to serve the public by the state. Thus, this is essentially a matter between that man and the state—a public matter.

Now, this accommodations law would not stop that man from having his prejudices. It would simply prevent them from being, in fact, public policy. This law therefore recognizes that private property has its responsibilities as well as its privileges.

There are some further considerations involved.

One is that the basic evil involved in all this is the use of a double standard by segregationist proprietors. Persons licensed to serve the public have the right to refuse service to objectionable customers—but they have the responsibility to apply the same standard in all cases, not just when it suits their whim.

Thus this bill does not attempt to legislate morality. It attempts to legislate behavior, which is what all laws are for.

A second consideration is that this accommodations bill serves far more than just a moral purpose. It provides many small town store-owners with an honorable way out of the racial dilemma.

These are the owners who see the Civil Rights handwriting on the wall, but know they'll be ostracized by their more reactionary townsmen if they let down their segregation barriers.

These men know that unless those barriers come down, demonstrations are the only remedy the Negro has at present.

This law gives such small town store-owners the excuse they need to go ahead and do what should be done, without forcing them to leave town immediately afterwards. And it gives Negroes an alternative to disruptive demonstrations.

These are the main reasons we see no inconsistencies in our position. And these are the reasons we urge others to consider in their own evaluation of this gripping problem.

By ROBERT POWELL

Note — This column was sent to The Tar Heel by Bob Powell from Göttingen, Germany this summer.

"Academic Freedom" is the key word in the German University system.

In the Germany of 1800-1810 two important factors were making themselves evident: the new desire for personal liberty and free government that had spread from France, and the gradual emergence under the leadership of the Prussians of a national consciousness of the concept of a German people.

It is in this general background that the present-day German university system was founded. Through the writings of Fichte, Schleiermacher, and Wilhelm von Humboldt, brother of the scientist and explorer of South America, there emerged the outline of a plan for a new, reformed type of higher education.

At the heart of the system lay two axioms: the unity of research and teaching, and academic freedom. Von Humboldt later became Minister of Culture in Prussia and in 1810 founded the Friedrich Wilhelm Universität in Berlin. Fichte and Schleiermacher accepted chairs there and the new system was put into operation. The Friedrich Wilhelm Universität quickly became the leading academic institution in Germany and remained so until the Second World War. The historic university lies now in East Berlin. The name has been changed to honor Humboldt, although any resemblance between the ideas taught in this university now and its namesake is not only coincidental, but probably also suspect.

The two central concepts of the Humboldt system, as it has come to be called, are central also in our system, but under different interpretation. For example, in America the principle of the unity of research and teaching means that the college instructors also do research. In Germany it means that the scholars and scientists also give lectures. This is an important distinction as we will later see. On the other hand, our interpretation of the principle of academic freedom cannot pretend to compare with the broadness of the German interpretation. In the German university there are very few restrictions upon the student. There is, for example, no such thing as a "required course." Theoretically, the student may pick and choose from the great storehouses of knowledge exactly what he wants and needs to meet his particular ends and to answer his particular questions.

Papers are written only in the later semesters, and then with nowhere near the frequency to which we are accustomed. Homework is limited almost exclusively to mathematics courses and quizzes are given only sporadically in certain fields, rarely more than one per semester. Attendance is required

anywhere in seminars in the later semesters. Examinations must be faced only twice: once to establish candidacy for the degree itself. Both sets of exams stress broad comprehension of the field rather than specific facts in specific contexts.

The practical operation of the system goes something like this. Sometime before the start of the semester, a "Description of Lectures" is published by the University and put on sale in all bookstores in the town. The students buy it and decide what is for their requirements interesting and necessary. Lectures begin theoretically on Nov. 1 or May 1, but usually start about a week later. The first thirty days of the semester constitute a sort of period of grace during which any lecture can be visited by any student to determine the answers to a number of questions: such as whether he is really interested in the subject, whether it is fitted to his level of sophistication, whether the quality of the lecture is sufficient to merit time and effort being spent on it, and a host of others.

Sometime during this period the student must *belegen* — a German word for which there is no good, simple translation in this context. It means the student declares officially to the university his intention of hearing certain lectures. These lectures are entered into his "Study Book," which must be signed by the respective professors. This is the official record of what the student has done and is reviewed at the examinations. It also serves to fix the amount of his fees, since these are regulated by the number of hours of lectures the student hears. (The lecturers themselves, incidentally, get a cut of this money themselves, making their income partly dependent on the number of people willing to listen to them, which is actually not such a bad idea.)

Finally, a student may *belegen* as little or as much as he desires. He is his own boss in this matter and although each department publishes a one- or two-page list of the subjects in which it prefers that its degree candidates have some proficiency, no one in the administration even attempts to influence the student in his choice. The restraint, however, lies in the fact that one day the student will have to face his examinations and if he has not "heard" enough lectures, he will be denied candidacy. On the other hand, if he hears more than usual, he will have taken more time to get his degree, a factor which is today increasingly more important to German students. This student is also likely to find the scope of his examinations, parts of which are oral, perhaps broader than he had expected.

Just as the system here is different, so is the university environment also different. There is, for example, no "campus". The university buildings are scattered all over the town, necessitating about a fifteen minute walk in order to get from

anywhere to just about anywhere else. There are also relatively few opportunities for communal living. Most students live in single rooms in town.

The number of extra-curricular activities open to the student is also much smaller. The student-faculty ratio is much higher than in America, about 50-1 in Göttingen. Furthermore, these faculty members are virtually inaccessible except to students doing what we would consider high-level graduate work. Classes are huge, running as high as 600 students. Seminars with 80-100 students are not at all rare. There is recommended reading, but rarely a text. The asking of questions in class is virtually unheard-of.

The German student is no more satisfied with this system than his American counterpart is with the American system. If anything, perhaps he is a bit more dissatisfied, and with reason. Topping the list of complaints is the lack of contact between students and professors and the relative lack of concern of the latter for the former. As one German student said to me, one gets the feeling that the university would function equally well without students. The professors could do their research, give their lectures and go blithely about their business without ever seeing a student. There is no doubt that some do.

The next most frequently belabored subject is size of classes. Most students soon give up trying to "get anything out" of their classes aside from an over-all outline of the subject, and devote their time to group efforts with other students to fill in these outlines from reading and discussion. Seminars, except on the highest level, are likewise disappearing to most students because of the large number of participants. In general, the student adopts a "Why fight it?" attitude and resigns himself to getting his education outside class on his own hook.

German students also detest the conditions they are forced to live under. These include generally high rent, lack of space, poor light, and draughty, ill- heated rooms. Also, the student living by himself has a difficult time meeting and getting to know other students.

In the eighteenth and nineteenth centuries students banded together into organizations similar to our fraternities for mutual social benefit. Today, these organizations have come to be identified with militarism and National Socialism (although they were banned under the Third Reich), as well as snobbishness, the old aristocracy and certain political opinions. These are qualities which leave the average German student more or less unenthusiastic. Today there is increasing demand for something better. More Student Centers, dormitory-like buildings, usually catering to a certain field (Law, Theology, Medicine, etc.), are being built and more universities are experimenting with "student villages," smaller housing units (30-40 students) in village-type arrangements.

In the light of social and economic structure of today, there seem to this observer to be other shortcomings of the systems. The tremendous industrial and economic expansion of the past half-century or so have wrought certain social changes which are most apparent in the United States and which have been attested to by a veritable mountain of literature, ranging from the semi-popular writings of Packard and White to the more scholarly treatises of David Riesman, et al.

Although Germany has been set back in this development by two devastating global wars, and although the gigantic force of European tradition has served in general as a bulwark to these influences, Germany has nonetheless made strides in this direction since the war and certain symptoms of these developments can be noted in the post-war generation, many of whom now are in college. (As a parenthetical comment, these social changes are bemoaned by the older generation as due to "the American influence.")

One of the necessities in a highly industrialized society is a relatively highly educated white-collar force to man the burgeoning bureaucracy which inevitably accompanies the rise of a mammoth economic complex. Thus, a college education for the majority of students becomes a necessary requirement for later success and security, rather than a marvellous adventure into which one enters purely for the love of learning. Thus the modern student feels compelled to acquire his diploma in the shortest possible time, in order to get down to the real business of life-getting ahead, raising a family, providing for security in old age, etc. In light of these tendencies, which are observable now in Germany and are the source of a good deal of concern in some quarters, and which must inevitably increase as they have in the United States, the Humboldt University system is robbed of many of its advantages and its disadvantages are to some extent exacerbated. The tremendous opportunities to broaden one's sphere of knowledge go virtually

unused, as students busy themselves almost exclusively with those subjects which are necessary to the acquisition of the diploma.

If a student changes his university it is primarily because he did not like it there. It is much easier if one remains at the same university for four years, since one can acquire in this period a good impression of what certain professors consider very important and what will probably be included in the examination. The lack of social communication among the student body has an increasing negative effect in a world in which more emphasis is continually being placed on social skills. This phenomenon coupled with the unapproachability of the faculty and the tendency to take the word of the professor as the declaration of a natural law also inhibit the free exchange of ideas and the development of the capacity of intelligent criticism.

In short, for the outstanding student who contemplates entering the academic community as a profession, the Humboldt system can be a continuing adventure, allowing him to satiate fully his thirst for knowledge. Thomas Wolfe would have loved it. For the average student, the student who wishes merely to gird himself for the coming struggle to get ahead, it can be (it does not have to be) a lonely, time-consuming, and frustrating experience.

In comparison, the American college system stands up as well suited to turn out the great number of well-qualified, intelligent, solidly capable B.A.'s which are needed to keep the gigantic system from collapsing, while at the same time maintaining enough flexibility that the outstanding student is not completely stifled. We can certainly draw some good ideas for increasing this flexibility from the German system, but one must not forget that the purpose of the university has changed a good deal in the last 50 years. The American college system, through a combination of good fortune and good planning, has been able to meet the challenge of the age somewhat better than the German.

## Power Structure

By JAMES RESTON  
The New York Times

The feeling against the White House in Birmingham especially among business leaders is savage and plural. "The Kennedys" are the enemy, and if anything, the Attorney General is denounced more fiercely than the President.

Birmingham didn't like Franklin Roosevelt either. He introduced the Fair Employment Practices Commission and the Fair Labor Standards Act, both designed to help Negroes get work at decent wages, but there was a difference then.

Roosevelt's economic policies were getting through. They were visibly helping the city get over the economic depression, and were thus a counter-force to his pro-Negro policy. But Kennedy's economic policies are not getting through the Congress. They are bitterly resented, particularly by the United States Steel Corporation subsidiary here, which is the largest employer.

Accordingly, "The Kennedys" are denounced for both their economic and racial policies by precisely those community economic leaders who alone have the power to effect a compromise on the race issue.

This community is not without its leaders in the bar and the church who are opposed to the present situation on moral and legal grounds. David J. Vann, an ardent young lawyer from one of the largest and most respected families of Alabama, led the fight that recently turned out "Bull" Connor and the others in the old city administration.

Two other young lawyers, C. H. Erskine Smith and Charles Morgan, have also spoken out for compromise, but it is significant that Vann was virtually forced out of his law firm as a result and Morgan, who denounced the established order here publicly this week, is now looking for a job elsewhere.

The point, then, is not that Birmingham is lacking in young leaders, and not that it is lacking in biracial committees, but that the real power structure of the city — the older men who run the industries, banks and insurance companies that in turn influence the stores and big law firms — are not leading the peace effort.

ton, president of the Protective Life Insurance Company; Claude S. Lawson, chairman of the United States Pipe and Foundry Company; Frank P. Sarnford Sr., chairman of the Liberty National Life Insurance Company, and Lee C. Bradley Jr., a lawyer.

Other influential leaders who have tried to help and are still important are Clarence B. Hanson, publisher of The Birmingham News; Frank A. Plummer, Trust National Bank; Sidney W. Smyer, former president of the Chamber of Commerce, who helped negotiate the lunch counter dispute last May; W. H. Sterne, an investment banker; Arthur W. Weible, president of the Tennessee Coal and Iron Division of United States Steel; William Engel of the Engel Companies; and Douglas Arant and Bernard Monaghan lawyers.

There is general agreement here that these men, working together with the leaders of the local clergy of both races, could do more to produce a compromise in a month than Federal troops, Federal officials and all the national Negro organizations put together could in years.

The question is who, if anybody can get them together. They damn "The Kennedys" and concede that Senator Goldwater would carry Alabama against the President tomorrow, but even this prospect only creates a new dilemma.

For, ironically, the power of the Democratic party, which most of the leaders of this community deplore, also helps them dominate the chairmanships of the key committees of Congress and the Congressional chairmanships is probably their most powerful force against President Kennedy's integrationist policy.

The Birmingham power structure wants the racial problem to go away. It wants a states' rights President in the White House and segregationist Democrats running the Congressional committees. It wants law and order but not Federal law and order. And it is absolutely sincere about all this which is what makes the problem of compromise so difficult.

### Letters

The Daily Tar Heel solicits and is happy to print any letter-to-the-editor written by a member of the University community, so long as it is free of slanderous and libelous remarks.

No letters will be edited in any way, unless they are unreasonably long. Letters must be typed and triple-spaced.

## "Would You Repeat That, Sir? The Afternoon Bomb Explosion Jarred The Microphone A Little"



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