

1-1-2009

The Job of Professors

Robert C. Post
Yale Law School

Follow this and additional works at: http://digitalcommons.law.yale.edu/fss_papers

Recommended Citation

Post, Robert C., "The Job of Professors" (2009). *Faculty Scholarship Series*. Paper 163.
http://digitalcommons.law.yale.edu/fss_papers/163

This Article is brought to you for free and open access by the Yale Law School Faculty Scholarship at Yale Law School Legal Scholarship Repository. It has been accepted for inclusion in Faculty Scholarship Series by an authorized administrator of Yale Law School Legal Scholarship Repository. For more information, please contact julian.aiken@yale.edu.

The Job of Professors

SAVE THE WORLD ON YOUR OWN TIME. By Stanley Fish. New York, New York: Oxford University Press, 2008. 189 pages. \$19.95.

Reviewed by Robert Post*

Stanley Fish is a pleasure to read and difficult to review. His work is invariably smart, stimulating, and provocative. It is filled with insights and crackles with verve. It is a joy to take in. It is difficult to review because, as Walter Benjamin once said of El Greco, “the gesture remains the decisive thing, the center of the event,” and the gesture “tears open the sky behind” it.¹ To review Fish feels ungenerous because it requires indifference to the undeniable power of his gesture and demands instead attention to the details of his argument.

So I should affirm at the outset how much of Fish’s argument in *Save the World on Your Own Time*² I find correct and convincing. In particular, Fish’s fundamental point that professors of higher education are hired to perform academic functions seems to me absolutely accurate. As Fish observes, professors are not employed to become “moralists, therapists, political counselors, and agents of global change.”³ Their job is instead to perform the professional tasks of scholars and professors.

Fish is right to deduce from this principle that academic freedom does not concern individual rights to freedom of speech analogous to those that the First Amendment extends to all persons.⁴ Fish and I are in accord that academic freedom is instead about “the freedom to do one’s academic job without interference from external constituencies like legislators, boards of trustees, donors, and even parents.”⁵ In this passage, Fish echoes the *1915 Declaration of Principles on Academic Freedom and Academic Tenure*, the first and greatest statement of American principles of academic freedom: “It is, in short, not the absolute freedom of utterance of the individual scholar, but the absolute freedom of thought, of inquiry, of discussion and of

* I am grateful for the assistance of Matthew Finkin.

1. WALTER BENJAMIN, *ILLUMINATIONS* 121 (Hannah Arendt ed., Harry Zohn trans., Schocken Books 1968) (1955).

2. STANLEY FISH, *SAVE THE WORLD ON YOUR OWN TIME* (2008).

3. *Id.* at 14.

4. *Id.* at 72–82.

5. *Id.* at 80.

teaching, of the academic profession, that is asserted by this declaration of principles.”⁶

Fish seeks to deduce from these fundamental points an important and controversial corollary. He believes that if professors just stick to their jobs, politics will be excluded from the classroom and the many sharp attacks on universities as bastions of left-wing indoctrination⁷ will be avoided. The major thesis of Fish’s book is that if

every college or university instructor were to hew to this discipline—were to do his or her job and refrain from doing jobs that belong appropriately to others—those who want to do our jobs for us would have no traction or point of polemical entry because politics, or religion, or ethics would enter the classroom only as objects of analysis and not as candidates for approval or rejection. The culture wars, at least in the classroom, would be over.⁸

It is with this thesis that I wish to disagree. I do not believe that university classrooms can so easily escape the culture wars. Fish’s prescription for reform neither adequately accounts for the purpose of undergraduate education nor does it adequately comprehend the job of academic disciplines that differ fundamentally from Fish’s home profession of literary criticism.

I.

Fish believes that many professors introduce controversial material into their classrooms based on a misguided conception of the function of university education. He explains that college and university teachers

can (legitimately) do two things: (1) introduce students to bodies of knowledge and traditions of inquiry that had not previously been part of their experience; and (2) equip those same students with the analytical skills . . . that will enable them to move confidently within those traditions and to engage in independent research after a course is over.⁹

Professors abuse their position whenever they use the classroom for any purpose other than the transmission of knowledge or skills. Fish believes that political controversy can be avoided if professors confine themselves to these two legitimate purposes. The purpose of higher education is only “to

6. AM. ASS’N OF UNIV. PROFESSORS, 1915 DECLARATION OF PRINCIPLES ON ACADEMIC FREEDOM AND ACADEMIC TENURE (1915) [hereinafter 1915 DECLARATION], *reprinted in* POLICY DOCUMENTS AND REPORTS app.1 at 291, 293 (10th ed. 2006).

7. *E.g.*, AM. COUNCIL OF TRS. & ALUMNI, HOW MANY WARD CHURCHILLS?: A STUDY BY THE AMERICAN COUNCIL OF TRUSTEES AND ALUMNI (2006); AM. COUNCIL OF TRS. & ALUMNI, INTELLECTUAL DIVERSITY: TIME FOR ACTION (2005).

8. FISH, *supra* note 2, at 169–70.

9. *Id.* at 12–13.

produce and disseminate . . . academic knowledge and to train those who will take up that task in the future.”¹⁰

In essence, Fish imagines higher education on the model of a graduate school. The point of graduate education is to transmit existing professional knowledge and to give students the skills to themselves become academics in the future. Certainly these tasks can form part of undergraduate education, but they do not exhaust the objectives of undergraduate education. Most modern colleges and universities understand undergraduate education also to aim at the inculcation of a “mature independence of mind.”¹¹ This was the view of the *1915 Declaration*, which argues that the function of undergraduate education is to produce an “intellectual awakening”¹² that depends upon “not only the character of the instruction but also the character of the instructor.”¹³ Undergraduate education typically involves not merely the transmission of knowledge and skills, which is the picture advanced by Fish, but also the formation of intellectual character. This formation grows within the personal rapport established between professors and students.¹⁴

The *1915 Declaration* was composed and issued by the American Association of University Professors (AAUP) at a time when John Dewey was its first president.¹⁵ It is no surprise, therefore, that the *1915 Declaration* is one of the earliest official documents to reflect the influence of Dewey’s massively consequential theories of the purpose of education, including higher education. Dewey famously objected to “the narrowly disciplinary . . . character of most higher education,”¹⁶ and he proposed that

10. *Id.* at 99.

11. UNIV. OF CAL., ACADEMIC PERSONNEL MANUAL § 010 (2009), available at <http://www.ucop.edu/acadadv/acadpers/apm/apm-010.pdf>.

12. 1915 DECLARATION, *supra* note 6, at 299.

13. *Id.* at 296.

14. This is the precise ground upon which the *1915 Declaration* defends academic freedom in the classroom:

The second function . . . of the American college or university is to provide instruction for students. It is scarcely open to question that freedom of utterance is as important to the teacher as it is to the investigator. No man can be a successful teacher unless he enjoys the respect of his students, and their confidence in his intellectual integrity. It is clear, however, that this confidence will be impaired if there is suspicion on the part of the student that the teacher is not expressing himself fully or frankly, or that college and university teachers in general are a repressed and intimidated class who dare not speak with that candor and courage which youth always demands in those whom it is to esteem. The average student is a discerning observer, who soon takes the measure of his instructor. It is not only the character of the instruction but also the character of the instructor that counts; and if the student has reason to believe that the instructor is not true to himself, the virtue of the instruction as an educative force is incalculably diminished. There must be in the mind of the teacher no mental reservation. He must give the student the best of what he has and what he is.

Id.

15. Daniel H. Pollitt & Jordan E. Kurland, *Entering the Academic Freedom Arena Running: The AAUP’s First Year*, *ACADEME*, July–Aug. 1998, at 45, 46.

16. JOHN DEWEY, *DEMOCRACY AND EDUCATION* 160 (1916).

education be instead defined as the “continuous reconstruction of experience.”¹⁷ The “subject matter of learning,” Dewey asserted, “is identical with all the objects, ideas, and principles which enter as resources or obstacles into the continuous intentional pursuit of a course of action.”¹⁸ Dewey’s idea of producing persons who can intellectually master their own experience has entered deeply into the American educational imagination, and it certainly lies at the heart of almost a century of AAUP decisions about the principles of academic freedom of teaching.¹⁹

The job of professors in the undergraduate classroom is typically to use the subject matter of an academic discipline in order to prompt students to actively engage their own experience so as to subject it to intellectual control. The job of undergraduate education is not to indoctrinate students with a particular point of view, but to empower them to use their minds continuously to reconstruct their own experience. Undergraduate instruction thus differs fundamentally from graduate education. If the point of graduate education is to endow students with an academic mastery capable of reproducing a scholarly discipline,²⁰ the point of undergraduate education is to endow students with the intellectual mastery necessary for adulthood.

Graduate education is task oriented. It seeks to reproduce the knowledge and skills necessary for academic professionalism. This is because graduate students have selected their career goals and seek the education necessary to attain these goals. Undergraduate education is more diffuse. Undergraduates cannot be presumed to have clarified their career objectives, and for this reason the function of undergraduate education can not be narrowly professional. Instead, undergraduate education typically seeks to equip undergraduates with the intellectual mastery necessary for maturity. Undergraduate education seeks to arouse and then to discipline the interests of students. Eliciting the active engagement of undergraduates characteristically depends upon nuances of classroom atmosphere and dynamics. Transmitting knowledge and skills is often the easy part of the job; the hard part is inspiring students to take an active interest in the material being studied.

Creating the intellectual mastery necessary for adulthood is the underlying link between undergraduate education and democracy that Fish denigrates in his book²¹ but that Felix Frankfurter celebrates in his famous concurrence in *Wieman v. Updegraff*²²:

17. *Id.* at 93.

18. *Id.* at 162.

19. See MATTHEW M. FINKIN & ROBERT C. POST, FOR THE COMMON GOOD: PRINCIPLES OF AMERICAN ACADEMIC FREEDOM 86–91 (2009) (citing numerous AAUP decisions in which “indoctrination” was frowned upon).

20. On the concept of a scholarly discipline, see generally Robert Post, *Debating Disciplinaryity*, 35 CRITICAL INQUIRY 749 (2009).

21. FISH, *supra* note 2, at 66–67.

22. 344 U.S. 183 (1952).

That our democracy ultimately rests on public opinion is a platitude of speech but not a commonplace in action. Public opinion is the ultimate reliance of our society only if it be disciplined and responsible. It can be disciplined and responsible only if habits of open-mindedness and of critical inquiry are acquired in the formative years of our citizens. The process of education has naturally enough been the basis of hope for the perdurance of our democracy on the part of all our great leaders, from Thomas Jefferson onwards.

To regard teachers—in our entire educational system, from the primary grades to the university—as the priests of our democracy is therefore not to indulge in hyperbole. It is the special task of teachers to foster those habits of open-mindedness and critical inquiry which alone make for responsible citizens, who, in turn, make possible an enlightened and effective public opinion. Teachers must fulfill their function by precept and practice, by the very atmosphere which they generate; they must be exemplars of open-mindedness and free inquiry.²³

Citizens throughout this country have not supported public undergraduate education because they wish to underwrite the production of more graduate students. They have contributed tax dollars to undergraduate education because they believe that Frankfurter and Dewey are correct to link higher education and democratic citizenship. Fish writes that “[t]he only honest” answer to the question “what use is [higher education] anyway?” is “none whatsoever” apart from “the obsessions internal to the [academic] profession.”²⁴ But if this were true, support for public undergraduate education could not possibly endure. Throughout this country, undergraduate education receives public support because most do not agree with the narrow, professional conception of undergraduate education that underlies *Save the World on Your Own Time*.

Perhaps political controversy could be sidestepped if undergraduate education consisted only of transmitting knowledge and skills. It would be interesting to know if in fact graduate education inspires less public interest and condemnation than does undergraduate education. But Fish’s advice can not be accepted because it ignores central functions that are characteristically attributed to undergraduate education. To the extent that undergraduate education properly involves teaching undergraduates how to confront and to reconstruct their own experience, and to the extent that this goal remains a central justification for public support of colleges and universities, undergraduate education will continue to be far more wide-ranging and controversial than what Fish seems willing to tolerate in this book.

23. *Id.* at 196–98 (Frankfurter, J., concurring). For a recent attempt to measure the empirical connections between undergraduate education and democratic citizenship, see NORMAN H. NIE ET AL., *EDUCATION AND DEMOCRATIC CITIZENSHIP IN AMERICA* (1996).

24. FISH, *supra* note 2, at 154.

II.

My second disagreement with Fish concerns the nature of the academic profession. My thesis is that Fish has an overly narrow and parochial vision of academic professionalism. Fish believes that if academics stick to their job they will necessarily exclude politics from the classroom. This is because an academic approach to propositions will always consider them “as objects of analysis rather than as candidates for allegiance.”²⁵ My best interpretation of what Fish means by this is that academic consideration of a subject matter is always metatheoretical rather than substantive. He identifies “politics” with substantive commitments, commitments that typically require action.

Consider, for example, the following passage:

[T]he fact that moral concerns turn up in the texts students study doesn't mean that what the students are learning about is morality. They are learning about the ways in which poets, philosophers, and political theorists structure their inquiries and reflections. Those inquiries and reflections will often begin and end with moral questions, but what makes those authors worth studying is not the answers they happen to give to those questions—you can find Plato and James compelling without either affirming or rejecting the morality they seem to be urging—but the verbal, architectonic, or argumentative skills they display in the course of implementing the intention to write a poem, or a piece of philosophy, or a mediation on the nature of government.²⁶

This passage may well describe how a literary critic like Fish might approach a text by Plato or James. The job of a literary critic may precisely be to unpack “the verbal, architectonic, or argumentative skills” that underlie the attempt “to write a poem, or a piece of philosophy, or a mediation on the nature of government.”²⁷ But it does not follow that this passage accurately captures how philosophers or political theorists approach texts by Plato or James.

Philosophers and political theorists approach the assertions of Plato or James precisely to determine their truth or falsity. That is the *job* of philosophy or political theory. From the point of view of a philosopher or a political theorist, therefore, to pursue academic professionalism *is* to pursue the truth about morality or political theory. Concern with the underlying substantive truth of propositions, rather than with the forms of their rhetorical presentation, defines the job not only of philosophers and political theorists, but also of most physical, biological, and social scientists.

25. *Id.* at 87.

26. *Id.* at 102–03.

27. *Id.*

Fish badly underestimates the diverse imperatives that underlie different academic disciplines. Not only does Fish fail to take account of the many academic disciplines that study texts for their truth rather than for their rhetorical structure, but he also does not address the many academic disciplines that study the world in order to produce action. Throughout *Save the World on Your Own Time*, Fish distinguishes between what he calls “academic” approaches to a subject matter and “engaging your students in discussions designed to produce action in the world.”²⁸ He repeatedly affirms that if professors “are teaching rather than proselytizing” they should elicit “responses to an academic question (what is the structure of this argument? is this text unified? is this account of the event complete?) and not to the question of what we should do about the economy or the AIDS epidemic or the pollution of the environment.”²⁹

For purposes of argument, we can accept that this passage accurately describes how a professor of English like Fish should in his class approach texts about capitalism or AIDS or global warming. That would be because professors of English study how capitalism or AIDS or global warming become objects of meaning in the world. But how could this passage possibly apply to the work of an environmental scientist who is studying the optimally efficient way to reduce carbon emissions? Or to the research of an economist studying the optimal forms of regulation that would prevent a future financial crisis? Or to the explorations of an epidemiologist studying the optimal ways to halt the spread of AIDS?

These scholars do not study the structures of arguments or the unity of texts. They do not study the emergence of meanings. They instead seek to predict and control the world. Their job is to produce expert advice about what should be done to solve pressing problems. This is true for many academic professions. Indeed, the *1915 Declaration* affirmed:

The third function of the modern university is to develop experts for the use of the community. If there is one thing that distinguishes the more recent developments of democracy, it is the recognition by legislators of the inherent complexities of economic, social, and political life, and the difficulty of solving problems of technical adjustment without technical knowledge. The recognition of this fact has led to a continually greater demand for the aid of experts in these subjects, to advise both legislators and administrators. The training of such experts has, accordingly, in recent years, become an important part of the work of the universities; and in almost every one of our higher institutions of learning the professors of the economic, social, and political sciences have been drafted to an increasing extent into more or less unofficial participation in the public service. It is obvious that here again the scholar must be

28. *Id.* at 169.

29. *Id.* at 174–75.

absolutely free not only to pursue his investigations but to declare the results of his researches, no matter where they may lead him or to what extent they may come into conflict with accepted opinion. To be of use to the legislator or the administrator, he must enjoy their complete confidence in the disinterestedness of his conclusions.³⁰

The implications of Fish's disciplinary parochialism are profound. Fish's project is to find a way to exclude political controversy from the classroom. He believes that we can do so by ensuring that classroom discussion never affirms or denies the truth of particular propositions and that classroom discussion never affirms or denies the desirability of particular forms of action. But this description of pedagogical discussion would ban from the classroom innumerable academic disciplines. Surely that is too high a price to avoid political controversy.

The limitations of Fish's prescription can most vividly be seen in the context of biology. Biologists believe that the theory of evolution is true. In their classrooms they do not merely explore the rhetoric of arguments for evolution. They do not characteristically discuss "the verbal, architectonic, or argumentative skills" that are displayed in biological articles. They instead consider whether the evidence does or does not justify belief in the theory of evolution. It also happens that the theory of evolution is politically controversial. "[M]illions of people, including some [who ran] for president [in 2008], say they don't believe in evolution because it remains an 'unproven' theory . . ." ³¹ Legislators attack biologists who teach the theory of evolution.³² Political controversy comes to biologists simply because they pursue their scholarly job. Fish's diagnosis to the contrary notwithstanding, doing one's academic job confers no immunity from the culture wars.

How, then, did Fish arrive at his conclusion that universities could somehow escape controversy if they just stuck to their knitting? My intuition

30. 1915 DECLARATION, *supra* note 6, at 296.

31. Kirk Johnson, *We Agreed to Agree, and Forgot to Notice*, N.Y. TIMES, Jan. 6, 2008, § 4, at 1.

32. One recent example is the hostility generated by the University of Oklahoma's invitation of Richard Dawkins to give a speech on Darwin:

State lawmakers hit the University of Oklahoma with a barrage of paperwork earlier this month, crafting resolutions to condemn the school for inviting a noted evolutionary biologist and requesting reams of information about his visit. . . . [Oklahoma] Rep. Todd Thomsen, R-Ada, filed a resolution this session opposing Dawkins' invitation . . . and the university's actions "to indoctrinate students in the theory of evolution." In a phone interview Thursday, Thomsen said the university has a right to bring any speaker it chooses, but is accountable to taxpayers. On behalf of his constituents, Thomsen wanted to present the opinion that Dawkins doesn't represent Oklahoma's ideals. "They're not in a plastic bubble that can't be touched," he said. Dawkins' approach doesn't present freedom of thought and opinion, Thomsen said. "His presence at OU was not about science," he said. "It was to promote an atheistic agenda, and that was very clear."

Shannon Muchmore, *Dispute Evolves on OU Speech by Scientist*, TULSA WORLD, Mar. 30, 2009, at 1.

is that Fish generalizes from the case he knows best, literary criticism. Within literary criticism there is a sharp and ongoing debate about whether professors of English should regard themselves as professional scholars or whether they should instead regard themselves as sage “amateurs” whose job it is to inculcate students with ideological political perspectives.³³ Fish has himself written eloquently about this conflict in the past,³⁴ and in *Save the World on Your Own Time* he mercilessly dissects the claims of Mark Bracher, who advocates that literature professors ought to think of their task as promoting social justice.³⁵ Fish’s account of what scholars ought to do—asking “academic” questions like “What is the structure of this argument? Is this text unified? Is this account of the event complete?”—describes Fish’s own beliefs about the proper function of literary scholarship.³⁶ Literature professors, he asserts, should stick to their job, which is to understand how texts work. They should not think of themselves as ideological gurus whose function is to lead students to a particular political point of view.

Save the World on Your Own Time is thus best understood as contributing to a fierce debate within one particular humanities discipline about the nature and point of that discipline. I have myself written elsewhere about this debate,³⁷ and I tend to think that there is much to be said in support of some of Fish’s positions. *Save the World on Your Own Time* generalizes these positions to an entire university, as though all university faculty were literary critics. It may be that a literary scholar who stuck to her job would not inquire whether the particular propositions in a text were true or false. It may be that she would not urge her students to engage in one or another course of action. But these tasks lie at the heart of many perfectly ordinary scholarly disciplines, which generate expertise about what to do and about whether particular propositions are true or false.

Literary scholars are no doubt a disproportionate source of controversy for contemporary universities. They attract more than their fair share of condemnation. But it is false to believe universities would escape political

33. See, e.g., TERRY EAGLETON, *THE FUNCTION OF CRITICISM: FROM THE SPECTATOR TO POST-STRUCTURALISM* 56–57, 69 (1984) (describing the transition in literary criticism from the Victorian “man of letters” amateur critic to specialized professional academics); S.P. Mohanty, *Radical Teaching, Radical Theory: The Ambiguous Politics of Meaning*, in *THEORY IN THE CLASSROOM* 149, 149 (Cary Nelson ed., 1986) (critiquing the transition of literary criticism from “merely a discipline” into “the site of cultural and moral pedagogy *par excellence*”).

34. See generally STANLEY FISH, *PROFESSIONAL CORRECTNESS: LITERARY STUDIES AND POLITICAL CHANGE* (1995) (defending against several critics in a series of lectures his view that literary academics should refrain from using their field as a platform to advance social or political change).

35. FISH, *supra* note 2, at 170–76. Fish focuses on one essay in particular: Mark Bracher, *Teaching for Social Justice: Reeducating the Emotions Through Literary Study*, 26 *J. ADVANCED COMPOSITION* 463 (2006).

36. See FISH, *supra* note 2, at 25–26 (acknowledging that academic work often concerns the political realm but arguing it should do so in “academic terms”).

37. See Post, *supra* note 20, at 759–63 (discussing whether humanities scholars possess disciplinary or charismatic authority).

censure even if literary scholars were to accept Fish's prescriptions. Professors of different disciplines, like biology, stir up controversy just by pursuing their proper profession. Within universities, therefore, just doing one's job is not a cure for the virus of the culture wars.

We might ask, however, whether Fish is right that literary scholars have systematically misunderstood their proper role. In my view, that is a question for literary scholars themselves to determine. Fish takes a powerful position within a debate within a discipline. There are eminent literary scholars who disagree with Fish's view of their profession. If academic freedom means anything, it means that the debate between Fish and his opponents should proceed unimpaired. Fish, just like his adversaries, should do his job. And if we could all do ours as well as Fish undoubtedly does his, the world would be a far, far better place.