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The End of the Modern Academy: At the University of Chicago, For Example<sup>i</sup>

Preamble

The title of this essay is meant to suggest a particular understanding of the mission or end of the modern academy as exemplified by certain ideals associated in the minds of many academics around the world with the University of Chicago. The title is also meant to signal and raise concerns about contemporary threats to that mission, even at the University of Chicago. Examined in the essay are three of the core values of the modern academy. Are they foolish ideals? Have they become postmodern antiques?

Ideal #1: “Research done primarily in anticipation of profit is incompatible with the aims of the university.”

Ideal #2: “The basic principles of the university include complete freedom of research and the unrestricted dissemination of information.”

Ideal #3: “There must be no consideration of sex, ethnic or national characteristics, or political or religious beliefs or affiliations in any decision regarding appointment, promotion, or reappointment at any level of the academic staff.”

Introduction: The Ideals of the Modern Academy at the University of Chicago  
(circa 1967)

I entered graduate school over fifty years ago. I was at Harvard. In retrospect I now realize that back then something pretty remarkable was happening at the institution of higher learning where I ultimately became a faculty member a few years later. In 1967 Edward Levi, the president of the University of Chicago (Levi later became the Attorney General of the United States), told the Citizen's Board of the University of Chicago that it is not the role of the university to directly respond to the needs of the broader worlds of politics and commerce or to be popular with the general public and that the true mission of an academic institution is intellectual, not moral. He told them that the university does not exist to develop inventions for industry, or to train technicians for society, or to counter the injustices of the world. The central purpose of the university, Edward Levi avowed, the main reason for its existence, is "improving the stock of ordered knowledge and rational judgment."<sup>ii</sup>

University presidents in the United States no longer speak that way, at least not when they talk to citizen's boards or potential non-academic patrons. Many of them have concluded that Edward Levi's vision of the academy is the conjuring of an image of a so-called Ivory Tower that is both unaffordable and impractical; and they have more or less opened the gates of the academy to diverse interest groups with political, moral and commercial missions of their own. Whether or not the Ivory Tower metaphor is apt Levi was describing what one might call the modern conception of the academy. As far as I know the enrichment concept in the motto of the University of Chicago ("Let Knowledge Grow, so life may be enriched") was never meant to imply "Go to college so that you can get rich" or "Go to college so you can save the world"; nor was the adage meant to imply that the aim of the university was to engage in beneficent social engineering or human rights activism or identity politics. Nevertheless those motives are increasingly part of a contemporary postmodern multiverse discourse used to justify public and private support for the academy, as many Universities strive to become consulting agencies of sorts, setting up "urban labs" or "innovation institutes" to collaborate with non-academic "change agents" (for example, politicians, entrepreneurs and non-government organizations) and targeting their fund raising efforts (and even their mission statements) to projected practical advances

in the production of energy, school reform, environmental protection and health enhancing discoveries and inventions in microbiology and molecular engineering.

Edward Levi's modern conception of the academy is therefore not a description of the contemporary academy, which in various ways, including the three I discuss in this essay, has traded its modern soul for a soul of a different kind, one that is sometimes postmodern, sometimes premodern and sometimes both. Instead Levi's Ivory Tower should be viewed as an imagined venerated academy associated with a particular set of intellectual ideals: disciplined impartiality, organized skepticism, a fondness for assumption questioning dialogue and a love of critical reasoning, all aimed at the scholarly (by which I mean disciplined and disinterested) pursuit of an abstract virtue called "truth" and its assumed by-product, the growth of knowledge and the development of rational judgment.

Of course there have always been cracks in the ivory tower of that idealized modern temple of free and disinterested inquiry. Below I describe three somewhat deceptive but nonetheless treacherous contemporary threats, which I have come to view as Trojan Horses within the gates. The first is the abandonment over the past three or four decades of the modern ideal for scholarly research which states that research done primarily in anticipation of profit is incompatible with the aims of the university. Perhaps not so coincidentally the erosion of that ideal co-occurs with assertions of authority by university administrators and trustees who these days increasingly feel motivated to proclaim that they, not the faculty, should control decisions about future research directions and faculty hiring priorities.

The second threat is the softening, qualification and weakening of the modern academic commitment to the principles of complete freedom of research and unrestricted dissemination of information. Here too one notices a correlate: that deterioration of a core academic freedom principle goes hand in hand with the expansion and embrace of bureaucratic surveillance and research licensing systems (such as the Institutional Review Board - IRB) where so-called compliance boards now assume and assert a paternalistic right to review research projects (and even censor interview questions asked of adults) and to instruct faculty to

cease and desist from conducting research, analyzing data or publishing the results of their inquiries.

The third threat to the modern academy concerns the laws, regulations and the contemporary ideological currents that have stimulated and encouraged the growth of expressive-demonstrative identity politics on campus.

All three threats are related in one way or another to the strengthening and thickening of the implications of the incorporated status of university communities and the impact of the broader worlds of politics, commerce and social/moral activism on academic life. All three are signs of the significant departure of the actualities of contemporary university life from the ideals of the modern academy.

Modern Academy Ideal # 1: Research done primarily in anticipation of profit is incompatible with the aims of the university.

There was a time during the Edward Levi era (and extending some years beyond) when the Articles of Incorporation of the University of Chicago in the preamble to the statute concerned with patent policy (statute # 18) stated that “research done primarily in anticipation of profit is incompatible with the aims of the university.” In 1980 the United States Congress passed the Bayh-Dole Act which commercialized the academy by offering a financial incentive to federally- funded researchers and their university administrators. Universities were granted permission to patent government funded research done on campus and to financially profit from such patents by developing closer ties with industry. The explicit aim of the Bayh-Dole Act (also known as the Patents and Trademark Law Amendments Act) was to facilitate the integration of academic research laboratories into the commercial market place by counting on a pecuniary motive to generate social benefits.

The full effects of Bayh-Dole on the intellectual climate of the academy and on decision making about future research agendas and faculty hires has yet to be systematically documented. That topic, however, is surely deserving of attention. It does seem revealing that those Levi-like words that once seemed so remarkable

(and ennobling) in the University of Chicago Statute # 18 on patent policy (“research done primarily in anticipation of profit is incompatible with the aims of the university”) have been excised from the university’s 2010 “Restated Articles of Incorporation”

Revealing too is the fact that in recent years University administrators and Trustees have increasingly sought to expand their control over new research directions. Recent developments at the University of Chicago are a case in point, when the President, the Provost and all the Deans argued that faculty ruling bodies should have jurisdiction and decision making powers (a vote) only over the educational and teaching activities of the university; and that the administration and ultimately the Board of Trustees should have jurisdiction and decision making powers over the research activities of the university (including decisions about the creation of research centers and research institutes and the development of new directions of inquiry and faculty lines).

There is of course no doubt that from an ultimate legal and corporate point of view the Board of Trustees of an academic institution has final authority over what happens at a university and probably has the legal authority, if the Trustees were so inclined, to close down departments and end all admissions, teaching and degree granting and turn the institution into a utilitarian patent seeking research institute of applied microbiology, translational medicine, brain science, molecular engineering, environmental studies, public policy consulting and school reform. Yet it should be pointed out as well that it is the delegation of authority over the intellectual life of the modern academy to the faculty and the particular agreements, understandings, values and norms that insulate the faculty from top down management of intellectual life (including both inquiry and teaching) that has historically characterized the scholarly culture of the great universities of our land. Indeed, Robert Maynard Hutchins, the famous (or infamous) former president of the University of Chicago once remarked that the trustees of the university worked for the faculty, not the other way around, which rather neatly sums up one rather significant norm of intellectual life as understood in the modern conception of the academy.<sup>iii</sup>

Lost (or at least kept off center stage) during current calls for the academy to be practical, applied, use-sensitive or “translational,” (and amidst all the clamor to directly respond to the broader world of politics and commerce by having future research programs decided by administrators and trustees) is the premise behind Edward Levi’s archetype for the modern university. That premise was powerfully and provocatively formulated in 1938 by the philosopher Arthur Lovejoy (co-founder of the American Association of University Professors) when he wrote: “The distinctive social function of the scholar’s trade cannot be fulfilled if those who pay the piper are permitted to call the tune.”<sup>iv</sup> These days that premise may seem antiquarian (and its invocation jejune, or naïve, or even ironical), but I believe Lovejoy’s testament to intellectual liberty and faculty autonomy was originally meant to define the conditions that make for greatness in the pursuit of knowledge and the cultivation of critical reasoning in the academy, of the sort Edward Levi had in mind. The question remains open however: was Lovejoy right and does knowledge grow and rational judgment development better under an Edward Levi free inquiry regime or under a Bayh-Dole monetary incentive plan?<sup>v</sup>

Modern Academy Ideal # 2: The basic principles of the university include complete freedom of research and the unrestricted dissemination of information.

The University of Chicago’s Articles of Incorporation magnificently proclaim that “The basic policies of the University of Chicago include complete freedom of research and the unrestricted dissemination of information.” Nevertheless despite some eloquent academic freedom proclamations from within the academy over the past several decades<sup>vi</sup> “Research Administration” has become a growth industry on America’s college campuses. For example, University administrators have permitted mission creep in human subjects review to expand so broadly that a surveillance and licensing system for research now requires Institutional Review Board (IRB) permission granting for every question that might be asked of an adult even in the context of research projects that are privately or personally funded or not funded at all, which means most research projects done in the social sciences, humanities and law schools. (This despite the facts that federal rules requiring IRB surveillance and review are legally mandated only for

federal funded research projects and a university's decision about whether or not to apply those rules to all projects regardless of funding source is entirely discretionary). Local IRBs routinely insist on trigger warnings when social scientists, humanists and legal scholars engage in investigative conversations or assumption questioning interviews. Academic administrators even claim the right to instruct faculty and students not to analyze their interview data or write about them without prior approval of the questions asked.

On August 26, 2005 Jonathan Moss, the then Chair of the IRB for the Division of Biological Sciences at the University of Chicago delivered the university's 482nd convocation address titled "Could Morton Do It Today?" (William Morton being a pioneer in the development of general anesthesia who first demonstrated the effectiveness of ether) This is how the IRB chair started his address: "As a practicing physician, one of the developers of a new class of drugs, and, for the past decade, chair of the Institutional Review Board for the Division of Biological Sciences, which oversees some two thousand human research studies, I have been afforded a unique perspective on the challenges of clinical research. The hypothesis I propose today is that the growing number and complexity of regulations surrounding clinical research, while well-intentioned, jeopardize the innovation we have come to expect from it. By way of illustration, I ask you to consider three medical miracles we take for granted: X-rays, cardiac catheterization, and general anesthesia. I contend all three would be stillborn if we tried to deliver them in 2005." He notes with respect to Morton that "Absent detailed information on ether's metabolism and toxicity, which may have taken several years to determine, we would not permit its use on volunteers or patients" and the human trials of the sort Morton successfully implemented would never have happened. He goes on to remark: "Although well-intentioned, each of these 'protections' poses a potential barrier to the development of new knowledge. Cumulatively, the daunting regulatory burden imposed on creative researchers has a chilling effect. Brick by brick we have built a wall, a wall too high for those with new ideas to struggle over." (In addition to the human subject rules which are the main focus of his convocation address Moss has in mind liability, conflict of interest and intellectual property regulations.)

Socrates himself would have rolled over by now in his grave if he knew about the hoops his heirs in the humanities and social sciences must jump through to even gain permission to ask questions. If a faculty member or a student were to engage in an unfunded or privately funded Socratic research interview with an adult without asking for official permission from a compliance board he or she would be declared to have violated a homegrown University of Chicago policy, a policy for IRB review that is not mandated by federal laws (which, as noted earlier, are legally attached only to federally funded research projects).

In other words, the censor's hand comes from deep inside our own gates. Looking forward I hope faculties and academic leaders will begin to push back against IRB mission creep and recoil against this by now all too taken for granted way of putting Socrates on trial. At my own (beloved) university internally generated policies currently regulating Socratic research are inconsistent with the principles we wish to embrace and defend as guardians of the free inquiry tradition. Nevertheless, the recent University of Chicago declaration concerning academic freedom (see endnote iv) provides an opportunity to start a discussion aimed at ending the licensing of research that relies entirely on surveys or interviews with adults.

In the spirit of robust academic freedom, it seems to me our universities ought to have the courage of their own free inquiry convictions and should declare that the Socratic research tradition is exempt from surveillance, censorship and prior IRB review, while leaving it up to intellectually autonomous faculty and students to recognize the difference between a drug trial and a conversation, even a provocative interview on a controversial topic. That in fact is the first recommendation for reform of the IRB system put forward in a report issued by the American Association of University Professors (AAUP).

<https://www.aaup.org/report/research-human-subjects-academic-freedom-and-institutional-review-board>

The AAUP recommendation reads as follows: "So in sum, what we recommend is, more precisely, that research on autonomous adults whose methodology consists entirely in collecting data by surveys, conducting interviews, or observing

behavior in public places, be exempt from the requirement of IRB review—straightforwardly exempt, with no provisos, and no requirement of IRB approval of the exemption. We believe that making this change in the regulations would eliminate a considerable amount of the hardship that they have imposed on researchers. Moreover, it would eliminate a considerable amount of totally unnecessary work currently done by IRBs, freeing them to devote attention to seriously risk-imposing research projects."

### Modern Academy Ideal # 3: Viewpoint Diversity

There can be little doubt that the modern academy has long been a fan of viewpoint diversity. It eulogizes Socratic engagement with the other side of almost any story. It extols the intellectual benefits of exposure to alternative perspectives that challenge one's convictions. It thrives on the intellectual freedom it grants to its disputatious members. The result: whenever issues are contestable (that is most of the time) and there is freedom to engage in dispute there will be viewpoint diversity. This is one of the reasons the modern academy as an intellectual community has no unitary voice of its own. It lives up to its ideals by keeping its corporate mouth shut. What it does have are free thinking individual members (faculty and students) who are willing and empowered to push the envelope and explore unpopular, minority or politically incorrect points of view. But they only speak for themselves, not for the academy or their profession as a whole.<sup>vii</sup>

Viewpoint diversity is also one of the reasons the entrance door to the modern academy is left wide-open to all fearless minds regardless of national boundaries, race, gender or creed. Ideally they enter the academy willing to place their political goals, their values, their pictures of the world and themselves at intellectual risk and are eager to participate in critical, skeptical, sometimes upsetting, sometimes discombobulating yet never ending truth seeking conversations.

That in a nutshell is what I mean by viewpoint diversity in its modern academy sense. But it is only the beginning of the story. In recent decades two other senses of viewpoint diversity have gained currency in the contemporary academy.

The first sense is premodern: viewpoint diversity as census category/ancestral in-group diversity where you have to be one (a demographic insider) to know one: By this account it is inauthentic for Janis Joplin (a white woman) to sing the blues and only a Jew should be the head of a Jewish Studies Center. The second sense is postmodern: viewpoint diversity as solipsistic exile, “to each her own bag”, everything is in the eye of the beholder, what is true for you is not true for me, so let’s talk about me for a while diversity. Today both of those Trojan horses are deep inside the gates.

Of course there have always been those cracks I mentioned earlier in the Ivory Tower of the idealized temple of reason, some more severe than others. In 1987 the political philosopher Allan Bloom, wrote a national best seller The Closing of the American Mind. Many of those who bought the book because of its title (and never read it) did not realize that the title was not a critique of close mindedness but rather a recommendation. Bloom was worried about what he viewed as the ready acceptance among college students of the postmodern interpretation of viewpoint diversity in which anything goes and everything is in the eye of the beholder (including truth, beauty, and goodness). Bloom focused on one of the Trojan horses: the subjective relativism in the contemporary academy that he believed was contagious and left the minds of students so open and indiscriminating that they became undiscerning. He had less to say about the other Trojan horse: the hazards associated with the ready acceptance of the premodern interpretation of viewpoint as tribal identity and diversity as a census count of balkanized in-groups.

Combine the two Trojan horses however and a new force is created: the academy as a platform for expressive-demonstrative identity politics. The players are not impartial contentious skeptics but rather interest groups who are basically uninterested in any side but their own story and morally motivated to engage in pursuits (e.g., knocking down the doors to rectify what they view as historical injustices) that take precedence over assumption questioning discourse and the disinterested search for truth. Working independently and together those two Trojan horses (the premodern and the postmodern) have now exerted a

structural pressure that threatens the integrity of the modern academy and challenges several of its ideals.

There are many symptoms of the problem or signs of the times. Some have names that are familiar by now: trigger warnings; safe zones; radar screens for the detection of micro-aggressions; political correctness. Other related manifestations include faculty and students who take shelter in balkanized centers or institutes where true believing insiders feel safe at home and embrace parochial ideological stances which they never contest and are all too eager to proselytize or universalize; students who seem to have been so protected and/or privileged that when they arrive at college they actually want to be in *locus parentis*, treated as if wards of the state by one of the ever expanding university administrative offices designated to serve that protective function, or at the very least shielded from unsettling facts about the world and never exposed to ideas that challenge their convictions.<sup>viii</sup> Mere exposure to arguments and evidence that challenges one's convictions is experienced as trauma or as the creation of a hostile work environment, requiring a therapeutic or legal response.

Add to this symptom list the popularity of a vilifying campus vernacular that encourages the incontinent use of epithets such as sexist, racist, homophobic or anti-Semite. If you suggest that sexism is not necessarily the best explanation for the relative infrequency of female theoretical physicists compared to female literary critics you are a sexist.<sup>ix</sup> Or try raising empirically based doubts about any aspect of any of the many victim narratives associated with communal politics in the broader society. Name calling can be effective. Fearless minds are increasingly in short supply on college campuses and even those who are fearless may hesitate to "follow the argument where it leads." Inhibited by reputational concerns or anticipations of an administrative complaint or legal suit, worried about perceptions of complicity or guilt by association, they give up on skeptical dialogue and see little benefit in defending a politically unpopular point of view, even just for the sake of argument. The campus thereby becomes a place where once fearless minds "self-censor" or tiptoe around controversial hot button topics.

## Local Contagions of Anti-Intellectualism

Undoubtedly this is not the first time in the history of the academy that (as the sociologist Robert Merton once wrote) “local contagions of anti-intellectualism threaten to become contagious.”<sup>x</sup> The subordination of modern academic values to the tactics of a political struggle is one sign of the times. But the problem is even deeper. Recently an essay was published by prominent social psychologists documenting and criticizing the pernicious effects of political correctness and a left-liberal ideological bias on scholarship in their discipline.<sup>xi</sup> Their proposed solution to the problem was an affirmative action program for political conservatives, thereby perpetuating the logic of the premodern conception of viewpoint diversity.

Recall that premodern logic. It equates viewpoint with in-group identity in a balkanized world of insiders and outsiders. Each viewpoint remains local and parochial and an object of attachment and identity for insiders for whom the possession and defense of that particular viewpoint becomes a highly motivating ideal. According to premodern logic you have to be one to know one and only insiders really have the authority to speak about themselves. Only African-Americans can sing the blues. Only Jews can comment on the true meaning of the Hebrew bible. This is not a world in which German linguists teach Sanskrit to Indian Brahmans or Afro-Caribbean scholars translate Ancient Greek texts.

For example, I recall an academic occasion when a speaker denounced the musical “West Side Story” on the grounds that it had been written by a successful white male who had no authority to speak about the Puerto Rican-American experience. During the discussion session a female member of the audience pointed out that “West Side Story” was based on “Romeo on Juliet,” which was written by a successful white male who was neither Italian nor a citizen of Verona. The speaker responded by denouncing Shakespeare as a racist.

By way of contrast the modern view of viewpoint diversity starts with the observation that if you really had to be one to know one, then all transpersonal human understanding (which is one of the aims of my own discipline, namely cultural anthropology) would be impossible. The modern view goes on to note

that some of the best books about the lives of Anglo-Americans in the United States have been written by “outsiders” from Asia, Africa and continental Europe; and, vice versa, some of the best books about Asia, Africa and Europe have been written by Anglo-Americans, including Anglo-American anthropologists. A certain French aristocrat seemed to understand equality in America better than most Americans. How? Why? The modern view is that imagination, creative intelligence, critical reason, disciplined inquiry and the capacity of the human mind to stay on the move between different points of view are not bound by status; and the authority of a voice has very little to do with the social identity of who speaks and good deal more to do with some of the ideals of the modern academy.

### Dodging the Bakke Decision

What are the origins of the premodern conception of viewpoint diversity that is currently popular in the contemporary academy? Surely it has many sources but surely one of the them is the way politically liberal academics concerned about group discrimination (and especially slavery) in the history of the United States reacted to a famous 1978 United States Supreme Court affirmative decision (the “Bakke decision”; *Regents of the University of California v Bakke*, 438 US 235), a decision which forcefully, explicitly and precisely prohibited admissions to the academy justified by that type of concern. How did they react? By dodging the decision and redefining the ideal of viewpoint diversity in premodern terms.

Up until the Bakke decision the ideals of the modern academy were still very much in play in the contemporary academy. An institution of higher learning (such as my own) could proudly declare in its official 1972 Report on Faculty Appointments that the primary aim of a great University is “improving the stock of ordered knowledge and rational judgment;” and that in the furtherance of that goal “there must be no consideration of sex, ethnic or national characteristics, or political or religious beliefs or affiliations in any decision regarding appointment, promotion, or reappointment at any level of the academic staff.”<sup>1</sup> Then along

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<sup>1</sup> <http://provost.uchicago.edu/pdfs/shilsrpt.pdf>

came the Bakke decision and various reactions to it on university and college campuses.

Bakke is the mother of all affirmative action cases. Justice Powell wrote the controlling opinion in that 1978 Supreme Court case. Looking back Powell's decision must seem radical. He ruled that group based admissions quotas for entrance to medical school at a public university were unconstitutional. In his opinion, which included an historical account of the equal protection clause of the 14th Amendment of the United States Constitution, he went on to define the legal framework constraining any consideration of ancestral group characteristics in admissions decisions at colleges and universities in the United States. It is a framework that is still the law of the land. All three of the following goals were judged to be unconstitutional: "countering the effects of historical discrimination", "reducing the historical deficit of traditionally disfavored minorities," and increasing the number of group members in any particular profession. With regard to the 14th amendment he writes: "It is far too late to argue that the guarantee of equal protection to all persons permits the recognition of special wards entitled to a degree of protection greater than that accorded others. [n35]"

Nevertheless, he did allow that admissions policies could aim to promote what he called "beneficial educational pluralism" which he interpreted very much in the spirit of the modern ideal of viewpoint diversity. This is what he had to say about the role of group characteristics in promoting beneficial educational pluralism. "The file of a particular black applicant may be examined for his potential contribution to diversity without the factor of race being decisive when compared, for example, with that of an applicant identified as an Italian-American if the latter is thought to exhibit qualities more likely to promote beneficial educational pluralism. Such qualities could include exceptional personal talents, unique work or service experience, leadership potential, maturity, demonstrated compassion, a history of overcoming disadvantage, ability to communicate with the poor, or other qualifications deemed important. In short, an admissions program operated in this way is flexible enough to consider all pertinent elements of diversity in light of the particular qualifications of each applicant, and to place

them on the same footing for consideration, although not necessarily according them the same weight. Indeed, the weight attributed to a particular quality may vary from year to year depending upon the "mix" both of the student body and the applicants for the incoming class." (p. 318)

The rest is history. Powell's nod in the direction of beneficial education pluralism became the camel's nose of premodern thinking in the tent of the academy. Many members of the academy harbor deep concerns about the history of the minority group experience in the United States. "Beneficial educational pluralism" and then the slogan "viewpoint diversity" became the legal cloaks behind which advocates for a social justice agenda seeking to remedy the historical sufferings of particular groups made their mark on the admissions process despite the fact that considerations of past discrimination against groups were deemed unconstitutional by the court.

Justice Powell was aware that his warrant to promote beneficial education pluralism might be abused. As he left the legal door open for universities and college to admit students with diverse viewpoints and experiences he acknowledged the critics who feared that his concept would be abused and operate as a cover for a premodern admissions program aimed at the same unconstitutional remedial social justice goals as a group quota system. Nevertheless he was willing to presume good faith on the part of the contemporary academy. It was a generous presumption.

Instead we have had an erosion of the modern ideal of viewpoint diversity. We have witnessed a weakening of the norms that create an intellectual environment corrosive of dogma and supportive of detached and exacting scrutiny of all theories, claims and ideologies. When a census category becomes a viewpoint the contemporary academy begins to look like the Balkans. Or perhaps like the millet system in the Ottoman Empire where diverse cultures with different values and pictures of the world speaking twenty-three distinct languages lived separated lives. This is pluralism all right, but it is not the type of pluralism that is educationally beneficial, at least not in the modern academic sense. While it may seem strange for a cultural anthropologist to be writing against the premodern

interpretation of viewpoint diversity the modern university is not the Ottoman Empire and the Ottoman Empire is not a Temple of Reason.

### The Changing Meaning of Community in the Corporate Postmodern Academy

Within the modern conception of the academy I do not think most faculty members think of themselves as employees of a non-profit corporation, even if that is what they are from a State based legal point of view. Their sense of community is of quite a different sort. Ideally within the terms of the modern conception of the academy faculty members are meant to view themselves as ardent and fearless autonomous scholars and individual researchers who follow the argument and the evidence where it leads regardless of the practical, moral, or political consequences; scholars and researchers who are prepared to challenge received pieties and make observations (or hypothesize the existence of facts) that might be embarrassing or even infuriating to some. They are not meant to view themselves as hired hands or as pursuing a job. Instead they conceptualize themselves more or less as a loose collection of individuals each following their calling in a rare and precious institutional setting with leaders who are committed to shielding them from the vested interests and pressing demands associated with the worlds of commerce, partisan politics, and religious and moral crusades, so that the academy remains a place where the life of the mind can be free, creative and independent.

A university according to that modern conception may be a corporate entity but only in a very narrow sense: it exists for only the limited purpose of teaching and inquiry. As stated in a famous University of Chicago statement about the limits on the role of the university in social and political action the university is not a club. It is not a trade association. It is not a lobby. It cannot speak on social and political issues with a single voice or in the name of its individual members because the main reason for its existence as an incorporated entity is to keep the conversation going and not to take sides or declare what is right and true.

In 1967, the very year Edward Levi addressed the Citizen's Board of the University and told them what the university was not, a distinguished faculty committee at the University chaired by the First Amendment legal scholar Harry Kalven Jr.

defined the mission of the university as “the discovery, improvement, and dissemination of knowledge.” The report of that faculty committee<sup>xii</sup> went on to characterize the modern academy in the following ways: “Its domain of inquiry and scrutiny includes all aspects and all values of society. A university faithful to its mission will provide enduring challenges to social values, policies, practices, and institutions. By design and by effect, it is the institution which creates discontent with the existing social arrangements and proposes new ones. In brief, a good university, like Socrates, will be upsetting.”

Quite crucially (and perhaps somewhat paradoxically) the report embraced a highly individualistic and anti-communal or anti-corporate view of the essential nature of a genuine academic community. In a genuine academic community, one true to its mission, as the committee members argued “The instrument of dissent and criticism is the individual faculty member or the individual student. The university is the home and sponsor of critics; it is not itself the critic. It is, to go back once again to the classic phrase, a community of scholars. To perform its mission in the society, a university must sustain an extraordinary environment of freedom of inquiry and maintain an independence from political fashions, passions, and pressures. A university, if it is to be true to its faith in intellectual inquiry, must embrace, be hospitable to, and encourage the widest diversity of views within its own community. It is a community but only for the limited, albeit great, purposes of teaching and research. It is not a club, it is not a trade association, it is not a lobby.”

And drawing that anti-corporate spirit to a provocative conclusion Kalven and his colleagues avowed: “Since the university is a community only for these limited and distinctive purposes, it is a community which cannot take collective action on the issues of the day without endangering the conditions for its existence and effectiveness. There is no mechanism by which it can reach a collective position without inhibiting that full freedom of dissent on which it thrives. It cannot insist that all of its members favor a given view of social policy; if it takes collective action, therefore, it does so at the price of censoring any minority who do not agree with the view adopted. In brief, it is a community which cannot resort to majority vote to reach positions on public issues.”

It seems to me that the threats to the modern academy mentioned in this essay are connected to changes in the way the incorporated status, the corporate or communal nature of the academy, is currently conceptualized even by members of the academy themselves. The legal status of a university as a corporation make it vulnerable to government regulations (Federal and State) that thicken its communal aspects (including reputational concerns and legal risks) and have the potential to erode those aspects of its mission that derive from its commitment to restrict its communal norms to the pursuit of its compelling but very focused purpose of “improving the stock of ordered knowledge and rational judgment.” We have already gone pretty far down that corrosive primrose path. So much so that within the terms of the prevailing postmodern multiverse conception of the university the campus is no longer an Ivory Tower but rather a practical innovation laboratory and a convenient training and recruiting ground for the commercial, moral and political activities of a variety of interests groups. Universities undeniably have a corporate status yet as Edward Levi proclaimed they are incorporated to serve a purpose unlike most others; and if they are treated like and start acting like businesses, companies or organizations that have other types of purposes in mind they risk losing their main reason for being.

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<sup>i</sup> Parts of this essay, in particular the discussion of modern ideal #1, recapitulates and expands my comments in the following blog essay: Richard A. (2016) "Cracks in the Ivory Tower: A Note on Prewitt's Indirect Consequentialism". Published in "Items: Insights from the Social Sciences" (The Newsletter of the Social Science Research Council), which is available at this address: <http://items.ssrc.org/cracks-in-the-ivory-tower-a-note-on-prewitts-indirect-consequentialism/> My thanks to Jonathan Cole, David Nirenberg, Kenneth Prewitt, Frank Richter, Robert Solow, Philip Weinstein and Robert Zimmer for their generous and helpful comments on the original draft of that essay.

<sup>ii</sup> Edward H, Levi (2007) *The University and the Modern Condition*. In Edward H. Levi *Point of View: Talks on Education* (Chicago: University of Chicago Press).

<sup>iii</sup> Nevertheless one notes that even at a leading academic center such as the University of Chicago administrative leaders have felt the need to try to split apart the two functions of inquiry and teaching and (at least at the University of Chicago) have opted to press forward with a rather bold reinterpretation of the meaning of a key faculty governance statute in the Articles of Incorporation of the university; thereby precipitating a local disagreement over the scope of faculty governance. That local disagreement over who controls the direction of future

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research was contentious enough that during the 2012 academic year the Council of the University Senate (the most centralized Faculty Ruling Body at the university) appointed a faculty committee to examine the jurisdiction and division of powers of the faculty versus the administration in matters of governance; and the President of the University then went ahead and appointed a second separate faculty committee of his own to do exactly the same thing, Special attention was given by the faculty members on both committees to the history and meaning of a particular statute in the Articles of Incorporation, Bylaws and Statutes, and its application to decision making about the creation of research institutes and research centers and the development of new research directions. The key statute was Statute 12, which defines “The Organization and Powers of the University Senate and the Ruling Bodies.” It states (12.1) “All advisory, legislative, and administrative powers in the University concerning its educational work, except those vested in the President by the Board of Trustees shall be exercised by, or be under the authority of, the Ruling Bodies specified in article 12. “Local ruling bodies” (for example, the Social Science faculty) are then given statutory authority and jurisdiction over educational work of local (Divisional, College) concern and the Council of the University Senate (an elected faculty body representing the entire university faculty) is given authority and jurisdiction over educational work of relevance to the whole university. The most basic question, however, faced by the two faculty committees, was this one: Does the phrase “educational work” encompass both inquiry and teaching (a view supported by some members of the faculty); or, as the University Administration and other faculty members who support the administration’s point of view argued, does that statute severely limit the authority of faculty ruling bodies to decision making about “educational work” narrowly construed, namely teaching and course work and requirements for degrees, and nothing else (such as research)? Why would the President, the Provost and all the Deans of the University of Chicago want to split the inquiry function from the teaching function when it comes to faculty governance? What problems do university administrators see in the idea of faculty ruling bodies having jurisdiction over the research activities of the university, including decisions about the creation of research centers and research institutes or the development of new directions of inquiry? Perhaps it is all too easy to be cynical about the stance of administrators and trustees. Nevertheless it does seem legitimate to raise the question, as some faculty do, whether this is all about those who want to follow the money where it leads (typically to the practical and applied policy agendas favored by wealthy patrons, members of the Board of Trustees, well-endowed foundations and social problem solving government and non-governmental agencies) not wanting to lose control over their fund raising capacities and not wanting to be constrained by the interests of skeptical or recalcitrant scholars. Those who support the Administrative stance on this question, positing that the concept of “educational work” is limited to teaching and program requirements and that the rest (new research directions, the creation of innovation institutes and urban labs, etc.) should be out of the hands of faculty ruling bodies, argue that the market for funding (for example, in energy, health, brain science, school reform, environmental studies, human rights activism, economic development) is a good measure of where academic research agendas ought to go and that too many of those intellectual (and financial) benefits will not be pursued or sufficiently realized if disputatious (or change resistant) faculty ruling bodies living in an ideologically divided Ivory

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Tower are permitted to have a vote or veto over the evolution of the realms of inquiry on campus. (This endnote recapitulates in somewhat abbreviated form points discussed in Richard A. Shweder (2014) “To Follow the Argument Where It Leads: An Antiquarian View of the Aims of Academic Freedom at the University of Chicago.” In Akeel Bilgrami and Jonathan Cole (Eds.), *Who’s Afraid of Academic Freedom?* Columbia University Press. Pp. 190-238).

<sup>iv</sup> Arthur Lovejoy (1938) *American Association of University Professors (AAUP) Bulletin*, 24:409-414.

<sup>v</sup> David Stokes’ influential and informative book [Pasteur’s Quadrant: Basic Science and Technological Innovation](#) (1997 The Brookings Institution) is a well-known challenge to the claim that there is an inherent tension between basic research and applied research (Pasteur is offered as a counter-example) and a kind of public policy manifesto promoting use-inspired basic research. The focus on individual investigators and their interests, motives and accomplishments (such as Pasteur, and others such as Niels Bohr, a basic researcher with little interest in translational physics and Thomas Edison, an applied technological engineer with little interest in the development of systematic basic knowledge) sidesteps the question posed here, which has more to do with the incentive structures and intellectual norms that differentiate a free research and educational institution from an engineering school or commercial laboratory, and on the types of benefits that flow from each.

<sup>vi</sup>

<https://provost.uchicago.edu/sites/default/files/documents/reports/FOECommitteeReport.pdf>;

see also news coverage of a paragraph in a letter of welcome sent by the University of Chicago Dean of College Students to the 2016 entering first year class, for example, <http://www.chicagotribune.com/news/local/breaking/ct-university-of-chicago-safe-spaces-letter-met-20160825-story.html>

<sup>vii</sup> More on the tensions between the ideals of the modern university and contemporary realities with special reference to my own academic institution can be found in Richard A. Shweder (2014) “To Follow the Argument Where It Leads: An Antiquarian View of the Aims of Academic Freedom at the University of Chicago.” In Akeel Bilgrami and Jonathan Cole (Eds.), *Who’s Afraid of Academic Freedom?* Columbia University Press. Pp. 190-238. A short eloquent statement (known as the Kalven Committee Report) about the role of institutional neutrality and faculty and student autonomy in sustaining the ideals of the modern academy can be found at this University of Chicago website. <https://provost.uchicago.edu/pdfs/KalvenRprt.pdf>

<sup>viii</sup> Don’t miss the illuminations in Greg Lukianoff and Jonathan Haidt, “The Coddling of the American Mind” *The Atlantic* September 2015.

<sup>ix</sup> Great opprobrium fell on Lawrence Summers when he discounted vicious discrimination as the leading cause of the maleness of the overwhelmingly male faculties in the physical science departments at elite universities. Have a look at the relevant speech that precipitated his resignation from the Presidency of Harvard University. Was the problem here that he was mistaken to think that as a university president he could take off his administrative hat and deliver an off-the-record or “unofficial” speech? (That is what he explicitly announced at the beginning of his talk) Or is the problem one that any faculty member would have faced – indicating that the “isms” (sexism, racism, anti-Semitism) as explanatory theories have achieved

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the status of unquestionable dogma in the contemporary academy?

[http://www.harvard.edu/president/speeches/summers\\_2005/nber.php](http://www.harvard.edu/president/speeches/summers_2005/nber.php)

<sup>x</sup> Robert K. Merton (1973, originally 1942) *The Normative Structure of Science*, In *The Sociology of Science: Theoretical and Empirical Investigations* (Norman W. Storer, Ed.), University of Chicago Press, pp. 277-278.

<sup>xi</sup> José L. Duarte, Jarret T. Crawford, Charlotta Stern, Jonathan Haidt, Lee Jussim, Philip E. Tetlock “Political Diversity Will Improve Social Psychological Science”, *Behavioral and Brain Sciences* 2014.

<sup>xii</sup> <https://provost.uchicago.edu/pdfs/KalvenRprt.pdf>