FIU Law Review

Volume 1 Number 1 Inaugural Issue

Article 6

Spring 2006

The University of the Future Has Already Arrived

Stanley Fish Florida International University College of Law

Follow this and additional works at: https://ecollections.law.fiu.edu/lawreview



Part of the Other Law Commons

Online ISSN: 2643-7759

Recommended Citation

Stanley Fish, The University of the Future Has Already Arrived, 1 FIU L. Rev. 19 (2006).

Available at: https://ecollections.law.fiu.edu/lawreview/vol1/iss1/6

This Colloquy is brought to you for free and open access by eCollections. It has been accepted for inclusion in FIU Law Review by an authorized editor of eCollections. For more information, please contact lisdavis@fiu.edu.

The University of the Future Has Already Arrived

Stanley Fish[†]

In the class I am now teaching at the University of Illinois at Chicago, only two of the students are white males, two more white females and the other thirteen a mixture of African Americans, Hispanics, Asians, Africans, Indians, Pakistanis. The languages they command other than English total at least ten; the cultures they represent some multiple of ten, given that many of them belong to families that are themselves international in composition. Welcome to the University of the Twenty First century. That is, welcome to both my university and yours.

In fact it might be said that your university and mine are engaged in a friendly competition. When I asked Provost Rosenberg to tell me about Florida International's self-conception and ambitions, he told me that the goal, already in the course of being realized, was to build an institution that is both a relevant force in the urban community and a top-level public research university. For a moment I thought I was in an echo chamber listening to my own words coming back at me. For that's exactly what I say whenever I go out into the community and speak on behalf of UIC. Here's my stump speech, short version: There are great educational institutions located in cities, but they are not truly urban. Columbia University sits in New York, Emory in Atlanta, Harvard in Boston, Johns Hopkins in Baltimore, Rice in Houston, UCLA in Los Angeles; but their respective relationships to those cities might be characterized as indifferent, or adversarial, or detached or defensive or at best neighborly. These universities are in the city, but not of the city. This is not true of another group that includes (among others) the University of Toledo, The University of Pittsburgh, Wright State University, The University of Cincinnati, and The University of Houston. In varying degrees, these schools acknowledge and embrace their urban location and regard it as at once a laboratory and an opportunity. But they are not world-class research institutions—Pittsburgh is the closest—and do not regularly compete for faculty and graduate students with the likes of Yale, Harvard, Stanford, Duke and Michigan. What this means, I continue, is that there exists the possibility of doing something no institu-

[†] Davidson-Kahn Distinguished University Professor of Humanities and Law, College of Law at Florida International University.

tion has ever done—be at once unashamedly urban and academically incandescent—and that, I conclude, is what the University of Illinois at Chicago should be doing and is already to a large measure doing. With the appropriate differences—differences generated by the differences between Chicago and Miami—I could give the same cheerleading talk about Florida International. The similarities are almost eerie—schools only about thirty years old, one originally located in an old air field, the other on a decaying pier that is now an up-scale tourist attraction; both moving quickly from a fledgling school with few advanced programs to the status of Research University and an ever larger volume of sponsored research; a student body marked by incredible diversity—anchored in one case by a large Hispanic population, in the other by an almost thirty percent cohort of Asian Americans; innumerable partnerships with city and state agencies, an increasingly energetic venture tech effort, a deep concern with the problems of the public school systems, and last but certainly not least, a shared taste for big time athletics and the recognition they bring.

So we're both on our way, not quite mature, growing so quickly that the infrastructure is always playing catch-up, healthy and vigorous adolescents too coltish even to know how audacious their ambitions are. But the game is not yet won, and there are obstacles that have to be negotiated and dangers that must be kept in mind. One danger is the danger of forgetting who and what you are and allowing yourself to fall into the trap of wanting to be something else. Some years ago I visited a school in Virginia that prided itself, quite correctly, on the traditions of its region and structured its curriculum accordingly. But there was a new President in town who had come from the main Campus of the University and whose self-announced strategy was to make this perfectly fine school into the Charlottesville of the county. Bad idea, first because it is unrealizable—transplants may work in the human body, but not in the body of an institution—and, more importantly, because the goal is unworthy and even ludicrous. Would any adult man or woman want to have to say when asked where do you teach, "I teach at the Harvard of North Dakota" or "I teach at the Stanford of Arizona" or "I teach at the Princeton of Arkansas"? It's so undignified, so much a mark of insecurity, so pathetic.

A somewhat different but related danger for a school that is a part of a state system is flagship envy; in my case envy of the University of Illinois at Urbana, in yours envy of the University of Florida at Gainesville. Flagship envy is a losing proposition, a non-starter, both because there are certain achievements—100-year-old football traditions, secret societies—you will never match, and others—perhaps the same ones—you shouldn't want to match. Most important of all, you don't want to forget that your are an urban university, not a university in the middle of a cow pasture or a university that is the only game in a bucolic little town that looks like the set of a 1940s MGM musical. You're in Miami, you're in Chicago, which doesn't

make you either better or worse than Gainesville and Urbana—although I'll bet that given choice the residents of the latter two would be happy to migrate to the Big City—but different; and it is that difference, and the value it adds to the state's educational system, that should be emphasized when you ask for additional resources: not "we're almost as good as Urbana and Gainesville"—a version of "I teach at the Princeton of Arkansas"—but we do something no other institution does, and we do it well, and you need us to do it.

One more danger in the same territory is the danger of wanting to "improve" the student body. Here the driver will be U.S. News and World Report rankings, which pay particular attention to ACT and SAT scores, retention rates, rates of alumni giving, average time of degree completion, and the like. By these measures, the students we typically teach will fall short, and accordingly there will be a temptation to raise admission standards so that students of a "better kind" will populate our classrooms. Resist it. The students who come to us are intelligent, ambitious, serious, and, at times, rough edged. They may not have been to many cocktail parties or attended many summer tennis camps, or spent a week or two each year in Paris; and a certain lack of sophistication and social experience will likely cost many of them more than a few points on some standardized tests. But that's why they're ours; that's why they're so eager; that's why they're so grateful and so wide-eyed at the vistas opening up before them. If they display a lack of polish, that same lack inoculates them against complacency and boredom. If they don't always come to class on time, or come to class, or finish in four years, it's because they are living real lives, holding real jobs, and comporting themselves like real people. They are smart, but they are not privileged and that is why they consider it a privilege to be here. The students I teach at UIC are quite unlike the students I taught at Duke, but the comparison is not always flattering to those at the more prestigious institution. I shall never forget what one of my law students at Duke said about the Duke undergraduates. He said, "They all look as if nothing bad had ever happened to them." That's not the way my current students look, and I'll bet your students don't look that way either. They look like America-all of it.

Remember who you are, don't try to be someone else; don't exchange the students you have for students who don't need you. These pieces of advice are hardly profound, but they may, I think, be useful at those moments when you are tempted to exchange the goals that brought you here for goals that, however laudable, belong to another enterprise.

But no piece of advice, no matter how pointed or commonsensical will do you much good if you fail to remember one other: don't give in to the pressures of politics.

Here the danger comes in two forms, external and internal. External political pressures come from the usual places and the usual suspects—

politicians, legislators, parents, trustees, corporate industry, and donors. Each of these groups will press what it thinks to be a legitimate claim. Politicians will say, nothing is more important than the education of our children and it's our responsibility as elected officials to make sure that it's done right. Legislators will say, we make the laws and we pay for the buildings and fund the salaries, and we should be able to dictate how things are done. Parents will say, well we pay too, and they're our kids and we should have some input into what they learn. Regents or Boards of Trustees will say we are obliged by statute to sign off on everything you in the universities do, and we're not going to be rubber stamps for overeducated professors with fancy ideas. Captains of industry will say, you want us to hire your students, then fill your curriculum with the courses we will find relevant to the work we will hire them to do. And donors will say, if you want our money, dance to our tune.

Not unreasonable positions, but you can't listen to them for a second, because if you do, you will have forsaken your job and taken on another that is not yours. And what is your job—and mine? Very simply, to identify materials worthy of academic study and to study them with a view toward arriving at an accurate account of what they are and what they mean. Of course, to say that is not to settle things, for the question of what is and is not worthy of academic study admits of no easy answers; but as long as that question and not another is framing the debate, the arguments that emerge will be the right ones; you can argue that a proposed object of study is trivial or that it is culturally significant; you can discuss its affiliations with other projects already established in the curriculum; you can ask what would research into these materials look like, and if research seemed not to be part of the picture, you could say that however interesting these matters are, they are not of academic interest. And all of this will be quite different from the discussions you would open yourselves up to if you took seriously the concern of the non-academic constituencies I listed earlier. That is, you won't be debating whether a proposed course or program will please members of the legislature, or conform to what parents want, or be likely to attract donors, or make sense to corporate CEOs, or be seen by the powers that be as a contribution to civic virtue.

This last is a particularly sensitive issue in the wake of 9/11. In the rush to find an explanation for a national catastrophe, some have taken the easy way out and blamed the professors. Whether it's a scurrilous pamphlet like the Lynne Cheney-inspired "Defending Civilization: How Our Universities Are Failing America And What Can Be Done About It" or Bill Ben-

¹ AMERICAN ASSOCIATION OF TRUSTEES AND ALUMNI, DEFENDING CIVILIZATION: HOW OUR UNIVERSITIES ARE FAILING AMERICA AND WHAT CAN BE DONE ABOUT IT (2001), available at www.goacta.org/publications/Reports/defciv.pdf (last visited Jan. 5, 2006).

nett's "Why We Fight: Moral Clarity and the War On Terrorism"², or a slew of magazine pieces and op-eds, the argument is the same: civic virtue had declined, the colleges and universities are at fault, and the solution is to teach American History, American Literature, and American Everything in the right way, that is, in the way prescribed by those self-identified morally clear seers who alone are capable of leading us out of the darkness of postmodernism, cultural relativism, black studies, latino studies, gay and lesbian studies and Elvis studies. But it is not the business of the universities to teach American history in a patriotic way or in a hyper-critical way or, for that matter, in any way, if by "way" you mean ideological or political direction. It is the business of the universities, if they are performing as universities, to teach the truth about American history or American literature or French philosophy; and while there will be endless disputes about what the truth is, those disputes will be appropriately academic because they will be driven by that prime academic goal. In a recent New York Times op-ed James Murphy of Dartmouth College made the point concisely: "civic education," education aimed at inculcating a certain set of patriotic values, is "subversive of the moral purpose of schooling." And what is that purpose? "... the acquisition of traits that lead us to be conscientious in the pursuit of truth," traits like "thoroughness, perseverance, intellectual honesty" and "enthusiasm for the pursuit of knowledge."

But if these desirable traits are threatened by the political pressures exerted by non-academic outsiders, they are no less threatened by academic insiders, and especially by those insiders who have taken to literal heart the oft-repeated lesson of the last thirty years, the lesson that everything is political. It is under the umbrella of that mantra that some faculty members and administrators pursue admittedly partisan agendas in the university: they know in advance what the answer to any disputed question must be; instead of insisting on a fidelity to old values they make a litmus test of new ones and make a theology out of concepts like "diversity" and "inclusiveness"; they cannot imagine an intellectually responsible defense of positions they have personally rejected; and in one famous or infamous incident they write course descriptions and append to them the warning that conservative students will not be welcome and should go elsewhere for instruction. These and other practices are justified by the conviction that notions like objectivity, neutrality and disinterestedness do not hold up under scrutiny because they presuppose a value-free zone from which politics can be excluded. The counter-assertion is that there is no such zone; that values are

WILLIAM J. BENNETT, WHY WE FIGHT: MORAL CLARITY AND THE WAR ON TERRORISM (2002).

³ James Murphy, Good Students and Good Citizens, N.Y. TIMES, September 15, 2002, §4 at 15.

⁴ Ic

everywhere and everywhere disputed; and that therefore politics are already in the academy and there is not even the possibility of keeping them out.

This is a bad argument, not in its premises but in its conclusion. Where it goes wrong is in its failure to distinguish between two notions of politics, one very general and the other very specific. The general notion of politics follows from the fact I have already noted: every arena of human inquiry and endeavor is the location of conflicts of values; no position you take whether it be a position on the wisdom of waging war in Iraq or on the true authorship of Shakespeare's plays-will be universally acceptable; every position rests on contestable assumptions; everything is political. But that very general sense of the political does not undermine or invalidate the differences between the political activities appropriate to different spheres of action. If you are engaged in partisan politics you will be doing the right things when you vote your political preferences, lobby for or against particular policies, and support candidates because they promise to work for causes you believe in. But if you are engaged in the politics of academic life—just as political but differently so—you will be acting badly if your votes in tenure meetings track your political convictions, or if you apply a political test to the authors included in your syllabus, or put your research in the service of a political agenda. You will be acting correctly if you vote for or against a promotion because you believe (as some of your colleagues may not) that the candidate's approach is outdated or too narrow; you will be acting correctly if you exclude from your syllabus authors who, in your judgment, are not quite central to the issues you want to address, even though your colleague down the hall might be building her course around just those authors; you will be acting correctly if you push a new area of study because you believe, in opposition to some of your best friends, that an important path of inquiry has not yet been explored. When you do these and similar things you will surely be acting politically—given the general truth about the human situation you could do nothing else. You will not, however, be acting as an agent of one political philosophy or party but as a committed member of the party and community of academic inquiry.

The point is finally simple, although often resisted or not seen. There is a politics of truth seeking, bounded and defined by the history of intellectual debate, and there is also the politics of elections, campaign contributions and marches on Washington; but they are different politics unfolding from different imperatives and if you confuse them, you will be in danger of losing hold of your enterprise and forgetting what makes it distinctive, and because distinctive, worthy of your dedication and affection. Even though the enterprise—the enterprise of the academy—is necessarily political in the most general sense of that word, it is not and should not be political in the sense that would make it a self-conscious extension of ward politics, either Chicago or Miami style. And moreover, if you guard against the conflation of the two kinds of politics and maintain the integrity of your

project from the inside you will be in a better position to stand firm against the inevitable incursions from the outside.

Well enough of preaching. I of course believe everything I just said and I hope you believe it too and put it into practice. But even if you don't, even if you embrace some of the actions I have described as dangers, your future will not fail to arrive because there is already so much energy devoted to bringing it about. In one of those moments when something had happened that left me discouraged and wondering whether the great adventure was over, a wiser colleague, and a veteran of many years at UIC, said, "Don't worry; there have always been bumps along the road, but basically this place is unstoppable." Well, I say to you here what you already know: this place—Florida International University—is unstoppable.