

Versions of Academic Freedom: From Professionalism to Revolution, by Stanley Fish. Chicago: University of Chicago Press, 2014, 192 pp., \$24.00 hardbound.

Just a Job

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The concept and practice of academic freedom have generated much attention and heat in recent decades. Alas, no resolution to this conflict appears in sight. One reason is the cacophony of voices that fills the air. Perhaps, like the Supreme Court's famous take on obscenity, we tend to "know it when we see it." But what we see often lies in the eyes of the beholders. As noted academic freedom scholar J. Peter Byrne has observed, "lacking definition or guiding principle, the doctrine [of academic freedom] floats in the law,

picking up decisions as a hull does barnacles."¹

Coming to the rescue is none other than the redoubtable literary scholar and public intellectual, Stanley Fish. Fish inspires the twilight of misguided academic idols in his useful and informative book, *Versions of Academic Freedom: From Professionalism to Revolution*. Written in Fish's trademark style—careful and analytical while also dancing with wit and occasional irreverence—*Versions* defends academic freedom while also stripping it of the grander claims and pretensions that wreak confusion and ultimately undermine the very defense of academic freedom in a country that is increasingly skeptical of its more audacious claims.

Though he does address individual cases, Fish's main concern is to delineate properly the meaning of academic freedom to provide a compass with which to consider where to draw the line. In this spirit, he discusses five "schools," each of which champions its own justification for academic freedom.

First, we have the "It's Just a Job" school to which Fish belongs. This school is based on "professionalism,

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¹J. Peter Byrne, "Academic Freedom: 'A Special Concern of the First Amendment,'" *Yale Law Journal* 99, no. 2 (1989): 252–53.

pure and simple.” Second comes the “For the Common Good” school, which is supported by such scholars as Robert Post and J. Peter Byrne. This school stresses academic freedom’s positive impact on such goods as “shared governance and democracy.” The third school is the home of the “Academic Exceptionalism or Uncommon Beings” contingent, which perceives the academic calling as superior in intellect and moral virtue to other callings. Fourth, we behold the “Academic Freedom as Critique” school, led to battle by such luminaries as Judith Butler. This school ventures into the political, emphasizing academic freedom’s essential responsibility in presenting dissenting critiques of academic norms and society. The fifth school, “Academic Freedom as Revolution,” goes even further, advocating academic freedom’s role as an agent of revolutionary change.

Fish’s support of the “It’s Just a Job” school is the product of the author’s intent to ground academic freedom on what distinguishes the academic pursuit from other pursuits and ends that are extrinsic to it. This is admittedly “a deflationary, severely professional account of the academy and academic freedom.” The proper definition, according to Fish, conceives of the academy’s mission in both a professionally bounded normative sense and a structural

sense. The normative mission embodies the disinterested “pursuit of truth” and “advancement of knowledge,” both of which require intellectual freedom as necessitated by the discipline.

Structurally, academic freedom involves the guild-like, autonomous power of professionally accomplished academics to render intellectual judgments about the quality of academic work and the limits of academic discourse. Fish agrees with Post’s institutionally specific definition of academic freedom: “the unimpeded application of professional norms of inquiry.” Justifications of academic freedom that extend beyond this narrower notion draw on values and norms outside the realm of academics, thereby undermining the academy’s *raison d’être*.

Fish’s concept of academic freedom is essentialist, but not in any metaphysical sense. Drawing on the work of such theorists as Ernest Weinrib and Max Weber, Fish depicts the essential or core meaning of academic freedom as (in Weinrib’s words) “immanent intelligibility.” By this, Weinrib “means an understanding of a practice as it is viewed and experienced by insiders who see the field of activity already organized by the purposes that define the enterprise they have joined. His subject is tort law, the law of negligence, and he declares that ‘Nothing is

more senseless than to attempt to understand law from a vantage point entirely extrinsic to it.” And “[w]hat defines a practice is not a set of theoretical propositions, but a firm understanding of its distinctiveness in the Weinribian sense: it is a ‘this,’ not a ‘that.’”

Think of other professions. The legal profession is constituted by the expert provision of legal advice and counsel. The medical profession is defined by its obligation to heal the sick with medical expertise. A doctor who lets his practice be influenced by politics or other extrinsic criteria is no longer acting as a doctor. Similar logic must govern the conceptualization and legitimation of academic life and its freedoms, in Fish’s view. The mission of the academic profession requires professional competence, the freedom of inquiry, and the autonomy of the guild to render intellectual judgment. “The professional definition of academic freedom is not merely a rival account of the academy. It *is* the academy. A capacious definition of academic freedom, urged in the name of social justice and human solidarity, undermines both academic freedom and the very idea of academic life” (emphasis in original).

Fish’s position must be taken seriously for at least three reasons. First, he is quite right that a profession’s claims to legitimacy and

respect should be based on its special competence and the furtherance of its distinctive ends. If doctors suddenly became political, how long would (and should) society harbor its traditional deference to expert medical opinion? Second, the quest for ostensibly more noble external justifications of academic freedom seem unnecessary, except for those individuals who are intransigently political. Are not the commitment to the pursuit of truth, even in the more limited sense that Fish intends, and the intellectual courage and freedom that are necessary for this pursuit to succeed, noble enough in themselves? Is not a good lawyer’s conscientious service to a client noble enough for the same reason? A third reason is more negative: simply the problems that the other schools of academic freedom engender.

Fish reserves his strongest critiques for the Exceptionalism, Critique, and Revolution schools. The claim that academics are entitled to special freedoms because they or their calling possess superior virtue is specious, and discrediting such claims is akin to shooting fish in a barrel. Fish duly makes a hash of this school. The Revolution school is even more problematic, as it completely relegates academic freedom to political ends. Its poster boy is the indefatigable Denis Rancourt, the former University of Ottawa physics professor who was ultimately relieved

of his position because he strove to turn his physics course into what Fish describes as “a workshop for revolutionary activity.”

The Critique school is more nuanced, but it, too, founders on the shoals of externality and politics. Representative is Judith Butler’s advocacy of a “rogue” form of critical inquiry that involves the “interrogation” of the accepted norms of academic inquiry, government, and society. Butler’s criticism unduly undervalues long-standing academic norms; and such interrogation often bleeds into politics, as seen in Butler’s “academic” endorsement of a critical position regarding Israel’s treatment of Palestine. This notion of academics is problematic “unless academics are regarded as political creatures first and as professionals only incidentally.”

The Common Good or Democracy school is the closest outlying position to Fish’s own, and its leading proponents take the traditional institutional aspects of academic freedom seriously. Scholars such as Byrne and Post maintain that the academy contributes to the democratic order, and that this helps to legitimize the academy in that order. “As an account of the likely basis for society’s support of the academy, what Byrne says rings true, but it has nothing to do, necessarily, with what is distinctive about the academy. It is a truth about

the justifying of higher education... not a truth about the constitutive value of higher education.” In addition, some positions taken by the Common Good school raise problems. For example, Martha Nussbaum’s endorsement of Oxford University’s denial of an honorary degree for Margaret Thatcher “illustrate[s] how easy it is for members of the ‘For the common good’ school to cross the line that separates academic work from political advocacy.” Academic “boycotts” of disfavored nations and causes are similarly flawed.

Fish is duly aware that good external consequences can flow from the practice of academic freedom as he defines it. Surely the Democracy school is right that the knowledge and respect for critical inquiry into truth for which academic freedom stands contribute to a more enlightened citizenry. (The other schools have less to recommend in this respect, as they readily spill over into indoctrination or hubris.) And broader social and political support of the academy probably does depend upon such contribution. “If it happens, it is an added benefit, an unsought-for plus, not the heart and soul of the enterprise.”

Fish’s position is essentially correct. The academy’s claim to a privileged status in society must depend upon its members performing their distinctive roles. When we venture into extrinsic

(usually political) ends, we undermine a professional and public trust. If I pay someone to mow my lawn, I don't want him telling me how to raise my kids. Or think of the question in terms of John Rawls's famous "veil of ignorance" in the "original position": would any self-interested person opt for a politicized notion of the academy not knowing ahead of time what form that politics would take? Why should a citizen support an institution that claims to be intellectual but is actually political?

Paradoxically, however, there are two forms of politics intrinsic to the academy that Fish should countenance. First, institutional power is necessary to create the conditions upon which academic freedom can proceed. Second, if forces inside or outside of the academy become threats to the very notion of free inquiry that Fish properly advocates, as is the case in the academy today, the only way to counter such threats is to organize politically. Only power can check power. Recent decades have shown, however, that the advocates of disinterested inquiry are seldom prepared to defend academic freedom in the face of pressure, especially if the threat emanates from within the guild itself. At such times, the cause of academic freedom must become what Justice Holmes otherwise disparaged as a "fighting faith." Without such commitment,

Yeats's prediction comes true. "The best lack all conviction, while the worst/Are full of passionate intensity." Question: Does Fish's "severely professional account" provide the requisite conviction or fire in the belly when such heat is needed?

These concerns ultimately stem from two related key assumptions that underpin Fish's position: his strong defense of academic freedom as a guild or institutional right rather than as an individual right; and his dismissal of a transcendent or metaphysical ("realist") notion of truth as opposed to what he designates the consensual view of relevant experts in the field. Fish maintains, for example, that Holocaust deniers are properly considered "wrong" because that is the overwhelming conclusion of experts who have studied history. Facts are not "self-declaring," and need to be interpreted. True enough, but when all is said and done, the Holocaust either happened or it didn't. What is needed here is a distinction between ontology and epistemology.

Regarding institutional rights, Fish is correct that institutional judgment is essential to academic freedom, lest we grant the likes of Denis Rancourt the right to turn his class into a platform for political activism. But what if the guild or institution empowers policies and truth claims that harm academic freedom, as we have witnessed with the passage of

the overly expansive harassment policies and improper speech codes that have plagued higher education in recent decades? Institutions have often applied such codes against individuals and dissenting groups whose viewpoints are based on

truth claims that powerful interests allied with the institution have improperly considered offensive or harassing.

Fish has little to say about this aspect of the problem in an otherwise very informative and interesting book.