

# FISH'S PURIFIED IVORY TOWER: A REVIEW OF STANLEY FISH'S *SAVE THE WORLD ON YOUR OWN TIME*

BY GREGORY BASSHAM\*

This is vintage Stanley Fish—brash, pugnacious, immensely readable, but ultimately outrageous.<sup>1</sup> The book's central claims fall apart on the slightest inspection. Nevertheless, the problems Fish addresses are real, and some of the radical solutions he proposes do at least point in the right direction.

Fish is a prime specimen of that rare breed, the academic celebrity. Author of ten books and a former Dean at the University of Illinois at Chicago, Fish is currently Davidson-Kahn Distinguished University Professor and Professor of Law at Florida International University. A sober Milton scholar in an earlier incarnation, Fish has become a talking head in the culture wars, regularly contributing to leading newspapers and magazines and appearing on television shows such as *The O'Reilly Factor* and *Hardball with Chris Matthews*. Hard to pigeon-hole in terms of conventional left-right polarities, Fish can always be counted on for the barbed *bon mot* and the hyperbolic sound bite.

*Save the World on Your Own Time* is assembled from previously published essays, and many of which appeared in the *Chronicle of Higher Education*. Wide-ranging and sometimes repetitive, the book weighs in on many of the hot-button academic issues of the past decade, from Ward Churchill to Intelligent Design to David Horowitz's Academic Bill of Rights. A colorful "Interlude" on the travails of academic administration adds spice to the mix. But the central thread of the book deals with the role of ideology and character education in higher education. Specifically, it asks: Should colleges and universities seek to positively influence the ethical, cultural, and civic values of its students? Fish's answer is an unequivocal, "No." He calls for a "purified academic enterprise"<sup>2</sup> in which professors stick to their knitting, never confusing a lectern with either a soapbox or a pulpit. Only in this way, he thinks, can higher education fend off attacks from the right that America's "colleges and universities are

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

2. *Id.* at 153.

hotbeds of radicalism and pedagogical irresponsibility where dollars are wasted, nonsense is propagated, students are indoctrinated, religion is disrespected, and patriotism is scorned.”<sup>3</sup> It is my contention that Fish points in the right direction, but that he seriously overstates the case for an advocacy-free academy.

First, what precisely is Fish claiming when he calls for a “purified” model of higher education? There is a positive and negative side to his thesis. What professors should be doing in the classroom is (1) introducing “students to bodies of knowledge and traditions of inquiry that had not previously been part of their experience,” and (2) equipping “those same students with the analytical skills—of argument, statistical modeling, laboratory procedure—that will enable them to move confidently within those traditions and to engage in independent research after a course is over.”<sup>4</sup> What professors should not be doing in the classroom is (1) consciously aiming to shape students’ moral, political or civic values, or (2) taking partisan stands, endorsing contestable ideas or policies, or advocating any values other than those that are immanent in the academic enterprise itself (honesty, thoroughness, rigor, and so forth).<sup>5</sup> In other words, professors should seek only to transmit knowledge and impart analytical skills, not endorse values, policies, or ideals. Just as governments should be scrupulously neutral on questions of religious truth, colleges and universities should be strictly neutral on all questions of the right and the good. Fish’s “purified” academy is thus a values-free zone in which instructors never step over the line between is and ought.

Fish acknowledges that this view is “severe” and iconoclastic.<sup>6</sup> He admits that colleges and universities have never conceived their missions in value-neutral terms, and that most academics today, on both the left and the right, would reject his view out of hand.<sup>7</sup> But Fish vigorously defends his neutralist model of higher education on several independent grounds. Let’s see if his arguments hold up.

#### THE RESPONSIBILITY ARGUMENT

Why should professors not try to make their students into “good people”—or, more modestly, positively impact their moral, political, and civic values and commitments? One argument Fish offers is modeled on tort liability law. Instructors, he says, have a “fighting chance” of imparting disciplinary knowledge and analytical skills to their students, but

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3. *Id.* at 117.

4. *Id.* at 12–13.

5. *Id.* at 19–30. Fish exempts “avowedly sectarian universities” from these neutralist restrictions. *Id.* at 68. It is unclear, however, whether this exemption is consistent with many of his arguments.

6. FISH, *supra* note 1, at 22.

7. *Id.* at 15.

they have “no chance at all . . . of determining what their behavior and values will be”<sup>8</sup> outside the classroom or after graduation. People are responsible only for things in their power. It is not in instructors’ power to determine students’ non-academic values or behaviors. Moreover, instructors should only aim to achieve what they are responsible for, not things that are unforeseeable and contingent. Thus, instructors should not aim to influence students’ moral, political, civic, or other non-academic values and behaviors.<sup>9</sup>

There are two confusions in this argument.

First, Fish’s claim that people are responsible only for things in their power is an oversimplification. Responsibility is not an all-or-nothing thing; it comes in degrees, and can be shared. Suppose I give a violent, hate-filled speech (“Death to the San Pedrans!”). Suppose, further, that a reasonable person would have known that there is a small but not negligible chance that at least one member of my audience would be incited by the speech to commit murder. Am I to blame for that murder? Yes, partly (although, of course, the murderer bears primary responsibility). It may not have been “in my power” to have prevented the murder, once the speech was given, but I still bear a measure of responsibility for the killing because of my negligent incitement to violence.

In a similar way, college and university professors can bear partial responsibility for their students’ nonacademic values and behavior, even though, of course, it is not in professors’ “power” (i.e., full or even substantial control) how students will react to their teaching. If I am a business professor and I spend the whole semester undermining ethics and praising the most callous forms of amoral capitalism, I bear at least some responsibility if one of my students takes me at my word and gets caught up in an Enron-like scandal. It is true, as Fish argues, that college and university professors have very limited ability to influence their students’ behavior and values, for either good or ill. But that is not the issue. Limited influence is not the same as no influence. The question is whether there are things professors can do that will positively impact their students’ moral and civic behavior, and whether these are things that professors should be doing in light of their other responsibilities.

Second, Fish’s claim that people should aim to achieve only what they are responsible for is an overgeneralization. Imagine if parents or church leaders adopted this principle. Parents clearly cannot “determine” whether their kids will respect their prohibitions on underage drinking or risky sexual behavior. Should they, therefore, “aim low” and avoid such topics altogether? Should pastors stop exhorting their flocks to live righteous lives because they cannot “determine” how their congregations will react to

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8. *Id.* at 58–59.

9. *Id.* at 59.

such teaching?

Fish might object that these analogies are faulty—that it is parents' and pastors' jobs to engage in such character formation, but that the case is very different with college and university professors. This, however, begs the question, for what advocates of collegiate character education claim is precisely that: professors do have some responsibility—consistent with their other and more primary duties—to positively shape students' moral and civic attitudes.

#### THE NOT-ENOUGH-TIME ARGUMENT

Another argument Fish gives for resisting calls for character and civic education is that teaching purely academic knowledge and skills is a full-time job, and that these essential academic tasks will suffer if professors devote precious class time to moral and civic education.<sup>10</sup> A clear example of this unfortunate trade-off, Fish claims, is evident in the sorry state of college and university writing courses. Too often, he says, such courses get hijacked by leftist pedagogical agendas and little genuine writing instruction occurs.<sup>11</sup>

Fish has a point, but he pushes it too far. Clearly, it is possible to go overboard in teaching values, so that conventional academic instruction gets short shrift. Instructors who transform English composition classes into courses in Palestinian radicalism or Latina bisexual activism are obviously not doing their jobs. However, it does not follow that any use of class time to encourage positive moral and civic values is illegitimate. In a typical English, Politics, or Philosophy course, for example, there are plenty of opportunities to read and discuss materials that are worthwhile both for their intrinsic academic merit and their potential for provoking lively normative debate and shaping desirable values. Often, it is not a question of either/or, but of both/and.

#### THE PRACTICING-WITHOUT-A-LICENSE ARGUMENT

College and university professors are well-qualified, in virtue of their professional training, to teach scholarly and intellectual skills. But professors rarely have training or expertise in character or civic education. Relatively few, for example, can claim to be experts on moral psychology, virtue theory, or normative political philosophy. Fish argues that instructors who step outside their areas of expertise and presume to teach or advocate moral and political values are guilty of “practicing without a license and in all likelihood doing a bad job at a job they shouldn't be doing at all.”<sup>12</sup>

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10. *Id.* at 13.

11. *Id.* at 40–49.

12. FISH, *supra* note 1, at 14.

This argument proves both too much and too little. If it were sound, it would show that nearly all parents, coaches, scout leaders, pastors, and elementary education teachers should refrain from all moral instruction or exhortation. After all, how many of them can claim to be experts on moral psychology, virtue theory, and other scientific and normative disciplines bearing on ethical and civic formation? The argument also proves too little, because it is not necessary to be an expert on ethical theory or politics to contribute in positive ways to students' values and commitments. For instance, one need not be an expert on moral development to know that values such as honesty, responsibility, fairness, prudence, helpfulness, and self-discipline are positive ethical and social values. As educator Thomas Lickona notes, these are consensus or overlapping values that are recognized as desirable character traits in virtually all ethical and religious traditions.<sup>13</sup> Instructors who choose to teach in ways that foster and respect such values cannot be faulted for "practicing without a license."

#### THE CULTURE-WARS ARGUMENT

Fish's main argument for "purifying" higher education of all partisan or normative advocacy is that doing so would neutralize the powerful and increasingly effective argument from the right that America's colleges and universities have been commandeered by 'tenured radicals' who trash patriotism and religion, preach moral relativism, and seek to indoctrinate students with their left-wing politics.<sup>14</sup> The issue, Fish thinks, is not whether this indictment is sound—he thinks it is overblown but not wholly off-base—but what must be done to counter it in state legislatures and in the forum of public opinion. Fish believes that conservatives are winning the public relations war, and that as a result public colleges and universities are likely to face further cuts in state funding as well as intensified efforts by political conservatives to interfere with college and university hiring, retention, and curricular decisions in the name of "ideological balance" and "intellectual diversity."<sup>15</sup> By insisting that all professors—liberal or conservative—avoid ideological politics in the classroom, Fish believes that this potent conservative public relations campaign can be neutralized and the autonomy of America's colleges and universities be preserved.<sup>16</sup>

Is Fish right? The issues involved are complex, and readers will no doubt respond in varying ways. My own view is that Fish's solution would be over-kill. Fish's "purification" would certainly neutralize the conservatives' tenured-radicals argument, but it would also have other very

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13. THOMAS LICKONA, *EDUCATING FOR CHARACTER: HOW OUR SCHOOLS CAN TEACH RESPECT AND RESPONSIBILITY* 37–47 (1991). See generally C.S. LEWIS, *THE ABOLITION OF MAN* (The MacMillan Company 1943).

14. FISH, *supra* note 1, at 117.

15. *Id.* at 117–24.

16. *Id.* at 150–52.

negative effects that would far outweigh this advantage. In addition, I shall argue, Fish's fears of crippling state funding cuts and a right-wing intrusion into college and university staffing and curricular decisions are overblown.

What negative effects would Fish's purification proposal have on college and university teaching? Recall that Fish does not just impose a moratorium on overt political or ideological advocacy. He rejects any endorsement of a contestable idea, policy, or value. Professors on his view should transmit knowledge, impart analytical skills, teach debates, dissect and weigh arguments—but never draw conclusions. They should be rigorously neutral and non-committal on all issues that are open to debate or imply a commitment to action. Even in an Ethics class, he says,

[S]tudents shouldn't be arguing about whether stem cell research is a good or bad idea. They should be studying the arguments various parties have made about stem cell research . . . . Analyzing ethical issues is one thing; deciding them is another, and only the first is an appropriate academic activity.<sup>17</sup>

As someone who regularly teaches Ethics, I find this view unreal. The kind of neat separation Fish calls for between weighing arguments and drawing conclusions is impossible. If, in classroom discussion, it becomes clear that view A is true and view B is false, it would be wholly artificial to perform an *argumentum interruptus* and refuse to draw the conclusion that A is true and B is false. By refusing to draw this obvious conclusion, the only lesson you would be teaching your students is the bad one that well-supported conclusions need not be drawn from compelling arguments.

Moreover, how would Fish's ban on classroom advocacy be enforced? Would chairs and deans conduct classroom observations to monitor the ideological and normative neutrality of professors' classes? The very idea shreds any concept of academic freedom.

Finally, one must consider how Fish's proposal would affect the attractiveness of college and university teaching as a career choice. A great many college and university professors—myself included—chose teaching as a profession because we hoped to have a positive impact on young peoples' lives. America's colleges and universities have been very successful in attracting highly qualified faculty. Would they still be as successful if it were known that professors are barred from making value judgments or attempting to influence their students' values and commitments?

But what of Fish's fears about the effectiveness of the right's public relations campaign against radical left-wing professors? If the very existence and autonomy of America's colleges and universities are imperiled, shouldn't we bite the bullet and "purify" our campuses as Fish recommends?

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17. *Id.* at 26–27.

Fish is crying wolf. For all the complaints about rising costs and tenured radicals, Americans are justly proud of their institutions of higher education and understand their value in keeping America strong, safe, and prosperous. To suggest that either we make our campuses ideologically pure or we put our world-class system of higher education at risk is to pose a false choice. The right-wingers may be scoring points, but they are a long way from winning.