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Eyes on the University

(on Derek Bok, *Universities in the Marketplace: The Commercialization of Higher Education* [Princeton: Princeton UP, 2003]; Jacques Derrida, *Eyes of the University: Right to Philosophy 2*, trans. Jan Plug, et al. [Stanford: Stanford UP, 2004]; Ravinder Kaur Sidhu, *Universities and Globalization: To Market, To Market* [Mahwah, NJ: Erlbaum, 2006]; Sheila Slaughter and Gary Rhoades, *Academic Capitalism and the New Economy: Markets, State and Higher Education* [Baltimore: Johns Hopkins UP, 2004]; and Jennifer Washburn, *University, Inc.: The Corporate Corruption of American Higher Education* [New York: Basic, 2005])

...there follows one corollary which itself deserves to be inscribed upon every wall of the city of philosophy: Do not block the path of inquiry.

—Charles S. Peirce

Scanning a number of recent studies on contemporary universities, one theme emerges: over the last thirty years, a substantial number of those who trade in the marketplace of ideas have capitulated to the profit motive, and in the bargain they have surrendered their rights to the unfettered pursuit of knowledge. If research is by definition a disinterested process, then most of the research universities in the United States are scarcely worthy of the name. For sale to the highest bidder, and in pursuit of the next contract, their mission, as Ivan Illich observed, “has lost all but a tenuous tie to sense and meaning, let alone truth” (1). Such universities often educate in spite of themselves, their attentions drifting increasingly toward their concomitant functions as athletic and social clubs, as speculative investment trusts and as patent and trademark clearinghouses. In view of these trends, few are sanguine, plenty troubled, some incensed. But even apologists will likely grant that the path of inquiry, once a relatively open thoroughfare with myriad routes and waysides, has since developed into a network of superhighways reserved primarily for merchantable traffic at the wealthiest of institutions. Peirce’s city of philosophy, once the thriving core of academic aspiration, has lately assumed the aspect of a downtrodden slum surrounded by a ring of glistening exurbs.

Pessimism has long characterized commentary on universities, but the complaints advanced by Thorstein Veblen and Abraham Flexner seem rather mild when juxtaposed with more recent critiques. Today, there is little purpose in disputing Veblen’s assessment of higher education as “a merchantable commodity, to be produced on a piece-rate plan, rated, bought and sold by standard units” (139). Meanwhile, whereas Flexner

found “the mixture of students of history or Greek with green reporters and immature bond salesmen...intolerable,” to the twenty-first century first-year that same mixture probably seems inevitable (63). But to more seasoned critics, today’s universities come in for little respect and even less trust. Accused of exploiting their various constituencies, they are also suspected of unchecked, unreported conflicts of interest that have grown beyond accounting and beyond belief, if not yet beyond repair.

Such obloquies are not equally applicable across the board, but they seem to apply most decisively and uniformly in the US, home to nearly all of the fifty-plus institutions of higher learning whose endowments are valued at over one billion dollars. Yet, for all of their wealth, it is precisely in these billionaire universities where student debt spirals most radically out of control, and where the top priorities for institutional planning have shifted most decidedly toward the bottom line. That such institutions should continue to cloak themselves in the mantles of altruism and philanthropy seems laughable at best, and pernicious at worst. They are, by many standards, enormous universities, and yet there are those who love them. Increasingly, however, their greatest champions are their administrators, corporate partners, and fund managers, while their biggest losers include valuable portions of their faculties, staffs and students.

In such a climate, whither the university? This question preoccupied Jacques Derrida for much of his career. The result, for readers of English, is a new collection titled *Eyes of the University: Right to Philosophy 2* (2004), translated by Jan Plug and others. Containing a variety of addresses, critiques, essays and reports spanning the 1980s and 1990s, including several documents related to his work with GREPH (Group for the Research of the Teaching of Philosophy), many of its pieces were occasioned by invitations from prestigious North American universities. They are a testament to Pierre Bourdieu’s observation that Derrida found himself a peripheral figure within the French academy precisely because of his irreverence toward institutional protocols—leaving his thesis undefended until he turned 50—and his reflexive scrutiny of the university as a whole (xvii-xix).

In “Vacant Chair: Censorship, Mastery, Magisteriality” (first delivered at Toronto in 1984), Derrida considers the range of censoring functions that characterize the university, from outright suppression or repression in collusion with the state to more subtle forms of marginalization and de-legitimization via institutional custom and practice. “A book,” he explains, “of which two thousand copies are published, an untranslated book, remains, today, almost a confidential and private document” (47). If the translation of these words marks a small victory against censorship, the larger defeat comes in their publication between two covers, for under current copyright conventions they will likely remain there, nearly as confidential and as private as ever. In an age of specialization, only a

handful will be at liberty to pursue them in the stacks, for, as John Dewey noted, “a high degree of intellectual freedom in a narrow and technical line is in effect a restriction of intellectual freedom” (15.208). Such are the bars of the university department and the university press, which fill almost subconscious censoring functions through their very structures.

At the heart of *Eyes of the University* stands the magisterial “Mochlos, or the Conflict of the Faculties” (first delivered at Columbia in 1980, in receipt of an honorary doctorate), previously translated and published in *Logomachia: The Conflict of the Faculties* (1992). Here Derrida takes up Kant’s last work, *The Conflict of the Faculties* (1798), which postulated a decisive division in the university, pitting the leftward-leaning lower faculty, consisting of philosophers (arts and sciences) against the rightward-leaning higher faculty, consisting of businessmen (theology, law and medicine). According to Kant, this conflict privileged those who would act as instruments of government, laboring on behalf of official state discourse (the cleric, the lawyer, the physician), while subordinating those scholars proper who presumed to critique official state discourse (the naturalist, the philologist). This lower faculty, finally, was responsible for the perpetuation of the conflict, for it was only their quest for truth (whether regarding climate change or cultural studies) that could furnish a rebuke of the higher faculty’s relentless quest for power (25-59).

Recognizing the university’s increasing marginalization, Derrida attributes its fall from grace to ever greater state distrust and to the relative demotion of the university library, which continues its slow decline from a central storehouse of knowledge to one set of archives among a slew of others. As Peter Drucker explained, in a post-capitalist economy, knowledge becomes the foremost economic resource, serving as the precondition of and sustaining factor in economic and/or military hegemony. Yet, in a digital age, there is no particular reason why universities must serve as centers of all known and potential knowledge, or indeed as centers of anything at all. From this it might be extrapolated that the ongoing privatization of the billionaire university is less a cynical power grab than a desperate defense mechanism meant to counteract an increasingly eccentric relationship to state power. In such an unstable environment, which tends finally to mimic market conditions, the strong will doubtless survive, grow stronger, and flourish, whereas the weaker are more likely to scale back, merge, or dry up. Derrida makes an elliptical gesture toward these developments in his brusque conclusion that “the university is about to close” and in his elliptical call for a new university *droit* (i.e. a new ‘right’ and a new ‘law’) (108).

Less than six months after Derrida delivered “Mochlos” at Columbia, a new *droit* did come to pass, in the election of Ronald Reagan and with the Bayh-Dole Act of 1980, which extended intellectual property

rights to numerous academic-industrial collaborations supported by federal funding. Through this measure, the U.S. government moved once again to privatize the public trust, much as it had done with the Federal Reserve Act of 1913. Thus the system of federal banks, public by custom, though no longer in effect, provides a striking parallel for the devolution of the university system, largely public by affiliation, but increasingly private in ambition. In its original conception, Bayh-Dole (officially known as the Patent and Trademark Law Amendments Act) applied only to small businesses, but Reagan's subsequent executive order lifted that restriction, opening the floodgates to businesses of all sizes. In the two decades since, the largest universities and the largest corporations have become full-fledged partners and rivals, jockeying for position in the search for cash cows that can fit into pork barrels.

Toward the end of his life, Derrida reflected that with the resulting paradigm shift, the university everywhere "risks becoming a branch office of conglomerates and corporations" ("Future" 28). If major biotechnology initiatives and campus expansions at Harvard and Johns Hopkins are any indication, the future is now, with the cities of Boston and Baltimore countenancing and even underwriting the gambles. This further shifts the balance in favor of the higher faculties, with large portions of the science faculties abandoning their philosophical commitments to join forces with the business, law, and medical faculties. The conflict of the university faculties is thus replicated in the more localized conflict of the philosophy faculties, dividing the liberal arts, on the one hand, and "the salaried, mercenary arts," as Derrida named them, on the other ("Future" 33).

Those who have cast their lots with the salaried, mercenary arts are now fully launched on a model perhaps best described as "academic capitalism," a phenomenon first analyzed in depth by Sheila Slaughter and Larry L. Leslie in their *Academic Capitalism: Politics, Policies and the Entrepreneurial University* (1997). In its sequel, *Academic Capitalism and the New Economy: Markets, State and Higher Education* (2004), Slaughter and Gary Rhoades provide a careful analysis of the origins, intricacies and ramifications of the Bayh-Dole Act and other comparable pieces of legislation. As they see it, the cumulative effect of these laws has been to prompt a shift from public interest to market imperative. In the breach, two distinct approaches remain: the waning public good model—emphasizing the virtues of basic science, communalism, discovery, free flow, a knowledge commons and universal enlightenment—and the waxing academic capitalism model—privileging applied research, corporate alliances, global markets, knowledge privatization, product and service development and maximum profits.

In *University, Inc.: The Corporate Corruption of American Higher Education* (2005), Jennifer Washburn speculates that citizens pay at least three times for those products and services developed under academic

capitalism: first via university funding, in taxes; second via corporate patents and trademarks, in royalties; and third, and most decisively of all, in the diminishing quality of education itself, which is too often usurped by the unceasing demands of enterprise. In the aftermath of corporate success stories like Genentech, universities nationwide have established technology transfer offices to manage their newfound profits, though many spend more in legal fees and operating costs than they recoup in patent and trademark royalties. The news can be even worse for those scholars on the successful end of the spectrum, for they find themselves in a climate that tends to retard and/or sanitize unfavorable studies, impacting hiring practices and tenure reviews and creating a climate of distrust and secrecy across all ranks. For the more scrupulous in the health and science fields, the professional repercussions can be severe.

Washburn relates story after story about established faculty members who have been ostracized, persecuted, and removed for prioritizing research findings over research funding, with a strikingly high incidence of cases in the University of California system, between Ignacio Chapela and Tyrone Hayes at UC Berkeley and Betty Dong at UCSF. The same plight applies to countless unknown graduate students, who find themselves torn between disciplinary commitments and the professional prerogatives of advisers increasingly beholden to and/or implicated in the interests of for-profit sponsors and subsidiaries. In time, this creates a system of internal corruption all but guaranteed to perpetuate itself. As Richard Horton, editor of *The Lancet*, acutely observes, “journals have devolved into information-laundering operations for the pharmaceutical industry” (qtd. in Washburn 112). Beyond the mockery that is thence made of peer review, the larger implication, as Washburn intimates it, is that “academic medicine is becoming tainted to its core” (116).

To present such grave charges is one thing, but to propose meaningful changes is quite another. Troubled as they are by the status quo, Slaughter and Rhoades recommend rather moderate adjustments, suggesting merely that intellectual property revenues be diverted away from research and development and toward the support of undergraduate education (336-8). But to what end increased support for undergraduates when the means of that support will ensure limited access to knowledge for all but the wealthiest institutions? Such an initiative, meant to counteract the relative neglect of the undergraduate, will privilege a select body of undergraduates at the expense of all others. For her part, Washburn seeks change at the level of legislation, calling for conflict-of-interest laws and a new federal agency intended to monitor lobbying abuses (229-235). Noble ideals, to be sure, though relying upon the federal government to institute reforms of these kinds seems a rather dubious proposition, especially considering that the very quagmire which is academic capitalism came into being at the government’s behest.

While the higher faculty tends to rule the roost, there are occasions when the lower faculty carries the day. As Derek Bok explains in his *Universities in the Marketplace: The Commercialization of Higher Education* (2003), “a vote of no-confidence by the faculty is generally fatal to a president” (95). Prescient words, these, for Bok recently re-assumed the presidency of Harvard University on an interim basis, thus succeeding Lawrence Summers, who tendered his resignation while staring down his second no-confidence vote in as many years at the hands of the Faculty of Arts and Sciences. Given this turn of events, Bok’s volume on universities, now three years old and slightly dog-eared, is suddenly topical again. While not nearly as anodyne as Yale’s Richard Levin in *The Work of the University* (2003), Bok too can serve up impressive stretches of noncommittal, uninspired prose, consistent with Bill Readings’s notion that the university president tends to address a variety of issues “without expressing any opinions or passing any judgments whatsoever” (55). If Bok occasionally transcends this rule—call it the banality of administration—the achievement might be attributed less to his intrepidity than to a mistaken impression that he was safely retired, and thus able to seek a certain amount of expiation via the moral high ground.

With Bok back in office, one wonders what it would mean to hold him to his belief—delicately stated, as though a conjecture rather than a *fait accompli*—that “commercialization threatens to impair the university’s reputation for objective, disinterested teaching and research” (117). In fact, commercialization *will work*, or, in many cases, *already has worked*, to impair the reputations of those universities that have succumbed most thoroughly to it. How then will Bok act to stave off the creep of commercialization in his own university? Fresh from the newly published *Our Underachieving Colleges: A Candid Look at How Much Students Learn and Why They Should Be Learning More* (2006), Bok may continue to balk at the challenge, following Harvard’s institutional lead in focusing his primary energies upon the long-neglected question of the undergraduate curriculum. Yet, if *Universities in the Marketplace* serves as any sort of guide, Bok’s second administration will be long on equivocation and short on reform. For example, Bok blithely dismisses stricter conflict-of-interest regulations on the grounds that such disclosures might “deepen the public’s suspicions about the objectivity of academic research and thereby place universities and their scientists and scholars under a cloud” (147). In effect, Bok is asking us to engage in a confidence game, automatically absolving a corruptible institution in the interest of its own reputation, any and all pertinent evidence notwithstanding.

While Bok scarcely addresses the question of endowments—even as that question hovers above his respective concerns with athletics, sciences, and general education—it would be remiss to neglect mentioning Harvard’s record-breaking growth, its own endowment having tripled twice since the

final years of Bok's last tenure, and recently announced at \$29.2 billion, and rising fast. To give a sense of the resulting disproportions: in a single year, 2003, Harvard Management Company bond managers David R. Mittelman and Maurice Samuels were paid salaries and bonuses in excess of \$70 million, a sum surpassing the *total endowment* of the University of Nevada at Reno. Such gaudy numbers controvert the sentiment that "a truly large endowment is an insurance policy with no beneficiaries" (Engell and Dangerfield 68). Beneficiaries there are, though these have little to do with the educational missions of the universities. Regarding an institution that plows over one-third of its resources in hedge funds, natural resources, private equity, real estate and venture capital, reaping billions of dollars per year in the event, and all the while retaining the guise of a non-profit, Howard Gardner concludes of his own university that "when Harvard.edu morphs into Harvard.com, it should lose its tax-free status and be classified with Disney and Wal-Mart, rather than with the Sorbonne in Paris or Xinhua in Beijing" (98).

If only, at least, the universities in the U.S. *were* classified with the Sorbonne or Xinhua! Apart from Derrida, who speaks in vatic terms of the university in general, Bok, Slaughter, Rhoades, and Washburn tend to discuss the university as though it were an exclusively U.S. institution. Such myopia leads Bok to claim that overhauling Division I athletics would be "virtually impossible," arguing against the professionalization of intercollegiate athletics via the tautological conviction that "it simply wouldn't work" (53, 124). Had Bok looked to Mexico, he might have discovered the trajectory whereby a number of soccer clubs originating in university settings have gradually transitioned to more flexible, professional arrangements, maintaining their institutional affiliations without a rigid insistence upon the insidious pretense of amateurism. Or, to take another example, had Cary Nelson, recently elected president of the American Association of University Professors (AAUP), looked beyond the U.S. to the wider world, he might have thought twice before concluding that "achieving a fundamentally ethical workplace in academia is now impossible" (25). Perhaps, at the moment, to its more reflective employees, ethics *do* appear impossible within the University of Illinois system. But there are other university models beyond those affiliated with the Bowl Championship Series and/or the Archer Daniels Midland Company.

How refreshing, then, the turn to Ravinder Kaur Sidhu's *Universities and Globalization: To Market, To Market* (2006), which takes up the Foucauldian call to parrhesia, or fearless speech, in critiquing what she terms "the excesses of neoliberalism in the academy today" (xxv). Given those same excesses, which underwrite the narrative of complicity and defeat spun by Bok and Nelson, it should come as little surprise that Sidhu's critique comes not from the US but from Australia, where the march of neoliberalism is somewhat less advanced. Putting a twenty-first century

spin on Flexner's *Universities: American, English, German* (1930), Sidhu's methodology is comparative not simply in a Euro-North American sense, but in a more thoroughly global sense. She explores the institution of the university in the round, beyond the customarily narrow orbit of institutions and national traditions, unto a patchwork of interlinked cases across four continents. While she gives due attention to net providers of higher education such as the United States and the United Kingdom, she also investigates net consumers of higher education like Brazil and Singapore. In this fashion, she establishes "an alternative global imaginary from that of the integrated single global market," drawing a slender but instructive portrait of the context-dependent characteristics that differentiate various types of universities (295).

Reading Sidhu, one quickly realizes that to speak of the university in general is to speak on false pretenses. While the university stands for one thing in Minneapolis (where the major public university, though comfortably in the billionaire club, clings to a proportionally begrudging state endowment and thus justifies charging tuition at an ever-greater rate), it stands for quite another in São Paulo (where the major public university, not yet in the billionaire club, enjoys a proportionally generous state endowment and therefore remains tuition-free). It is instructive to note that the major public university in Mexico City, whose fees were non-existent or negligible for nearly half a millennium, registered a substantial tuition increase in 1999. This change prompted six months of widespread protests and strikes, subsequently quashed. Thus, whereas up until recently the National Autonomous University of Mexico bore a stronger resemblance to the University of São Paulo, post-NAFTA it has begun to bear certain resemblances to the University of Minnesota. DR-CAFTA and the proposed FTAA may well portend further changes of these kinds for other American universities.

Of particular value are Sidhu's ethnographic sketches documenting her own alienations, insights and struggles as an Indian-Australian researcher adrift in the global academy, finding herself amidst, for example, an international ladies' tea at Stanford University, where, as she quickly realizes, "the desired subjectivity is the elite other who has the right qualities to assimilate" (94). As Sidhu makes clear, those elite others are now assimilating en masse and around the world. As such, an institution like the University of Virginia is perhaps better considered as a member of Universitas 21 (alongside the Hong Kong University and the National University of Singapore) than as a member of the Atlantic Coast Conference (alongside Clemson University and North Carolina State University). But there are no hard and fast rules. Today the university is becoming a global institution in some places, a national one in others, and a parochial one in still others. With each passing year, it becomes increasingly more incumbent upon critics of the university to take a

broader view of the various types of institutions that lay claim to the name, not only within their own immediate orbits, but also well beyond them.

Due attention might be given, for example, to the University of Tehran, which has long been at the epicenter of Iran's cultural, political and religious foment, or to Birzeit University, the foremost Palestinian institution of higher learning, which Israel has closed on several occasions, sometimes for periods of months or even years on end. How do the cultures of protest and the mechanisms of control at these universities compare with those in place at Columbia University in New York City or at Kent State University in Ohio—or, indeed, to broaden the lens, at the Universidad Centroamericana “José Simeón Cañas,” in El Salvador, or at Chonnam National University in South Korea? The question may prove useful not only for critics, but also for administrators, as they too have much to learn from such comparative inquiries. To wit, regarding the question of rapid growth and transformation, multi-tiered state university systems in the US which have come to depend heavily upon community college networks could take valuable lessons from vast institutions like Anadolu University in Turkey, or Indira Gandhi National Open University in India, or Shanghai Television University in China, which enroll between them three million students and more in dozens of campuses separated by thousands of miles.

Finally, universities looking to improve their digital infrastructures should attend to distance-learning innovators like Canada's Athabasca University and England's Open University. These last aspire in theory, if not always in practice, toward models of accessibility and engagement that bring the wider world into the university fold. It is ultimately an openness of this kind that we should celebrate as a boon to the advancement of knowledge, after recent calls of similar stripes from Lawrence Lessig and John Willinsky. Meanwhile, to those who would wall the world out, striving toward models of enclosure in the interest of private gain, the questions must be asked: How does your work serve the public interest? To what ends your patents, your proprietary schemes and your publication methods? Those who insist on pursuing research and teaching agendas under the cloak of competitive secrecy should be held to a stricter accounting, as should those specific institutions that aim to advance and underwrite their reputations by such means. The universities: it would be best to try and keep our eyes upon them, to the extent that we still can.

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