

Governments and Universities

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The activities of the human race may be seen as a triangle. At one angle are those devoted to keeping the physiological organism in being through the gratification of the practical needs of food, shelter, clothing, movement, etc. They do this through the collection and cultivation of plants, the mining of minerals, the hunting and catching of wild and edible creatures, the husbanding of domesticated ones for food, traction, the use of animal skins and spun and woven fibers, etc. These activities are susceptible to specialized performance and to coordination into a division of the labor that serves the gratification of these practical needs, although often in a very roundabout manner. At the second angle are those activities addressed to the understanding and interpretation of the vicissitudes and enigmas of man's existence on the earth and in the cosmos, perceiving and assessing the principles and powers that govern human actions and achievements, individual and collective. The activities that attempt to find the meaning and the laws of existence, in large and in small, that attempt to make sense of the world and men and their history are also organized into elaborate institutional forms that are capable of specialization of performance and coherence through a division of labor with unity, and they are sustained by deep and subtle traditions. The third angle subsumes those collectivities that permit and preside over the

gratification of physiological, cognitive, and spiritual necessities, that maintain and increase order by regulating conflicts and enunciating rules. These include families, villages, tribes, municipalities, nations, and states.

Governments—legislators, civil servants, judges—universities, churches, the ownership of land, buildings, and machines, the learned professions, and the military together form the center of society, which is a loose agglomeration; they are attended to and deferred to; they preoccupy minds and attract aspirations; they exercise authority and play a dominant part in the allocation of resources and rewards.

The agglomeration of the constituent parts of the center is never wholly harmonious or in an easily stable equilibrium. Each of the constituent elements has its own pattern of values elaborated through long tradition and nurtured within specialized institutions. These traditions are not mutually exclusive of each other in their ends. These traditions contain ends that, although compatible and even mutually affirmative in particular points and on occasion, are not identical. Within the center, the various constituents may be in relationships of superordination and subordination, of consensus, compromise, and conflict.

Governments and churches have coexisted in changing relationships with each other for many centuries. Between theocracy at one rare extreme and real caesaropapism at the other no less rare extreme, with the earthly ruler being effectively and not just nominally the head of the state-religion, there are many intermediate points. At present, the relationship between these two central institutions in most liberal Western societies is the far-reaching factual separation of church and state. The state does not intervene into the internal government of churches, it does not attempt to regulate their doctrines, it does not subsidize them, nor does it demand particular services from them. The churches are almost as separate from the state as they could be. They do not claim that the government should use its powers to require that all members of the society subscribe to their particular religious belief; they acknowledge the right of the government to conduct educational and eleemosynary institutions without their own participation. It is true that a complete separation is not attained in any country: the remnants of caesaropapism remain, for instance, in Germany and the United Kingdom; the property of churches is exempt from taxes on real property: in the United States monetary contributions to churches—as well as to educational and charitable institutions—are treated by government as permissible deductions

from taxable income. Furthermore, churches are not interested only in the next world. They have always attempted to give ethical guidance to the earthly conduct of their own members, and they have almost always judged the conduct of their earthly rulers. As the preoccupation of the churches increasingly embraced the affairs of this world, the churches became assessors of the moral condition of society, and this too forced them into contact, often censorious, with the government of their societies.

A complete separation of church and state is impossible; so is a complete and harmonious fusion. So too is the complete and harmonious subordination of the church to the state. The same limits obtain for the other institutions of the center. As long as each has its own sphere of activity, and as long as each cherishes its own ends and values, complete harmony between them seems out of the question. Yet they exist in the same society; they are parts, however different from each other, of the same center of that society. They are bound to each other by all sorts of ties of mutual dependence. Nonetheless, despite all these traditional and inevitable interdependencies, liberal Western societies in the latter part of the last century and the first half of the present century have tried to establish a very considerable degree of pluralism in the relations of the different sectors of the center.

From positions of subordination or dominion, the churches were equally removed by the increasing religious neutrality of the states and the universities. The universities enjoyed, within the limits set, the various national traditions and arrangements that obtained in this time; a fairly far-reaching separation from the state. Both churches and universities appeared to be at the same rung on the ladder of autonomy from the state. The churches, however, were moving in the direction of greater separation from the state; the universities were on the verge of a movement towards a diminution of their autonomy. The churches were acquiring greater autonomy as governments became more indifferent to matters of religious belief; on the other hand, the relations of government and universities have become denser and more multifarious because secular knowledge has come to be more highly regarded by governments. Governments have come to believe that secular scientific and scholarly knowledge are pertinent to their own purposes and to the ends they have in view for their societies. The beliefs that scientific and scholarly knowledge such as is pursued in universities is instrumental to the achievement of the ends of economic prosperity, social justice, and

military effectiveness, and that the possession of such knowledge should be made available to individuals so that they may increase their incomes and elevate their social status, work against a separation of government and universities comparable to the separation that has come about between governments and churches.

In societies where universities and churches were once allied to each other, the separation of church and state has also been concomitant with the separation of church and university. The close ties which once bound the church and the state have been relaxed while the ties of state and university have been tightened. The separation of church and university was a necessary condition for these two simultaneous and opposite movements.

The universities are not the only arrangements dealing with cognitive tasks, any more than governments are the only institutions concerning themselves with practical tasks. Churches and monasteries, academies, research institutes, and independent private foundations for the pursuit of scholarship are among the variety of institutions devoted to the pursuit of learning. Universities have emerged triumphant over all these alternative arrangements for learning during the course of the past century and a half. The prominence they have achieved in consequence of that triumph has made governments more demanding for their subordination. There is a principle of division of labor among institutions implicit in the ends which each cultivates, but there is also potential conflict among these sets of ends. This division of labor may be so organized that it does harm to one or the other partners of the division, or to the others and to the larger society and culture of which they are parts. Each, regarding exclusively its own interest, may frustrate its own intentions and do damage to the other institution and to the larger whole. Such a situation seems to have developed in recent decades as the demands on governments, and the aspirations and self-confidence of government officials, have grown. Politicians and civil servants have come to think of themselves not only as the ultimate arbiters whose task it is to confine conflict within the bounds of the political order, but also as the agents of substantive values. The prudential American concept of "a compelling state interest" that permits the substantive values of institutions to be overridden is indicative of the tendency of the state to regard its own substantive ends as more central than those of all other sectors of society.

The effective equilibrium between universities and governments, which prevailed in most Western countries for about three-quarters of a

century up to the 1930s in some of them and later in others, now seems to be under stress.

The relationship between universities and government must be restudied in a wide historical context and with a fresh appreciation of the contemporary situation. There is a pressing need to reconsider what each owes to the other, and what each owes to values inherent in its own distinctive nature and not necessarily harmonious with the values of the other. The objective should be a "constitution of university and state according to the idea of each."

I

The government and the university each owes to the other the acknowledgement, and the performances corresponding thereto, of their distinctive and different obligations to the well-being of their society, their culture, and their civilization—three things which are by no means identical. Government is not coterminous with society; the well-being of society is not always, even in the welfare state, what government decides is the well-being towards which it should strive. The purposes and the values of the various sections of society are never exhaustively protected or pursued by governments, although certain illiberal governments pretend to be able to do so and actually do. Government has many specific purposes that are legitimated by its service of the purposes and values of the individuals and institutions that make up their society, and by its service of the value inherent in that society and its culture. A government may protect the framework of society, it may enable its constituent institutions of society to pursue their respective and distinctive ends. But governments also have purposes of their own which may result in the benefit of particular groups or the realization of a particular form of society. In the advancement of the purposes which are its own, it may attempt to bend the constituent institutions of society so that they will move towards the fulfillment of these purposes.

The values of universities are inherent in their existence as universities. Those who enter them without the deliberate intention of subverting them accept, in varying degrees of awareness, a commitment to these values. The basic commitment inherent in the activities that constitute universities is a belief in the superior value of some cognitive beliefs over others and of some modes of acquiring knowledge over others. The task of the university is the cultivation, extension, and transmission of knowledge as valid as the human imagination, reason, memory, and observa-

tional powers can make it. If it does not do that, then it falls short of being a university, even though it carries the name of a university. From this end derives its other activities such as training for the professions where such knowledge is a necessity for effective practice. However devoted many of its members may be to "service" and "practical relevance," there is a particular, pervasive, elusive quality which universities generally seek to have or claim to have. This quality is the furtherance of the acquisition and wider possession of truth—of valid and important knowledge—about "serious" things.

There are many academics who profess to scorn such a formulation; others are outrightly hostile to it, and still others point to higher educational institutions that seldom give explicit thought to such an end. Nonetheless, I think that throughout the academic world, there is a sense that dedication to the acquisition of truth is where universities started from, and that most other things universities do should be derivative from that standard. Despite numerous deviations and shortcomings, this interest in what constitutes a university is apprehended far more widely than among a few idealists who are opposed to the idea that the university should be an intellectual "resource station" for the practical purposes of government, of society as a whole, or for particular groups in society.

The general acceptance of this criterion is evidenced by the recognition of a hierarchy, or as it is called, a "pecking order" among universities. It is recognized in society more widely than in the academic world. The fact that so much lip-service is paid to the standard of being a "great university" and of "the obligation to adhere to the highest standards of scholarship and teaching," shows how widely this standard is accepted, both inside and outside universities. Some institutions of higher education approximate this ideal more closely than others. The state of morale of university teachers depends on some measure of observance of this ideal. Where the discrepancy between the ideal and the reality is seen to be great, university teachers become embittered and demoralized and immerse themselves in rancorous and aggressive disputes.

The quality of the society is believed by many persons to depend on the presence of the institutional embodiment of this ideal. Quite apart from the long-term practical benefits that do in fact often flow from the cultivation of this ideal, its denial of this ideal by the "practical" elements of a society in time leads to a brutalizing of that society. A society without learning, like a society without religion or art would be a

society of brutes, however comfortable and well-managed. Even bureaucrats and utilitarian and hedonist philosophers would quail at such a prospect. Totalitarian ideologists and military dictators do not seek the obliteration of learning from their higher educational institutions but neither do they care to maintain a pluralistic society.

There are countercurrents to the foregoing. Some persons would say that any institution which calls itself a university, e.g., "The University of Islam" in Chicago, is a university or that any institution that receives a charter from the state as a university or that is established by the state is a university regardless of what it does when it acquires the legal right to use that name. More common and more influential have been those who assert that universities are justified not by their dedication to ideals of truth and scholarship but by their relevance to the practical undertakings of society as presently constructed and in their likely future. They cannot see much sense in the study of "useless" subjects. The ideal of a university whose curriculum centers around the study of "useless" subjects is preposterous to them; they believe that universities should be subservient to the powers in charge of the practical tasks of society, and ultimately to "the people."

There is still another countercurrent of criticism to the university as an institution of learning that is rather close to the criticisms by the proponents of practicality. It emanates from the critics who charge the universities with being aristocratically indifferent to the needs and interests of "the people." In the United States where this criticism of the universities for "elitism" became most vehement, it was originally espoused by anticapitalistic, antibourgeoisie radicals. Nonetheless, it is closely akin to the populist, practicalistic criticism of politicians, businessmen, and publicists who were not at all radicals. It is not that the latter day critics of the "elitism" of the universities think that they should teach practical subjects exclusively. Their objection places more weight on the fact that the learning pursued in the universities which they condemn, is in its essence not accessible to everyone or is of no interest to everyone. This objection to the allegedly "aristocratic" character of learning is coupled with the "practicalists'" criticism of the "elitist" universities on the grounds that they are "irrelevant" to the tasks of transforming society in a socialistic, populist direction. The "practical" bourgeois, populist, and radical critics of universities all seem to believe—although they have never worked their ideas out in any clear

form—that societies should be homogeneous in their culture, and that there should not be any differentiation in the quality of culture. The idea of a pluralistic society is fundamentally alien to them.

Nonetheless, the criticisms of the ideal from the practical and popular standpoints and the numerous divergences from the ideal within the universities themselves do not annul the actual existence of the university as a place where, in addition to much else, the ideal is cultivated. The universities that are most esteemed, and the university members who seek to conform with the ideal or standard associated with that status do things that other institutions cannot do to the same extent. They contribute to the deeper understanding of the universe and of man and his works, they train students to do so, and they educate young persons up to the highest level of such understanding. This is one of their main justifications for existence and this is why they are esteemed by so many persons. It is one of the main reasons why they have been supported.

Now it is true that this kind of learning, which is the constitutive idea of the university, has not always been practiced in universities. Universities that have not cultivated this kind of learning have not been esteemed; and at the time, the most active and deepest life of learning went on among private scholars or in monasteries or at royal courts.

There are very few private scholars any more; there are very few royal courts, and they are not major patrons of learning; and the monastic orders could represent, if they were intellectually active, only a very small part of the range of learning. At their present level of sophistication it is difficult to conceive of science and scholarship being carried on as amateur enterprises. They are too intertwined with expensive equipment, large libraries, seminars, students, research assistants, and colleagues to revert to their old form. Learning in its present form requires universities. If the universities exclude it, it will languish and the universities themselves will become something very different from what they have been during the better part of the past century and a half.

Learning is a phenomenon which emerges in every differentiated and literate society. It is an emergent property of the social life of the species, like speech in the individual human organism. Like the economic life of the species, it has come to have an institutional organization that performs the function in a way no individual, unaided by institutions and traditions, could ever do. It is a function which has its own exigencies and laws, just as an economic system has. It has inherent in itself a

disposition towards autonomy, but it is not and cannot be wholly autonomous.

II

Universities are not and have never been self-supporting institutions. They have never received payments for their services which were adequate for their maintenance. Greatly esteemed though they have been for their cultivation, pursuit, and transmission of knowledge of the most fundamental and serious things, universities would not have received as much support as they did over the centuries had they not also supplied certain services to the society from which they received their support. The service they rendered was to train young persons for the direct performance of certain vocations and duties.

There are practical activities with high intellectual components of knowledge and skills, mastery of which must be acquired by systematic and disciplined study. The practice of medicine and the practice of law—the traditional learned professions—were among the earliest and most important of these. The cure of souls and their preparation for redemption also fall into this category—a profession in which the practical and the spiritual meet. In the course of the nineteenth and twentieth centuries, the number of occupations with high intellectual components increased; the amount of scientific knowledge incorporated into the practice of the traditional learned professions was vastly expanded. Warfare became more scientific in the sense that the production of munitions and weapons was progressively infused with scientific knowledge. Industrial and agricultural production incorporated scientific knowledge into their procedures. Governmental administration purportedly became more scientific. Record keeping and accounting, necessary to all large organizations, have acquired a more scientific character; social work, librarianship, the detection of crime, and other police work have also acquired intellectual components they did not have in the middle of the nineteenth century. The design and construction of buildings, roads, machines, factories, etc., have all been subject to the same scientific influence. The kinds of knowledge their practice requires and their spokesmen desire as necessary in the training of their practitioners are the kinds of knowledge discovered and taught in universities.

The numbers of persons in these new or minor professions has increased, as has the number of such occupations, and they are now

regarded as more important to society than in the past. Their practitioners certainly regard themselves as more important than they used to be and as more entitled to deference by others. Two of the important grounds for this claim are that their practice is grounded on scientific knowledge and that that knowledge has been acquired in universities and has been certified by them. Universities have had assigned to them the power to legitimize the standing of a profession and its practitioners and it has been thought by many that they alone are uniquely qualified to do so. It has not always been so.

Universities have been esteemed in society because they have been the place where knowledge of "serious," fundamental things was discovered, interpreted, and taught. By a circular process they have also been esteemed because they have been progenitors of the professions and occupations that were closely associated with authority and "serious" things like justice, order, life, and death. In consequence, universities have been regarded not only as a link with the order of serious things through the understanding of their nature, but also because they were linked to the most esteemed roles of their respective societies by the training of their incumbents—and their offspring.

III

Universities were supported by churchmen partly because they were institutions that trained for the superior levels of correct understanding of the world central to a Christian civilization or the service of the church. They were supported by princes partly because they trained lawyers, civil servants, physicians, and clergymen for the service of the state, society, and church—and later teachers for the advanced secondary schools—all of which the prince and his government needed for the good order of society. The universities were supported by the state and by private persons, including ecclesiastical patrons, also because intellectual learning as such was esteemed. In the United States, the state universities were supported by the citizenry and by the state governments for all these reasons. In addition, they were esteemed because they placed opportunities for the acquisition of learning and for entry into the socially superior and more remunerative occupations within the range of a larger part of the population than had been the case in Europe. These various grounds for support could coexist because their corresponding functions could be pursued simultaneously in the same institutions. The univer-

sities could serve both the demands of learning and the demands of their society for learning at the same time. There was sometimes a tension between the cultivators of these two kinds of learning in the university, not least in the United States where the practical learning of the universities received more attention than elsewhere.

There was an unwritten, unspoken concordat between the universities and the government which maintained this balance. The universities performed the service of training for certain professions that the government regarded as necessary and desirable for its own purposes, as well as those of the society for which it was the custodian. They had this while they cultivated serious learning in a dispassionate way. Governments—and private patrons in the English-speaking countries—supported the universities for these reasons, although they placed the greatest emphasis on the training for the practical-intellectual professions. It was in general accepted without question that universities had tasks apart from the training of young persons for the learned professions and for the service of church, state, and society. Learning as such was esteemed as intrinsically valuable, just as the religious knowledge and ritual of the churches were intrinsically and unquestionably valuable. The universities received and they gave. What they gave was a service that they could give because of their unique possession of advanced knowledge.

The universities were placed in a position something like that of the churches. They were regarded as something very different from business firms or voluntary associations. They were clearly different from political parties or political associations. In certain important respects they were placed apart from the everyday life of society. They were not instruments of public policy. Where they served ends contributory to public policy, they were welcomed and encouraged; they were not to be coerced.

Even in the practical United States, the universities were supported by state governments in the Middle and Far West and by private patrons, because they pursued knowledge in a selfless and dispassionate way. It was accepted that they had to have an internal life of their own, led according to their own standards. Despite the university laws laid down by the German states or by other countries where governments promulgated the constitutions of their universities, efforts were made to assure that the universities would have a realm of autonomy of decision and action, in which they could apply their own standards and act in accordance with their own traditions. Even in the time of the *Obrigkeitsstaat* a sphere of autonomous action was respected by the government. Although

professors were civil servants with legal status that entailed rights and obligations of loyalty, they were basically not under the command of the minister or his highest officials. This was what was meant by *akademische Lehrfreiheit* and *akademische Selbstverwaltung*. Comparable principles were not formulated in England because universities were not creatures of the state. Although chartered by the state they were self-governing bodies with a much wider range of autonomy from the state than their continental counterparts. In the United States the situation was not fundamentally different from that in Great Britain. The American pattern was formed in the traditions of Oxford and Cambridge, qualified by the pattern of the colleges of the free Church which had lay governing bodies. The state universities also adopted the institution of a lay governing body so that it was not a part of the executive branch of the state government. In both the state and private universities the principle of the autonomy of the university *vis-a-vis* the government was respected in principle. In fact, the state universities, wishing to remain on good and fruitful terms with the state legislatures, made concessions by providing courses of study and research schemes that would be pleasing to public and political opinion. In the private universities there were not the same pressures on the substance of teaching and research. In both the state and private universities in the United States, the autonomy of universities in matters of appointment was infringed upon when from time to time teachers were dismissed or threatened with dismissal because of their radical political views.

The structure of university government in the United States was a product of this acceptance of the autonomous character of the state universities. They were not governed by the department of education of the state, nor by the state legislature but rather by a board of regents, popularly elected or appointed by the governor, that intended to act as an autonomous body. In this respect they had the same position as the court of a modern British university. Both were lay bodies like the boards of trustees of the American private universities. They were expected to act as buffers to prevent damaging collisions between the universities and the external world, governmental and private. They were also expected to exercise a custodial solicitude over proceedings within the universities. As the present century moved forward, the lay governing body of the university—both the private and the state university—has left the internal affairs of the university more and more to the president, deans, and the academic staff, out of a recognition of the rightness of academic self-

government. (Within the universities, authority has in fact evolved more and more from the central administration to the academic departments, although legally the board of trustees is the ultimate governing body.)

There are many qualifications to be made in this account of the written and unwritten pacts between the universities and government in the United States. Before the Second World War these pacts were sometimes violated by trustees and regents and sometimes by legislators. Most of the infringements touched on the right of the universities to make appointments—particularly reappointments and promotions—in accordance with their own criteria of academic achievement and promise, while the lay authorities insisted that radical political views should be regarded as disqualifications. Such cases were not numerous however. In matters of syllabi, examinations, degrees, research programs, and in appointments, apart from those in which radical political views were involved, governments remained as aloof as the lay governing bodies. Many changes have occurred since that period.

In different legal settings the Continental universities also developed a considerable degree of autonomy. In appointments the final authority rested with ministers of education, acting on the recommendation of faculties. In most cases, the recommendations were accepted. Although the content of syllabi and qualifying examinations for candidates' entry into the professions (*Staatsexamen*) had official status, they were largely made up by professors; examinations for degrees were entirely in the hands of academics. Syllabi were oriented towards professional requirements in those courses of study that were preparatory to the practice of the profession, but since these were mainly in the hands of academics, the syllabi were also. In those subjects in which students were not preparing for the "state examination," the professor was entirely free to teach those parts of the subject that he himself thought most pertinent to the attainment of a high standard of scholarship. On the Continent as in the English speaking world, the marking of examinations has been exclusively a matter for the academic staff. The same has been true of programs of research, although as particular research schemes became more expensive, the autonomy of the university was limited by the readiness of external patrons financially to support a particular kind of research. Even there the various institutional arrangements that were invented in Great Britain, Germany, and France, provided for the decisions to be made by juries of qualified scientists who were usually academics. They were not necessarily from the same university as the

applicant, but the decision remained generally within the academic profession and thus represented some adherence to the principles of academic autonomy.

IV

Throughout the Western world, a strain has arisen in these traditional patterns of relationship between government and universities. The cognitive expansion of recent trends has been accompanied—when it has not been caused—by the belief that knowledge of the systematic empirical scientific subject matter, such as is sought and transmitted in universities, is of instrumental importance in the pursuit of the ends of government, armies, private and public economic enterprises, schools, and many other institutions. Governments have also acquired through popular desire and consent, greater powers than they have ever exercised before, and they also believe in their own competence. There has also arisen a greater desire in the populace for higher education as a path to higher culture, social status, and monetary returns. Western governments have taken upon themselves the responsibility for the realization of these ambitions. These increases in the activities of research and instruction have enlarged the financial burdens on universities and governments that have on the whole been very forthcoming in meeting most of the demands for increased expenditures. In consequence of all this, universities have become much more visible. Governments are now very much more aware of them than they have been in the past, and are demanding more of them. One result is that governments are now much more concerned with and inquisitive about the affairs of universities.

Long before the disruptions of universities by agitating students and their followers, there was much talk about the new tasks of universities. In Great Britain and the United States, reports on the need for more “scientific manpower” and the increasingly munificent governmental subvention of scientific research in the universities, led the universities to be used primarily as instruments for the service of government policies.

In Great Britain the autonomy of the universities has been respected more than in the other Western countries. This was due largely to the traditions established by the University Grants Committee, which made block grants to the universities for them to spend in accordance with their own conceptions. Meanwhile the universities had become almost wholly dependent on the central government for their financial resources. Private

philanthropy, private industry, and municipal government support had dwindled below the level required to meet the rising expenditures needed for conducting university functions under existing conditions. Parliament became more concerned and restive about the universities. As a result the University Grants Committee was detached from the Treasury which had been its only representation to the government, and added to the Department of Education and Science, which already possessed a more direct control over the polytechnic stratum of higher education. The accounts of the universities had within the preceding decade been opened to inspection by the Comptroller and Accountant-General, a relationship that had for several decades been successfully resisted by the University Grants Committee. Most recently, a private members’ bill to amalgamate the polytechnics and the universities into a single unitary system of higher education was narrowly defeated.

The *Wissenschaftsrat* in the Federal German Republic was a new step into the relations between government and the universities. Universities had never been the concern of the central government in Germany. Neither the imperial nor the republican government had concerned themselves with the affairs of universities; the National Socialist regime was the first German government to give attention to the universities—with damaging effect. The Federal Republic returned universities to the care of the states but it created the *Wissenschaftsrat* which had only advisory powers. Nonetheless the Federal government soon entered into university affairs more directly through a system of grants for capital construction. This in itself did not infringe on the powers of the states, but it did establish the central government as a potential force in the life of the universities. The next step was taken with the preparation of the *Hochschulrahmengesetz*, which laid down the pattern for the university laws of the states that had previously been sovereign in this matter. Meanwhile, most of the states had enacted university laws that changed the composition of the governing bodies of universities to include substantial representatives of students and nonacademic staff. One by-product of this has been a pronounced tendency for the new governing bodies to make recommendations for appointments on political grounds. The state governments have felt it incumbent on them to reject some of these recommendations on the grounds that the nominees were disloyal to the constitution. Laws have been enacted prohibiting appointments to the civil service—which include university teachers—on grounds of disloyalty to the constitution.

In the United States the greatest changes have taken place through the entry of the federal government into the relationship with universities. There had been a thickening of relationships during the First World War, but after that war the situation returned to what it had been previously. The previously existent situation had been one in which there was practically no active connection between the federal government and the universities, other than the very restricted ones contained in the Morrill Act and the relations between the Department of Agriculture and the state agricultural research stations that were often connected with state universities or agricultural and mechanical colleges. State and private universities received no grants of any sort from the federal government; they performed no work contract for the federal government. Education was not a "state-subject." The social legislation of the federal government was very limited and did not impinge on the university.

In the Second World War the universities were drawn into corporate relationships with the federal government through the acceptance of contracts to conduct certain research projects on behalf of the federal government. Various parts of the Manhattan Project were conducted by universities on contract with the federal government and under the security restrictions of the armed forces: the Radiation Project was much the same in this regard. The universities undertook to house and provide instruction for various parts of the Army Specialist Training Program.

After the war, the first impact of the federal government was through the "GI Bill of Rights" which, by providing tuition fees and maintenance for veterans of the armed forces attending universities, caused the size of the student body of the universities to expand rapidly. The Office of Naval Research continued to offer contracts to the universities to "perform" research; the Atomic Energy Commission did the same. The Department of Defense and then the National Institutes of Health and the National Science Foundation, when they appeared on the scene, awarded grants, let contracts, and provided postdoctoral fellowships. Grants and contracts also enabled universities to provide scholarships and research assistantships to graduate students in the natural sciences.

In pursuing this course in relation to the universities, the federal government was not developing anything new. The system of grants for "project research" had been developed in a very rudimentary form by the Bureau of Mines during the First World War, then by the National Research Council and the Rockefeller Foundation in the 1920s and 1930s. The provision of fellowships was developed by the Rockefeller Foundation and the National Research Council in the first decade after the

war. The letting of contracts was of course a very old procedure for the purchase of goods and services by governments from private suppliers. The only innovation of the more recent period was that universities became "contractors" like any commercial or industrial firm, which undertook to manufacture military aircraft or to supply typewriters or military books in accordance with agreed specifications and for an agreed payment.

The government has from time to time promoted the teaching of particular groups of subjects, such as oriental languages or medicine. Its interest in the teaching of undergraduates has been restricted to particular subjects for designated periods. It has made funds available by grants and loans for the payment of fees in connection with undergraduate and graduate studies. It has generally promoted the increase in the number of students and the size of the universities.

The federal government has never attempted to support universities in the way in which British and Continental governments have done. It has avoided doing so because it moved into relations with universities in a very piecemeal fashion, and because to do so would immediately raise very difficult political problems. There are more than 1500 degree-granting universities and colleges in the United States; they vary widely in quality and it would be invidious to discriminate among them. It would moreover rouse legislators to look after the interests of their constituents whose interests and desires would undoubtedly bear little connection with their intellectual merit. But there is a more fundamental reason. It is that the federal government, despite all these programs, does not have what can be called a genuine policy with respect to universities. It has rather intended to achieve certain specific ends for which a number of separate, overlapping policies in the universities are regarded as appropriate instruments.

The federal government in the United States works on an unspoken assumption of the self-maintaining existence of the universities. It is not concerned with the maintenance of the universities; it accepts the fact that they are already there and that it may purchase resources from them at marginal cost. Its various policies have not been accompanied by any reflection or sense of responsibility to the source of the services. It is like a tribe at the level of a hunting and gathering mode of life; it looks upon the university as an already existent resource that came into being without its support and that will go on existing without its support. In viewing the existence of the universities, the government regards them as an instrument to be used for particular purposes as the occasion arises and to be set

aside when the occasion passes, as institutions that will continue to exist from their own resources and always available to supply services at marginal cost, when they are so desired.

The government has not developed the concern for the ecology of universities that it has developed for lakes and fishes. It regards the university as a stream which runs on of itself, available to it for particular purposes but of no concern aside from those purposes. It takes no more responsibility for the maintenance of the university than a factory owner, before the period of "environmental" legislation, took responsibility for the replenishment and purity of the stream. As in other spheres of activity, the government of the United States is living beyond its means but manages so far to escape the consequences by consuming the capital accumulated in the past and the capital being accumulated for the future. It is using the capital accumulated by generations of scientists, scholars, and teachers and public and private patrons without any thought for the maintenance and renewal of that capital except sporadically and incidentally to its own purposes.

The Continental and British governments, whatever else they may do, take responsibility for the entire university and at the same time do not demand so many particular services from it. In the British universities Lord Rothschild did attempt to transform a part of governmental support science into a controlled relationship between "customer" and "seller" of scientific services, but that pattern has not come to dominate all of the relationships between government and university in Great Britain.

There is, however, a qualification to be made in this account of the federal government and the universities in the United States. Although the federal government treats the university as it would any other contractor who looks after his own interest and charges accordingly, it has subtly managed to change the nature of the contractual relationship. Whereas traditionally a contract stipulated the good or service to be received, the quality, quantity, time of delivery, and the payment to be made, the government of the United States has now set certain extracontractual conditions to which the contractor must adhere.

Henry Maine's interpretation of legal and social history as a transition from "status to contract" was long regarded by social scientists and historians as touching on a significant difference between modern and premodern societies. The new policies of the government of the United States represent a divergence from this theme. A contract now comprises something outside the terms of the goods or services to be delivered and the consideration offered in return for it; the contractor has now to exhibit

qualities which have no connection with the goods or services. In the years immediately after the Second World War, the federal government introduced into its contracts a stipulation regarding the loyalty of the contractor and his employees. In a limited number of cases this stipulation was roughly reasonable where secrecy was necessary; in many cases it was simply irrelevant to the goods or services to be "delivered," which was not bound by the requirement of secrecy. Nonetheless the precedent was established. The contractor had henceforth to abide by conditions external to the substance of the transaction fixed by the contract.

This obligation to affirm loyalty to the government and constitution was of no practical value to either party to the contract; it was only humiliating to academics and academic administrators to submit to it, but since it was a condition of receiving funds from the government for specific purposes, it was accepted. It was easy enough therefore for the federal government to extend the extracontractual condition in the contract for other moral purposes. The contractor had henceforth, as the insistence on loyalty became less pressing, to employ a staff of a given ethnic composition. This innovation in the relationship between the federal government and its contractor originally was not intended to apply to universities. But as the contractual idiom had prevailed in the purchase of services and the rental of facilities, such as buildings and laboratories from universities by the federal government during the Second World War and then persisted thereafter, universities became contractors like any others.

There are however considerable differences between universities as "contractors" and other contractors. These are not just differences in the nature of the "service" provided. They also lie in the capacity to bear the costs of the government's demands. The federal government's social policies, which intend to promote the welfare of the mass of the population, entail the provision of employment for blacks, Puerto Ricans, American Indians, Latin Americans, and women, and the keeping of records to prove that this is being done up to the required standard. The increased payment of taxes for old age pensions, compensation in periods of unemployment, occupational safety and health, environmental protection, and conformity with minimum standards of wages and hours are also required of universities, just as they are for any private business corporation.

The costs of giving statistically persuasive assurance to the government of "equal employment opportunity" and equal pay are not compensated by the federal government. These costs must be met from revenue

derived from student fees, the interest on endowment and gifts, and by restraint on the increase of the salaries of their teaching and research staff; the acquisition of books and journals by the library and costs of the extracontractual conditions make the burden all the heavier.

Private business enterprises that have these various charges upon them by the federal government can ordinarily transfer any additional costs of doing business to the consumer by raising their prices. When such a private business enters into a contractual relationship with the government, it does so on terms that will meet all of its costs, including the costs of capital equipment, and provide a profit. Universities have never covered their costs and cannot cover their costs from revenue resulting from the sale of their products. They cannot pass the additional expenses—both those involved in the contract and those that are generally applicable to contractors and noncontractors alike—imposed by government to anyone except their students and their academic staff, and by drawing on their endowments. They can increase the fees they charge their students, and they can reduce the scholarships available to them; if they are private universities, they can endanger their continued existence by “pricing themselves out of the market” and by liquidating their endowment. They can also allow the salaries of their teachers and research workers to remain constant and thus fall further and further behind the inflation of prices. They can reduce the purchases of books for the libraries and otherwise dilute their quality. Even if universities were not subject to contractual conditions of their agreement, the governmentally engendered inflation would be a burden on them. The costs of the extracontractual conditions make that burden all the heavier.

When the government makes a contract with a private firm, the firm includes in its charges provision for the payment of dividends to its shareholders in return for the capital that they have provided. The federal government in dealing with universities makes no provision for the reimbursement of the capital used in the fulfillment of the contract. Charges for “overhead,” about which the government is very grudging, do not take into account the uses of capital by which the government benefits when it enters into a contract with a university.

The capital of a university is much more than its physical plant or its library; it is also more than the stock of knowledge and skills that its academic staff members bring to their tasks. It includes the zeal for discovery, the moral integrity, the powers of discriminating judgment, the awareness of important problems, and the possibilities for their

solution that their members possess. These are qualities of individuals, but their stable persistence depends on the existence of an academic community, within departments and faculties in the university as a whole and in the academic community at large—within the boundaries of the country and internationally. These refinements of intellectual sensibility depend on the presence of like-minded colleagues and students, not just within the academic person's particular field of specialization, but over a much wider range.

It is true that it is difficult to apprehend the subtle intellectual product arising from the presence of other persons with similar outlooks and similar propensities. It is nonetheless this presence which keeps these propensities and outlooks alert and constant. The community of scholars who are teachers and investigators at the same time is constituted by these alert and constant propensities and outlooks. The community of scholars who are teachers and investigators at the same time is constituted by this mutual influence and by the identifications formed in consequence of it. This intellectual community and its traditions are what makes the physical plant, the library, and the laboratories and the individual members of the university into a university. This is one of the factors that has made universities so successful in the quest for knowledge and in the induction of young persons into the intellectual and moral culture, which the universities at their best can offer.

When it lets a contract or awards a grant for the performance of a particular piece of research, the government is receiving therefore more than the particular activity of the particular persons who receive the money it pays to the university. The government is receiving the benefits that have come to the recipients of its grants or contracts from the presence of many other scientists and scholars, young and old, students and teachers who, separately and all together through the course of their lives, have sustained and incessantly refreshed the atmosphere that each member of the university inhales. Without a stringent standard, without an alert curiosity, without the sense of the urgent importance of discovery, a scientist or scholar, even with a great stock of knowledge of the “relevant literature” and with great ratiocinative capacity, cannot accomplish very much. These dispositions must be kept intense and vivacious. To attain and maintain them at this high level, the presence of colleagues and students with a similar intensity or vivacity is of the first importance. Of course not all colleagues and fellow students are equally weighty; those who are superior contribute more to put the rest of them on

their mettle; and there are always some who are resistant or impermeable. But the difference between better and less good universities is that the former have a smaller proportion of their members in the latter category.

All of these considerations should make sense even to persons who think strictly in economic terms, who think that capital should, at the very least, be maintained and that a wise policy of investment would set aside earnings sufficient to maintain the inheritance of capital from which future earnings are to be drawn. Such considerations are no more than an argument that the market must set the price for a good that will cover provision for the replacement and renewal of the capital that has gone into its production; otherwise the good will disappear from the market. It will not be brought back into the market by an increase in price because it has grown over a long time and cannot be re-created by deliberate policy. It can only be maintained if the conditions for its existence are maintained. Its growth and present existence are the result of congenial external circumstances and internal processes and inheritance. They are the products of autonomy with a beneficent matrix.

The long-term interests of government—and of society, if we assume that the interests of government and society coincide, which is by no means self-evident—would be advanced by a policy of action towards universities that acknowledges that universities are institutions of advanced learning with their own distinctive and autonomous traditions. Such a policy will accept that universities have the tasks of discovery and transmission of new and important knowledge, of educating young persons highly enough qualified to assimilate that knowledge and training for the practice of professions that demand the possession of that kind of knowledge for their effective practice, and of training young persons to appreciate and carry on the search for new knowledge. This reasonable policy would accept that the performance of these main tasks presupposes the existence within the university of an ethos that prizes the intrinsic value of such learning. It is primarily in such a setting that the intellectual curiosity necessary for the practical application of knowledge or the acquisition of new knowledge to be used for practical ends can be inculcated and sustained.

These things are the root of a university. A government that wishes to continue to collect their fruits will conduct itself so that the root is not starved. A proper division of labor between universities and government is one that would enable the universities to perform their distinctive tasks

and not simply act as an instrument for the execution of the tasks set to it by the momentary or even enduring demands of governments.

Universities have another task which is not met by the fulfillment of their obligations to government and society. This is the obligation to understand what the world in its manifoldness is about. By this I do not mean primarily the understanding of the contemporary world or modern society. I will not say that the universities are identical with churches, but they have much in common with the church in a society of believers. What the universities discover and teach has a status approximate to what the churches have preached. The churches are to be esteemed not because anthropologists say that all known societies have had religious beliefs and a cult of transcendent things; the churches are to be esteemed because what they teach is right and necessary for human beings to know. The understanding and acceptance of the divine order is the obligation of human beings in societies in which that order is acknowledged. The understanding of the world up to the edge of the understanding of divinity is the obligation of the university. The monastic community was—and is—the place for those persons whose need to acknowledge the divine order and to live in accordance with it was the highest possible in existence in this world. The university is the place for those who search unremittingly for the rational understanding and appreciation of the order of this world, and for those young persons for whom that search is an essential component of their lives. The fact that not everyone wishes zealously to lead such a life or is incapable of leading such a life is not a criticism of its value. The fact that not all academics are desirous or capable of leading such a life is no criticism of the idea of the university or of the academic ethos which is central to it. The fact that not everyone cares to or is capable of becoming a creative artist or writer or cares to contemplate the works that such artists and writers produce is not a criticism of art or literature. A society without art, or one indifferent to art and literature of a kind that has no use but which is superior to entertainment, is an impoverished and unworthy society. The same may be said of a society which is indifferent to the achievement of an ordered, rational understanding of the world.

The coincidence in the same place and in the same institutions of the search for an improved rational understanding of the world and the acquisition of understanding that has practical utility sometimes renders it difficult to distinguish these two great functions of the university. At the

same time the dependence of the latter on the former renders it necessary to see that they are different things. A wise policy would see to it that the former is as necessary as the latter and that the latter could not exist without the former. This should be a fundamental article of the new constitution of state and university.

V

In contributing to the support of universities the federal government of the United States disregards but takes advantage of all this. It "buys" specific services: particular pieces of research and particular "training programs." It pays for the time of those who work directly on its projects; it pays for equipment and supplies. It might also pay for the space it uses and for the administrative expenditures connected with the project. It does not pay for the cost that has gone into creating and maintaining a high level of academic morale, or for maintaining and creating the academic ethos, which is under present circumstances a precondition for understanding and its growth. It is at present obtaining those benefits without charge. It exploits them and does not replenish them; indeed, it runs them down. The system of "project-grants" and "contract-research" has disaggregated the universities of the United States during the period of great expansion. It has led to the self-centeredness of individuals and a disregard for the claims of the institution and of the obligations of membership in it or, as some sociologists have put it, to "placing identification with one's profession above identification with one's institution."

The federal government of the United States by its mode of support for particular activities in the universities has been treating central parts of the universities as a "free good." It does not pay for what its "contractors" or its "principal investigators" receive from their presence as teachers and students in the university and in the national and international community of universities and the knowledge that enters into their service for government and society.

The federal government does not pay for the most fundamental part of what it receives, namely the effect of the long tradition of the universities' devotion to the discovery, interpretation, and teaching of fundamental knowledge about serious things. It is this interior life of the university, this devotion to knowledge as intrinsically valuable that gives intellectual substance to the pursuit of knowledge about things that are of practical importance. Without that intense intellectual discipline and

devotion, which is sustained by the tradition interior to the university, there would not be the scientific probity and exactingness and the intellectual sensitivity which goes into research with practical ends in view.

VI

At the beginning I spoke about "a new constitution of universities and state appropriate to the idea of each." The idea of the state is the concern for and protection of the good order of society which includes the material well-being of its members, their diligent support of themselves and their families through paid employment, justice in their relations with each other and with authority, etc. Government is not everything in society, it is not the "be-all and end-all" of society. It is not the church and it is not the university. The church has almost wholly been deprived of its provision of welfare services and the university, on the contrary, has had more and more tasks assigned to it for the provision of specific services required by the purposes of government.

The cultivation of learning for the purpose of the understanding of the order of nature and of humanity and its works has not, like religious beliefs, been declared a "private" affair. It has however been rudely classified by economists as a consumer's good. Others wishing to praise it, classify it as an aesthetic good, like the ballet or the performance of a string quartet. Still others disparage it as "elitist" or as the useless preoccupation of the occupants of an "ivory tower." The government refuses to acknowledge it as such and supports only particular research projects and training programs "related to national needs."

The government, insofar as it is not using something of the greatest value at no charge to itself—the cost of the capital being borne by state governments and private patrons—is doing so "on the cheap." It is not paying for what it is getting; it is rather demanding and obtaining a great deal more than what it pays for. It is using up and not renewing the intellectual capital of the universities by making their circumstances more straitened than they have been. It is proceeding blithely to starve the goose which lays the golden eggs, assuming that there are others who will breed more geese and who will feed them. It is going further than this and insisting that the universities appoint their staffs with regard to racial and sexual characteristics of candidates, instead of attending to excellency by intellectual criteria. As a result the intellectual capital of the universities is further depleted.

The universities of the European continent have not been faced with this problem, since there their governments take responsibility for the mass of the total budget of the universities. The dangers they face from their governments are however not unlike those faced by the American universities. In Sweden, the central government aims to turn the universities into institutions integrated into the labor market. Their functions, according to its intentions, will be to train students for particular professions and occupations. In effect places of learning will be closed. The other Continental universities have not gone this far in explicitly depriving the universities of their autonomy by making them subservient to the presumably predictable future demand for persons to engage in particular professions and occupations.

The hardest blow that a number of Continental governments have struck against the continuity of the intellectual traditions of universities has been through the provision in the new university legislation for the participation of academically and intellectually unqualified persons in the deliberations and decisions regarding academic appointments. Whereas in the United States, in the pursuit of the ideals of equality and justice, the federal government has imposed sex and race as criteria to be taken into account in appointments, the Continental governments have unthinkingly promoted the application of political criteria. They have done this, in the name of democracy, by aiding the entry into governing bodies of nonacademics, mainly students, whose interests are primarily, if not exclusively political. In consequence, particularly in the Federal German Republic, a number of universities have appointed to their teaching staff persons whose interests and intentions are preponderantly political—usually in a radical direction—rather than intellectual and academic. Thus the interior life of the university is turned into an extension of the political arena.

In different ways, therefore, the equilibrium between government and universities has been out of balance. The universities have been in varying degrees forced to renounce their particularity as institutions of learning and are being made into instruments of governmental and political interests which have their centers of gravity outside of the academic sphere.

A new "constitution" that reasserts the rights and obligations of the universities and of the earthly powers at the center of society is needed. The terms of a new "constitution" must be expressed in words of a general form. It would not even be desirable, at present, to formulate

them precisely, even if that were feasible. I begin negatively with the acceptance of the proposition that things will never go back to what they were from the late nineteenth century until the Second World War. It must be accepted that governments and private institutions will continue to regard scientific knowledge as important to them for the construction, assessment, and execution of their policies. For the foreseeable future, government will not be able to have all the scientific research it desires done in governmental research establishments. Even if it could and wished to do so, it would still not be able to dispense with the capacity, distinctive of universities, to do research of high quality on fundamentally important problems and for the inculcation into young persons of the result of that research and of the ethos that is necessary to it. Furthermore, universities will continue to be dependent on governments for financial support to do the research which they wish to do. Unless research were to become as inexpensive as it was a century and a half ago—which is most improbable—universities will remain dependent on governments and, to a smaller extent, private business enterprises and persons for the support of that scientific research. The chances for a "disestablishment of science," which would leave scientists just as well-endowed as they are now, but wholly free of any obligations to government or industry and equally free to pursue only their own interests whatever they might be, become slight to the point of being negligible.

For the foreseeable future, the universities will therefore be under obligation to perform much research in which government has an interest. The universities will continue to be under obligation to train young persons for the learned professions, both the traditional ones and certain newer ones, which have a genuine need for genuinely scientific and scholarly knowledge, such as universities are uniquely qualified to provide. At the same time the universities should be freed from the pressure to accept contracts for the execution of "crash programs" devised by civil servants or the staffs of legislators to provide short time definitive solutions to evanescent problems or to problems which cannot be definitively "solved," and certainly not in a short time. Governments should refrain from tampering with the mechanisms of academic appointment.

The "new constitution of state and university" is not going to be wholly new. Much of the "older constitution" should be retained or be restored. Certain features of the older pattern have been gradually displaced with very few persons being aware of what was happening. Both academics and governments must once more recognize that universities

have ends which are not identical with those of government, that are in themselves as valuable as those of government, but are also necessary preconditions to the realization of the ends espoused by government.

Governments must abandon the belief that universities are extensions of the spheres of government and politics. The definitions of the right relationship in this absolutely crucial matter is not easy. A total separation of the proper sphere of the universities from these spheres is impossible as well as undesirable. But the far-reaching assimilation of the universities into those spheres or the movement towards that condition observable in the United States, Sweden, or other countries of the European continent should be halted. It should be halted because the general direction of this movement is clear. In all countries including Great Britain the governments have been bringing the universities increasingly into a subordinate position. The particular modes of subordination and encroachment vary however from country to country; they vary in accordance with the traditions of the earlier constitutions of university and state. A new constitution would have to have, in addition to a common preamble of principles, a separate text for each country, which takes into account the tradition of that country and the particular setting within which the principles would have to be realized.

The principle is that of a division of labor in the cultivation of the plurality of ends to be sought in a good society. The division of labor should not be one which is organized for the realization of a single end. A good society has a multiplicity of good ends which are not identical or even harmonious with each other. Among the obligations of the institutions that pursue their several ends, one of the most important is the appreciation of the ends inherent in the existence of the others. An adaptation of the principle laid down in Matt. 12:21 "to render unto Caesar the things which are Caesar's and unto God the things that are God's" is necessary. Upon the universities this imposes the task of finding the right combination of obligations within and obligations without. Upon the world of government and society, it imposes the task of defining what it is entitled to ask of and receive from the universities, and what it must recognize as due to the universities in their own right.

NOTE

1. See Samuel Taylor Coleridge, *On the Constitution of the Churches and State according to the Idea of Each* (London: William Pickering, 1839).

A More Balanced View

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I found much to agree with in both of these presentations. But in their different ways each presents a fairly bleak picture of our present situation; and I want to begin by discussing some of the bleakest elements of each. It seems to me that Mr. Bork perceives us as institutions dominated by politicized academic departments full of left-wing professors who are busy screaming that the government should impose regulations on other institutions in society that we wish to be exempt from ourselves. In his own words

It is apparent to everyone that university faculties, particularly in the social sciences, humanities, and in the professional schools having relation to public policy, that those faculties are, to greater or lesser degree politicized. I do not want to make too much of the point, and the causes of the phenomenon are no doubt quite complex, but the fact remains that the faculties of many of our most prestigious universities are perceived and, worse, perceived correctly, as well to the left of the national political spectrum. It is also apparent that political conclusions are often presented as though they were the result of scholarship.

Furthermore I detect a distinct note of pleasure in his observation that these same left-wing professors are extremely upset that the onerous