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Stanley Fish as Lord Grantham

*Andrew Koppelman**

Academic freedom is a kind of juridical right, the right of scholars to publish their conclusions without fear of losing their jobs. Any such right implies a duty: if I have a right to something—property or academic freedom or whatever—then everyone else has a duty not to interfere with it. That generates a problem that is familiar with property, but which is equally relevant here. Why should everyone else accept that they have such a duty? There are good answers to that question, but Stanley Fish does not supply them.

Fish is right about the internal logic of the academic enterprise, following MacIntyre and Walzer and ultimately Hegel. The activity of academic inquiry aims at goods internal to itself. That activity, in order to be undertaken properly, must aim at those goods without distraction by extrinsic considerations.

Is there anything inherently good about inquiry and its orientation toward truth? Fish will not say so, because he thinks he does not have to take a position on that. Universities just take this to be their end. “Higher education is valuable (if it is) because of the particular pleasures it offers to those who are drawn to it, chiefly the pleasures of solving puzzles and figuring out what makes something what it is, pleasures that would be made unavailable or rendered secondary if higher education were regarded as the extension of another enterprise.”¹ If you are going to play the university game, this is how you have to play it.

But that is a big if. *Why* play this game? Or, more to the point, why subsidize it? Why should everyone else accept the duties that academic freedom implies? Academics might just be like Lord Grantham in *Downton Abbey* – privileged parasites who have no better claim than that this is the way things have always been.

Students are a shadowy presence in Fish’s narrative. Most of them will not in fact join the guild of professors. Why put them through the rigor of a college education? And, though Fish does not mention it, the guild is in trouble. Those outside the academy are increasingly unwilling to subsidize the privileged folk within it. Fish, who prides himself on his

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¹ STANLEY FISH, VERSIONS OF ACADEMIC FREEDOM: FROM PROFESSIONALISM TO REVOLUTION, (forthcoming 2014) (manuscript at 84) (on file with FIU Law Review).

skills as a rhetorician and sophist, is remarkably unresponsive to the rhetorical task at hand.

There are two justifications for college education and the academic freedom that comes with it: instrumental and intrinsic. You can say that a diploma can increase your earning power, and that professors need some wiggle room if they are going to impart those skills. You can also say that there is something intrinsically valuable about a liberal education – that the capacity to reflect on what one is doing is worthwhile as such, and that this intrinsic value is something that society ought to recognize and promote – an intrinsic value that is superior to that associated with, say, the pleasures of fox hunting. Both of these require a certain boldness of thought, on the part of both students and teachers. Academic freedom encourages that.

Fish does not say either of these things. He just wants to keep doing what he is doing. The reason he gives us is that he really likes doing it. That claim is available to any class of privileged people. It is no more persuasive coming from professors than from English lords.