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The Common Good of Practices

*Jack L. Sammons**

Has Fish, in defending the integrity of academic practice, trivialized it? This issue haunts Fish's deflationary account ("it's just a job") throughout, but it is an issue he addresses directly only in the coda. This is the issue I want to address here, but without exploring (because space does not permit) what difference what I have to say would make, if any, to his defense of a functional account of academic freedom, a defense I wholeheartedly endorse. In fact, I hope to advance Fish's cause – in the context of law and legal practice it has been my cause as well – by offering what I think is a better case for why Fish's account of the work of the academy does not trivialize it. My argument is that the practice relates to "larger concerns of life" in ways required by the practice itself; that what it offers in this regard are not "by products" or "side effects" as Fish describes them, but constitutive of what it means to be a practice. For no practice is completely closed. Each is purposive in at least one sense: every practice, for its own good, seeks to foster within the broader culture the ability to appreciate that which the practice has on offer. It does this, primarily, by initiating people into its ways of thinking, by teaching in other words.

Practices "tend towards their own elaboration regardless of our explicit intentions."¹ In other words, once introduced to the way of thinking a practice has on offer – think the practice of carving (and wood) or Fish's practice of literary criticism (and texts broadly construed) – we find ourselves perceiving things, even well-known things, in new ways. This is an autonomous tendency not dependent upon taking up the practice in any full sense; a course or two might do. Through their elaboration, practices bring things into their own. They "gather" as Heidegger would put it, and thus tend to connect to the rest of the community's life in ways such that the practice (and the character it requires) is thought to be worthy. This is, of course, only a tendency, a "gentle law" as Heidegger described it. Nevertheless, through it, the stability of practices (that Fish so admires) tends to become the stability of one's life.

And this is a good thing. It is one of those "common goods" that frighten Fish (and well they should) for their corrupting potential. It is,

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¹ Charles Spinoza, *Derridean Dispersion and Heideggerian Articulation*, in *THE PRACTICE TURN IN CONTEMPORARY THEORY* 199, 200 (Theodore R. Schatzki et al. eds., 2001). I am much indebted to Spinoza for helping me articulate the ideas in this paragraph.

however, a common good that the practice itself has offered by suggesting to the culture that consequential inquiry should stop at this point, e.g., that learning to carve wood or read Milton well are self-justifying activities, as is play for example, or speech – as I argued contra Fish on a previous occasion – within a life well lived.

Thus, through its elaboration the practice teaches the culture to appreciate what it offers. Such teaching, however, will be received only if there are people within the culture attuned to the practice. So “take this course,” “offer these courses,” “create this department” spoken to students, department chairs, and administrators, does not need to be spoken disingenuously, i.e., “I won’t be trying to do these things, but it might happen,” as Fish suggests.

Now I believe that Stanley (if I may) will say that this common good is a “side effect” or a “by product,” terms he uses to be clear that certain goods will not occur absent “the pursuit of truth in the company of students.” But it isn’t, nor does he need to characterize it as such, for there is no threat of external corruption here, but its opposite. For every practice sufficient to have internal goods will necessarily seek its own continuation and its own flourishing as a constitutive aim. Every practice is purposive in this way. This is far from being a trivial matter, but one essential to the type of people we are to become.²

² I have one other concern with Fish’s account if the editors will permit me the liberty of adding it here. Fish seems to think that every inquiry (and especially those in the company of students) by every practitioner must be disinterested. Yet inquiries within a practice are “within a practice,” which is to say that less disinterested inquiries are permitted so long as they are evaluated only in the practices own terms. In other words, it is the conversation within the practice that must remain “disinterested” in Fish’s sense. And, in any case, this is matter of motivation as Fish says it is and our motivations are always multiple, complex, and often confused. This is not an issue, however, because the conversations are within the practice.