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Academic, Not Political

*Ernest J. Weinrib**

I like Stanley Fish's conclusions about academic freedom, but I fear that he is not entitled to them.

Two contrasting positions on academic freedom are possible. One position asserts the autonomy of the academic enterprise, on the ground that it fulfills a social function valuable for its own sake. Thus, the philosopher Michael Oakeshott suggested that academic activity actualizes the self-consciousness of civilized existence by preserving and developing the modes of thought that form the intellectual inheritance of civilization. Political preferences are not pertinent to university life so conceived. The other position is that the academic enterprise is inescapably political. Judith Butler (Fish's declared adversary) concluded from this that academic freedom is properly available for forwarding her favorite political causes.

Unfortunately, Fish thinks he can simultaneously hold both of these incompatible positions. He champions the autonomy of academic life (an activity with its own "routines and protocols") and yet proclaims "the primacy of the political." Fish cheerfully accepts the view that no realm, including that of academic freedom, could possibly be purged of politics: the outside world of politics "only rhetorically withdraws" from the academy, which it still "owns." If so, the way seems open for Butler to claim that scholars should pierce the rhetoric and acknowledge the normative demands of politics. To this, Fish cannot reply (as he does throughout) that we should allow academic freedom to be what it is; academic freedom turns out to be nothing, a mere rhetorical façade (what Plato in the *Gorgias* termed a "counterfeit"). Nor is he on stronger ground when, to avoid capitulation to Butler, he suggests that we can regard the academy as a realm of Aristotelian contemplation with no end outside itself, and that we can value higher education for "the particular pleasures it offers to those who are drawn to it". Contemplation and pleasure are personal experiences; they are irrelevant to an argument about the legitimate social reach of politics.

Part of the difficulty lies in Fish's problematic reason for thinking of the academy as fundamentally political. "There is no 'intrinsic' form of the academy, only the form that emerges when some historically limited, contestable definitions and demarcations are put in place by an act of the

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will.” True, but so what? The historical emergence of a phenomenon does not determine how the phenomenon is to be understood. For example, respectable thinkers (Kant was one) have claimed that even though the law was put in place by acts of will, it nonetheless had a normative significance to which politics must bend its knee. Academic life may be like that too. Fish presumably disagrees, but does not tell us why.

More fundamentally, one may question whether Fish’s notion of politics has any meaning whatsoever. Fish’s comment, that the political is that which is not “entirely independent of controversial substantive propositions,” is hardly reassuring. Characterized this broadly, the notion of politics excludes nothing but also signifies nothing. Thinking involves distinguishing one thing from another. Politics in Fish’s sense has “primacy” only because so amorphous a conception of it contributes nothing to serious thought. It is a label attached to a dark hole, and invoked to produce the illusion that we have a handle on what escapes us. Politics so conceived serves precisely the role that Spinoza famously ascribed to belief in God’s will: it is “the sanctuary of ignorance”.

Fish’s manuscript is characteristically brilliant, and full of wise and compelling observations about the academy. But one cannot base the academic autonomy that he espouses on the postmodern historicism that he shares with his adversaries.