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Stanley Fish and the Politics of Academic Freedom

*John K. Wilson**

In a world where most people with wrong ideas are stupid and boring, Stanley Fish reminds us of how useful an incorrect idea can be. Indeed, even the titles of Fish's books are often both completely in error and valuable incitements to think.¹

Fish calls his approach a "non-philosophical version of academic freedom."² But, it is deeply philosophical, and deeply political, in its rejection of politics. What Fish proposes for academic freedom is not the absence of politics, but a constant awareness of it. After all, without such vigilance, politics could creep in almost anywhere, as Fish fears that it has.

Normally, the analysis of a professor's work is fairly simple in theory: is the teaching and research good academic work? Fish's approach requires another layer of analysis: is it too political? In order to banish politics from academic work, Fish's theory requires an obsession with politics, so that it can be sniffed out and suppressed. There are two fundamental problems with this idea. First, testing professors for the political content of their work invariably diverts attention from a focus on academic work. Second, the prohibition on politics leaves faculty with controversial ideas vulnerable to political retaliation.

Fish's approach only works if someone like Fish is available to enforce it. And even then, it only works if Fish himself manages to interpret his own flawed theories correctly. One unfortunate example from Fish's past was his attack on the National Association of Scholars (NAS).

In my 1995 book, I criticized Fish for his 1990 letter to the Duke University provost which argued that "members of the National Association of Scholars should not be appointed to key university committees . . . dealing with academic priorities and evaluations . . . [because] . . . you wouldn't want on a personnel or curriculum committee somebody who had

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¹ STANLEY FISH, *SAVE THE WORLD ON YOUR OWN TIME* (Oxford Univ. Press, 2nd ed. 2008); STANLEY FISH, *THERE'S NO SUCH THING AS FREE SPEECH, AND IT'S A GOOD THING, TOO* (Oxford Univ. Press 1994).

² STANLEY FISH, *VERSIONS OF ACADEMIC FREEDOM: FROM PROFESSIONALISM TO REVOLUTION* (forthcoming 2014) (manuscript at 17) (on file with FIU Law Review).

already decided, in terms of fixed political categories, what is or is not meritorious.”³

I argue that Fish’s error in judgment in 1990 is precisely the same intellectual error that afflicts his work in 2014, which is that the hatred of politics in academia requires an obsession with suppressing it. It also threatens academic freedom by making the extraordinarily vague category of “politics” prohibited. When you seek to suppress politics in academia, you invariably endanger academic freedom.

Indeed, the obsession with politics afflicts Fish’s five theories of academic freedom, which are, as Fish puts it, “plotted on a continuum that goes from right to left. The continuum is obviously a political one, but the politics are the politics of the academy.”⁴

It’s no small irony that Fish, who believes academic freedom should not protect politics when it intrudes where it does not belong, makes politics intrude into theories of academic freedom even when it does not belong there. Theories of academic freedom do not neatly follow a left-to-right political axis. My own approach to academic freedom, a liberty-based model in which everyone at a university has freedom and political speech is treated the same as any other speech, cannot be found in Fish’s taxonomy. There is no academic freedom without the freedom to be political.

³ JOHN K. WILSON, *THE MYTH OF POLITICAL CORRECTNESS: THE CONSERVATIVE ATTACK ON HIGHER EDUCATION* 54 (Duke Univ. Press 1995).

⁴ *Id.* at 7-8.