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## The Many Mansions of a University

It is a curious paradox that institutions purporting to serve as shelters to the adventurous spirit of inquiry should be everywhere marked by an apparent compulsion to emulate success. In Mexico, we are told, the pattern for all universities is the National University.<sup>1</sup> In Great Britain, of course, there is little tendency to depart from the trail established by the "Oxbridge" institutions.<sup>2</sup> In Germany, the leadership of status institutions is much less apparent, and yet there is a striking uniformity which permits Professor Geck to describe in some detail the structure of German universities without distinguishing amongst them.<sup>3</sup> In the United States, the models have not always been the same. After an extended effort to emulate English institutions,<sup>4</sup> leading American universities adopted the research-oriented German model in the nineteenth century,<sup>5</sup> before evolving the uniquely American "multiversity" in recent times.<sup>6</sup> Yet, despite these adaptations, the power of fashion over the many American institutions is quite evident: there is a compelling tendency to operate all units of the multiversity as if they were the same, and to operate each multiversity the same as the next. Even smaller institutions with a sharper sense of purpose manifest a strong tendency to make themselves, in form, as much like Harvard or California as possible.<sup>7</sup>

This symposium does reveal that, despite the tendency to emulate success, and despite the international character of university education, there is considerable variation in university structures from one country to the next. It would be surprising if this were not so, for universities are much too involved with other social institutions not to be greatly affected by them. Thus, of course, the Mexican institutions are

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<sup>1</sup> Sepúlveda, "Student Participation in University Affairs: The Mexican Experience," 17 *Am. J. Comp. L.* 384 (1969).

<sup>2</sup> Brown, "Student Protest in England," 17 *Am. J. Comp. L.* 395 (1969).

<sup>3</sup> "The Competence of the Student Body and Student Participation in Decision-Making in the Universities of the Federal Republic of Germany," 17 *Am. J. Comp. L.* 337 (1969).

<sup>4</sup> Flexner, *Universities* 46 (1930). This emulation did not extend to patterns of institutional government in that American administration was more autocratic and more politically responsive than the English models.

<sup>5</sup> *Id.*, 73.

<sup>6</sup> Kerr, *The Uses of the University* (1964).

<sup>7</sup> In part, this phenomenon is explained by the nationalizing (or "delocalizing") force of such developments as the widespread availability of federal funds for institutions resembling the best. See Metzger, "Academic Freedom in Delocalized Institutions," in *Dimensions of Academic Freedom* 26-28 (1969). For additional evidence of the tendency, see generally Jencks and Reisman, *The Academic Revolution* (1968).

set apart from the European by the traditional role of students in university government. And the relative positions of faculty, administration, and political leadership have been quite different in the other nations represented here.

These variations from one country to another enable us to observe that the world-wide unrest of youth is not causally related to the various modes of university government. Perhaps the young are rebelling against their fathers;<sup>8</sup> perhaps they are rebelling against the lack of fathers,<sup>9</sup> as they yearn for discipline; perhaps they are moved by forces even more subtle and inscrutable;<sup>10</sup> perhaps the answer is even more obvious, although this seems the least likely possibility. But it is clear that universities are the occasions and not the causes for protest.

One approach to dealing with this protest, which is suggested by this symposium, is to build greater variety into the system, to reverse the homogeneity of the national institutions, by yielding selectively to student demands in a manner which will sap the venom from the movement without impairing the essential effectiveness of the national educational enterprises. In suggesting this conclusion, one must hasten to add that this strategy is not everywhere an available option; its effectiveness can be doubted; and it cannot reasonably be expected to be a successful solution to the social problem if it is the only solution applied. But let us take a few pages to illuminate the possibility.

It will be most helpful, perhaps, to first consider the simpler institutions which have relatively clearly defined goals. A useful example is the model described by Cardinal Newman,<sup>11</sup> which had the objective of developing young people into Renaissance men, possessors of all human knowledge. Such institutions may be presumed to exist today. It would not materially affect such an institution if decisions concerning the admission of students and the awarding of scholarship funds to the most deserving of them were substantially controlled by students. If the institution operated housing, it could well afford to leave the operating policy substantially in the hands of students, unless the institution has, as one of its purposes, the regulation and control of sexual behavior. There would be advantage in involving students in such decisions about housing practices, because this provides assurance to those affected that they are not subjected to the capricious administration of their distrusted elders, and it provides the students making the decisions with a greater sense of responsibility and participation

<sup>8</sup> This is the thesis of Feuer, *The Conflict of Generations* (1968).

<sup>9</sup> Aron, "Student Rebellion: Vision of the Future or Echo from the Past," 84 *Pol. Sci. Q.* 289, 296-299 (1969).

<sup>10</sup> A more complex analysis is tendered in *Crisis at Columbia: Report of the Fact-Finding Commission* 1-53 (1968); the relation between unrest and the quest for student power is thoughtfully presented in Bloustein, "The New Student and His Role in American Colleges," in *Dimensions of Academic Freedom* 92 (1969).

<sup>11</sup> *The Idea of a University* (1852).

in the institution. Perhaps Cardinal Newman might have gone much further with student decision-making on such matters as curriculum and grading, although here the need for supervisory participation of administration and faculty would seem to be greater. The curriculum, embracing all human knowledge, leaves few options to be exercised, and student decision-makers might need to be prevented from devoting disproportionate time and energy to undeveloped or intellectually contentless topics, or from paying too little heed to the limitations of the available faculty.<sup>12</sup> The role of students in setting and enforcing standards would depend on the purpose served by imposing standards. If the purpose is the self-satisfaction of the students, student participation might be substantial; if the purpose is to prod the immature students to do their chores, their participation should be limited or excluded.

To some extent, the policy factors weighing against student decision-making should be discounted by the advantages of student responsibility and participation. The tension is perhaps most clearly seen in connection with the selection of teachers. If it is assumed that the task of the teacher is to make himself and his topic interesting and attractive to his students, the fact that students participate in his selection may help, both directly and indirectly by inducing him to address himself to his student patrons. If however, the teacher's role is conceived as being challenging and abrasive to students, it is destructive of his efforts to subject him to their governance.<sup>13</sup>

It would seem that reasonable minds might differ on these questions of educational philosophy. There is now a rich literature extolling the virtues of "progressive" education as a means for training very young children.<sup>14</sup> While these ideas have been found very little in practice, it is certainly not demonstrable that they are bad ideas, at least as applied to the education of relatively mature young people. Some of the contributors to this symposium are quick to refer to the Latin American model as evidence of the intolerable consequences of participatory democracy in education. Surely, there are many obvious reasons for discounting this comparison.<sup>15</sup> Not the least of these is the fact that student participation is so indiscriminately widespread in Latin America. Is it unthinkable that some student-dominated institutions might play a useful role in the national educational programs of Germany or the United States? Particularly in America, with such immense room for variety, should there not be some institutions which

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<sup>12</sup> These matters are given fuller attention in Frankel, *Education and the Barricades* 24-39 (1968).

<sup>13</sup> *Id.*, 29-30.

<sup>14</sup> A powerful contemporary advocate is Paul Goodman. See his *Growing up Absurd* (1960) and *Compulsory Mis-Education* (1964).

<sup>15</sup> See Aron, *op. cit.* n. 9.

cater to a clientele which seeks a rigorless milieu in which they can pursue their urge for participation and self-development? Would not such institutions contribute new meaning to the German tradition of *Lernfreiheit*?<sup>16</sup> Few of us would dare to invest the whole of our national educational resources in a rigorless progressivism, but why must there be monolithic resistance to any such development?

Perhaps we might fear that some form of Gresham's Law would operate to attract all the students to permissive institutions. Rigorless education might drive out the rigorous, as bad money drives out the good. There seems to be more, however, to the protest of students that they cannot have completely free choice to opt for such institutions because the impersonal market system will continue to force many to undergo the rigors of more traditional institutions. Indeed, unless the students regard themselves as transients, in the German tradition, so that those who desire (or "demand," as modern diction has it) full participation are able and willing to select their institutions accordingly, a systematic variety would not prove beneficial. There is a risk that some, perhaps many, students would continue to pick their institution for other or extraneous reasons and yet aspire to convert the institution selected to the pattern of the institution more to their liking. To some extent, however, this tendency to frustrate variety might be reduced if the decision to promote variety is sufficiently public, deliberate, and articulate. Probably the most compelling difficulty in converting such teaching institutions to havens of progressivism is the fact that some individuals or groups would, in each instance, be forced to surrender some power over others. Frail, useless, and burdensome as such powers are, they are not easily surrendered. Consequently, it would be necessary to adopt such solutions by stages and sometimes through the development of new institutions.

The difficulties of responding to student pressures are yet more complicated when we move to consider the research-oriented institutions modelled on the German pattern so enthusiastically praised by Abraham Flexner.<sup>17</sup> An institution which is dedicated to rigorous truth-seeking, which seeks to expose the student to the demanding discipline self-imposed on the research professor and to involve him in the ongoing work of inquiry, is in difficulty in accommodating student aspirations to decision-making. There is difficulty for many aspects of the operation, such as the curriculum, which should reflect the research, and admissions, which should assure a number and level of competence suitable to the work. But there is most difficulty with respect to the selection of faculty. It is antithetical to his task to subject the seeker of truth to popular selection or control. The advancement

<sup>16</sup> The tradition is described by Flexner, *op. cit.* n. 4, 317-327.

<sup>17</sup> *Id.*

of knowledge is an inherently unpopular activity, which only the hardiest spirits can perform, even under hospitable circumstances. An institution which places a high value on pleasing its clientele is not hospitable to research.

This is not a new source of difficulty for the research-oriented university; it has posed a major public relations problem in the United States and produced a variety of accommodations which have resulted in the "multiversity." Flexner decried most of these developments. His despair was grounded in part on the sound assumption that iconoclastic truth-seeking is not suitable as a popular national sport.<sup>18</sup> One need not be an adherent of Plato, and aspire to a world dominated by those of superior wisdom, in order to recognize that the rigorous and unsettling experience of research is not profitable, or even bearable, for many young minds and psyches. But, because research had itself become an icon for our times, a source of elegant status in an egalitarian community, and a key to much economic or professional opportunity, arrangements were developed for associating many more young people with the enterprise than were amenable to its intrinsic values. The compulsion to emulate success generated much pseudo-research and a variety of educational services only marginally related to research. These programs have had the effect of including young people in the university enterprise who would otherwise find no place there. If this resulted in much of dubious intellectual or educational value, the social importance of the development was nonetheless great. Certainly, the multiversity has been effective in making public support of troublesome research more agreeable than it would have been if American universities had all adhered to the Flexner model.

Now, however, the multiversity must face the consequences of broad-based popular support. Part of the price may well be a continuing accommodation to the vast army of students who are attracted by a variety of aspirations, some to learn and some to gain the appearance of learning. It is doubtful whether the spirit of inquiry can be maintained in the face of the student assault. If student power is assimilated at every level of decision-making and with sweeping uniformity, the treasured spirit is unlikely to survive, but is likely to expire, a victim of its own success.

Perhaps the loss can be prevented by the means advocated by Governor Reagan and practiced at San Francisco and Rome. If the more militant students achieve their goals, they may succeed in eliminating other choices. The resulting repression may preserve an institutional form in which the spirit of inquiry can some day revive, but only at a social cost which could prove frightful. More accommodating responses seem far more attractive, particularly so if the accommoda-

<sup>18</sup> *Id.*, 83-85, 188-195.

tions can be made in the particularistic and discriminating manner suggested.

At least for the American multiversity, this mode of accommodation is not possible without decentralization, which permits each unit of the institution to respond in a manner that is consistent with its goals.<sup>19</sup> Thus, maximum autonomy must be given to research-oriented units. Perhaps each multiversity might find it satisfactory, and even beneficial, to include within its walls one or more units which are organized for progressive education and designed to conform in structure to Latin American models. If such units were sufficiently small in scale, it might be that much of the student pressure would be neutralized.<sup>20</sup> The students who would be participating in the exercise of student power would be those who are actually engaged in study, rather than the unusual breed who have set themselves apart as the high priests of student movements. As a political ploy, decentralization is a means of disarming the high-level student leaders. As an instrument of educational policy, it is a device for resisting the trend toward politicization. It is a means of diminishing the amount of discourse about personalities and slogans and increasing the amount of discussion and analysis of institutional goals by those who are in fact engaged in the pursuit of those goals. It is possible to imagine that the by-products of the heightened sense of purpose would be of such value that we could some day recall with gratitude the sometimes churlish student movements that produced them.

In advancing the thesis of variety and decentralization, it is important to repeat the admissions made earlier. Such is our nature that variety may prove unstable. The compulsion to emulate may drive out all forms of university governance but one. It may be that some institutions or communities are unwilling or unable to invest in variety. It may be that the social forces at work are so great as to overwhelm any form of moderate accommodation. Indeed, it would be unreasonable to suppose that such a response could alone still the unrest of youth. Nevertheless, this symposium performs service not only in describing the awesome dimension of the problem, but also in suggesting by its conception one kind of response to unrest which lawyers everywhere might usefully consider.

<sup>19</sup> Decentralization of education is another cause which finds its contemporary intellectual base in the work of Paul Goodman; see his *People or Personnel* (1963).

<sup>20</sup> See Goodman, *The Community of Scholars* (1962).