

The Transformation of Contemporary American Higher Education

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In 2008, an anthology entitled *What is Wrong with Academia Today? Essays on the Politicization of American Education* was published.² The collection of essays assessed trends in higher education and their impact upon the future of academia, especially, the consequences of bureaucratization and corporatization on higher education. In the “Foreword” the late Dr. Harbison Pool wrote “Corporate leaders are attempting to turn students into amendable employees. Educators should resist this intrusion and affirm the broader ideals of a democratic society.”³ Of the many trends in higher education, it is the growing influence of the corporate- model, reinforced by America’s judicial system, that is markedly redefining the academy for the 21st century.

Because faculty governance is often slow and cumbersome, corporate officials, along with the support of CEO-leaning university presidents, have begun to manipulate the academy for their own gains by streamlining the university so it will be more responsive to the nuances of the market place.⁴ David Kirp, in *Shakespeare, Einstein, and the Bottom Line: The Marketing of Higher Education*, contrasts the values of the academy and those of the “market” in the following quote: “Still, embedded in the very idea of the university . . . are values that the market does not honor: the belief in a community of scholars and not a confederacy of self-seekers; in the idea of openness and not ownership; in the professor as a pursuer of truth and not an entrepreneur; in the student as an acolyte whose preferences are to be formed, not a consumer whose preferences are to be satisfied.”⁵ With “market” values serving as the guide for institutions, the primary mission of the academy, which has historically been to foster a learning environment where students can critically pursue truths, is being threatened by corporate dogmatism.

Higher education should be a catalyst for promoting democratic ideals.⁶ In 1938, the Educational Policies Commission of the National Education Association (NEA) developed a statement of aims known as the *Purposes of Education in American Democracy*.⁷ The central purpose promoted by NEA appeared to be a balanced education with a distinctive emphasis on character, citizenship, and democracy. The Albert Shanker Institute, endowed by the American Federation of Teachers, published *Education for Democracy: A Statement of Principles*, a shared endeavor by a diverse group of distinguished Americans from labor, public policy, government, education, and business that encouraged educators to instill in America’s youth a deep attachment to democratic values.⁸ American government also has promoted democracy through education as is evidenced by public declaration on the official U.S. Department of State’s Bureau of International Information Programs website where it states:

Every society transmits its habits of mind, social norms, culture, and ideals from one generation to the next. There is a direct connection between education and democratic values: in democratic societies, educational content and practice support habits of democratic governance. This education transmission process is vital in a democracy because effective democracies are dynamic, evolving forms of government that demand independent thinking by the citizenry. Democratic norms and practices should be taught in order for people to understand and appreciate their opportunities and responsibilities as free citizens.⁹

In addition to nurturing democratic ideals, another conventional view fostered by major American social institutions is *pluralism*. Pluralism and democracy are similar in that both promote shared responsibility for propagating cultural well-being. The pluralistic image acknowledges the diversity of interests and considers the ideology of equality, co-ownership, and widespread participation fundamental components in shaping cultural tendencies. In other words, pluralism contends that “. . . a broad and diverse set of social institutions, organizations, and interest groups embodies the beliefs, values, and worldviews of society’s citizens. This model asserts that power is exerted by a multitude of interests whose countervailing centers of power check each other to prevent abusive power and agenda-setting by any one group.”¹⁰

The basic tenets of democracy are the basic tenets of pluralism. Both concepts endorse the importance of collective representation. Both maintain that America’s most important principles—equality, opportunity, freedom—are the embodiment of consensus. Because widespread participation is a fundamental mechanism in democracy and pluralism, no group or class is favored significantly over others. A democratic and pluralistic framework is a model of society designed to elevate the importance of the common good and negate the excesses of elitism.

Recently, however, foundational principles of democracy and pluralism have come under extensive pressure from the court system. In 1985, Justice Lewis Powell wrote a supportive opinion in *Regents of University of Michigan v. Ewing* that initially appears to support the faculty as they conduct their academic responsibilities. However, his concurrent judgment, when it is deconstructed and examined in context, especially in light of Justice Powell’s background, established an ominous precedent that redefines an institution of higher learning as a corporate entity possessing academic freedom—i.e., “a reluctance to trench on . . . state and local **educational institutions** and our responsibility to safeguard **their academic freedom**, ‘a special concern of the First Amendment.’”¹¹ Giving educational institutions academic freedom grants them “personhood,” in much the same way that U. S. Supreme Court Justice Morrison Remick Waite in the 1886 *Santa Clara County v. Southern Pacific Railroad Company* decision granted it to corporations.”¹²

After Judge Lewis Powell inserted his opinion that “education institutions” possessed “academic freedom,” some appellate judges began shifting their decisions away from the “university as a community” and toward “university possessing personhood.” The shift at this point, though questionable, bestowed greater power on administrators. In *Parate v. Isabor*, the appellate court ruled that administrators do not possess the right to order or force a faculty member to alter a grade.¹³ However, the court went on to say that a professor has no constitutional interest in the grade a student ultimately receives. Therefore, after a faculty member submits a grade, the administration can alter grades without interfering with that faculty member’s First Amendment rights. In other words, administrators can change student grades after a professor officially registers them. This is a disconcerting ruling for all faculty members who cherish their professional responsibility in evaluating student performance.

Some recent appellate court rulings are even more disturbing, in terms of the established tradition of academic freedom, as they have accepted the interpretation of educational institutions as the “speaker” with “rights of individuals” and in some cases those that supersede rights of professors. In *Edwards v. California University of Pennsylvania*, the Appellate Judges opined: “Since the University’s actions in the instant case concerned the content of the education it provides. . . .we find that the University was acting as a speaker and was entitled to make content-based choices. . . . In sum, case law from the Supreme Court and this court on academic freedom and the First Amendment compel the conclusion that Edwards does not have a constitutional right to choose curriculum materials in contravention of the University’s dictates.”¹⁴ This decision is in sharp contrast to Justice Brennan’s majority opinion in *Keyishian v. Board of Regents of University of State of N.Y* where he declared:

“Our Nation is deeply committed to safeguarding academic freedom...to the teachers concerned. That freedom is therefore a special concern of the First Amendment” ...¹⁵

In *Brown v. Armenti*, the United States Court of Appeals ruled against Robert Brown, a tenured professor, who refused to change a grade when President Angelo Armenti demanded he do so;

subsequently, Brown was fired after criticizing the president's policy.¹⁶ The decision stated: "We concluded that no violation occurred because in the classroom, the university was the speaker and the professor was the agent of the university for First Amendment purposes."¹⁷ This change of defining universities as the "speaker" (person) with freedoms and the faculty the "agent" (representative) of the "speaker" usurps the traditional role of the professor as the speaker with beliefs and theories that historically shaped the mission of the academy. *Brown v. Armenti* represents the realization of the agenda that Powell brought to the bench: the expansion of corporate influence and the application of corporate principles to the university, which was now fully realized in American law.¹⁸

These court rulings have begun to countervail what has long been the heart and soul of the academy—the faculty being primary participants in controlling academic affairs, working conditions, due process, faculty status, and scholarly merit.¹⁹ The underlying premise for such involvement is that faculty, not administrators or students, possess the utmost expertise in these matters. Let us be reminded that it was faculty, not administrators, who most acutely perceived the toxic effect that a business mind-set could have on academic life in the early 20th century.²⁰ In defense of untainted intellectual inquiry, many university scholars publicly rebuked commercial imperatives during the early part of the 1900s. The number of professors being arbitrarily dismissed because they challenged the excessive industrial influence over academia or for their political views was the precursor to the eventual creation of the AAUP in 1915. With this in mind, university faculty need safeguards, not adequately provided by the Constitution, that protects them from intimidation or loss of employment when they challenge existing authority.

As corporate mentality erodes academia, corporate intervention significantly threatens the time honored democratic traditions of faculty governance and academic freedom. According to Robert Jensen, a professor of journalism at the University of Texas, with the fundamental essence of university life becoming an insatiable quest for dollars, corporations are undemocratic internally and usually hostile to democracy externally.²¹ Jensen also states that at its core is the view that corporate capitalism is about concentrating power while democracy is about spreading power as widely as possible.

In the book *University Inc.: The Corporate Corruption of Higher Education*, Jennifer Washburn assesses what she considers the deteriorating state of American higher education.²² Her primary treatise is that commercial interests are transforming every aspect of the academy. Consequently, the search for truth has been distorted due to an insatiable attack on impartial inquiry. Conflict of interest appears to be an acceptable casualty in university environments. Washburn depicts several changes in the academy that is redefining the institution of higher education into a commercialized academy. Some of those indictments are as follows:

- A growing dependence by universities to negotiate corporate contracts which benefit the private sector;
- The increased participation of universities in the military-industrial complex;
- The birth of the Market-Model University;
- The erosion of open scientific culture in favor of the proprietary corporate culture;
- Increased corporate influence and financial support and the conflicts of interest regarding ownership of data, results, discovery, and knowledge;
- The university as business; putting profits first and public interest last;
- The redefinition of faculty expectations: emphasizing the pursuit of research that has patentable commercial ends; turning over teaching responsibilities to part-time, adjunct faculty; star professors are those bring in large external grants; teaching prowess is no longer a meritorious or highly regarded quality;
- Administrators are coming directly from industry or are recruited for their corporate know-how, not their educational experience.

If the market-model university and privatization become the prevailing principle of academic funding paradigms, corporate takeover and control is inevitable. Rather than consider private sector solutions to

contemporary funding problems, higher education officials, faculty, lawmakers, and other civic-minded participants should focus their collective energies advocating full financial investiture in support of democracy and public guardianship. We must relentlessly argue for educational accessibility and affordability in support of the common good. The argument that privatization is necessary to offset eroding state appropriations is weak and rationale when proper perspective is applied—America is the most powerful and wealthiest nation in the world. Education, from this standpoint combined with its role as a social institution, is a cultural, political, economic, and democratic obligation. It should be a matter of highest priority. The commercialization of higher education is threatening the altruistic function of the academy, making it difficult to fulfill its historic purpose—to serve American society as the ultimate conduit for democratic and pluralistic nourishment. For better or worse, according to Woodruff D. Smith, a professor of history and past Dean of Liberal Arts at the University of Massachusetts Boston, American higher education, the American public sphere, and American democracy rise and fall together.²³

Thus, the transformation to a corporate-model higher education system is being reinforced by recent court cases on student grades and academic freedom which have undercut the professor's autonomy as a citizen in the "community of American universities" and classified the professor as being an "Agent" to the "Speaker" (University). Redefining the professor's role in this light provides the administration with immense power, as was evident, in the retaliatory case where a tenured professor was fired for criticizing the President (i.e., *Brown v. Armenti*).²⁴ This view is contrary to a democracy where the source of authority, the legitimate basis of power, should be the majority, not an elite few. Turning the academy over to private investors and administrators, acting as corporate managers, while disregarding the university community and the fundamental significance of shared governance is antithetical to fundamental precepts of democracy. It is time to understand the mutually dependent relationship between democracy and higher education. Let us not relinquish ownership of what may be our last surviving bastion of democratic and pluralistic principles.

Footnotes

¹ This paper is an assimilation of two essays -- "Pluralism and Democracy: Fading value Systems in American Higher Education" by Clarence E. Burns; "Student Grades: A Portal for Corporatizing the Academy" by Thomas R. Whiddon, Clarence E. Burns, and Mandy L. Whiddon -- in *What is Wrong with Academia Today? Essays on the Politicization of American Education*.

² Wirth, Wirth, Whiddon, and Manson. *What is Wrong with Academia Today?*

³ Pool, "Shaping the Future."

⁴ Sethuraman, "Corporatizing the University."

⁵ Kirp, *Shakespeare, Einstein, and the Bottom Line*, 7.

⁶ Dewey, *Democracy and Education*; Giroux, *Living Dangerously*; Goodlad, Mantle-Bromley and Goodlad, *Education for Everyone*; Gutmann, *Democratic Education*; Roosevelt, "Good Citizenship," 4, 94 and 97.

⁷ Educational Policies Commission, *Purposes of Education in American Democracy*. In 1938, the Educational Policies Commission of the National Education Association (NEA) developed a Statement of aims known as the *Purposes of Education in American Democracy*

⁸ American Federation of Teachers, *Education for Democracy*.

⁹ Bureau of International Information Programs (IIP), *Principles of Democracy*. The quote came from one of the 21 one-page primers produced by the IIP.

¹⁰ Sage, *Power and Ideology in American Sport*.

¹¹ *Regents of University of Michigan v. Ewing*, 474 U.S. 214, 106 S.Ct. 507 (1985).

¹² Project P.A.T.C.H. *Santa Clara County v. Southern Pacific Railroad Company* 118 U.S. 394 (1886).

¹³ *Parate v. Isabor*, 868 F.2d 821 (Tenn. 1989).

¹⁴ *Edwards v. California University of Pennsylvania*, 156 F.3d 488 (3rd Cir. 1998), cert denied, 525 U.S. 1143 (1999); *Edward v. California State University of Pennsylvania*, 156 F. 3d 488 (3rd Cir. 1998).

- ¹⁵ *Keyishian v. Board of Regents of University of State of N.Y.*, 385 U.S. 589, 87 S. Ct. 675, 171, L.Ed. 2d 629 (1967).
- ¹⁶ *Brown v. Armenti*, 247 F. 3d 69 (3rd Cir. 2001). Robert Brown was a professor for 28 years at California University of Pennsylvania. He assigned a grade of “F” to a graduate student because she only attended 3 of 15 class sessions. President Angelo Armenti ordered Professor Brown to change the grade to an “I”. He refused and the university suspended him from teaching the course. He wrote a scathing review of President Armenti for presentation to the University Board of Trustees. Two years later Professor Brown was terminated. Circuit Judge Mansmann held: “(1) professor had no First Amendment right to expression regarding grade assignment: (2) professor did not satisfy his burden in responding to summary judgment motion when he failed to set forth protected speech in review critical of president that allegedly led to his firing; and (3) criticism of university president did not concern.
- ¹⁷ *Brown v. Armenti*, 247 F. 3d 69 (3rd Cir. 2001), 5.
- ¹⁸ *Regents of University of Michigan v. Ewing*, 474 U.S. 214, 106 S.Ct. 507 (1985).
- ¹⁹ Gerber, “Inextricably Linked.”
- ²⁰ Washburn, *University Inc.*
- ²¹ Jensen, “Corporate Power is the Enemy of Our Democracy,” A34.
- ²² Washburn, *University Inc.*
- ²³ Smith, “Higher Education, Democracy, and the Public Sphere.”
- ²⁴ *Brown v. Armenti*, 247 F. 3d 69 (3rd Cir. 2001).

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