Remarks at Threats to the University, Humanities, and Science Conference  
(Revised and Expanded)  
London/Cambridge, July 20-22, 2011  
Session on “Threats to the University”  

James Weinstein  
Amelia Lewis Professor of Constitutional Law  
Sandra Day O’Connor College of Law  
Arizona State University

I would like to raise two concerns for possible discussion. On the surface the two concerns may seem unrelated but in fact they threaten the same core academic value.

First, it seems to me that in the United States universities have recently become increasingly more centralized and bureaucratic. In particular, it is my impression that at the college level deans have much more authority over matters that were once considered faculty, or at least shared faculty/decanal prerogatives, including curriculum and faculty hiring; at that at the university level, similar top down control exists, with provosts or their equivalent centrally managing the affairs of individual colleges and departments, including matters of core academic concern. As a result, the role of professors at the university is becoming ever more like that of an employee of a large corporation rather than as colleagues within a disciplinary community.

These perceptions are, admittedly, impressionistic and not based on any formal research. So I would be particularly interested in whether other American academics at this conference share my impression, and whether any of our British colleagues have similar concerns.

Second, I have been dismayed by the amount of highly tendentious, ideological scholarship in law journals and in publications of other academic disciplines that I have had occasion to read. Since law is a highly normative enterprise, legal scholarship will often quite properly be largely normative. So I am not complaining here of the highly normative legal scholarships as such. What I am raising as a possible threat to the university is the prevalence of ideological scholarship that does not fairly represent and often distorts or ignores contrary arguments.

Scholarship that does not deal fairly (or at all) with arguments that embarrass an author’s position is, of course, not limited to highly normative articles with an ideological axe to grind. But my impression has been that such tendentiousness is particularly likely to infect highly ideological works.
What these two phenomena have in common is that they both pose serious threats to academic freedom. The increased centralization and bureaucratization of decision making authority over traditional areas of core faculty governance, such as hiring of faculty and the setting of the curriculum, poses a direct threat to academic freedom. The threat to academic freedom from tendentious ideological scholarship is more subtle. My concern is that such scholarship undermines the authority of academic findings and pronouncements. And if the public, with some justification, perceives academic scholarship as not being within rather than above the political fray, then public confidence in the objectivity and trustworthiness of academic work will be undermined. This in turn will raise questions of why members of the academic community should be given freedom in their workplace not shared by workers in other communities.