

# SYMPOSIUM

## WHAT'S WRONG WITH OUR UNIVERSITIES?

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### I. INTRODUCTION

Looking back on the 1980s, I am struck by a remarkable contrast in the views expressed about American universities. Throughout this decade, we have repeatedly heard from foreign sources that our system of higher education is the best in the world in quality of scientific research, inventiveness of educational programs, accessibility to all segments of society, and flexibility in adapting to the differing needs of a vast student population.<sup>1</sup> In international opinion surveys, our leading universities invariably dominate.<sup>2</sup> We are the country of choice for students around the world seeking to pursue their education abroad.<sup>3</sup> Business leaders and government officials from overseas extol the quality of our academic science and admire its stimulative effects on the economy.

At a time when America's ability to compete is being challenged in many spheres, these achievements should be a cause for celebration. Yet surprisingly, far from praising our universities, critics in this country have attacked them more savagely during the past ten years than at any time in my memory. Higher education has been termed "under-accountable and under-productive"<sup>4</sup> and "a national disgrace."<sup>5</sup> Undergraduate education has been accused of "wind[ing] downward toward mediocrity"<sup>6</sup> with a curriculum alternately described as "cha-

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1. See Rosovsky, *Highest Education: Our Universities Are the World's Best*, THE NEW REPUBLIC, July 13, 1987, at 13.

2. See *id.*

3. See *id.*

4. Bennett, *Our Greedy Colleges*, N.Y. Times, Feb. 18, 1987, at A31, col. 1.

5. Glidden, *Teaching of the Timeless Virtues to a People of Rampant Pluralism*, L.A. Times, Mar. 26, 1989, § 5, at 3, col. 3.

6. Amberg, *Higher (-Priced) Education*, 1989 AM. SCHOLAR 521, 532.

otic,"<sup>7</sup> a "disaster area,"<sup>8</sup> or "rotten to the core."<sup>9</sup> Faculties too have had their fair share of criticism. According to one recent book: "[T]he professors—working steadily and systematically—have destroyed the university as a center of learning and have desolated higher education, which no longer is higher *or* much of an education."<sup>10</sup>

These harsh indictments have not been culled from fly-by-night journals or obscure newsletters. The fact that they have appeared so often in reputable publications and have attracted the attention of so many readers compels us to take them seriously. What merit do the criticisms possess and how can we reconcile them with higher education's outward signs of success? These questions seemed intriguing, important, and especially appropriate for an Article written at the close of one eventful decade and the beginning of another.<sup>11</sup>

## II. ORIGINS OF THE RECENT CRITICISM

The international reputation of American universities owes much to a remarkable consensus that emerged after World War II. For twenty-five years, the White House, Congress, and the American public were united in their resolve to develop the highest quality of scientific research and to open higher education to ever larger fractions of the nation's youth.<sup>12</sup> In pursuit

7. E.g., Yoder, *Yes, There's Intelligent Life Outside Harvard*, Wash. Post, Sept. 9, 1986, at A25, col. 1; *Three Academics Debate: What Is Great?*, Christian Science Monitor, Apr. 22, 1988, at B6, col. 4.

8. E.g., Stone, *Common Sense in College*, U.S. NEWS & WORLD REP., Jan. 23, 1978, at 84; *Harvard Education: A Matter of Coping, Not Facts*, Wash. Post, Sept. 21, 1979, at A3, col. 1.

9. De Paulo & Mundy, *Why Higher Education Is Neither: America's Rotten to the Core Curriculum*, WASH. MONTHLY, Oct. 1989, at 31.

10. C. SYKES, *PROFSCAM: PROFESSORS AND THE DEMISE OF HIGHER EDUCATION* 4 (1988) (emphasis added). A partial list of books and articles exemplifying the criticism of the 1980s would include A. BLOOM, *THE CLOSING OF THE AMERICAN MIND: HOW HIGHER EDUCATION HAS FAILED DEMOCRACY AND IMPOVERISHED THE SOULS OF TODAY'S STUDENTS* (1987); P. SMITH, *KILLING THE SPIRIT* (1990); W. BENNETT, *TO RECLAIM A LEGACY* (1984); Bennett, *Address at Harvard's Anniversary Celebration Symposium*, reprinted in Chron. Higher Educ., Oct. 15, 1986, at 27, col. 2; Amberg, *supra* note 6; Brimelow, *The Untouchables*, FORBES, Nov. 30, 1987, at 140; De Paulo & Mundy, *supra* note 9; Finn, *Ignoble and Self-Serving Practices Subvert the Moral Authority of Higher Education*, Chron. Higher Educ., Dec. 13, 1989, at B1, col. 3; and Cheney, *Humanities in America, Report to the President, the Congress, and the American People*, reprinted in Chron. Higher Educ., Sept. 21, 1988, at A17, col. 2.

11. In this single Article, I cannot cover all of the criticisms made of higher education. For example, I will not try to respond in detail to the radical critique, prominent in the late 1960s and early 1970s, which condemned universities for being too much the servants of the established order. My primary concern is with a somewhat different list of complaints that commanded attention in the 1980s.

12. This resolve resulted in the passage of such legislation as the National Science

of these goals, government agencies, foundations, corporations, and private donors all gave vast sums to improve and enlarge our colleges and universities.

This postwar consensus lasted in full vigor until the late 1960s. Since then, it has gradually eroded. Not that the public has lost interest in universities; America still wants education and research of high quality. But trust in established institutions fell sharply after Vietnam and Watergate, and universities were not immune from the trend. Following the student protests and political battles that erupted on many campuses, the public's confidence in higher education plummeted, and has recovered only moderately since then.

Support for higher education continued to weaken in the 1980s. Deficits and tax cuts limited Washington's capacity to pay for its programs, causing federal officials to quarrel increasingly with universities over how to share the costs of educating students and conducting research. The contentious spirit of the 1970s persisted, spawning a host of sour complaints about almost every kind of institution. In education, the political climate of the 1980s gave prominence to public figures and intellectuals of a conservative bent who saw universities as liberal strongholds populated by cocksure, opinionated professors. Emboldened by receptive audiences, these critics were outspoken in expressing their views.

Society's confidence has been further shaken by the growing number of disgruntled academics willing to vent their spleen in the most unflattering terms. It is commonplace today to come across articles by tenured professors referring to higher education as "ignoble," "decadent," "a desert," or words to that effect.<sup>13</sup> A recent best-seller on the subject written by a scholar at a prominent university is subtitled: *How Higher Education Has Failed Democracy and Impoverished the Souls of Today's Students*.<sup>14</sup> If faculty members speak so harshly and repeatedly accuse their colleagues of everything from sabotaging affirmative action to destroying intellectual standards, the public is bound to wonder whether something is not badly amiss.

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Foundation Act of 1950, ch. 171, 64 Stat. 149 (codified as amended at 42 U.S.C. §§ 1861-1875 (1988)); and the Servicemen's Readjustment Act of 1944 (G.I. Bill of Rights), ch. 268, 58 Stat. 284 (codified as amended in scattered sections of United States Code).

13. See, e.g., Finn, *supra* note 10.

14. A. BLOOM, *supra* note 10.

For these reasons, the wide support for higher education, so evident until the late 1960s, has fallen under the shadow of a long list of complaints. Many observers condemn the quality of undergraduate education for its formless curriculum, its lack of personal attention from senior professors, its huge classes broken into smaller sections taught by inexperienced graduate students.<sup>15</sup> Another series of charges, aimed at the tenured faculty, includes such items as reduced teaching loads, the flight from classrooms to research, and the penchant of some professors for high-priced consulting, starting businesses, or even hosting talk shows and arguing legal cases for large fees. The public has been equally incensed by the rapid rise in college costs that occurred throughout the 1980s, when tuitions often jumped by amounts more than double the rate of inflation.<sup>16</sup> Still other critics point to gross materialism on the part of universities, typified by endless capital campaigns, lucrative research contracts with private companies, heavy lobbying for government appropriations, and periodic scandals in big-time athletic programs.<sup>17</sup>

These complaints are often spiced with flamboyant rhetoric to seize the reader's attention. Some make assertions of fact that are flatly wrong, and many cite the behavior of a few institutions or professors to damn the entire enterprise. It is tempting, therefore, to launch into a point-by-point refutation of the charges. But that would be a tedious exercise, bogging us down in a long, inconclusive recitation of familiar arguments and forgettable statistics. In the process, we would lose sight of the elements of truth imbedded in most of the criticisms, truths that even successful universities need to ponder for their own improvement.

A detailed rebuttal might also deflect us from looking beyond the charges to consider whether we possess a reasonable set of standards for evaluating American higher education. This is a matter of great importance. In the past twenty-five years, we have all grown used to attacks on almost everything and everyone with any power, influence, or visibility. Battalions of commentators have acquired a vested interest in the use of

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15. See Amberg, *supra* note 6, at 528.

16. See Brimelow, *supra* note 10, at 140.

17. See, e.g., Sheler, Toch, Morse, Heupler & Linnon, *A New Era On Campus*, U.S. NEWS & WORLD REP., Oct. 16, 1989, at 54.

eye-catching prose to rouse the public's ire about the foibles and misadventures of every kind of public leader and organization. While much of this criticism is undoubtedly deserved, the temptations for exaggeration and excess are very strong. By now, all of our important institutions and their leaders have fallen sharply in the public's estimation. Continued attacks of a careless nature could needlessly deplete society's trust even more and impair the work of organizations on which our welfare ultimately depends. To forestall this danger, we must lay the foundations for a more responsible critique. In the case of higher education, we might begin by discovering what society seems to be asking of its universities. Only after we have analyzed these demands and arrived at a reasonable, realistic set of expectations can we build adequate standards by which to judge our universities and hold them accountable.

#### A. *Basic Principles*

Despite all the controversies that swirl around higher education, a broad consensus exists about fundamental ends and means. We want our universities to produce research of a quality second to none so that we can enlarge our knowledge, renew our culture, and produce new insights to help us conquer disease, promote technological progress, and overcome our social problems. Everyone wishes to give young people an education that will prepare them to live productive lives; to be knowledgeable, critical members of our democratic society; and to appreciate, as fully as possible, the human experience and the world around them. We are also united in wanting colleges and universities accessible enough that all who seek education after high school can find opportunities appropriate to their talents.<sup>18</sup> Finally, because universities represent our principal source of expert knowledge and highly trained people, we would like them to offer the kinds of education, advice, and critical analysis that society needs in order to prosper and move forward.

Different segments of higher education pursue these objectives in different ways. Research universities, the principal focus of this Article, contribute to all of the ends just described. Other segments, such as community colleges or liberal arts in-

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18. See, e.g., RESEARCH & POLICY COMM., COMM. FOR ECON. DEV., CHILDREN IN NEED, INVESTMENT STRATEGIES FOR THE EDUCATIONALLY DISADVANTAGED 1 (1987).

stitutions, pursue more specialized, though important, aims. Taken as a whole, the entire decentralized system, with more than 3,500 separate colleges and universities, serves our interest extremely well. It offers many points of initiative and widely varying educational experiences to satisfy the demands of a huge, heterogeneous student population. It produces a striving for success that spurs institutions to innovate and to recruit talented students and faculty with attractive programs and facilities. In diffusing authority, it minimizes the consequences of mistaken decisions. These are not trifling advantages. By all accounts, the government-controlled systems that predominate in Western Europe have not functioned nearly as effectively in providing quality, adaptability, and innovation.<sup>19</sup> Indeed, I cannot recall a single commentator who has suggested that another form of organization might be superior to our own.

Good as our diverse system is, however, it hardly works perfectly. Occasionally, competition arouses such a desire to succeed that individuals and institutions resort to improper behavior. Some intercollegiate varsity teams cheat in recruiting athletes in an effort to gain national prominence.<sup>20</sup> Some colleges try to increase enrollments by pandering to applicants in frivolous ways ("Club Med with books").<sup>21</sup> Some universities avoid merit-based review and employ lobbyists to talk Congress into appropriating money on political grounds for new science facilities. A few researchers even stoop to fraud in an effort to promote their careers.<sup>22</sup>

It is right to criticize the individuals responsible for such behavior. It is also right to condemn their institutions if they endorse the questionable practices or fail to take proper measures to prevent such misdeeds and to penalize those responsible. But until these actions cease to be exceptions and become the rule, it is wrong to blame all of higher education. Occasional transgressions of this kind are an inevitable result of the form of organization that we have chosen to follow and that has given us much benefit. Unless we are prepared to recommend another system, it makes little sense to condemn the one we have for shortcomings intrinsic to its very nature.

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19. See, e.g., Rosovsky, *supra* note 1.

20. See, e.g., Sheler, Toch, Morse, Heupler & Linnon, *supra* note 17, at 56-57.

21. See *id.*

22. See Greenberg, *Publish or Perish—or Fake It*, U.S. NEWS & WORLD REP., June 8, 1987, at 72.

A second defect of decentralized competition is that it provokes a certain amount of wasted or misguided effort in the struggle to get ahead. Colleges (like commercial advertisers) will spend more money trying to attract good students than can be justified by the need to inform applicants about their options. In an attempt to enhance their reputations, many institutions will push their professors to give more time to research than their likely contributions to knowledge could possibly warrant.<sup>23</sup> Similar motives may lead universities to found more institutes and programs in particular fields than the country actually needs.<sup>24</sup> These excesses are costly, and we should look for ways to reduce them. On balance, however, the losses incurred are a price worth paying for the energy and initiative that friendly rivalry engenders.

A third drawback of our system is that students (and their parents) cannot easily judge the quality of the education they will receive in different colleges and universities. It is difficult for applicants to find the relevant information or to know what information they need.<sup>25</sup> And even if all the pertinent facts were known, judgments of educational quality would still be highly subjective and imprecise.

The effects of this problem can be best understood by comparing education with a tangible product such as the automobile. Because buyers can readily discover which models have the greatest mileage per gallon, the best safety record, or the fewest repairs, manufacturers strive mightily to improve the performance of their products in all these respects. The effects of educational programs, on the other hand, cannot be measured so precisely. Colleges cannot supply reliable data about the quality of teaching and learning on their campuses. Worse yet, many students do not care enough to ferret out the scraps of information that are available. For these reasons, student applicants do not exert an informed pressure on universities to make determined, comprehensive efforts to improve their educational programs.

While this is a significant drawback, there are good grounds for preferring our competitive system to the existing alternatives. Many students and their parents do pay attention to the

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23. See C. SYKES, *supra* note 10, at 101-07.

24. See Sheler, Toch, Morse, Heupler & Linnon, *supra* note 17, at 54-55.

25. See *id.* at 57.

reputation of the faculty, the range of courses offered, the adequacy of the facilities, and the quality of the student body. Their concern encourages universities to improve in these important respects. Granted, such pressures do not suffice to produce a constant, systematic effort to enhance teaching and learning, and they operate especially weakly in institutions with less demanding clienteles. Still, the desire to attract good students, particularly in selective colleges and in graduate and professional schools, does more to benefit education than any incentives found in state-controlled systems abroad, where improvements depend entirely on the conscience of the faculty and the prescriptions of a remote government bureaucracy.

Even with the qualifications, then, everyone agrees not only on the basic ends of American higher education, but also on the methods of organization we have chosen to achieve our goals. That being so, what is the public asking of universities, especially research universities, in the areas where criticism has been so sharp in recent years? Are these expectations realistic and internally consistent, and can we use them to build sound criteria for judgment?

### III. THE QUALITY OF EDUCATION

The quality of education is a subject that has always aroused spirited debate, and opinions on the subject have varied widely.<sup>26</sup> Nevertheless, certain minimum standards command broad acceptance. We can all agree that universities should use careful methods of selecting faculty that will insure reasonable competence in instruction. Every administration should insure that its academic programs meet appropriate standards of intellectual content and rigor. Each university should try to create incentives for good teaching and help instructors to improve their pedagogic skills. And all faculties should base their programs on a curriculum reflecting a carefully considered educational philosophy or rationale that justifies course requirements and connects them to goals appropriate for the students and their future needs.

It is the curriculum, especially the undergraduate curriculum, that has provoked the bitterest complaints about the quality of education. The most frequent, most vehement attacks

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26. See, e.g., A. BLOOM, *supra* note 10.

have come from conservative sources, such as Allan Bloom, William Bennett, Lynne Cheney, and others who deplore the failure of our colleges to direct more attention to the history and cultural traditions of Western civilization.<sup>27</sup> In Bennett's words: "Although more than 50 percent of America's high school graduates continue their education at American colleges and universities, few of them can be said to receive there an adequate education in the culture and civilization of which they are members."<sup>28</sup> To those who share this opinion, the failure to require undergraduates to study our cultural heritage and its greatest texts is symptomatic of a broader decay of standards among the faculty and a general laxity and permissiveness on American campuses today.

Criticisms of this kind suffer from two underlying difficulties. To begin with, although Bennett, Bloom, Cheney et al. have attracted a great deal of public attention, theirs is by no means the only complaint about the undergraduate curriculum. Many writers have been pleading eloquently for colleges to do more to emphasize foreign languages and international studies to prepare students for an interdependent world. Others press for increased attention to quantitative literacy and science to prepare undergraduates for a highly technological, science-driven world. Still others have stressed the need to learn more about other cultures in order to prepare for an ethnically diverse world. A few writers have urged colleges to pay more attention to civic education to prepare citizens for a world in which the quality of government will be ever more important to their lives. Added to these proposals are further demands for compulsory courses on worthy subjects such as expository writing, ethics, environmental problems, and racial awareness.

By confining their argument to one or another of these suggestions, critics conceal the true dilemma that confronts the curriculum committee. In fact, there is a long and growing list of subjects that one can plausibly propose as indispensable. For those who must actually make curricular decisions, it is impossible to consider any one of these claims without deciding what to do about the others.

Beyond this problem lies a deeper contradiction in the conservative critique of the college curriculum. Proponents of this

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27. See A. BLOOM, *supra* note 10; W. BENNETT, *supra* note 10; Cheney, *supra* note 10.  
28. W. BENNETT, *supra* note 10, at 1.

view would be among the first to applaud the existence of a competitive, decentralized system of higher education and to reject a monolithic structure controlled by the state. At the same time, they condemn the whole of higher education for refusing to adopt their ideal curriculum as the standard model for all colleges and universities.

These positions are not easy to reconcile. A decentralized system will produce a common result only when there is one set of courses that all reasonable educators feel compelled to accept. Such unanimity is not unknown. No sensible medical school would fail to offer courses in anatomy, nor would any law curriculum omit the study of contracts. But no such consensus has prevailed in undergraduate education for over one hundred years. Charles William Eliot, Harvard's greatest president, was long the champion of a totally elective curriculum, believing that students would learn best by being free to take the subjects that interested them the most.<sup>29</sup> Other educators—including the the present Harvard faculty—believe that in a civilization marked by constant change and vast accumulations of knowledge, students most need a familiarity with the basic methods of learning about the world and understanding human experience. Still other faculties have long preferred some form of distribution requirement to insure that all students spend at least a portion of their undergraduate years in courses divided among a variety of fields. Only a minority of colleges have opted for the great books curriculum favored by critics such as Bennett and Bloom, although the idea has been discussed for generations.<sup>30</sup>

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29. See C. SYKES, *supra* note 10, at 159.

30. Curricula based on great works of Western culture have undoubted advantages. In particular, they cause all undergraduates to gain an acquaintance with texts that contain some of the deepest insights into the human condition. They also provide a common basis for discourse among all students while renewing in each new generation a sense of our common cultural heritage. Yet there are objections to such a curriculum that explain its failure to gain universal support. Among them are the following. Because of other pressures on the curriculum, treatment of the great texts is often relegated to survey courses that are likely to be superficial. If all students must take them, they will have to be taught by instructors who are not themselves masters of all the material assigned and hence will not be able to deal with the subject matter as deeply or insightfully as they could if they were allowed to teach in their own field. Courses based on the Western cultural tradition may also neglect other cultures at a time when they are becoming more important to the country and to many of our undergraduates. Finally, students forced to take prescribed curricula with prescribed texts do not normally study with the same interest and enthusiasm that they display in courses of their own choosing.

When educators disagree this strongly about the curriculum, the differences are typically so subjective and value-laden that no one can prove convincingly that only one answer is correct. In such situations, our decentralized system is calculated to allow every plausible view to find its way into the catalogues of at least a few institutions, leaving to students and their parents the ultimate right to choose. Thus, it is unrealistic and inconsistent to support a decentralized form of organization while also criticizing higher education for refusing to adopt a single preferred curriculum.<sup>31</sup> One cannot have it both ways.

The point of this analysis is surely not that we should stop arguing about curricular matters. There are programs at both the graduate and the undergraduate levels without any structure whatsoever. There are others that are incoherent and have no thoughtful rationale to justify their requirements. All undoubtedly merit condemnation. In addition, even carefully constructed curricula need continuing discussion to bring about renewal and improvement. But it is one thing to carry on the debate by arguing that a particular conception is better, on balance, than the others. It is quite another to argue as if only one solution were acceptable and to imply that all institutions and their faculties must be irresponsible if they fail to agree.<sup>32</sup>

#### IV. THE BEHAVIOR OF FACULTY

##### A. *Teaching v. Research*

Next to the college curriculum, no aspect of university education has provoked more complaints than the faculty's preoccupation with research at the expense of teaching.

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31. To the extent that they even notice this contradiction, critics tend to avoid it by impugning the motives of those who disagree with their views. In their opinion, a curriculum based on the great Western texts is so obviously superior that faculties failing to vote for it must be balking for ignoble reasons. The usual explanation is that professors support another model only because it makes fewer demands on their time or because it is necessary to mollify protesting students. Such explanations are unfortunate. Although faculties do occasionally make decisions for unworthy reasons, critics who leap to assume such motives are treading on thin ice. Their charges are particularly suspect if the curriculum they attack has a long history and if distinguished educators have argued thoughtfully on its behalf. In such circumstances, it would surely be better if critics refrained from accusations of this kind except when they have direct and convincing evidence that a faculty has acted improperly.

32. See, e.g., Bennett, *supra* note 10. Stressing that students "deserve a good general education—at a minimum, a systematic familiarization with our own, Western tradition of learning," Bennett observes that "I would fault Harvard and other universities for this: there's not much effort to see to it, systematically and devotedly, that real education occurs." *Id.* See also De Paulo & Mundy, *supra* note 9, at 31.

Interestingly, no one has yet proved that professors who publish a lot are less successful teachers than their colleagues who devote little time to scholarly pursuits.<sup>33</sup> Nevertheless, it is widely believed that institutions slight their students when they emphasize research in making appointments and refuse to promote unproductive professors even though they are highly successful classroom teachers.

As is so often the case, this concern has emerged against the backdrop of two contradictory messages that society has sent to its universities. One signal comes from all the critics who deplore the neglect of teaching and the stress that universities place on published work. The other makes the opposite point through a system of powerful incentives and rewards that offers fame, fortune, and ample funding to successful scientists and scholars.<sup>34</sup>

In the face of these conflicting demands, it would be useful to consider what universities might do to create rewards for teaching strong enough to achieve a proper balance between instruction and research. Oddly enough, however, discussions of this kind are rare outside of specialized education journals.

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33. In fact, some studies have found that the most prolific scholars have slightly higher student ratings as teachers than their unproductive colleagues. These studies are sometimes taken to show that universities that stress research do not thereby sacrifice the quality of teaching. On reflection, this conclusion seems questionable. To prove that productive scholars teach better than professors who have failed to publish in a research university is not to show that they teach better than instructors in colleges where teaching is stressed and professors are promoted for their pedagogic ability. Similarly, the studies fail to prove that universities could not achieve even better instruction without sacrificing research by strengthening the rewards for good teaching. Finally, surveys show that large fractions of the faculty in all types of universities believe that the pressure to publish does detract from the quality of teaching in their own institutions. See *Professors Are Upbeat About Profession but Uneasy About Students, Standards*, Chron. Higher Educ., Nov. 8, 1989, at A1, col. 3 [hereinafter *Professors Are Upbeat*] (reporting results of recent Carnegie Faculty Survey).

34. The rewards for research are multiple and impressive. Prizes, publicity, and fame await the most successful scientists and scholars. Universities are ranked for the reputations of their graduate faculties, and results are featured in magazines and newspapers throughout the country. (Although the actual surveys include evaluations of graduate teaching programs, it is significant that the media tend to emphasize only those that record the reputations of departments for research.) The federal government supplies the best investigators with large sums of money for their work according to strict meritocratic criteria. Through this process, universities with successful faculties receive substantial amounts of money to help defray their overhead expenses while institutions that lack such faculties do not. While successful scientists continue to be supported, those who do not fare so well lose graduate students, their self-confidence, and often have to close their laboratories altogether. Humanists do not often qualify for federal grants, but it is still true that lectures, honoraria, foundation funding, and trips to conferences in exotic places come much more frequently to those with distinguished publication records.

Those who speak for research seldom consider such matters to be their proper concern and hence are silent on the subject. For their part, those who speak up for teaching tend to dismiss research with hardly a word about the reasons that have led society to devote so many billions of dollars to its pursuit. Little is said about its importance to society or its potential benefits for teaching. Instead, critics condemn the bulk of scholarly writing either as a sterile product of requirements imposed by philistine administrators or as a form of private pleasure that selfish professors enjoy at the expense of their students.<sup>35</sup> In this way, supporters of teaching and research talk past one another without trying to reconcile their views.

A serious attempt to balance the legitimate claims of teaching and research must begin by understanding something of the incentives that inspire each type of activity. Both pursuits hold great intrinsic interest, just as both can entail much drudgery and frustration. In contrast, the *extrinsic* incentives and rewards are almost always more powerful for research than they are for teaching. Part of the explanation lies in the potent effect produced by the financial support, the prizes, and the wide recognition that society bestows on successful scientists and scholars. Equally important is the fact that research can be studied carefully and communicated to a very wide audience. Because of this visibility, faculty members who are outstanding scientists and scholars are much better known outside of the university and thus attract more invitations to speak, more opportunities to consult, and more job offers (which in turn drive up their salaries). In much the same way, a university's reputation will depend much less on the quality of its teaching than on the strength of its research, because the latter is so much better known to the outside world. In a competitive environ-

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35. See, e.g., P. SMITH, *supra* note 10, at 177-98; C. SYKES, *supra* note 10, at 101-30. Such critics typically attack research by finding pretentiously obscure titles or passages that they use as objects of derision. While seizing on a single sentence or title in this fashion is a most unreliable way of judging research, it may well be true that much published work is of little quality. There are steps that universities can and should take to reduce the amount of trivial scholarship without any real threat to the progress of human knowledge and understanding. See *infra* pp. 318-19. Nevertheless, even these steps cannot insure that a high percentage of research will possess real quality. The most intelligent observers will disagree widely on which young scholars are talented enough to deserve encouragement or which methods of inquiry have intellectual merit. Moreover, however one defines the standards of quality, many promising scholars will eventually fail in the effort to meet them. It is simply in the nature of the enterprise that much research must be done to achieve a few contributions of lasting value.

ment—where high reputations mean an ability to attract better students, abler professors, and more government grants with overhead—this fact is bound to affect the behavior of the faculty and administration.<sup>36</sup>

Because such strong incentives for research come from sources outside the institution, it is neither helpful nor entirely fair to condemn a university merely because the quality of its instruction is less highly valued than its research. The critical question is whether the administration is doing what it can to develop incentives and rewards for good teaching that will help to restore a healthier balance. Contrary to much outside opinion, the proper remedy is not to promote popular teachers who are undistinguished scholars. A vital part of a professor's job in a research university is to expand knowledge and train graduate students. Neither task is likely to be done well by individuals who have failed to show real talent for research by the time they reach the point of tenure. Besides, professors who publish little are unlikely to thrive in the atmosphere of a research university and often have less to communicate and less enthusiasm for doing so as time goes on.

Fortunately, there are other things that an institution can do to encourage good instruction. Certainly, the administration should consider the quality of teaching as well as the publication record in making appointments. In addition, the university should take pains to devise appropriate criteria for evaluating research. At present, more than forty percent of the faculty in research universities believe that reviewing authorities consider only the quantity of publications, rather than the quality, in judging faculty promotions.<sup>37</sup> Perhaps these professors are misinformed. If they are correct, however, the universities involved are clearly guilty of encouraging trivial scholarship at the expense of teaching.

While promotion criteria are important, they merely fix the quality of teaching at the time the appointment is made. A conscientious administration must do more to create an environment that will continuously support good instruction. Various possibilities spring to mind. The university can offer seed money to assist professors who wish to improve their courses or experiment with new methods of instruction. It can provide

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36. See Rosovsky, *supra* note 1.

37. See *Professors Are Upbeat*, *supra* note 33.

for student evaluation to make sure that faculty members receive feedback about their teaching. It can use voice mail to help students communicate with their instructors about questions and confusions arising from course lectures. It can offer opportunities, such as videotaping of classes, to help professors improve their pedagogy. Even more important, it can ask all graduate students to undergo serious training to develop pedagogic skills and include tapes and other evidence of their teaching in the dossiers they send in applying for academic posts at other universities. While none of these measures may fully offset the powerful incentives favoring research, their cumulative effect should go a long way toward keeping a healthy balance.

The problem is more serious in universities that lack distinguished research faculties. According to nationwide surveys, a large majority of professors at these institutions believe that their administrations impose publication requirements for promotion that are mechanical and out of proportion to the value of any research that their faculties are likely to produce.<sup>38</sup> In addition, teaching assignments at many of these universities are kept at low levels, although the scholarly contributions of their faculty are meager. Such practices are hard to defend, because they beggar instruction to promote research of dubious worth. Granted, scholarly work can help a teaching faculty to renew its intellectual capital, and there is no reason not to encourage it. But that is no excuse for making publication a requirement for tenure in every case or for basing promotions on the quantity rather than the quality of research. Nor does it justify lowering teaching loads to levels out of keeping with the real scholarly contributions of the faculty. Instead, every administration should avoid attaching greater importance to published work than the likely abilities of its faculty seem to warrant. This is the special obligation of academic leaders, who are ultimately responsible for setting goals that accurately reflect the special strengths and limitations of their institutions.<sup>39</sup>

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38. *See id.*

39. Admittedly, this standard is difficult to achieve in a competitive system where the rewards are so heavily skewed toward success in research. In the end, universities that lack distinguished scholars are likely to stop putting undue emphasis on publication only when there are credible, attractive models of excellence other than that of the research university. This is a formidable challenge, the more so because new models depend on incentives and rewards that come in part from the larger society. Except in

### B. *Outside Activities*

One can readily understand why people are upset about the time the faculty spends away from the university. It is bad enough, they grumble, when professors neglect their teaching to perform research. But how can one possibly excuse leaving the campus to do consulting or to give speeches?

If all such activities were motivated by private gain, the issue could easily be resolved by imposing arbitrary limits. But most outside activity has much worthier intellectual or social purposes. Scientists need to go to meetings to keep up with new developments. Medieval historians and logicians may have to attend conferences to find colleagues in their special field with whom to discuss common interests. Social scientists travel to Washington to offer advice eagerly sought by government officials, while chemists talk with their counterparts in industry to speed the application of new discoveries to industrial uses. Studies have repeatedly failed to show that these outside activities interfere with the academic work of the university.<sup>40</sup> On the contrary, professors who consult frequently seem to publish more, teach as much, and carry out as many campus chores as their less peripatetic colleagues.<sup>41</sup>

In the face of these complexities, the public is clearly ambivalent. As corporate executives, public officials, foundation officers, and law partners, people in the outside world actively seek expert advice from professors and often pay high prices to get it. As parents, on the other hand, the same individuals complain about the lack of personal attention that senior faculty give to their children. Similarly, students enjoy the stream of interesting visitors who come to the campus to talk about their work. But they are displeased if their own professors are lecturing somewhere else when they are needed to give advice or to sign study cards.

Such complications make it difficult to draft sensible limits on outside activity, let alone devise methods of implementation that are not insufferably bureaucratic. Attempts to resolve

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certain segments of higher education, such as community colleges and private liberal arts colleges, the challenge has not yet been met effectively.

40. See, e.g., C. BOYER & P. LEWIS, *AND ON THE SEVENTH DAY: FACULTY CONSULTING AND SUPPLEMENTAL INCOME* (ASHE-ERIC Report No. 3, 1985); Patton & Marver, *Paid Consulting by American Academics*, 60 *EDUC. REC.* 175 (1979).

41. See Patton & Marver, *supra* note 40, at 180.

these issues quickly encounter the deeper questions of how best to nurture the intellectual growth of scholars and how to allocate the time of experts in a world increasingly in need of their knowledge. To muddy things further, no single university has unlimited freedom to deal with the problem. If its rules are too strict, it may do itself more harm than good by causing able professors to leave and join some other, less demanding institution.

In principle, the best way around this dilemma would be to build a sense of loyalty and collegial responsibility among the faculty strong enough to withstand the temptation to neglect campus duties. This is a task of great subtlety and importance, and every administration needs to work hard at it. Still, the enterprise is difficult and cannot possibly succeed in every case. Hence, it is only reasonable to expect each university to devise thoughtful rules, backed by adequate means of implementation, that will respect the social and intellectual value inherent in much outside work but insure that professors continue to meet their campus duties.

This prescription is admittedly vague. But it does suggest that the most common rule, allowing one day a week for outside activities, is simply too primitive to cope with the vast array of extramural pursuits.<sup>42</sup> Clearly, universities need some way of distinguishing between work that merely brings in added income and efforts that serve the public interest or the intellectual growth of the scholar. Probably, in order to take proper account of the many types of outside activity and the varying justifications they present, it will be necessary to look case-by-case at each professor with external pursuits that exceed a basic minimum of time. It is also fair to expect all universities to set clear rules specifying the types of remunerative activity that create unacceptable conflicts of interest. Finally, whatever its regulations, an administration is probably derelict if it does not require professors to report their off-campus activities or find some other means of insuring that its rules are actually followed.

## V. TUITIONS

To a public grown accustomed to complaints about the cur-

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42. *See id.* at 183.

riculum and the quality of teaching, it must be galling to watch tuitions rising at rates substantially greater than inflation. The reactions are sometimes colorful. "At last President Bush has faced up to General Noriega," said one citizen over National Public Radio. "Now perhaps he'll have the guts to do something about tuitions."

One can readily appreciate the economic pressures that provoke these feelings. Now that tuitions at high-priced institutions are approaching \$14,000 per year and total expenses exceed \$20,000, families wealthy enough not to qualify for financial aid often find that college costs eat up a large fraction of their after-tax income. If they must educate two or three children simultaneously, the total bill may well seem overwhelming.

It is important to note, however, that most of the hostile publicity focuses on the tuitions charged by only a handful of institutions, such as Harvard, Stanford, Yale, or Princeton. In fact, eighty percent of all undergraduates attend public universities where tuitions average less than \$2,000 per year. Another fourteen percent go to private colleges with tuitions under \$10,000. Barely six percent of all college students attend institutions charging more than \$10,000, and up to two-thirds of these receive scholarships or subsidized loans, or both.<sup>43</sup> In the end, therefore, most of the public outcry involves tuitions that are paid in full by barely two percent of the nation's undergraduates, many of whom come from families with high incomes. Be that as it may, each new round of tuitions from the high-priced schools provokes disapproving news stories in daily papers and magazines across the nation.

To understand this problem, one must recognize that any system with many hundreds of autonomous colleges will provide a great variety of undergraduate experiences. This is one of the signal virtues of American higher education and is particularly useful in serving a huge student population of widely differing abilities and needs. In such a system, some institutions will offer more costly programs and charge higher prices for those who wish to pay more in return for qualities they consider important. Students attending such institutions, and parents who pay the bills, typically seek an eminent faculty, more

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43. See EDITORS OF CHRONICLE OF HIGHER EDUC., *THE ALMANAC OF HIGHER EDUCATION*, 1989-90, at 4, 23, 53 (1989).

individual attention, a wide variety of courses, extensive facilities and extracurricular activities, and the reputation that often accompanies these advantages. With such a demanding clientele, these colleges not only have higher costs; they are particularly likely to face a steady stream of requests for more computers, more individualized instruction, more counselling, more athletic facilities, and other new opportunities and programs. Campus officials often raise tuitions rapidly in order to provide more of these services. If they failed to make these improvements, students would feel increasingly dissatisfied, and applicants would eventually begin to move to other schools willing to provide the desired opportunities, albeit at a higher price. On the other hand, if tuitions rose to the point that students no longer considered the added benefits worth the cost, applicants would begin to apply to other, lower-cost schools, and higher-priced colleges would soon have to moderate their charges.

Although most people understand all of this, the complaints go on. Are the criticisms justified? To answer this question, we must first discover what expectations the public has with regard to tuitions and what notion of a fair price informs their concerns.

To begin with, all of the interested parties seem to accept one fundamental principle. When former Secretary of Education Bennett accuses private colleges of "charg[ing] whatever the market will bear"<sup>44</sup> and university presidents issue heated denials, everyone is agreeing that supply and demand should not dictate results. Nor do they. Even at the most expensive institutions, applicants far outnumber the places available, yet tuitions are kept well below the true cost of educating students (after carefully allocating appropriate portions of library, laboratory, and faculty costs for research). If ordinary commercial principles offer no guide, then, what criteria can we put in their place?

Some commentators urge that tuitions be set low enough to keep the higher-priced colleges accessible to students from low- and middle-income families. *The Washington Post* has recently emphasized this point.<sup>45</sup> In fact, however, such a test is useless, because there is no necessary connection between what

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44. Iosue, *How Colleges Can Cut Costs*, Wall St. J., Jan. 27, 1987, at 34, col. 3.

45. See *Those Tuition Increases*, Wash. Post, Aug. 15, 1989, at A18, col. 1.

colleges charge and how accessible they are. Higher tuitions can either drive away poor applicants or provide more money to help fund the scholarships and low-interest loans that allow such students to attend.<sup>46</sup> That is one reason why many of the most expensive universities have financial aid policies sufficient to guarantee that every needy student admitted can actually afford to enroll.

A few critics claim that tuitions are too high because universities insist on unnecessary expenditures, such as maintaining counselling services or elaborate sports facilities.<sup>47</sup> The implication is that colleges should provide a "no-frills" education and lower their tuitions accordingly.<sup>48</sup> The problem is that "frills" usually turn out to be activities such as career guidance, psychiatric counselling, or athletic programs that undergraduates value and use heavily. One can hardly condemn universities for making such services available and including their cost in the tuition. In a decentralized, competitive system, we should expect colleges to offer students the services they want and are willing to pay for. So long as the activities are not frivolous or against the public interest, such responsiveness to student needs is more a virtue than a vice of our particular way of organizing higher education. It is ironic to find publications that champion the free market, such as *Forbes* and the *Wall Street Journal*, providing the forum for questioning these principles.<sup>49</sup>

It is likely that much of the public's concern stems from the fact that tuitions during the 1980s rose faster than the cost of

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46. Some critics seize on statements of this kind to assert that universities are using tuitions from middle-class families to pay the cost of educating poorer students. But this is rarely true of the high-priced schools. In these institutions, because of endowments and current gifts, even students who receive no financial aid do not pay nearly the full cost of their education. Hence, while higher tuitions may help to maintain high levels of financial aid, they do so only by reducing the ample subsidies given to wealthier students, not by actually taxing them to help their poorer classmates.

47. One sometimes hears the argument that students come to high-priced colleges for the prestige of their degree and the advantages it supposedly confers in later life. Hence, such colleges are allegedly free to waste money, add unnecessary programs, and raise their tuitions without risk of losing students. This argument overlooks the fact that there are many colleges with high reputations so that students who feel that one is overpriced or slipping in quality can readily apply to others. Since these colleges are highly sensitive to small shifts in enrollment, even a minor loss of highly talented students to other institutions can provoke scrutiny and corrective action. Moreover, student services compete for limited funds with other pressing needs. Universities are not likely to forgo larger salary increases for faculty or added investments in their libraries and laboratories to finance new programs and services of marginal value to students.

48. See Amberg, *supra* note 6; Brimelow, *supra* note 10.

49. See Brimelow, *supra* note 10; Iosue, *supra* note 44.

living. But there is no obvious reason why the cost of living should provide a standard for setting tuitions any more than it does for other goods and services. In fact, independent colleges have raised their prices approximately two points faster than inflation since statistics were first compiled many decades ago. Although tuitions grew more rapidly than that during the 1980s, they also failed to keep up with inflation in the 1970s. Hence, increases over the entire two decades averaged about two percent above the cost of living, in line with the historical average.<sup>50</sup> It is also worth noting that federal scholarship grants fell steadily in the 1980s, so that private colleges needed to find extra revenue or risk closing their doors to poor but deserving applicants. Buildings were deteriorating from deferred maintenance, and faculty salaries had lost almost twenty percent of their purchasing power due to the rapid inflation of the 1970s. With all these problems, it is far from clear that colleges breached some obvious norm by temporarily raising their tuitions much faster than the rate of inflation.

In sum, while almost everyone agrees that a decentralized, competitive system of higher education is a good thing, no one has suggested viable criteria to determine what a proper tuition should be. Lacking a consensus on what policies are justifiable, colleges find themselves in a quandary, caught between a public that dislikes any tuition increases and a student body (and faculty) constantly asking for more services, more facilities, more computers, and more programs.

In order to resolve this dilemma, it is useful to consider the stakes on both sides of the issue. Suppose that independent colleges continue their historic course of raising tuitions faster than the cost of living. Parents who feel that the cost of attending such institutions has become too great can readily turn to a variety of lower-cost alternatives, some of them heavily subsidized state universities with excellent reputations. If substantial numbers of students exercise this option, higher-priced colleges will soon moderate their tuitions, because they are intensely concerned with attracting applicants of exceptional ability and promise.

On the other hand, suppose that these colleges hold down their tuition to avoid hostile publicity. For a while, they may

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50. See K. HALSTEAD, *HIGHER EDUCATION TUITION* 20-21 (1989).

offset their lost revenue by economies that have no immediate visible effect. Over time, however, either the quality of education will gradually suffer through lower faculty salaries, fewer computers, decaying facilities, and diminished services, or worthy applicants of modest means will be kept out by shrunken financial aid budgets.<sup>51</sup> In this way, holding down tuitions will give even greater subsidies to relatively affluent families, who could and would pay more, while excluding poor but worthy applicants, or impairing the quality of educational programs, or both. These results are undesirable for the country, for needy applicants, even for students from affluent families who would prefer to pay for better programs. They are certainly harder to justify than the current level of Ivy League tuitions, burdensome as they seem. After all, even Harvard, Yale, and Princeton charge at rates no greater than those of a moderately priced hotel (less than ninety dollars per night) or a decent summer camp—not a bad bargain considering all of the courses, professors, meals, library books, computers, athletic facilities, and other extracurricular opportunities made available for the price. All things considered, then, if a university charges a tuition, based on its own programs and needs, that does not exceed the cost of the education it provides, one cannot fairly condemn the result as excessive. In the end, the ability of students to shift to other institutions that charge less is the best restraint against unreasonable prices.

## VI. THE NEED FOR RESOURCES

Rising tuitions are only one manifestation of higher education's preoccupation with money. Through annual appeals, capital campaigns, congressional lobbying, and petitioning foundations, the search for funds goes on continuously.

Two forces drive this ceaseless quest. One is the heavy pressure of costs, not only the costs occasioned by rising prices generally, but the growing outlays required to keep up with such expensive items as new computer technology and laboratory equipment, the expanding teams of investigators needed

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51. In the 1980s, the erosion of federal scholarship funds caused the colleges' own financial aid budgets to soar. By now, therefore, among the many hundreds of independent colleges, the number that truly admit all deserving applicants regardless of means has probably declined to 10 or 20. Further pressure on revenues is very likely to result in the exclusion of even more poor applicants.

to explore many scientific fields, and the swelling flood of new books published every year. The other force that drives up costs is the constant, competitive desire to achieve high quality and distinction by attracting talented faculty and able students and by maintaining first-rate libraries and laboratories.

Once again, the public is of two minds about this process. On the one hand, it applauds the new discoveries and many intellectual achievements that come from major investments in research and education. On the other, it often expresses a desire for greater restraint in university spending. This ambivalence was strikingly apparent in the recent issue of *U.S. News & World Report* ranking the nation's undergraduate programs.<sup>52</sup> The lead article emphasized the need for economizing in higher education. Yet the ratings that followed were largely based on achievements, such as the eminence of an institution's faculty and the quality of its students, that require heavy expenditures of funds.<sup>53</sup>

In recent years, the search for money seems to have become more intense, the capital campaigns much larger and more frequent.<sup>54</sup> This too reflects an ambivalence about the quality of higher education we wish to maintain. The government and the general public continue to want universities to do research of a quantity and quality that will keep our businesses competitive, our health care improving, our armed forces technologically superior. Yet deficits and tax reductions, along with the spiraling costs of first-rate science, have forced federal officials to chip away continuously at the share of research costs they will pay. In much the same way, Washington (like most members of the public) wants talented students from all walks of life to have the chance to enter the best colleges and professional schools. Once again, however, fiscal pressures caused the real value of federal scholarship aid to decline throughout the 1980s, forcing universities to scramble harder than ever for new funding sources.

In short, there is a gap between public expectations and public resources that leaves universities in an awkward position. They cannot satisfy the nation's desire for first-rate research and offer scholarships to all who need them without pushing

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52. See Sheler, Toch, Morse, Heupler & Linnon, *supra* note 17, at 54.

53. See *id.* at 58.

54. See Amberg, *supra* note 6, at 523-24.

hard for funds. In doing so, however, they are driven to forms of lobbying and fund raising that fit uneasily with traditional notions of an academy free of the more materialistic habits of the outside world. Rather than outright condemnation, their predicament merits a careful, understanding effort to decide where resourceful fund-raising ends and inappropriate behavior begins.

However grasping universities seem with their constant appeals for money, there is nothing intrinsically wrong with seeking support for worthwhile activities such as education and research. But this general rule has important exceptions. As previously noted, if an institution is wasting money by lax administration, it should satisfy its financial needs through cost-saving measures before asking others to foot the bill. Similarly, if even a well-run university tries to raise money for a frivolous or unworthy purpose, criticism is obviously merited.

It is tempting to make more of these exceptions than the record truly warrants. For example, critics often complain of large increases in administrative costs since 1970, but much of this is due to added personnel and paperwork associated with new federal regulations in areas such as affirmative action, environmental health and safety, pensions, access for the handicapped, and many more. Although some writers criticize the ample fund-raising staffs on many campuses, universities would scarcely maintain such offices if they did not attract much more in gifts than their cost to the institution. Still another familiar object of ridicule is the student recruiting budget. But institutions must persuade students to enroll or they will suffer a loss in quality and may even have to close down entirely. In an era when the number of eighteen- to twenty-four-year-olds is declining,<sup>55</sup> it is only natural that colleges will spend what they must to avoid such harsh results.

One also hears that universities could save more money by weeding out poor or outmoded programs. Yet, there is surely nothing wrong with mounting a broad array of educational activities if they are all of good quality. The public may refuse to support them all, but that is no reason not to try to get them funded.<sup>56</sup> The problem arises only when an institution seeks to

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55. See Brimelow, *supra* note 10, at 142.

56. One can argue that universities should do away with centers or programs if there are more of them in a particular field than the nation needs. But if there are, say, eight

do more than available resources permit and cannot maintain acceptable standards. In this event, if money can truly be saved by closing down inadequate or unimportant activities, it is clearly better to prune selectively than to spread resources so thinly that many good programs suffer.

Finally, one can legitimately object to efforts to raise funds whenever the methods used are inappropriate. The examples encompass a wide variety of situations—accepting art objects of uncertain provenance, naming buildings for unsavory donors, holding stock in companies engaged in questionable practices, taking gifts that impose dubious restrictions based on race or religion.<sup>57</sup> The issues raised can be extremely difficult, and reasonable people often differ on where to draw the line. What is clear, however, is that universities must do their best to avoid acquiring funds in ways that seriously endanger academic values, aid in the furtherance of immoral purposes, or violate other generally accepted ethical principles. Campus officials deserve criticism whenever they fail to make a conscientious effort to meet these tests.

The problems that arise in defining such standards are neatly illustrated by the controversies over university efforts to seek cooperative research agreements with industry. Once again, society's wishes are not easy to reconcile. The public clearly wants to have the fruits of university research translated quickly and efficiently into useful goods and services. That is why the National Science Foundation has funded university-industry consortia, why Congress has allowed tax write-offs for corporate contributions to academic laboratories, why the government has allowed universities to obtain patents and receive royalties on discoveries made under federal research grants. At the same time, the public also has misgivings about any relationships with industry that risk compromising the quality and integrity of academic research. No one wants universities to make arrangements with corporations that will impose requirements of excessive secrecy or divert scientists from important

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centers on Middle Eastern Studies and the nation arguably needs only six, it is unrealistic to expect any one university to decide that its center deserves to die. Such decisions can be made in monolithic systems by some central agency. In a decentralized system like ours, however, centers are normally dropped only when funding sources will not support them and the university decides that it can no longer afford to keep them alive.

57. I have dealt with these subjects in much greater detail in my earlier book, *D. BOK, BEYOND THE IVORY TOWER* (1981).

experiments to ones that merely promise short-term commercial gain.

The situation plainly calls for discussions of how universities and industry can cooperate to speed the utilization of new discoveries without making arrangements that will corrupt academic science. But this is not the sort of debate that has occurred. Government agencies have continued to encourage businesses and universities to cooperate without paying much attention to the effects on the integrity of research. In contrast, the media, along with a number of academic critics, have shown little concern for the public interest in the efficient exploitation of new knowledge but have concentrated on the risk of corruption and greed. "University presidents, it seems, can resist everything except money,"<sup>58</sup> proclaims a *New York Times* editorial. "It's the function of corporations, not universities, to bring new products to market,"<sup>59</sup> the editorial continues, never pausing to tell us how corporations can effectively ferret out all of the promising new ideas developed in university laboratories. "For Stanford or Harvard to usurp the entrepreneur's role risks compromising their independence and misdirecting their research."<sup>60</sup> Such simple formulations may reduce the risk of corruption, but they do nothing to insure the efficient use of new ideas. Hence, they perpetuate conflicting expectations instead of helping to effectively reconcile them.

Rather than more criticism of this kind, we need a thoughtful discussion that proceeds from a recognition that universities have a dual obligation. Clearly, universities should help to perfect the process of bringing their discoveries to the marketplace. After all, the reason why taxpayers allow Congress to spend billions of dollars each year for research is to gain new knowledge to improve health, obtain better products, or achieve higher productivity. If closer cooperation also brings more private money for research, that too is a public gain, because it bolsters science at a time when federal support is limited and provides alternative funding sources that minimize the risk of overlooking promising ideas.

At the same time, universities owe a duty not only to themselves but also to the long-term vitality of science to avoid rela-

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58. *Pure Knowledge vs. Impure Profit*, N.Y. Times, Sept. 19, 1988, at A22, col 1.

59. *Id.*

60. *Id.*

tionships that could erode the vitality of basic research. This obligation entails a variety of prohibitions, among them, not to agree to restrictions on communication among scientists, not to accept terms that delay the time required to publish new ideas, not to allow the exploitation of graduate students for commercial gain, and not to permit companies to dictate the choice of research projects. Preserving these principles requires constant vigilance and continuing discussion to adapt existing rules to cope with new problems. Nevertheless, several years of experience with arrangements of this kind gives reason to hope that the principles themselves can be maintained.

## VII. CONCLUSION

I began this Article with a paradox: How can our system of higher education be regarded so highly abroad and still encounter such biting criticism at home? Part of the answer is easy. Many of our universities are excellent and deserve our admiration. Yet they lead the world, not because they are above reproach, but because their counterparts abroad possess still greater failings. Even in the most advanced countries, universities are typically overcrowded, overregulated, undercompetitive, and underfunded. Hence, it is possible for American higher education to be preeminent in the world and still be open to serious criticism.

Another explanation for the paradox lies in our heterogeneous mixture of colleges and universities. We are fortunate in having many of the leading institutions of research and higher learning in the world. We also have many institutions of a far less imposing quality. The latter often perform in ways that open the entire system to severe attack.

In the end, however, much of the answer to the puzzle must be ascribed to deficiencies in the criticism itself. The difficulty goes far beyond the rhetorical overkill, the errors of fact, the indictments by anecdote. Most of the charges are also flawed because they ignore basic conflicts and contradictions in the demands society makes on universities and hence oversimplify the problems they seek to discuss.<sup>61</sup>

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61. There are more contradictions than I have been able to cover in this Article. Athletics is a good example. The public and newspaper writers believe (with good reason) that big-time sports have undermined academic standards, engendered petty corruption, and given rise to unfair treatment of athletes. Yet the same public, aided again

Continued criticism of this kind will be unfortunate on several grounds. It threatens to do needless damage to the public confidence so important to maintaining a strong system of colleges and universities. In addition, by ignoring the conflicts that underlie so many of the complaints, the debate will remain superficial, overlooking deeper problems that urgently need discussion. The issues that most deserve attention are not whether faculties are derelict in failing to require certain texts or refusing to promote popular teachers. The real challenge in a competitive culture such as ours is to create incentives that will produce the results we want. How can we construct more compelling models of excellence so that different types of institutions pursue a diversity of important goals instead of seeking inappropriately to emulate research universities? How can we develop measures to evaluate the quality of learning that will encourage universities to improve their educational programs and motivate professors to improve their teaching? How can we create positive incentives and provide appropriate limits to keep faculty members from spending too much time away from the campus while respecting the need to share their talents with the rest of society?

Beyond these questions lie still more basic issues of a kind quite different from the ancient chestnuts that dominated discussion in the 1980s. If America is to prosper as a nation, it will place heavy demands on education and research. These demands will not be met automatically, for competition by itself cannot guarantee us the sort of universities that society needs, only the ones that the public will pay for. The two are not necessarily the same. As a result, we need to step back and ask whether our universities are doing all they might to help the country address its most important problems—lagging competitiveness, poverty, inadequate public education, environmental hazards, and many more. There is reason to believe that higher education is doing less than it should in this regard.<sup>62</sup> And yet,

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by the media, clearly wants athletic spectacles and has created enormous excitement over intercollegiate sports accompanied by hundred-million-dollar television packages and intense pressure to oust losing coaches. Critics may reply that all they seek is firm campus leadership that will continue high-visibility athletics without the abuses. After two years of concentrated work on the reform of intercollegiate sports, I am convinced that while continued effort may produce improvements, academic integrity and big-time college athletics are bound to conflict and can never be wholly reconciled.

62. This is a topic far too complicated to be discussed here. It is the subject of my

amid all of the criticism and debate of the past decade, surprisingly little attention has been paid to this topic.

In the end, therefore, what is needed most in the next decade is not an end to criticism but criticism that is less given to rhetorical excess, more careful with its criteria for judgment, and better attuned to what truly matters in the performance of higher education. As in all advanced societies, our future depends to an ever increasing extent on new discoveries, expert knowledge, and highly trained people. Like it or not, universities are our principal source of all three ingredients. For our own well-being, therefore, we need to subject these institutions to a scrutiny that is as enlightened as it is exacting.

