

A painting of a winding path through a green landscape. The path is a mix of orange and red tones, curving through the scene. Several people are walking on the path: a shirtless man in the upper left, a man in a suit in the middle right, a woman in a blue dress in the lower right, and several other figures in the foreground. The background is a textured green with some red speckles.

Shared Governance

Democracy
Is Not an
Educational Idea

BY STANLEY FISH

No one should presume to tell a college or university what its governance structure should be. In fact, there's no general model of governance, shared or otherwise, that can be replicated from place to place. Each institution is differently situated with respect to its history and mission; its size; the number and nature of its programs; its relationship to local, state, and national governments; its legal obligations and attendant dangers; its mechanisms of funding; and so on.

Even something as apparently extraneous as the number of buildings and rooms on a campus can affect, and perhaps undermine, a grand attempt at governance reform. If revised regulations call for regular meetings and consultations and there are not enough spaces or hours in the day for either, the physical plant and the 24-hour day will always trump philosophy. The new utopia will quickly become the old dystopia but worse, because of the expectations that will have been provoked and then disappointed.

Nevertheless, while there may not be a general scheme of governance to which all should conform, there are general, and even philosophical, considerations that will pertain to any conversation about governance. It is my purpose to explore some of these considerations, with the intention not of providing a blueprint but of suggesting how such a discussion might proceed.

It would not begin with a consideration of higher education's "stakeholders." When I was executive director of the Duke University Press, I argued (unsuccessfully) that we should not publish any book that contained the words "imbricate," "aporia," or "performative." When I wrote a monthly column for the *Chronicle of Higher Education*, I inveighed against phrases like "best practices," "hard choices," and "strategic planning." And now that I have surveyed some of the literature on shared governance, I would remove or expunge from conversations about governance (although I have no realistic hope of doing so) the word "stakeholders."

Originally the word referred to the person who held the stakes—money, property or some other good—for which others were competing. But we now use the term to mean all those "who are (or might be) affected by an action taken by an organization or group" (Wikipedia Encyclopedia). Here is a typical list of higher-education's stakeholders: "higher education associations, funding organizations, the U.S. Department of Education, related Congressional committees, accrediting institutions, system-level offices, governors, state departments or boards of education, state legislatures, students, alumni, local community members, trustees, senior administrators, faculty leaders and presidents."

The existence of a list as long as this one provokes protests

on behalf of those who are not on it: staff, janitors, managers of student unions, community associations, professional sports teams, textbook publishers, book stores, vendors, caterers, neighborhood businesses, and real-estate developers, to name a few. Indeed, if the filter of inclusion is anyone who "might be affected" by higher education, there is no reason to exclude anyone—including newborn babies, who certainly have a stake, albeit a long-range one, in the enterprise.

To begin our discussion with a notion so diffuse will generate an equally diffuse model of governance, and it is no surprise that the authors (or are they stakeholders?) of the same paper end with this recommendation: "Perhaps a new governance model is in order for the university of the future—one that places the attitudes, values, and expectations of internal and external stakeholders at the center." Right! Why don't we go out and ask everyone in sight how a university should be organized and then build their answers, along with all their "attitudes, values, and expectations," into a structure?

Can anyone say "paralysis"? It has often been remarked that movement in a university is glacially slow, but glaciers will seem like rushing streams if no action can be taken that does not first satisfy the expectations of every stakeholder.

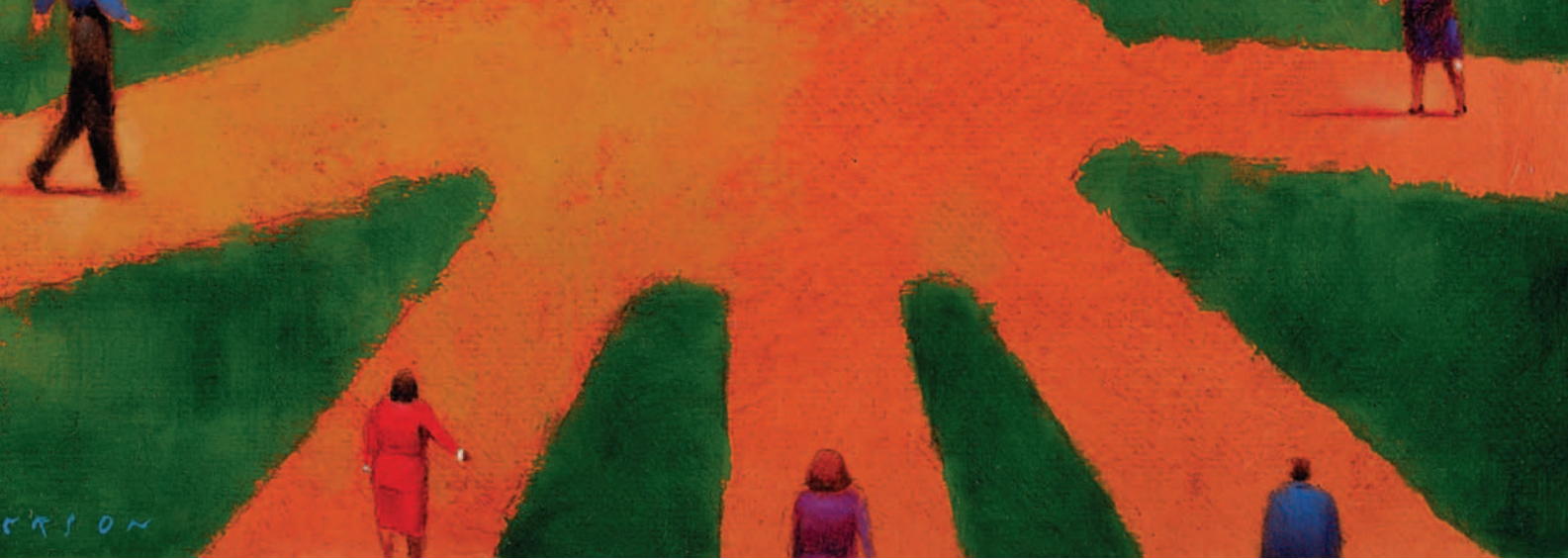
The conclusion is inescapable. The question of who higher education's stakeholders are is unprofitable and certainly not the one with which to begin a discussion of governance. What then is? How about, what's the nature of our enterprise, both globally and in particular, on this campus? Once that question has been answered—once we have a clear sense of the project's nature—we can more precisely specify its goals and set about determining who should be given the responsibility for achieving them and the structures and processes by which they will do so.

I now teach at a law school that has only been in business since 2001. Sometime at the end of the last century, a very

small number of people there asked and answered the question of purpose without having to worry about all those constituencies—i.e., stakeholders—that did not yet exist. But colleges and universities do not usually have that option, and so the selection of those who will have the first say must occur within the structure that is already in place, which means that the foundational

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question will be asked by boards of trustees and sitting senior administrators. That's just the way it is.

THE UNIVERSITY AS A BUSINESS

Once the key players have been identified and have determined what it is that the institution does, we can proceed to the governance question. Immediately two management/governance models begin to compete for dominance: the university as a business and the university as a democracy.

Much has been written about the inappropriateness of thinking of the university as a business. Here is a representative statement by the Association of Governing Boards of Universities and Colleges:

Nonprofit colleges and universities differ from businesses in many respects. They do not operate from a profit motive, and the "bottom lines" of colleges and universities are far more difficult to measure. They also differ from businesses in the sense that the processes of teaching, learning, and research often are at least as important as "the product," as measured by the conferring of degrees or the publication of research results. And by virtue of their special mission and purpose in a pluralistic society, they have a tradition of participation in institutional governance that is less common in and less appropriate for business.

This is pretty much boiler-plate language, and I find little to disagree with in it—except for, first, the gratuitous phrase "pluralistic society." I don't see that pluralism has anything to do with it. If colleges and universities do have a core purpose, that purpose would have belonged to colleges and universities in the pre-World War II period when, although American society may have been pluralistic, the student population and the faculty certainly were not. I also am a bit bothered by the academic exceptionalism more than hinted at by the words "special mission." Every profession or practice has a special mission; if what it did was also done by others, there would be no reason for anyone to seek its services. I suspect that "special mission" carries a moral or even religious connotation: We are special because we live the life of the mind while others perform in less exalted ways. This form of academic smugness is always unattractive and is spectacularly ineffective as a defense of the enterprise. Still, the list of differences between the business world and the academic world offered here is pretty much on target: Higher education is not in the same business as business.

But higher education needs to be, to some extent at least,

managed like a business. In every phase of its operation, the university is in fact a commercial enterprise—charging tuition, paying salaries, constructing and maintaining buildings, providing food services, running transportation systems, installing multi-million dollar information networks, mounting athletic programs that are financed in part by the sale of tickets, managing student unions with their multiple services, and so on. Add to all these sponsored research, venture-tech partnerships, shared patents, and huge stock portfolios, and it is tempting to invoke the old comic formula: If it looks like a duck, walks like a duck, and quacks like a duck, it's a business. No, it's not, but it is an academic enterprise that requires good business practices to sustain itself and flourish.

To drop the duck metaphor for a canine one: It all depends on whether or not the tail is wagging the dog. There is nothing wrong, and everything right, with increasing efficiency, monitoring expenditures, cultivating resources, expanding markets, and replenishing inventories, so long as these and other bottom-line strategies are understood to be in the service of a project they neither contain nor define. Things go wrong when the first question asked is "how much will it cost?" or "how much will it bring in?" rather than "what will it contribute to what we have decided that we do?" or "how promising is it?" In short, business practices need to support educational purpose, not the other way around.

As Larry Gerber puts it in an essay in *Academe*: "Advocates of a top-down management style who want to transform faculty from professionals into 'employees' and students into 'consumers' tend to see liberal education as a waste of time and resources, because they fail to see the immediate 'payoff' of the liberal and fine arts and because they are willing to allow the 'market' to determine what should and should not be taught." Once in place, Gerber continues, this market mentality spreads throughout the institution, with unhappy results: "Encouraging students to view themselves primarily as consumers ... too often results in pressures for lowering academic standards, ... [since] student preferences to avoid courses with heavy reading assignments ... may well result in administrative pressures on faculty to lower standards in order to maintain enrollments."

THE UNIVERSITY AS A DEMOCRACY

Gerber's antidote for these and other looming disasters is shared governance, which he says is more likely than the top-down corporate model of management to foster what he considers the core purpose of higher education, "the unimpeded

pursuit and dissemination of knowledge that are necessary for the healthy development of society.” But why should this be so? As long as the “unimpeded pursuit and dissemination of knowledge” are acknowledged to be at the center of the university’s mission, everyone in the chain of command, however it is configured, should foster it.

Commercialization of the enterprise is not the product of a particular management style, top down or otherwise, but of what Derek Bok describes as a confusion of means and ends: “To keep profit-seeking within reasonable bounds, a university must have a clear sense of the values needed to pursue its goals with a high degree of quality and integrity” (*Universities In the Marketplace*, 2003, p.6). The values and goals come first; if they are in place, they can be implemented by any organizational structure, although one can still argue about which organizational structure is best suited to the job. As I’ve said, that argument is likely to be a local one: Given our size, location, history, resources, etc., what organizational structure will work best for us? The idea that one structure will work best for everyone invests a mere procedure with an independent moral value.

Think, for example, about a department. Its structure might be autocratic—an old-fashioned head appointed for an indefinite term and responsible only to the dean. Or it might be roughly egalitarian—the chair elected by the faculty and expected to carry out its wishes as they have been expressed in votes. There is much to be said about the advantages and disadvantages of each of these models, but good scholarship and good pedagogy (another way to describe higher education’s core mission) can flourish or fail to flourish in either. This remains true if we extrapolate from the department to the college and then to the university. What we do in the shop—and how and by whom the shop is run are different matters. To conflate them is to turn an intellectual question—what is good scholarship and teaching?—into a political one—who shares in the power?

Despite what Gerber would claim, the case for shared governance cannot rest on an intimate connection between its imperatives and those of the academic project. He makes the mistake—a natural and attractive one—of thinking that because we live in a democratic society, the institution we inhabit should embody democratic principles. The reasoning is that if democracy is good for the polity as a whole, it must be good for higher education.

But democracy is not an educational idea; it is a political response to a problem first formulated in the 17th century by the founders of Enlightenment liberalism. The problem is that in any modern nation-state, citizens are committed to a bewildering array of belief systems, or as John Rawls calls them, “comprehensive doctrines.” These are so disparate and so opposed to one another that if they are given their full sway in the public sphere, the result will be conflict, endless strife, and eventually civil war. The solution? Regard all citizens as

free and equal political agents endowed with rights, independent of what they believe or who they are. The rights accorded every citizen are checks against abuses of power, and the most important check is provided by the ballot box, which allows the citizenry periodically to throw the rascals out.

What makes democracy work is an insistence on the priority of procedure over substance, or as Kant put it, the priority of the right over the good. Questions of the good are to be bracketed for the purposes of public life, because to put them on the political table is to invite back the divisiveness the entire scheme is designed to outflank. In the words of legal philosopher Ronald Dworkin, the democratic liberal state is one that is, in its operations, “independent of any particular conception of the good life.” This means, Thomas Nagel tells us, that in political deliberations we must learn to bracket our beliefs, “whether moral, religious, or even historical and scientific,” and regard them “simply as someone’s beliefs rather than as truths” (“Moral Conflict and Political Legitimacy,” *Philosophy and Public Affairs*, Volume 16, 1997).

The question is, what has this to do with scholarship and teaching? The answer is, absolutely nothing. An academic does not bracket or withdraw from his or her strong views about what is true; rather the task is to present and then defend those views by giving reasons and marshaling evidence. Nor is it the case that members of the academy are regarded as equal citizens despite differences in length of service, professional performance, research accomplishments, pedagogical effectiveness, etc. It is just these differences that make for unequal treatment, not because administrators and promotion committees are being undemocratic, but because assessment and evaluation, not democracy, are aspects of the business they are in.

Moreover, evaluation and assessment are not tasks that can be distributed evenly across the population, both because those who are being evaluated cannot assume the role of judges in their own cases and

because some in the population—students, staff, janitorial workers—lack the credentials that would make their evaluations meaningful and relevant. Even though certain elements of democratic procedures and principles may prove useful in an academic setting—note that “useful” is an administrative, not a moral, notion—democracy is not *generally* appropriate as a standard and benchmark in academic life.

And this means that shared governance cannot be a general principle either, for in its strongest form, with its insistence that the franchise be extended as widely as possible, it is indistinguishable from representative democracy and therefore from the stakeholder model in which everyone is in charge and therefore no one is. The question of who does and does not share in governance is not a philosophical but a practical one. You answer it by identifying the task and surveying the resources and obstacles attendant upon it. Then you are in the position to figure out who should be given the responsibility for getting

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the job done and how. This is a matter not of grand moral pronouncements but of good management.

SHARED GOVERNANCE AND MANAGEMENT

John Lombardi, president of the University of Massachusetts at Amherst, makes a useful distinction when he says that “universities for the most part do not have management; they have governance,” which he defines as “the political process that balances the various competing interests of an institution through a complicated and lengthy process.” Governance of the shared variety is indeed an impediment to action because it has the tendency to replace it with process, which means that action will be endlessly deferred. Lombardi concludes that “to improve, the university must have management. It must have direction. The institution must consult ... must listen, and it must respond to ... advice from its many constituencies, but it must nonetheless act, and often it must act without complete consensus.”

The difference between management and shared governance is that management is, by and large, aware of its instrumental status—it does not define the job but helps to get it done. Meanwhile, those who preach the gospel of shared governance tend to think of it as the model of organization that belongs naturally to the job. Indeed, in their minds the job, or at least a large part of it, is *being* democratic. Moreover, advocates of shared governance are unlikely to be impressed when Lombardi complains that this politically inspired concept, when put into operation, prevents the organization from moving forward. Exactly right, is the reply, and it’s a good thing too, because the organization—meaning the senior administration, from the dean to the president to the board—is a structure of power, and it is one’s positive duty to frustrate its operations.

There is still another way in which academic life differs from the life of business. In the business world, those at the top of the organizational hierarchy are regarded (not only by themselves but by others lower on the food chain) as the key players and the ones best positioned and equipped to make the important decisions. In the academic world, by contrast, faculty members regard senior administrators with contempt, believing them to be either burnt-out academics or failed scholars whose flame was never lit in the first place. The organizational chart of a university may suggest that authority rests with the administrators, who, as the management class, set the standards to which faculty, the labor class, must conform. But faculty do not think of themselves as labor (hence the resistance to unionization) but are convinced—a conviction that seems to be issued to them along with the Ph.D.—that authority really rests with them and that the hierarchy announced in the organizational chart is a fiction they are in no way obliged to respect.

I once explained this to someone who asked, “Well, if they think that, why don’t they assume the positions in the hierarchy themselves?” The answer is that they would believe that such grubbing after administrative power is beneath them. After all,

they inhabit the “life of the mind” (a phrase that should be retired along with “stakeholders,” “best practices,” and the rest) and therefore have a right not to be coerced by bean-counters in three-piece suits and power dresses. They certainly should not aspire to be *like* them.

This sense of entitlement—we are the real center of the enterprise, and deans, provosts, and presidents merely serve us—comes easily to those who conflate the university with the model of democracy, a model in which power is assumed to be always corrupt and in need of check by those of purer heart and mind. If you are a dean or a provost, you might be understandably reluctant to share governance with a crew like that. You would know that they would come to the task with a set of attitudes that, rather than facilitating the smooth running of the university’s machinery, is likely to put

a spanner in the works for what will seem to them to be *moral* reasons: We are doing no more than asserting our intellectual freedom.

This turns out in some cases to be freedom not only from external intrusions into the daily business of the workplace, but freedom from its everyday obligations as well. Why should I teach three days a week? Why should I teach this subject just because my chair told me to? Why must I post-office hours and keep them? Why can’t I hold class at my house or the beach? As someone who has been there, I have a great deal of sympathy with Harry Haynsworth, retiring president and dean of the William Mitchell College of Law: After 14 years of wrestling with the appropriate division of responsibilities between the faculty and administrators, he reports that “in recent years I have consciously tried to limit the number of issues that will ultimately come before the entire faculty for its approval” (“Shared Governance: Reflections of a Retiring Dean,” *University of Toledo Law Review*, 2005).

Haynsworth, who knows he is out of step with conventional wisdom, continues to believe that his “basic convictions are sound and are supported by respectable authority.” His convictions are also supported by the practice

of most colleges and universities. Here, for example, is a sentence from the “Guidelines for Shared Governance” at the University of Arizona: “Students, classified staff and professional personnel should participate in the shared governance process where appropriate and in a fitting manner.” And who gets to decide what is fitting and appropriate? “The Task Force recommends that the President commits to and takes a leadership role in smoothing the way for shared governance at all levels.”

SHARED INFORMATION

In Arizona’s final document, approved by the faculty senate in April 2005, the true and sensible meaning of shared governance becomes clearer:

The success of the University and the positive morale of the faculty and administration are dependent upon continued use of the collective intelligence of the university community. ... This requires

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extensive sharing of information and a shared understanding that faculty representatives and administrators strive always for informed mutual support through shared governance dialogue.

“Shared governance dialogue” is a phrase I almost like, despite its clunkiness, because it gets close to telling the truth. What really ought to be shared is information.

Faculties are not distressed because they have too small a portion of the administrative task—one provost told me recently, “When they ask for money and process I always give them process, because they’ll soon tire of using it”—but rather because they only learn about administrative decisions after they have been made. It is the withholding of information, not of responsibility, that leaves faculty members feeling left out, taken for granted, and generally disrespected.

For some reason that has never been clear to me, the hoarding of information is a reflex common to most administrators. They may be thinking that they control the situation by controlling the flow of information. The truth is that in the absence of information, rumor, conspiracy theories, and ultimately real conspiracies rush in to fill the space that would not even have existed if full disclosure had been the policy.

Tell them everything. Share every piece of information you have the moment you have it, and they will be quite happy to leave the governance to you, especially if you invite them to talk about the issues the information raises. They get to feel that they are a part of what is going on, while you get the benefit of hearing their views without having to promise to act in accordance with them.

Please don’t think that this is cynical advice. What is cynical is a rhetoric of shared governance that is not matched by reality. Take, for example, this item in the Association of Governing Board’s list of actions that might be thought to interfere with institutional self-governance: “manipulation of the presidential search process to ensure the selection of a candidate favorable to alumni, a political party, business leaders, or single-issue interest groups.” But presidential search processes are *always* manipulated. I have been on both sides of the table—as a candidate and as a search-committee member—and I can tell you that that is the nature of the beast.

And how could it be otherwise, given that the president is the liaison between these external constituencies and the uni-

versity community? To choose him or her without taking into account the desires and views of those constituencies would be worse than foolish; it would be disastrous. What’s wrong with presidential searches is not that they are political through and through but the pretense that they are something else. A search committee told at the outset that it is merely advisory and that its recommendations might not be followed may be a committee few will want to serve on. However, one that is told it will get to make the choice—or at least produce the official short list, for we do shared governance here—and later finds that it was merely window dressing will walk away bitter and spread the bad news throughout the community.

Better that the official rhetoric mirror the institutional reality, which is that those who sit in big offices and get the (relatively) big bucks get to make the big decisions too. It has always been so and, as Emil Ricci observes at the end of *College and University Governance in the United States: An Historical Survey*, it remains so today: “Even with faculty collective bargaining and greater student participation on campus committees, the model of college and university governance dating back to colonial times remains firmly intact. ... Governing boards and Presidents at both public and private institutions continue to control major policy, personnel, and academic decisions.” That is, those who are put in governance positions do the governing. Nor should this be a cause for complaint unless they do it badly, which usually means not doing enough of it.

So am I saying that “shared governance” should suffer the fate I recommend for “stakeholder” and be retired from use? No, that has not been my message. My message has been that questions of governance are logically independent of questions of mission and thus no particular form of governance has a privileged status with respect to academic goals. So shared governance is perfectly all right so long as it is a response to a particular and well-defined educational need. Shared governance goes wrong, however, when it is regarded as an end in itself, as a mantra, as something required by democracy, as a theology. Make use of it when it is useful; don’t worship it. Always share information. Sometimes share responsibility. Occasionally share power. And whenever you do so, be sure to say, thanks for sharing. ☐

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