

The Idea of a University: Constituted

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A century and a half ago, a British scholar turned churchman articulated his idea of the purpose of higher education: [John Henry Newman](#) - in a series of discourses bridging philosophy and religion - addressed to a lay audience - subsequently gathered into a book bearing the title, [The Idea of a University](#).

In the years since, higher education institutions in the United States have grown dramatically in size and ambition and thus impact on the culture of the society they serve. Viewed by many as the soul of that culture, they are currently facing criticism over a raft of contentious issues, from diverse quarters, across a broad spectrum of opinion:

- tenure policies;
- Ph.D. requirements;
- core curricula subjects;
- student grades;
- varsity athletics;
- teaching and research;
- freedom of expression; and
- tuition charges well in excess of inflation (1).

As a consequence, Newman's reflections are currently receiving fresh consideration. (2)

As reflective as he was, and they are, neither Newman and nor his current redactors consider in depth the question of how these issues are decided - how ultimately higher education institutions are structured to govern themselves - how best they are constituted. Their governance structures, left to others not necessarily concerned with the purpose of higher education, vary widely. In the case of Roman Catholic and other institutions with roots in religion, they consist of a mix of denominational Canon Law and individual State charters and incorporation laws - in the case of others, by far the largest in number, size and impact on the culture, simply the latter.

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At the heart of human activity and practices lie two spontaneous orders. The more widely appreciated of the two is markets, driven by prices, a quantitative means of exchange. Less so is the second, culture, in which language is the mode. In his book [The Constitution of Liberty](#), Friedrich A. von Hayek observed:

“We all know that, in pursuit of our individual aims, we are not likely to be successful unless we lay down for ourselves some general rules. ... In ordering

our day, in doing disagreeable but necessary tasks at once, in refraining from certain stimulants, or in suppressing certain impulses, we frequently find it necessary to make such practices an unconscious habit.” (Hayek 2011, 128)

With approval he cited Alexis de Tocqueville (111), whose characterization of culture as “habits of the heart” is the title of a contemporary and influential book of that name. (Bellah 1996, [xlii n1](#)). In another example, citing multiple references across Hayek’s work, culture is characterized as the “product of spontaneous evolution, fashioned by an invisible hand.” (Boykin 2010, 20)

As its title suggests, Hayek’s book also addresses the way humans, as a practical matter, constitute organizations to pursue their purposes. Fully appreciated is the significance of such organizations - and readily acknowledged their role in determining culture. Among the most influential are those engaged in education and research, the subject of the last chapter (498-516).

In their purposes, nevertheless, such organizations evolve with the culture of the society they serve. They cannot be permanently structured, try as humans may, to perpetuate from one generation to the next a stated purpose - or received wisdom - that doesn’t ultimately evolve with that culture. Of political constitutions in particular, according to a commentator drawing on references across all his work, Hayek felt:

“... the mechanics of the separation of powers will limit intervention in market and cultural competition only where the evolved opinion in a society regarding justice demands limited government. Deliberate constitutional design can place opinion in a position to curtail intervention and leave room for competitive social processes, but constitutional planning is no substitute for evolved beliefs that limit government’s authority.” (Boykin 2010, 19)

Skeptical as he thus was of contrived solutions, Hayek nevertheless deeply respected those rooted in human experience, citing British Common Law as an example (232-260). Derived from it the contrivance known as the Magna Carta (236), which in time led to a contrivance he much admired, The Constitution of the United States (261-286) and the statement from which it sprang, The Declaration of Independence (530 n16). For political purposes, finally, he wasn’t above contriving a solution of his own ([Boykin 2010, 22-27 “Hayek’s Ideal Constitution”](#)).

While different in purpose from political institutions, those organized to educate the rising generations of a society are as worthy of the same consideration, if not more. At the apex of such institutions stand those engaged in higher education. Given the crescendo of criticism they currently face, over a raft of contentious issues, from diverse quarters, across a broad spectrum of opinion, I propose a three-phase program:

- first: to articulate the **Purpose** of higher education institutions serving U.S. society;

- second: to recommend the **Governance Structure** best suited to this purpose; and
- third: to assure the **Public Trust** in such Purpose and Governance Structure.

PURPOSE

To articulate the **Purpose**, a single colloquium by invitation is envisioned. Numbering 20 to 25 individuals concerned with this question, the participants would be drawn from a wide range of constituencies: current and former academics and administrators; prominent donors; and experienced trustees.

They would be asked to consider:

- a syllabus of reflections on the purpose of higher education, to include those of [Brand Blanshard](#) (“[Values: The Polestar of Education](#)”); [John Henry Newman](#) (*The Idea of a University*), reexamined by A. Dwight Culler (*The Imperial Intellect: A Study of Newman’s Educational Ideal*) and very recently in an [essay](#) by [Roger Scruton](#) and an [edition](#) edited by [Frank Turner](#), both of the same title as the original; and [Jaroslav Pelikan](#) (*The Idea of the University: A Reexamination*);
- a selection of higher education mottos and mission statements, to include:
 - [Veritas](#) - Harvard.
 - [Lux et Veritas](#) - Yale.
 - [“...here we are not afraid to follow truth wherever it may lead, not to tolerate any error so long as reason is left free to combat it.”](#) - University of Virginia.
 - [Ut Prosim](#) - Virginia Tech.
 - [Mens et Manus](#) - MIT.
 - [Miscellaneous](#).
- a selection of the more fundamental expressions of the purpose of U.S. culture, of even human culture itself, to include:
 - [The Declaration of Independence](#).
 - [The Constitution](#).
 - [George Washington’s Farewell Address](#).

Having considered such materials, they would be expected to issue a preliminary declaration of Purpose.

GOVERNANCE STRUCTURE

To recommend the **Governance Structure** a series of three colloquia by invitation is envisioned, followed initially by a convention by invitation, then one open to the public, finally, in conclusion, a second by invitation.

Numbering 20 to 25 individuals, as in the colloquium on Purpose, the participants in the three colloquia would be drawn from the same wide range of constituencies. Included now would be individuals concerned with both the Purpose of higher education institutions and the Governance Structure of them and equivalent institutions, organized for business, philanthropic, cultural and religious purposes - how such institutions are constituted.

In the initial three colloquia, they would be asked to consider, in sequence:

- a selection of charters and state corporation laws governing higher education institutions, from their earliest founding in the Middle Ages (Berman 1983, 123-7) to those of the United States, ranging from *Harvard* (currently undergoing reorganization: [Report of Governance Review Committee](#), [Harvard Gazette Q&A](#), [News Release](#), [The Corporation's 360-Year Tune-up](#), [Faust Issues Call for Corporation Nominations](#)); *Dartmouth* (its recent reorganization, resulting in alumni concern and concerted litigation); and *Boston College* (reorganized ~ 20 years ago) to the *University of Virginia* (currently subject to heavy cutbacks in State support); *MIT* and its sister land grant colleges of the 19th century; and such recently founded institutions as *Strathmore University* and *Universidad Francisco Marroquin*, to include the reflections of [Harold J. Berman](#) ([Law and Revolution: The Formation of the Western Legal Tradition](#)); [Charles W. Eliot](#) ([University Administration](#)); [Michael Oakeshott](#) ([The Voice of Liberal Learning](#)) and such other classic observers as: J. McKeen Cattell; Russell Kirk; A. Lawrence Lowell; and Thorstein Veblen;
- a selection of readings on the origins of higher education institutions (Berman 1983, 205-221, 237-9, 244-5), to include those organized for political purposes (Nelson 2011; Pocock 2003), together with a selection of corporate charters and state incorporation laws governing corporations organized in contemporary times for business, philanthropic, cultural and religious purposes; and
- a selection of studies, reports, comments on the current practices and structures of higher education institutions, to include:
 - the ways governing boards are selected: alumni and other group elections; gubernatorial appointments; self-perpetuation;
 - the qualifications of the candidates considered: range of business and professional experience; prominent donors; academic achievement; constituencies represented, i.e. alumni, community representatives, parents of current students and recent graduates;
 - the personal issues faced: board training; decision-making transparency; liability and compensation;
 - the ways operating decisions are made: faculty appointments; curriculum policies; program options; funding options; campus affairs; student charges;

based on the work of such organizations as the [American Association of Colleges and Universities](#) and [Association of Governing Boards of Universities and Colleges](#), to include the reflections of [Eric D. Hirsch, Jr.](#), (*The Making of Americans: Democracy and Our Schools*), reviewed in *City Journal*; [Louis Menand](#) (*The Marketplace of Ideas*), reviewed in the *WSJ*, excerpted in Harvard Magazine under title: "[The Ph.D. Problem](#)"; [Paul E. Peterson](#), (*Saving Schools: From Horace Mann to Virtual Learning*); and such other contemporary observers of educational institutions at all levels as: Martin Anderson; Derek Bok; José Cabranes; Richard P. Chait; Stanley Fish; Robert George; Richard Huber; and Benno Schmidt.

At the conclusion of the three colloquia, a private convention of the participants is envisioned to draft a preliminary set of Governance Structure instruments, to consist of:

- a model higher education charter/articles of incorporation and bylaws; and
- a model state University Governance Corporation Act, comparable to the [Model Business Corporation Act](#) of the American Bar Association.

Envisioned then a convention open to the public to enable concerned individuals and representatives of higher education institutions to offer their input on and propose amendments to both the preliminary declaration of Purpose and set of Governance Structure instruments.

Envisioned finally a second convention of the participants of the first to issue a definitive declaration of Purpose and set of Governance Structure instruments.

PUBLIC TRUST

To assure the **Public Trust** a campaign of conferences, public meetings and other forms of communication is then envisioned. It would include:

- a call to the trustees of higher education institutions across the country to pledge to examine the Purpose and Governance Structure of their respective institutions;
- the publication of essays and training manuals to inform them, the alumni of such institutions, public policymakers and the general public seeking guidance on these two matters, comparable to the [Federalist Papers](#); and
- the sponsorship of conferences and public meetings to enable such individuals to assure such institutions are meeting the desired Purpose and have adopted a Governance Structure suited to it.

Imprinted on the collective mind of the society, thus, would be a “canon” on which the citizens of the society would then draw to keep reinvigorating the purpose of its culture

and the governance structures of its institutions. Ironically, that same “canon,” properly observed, would give higher education institutions a sturdy defense of their independence from outside political pressure.

Footnotes:

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