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THE MORAL RESPONSIBILITIES OF UNIVERSITIES

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Terrance Sandalow

IN THE YEARS SINCE the Second World War, "higher education" has emerged as one of the major influences in American life. Well over 50 percent of the age cohort now in its teens or early twenties will attend a college or university, more than a five-fold increase from the prewar period. Moreover, colleges and universities now engage in so broad a range of activities that the appellation "higher education" no longer seems entirely appropriate to describe the institutions. Community colleges, but also four-year colleges and universities, play a major role in training individuals for skilled and semiskilled occupations. Universities are our most important centers of research, and they have become so, significantly, at a time of unprecedented societal dependence on research. They are major providers of medical care. Their faculty members figure prominently as experts for government, industry, and the media; and their athletic teams are important sources of mass entertainment.

The list might be extended, but the point is clear enough. Higher education has become what in a different setting we call a "conglomerate," and a very large one at that. It employs over two

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million men and women, its annual expenditures exceed \$100 billion, and its total assets approach \$200 billion. To be sure, the system of higher education is highly decentralized and diverse, so that it is often misleading to think of it in aggregate terms, but even individual institutions have achieved considerable size and wealth. The largest have annual budgets that exceed one billion dollars, assets totaling several times that amount, and employment rolls that number in the tens of thousands.

The question we have been asked to consider—the appropriate role of universities in forming a social morality—arises almost inevitably from the growing importance of higher education in our national life. Influence carries with it an expectation of responsibility, and an institution as influential as the American system of higher education might well be thought to have some responsibility for addressing pervasive social issues. The widespread belief that our national moral life is in need of repair thus seems to lead naturally to questions about the contribution higher education should make to the process of moral renewal.

I

Although universities are in many respects distinctive institutions, the question of their appropriate role in forming a social morality is an aspect of a larger problem that our society has not satisfactorily addressed, though it presses on us more and more insistently. How are we to think about the moral responsibility of institutions? It is a commonplace that we live in an age of large organizations, an age in which the pursuit of our goals requires collective action on a large scale. Automobiles cannot be built, nor the next generation educated, by individuals acting alone or in small groups. And so, large organizations are established to perform these and many other important functions. Yet, we lack an intellectual framework for thinking about the moral responsibilities of these organizations. Our ideas about moral responsibility have been formed in reference to individuals. Because those ideas presuppose understanding and will—distinctively human characteristics—they cannot readily be transferred to institutions. Nor is that the only difficulty. The collective exercise of power

poses troublesome issues that are not raised when power is exercised by individuals. Institutions are formed to achieve limited objectives, and the authority conferred on those who direct them is circumscribed by those objectives. The attempt to ascribe moral responsibility to institutions thus raises issues of fiduciary obligation and the use of delegated power that ordinarily need not be confronted when a question is raised about the moral responsibility of individuals.

An illustration will help to reveal the difficulty of those issues. A few years ago a great national debate occurred about whether American corporations should cease doing business in South Africa. Proponents of disinvestment maintained that, by continuing to do business there, corporations were helping to maintain a brutal and racist regime. Opponents rested mainly on the contention that disinvestment would seriously harm South Africa's black population and deprive American business of whatever influence it might have in bringing about an end to apartheid. A quite different reason for opposing disinvestment is suggested by an argument Milton Friedman has made against the claim that corporations have social responsibilities beyond their obligations to shareholders to maximize profits.¹ If corporations have other social obligations, he asks, how are corporate officers to know what they are? The power the officers have been given has been conferred on the understanding that it would be employed in the interest of shareholders—not, moreover, in the latter's general interest, but in the service of their limited interest in profit maximization. No one has authorized corporate officers to decide what the public interest requires or what burdens they can justifiably impose on shareholders in promoting interests other than the latter's interest in profits.

Friedman's argument has great force, but it does not satisfactorily resolve the problem of corporate social responsibility. Most economic activity is now carried on by corporations. The consequence of accepting Friedman's argument would thus be to free the largest part of our economic life from the moral judgments that we would expect to inform and constrain the same activities if they were undertaken by individuals. Were IBM owned by an individual, no one would suppose that his decision whether or not to do business in South Africa should rest solely on an inquiry into the profitability of the activity.²

Yet, on Professor Friedman's argument, precisely that outcome is required if the activity is conducted by a corporation. His only response to this difficulty is to point to the power of government to prohibit economic activities that are regarded as socially undesirable. The wisdom of relying exclusively on law to mark out the limits of socially acceptable economic activity is, however, very doubtful. Individuals do not generally regard themselves as having satisfied their moral obligations merely because they have complied with the law, nor does it seem socially desirable that they should do so. The limits of what we seek to achieve by law are not coextensive with our moral ideas, in part because government lacks power to intrude into our lives in sufficient depth and in part because we do not wish it to have such power. Similar considerations argue against exclusive reliance on law to limit corporations' profit-seeking activities.

Although Professor Friedman's conclusion respecting the boundaries of corporate social responsibility is unsatisfactory, the force of his argument needs to be recognized. It too rests on moral claims. In the first instance, there is the claim of shareholders that the power they have conferred for a limited purpose should not be employed for other purposes. Ultimately, however, Friedman's argument rests on an even more fundamental moral claim, one that involves the adverse economic consequences of permitting investment in corporations only on the understanding that they may be employed to pursue whatever objectives are regarded as morally appropriate by those who control them. The considerations that incline us against Friedman's argument do not answer these claims. They merely demonstrate that the problem is more difficult than his argument recognizes. The officers of a corporation are not and should not be free to manage its affairs on the same moral principles that would guide them if the corporation were theirs, but neither should they take the law as their exclusive moral guide. It is more difficult to say what they should do. Despite the importance of corporations in our economic life, we have not yet found a satisfactory way to address that question.

Universities are not profit-making enterprises, but as they go about their activities, issues are recurrently raised that are very similar to those presented by the question of corporate social responsibility.

They too have been established for limited purposes, and the authority conferred on those who control them is limited accordingly. By what right can the latter employ that power for other purposes? And yet, it is true of universities no less than of corporations that the single-minded pursuit of the limited purposes for which they are established would free an important part of our social life from the moral judgments that should inform it. Recent history suggests the range and importance of the issues affected by this dilemma. The disinvestment question that has been so divisive an issue in many universities is nearly identical with that faced by corporations: Should a university sell its holdings in companies doing business in South Africa even though that would reduce the value of its endowment, or would doing so break faith both with donors who understood that their gifts would be used for educational purposes and with the intended beneficiaries of those gifts? Should universities accept contracts for weapons research? Are racial preferences in admission or hiring morally permissible (or morally required)? Should universities make their placement facilities available to the CIA and the Department of Defense? To employers that discriminate against homosexuals? What are the responsibilities of a college or university to its local community?

The distinctive characteristics of universities are likely to color the issues somewhat, but arguments about their moral responsibility that turn on their institutional character (as distinguished from arguments based on the nature of the enterprise) are in the main similar for universities and for corporations. There is, however, one important difference between the two that merits attention. The locus of authority is a good deal more difficult to locate in universities than in corporations. By law, the directors of a corporation are responsible for its management. The same is technically true of the trustees or regents of a university, but the social understanding is very different. Universities are expected to be, and generally are, less hierarchical and less tightly organized than corporations. Individual faculty members enjoy considerably greater freedom from institutional control than do the professional employees of corporations. A chemist employed by a pharmaceutical company is expected to engage in research that his superiors have determined to be in the best interests of the company.

Neither university trustees, nor deans, nor the faculty collectively would presume to exercise similar control over the research of a faculty member or the content of his courses. The governing principle, with relatively rare and narrow exceptions, is *laissez-faire*. How are we to think about the responsibility of an institution that has so little control over those who act under its auspices?

When institutional decisions are required, moreover, authority is a good deal more diffuse in universities than in corporations. Members of the faculty are technically employees, but tradition accords them a role in the governance of the institution very different from that of corporate employees. Students might conceivably be likened to the customers of a business, but the reality is plainly otherwise. They are more nearly like members of a community, entitled (in uncertain measure) to participate in its decisions. Trustees, administrators, and alumni also have claims to membership in the community and, therefore, a claim to participate in its governance. Although tradition accords different degrees of responsibility for one or another decision to one or another group, the understanding is fluid and shifting. Universities are, therefore, likely to be run more by consensus than command, a characteristic that embarrasses still further the task of ascribing responsibility to them.

Whatever difficulties we may encounter in thinking about institutional responsibility, the appropriate role of universities in forming a social morality is likely to continue as a subject of concern. The range and scale of their activities have made their behavior a matter of consequence. The decisions they make—about whom to educate, about the content and ends of education, about the proper subjects of research and the priorities among them, and about a host of other issues—have sufficient moral importance that they must be regarded as significant elements in any description of the state of our social morality. Beyond their immediate importance, moreover, the decisions taken by universities may have a significant effect on the attitudes and behavior of other institutions and of individuals. The latter will often be as important as the former, at times even more so. A university's decision about whether to disinvest in companies doing business in South Africa is not likely to have a direct effect on the plight of South Africa's blacks, but it may well help to shape a societal

understanding about whether injustice in that distant place is an appropriate concern of Americans. A decision about the use of the university's placement facilities by employers that discriminate against homosexuals may or may not affect the employment opportunities of homosexual students, but it is likely to influence societal judgments about homosexuality and about whether discrimination against homosexuals is a matter of social concern.

The influence of universities on societal morality helps to explain why they have in recent years become so prominent a battleground. Groups making moral claims are likely to see the capture of universities as an important victory, gaining for them a site that is not only itself an important piece of social territory, but that also offers a staging ground for pressing their claims elsewhere. The force of their moral claims has seemed to many an adequate justification for the effort to turn the university to their purposes. Yet, there is, in E. M. Forster's phrase, a "morality of morality." The question of how moral ends should be pursued is itself an important moral question.

The difficulties that we confront in discussing the moral responsibilities of an institution are not merely impediments to a judgment about whether it can be "blamed" for an action. They are equally relevant to judgments by those within the institution about the ends toward which they may appropriately seek to direct it. The trustees of a university are no more justified than the directors of a corporation in employing its resources to promote whatever ends they would regard as morally appropriate were the resources their own. From time to time, one hears the argument that, whatever limits there may be on the rightful exercise of power by trustees, the university community as a whole should be free to employ the institution's resources toward one or another end. Just what is meant by the "community as a whole" when the "community" is as amorphous as a university is unclear, but even if that difficulty were overcome, other problems remain. Collective decision about the moral ends that the university should serve threatens the diffusion of authority characteristic of universities, a characteristic that itself rests on important moral considerations. Moreover, the members of the university community—faculty, students, trustees, donors, and whoever else may have a claim to membership—have not come together for the purpose of jointly

promoting the common good. Their association in the university has more limited purposes, and it is by no means evident what warrant a majority, even a very large majority, can claim for employing the institution for other purposes.

Despite these considerations, it seems inappropriate to conclude that the members of the university community must refrain from any effort to bring its activities into line with their moral judgments. That conclusion would merely elevate the moral concerns on which it rests to a position of priority over other moral concerns with which they may at times collide. The priority of the former may at times be appropriate, but it is not evident that there is any *a priori* justification for concluding that they always are. A more discriminating analysis is required, one that takes account of differences among the issues that universities confront. A brief essay is not a suitable vehicle for a comprehensive analysis of those issues, but it may be useful to suggest a number of considerations that should inform the analysis.

At times, as when decisions are made about which students to admit, a university must speak with a single voice to an issue it cannot avoid, but that cannot be resolved by reference to the purposes of the institution. The university's educational responsibility sheds no light on the question of who is to be educated—whether preference in admission should be given to applicants with the greatest intellectual potential, to those who are likely to hold power in later years, or to the members of disadvantaged racial and ethnic groups. A choice must be made among these and other possibilities, and if the choice is to be morally informed, those responsible for it must attend to the relevant moral issues. There is no apparent reason that others must refrain from attempting to influence that decision.

More difficult questions are raised when an issue that must be addressed collectively involves moral concerns that arguably lie outside the province of the university. The disinvestment question offers a ready illustration. A collective decision about investment policy is inescapable, but the university's mission does not comprehend concern for all the ramifications of its decisions. The university does not exist to promote social justice, but to educate its students and to foster the advancement of knowledge. In performing the latter functions, it may well contribute to the achievement of social justice, but it does so

indirectly, by enlarging the capacity of its students and by promoting the increase of knowledge. The consequence, it might be argued, is that universities may not appropriately risk the value of their endowments by refusing to invest in companies that do business in South Africa.

The difficulty with this formulation of the argument against disinvestment is that it fails to recognize the need for ethical constraints on the manner in which the university pursues its central objectives. The need for such constraints is, however, frequently and properly recognized—for example, in rules designed to protect experimental subjects even at the cost of inhibiting research that would contribute to the advancement of knowledge. Although the ethical prescription “do no harm” states too simplistic a standard, it is an appropriate reminder that we ought to concern ourselves with the harm that results from our actions. The prescription seems no less appropriate when power is exercised collectively than when it is exercised by individuals. Accordingly, if investment in companies doing business in South Africa contributes to the perpetuation of injustice, that consequence is a relevant consideration in deciding on a university investment policy.

Nevertheless, I want to suggest that disinvestment—and hence the pressure on universities to disinvest—may well be inappropriate because it employs the university’s influence toward ends that are beyond the university’s purview. The critical question is whether continued investment in companies doing business in South Africa actively contributes to perpetuation of the regime. If it does, as I have already argued, that consequence furnishes a legitimate, though not necessarily a decisive, reason for disinvestment. If it does not, however, disinvestment seems merely an effort to influence American public opinion toward South Africa, an aim that lies outside the purposes for which the university was established. However laudable the objective, the means chosen involves an appropriation of the university’s influence. To repeat: individuals do not come together in the university for the purpose of jointly promoting the common good. Their association is for more limited purposes. To achieve those purposes, it will often be necessary to recognize that some part of the community must act in the name of the whole. But those who exer-

cise that power—and by extension any attempt to influence them—ought to be constrained by the purposes for which it is granted. They are not free to employ the resources they control as though those resources were their own.

We have been considering situations in which an institutional decision is inescapable. In many situations, the university has another alternative: it may defer to the decisions of individuals. Many of the most important decisions in the university, especially those involving its educational and research activities, are made in that way. With some variation by discipline (and among universities), neither the educational program nor the research of the faculty is generally taken as a subject for collective decision. Although a few minimum requirements may be collectively established, the “curriculum” comprises mainly the aggregation of courses that individual faculty members wish to teach and the courses that individual students elect from the resulting smorgasbord. Collective decision about the aim and content of courses, including collectively prescribed courses, is even less likely. And even less institutional control is exercised over the faculty’s research. The university thus becomes merely an environment within which individuals may pursue their individual objectives. Its institutional responsibility is taken to be only that of fostering conditions that are maximally conducive to the achievement of those objectives.

Any attempt to impose more particular responsibilities threatens that view of the university and the decision-making regime on which it rests. At my own university, for example, some faculty members and students maintain that no grant or contract for the development of weapons should be accepted. The argument rests on the claim that the university should be committed to humane values and that research that contributes to the destruction of human life is incompatible with such a commitment. If these arguments are taken to define the moral responsibility of the university, that responsibility can be met only by limiting the freedom of individual investigators. Similarly, if universities are to be held responsible for the moral development of their students, the institution—through some collective decision-making process—will have to assume greater control over the educational program.

Resistance to the idea that the university has such responsibilities is, not surprisingly, often grounded in a defense of the current diffusion of authority. For present purposes, it will be sufficient to characterize these arguments as involving a claim of academic freedom, a characterization that should bring home that the resistance also rests on a moral foundation. How the claim of academic freedom should be weighed against the claim of institutional responsibility is too large a question to be adequately addressed here, in part because it requires considerable attention to context. I want to make only one general observation: the reliance on academic freedom to avoid institutional responsibility too often ignores the extent to which the circumstances within which individual decisions are made have been created by the institution. It is only because the institution exists that a faculty member has students to teach. A faculty member's research is not only supported by institutional resources, but may also have been shaped by institutional expectations regarding research and the means by which it is to be financed. Institutional expectations regarding research may also influence decisions about the courses a faculty member wishes to teach. And students are not generally content to receive a piece of paper reciting that they have taken specified courses covering described materials. They want a degree that carries the seal of the university.

These considerations do not carry us very far in balancing the competing claims of academic freedom and institutional responsibility, but they do caution against pressing the former too hard. Some account must be taken of the fact that the decisions are made within an institution and that their consequences are in some measure affected by that circumstance. The institution cannot escape responsibility for an individual's actions simply by asserting that they are not the product of a collective decision. Some responsibility follows from its having empowered him to act or from its influence on his decision to act in the way that he has. The ethical principle that requires disinvestment if continued investment would contribute to the perpetuation of injustice seems equally to require collective safeguards against, for example, the abuse of students by faculty members. Having set a force in motion, the university is ethically bound to safeguard against harms that may result from its having done so.

II

This analysis suggests at least some limits on the role that the university should play in forming a social morality. The university does not have a roving commission to do good, nor does it have a mandate to serve as society's conscience. Whatever role it may have in forming a social morality is to be played out in the performance of its more limited responsibilities. Those responsibilities, it bears repeating, provide ample scope for significant contributions to the nation's moral life. The manner in which universities perform their responsibilities is itself an important component of our collective moral life. It is also a significant influence on the moral understanding and behavior of others. When, for example, universities illegally recruit star athletes, a lesson is taught to the young that is likely to have moral consequences far more important than the immediate consequences of the recruitment.

Despite the range and importance of their other activities, it is in the performance of their most traditional function, the education of students, that universities are likely to have the most significant impact on social morality. Yet, even when attention is directed solely to that function, the role that universities should play in forming a social morality is not an issue that one can easily imagine arising until relatively recently. As recently as fifty years ago—surely no more than seventy-five years ago—their place in the life of the nation was too peripheral for anyone to suppose that what they did would significantly affect social morality. Colleges and universities were, of course, expected to attend to the moral development of their students, but throughout the nineteenth century and well into the twentieth the percentage of the population attending institutions of higher education, even among the more influential classes, was too small for the moral life of the nation to be greatly affected by the education students received.

There are other and in many ways more interesting reasons that the question is a distinctively modern one. A century ago, it would have been assumed that a university's responsibility is to transmit morality. Now we are asked to consider the university's role in forming a social morality. Those are very different conceptions of the

university's role, and it will be instructive to inquire why we should be led to consider a conception of the university's role so different from the one assumed by our grandparents and great-grandparents. An erosion of moral consensus during the past century might be thought to offer a partial explanation. Earlier generations were, on this view, bound together by a common moral understanding. Transmitting that understanding, and inculcating a commitment to it, might seem an appropriate task of education because the society knew what it believed and, therefore, what it wanted its children to believe. With the erosion of consensus there is less certainty about what should be passed on to the next generation. We are, thus, asked to consider the university's role in forming a social morality because the felt need now is for a consensus to be forged from the current welter of moral understandings and commitments.

The problem with this explanation lies in the difficulty of assessing the differences between our own and an earlier time. We are acutely aware of the moral disagreements in our own time, but just as mountain peaks seem to flatten out as they recede, the controversies of an earlier time lose significance for us as our distance from them increases. Additional difficulties are posed by the necessity of gauging not merely the intensity of moral controversies in different periods, but the relative importance of the controversies in the overall social fabric. The question of whether there is less moral consensus now than fifty or a hundred years ago is, therefore, a complex historical problem that does not admit of answers as simple as those served up by nostalgia for a dimly perceived past.

The period to which nostalgia tends to be directed is the latter half of the nineteenth and the early years of the current century. Whether moral consensus was or was not greater then than now, that time differed from our own in a number of ways relevant to the question of why universities in the earlier period might be taken to have responsibility for transmitting morality while it now seems appropriate to ask about their role in forming a social morality. Both the student bodies and the faculties of colleges and universities were a good deal more homogeneous then than now. The composition of both was restricted by race, ethnic group, class, religion, and sex. Homogeneity was enhanced by the local character of all institutions

and by the sectarian affiliation of many of them. Whatever differences there may have been in the larger society were, accordingly, considerably softened by the similarity of background and resulting similarity of outlook among the members of a particular college or university community. The notion that universities are charged with transmitting morality to the next generation fits much more easily into such an environment than it fits into the vastly different setting of contemporary higher education.

Changing conceptions of morality have also played a part in altering ideas about the university's role. A century ago, morality was more likely than at present to be thought of as rooted in an external, generally a religious, source. Contemporary notions about morality are more likely to regard it as a human construct. The idea that education consists, at least in part, of transmitting morality to students does not comport well with the latter conception of morality. If morality is a human construct, the prevailing understanding of it is always open to question, far more so than if it is thought to be rooted in an external source. Attention is thus directed away from the transmission of morality toward questions about the wisdom of what has been constructed. The salience of those questions leads to uncertainty and controversy about what is to be transmitted.

The idea that education ought to be concerned with transmitting moral values nonetheless persists and forms the basis for a good deal of current criticism of universities. The goals of an educational program must, however, take some account of social circumstances, and it is a fair question whether the goals of the critics adequately take account of the circumstances of our society.

The contemporary conception of morality as a human construct is reinforced by a contemporary tendency to regard prevailing social and economic structures as a subject of choice. Increasingly, those structures are not considered fixed, defining boundaries within which individual decisions must be made, but are themselves thought of as created by humans and, therefore, alterable by them. The ethic of individual responsibility that universities sought to transmit to students in the nineteenth and early twentieth centuries does not fit comfortably into this intellectual framework. The reason is not that issues of personal responsibility no longer seem important to us, but

that they have come to seem less important than issues of social and economic organization. The latter are no less moral issues than the former, but they are also political issues. At stake in the controversies over their resolution is the distribution of status, wealth, and power. Universities cannot undertake to transmit "answers" to most such issues if for no other reason than because our society has none to offer. In the absence of consensus and with the loss of faith in an external source of moral judgment, any effort by universities to inculcate their students with "answers" will seem merely a partisan response.

The political character of the moral issues made salient by contemporary ways of thinking about morality is, however, only one of the difficulties that a contemporary university would face were it to view its task as that of transmitting morality to its students. Earlier, I contrasted an older conception of morality, one resting on external sources and emphasizing an ethic of individual responsibility, with a modern conception that regards morality as a human construct and that gives more emphasis to social and economic institutions than to individual responsibility. But the characterization of the former as "older" does not mean that it is no longer current. Contemporary Americans tend to hold both conceptions simultaneously, though the extent to which reliance is placed on one or the other differs widely in different parts of the population.

The belief is widespread that universities have failed to attend adequately to the moral development of their students, but one consequence of the moral divisions among us is disagreement about just where universities have failed. At the risk of caricature, the critics may be divided into two main camps: a "conservative" camp that deplores mainly the failure of universities to instill students with an ethic of individual responsibility, and a "liberal" camp that is primarily critical of the universities' failure to inculcate a commitment to work toward social changes that will remedy various social and economic ills. The use of political labels to describe moral and educational positions seems appropriate in this instance because, perhaps not surprisingly, there is some correspondence between each camp's political agenda and what it perceives as the failing of higher education.

Drug use, violence, a lack of respect for authority, and declining standards of honesty and sexual morality rank high on the conservatives' list of pressing social problems. All are attributed in some measure to the failure of universities and other educational institutions to aid their students in developing an appropriate set of personal values. Not all of these problems are regarded as such by liberals, but even when they are, the remedies offered by liberals are likely to be quite different from those proposed by conservatives. The remedy proposed by the latter is implicit in their views about the source of the problems: universities should lead their students to an understanding of the importance of certain personal values, an understanding that would, if generally held, almost definitionally eliminate the problems. Liberals are more likely to attribute the problems to very different causes and, as a consequence, to offer very different remedies. Violence, they are likely to believe, is rooted in poverty and dishonesty among students attributable to the overwhelming pressure of current educational practices. The remedy, thus, is to eliminate poverty and reduce the pressure on students. The frequency of that response is itself likely to be taken by conservatives as a symptom of moral decay and probably also as a cause of it.

In any event, the liberal critics of higher education regard racism, pollution, the persistence of poverty, and the threat of war as far more serious moral problems than those emphasized by conservatives. Just as the conservative critics tend to look back with nostalgia to the nineteenth century, the liberal critics also have fond memories of a "golden age"—in their case the 1960s. The moral development at which education should aim, in their view, is an awakening of the remembered spirit of that time in each generation of students. Conservatives tend to reject that view on the ground that it politicizes the educational process, an objection that liberals counter with the assertion that the quiescence produced by an ethic of individual responsibility is no less political. An education that emphasizes that ethic, the latter maintain, diverts attention from the most serious moral problems that our society confronts; worse, it leads students to hold individuals responsible for problems that are socially created and can be addressed only by an acceptance of social responsibility.

Although they are admittedly caricatures, these broad-brush de-

scriptions suggest the difficulties that the contemporary university would encounter were it to adopt either view. The moral development at which each camp aims is a stance toward life. A university cannot inculcate the attitudes and values that either regards as appropriate merely by requiring students to register for a prescribed course, as it might if the task were only to assure that every graduate understands trigonometry or is acquainted with a set of ethical precepts. If the university is to be held responsible for the moral development of students, as moral development is understood by both conservative and liberal critics, a pervasive commitment to that end will be required. Moral values permeate the curriculum—indeed, all of the relationships that the university has with its students. To discharge its responsibility, the university would be required to act collectively to assure that appropriate use is made of all the opportunities thus presented.

Collective decision would also be required about the moral views to be instilled in students. By whom is that decision to be made? In a relatively few institutions, generally those with close ties to a religious denomination, the question is not very difficult. Hierarchical relationships within the denomination or the shared moral perspectives of students and faculty furnish a sufficient answer. For most universities, the question will be more difficult, perhaps unanswerable. Their faculties, which traditionally have borne responsibility for the educational program, are as riven by moral differences as the general population. Those differences can be accommodated within the prevailing regime of *laissez-faire*, but that solution is ruled out by a conception of education that calls for inculcating prescribed values. Perhaps one need not be too concerned about the divisions within faculties, because it seems unlikely that their authority would continue for very long if they openly sought to inculcate collectively prescribed moral views. Public acceptance of faculty authority over the educational program rests in part on a belief in the faculty's expertise. There is little reason to suppose that the public regards the faculty as having a special competence with respect to the great moral issues that confront the nation. Of course, sophisticated members of the public appreciate that moral ideas infuse much of what is taught in universities, but it is one thing to tolerate the freedom of the

faculty when students are exposed to a multitude of voices, no one of which is taken to be authoritative, and quite another to do so when the university speaks with a single voice.

One may doubt also whether universities are capable of achieving the goals of those who look to them to provide moral guidance to students. At its best, higher education is a powerful experience—at times even a transforming one—greatly enhancing the capacities of students and opening them to wholly new possibilities in thinking about ways to live a life. It is, nonetheless, only one influence among many, and it is likely to be least influential in shaping the values of students. Sectarian institutions that draw their student bodies primarily from a narrow population that share a common outlook must, once again, be sharply distinguished from other colleges and universities. The former, like nineteenth-century institutions, are called upon to reinforce values that hold sway in the community from which their students come and to which they will return. The student bodies of most institutions, by contrast, are drawn from diverse backgrounds, and they anticipate lives in a world characterized by a diversity of values and ethical practices. The connotations of the phrase “ivory tower” suggest the limited influence of the university when it seeks to impart values that diverge very markedly from those that students perceive in the outside world.

In recent years, for example, the organized bar has expressed considerable concern about the ethical behavior of lawyers and their commitment to professional ideals. The concerns expressed range over a broad area, from the frequency of dishonesty and lawbreaking by lawyers to an asserted failure of many lawyers to meet their public responsibilities. Among the issues raised are some that are highly controversial, such as the appropriate balance between zealous pursuit of a client’s goals and recognition of public and other interests that may conflict with those goals. The most tangible consequences of the bar’s avowed concern are a requirement that law schools require their students to take a course in professional responsibility and an admonition to faculties to emphasize ethical issues throughout the curriculum. It is, however, naive to suppose that a course—or even three years of legal education—will have a decisive influence on the behavior of most law school graduates. Even if law faculties were of

one mind regarding the issues—a wildly improbable supposition—too many other factors are at work that overpower whatever influence three years of legal education may have.

Students come to law schools as adults. They are a good deal less malleable than seems to be supposed by those who look to legal education to solve the ethical problems of the profession. To be sure, the determinants of lawyer behavior are not irrevocably fixed prior to the first day of law school, but to the extent that the personal characteristics, attitudes, and values of fledgling lawyers are still being shaped, lessons learned in law school about the appropriate behavior of lawyers are, for nearly all students, likely to be much less influential than what they learn from observing the behavior of practicing lawyers. It should not be surprising that the lawyers encountered in summer clerkships and in the early years of practice are the models to whom students and young lawyers look for clues about how they ought to conduct themselves. After all, it is those lawyers, not the members of law faculties, who face the questions that students and young lawyers confront in practice and who lead the lives to which the latter aspire.

III

The hopes of both conservative and liberal critics misconceive the aims of higher education and its potential. A pluralist society cannot accommodate a conception of education that calls for inculcating controversial moral values.³ It does not follow that universities have no role in the moral development of their students. In the remainder of this essay, I want to sketch briefly some ideas about the contribution universities can make.

At one time, there would have been widespread agreement that, as Herbert Spencer put it, “education has for its object the formation of character.”⁴ In the sense that Spencer employed it, the word “character” is not heard very often these days. So used, it is less likely to inspire than to evoke a faint smile. The loss of meaning is regrettable, for the word captured an aggregation of qualities that are highly useful in sustaining a life. A man or woman of character has a moral code, but he or she also has something more: the personal strengths

that are necessary to steadfastness of purpose in the face of life's vicissitudes. Disappointment, embarrassment, boredom, fear, pain, and temptation are obstacles to the attainment of our goals. They are also part of the common experience of mankind. Courage, patience, perseverance, and other qualities that enable us to overcome these impediments are, for that reason, universally regarded as virtues, and since they are necessary to the success of any sustained moral undertaking, their enhancement is a central element of moral development.

Developing these virtues is a traditional aim of education, one that deserves greater emphasis than it currently receives in higher education. Colleges and universities are not, to be sure, positioned to play a decisive role in the formation of their students' characters. Students come to them as adults or near-adults. The faculty-student ratio and other demands on the faculty's time tend to preclude a level of personal contact that might permit faculty members to become an important personal influence in the lives of their students. Still, the limited potential of higher education for influencing the development of character does not justify a conclusion that it is irrelevant to that development. Character traits like those we are considering are, as Joseph Schwab has written, "enhanced only by undertaking and sustaining the actions pertaining to [them] to the point of perceiving and enjoying the enhanced competence which results."⁵ By availing themselves of the opportunities they have for leading students to such actions, universities can strengthen those traits. The opposite is also true. Inappropriate behavior can help to weaken them.

Several years ago, in a talk concerned with issues in legal education, I urged that faculty inattention to class attendance, preparedness for class, timely submission of papers, and the like represented missed opportunities for assisting students to develop desirable character traits and, worse, probably contributed to their erosion.⁶ The following day, a privately published newsletter carried a prominent faculty member's critical account of the talk under the headline "Sandalow Calls For Repression." The lesson, I suppose, is that we live in a time in which every objective may be regarded as political. Nevertheless, the virtues I have been considering are not very controversial, and the effort to develop them does not threaten pluralist values. They are not

only compatible with but necessary to widely differing visions of moral responsibility.

In any event, the university's greatest potential for influencing the moral development of students is in the contribution that it can make to their intellectual development. Moral judgments are not purely matters of taste, about which individuals differ as they do when one prefers tomatoes and another prefers carrots. They depend on knowledge and disciplined thought. Although formal education is but one influence among many affecting character development, it is in our society the chief instrument of intellectual development.

Universities thus play an important role in the moral development of students when they assist the latter in developing the capacity to think clearly, to identify and articulate premises, and to develop arguments that flow in an orderly fashion from those premises. Enhancing the ability of students to read, similarly, contributes significantly to their capacity for informed moral judgment. The ability to capture meaning from the printed word and to understand the possibilities and uses of fixity, vagueness, ambiguity, and change in language is essential to participation in a community of thought that extends beyond very narrow boundaries of space and time, boundaries that would otherwise confine moral judgment within personal experience. Moral judgment is also aided by a number of intellectual virtues whose development is a central task of higher education. These virtues are best described negatively, as freedom from common hazards to clear thought—hazards such as self-interest, provincialism of time and place, overdependence on familiar categories of thought, sentimentality, and an inability to tolerate uncertainty.

Informed moral judgment also depends on knowledge. At the most elementary level, students need to develop an understanding of the crucial role of facts in moral judgments. Facts are, however, all around us, and their significance is not generally self-evident. Some comprehension is also required of the theories that men have developed in an effort to apprehend the world around them. An informed moral judgment may, thus, depend on familiarity with economics, biology, or any of the other social or natural sciences. In acquainting its students with those subjects the university makes an important contribution to their moral development. The capacity for informed moral judgment

is, finally, enhanced by familiarity with the ideas that others have had about moral issues. The study of ethics, literature, law, and other humanistic disciplines, is, therefore, also important to the moral development of students, not as instruction in morality, but in enlarging the range of ideas available to students in thinking about moral issues.

The university thus contributes to the moral development of students even when it seems inattentive to that objective. In attending to their intellectual development, it contributes also to their moral development by enhancing their capacity to make moral judgments. That is not an inconsiderable contribution. My experience may be atypical, but the young people I have known during a quarter-century as a member of a university faculty have not, in the main, been morally indifferent. It is tempting to say, rather, that too many have suffered from a surfeit of morality. The real problem, however, is not an excess of moral commitment, but the superficiality of their moral judgments, their intensity of feeling about issues they have barely considered. They are deeply sensitive to moral issues, but their education too often seems to have left them ill equipped to judge those issues, at times even unaware of what is involved in making a moral judgment. A strengthening of the university's educational program to overcome these deficiencies would make a far more important contribution to the moral development of these young people and to our collective moral life than any effort to inculcate students with a particular conception of morality.

Notes

1. Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 1962), 133–36.

2. Professor Friedman at points does employ arguments—as when he relies on the social interests served by profit maximization—that suggest that individuals also are obligated to be profit maximizers as long as they remain within the bounds set by law. I have not interpreted the argument that way because of the implausibility of such a position. So construed, for example, the argument would require a restaurant owner, in the absence of civil rights legislation, to deny service to blacks if doing so would maximize the profits of the enterprise.

3. The point is somewhat overstated. A pluralist society can accommodate, and is very likely enriched by, the existence of some institutions devoted to precisely that conception of education. It could not, however, accommodate a system of higher education in which that conception is predominant.

4. Herbert Spencer, *Social Statics* (New York: D. Appleton, 1865), 201.

5. Terrance Sandalow, “The Moral Responsibility of Law Schools,” *Journal of Legal Education* 34 (1984): 163.

6. Joseph J. Schwab, *College Curriculum and Student Protest* (Chicago: University of Chicago Press, 1969), 285.