FROM ORTHODOXY TO ORTHOPRAXY:

TOWARDS AN ACCEPTANCE OF THE UNIVERSITY AS A SOCIAL CONSCIENCE

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# ABSTRACT

The right to speak without fear of reprisal is essential to the ideal of the university. In some contexts, this right is enshrined in law. Universities in New Zealand have a legal obligation to accept a role as critic and conscience of society. Yet, academic freedom is in danger of being narrowed and minimised to facilitate thought as indifferent to the gift of scholarship. Drawing on the work of Jacques Derrida, this thesis deconstructs the notion of the university as a social conscience. In upholding academic freedom as a social conscience, there is an inherent dilemma for scholars between their obligation to the other as an absolute singular 'one' and their obligation to respond to 'every Other'. Tertiary education policy takes scholarship as a singular conscience of the other as an orthodoxy of self-interest. The thesis contains the argument that tertiary education policy is obliged to the 'other' in wider responsibility for 'every Other' as a social conscience. Freedom for the gift of scholarship is better found in orthopraxy: a type of practice that is unconscious to the gift, that forges reference to itself, so as to uphold wider acceptance and freedom for the university as critic and conscience.

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# ABBREVIATIONS AND ACRONYMS

| | |
|---|---|
| EFTS | Equivalent Full-Time Student |
| MoE | Ministry of Education |
| NZQA | New Zealand Qualifications Authority |
| OECD | Organisation for Economic Co-operation and Development |
| PBRF | Performance-Based Research Funding |
| PCET | Post-Compulsory Education and Training |
| STEP | Statement of Tertiary Education Priorities |
| TE | Tertiary Education |
| TEAC | Tertiary Education Advisory Commission |
| TEC | Tertiary Education Commission |
| TEI | Tertiary Education Institution |
| TEP | Tertiary Education Policy |
| TES | Tertiary Education Strategy |
| UGC | University Grants Committee |
| UNESCO | The United Nations Educational, Scientific and Cultural Organization |

# TABLE OF CONTENTS

**CHAPTER SEVEN**

**CHAPTER EIGHT**

# CHAPTER ONE

# Introduction: Becoming alive in the mind of another

The thesis undertakes a philosophical investigation of New Zealand universities to consider their enactment as critic and conscience of society. The investigation seeks to extend the phrase 'critic and conscience' towards an acceptance of the university as a social conscience. Responsibility for academic freedom is inherent to the production of scholarship, which can be identified as either an orthodoxy or an orthopraxy, the convergence of thought into practice. An orthodoxy is a practice responsible for conforming to existing beliefs about its production, while orthopraxy is responsible for scholarship that forgoes the inherent self-interest of thought as an intellectual humility, and is prepared for a new discovery to those beliefs. Orthopraxy is committed both to the practice of thought, such as scholarship, and at the same time is unconscious to the discovery of that thought. The difference between the two terms, orthodoxy and orthopraxy, will be the focus of the thesis.

What it might mean for the university to be critic and conscience, will be considered from the perspective of scholarship as a responsible gift. Responsibility for producing scholarship has been likened by Jacques Derrida as inherent to the gift of scholarship, as a gift that is unconscious to itself, a type of irresponsibility. There is an inherent dilemma in becoming alive in the mind of another as a form of evangelisation, namely the absolute responsibility to 'one' or other and a responsibility to 'every Other', that involves sacrificing an obligation for 'every Other' to act responsibly towards the one chosen. A social conscience university that upholds academic freedom involves intellectual humility from scholars, a type of openness from the gift of scholarship towards the injustices that confronts

them at the university, without forgoing their responsibility to all others, that addresses the command towards unconditional freedom of the academy. Scholarship responds through its responsible practice to the acceptance of the university as a social conscience, paradigmatic of the absolute responsibility to each 'other' and to 'every Other'.

At the origins of the university, traveling scholars were to be brought under an institution modelled on the medieval church. Orthopraxy, a term borrowed from religion, is consistent with the approach of Derrida, who reinterpreted a biblical story used by Søren Kierkegaard for examining responsibility. In his work *Fear and Trembling* (1843/2005)*, Søren Kierkegaard interpreted the story of the *Binding of Isaac* (Gen. 22: 1–19, New International Version) that depicts the attempted sacrifice by Abraham of his own son. Kierkegaard likened making ethical decisions to standing unconditionally before God. As a philosopher and theologian, he was interested in seeing the importance of a religious story being informative to human ethics and decision-making. Derrida's reinterpretation is critical of religion being contained by a set of codified beliefs and seeks to re-examine theology as a responsible part of scholarship.

The waning interest in the scholarship of the humanities as informative for democracy is a concern that has been recently highlighted (Nussbaum, 2010). It is intimately related to the problem under examination, namely a responsibility by the university towards unconditional freedom and upholding the right to say what needs to be said. On occasion, leaders of democratic nation-states assert their responsibility against ideas that are uncomfortable to them, to have their own concerns as paramount, that threatens and limits the privilege of academic freedom, an impossible position for universities to overcome. The thesis contains arguments in the opposing direction, that the privilege of academic freedom is most valuable when offered with an openness towards the concern of others that is prepared

to forgo self-interest, and privileges the unconditional freedom informed from scholarship of the humanities.

The gift of scholarship is in danger of being sacrificed too easily. The neoliberal university that believes self-interest is inherent to scholarship, remains indifferent to claiming a purpose that is given to it, in the case of New Zealand legislation, as critic and conscience of society (Education Act, 1989, Section 162(4v)). That indifference arises from a set of beliefs and practices that prioritises those beliefs over the gift of scholarship. A meaningful and valuable university cannot rely on a set of management techniques that remain neutral to the meaning of its scholarship. A social conscience university is aware of compassion and care for others as other to itself, rather than a noble pursuit out of a sense of duty to others.

The university must take responsibility for the freedom of academics to speak without fear of reprisal, a position that is under threat within the neoliberal university, that instead, seeks optimised conditions of exchange. That may require the university to acknowledge academic work as difficult and uncomfortable to accomplish, and may not fit with a scholar's optimal trajectory. Placing their own trajectory at risk, may bring about a perspective that has yet to be understood. Instead of placing the production of scholarship in an optimal exchange with others, it is more valuable and meaningful to scholars to take the understanding of other scholars apart, to become conscious and alive in the mind of all others. Deconstruction supports a meaningful university as a deferral to the other as different.

While scholars attempt to act out of a deferral of their self-interest, ultimately there arrives a relief and acceptance of new thought in the mind of another. Given the gift of scholarship, there is an acceptance that the present gift is haunted by a painful past, which requires forgiveness of what is ordinarily unforgivable, in the sense that the pain is unacknowledged, pain or anger that cannot be reconciled in the present, but is evident, and in the sense of an incomplete gift, is unforgiven. Forgiveness for what is not able to be forgiven

in the spirit of a gift that is unconscious to itself, offers a relief to the constraints of adhering to a singular belief. That will be useful to the university that does not deny that it is gifted, but requires care from the pain of its own past.

**The importance of difference in exchange**

It is important to democratic society to have scholarship that is prepared and practiced from deep consideration of others. The freedom to express without fear of reprisal is itself a political position. Political thought is routinely derived out of adversity with others and is an important feature of democracy. The contest and arena of an exchange in politics is said to be inherent to the production of political thought. In these situations, people engage astutely and relate to others with care and concern. While they choose not to agree with the perspective of others in the contest of exchange, they have to form an argument from the situation before them that is persuasive to others. That takes a type of intellectual humility that acts out of care and concern for others as one example of a social conscience.

Demonstrating care and concern for others in contest could be considered part of the formation of a representative position for a particular group. Avoiding a representative position could itself be reflective of the level of acceptance for others from those taking part as well as the decision under examination. The way that a representative position is articulated, its depth of perspective, is reflective of the concern for the other, that has been informed from the humility of the exchange. Willingness and openness towards others forms part of the decision.

Deconstruction is interested in encouraging what needs to be said as scholars from within the academic context as a valuable and meaningful contribution. Such interest is more important than playing a competitive and reductive game of exchange with others towards an optimised position that neoliberalism invites, for example, through models of allocated

funding for the performance of research. Deconstruction draws attention to the gamification of the exchange of ideas as indulgent to itself. A gift that seeks its reward is optimised for receiving rewards from others, which distorts the otherness of the other. What is being proposed by the thesis is that scholarship remain part of democracy in such a way that takes responsibility for the privilege for unconditional freedom as a promise for the other.

The thesis is respectful of the influences of the university as a privilege in democratic society. Too often a culture of indulgence and evangelisation of self-interest consumes the horizon and importance of being wholly other to each other. That may be appropriate for neoliberal economic thinking, but not for academic freedom. Derrida offers a specific way through deconstruction of invoking that unconditional horizon from the work of scholarship, that breaks the dependency on economic rationalism evident through managerialism. The thesis will therefore deconstruct the gift of scholarship as an unconscious deferral of the gift, that seeks responsibility for the university. Between irresponsibility and responsibility for academic freedom, the unconscious gift examines the horizon of responsibility that forgoes self-interest and will demonstrate a need to listen for the calm and prophetic voices of scholarship.

**My interest in the topic**

I began my post-school education at roughly the time radical policy changes were introduced through the *Education Act* (1989). Like many at the time, I did not hesitate to enrol and take up a course of study to develop what I saw as an opportunity in preparation for an unknown future. This was a time of transition for tertiary institutions and more broadly, for the post-school education sector. As I began to emerge as a developing and growing adult, there was a redirection from tertiary education away from a focus on social integration to an emphasis on the individual. The vocational outcomes of my non-formal education as an

individual have been equally rewarding and fulfilling in a way that compliments my formal education. I have undertaken a wide range of formal tertiary learning, both generalist (a science degree) and specific (a teaching diploma). I have also received a wide range of non-formal learning opportunities, through which I have exceeded my own expectations for fulfilment, as a psychodramatist (I have trained for five years), as a violinist (I played in professional orchestras in New Zealand and Germany for ten years), Ignatian spirituality (I led an emerging spiritual community in New Zealand), and family life. Both formal and non-formal aspects of my education are part of the consciousness and awareness of myself as an individual in society. What interests me is the need to value and recognise what I have received from education as informative on myself as a unique individual. In the acceptance of the gift of my education, both formal and non-formal, I remain indebted, a gift that I may never be able to repay or fully accept. However, one way to approach that or at least deepen or live with that incomplete acceptance, may be to enter into the gift of others from the perspective of being an auxiliary to them. That may be taken as an amplification of the perspective I am struggling with and would involve exploring the idea of remaining as a humble auxiliary or support to them, but nonetheless, a meaningful support for a purpose in their life in social conscience.

**The responsible university**

As part of the Hayek Lecture Series at Duke University, Haidt (2016) explores perspectives of moral psychology that contrast the university as either a truth university or social justice university.  These terms are associated by Haidt with the ideas of John Stuart Mill and Karl Marx respectively, who were writing independently at around the same time in late 19th century London. Haidt argues that each thinker represents a notion of the university that is incompatible, and instead he believes that universities must hold a mission to be one or

the other. Part of that motivation appears to be informed from a new type of university emerging in the United States (US), that sees the need for upholding the diversity of viewpoints, a so-called heterodox academy (Heterodox Academy, n.d.) that has quickly gained traction among tenured academic staff.

The truth university for Haidt (2016) is characterised by a wisdom that seeks truth from the frailty of human thought, and that scholars turn to the strength of debate and discussion to mediate the thought of each other. He quotes Mill (1869) thus:

> He who knows only his own side of the case, knows little of that. His reasons may be good, and no one may have been able to refute them. But if he is equally unable to refute the reasons on the opposite side; if he does not so much as know what they are, he has no ground for preferring either opinion. (Chapter 2:23)

By contrast, a social justice university seeks to make an intervention from scholars towards bringing about a reform of society, and is typified in a quote from Karl Marx (1888) that reads: "The philosophers have only interpreted the world in various ways; the point, however, is to change it" or in other words, that intellectual thought at the university needs to pursue philosophical truth, but not without acknowledging the effect of such thought in a changing and emerging society. One way to do that is through the upholding of truth through the pursuit of justice in society. From the 1990s onwards, Haidt notes, universities in the US became more diverse and open towards social justice. An expanded range of faculties within humanities was made available. There was "a broadening of the cannon of the university", that helped explain the rapid transformation of universities themselves.

Haidt (2016) argues that a schism between universities should exist because the two universities are incompatible with one another. A Millian critique places importance on modifying the frailties and weakness of human thought through the critique of fellow scholars to give the optimal or most evidential response by scholarship. By contrast, a university that seeks social transformation is informed from a diversity of discoveries of the

humanities, where since the 1990s, Haidt (2016) identifies an expansion of the US university into research faculty such as gender studies, developmental studies, languages, expanded history programmes, and studies of oppressed people. Left unchecked, such a development in scholarship can lead to viewpoints that are unavailable to critique and result in academic bias. Haidt (2016) comments on "safe spaces" in American universities as a symptom of an overreaction, to protect students from their thought being open to challenge in any way.

Further difficulties are identified from a type of indifference towards the truth of scholarship. Examples such as research constructed from "selected evidence", and "scholarship that is undertaken to support a political agenda" are evidence of "motivated reasoning" for Haidt (2016). Another is the difficulty that arises from publishing a "pleasing falsehood", that is, at the time of publication, the research was politically pleasing to the majority of scholars, but now turns out to be incorrect. The dissemination and sharing between scholarly fields makes it extremely difficult to retract. Haidt (2016) instances one major protection against motivated scholarship, that is, "institutionalised disconfirmation", where the institution that engages in critique and debate will disconfirm the ideas of its scholars. The idea, as an idea from moral psychology, is that "bad ideas are caught and filtered out" before they are released. Institutional rationality that exists from the discussion and debate will eliminate or modify what is disclosed as scholarship and thereby uphold the operation of the institution with its users in optimal thought.

The thesis considers the responsibility by both universities shown here as a contribution to a third option, that overcomes their limitations and upholds academic freedom as an unconditional freedom. The conclusion of Haidt (2016) is to propose universities be permitted to choose between either option and exist in heterodoxy. Such merging falls short of the unconditionality of academic freedom. An environment of heterodoxy for scholarship and thought is unsatisfactory to thought as difference and falls too readily towards an

environment of scholarship as a commitment through self-interest to a particular set of beliefs. Conditions already exist for the production of thought as self-referential, that is, thought that is most valued as a reinforcement of thought most sought, a sort of evangelisation. That has the effect of foreshortening and usurping the freedom of the university and its responsibility to itself as responsible. The university as a social conscience will allow for scholarship to place unconditional responsibility for the university under examination.

The idea of unconditional responsibility is inherent in response to the otherness of the other. It relies on scholarship as a gift that forgoes self-interest, and that defers its own interest to the interest of the other. In the upholding of an important feature of free speech, academic freedom of the university plays a role to inform democratic debate and discussion. One such responsibility is informed from New Zealand legislation, namely the responsibility as critic and conscience of society.

The social conscience university asks that we think of the future, not in terms of an improvement on the past, but rather in terms of an inadequacy from the past. What could have been done differently that would have made this moment or future moments better? That is a practice of scholarship that is respectful of both seeking truth, and acting out of concern for human injustice that exist in society. Scholarship that is orthopractic fulfills the definition of acting with social conscience, as an action that is both an adherence to truth and social justice, instead of one or the other as Haidt (2016) is advocating.

**The gift of deconstruction as a social conscience**

In this thesis it is accepted that the practice of deconstruction links with the university's role as critic and conscience as a contribution towards academic freedom, a type

of social conscience. Jacques Derrida (1930–2004) is a well known figure in 20th century philosophy and social sciences. He is regarded as the founder of deconstruction, a philosophical outlook that seeks to expose the general reliance on Western metaphysical principles by subverting various binary oppositions such as presence/absence, speech/writing and others. Such an outlook is fraught with difficulty and consequently far from settled as a valid and finalised position in philosophy for which Derrida has occasionally been maligned (Peters & Biesta, 2009). More important is the recognition of Derrida as a political philosopher, much discussed and debated in the placement of his scholarship within a recognisable philosophical genre.

Deconstruction in Derrida's hands is to express "an openness towards the other" (Derrida, 1984, p.124). The work of deconstruction is not to destroy through breaking apart everything that stands in its way. Derrida strongly refutes the nihilistic tendencies that have accused deconstruction of being ethically bankrupt and utterly dangerous (Anderson, 2015). Such openness is a confirmation of what exists. However, by implication 'the other' refers to what is unforeseen and unforeseeable in the present. Deconstruction therefore allows us to consider and bring into the present what is beyond the horizon of what exists. The feeling of disruption or deconstruction is forever present as an acceptance that things are not yet settled or tranquil, that there are undecidables, even as we agree to settle. The wholly or infinite Other [*tout autre*], that which is forever other to us, needs our responsibility. Derrida was at pains to point out that society would be better off if it spent time in contemplation and consideration, as a re-evaluation of Western metaphysics, instead of constructing yet more theories. At the same time, he was a strong advocate of the application of deconstruction as evidence of the capability and untapped capacity of humans to become conscious of another. After discovering, applying and advocating for deconstruction, Derrida spent the latter period of his life taking up ethical themes in deconstruction, in particular a responsibility for the

other, and from his Jewish heritage, the absolute singularity of the responsibility for the other.

Derrida made a visit to New Zealand in 1999 and spoke to a diverse range of academics in conference about the future of the academic profession as an unconditional university (Derrida, 2001a). He specifically advocates the availability of the humanities and their scholarship as a source of truth, should the university accept its role in society. The deconstruction therefore is to reveal the possibility of scholarship, not as a confirmation of what we know to be the case, but rather the revelation of what might be accomplished through scholarship in the humanities. Deconstruction brings into sharp relief the managerialism and stifling process of the university as inhuman, and consequently a closing of our mind to a source of truth. Without any reference to those processes, he urges academics to take up a programme of deconstruction in six steps as a profession of their faith, faith in the university, as professors of faith, who enjoy unconditional, irresponsible freedom to say what needs to be said. The independence of thinking imagined in the university by Derrida is based on "events", known as performative speech acts, that are anomalous, and do not depend on pre-existing rules, but respond to the call of *tout autre*, as a response to uphold and profess faith towards the wholly Other. As a further and final proposition, a seventh step on the ladder of faith  is added,  as something of an antidote or decontainment  to the allure of unconditional freedom, which makes reference to the command of *tout autre,* the wholly Other.

The ethics of responsibility for such events is explored by Derrida in a short work, *The Gift of Death* (1996), which arose at a time that deconstruction was dealing with criticisms of ethical relativism and nihilism (Goldman, 1999). Deconstruction has been described as "entailing a paradoxical move" (Anderson, 2015, p. 48), that challenges without rejection of the binary didactic metaphysical characteristics of ethics and responsibility. That paradox, common to many applications of deconstruction associated with Derrida, is strongly

felt in *The Gift of Death,* which deconstruction seeks to form as paradigmatic. In arguing that ethics and morality are constrained by responsibility, Derrida notes that ethics and morality paradoxically *contain* an irresponsibility, that were we to de-contain responsibility, we would appreciate our ethical selves. That is keenly expressed in the biblical account of Abraham who is called by God to sacrifice his son Isaac (Genesis 22:1-19). The *singular* responsibility of Abraham ('one' or other) to follow God's call is set against the *general* common law of his society ('every Other') in compliance to fulfil his responsibility to those around him. Our most deeply held desires should inform our decision as *irresponsible* in the sense of a new response to the infinite possibility of humankind. However, what is possible to bring about, is bound or destined to the responsibility more generally accepted.

Such an asymmetrical gaze is an opportunity for ethical deconstruction and has implications for the way we treat academic freedom as a radical individuality, that for Derrida is a responsibility for the other, an openness that deconstructs what is taken to be already the case. It is common, as Kierkegaard shows, to interpret the story from the book of Genesis at Mt Moriah as a sacrifice that is to be fulfilled only by the complete acceptance of the wholly Other, where God might intervene to release the bindings that hold Isaac, to allow him to walk fulfilled from Mt Moriah. Only when we fully accept ourselves from the decisions we make, best supported by the practice of religion, then we stand unconditionally before God, as a fear and trembling.

Without denying the implicit fear and trembling as an unconscious and uncontrollable feeling that it would take to stand unconditionally before God, Derrida argues that such binding need not be released, and that every decision we make is made at our own Mt Moriah, a place of great promise, covenant and unconditionally to the other. That position is explored with Derrida understanding the gift as a gift that seeks no reward, a deferral of the reward of the gift for another. The gift of our death, as an unconscious gift, where each

'other' is sacrificing and binding the other to death, is understood by Derrida to be a betrayal of the obligation to all others known or unknown. Each decision we make to give thought and attention to the other, made out of duty to our own life, comes with a sacrifice to others who were excluded from that thought and attention. Thought as an openness or giftedness for scholarship, to the other as wholly other, is informative as a social conscience.

Derrida's idea of forgiveness, a further type of givenness, comes from the opposite direction in exchange of the gift, that seeks to uphold the unconditionality or responsibility of the university to act. Once the gift is given without reward, there is a debt to the receiver left behind that can never be extinguished from the exchange. A social conscience that forgoes and sacrifices the 'other' with an incomplete gift leaves a grievance to the past, and requires forgiveness. That can be seen at the point in the biblical story where Abraham commits murder as an unforgivable act from being called by God. There are many examples of being called but falling short of the promise to which we are 'bound'. Forgiveness of the unforgivable is an acceptance of sacrifice, that reinforces the forbearance undertaken, in such a way that prevents a return to an unworthy and painful past out of nostalgia, as a sentiment for the past. Forgiveness answers that with an acceptance of the indebtedness to the gift given. It forgives that debt as unforgivable, in the sense that the donor is being released from their obligation to have given. Forgiveness of the unforgivable overcomes and lifts the obligation to forgive out of the usual meaning of forbearance to act, that places the optimising of self-interest under further question.

Universities and academic freedom felt as a privilege in democracy is worthwhile defending, to benefit society for further insight and possibility. The gift of such freedom taken in scholarship without reward suggests two features. The uniqueness of the scholarship being gifted may invoke the infiniteness of human thought, but it should not be assumed that such a gift will find itself accepted and acceptable without vulnerability to the other. This

thesis provides a platform for academic freedom as an unconditional university, sufficient in its treatment of scholarship as a gift in the social conscience university.

**Academic freedom in New Zealand**

Academic freedom as a professional freedom for academics is identified with Mt Moriah, as depicted in the Bible (Genesis 22), a place of great promise and unconditionality, but ultimately a place of sacrifice. Academic freedom pertains to forms of expression by academic staff engaged in scholarship and for the institution is defined in New Zealand by the *Education Act* (1989) (s161(2)) as:

For the purposes of this section, academic freedom, in relation to an institution, means—

 a) The freedom of academic staff and students, within the law, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions;

b) The freedom of academic staff and students to engage in research;

c) The freedom of the university and its staff to regulate the subject matter of courses taught at the university;

d) The freedom of the university and its staff to teach and assess students in the manner they consider best promotes learning; and

e) The freedom of the university through its Council and Vice-Chancellor to appoint its own staff.

Academic freedom is highly valued by academics within higher education as a professional freedom and has been likened to a clinical judgment that is valued by doctors, and judicial independence by judges (Jones, Galvin, & Woodhouse, 2000). It is generally recognised as a core function and value of a university. It allows scholars to comment on the world around them with integrity, without fear of reprisal. It allows deep questions to be asked of the world and of its future. The legislative precepts for the university are designed

with that in mind. Anne Salmond in an interview (Shirazi, Swannix, & Verweij, 2016) notes that academic freedom is a privilege to democratic society that comes with responsibilities. "If scholars do not report the things that they see in the world around them with absolute integrity because they are afraid of what might happen to them if they speak out, then we do not deserve that privilege and that protection" (Shirazi, Swannix, & Verweij, 2016). Overall the privilege of freedom given to scholars is to promote the seeking of truth.

'Critic and conscience' is a further definition of freedom that is endowed on an academic environment to those engaged in scholarship, unique in its appearance in legislation for New Zealand. It is far from settled to whom such freedom ultimately belongs, but the University of Canterbury (2015) has adopted a comprehensive policy that elucidates an agreed set of views for such freedom, that articulates the part that institutions play. To date, it is the only university in New Zealand that has a policy of this kind in place to do so. The opening statement of that policy reads "The University values its obligation and role as a critic and conscience of society" (p. 1), which reflects the obligation under legislation of the university in its role as critic and conscience of society. Certain rights and obligations for academic staff, those engaged in scholarship, are afforded when it states: "As with all rights and obligations, academic freedom carries with it certain responsibilities, expectations and accountabilities, and is exercised within a relationship of trust and confidence" (p. 1). Finally, the document implies in various places that such freedom ultimately resides with the institution, when it states: "Academic staff and students should uphold the good name of the University and exercise judgement in the best interests of the University" (p. 2), and "Academic freedom does not denote the freedom to neglect the basic obligations of the employer-employee relationship" (p.3), and "In any case of conflict over the responsible exercise of academic freedom, resolution will be sought through a special sub-committee of Council that will include representation of the wider academic community, as required" (p.3).

The policy is based on a paper from New Zealand Universities Academic Audit Unit (Jones et al., 2000) which notes that if we are to take academic freedom seriously, then it is inseparable from the role of universities as critic and conscience of society. In such a role, the paper strongly asserts that while academic freedom may entail deviation from conventional wisdom by academic staff, the university is to defend those staff in the face of opposition or retraction from the stated position. Passing judgement on society is seen as a vital function of the university for its role. Further evidence of rewarding staff for promoting the university role of critic and conscience was required. It also notes that the imposition of managerialism on staff, citing Kelsey (1998), may thwart any motivation for upholding academic freedom within the institution.

**The emergence of critic and conscience as an orthodoxy**

Tertiary education policy in New Zealand directs and defines the basis upon which government funding will be granted to the sector. The context for the current policy can be traced to reforms of the sector that were introduced with a Treasury document on government management (Treasury, 1987) and was presented, following a national election, as a briefing to the incoming Minister of Education and Prime Minister, David Lange. The briefing (300 pages) sets out a comprehensive and coherent position on education in New Zealand, including tertiary education in Chapter 6 (Treasury, 1987) as underpinned by the economic reforms previously announced in 1984. Further reports (*Hawke Report,* (Ministry of Education, 1988); *Learning for Life: Education and Training Beyond the Age of Fifteen*, (Ministry of Education, 1989)) expanded and developed the policy setting, and a new direction for education was finalised under the *Education Amendment Bill* (1990). The term 'tertiary education' has been adopted to encompass all post-school education and training

(Ministry of Education, 2014) and encompasses a wide diversity of institutions and settings and, "includes higher education, applied and vocational training, and training in foundation skills where these have not been obtained during schooling. It includes structured learning in a range of settings, including workplaces, universities, and polytechnics" (p. 3).

Alongside the introduction of those sector policy reforms, an amendment to legislation for universities was proposed that sought to provide some relief and balance to the concerns of those critics of the reforms who decried the harsh treatment of accountability and downgrading of universities in society. The phrase 'critic and conscience of society' was introduced as one criteria among others for the role of universities in New Zealand. Its successful adoption by parliament can be considered part of the sweeping reforms of the sector. Apprehension remains that universities have yet to take up that role, or that policy is provided for that to occur. In practice only one of the five criteria for a university has been publicly funded (Easton, 1999), namely "Their research and teaching are closely interdependent and most of their teaching is done by people who are active in advancing knowledge" (Education Act, 1989, Section 162(4ii)). To fund the other criteria of a university, all other costs appear to be funded as they contribute to this primary criteria. That can have the effect for scholars of conforming to the advancement of knowledge in ways that clearly define their practice, an example of orthodoxy.

Present day tertiary education policy is directed towards particular goals in ways that tend to promote short-term socio-economic frameworks that foster a mistaken belief in job training and accelerated personal successes. Neoliberalism underpins the marked expansion of the university in the social life of New Zealand (Boston, 1988; Butterworth & Tarling, 1994; Harland, 2009; Harvey, 2005; Kelsey, 1997; Lauder, 2006; O'Neill, 2005; Olssen, 2004; Peters, 1997, 2011; Peters & Roberts, 1999; Roberts, 2005). It is a movement found in all OECD countries and is characterised by high student enrolments in pursuit of cultural

elitism and success (OECD, 2015). In the past gaining a university qualification was regarded as an essential step towards academic elitism. Today, university study, regardless of qualification, is seen more as a social rite of passage to expand horizons and as a targeted training for a career, rather than as an empowerment for individuals to prepare a contribution towards the advancement of knowledge. Governments play a role in promotion of high enrolments in tertiary education. They find an interest in maintaining tertiary education as a cultural status indicator. They also fail to adequately account for the imposition of student fees, and therefore covertly place a heavy financial burden on younger generations in training before they enter the workforce.

The policy administration body, the Tertiary Education Commission (TEC), arose in 2003 and remains in place at the time of writing. It serves to advise and promote the policy settings sought by the government from a distance, and exists as an agency within the Ministry of Education to provide policy advice to government mandated by the *Tertiary Education Strategy*. The document (Ministry of Education, 2014) sets out government priorities and expectations for the sector. A feature of the strategy document is the move to introduce an outcomes focus, which is identified as "economic outcomes, environmental outcomes, and social outcomes" (p. 2). Such 'outcomes' derive from the government's priorities identified for the sector, which is to have a tertiary education system more flexible and strategic, a focus of performance as part of the wider economy, adaptability to technological advances, and that links skills accumulated with changing employment opportunities.

**Self-interest of the responsible university**

In citing recent research of Drezner (2012), Sessions (2017) draws attention to the paradigmatic separation between public intellectuals and thought leaders, and their particular

relevance to universities, academics and scholarship. Public intellectuals as viewed by both Drezner and Sessions are those who develop a specialist interest that is recognisable from a contribution to a field of scholarship, but retain an involvement in wider public discourse that appeals to a non-intellectual audience. By way of contrast, thought leaders are those who are well established in a field of expertise, but promote their ideas in public discourse as representative of a brand with evangelical-like qualities. It is not the downgrading of thought *per se*, but more the unintended or unconscious consequences of promoting thought in public discourse that is uncritical or indifferent to existing thought. Such a contrast has important relevance to the idea of scholarship as a gift without the need of reward.

Martha Nussbaum and Noam Chomsky are cited by Drezner (2017) as two towering contemporary public intellectuals, who have contributed to take up a very public role, contributing over sustained years of research to their field of expertise, but who are also unafraid to make their ideas available for public discourse as a critical and conscious disclosure of themselves. Derrida as will be explored, is a further example. Drezner (2017) connects the culture of universities in America with these two paradigms. The development of recent pressures and incentives on academics to be published, has also resulted in a shying away or reluctance of standing behind their work as an academic from making public comment or engaging critically and consciously. The importance of their public, academic role from a critical perspective shows, that what lies behind recent developments or brings deeper insight informed from scholarly research is not yet responsible. The picture of universities that Nussbaum calls for, has less to do with dissemination of knowledge for critical understanding by scholars and more to do with being public as a responsible intellectual.

Equally though, academics are conflicted in their dilemma to contribute to public debate given the preference by some universities for *thought leadership*. Examples of making

a contribution in this way abound, especially in America, where philanthropy from extreme wealth is administered through think tanks, universities or other former public institutions that had previously committed to public interests, are now to conform to serving their private interests. Weinstein (2014) notes the university in the America has been transformed into a corporate model of top-down governance, that he believes threatens the independence of staff appointments, and the setting of curriculum. Of interest here is not just the waning attention to public thought, which is important, but also the concern for the narrowing of interest towards economic rationality that serves the primary interest of philanthropy and the thought leadership it seeks. Such narrowing will be shown to be the paradigm of economic interest informed from game theory that is suited towards an uncritical and unconscious interest, a non-cooperative, disinterested and benign model of exchange and distorts upholding thought for the opportunity of insight. For academics therefore to write excessively about what they know needs to be celebrated and valued as brilliant work, could come to be seen as an adaptation to their environment of self-interest.

Roberts (2007) examines the notion of difference from the attention given to the nature and purpose of intellectual life. The universalist approach has been influential on thinkers in the 20th century, who are "intellectuals…carrying a burden of responsibility beyond themselves" (p. 480), thinkers who would be prepared to develop and perhaps champion a particular cause or ideal. That view has been challenged by others who contend that "differences within and between groups" (p. 480) are more important for intellectual life. Roberts (2007) examines the role of the postmodern intellectual as discussed by Zygmunt Bauman as one path towards a redefinition of intellectual life. Intellectuals for Bauman are suffering from a deep sense of loss and anxiety, a crisis of status, the result of a devaluing of the influence their role had once offered. Bauman observes that the role of an *organic intellectual* that Gramsci had described had simply failed to transpire in practice. Roberts

(2007) notes that the postmodern intellectuals that Bauman is exploring, are individuals "who can deal with the questions about their role in modern society (e.g., the question of who they represent) with greater honesty and self-awareness" (p. 484).

Roberts (2007) notes that academics exert little influence of the kind envisaged by Gramsci and Sartre. "One implication of Bauman's analysis is that academics need to accept and practice a certain form of *humility* as a defining feature of their intellectual lives" (p. 487). To accept a role as a public intellectual with a social conscience will be a central theme of the thesis. To produce scholarship with orthopraxy is to bind 'the other' to sacrifice, to place an obligation on others that may be too difficult to respond. It will be argued that to act with humility and is to act out of concern for the other, to forgo the thought of oneself in return for the discovery of others to come forward. The research will show that intellectual humility is a feature of deconstruction.

Derrida presents deconstruction with features that lie outside the ethical. Deconstruction is unable to offer an ethical theory, because "it *inhabits* metaphysical structures from within so that structure itself is revealed to be constructed in and through non-structure" (Anderson, 2015, p. 52). How then does deconstruction address the question of responsibility, as a responsibility for itself as itself, let alone for ethics? Criticism of deconstruction as nihilistic and unethical have been consistently asked by theorists but two influential examples have come from Jurgen Habermas' *The Philosophical Discourse of Modernity* (1987) and John Searle's paper *Reiterating the Differences* (1977), to which Derrida responded.

In the late 1980s and 1990s scholars came to the defence of Derrida's deconstruction as ethical. Anderson (2015) reports an ethical turn of deconstruction that came from the reception of his work by Anglo-American scholars, but was absent from Derrida's own work. It was characterised as a reading of Derrida's work through the ethics of Emmanuel Levinas.

Anderson (2015) briefly sketches the interconnection of these two strands of thought to delineate various positions that have been arrived at by scholars today. She notes that the debate around the connection between Derrida and Levinas continues into the 21st century. The context for the debate is acknowledged, and will be touched on. Derrida's position is unable to be entirely embraced by Levinas's ethical position. Derrida's discussion of responsibility in *The Gift of Death* (1996) has been shown as one source of difference between the two.

A contrast will be drawn with scholarship in exchange that seeks its reward, namely a confirmation that it holds or contains the effect intended from its contents, and acts out of self-interest to optimise reward. Thought leadership will be one example of that, but more generally, the condition of neoliberal policy that acts to optimise thought in its self-interest in exchange with others. The gift of scholarship will be argued to be in optimal condition, that arises within a coordinated network of exchange, which nullifies the gift. It is not that exchange is the difficulty, that is important, but how that exchange takes place responsibly. Offering ideas and thought in optimal exchange is a confirmation of the outcome most sought. Further, ideas offered that are non-cooperative in exchange form an equilibrium of thought that is experienced by those taking part in the exchange as a paranoia, or fear. Such fear arises from the importance of maintaining the rules of exchange that forbids unconditionality, because it takes no account of the absolute uniqueness of the other. Consideration for thought that goes against or is irresponsible to the exchange is seen as destructive and to be avoided. A specific type of irresponsibility, it will be argued, places under examination the importance of upholding academic freedom as a responsibility to the university. The type of irresponsibility from deconstruction of the gift of scholarship is meaningful for the university as critic and conscience of society in such a way that it can never avoid its responsibility towards academic freedom. Scholarship that seeks to make a

difference to the 'one' other, that acts with humility and openness, is irresponsible to all others. That position, informed from Derrida's reading of the biblical account of the *Binding of Isaac* (Gen. 22:1-19), is to be considered as an openness towards the other, a sacrifice to all others.

The responsible university relies on the activities and thought of its scholars taking part. The exchange between themselves in the mind of another reflecting and debating the concerns around them is an important part of the gift of the university. However, the privilege of academic freedom as a responsibility ultimately resides with the university. Therefore the thesis investigates what it might mean for the university to accept the role as 'critic and conscience of society'. If there is to be a social conscience university, then there are certain conditions for the university that it requires through the actions of scholarship to be upheld, such as openness and intellectual humility, that draw attention to that responsibility. To focus the research, the following questions are proposed.

**Key question**

What might it mean for the university to accept a role as 'critic and conscience of society'?

**Sub-questions**

- How did the 'critic and conscience' role emerge and develop in the history of New Zealand universities?
- To what extent, and in what ways, is the 'critic and conscience of society' role reflected in tertiary education policy?
- How is the 'critic and conscience' role related to the notion of academic freedom?
- What are some of the limits and possibilities in exercising academic freedom in today's world?

**Methodology**

This section sets out the method by which the research will be conducted. It gives a summary of some of the aims and expectations from a methodology, termed here deconstruction. The thesis will conduct a scholarly investigation into tertiary education policy in New Zealand. It will draw on the current views and tenets that underpin tertiary education policy as well as the historical development of those views that continue to shape the New Zealand education system. The research will also carry out a sustained examination of the ideas of education in the texts of Jacques Derrida. It will involve a close study of philosophical thought that pertains to education as elucidated and supported in scholarship.

The research will be conducted using philosophical analysis, critical policy analysis and aspects of historical analysis. A range of sources will be sought, which will include official policy documents, such as Acts of Parliament, regulations, ministerial briefings, so-called white and green papers, select committee reports, and other sources that influenced the formation of policy. Secondary source material will include reports and analysis from various stakeholders, and academic scholarship.

The thesis research will undertake the following:

- A review of a range of tertiary education policy positions that have been adopted over a period time until today.
- A critical analysis of neoliberalism as an orthodoxy in education that stifles academic freedom.
- A philosophical analysis that returns critic and conscience to academic freedom through orthopraxy.

As much as Derrida is associated with deconstruction, it was not a term that he would settle on as belonging with him. Generally regarded as its chief proponent, many of its ideas are set out in *On Grammatology* published as part of a suite of books in 1967 (the other two

being *Writing and Difference* and *Speech and Phenomena*). These works used the term

deconstruction for the first time, and were used by Derrida only in passing as a description

for that project. The term deconstruction was a term chosen by Derrida as he attempted to

apply Heidegger's terms *destruktion* to literary text. Deconstruction will be taken as a

*translation* of the existential term *destruktion*, which seeks to imply "a dismantling but not a

destruction of the traditional organizing concepts of Western ontology and metaphysics"

(Howells, 1998, p. 2). That term used by Heidegger, was to extend philosophy into the

everyday, where philosophy usually wanted to destroy ontological concepts. Derrida wanted

to take loan of the term *Destrucktion* and lend it to a more nuanced philosophical programme,

that he termed deconstruction. The term for Derrida partly avoids a sense of annihilation, but

nonetheless takes up Heidegger's complaint to philosophy as a tradition known only to itself.

In doing so, there are some difficulties that immediately arise, that Derrida convincingly

worked out over his lifetime. The attempt of Derrida's to translate the fundamental term of

Dasein from existentialism will be extended using the concept of gift, a type of ontological

givenness. The thesis contains arguments that use deconstruction to give meaning as critic

and conscience from the event of scholarship.

　　　　Deconstruction had an enormous impact on the Anglo-American literary criticism. It

has been characterised as an attempt to upend the Western metaphysical tradition. It

represents a complex response to a wide array of theorists and understandings from

philosophy of the 20th century in particular Husserlian phenomenology, Saussure and the

French structuralists, Freud, Lacan and psychoanalysis. There are a wide variety of accounts

of Derrida's deconstruction, but it should be noted that there is a need to defy a single

methodology. With that in mind, any presentation of deconstruction should be held at best as

a partial account, that can only hint at the contribution of Derrida's work.

The use of language by Derrida, that is considered by some to be sexist, has also attracted attention. It is presumably because the word "man" is frequently used by Derrida to be representative of both men and women, which could be taken as ignorant or ambivalent of human sexual difference and imply that femininity is equivalent to masculinity. Freeman (1989) explores whether the use of the term "man" imperils "the ends of men, women or both" (p. 304), and if so, to what extent are the use of those terms morally responsible. The use of the term "humanities" could also be taken as gender-specific, a question which Derrida states needs to be answered by humanity, by the humanities. The constitution of UNESCO cited by Freeman (1989) also begins with gender-specific language that reads: "Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed." Freeman (1989) proceeds to interrogate the use of sexist language in its denial of sexual difference, from the way that women and feminism "are implicated and complicit in man's potential end as represented by the possibility of nuclear war" (p. 304). Proceeding with a coupling of man/women and war/peace as "two of the most influential couples ever constructed" (p. 304) shows the conscious exclusion of war from peace, men from women. To that extent, sexual difference is "dependent upon and determined by the structure of the couple" (p. 304), and therefore acts to feminise man.

The questioning of modernity as suitable for education, that widely informs programmes of education, has a dominant and recognisable form, and has limitations that are shown to fall short of the expectations that it has set for itself, namely its humane aims. There are two main approaches to overcome the limitation and uphold humane values of modernity. The first is a reform of the modern project in some way, best exemplified by Jurgen Habermas and his followers, as a continuance of the project of the French Enlightenment. The second is to "break" with modernity, that is, to accept the limitation and move thought and intellectual understanding away from the modern, including the question that the human

subject is a fixed, knowable and stable subject, and that as humans we inhabit ideal forms of human existence that are universal and achievable, discoverable through science. For some thinkers, including Derrida, postmodernity is understood as a rejection of modernity. Both approaches to modernity share the importance of achieving thought that is humane and invaluable to being human, but differ in the means to achieve that.

Mourad (1997) argues that philosophical inquiry is the best way to reveal postmodern philosophy. He argues that the need for philosophical inquiry will be best served from postmodern thought as a basis for expansion, beyond what currently counts as "legitimate scholarly inquiry" (p. 4). Mourad (1997) argues that a wide range of postmodern philosophers believe that the basis of inquiry is about gaining knowledge of a phenomenon that exists prior or independent of the inquiry. Mourad identifies a wide range of postmodern philosophers, including Derrida, who believe that such inquiry is limited and could better serve an expansion of the nature of inquiry. Mourad (1997) considers that higher education is a pursuit of knowledge that is in need of expansion to account and remain relevant to "general intellectual and social life" (p. 4). As a support for the use of postmodern thinking as a methodology, the thesis shares that concern.

Derrida argues that deconstruction is not "a method, critique, analysis, act or operation" (Derrida, 1986, p. 4). It is hard to define deconstruction, because there is no single deconstruction taking place that is unchangeable and metaphysical. Deconstruction is an attempt to deal with the "peculiarities and limitations of human thought" (Gutting, 2001, p. 291), that is, a particular type of philosophical examination that shows ambivalence at the edges of metaphysical thought. Despite the effort of human thought to attain Platonic ideal in meaning and truth, termed logos, there remains a residual assumption that such thought is itself the result of striving for perfection. That is typically presented by Derrida in three principles, as reported by Gutting (2002), that seek to question the logocentric nature of

philosophical thought. The first principle is that the elements under examination appear in pairs of opposing concepts, for instance, same/other, truth/falsehood, one/many, male/female, and so one, termed a principle of opposition. The second, is that the pairs are to be regarded as "exclusive logical alternatives" (p. 293), that is they cannot be identical, and they exist as non-contradictory pairs, termed logical exclusivity. For instance, being the same excludes being other, in the sense that being *same* to something is taken as in no way what it is not (other). The final principle is that the pairs of terms are taken to be asymmetrical to each other, that one has a crucial priority over the other.

Deconstruction is to give a reading of the model of a logical system that is defined by these three principles. The work of the analysis is to show that the oppositions upon which the system is based cannot be sustained, and instead when held up to these logical principles, reveals that they may deny or bring into question the source or origin that formulates them. Such a technique is understood by Derrida to be deconstruction, the idea that binary oppositions themselves violate logical principles of exclusion and priority. What is to be revealed from the revelation of logocentrism as stable binary opposites is a critique of the presence of metaphysics itself.

Deconstruction as proposed by Derrida is inherently political, in the sense that meaning is called into question through its relation to other meaning. Deconstruction critique is to bring out the instability of meaning constructed through the relation with other meaning. However, the practice of such critique is not intended to reveal thought that belongs with the practice of the critic. Rather the critique is to deconstruct itself, that is to invent new meaning for the receiver that could not have been understood by the critic. In this way, there is to be no need to distinguish between theory and practice. To practice or act in the world is to be made up of the way we theorize, or see and experience the world in action, an orthopraxis.

**Chapter summaries**

The thesis is presented in three sections, each comprising two chapters. The first section, Chapter 2, proceeds with a critique of tertiary education policy as a responsibility for the other. The exchange with others from the perspective of the neoliberal university, is one that takes responsibility through seeking optimal exchange as competitive between parties. That perspective arises from the historical reforms of tertiary education policy that have led to an indifference from universities towards the acceptance of their role as critic and conscience. Examples that manifest for scholars from the policy environment are presented and discussed.

Chapter 3 extrapolates the perspective of a neoliberal policy environment towards a networked society, one that is constantly in exchange, that shows the paradox of responsibility for the other from optimizing thought out of self-interest, as a political philosophy that fits a Nash equilibrium. That interpretation shows absence or indifference from the non-cooperation of participants, a paradox of the responsible exchange, and is shown from political philosophy to closely align with neoliberal policy (Amadae, 2003, 2016; Mirowski, 2002, 2013). Some have described being held in non-cooperation with the condition of paranoia, a type of fear and trembling that can never be answered. Implications for democracy are discussed from a non-cooperative mode, which includes the importance of the role that academic freedom plays in democracy.

Chapter 4, which opens the second section, views the gift of scholarship without reward that better serves responsibility in scholarship. While paradoxical to its responsibility of scholarship, taken more deeply, that gift is shown to be paradigmatic to responsibility and draws on a sense of humility, that involves a fear and trembling towards the upholding of academic freedom. The importance of responding to academic freedom is emphasised and the Derridean notion of the gift without reward is explored as a means to uphold from the

unconditionality of the gift of scholarship, a response to the responsibility for academic freedom. That response is located with scholars themselves, in their research decisions, and the need for intellectual humility, of acting from the irresponsibility of self-sacrifice, as a vulnerability, or openness to the other, as paradigmatic to responsibility of the wholly 'Other' and 'one' other.

Chapter 5, the second part of the second section that considers the gift of deconstruction, extends the notion of the gift to add definition to critic and conscience. It gives definition to deconstruction that Derrida made during his lifetime, the source of terms that arose in deconstruction, as a conscience way of thought. Further it is suggested that deconstruction is a work of healing and repair, of restoration from vulnerability in humility.

The final section, Chapters 6 and 7, applies the theoretical perspective obtained to the practice and development of the production of scholarship as an orthopraxy. Chapter 6 takes academic freedom as an act of thought, of acting as a public intellectual as critic and conscience. In taking academic freedom seriously, of granting the university the right to say everything that needs to be said, academics act with humility, an openness that is found with the way Derrida himself spoke about the university, his own response to responsibility for academic freedom.

Chapter 7 reconsiders academic freedom as a conscious disclosure in social conscience of the university acting as a support or auxiliary out of humility to uphold academic freedom as critic and conscience in New Zealand. Acting with intellectual humility, vulnerability and an openness to the other are all features of the sort of social conscience that a university brings to their society. However, to act consciously is an irresponsibility of the very thought under examination, the foregoing of self-referentiality. What it might take for the gift of scholarship to intervene as a support for the acceptance of the university as critic and conscience of society is considered. Derrida's idea of forgiveness comes from the

opposite direction in exchange of the gift, from the gift already given, that seeks to uphold the unconditionality or responsibility to act. Once the gift is given or donated without reward, there is a debt left behind that can never be acknowledged by the receiver. Forgiveness captures that debt, as an acceptance of the indebtedness to the gift given. It forgives that debt as unforgivable, in the sense of the donor being released from their obligation to have been given. Forgiveness of the unforgivable overcomes and lifts the obligation to forgive out of the usual meaning of forbearance to act, that places the optimising of self-interest under question from another direction. Chapter 8 concludes the thesis with answers to the key research questions.

**Conclusion**

The introduction has focused on what it might mean to appear alive and purposeful in the mind of another from remaining unconscious to the gift of scholarship. That appears to be consistent with interpretations of the Abrahamic story of the *Binding of Isaac* (Gen. 22:1-19) from Kierkegaard and Derrida, where decisions made on behalf of scholarship are made at Mt Moriah, a place of great promise and sacrifice. A focus for what it might mean for the university to be the critic and conscience of society can be found with the action of scholars, who require conditions of a university that support an awareness or thought of the other as other to themselves. To uphold academic freedom responsibly, means that the university accept itself, its policies and procedures as a social conscience, from an acceptance of the otherness of others, as a meaningful step towards its role as critic and conscience of society.

# CHAPTER TWO

# Critic and conscience in New Zealand academic society: A critical overview of tertiary education in New Zealand

## Introduction: Academics as critic and conscience of society

As an introduction to the term, the chapter looks at the arrival of the phrase 'critic and conscience of society' from the history of New Zealand universities. The introduction of the term in legislation coincides with the sweeping reforms made more generally to the public sector in New Zealand. A critical relationship is established from the introduction of that phrase and development of tertiary education policy in New Zealand universities. Initially the chapter identifies a system in policy of tertiary education in New Zealand from within historical reforms of tertiary education policy, and is an adapted overview of the framework of tertiary education from Morton (2013), as an update or further iteration to that work. The chapter continues to briefly present a succession of reforms of tertiary education policy in New Zealand since 1988 and identifies a policy response to those reforms for higher education. It allows a context for consideration as 'critic and conscience' prior to the reforms of neoliberalism, and then, subsequent to those reforms, it looks at the current picture of the notion of critic and conscience of society. Conclusions are then drawn about the role of critic and conscience of society as reflected in tertiary education policy and some implications in scholarship and thought suggested.

**A brief history of establishing universities in New Zealand**

University of Otago in Dunedin is the earliest university in New Zealand, and was established locally in 1869 with three professors, and from 1871 offered degrees in arts, medicine, law and music. The University of New Zealand was established by the provincial government in 1870 and became the examining and degree-granting body for all New Zealand university institutions until 1961. University colleges were established in Christchurch (Canterbury College, 1873), Auckland (1883) and Wellington (Victoria University College, 1897). These institutions were largely operating autonomously under their own acts of parliament. A review was conducted into how universities could be better organized, including "the role of the university in the New Zealand community" (Department of Education, 1959, p. 5). The Parry Committee, headed by Sir David Hughes Parry, Emeritus Professor of English Law, University of London, emphasized their independence from the state.  It called for the constituent universities to be given complete autonomy, subject only to the University Grants Committee (UGC) which would continue to balance their development with the needs of the national interest. The role of the university was as "centres of independent thought; as guardians of accumulated culture of the past; as social and scientific laboratories for the accumulation of new knowledge" (p. 10). In considering the economic contribution of universities to New Zealand, the report noted the clear link between increasing the number of qualified people and economic development, as one reason among others. Notably, "Although we have emphasised the relationship between higher education and economic development, we by no means think that this is more important than knowledge for its own sake and for increasing delight in life" (p. 17).

In 1962, four university colleges transitioned to full universities in their own right and the University of New Zealand was disestablished.  A further two new universities were created in 1964. The University of Waikato was established due to population increases

around Hamilton, and Massey University. Massey University in Palmerston North arose from Massey Agricultural College to address the priority of the farming sector. Funding administered centrally through the UGC was received from The Crown to meet an agreed budget reviewed every five years, and adjusted annually for inflation. To coordinate the curriculum by the system as a whole, a centralised system of oversight and examination of major proposals was undertaken by the UGC. In general funding was distributed based on an effective full-time student equivalent, adjusted by faculty (Snook, 1991).

Another agricultural college, this time in the South Island, was established as Lincoln University in 1990. It had its origins in Canterbury Agricultural College dating from 1896 and then renamed Lincoln College in 1961. Until 1990, it had been a college of the University of Canterbury. The final university to be established in New Zealand was the Auckland University of Technology in the year 2000 and had its origins as a technical school beginning in 1895. Alongside universities in New Zealand and to be included and redefined as tertiary education, there were other institutions of higher education that were non-degree granting bodies. The six teacher colleges offered pre-service training, although since the 1960s some have entered into arrangements to offer higher diplomas taught jointly by college and university staff. Polytechnics had their origins in technical high schools, which were introduced to boost regional development as a community college by the third Labour Government (1972-75). While these technical colleges were under the control of the Department of Education, they were free to set their curricula, but were not able to grant degrees or enter into an arrangement with a university.

Some have observed (Teichler, 1988) that the system had developed into diversified arrangement of institutions sometimes overlapping, but distinctive enough in their outlook and goals. Of note is the place of knowledge as a pursuit for its own sake that offered delight and pleasure in life that was envisaged by the 1961 Parry committee in determining the

independence of universities from the state. While the history of the university and tertiary education presents some of the broader changes within the education sector, the next section will relate those changes to tertiary education policy and ideology.

**New Zealand's distinctive tertiary education system**

The term 'tertiary education' has been adopted to encompass all post-compulsory education and training (PCET) and encompasses a wide diversity of institutions and settings and "includes higher education, applied and vocational training, and training in foundation skills where these have not been obtained during schooling. It includes structured learning in a range of settings, including workplaces, universities, and polytechnics" (Ministry of Education, 2015, p. 3).

The term 'tertiary education' arose in light of neoliberal reforms of the fourth Labour Government being implemented. These reforms were captured in a comprehensive and coherent programme for the entire education sector compiled by Treasury, as a briefing to the incoming Minister of Education (Treasury, 1987). Unusually, the discussion of tertiary education (Chapter 6) is restricted almost entirely to universities in New Zealand. It strongly argues for the provision of education as a private advantage, and therefore was better conceived as a dispenser of knowledge with less government involvement and to allow the sector to be more responsive to the society it serves. Following the briefing, a survey of the tertiary sector was conducted (Ministry of Education, 1988), out of concern for "the highly centralised tertiary education sector that was failing to respond to the changing economic conditions" (Codd, 2002, p. 33). The report conducted a survey of PCET providers. The solution laid out in the *Hawke Report* (Ministry of Education, 1988) exposed all tertiary education providers "to market forces and to introduce a highly competitive commercial environment in which higher education would be treated like any other commodity" (Codd,

2002, p. 33). Loss of autonomy for universities was to be compensated for by sharing allocated resources across the entire tertiary education sector. The system of funding allocation is based on annual predictions of equivalent full-time students (EFTS).

The reforms of the 1990 Education Amendment Act introduced a single regulatory framework for all tertiary institutions, abolishing the UGC. Funding is provided instead to each individual tertiary education institute (TEI), or private training establishment (PTE). The Ministry of Education (MoE), who term their support as "a network of provision", includes direct funding administered alongside projected EFTS. The MoE defines this network as "a comprehensive national system of tertiary education that is the outcome of tertiary institutions focusing on their distinctive contributions in response to the needs of employers, industry, communities and iwi" (Ministry of Education, 2006b, p. 77). Each institution is required to implement a charter that contains strategic plans, annual statements of key objectives that are measurable. Further neoliberal reforms were introduced to the sector in 1998 with the release of the white paper, *Tertiary Education in New Zealand: Policy Directions for the 21st Century* (Ministry of Education, 1998), that extends and develops the merging of education and training policy introduced by the *Hawke Report* (Ministry of Education, 1988). Easton (1999) notes that the white paper transfers the benefits of education from the institution to the community through the optimisation of 'student needs'. Easton (1999) also notes the silencing of a higher social purpose from education other than the maximisation of material benefit.

The *Education Act* (1989) defines the three overlapping groups as a system of tertiary education institutions, organisations, and providers. Tertiary Education Organisations (TEOs) are defined by the MoE as "all the institutions and organisations that provide tertiary education and training. These include public tertiary education institutions (TEIs), private training establishments (PTEs), industry training organisations (ITOs), other tertiary

education providers (OTEPs) and government training establishments (GTEs)" (Ministry of Education, 2006a, p. 11). In other words, any organisation that receives public funds in the post-compulsory school environment is identified as a TEO. Distinctions are made between private and public providers. Tertiary education institutions (TEIs) are defined by the MoE as "publicly owned tertiary education providers. These consist of universities, colleges of education, institutes of technologies, polytechnics and wānanga" (Ministry of Education, 2006a, p. 14). Private providers (PTEs) are funded by the government through vote education and are answerable directly to the Minister of Tertiary Education through the Tertiary Education Commission (TEC). The MoE define tertiary education providers (TEPs) as "tertiary education institutions, private training establishments and government training establishments. The definition does not include industry training organisations" (Ministry of Education, 2006a, p. 11). The decision to exclude ITOs as a provider of tertiary education was intended to align apprentices with industry.

The above definitions from policy begin to present a convoluted and complicated picture of the tertiary education sector that is administered by the MoE. The total government investment in tertiary education annually is set at around $3 billion (Treasury, 2015) and is administered mainly through vote tertiary education and is "almost exclusively allocated to providers, based on student numbers or research funding" (Ministry of Education, 2014b, p. 21).

University education in New Zealand is generally characterised through its activities towards research and teaching. Typically degree based courses are offered in a wide range of subjects, which take three years to complete. Entrance was previously open to all who met minimum requirements, but increasingly selective admission policy to enter courses requires a specified level of academic requirement. Domestic students pay fees towards their tuition costs, which is part-funded by the government. The student portion can be loaned from the

government under its student loan scheme. Stipends for weekly allowances are means-tested and can also be drawn down as a loan from the government. There is allowance to forgo repayment of the stipend based on an assessment of student need.

As a model of university education, there is strong divergence of opinion on the way the university should accept its role to meet the demands of society. Now more than ever it would seem that the university embrace its role as critic and conscience of society. It is increasingly demanded that the university engage with a wider audience at all levels of society. Broader goals that society might desire provide an opportunity to avoid the university as beholden to a narrow group of interests.

Marginson (2012) touches briefly on idealised models of higher education organisation, structure and style. The model places New Zealand alongside the United Kingdom and Australia, who have adopted a higher education system that combines "university autonomy and public/private investment with explicit national steering" (p. 5). In the case of New Zealand, autonomy is provided through legislation, and a strategic approach to 'steering' the sector through the Tertiary Education Strategy (TES).

The TES is a broad strategic document that acts as a blueprint for the entire post-compulsory education sector in New Zealand. The document is silent on the role of the university as critic and conscience of society. To accept that role is presumably by any other means, beyond the model of countries similar to New Zealand. The document is clear that university education benefit the economy. Students are to find relevance for their studies from employment. Research is to serve narrow foci of an export-led economy with an emphasis on technological innovation. A new generation is to be furnished with knowledge drawn from the past, to expand their capacity for new knowledge, complexity and change of a future society (Ministry of Education, 2014a).

Snook (1991) reports that the system of education in New Zealand was left largely unchanged until 1987, when neoliberal reforms brought about a radical transformation of the entire education system. In essence, the process is characterised as a decentralisation of administration, where each learning unit was to become the basic administrative unit. A charter was to be a written document brought forward from the learning institutions after discussion with their individual community (or stakeholders) into an agreement with the Ministry. An audit of the learning institution would ensure that institutions are held accountable to their charter. Overall the move is towards privatisation of the institution, that offers a type of accountability, a type of centralisation that appears to decentralise, and local responsibility posing as local control. Originally there was a call for community representation within the tripartite arrangement, but that gave way to centralised control, where parents who sit on boards are diverted towards management, rather than genuine educational involvement.

There are global demands that the benefit of university education contribute directly to the economy. The perception that such education is not useful unless it is relevant to the nation state's economy and labour market is the dominant paradigm. That paradigm appears to act as undermining the autonomy of the institution and the academic freedom of its staff, especially when funding is allocated to retain an optimal position in a global market (Kelsey, 2002). It has the effect of isolating and polarising academic staff in the competitive production of scholarship and teaching. Some perceive fear or paranoia behind the broad move from elitism to a mass system of higher education that is instead to be made relevant along capitalist economic lines of knowledge production. In the following chapter, the thesis will argue that the paradigm of meeting global capitalist demands is to be best served from maintaining a culture of optimal self-interest.

**Defining the university and its functions**

The purpose for the university is now being questioned. It was founded as one of the first models of a self-organising community of scholars in Europe (Patterson, 1997). The notion of organising with the freedom to govern as part of democracy is now under question. As will be shown in Chapter 3, democracy relies on institutions that are self-governing and ranks alongside the freedom of the press and the freedom of the courts. Academic freedom is the lynchpin of a healthy democracy that has come into question. Higher education is taken to mean the optional final stage of learning that occurs after secondary school in an institution that confers degrees on mainly non-vocational courses. As well as universities, that term might encompass academies, colleges, seminaries, and institutes of technology. The word university derives from the Latin phrase *universitas magistrorum et scholarium,* which roughly translates as "a community of masters and scholars" (p. 9, Patterson, 1997). Arising from Mediaeval Europe, the Western-style university is an autonomous organization of scholars that arose from the resistance of the church towards the secular powers of the state. The university as an invention of the church, acquired its freedom, initially as an imperial freedom granted to traveling scholars contained in *Authentica haibta* (ca.1150), that ensured the conduct of research and scholarship free from government interference. The important idea of academic freedom lies within the constitution of the first established Western-style university, The University of Bologna founded in 1088. The *Magna Charta Universitatum* was signed 900 years later by over 450 universities around the world to celebrate the fundamental values and principles of the university, in particular institutional autonomy and academic freedom. Now grown to over 700 signatories, New Zealand remains unrepresentative by a university signatory to the charter.

Today the university in New Zealand is vastly different from the medieval institutions that came before it. The MoE defines a university as being primarily concerned with

advanced learning and knowledge, research, and teaching to a postgraduate level (Ministry of

Education, 2014b). One place that clearly sets out a programme for education unique in the

Western world is found as a brief written by Treasury to the incoming government in 1987.

At the time, the Treasury had taken up the introduction of fiscal reforms through financial

policy advice. Alongside that process, it had assumed an expert role in other areas, and

offered policy advice on wider government administration. It produced two documents in

1987, one on the social system, and the second devoted to education (Treasury, 1987).

**Governance of university education in New Zealand**

Special governance status has always been afforded to universities because of the

unique character of the academic process (Malcolm & Tarling, 2007). The university itself

sustained its own understanding of its activities and scholarship best judged and guided by its

organisation. In recent years, reforms have remodelled and refashioned the way governance

and leadership takes place at universities. These changes imposed on the university in New

Zealand have major implications for its continued existence. The latest change was made to

the special governance status that has now been removed and replaced with a governance

structure appointed by the Minister.

> The governance arrangements for universities and wānanga were changed by the
> Education Amendment Act 2015. The deadline for having a new council in place is
> 30 June 2016. The changes include a reduction in the number of council members to
> between eight and twelve and the requirement for at least one Māori member.
> (Retrieved from http://www.tec.govt.nz/Tertiary-Sector/Governance/).

This was to bring into line with existing changes made in 2009 to TEIs who have four

members appointed by the Minister and four appointed by the council.

The legislative framework for tertiary education policy is found in the *Education Act*

(1989), from part 13 through to part 16, that sets out the statutory provisions for tertiary

education in New Zealand, defining the roles and responsibilities, strategic function and direction of TEIs and the TEC. Universities in New Zealand are empowered under the criteria set out in part 14, section 162(4) that reads:

> (a) that universities have all the following characteristics and other tertiary institutions have 1 or more of those characteristics:
> (i) they are primarily concerned with more advanced learning, the principle aim being to develop intellectual independence:
> (ii) their research and teaching are closely interdependent and most of their teaching is done by people who are active in advancing knowledge:
> (iii) they meet international standards of research and teaching:
> (iv) they are a repository of knowledge and expertise:
> (v) they accept a role as critic and conscience of society; and...
>
> (b)      that...(iii) a university is characterised by a wide diversity of teaching and research, especially at a higher level, that maintains, advances, disseminates, and assists the application of, knowledge, develops intellectual independence, and promotes community learning:

The primary state sector body charged with oversight of the sector is the Ministry of Education. Established in 1989, it arose from the breakup of a larger organisation into six separate agencies. Today, it is the primary agency advising the government on tertiary education. In practice all matters in tertiary education policy, its development and administration, are dealt with by TEC, which sits as a distinct section within the Ministry. The New Zealand Qualifications Authority (NZQA) has a specific role of quality assurance with the sector. Taken as a whole, the Ministry has oversight of monitoring the performance of the entire education system and requires TEIs to report on their performance in relation to broad objectives.

To introduce a new policy environment, a comprehensive review of the tertiary education system announced by the Labour-Alliance Government in 1999, from which arose the Tertiary Education Advisory Commission (TEAC) in April 2000 "with a brief to develop a strategic direction for tertiary education" (Codd, 2002, p. 37). The new policy direction

came after a decade of neoliberal policies of decentralisation and marketisation for the sector. The change in direction was consistent with so-called third way politics espoused by the new coalition Government. TEAC initially produced four reports (TEAC 2000, 2001a, 2001b, 2001c respectively). Roberts (2005) undertook a wide-ranging and in-depth critique of the TEAC reports. The emergence of the strategy document, TES (Ministry of Education, 2002), that set out priorities for the sector from 2002 to 2007, was treated as a separate exercise from TEAC reports, and was produced by different people, for different reasons. Roberts (2005) notes a number of omissions, notably the disappearance of critique from the TES, which introduces a wide range of new terms such as *knowledge economy*. Little elaboration is made of academic freedom or the role as 'critic and conscience of society'. Critical thinking, notes Roberts (2005), attracts brief attention in TEAC reports, but is largely overlooked in the TES for requiring serious attention by the sector. Instead the document presents itself as doctrinaire, unavailable for critique or critical reception.

Following the release of the TES into the sector, the TEC was set up in 2002. The *Education (Tertiary Reform) Amendment Act* (2002) is the enabling legislation for the commission, unique in the world to have "clustered its community, vocational and academic education together in quite this way" (Mahoney, 2003, p. 2). Rather than acting as an independent advisor any longer, the TEC was given the role as a policy implementation agency that provides advice to the Minister on tertiary education policy. TEC produces the tertiary education strategy, which is further expanded on through the Statement of Tertiary Education Priorities (STEP).

The Ministry of Education (2006b) defines a TES as "a five-year blueprint for a more collaborative and cooperative tertiary system that contributes to New Zealand's national goals. A TES is closely connected to enterprise and local communities" (p. 92). The document sets out the government priorities and expectations for the sector. A feature of the

document is the move to introduce an outcomes focus, which is identified as economic outcomes, environmental outcomes, and social outcomes (Ministry of Education, 2014). The outcomes derive from the government's priorities identified for the sector, which are to have a tertiary education system which is more flexible and strategic, along themes of performance of the wider economy, adaptability to technological advances, and skills gained that are linked with changing employment opportunities.

Quality assurance for the education sector, is administered by NZQA, which was set up as a stand-alone Crown entity under section 248 of the *Education Act* (1989). The Act states that its objective is "to establish a consistent approach to the recognition of qualifications in academic and vocational areas" (Education Act, 1989). Tertiary providers are subject to periodic review (external evaluation and review (EER)) that provides independent judgement on educational performance. Higher performance measures were introduced in 2011 based on the results of the EER. A new set of incentives and sanctions was introduced to providers.

*Identifying the role of critic and conscience of society.* The notion of critic and conscience of society appears in legislation among a series of precepts for universities in New Zealand. There is little preamble or discussion provided to give any context in the legislation. Critic and conscience of society is closely aligned with the notion of academic freedom, belonging for some to the institution, and the importance of that freedom fosters the role of critic and conscience (Jones et al., 2000). In aligning the role to academic freedom, Jones et al. (2000) strongly assert that academics require protection from their institution as enabling and accepting that role. They describe the role as having an influence on those around them, and to present their opinions and ideas as academics free from retribution. In their view, academic staff and the university system work in a unified way to "function as critic and conscience of society" (p. 3). Such a unity, it is argued, fosters an ethos in the institution that

research and scholarship imbibe. The reinforcement of the everyday life of scholars and academics with the institution strengthens the acceptance of the role.

Jones et al. (2000) argue for the role of academic freedom as critic and conscience of society. It is not a straightforward procedure to differentiate between academic freedom and the critic and conscience role, however it is important to do so, and allows for clearer examination of the acceptance by the university of a role as critic and conscience of society. Academic freedom is a key notion of professional identity. It is appropriate for an academic audit unit to examine the notion of academic freedom as a professional imperative. Indeed the document of Jones et al. (2000) examines the freedom of staff, students, curriculum, publication and a wide range of other contexts, as well as threats to their professional freedom. While their effort is certainly representative of critic and conscience (of society) in the robust way an academic audit unit should be, it fails to separate sufficiently the objective nature of their important work as auditors with the professional freedom of an academic *per se*. In their view, only when academic freedom is finally secured and in an optimal reporting environment, that the concept of critic and conscience of society can flourish and be rewarded in universities and the sector as a whole. Such a security is afforded to themselves as auditors of universities.

**The reforms of tertiary education and the role of critic and conscience of society**

The thesis considers more carefully defining the terms of critic and conscience within the context of higher education. It would be remiss not to relate to the reforms that have been undertaken in tertiary education policy as shaping and influencing the acceptance of that role. Indeed the thought that lies behind those reforms is crucial to unlocking the acceptance of the role by academics. It stands as a unique contribution from the reforms themselves first appearing in print in the *Hawke Report* (Ministry of Education, 1988) in consideration of the

reforms. There is no international precedent from which to draw (De Pont & Grant, n.d.) In their commentary, De Pont and Grant uncover the suggestion that the phrase arose in conversation between Gary Hawke and Wilf Malcolm over preparation of the *Hawke Report* (Ministry of Education, 1988). Gerald Grace (2010), head of education at Victoria University of Wellington, also offered it in a written submission to the committee headed by Hawke. In that sense it can be assumed that the origins of the phrase arose from the period before and leading up to the implementation of the reforms. As has been widely reported, the reforms present a distinct and disruptive break with the existing thought in education from which the phrase is drawn.

At that time, it would not be unexpected to have acknowledged the thinking of Malcolm or Grace as anything but appropriate for tertiary education policy. In the mid to late 1980s, it is representative of thought freely given that is astute and perceptive across a wide field of endeavour such as education. Such generosity of thought was more common among academics at that time, coinciding as it does the wide embrace and love for their field of education with the task to provide a brief representative and responsive phrase. Such a freedom to be novel or daring is part of their respect and responsibility for academic freedom, and could equally be extended to Hawke. What is more distinctive for Malcolm and Grace is the enduring influence of their thought on New Zealand universities.

Renwick (1986) in a series of six essays from his position from 1975-1988 as Director of Education captures a useful perspective from policy. It encompasses the foundations and basis of education policy as well as its renewal and speculation for a society in change and development. From his position as Director of Education prior to the reforms, he observes a wide range of difficulties and problems within policy, and argues from a clear and articulated position. Such a commentary on education is as critic and conscience of society. What is more remarkable is the on-coming economic liberalisation of society that he had to contend

with in directing education policy.

Pre-war education had dealt with the urgent and important task of providing an education system fit for a democracy that lasted up until the Second World War in the mould of Jeremy Bentham. It was designed "to meet the greatest good for the greatest number" (Renwick, 1986, p. 49) at a time when nation building was made a priority. Tertiary education contributed to that, although not in the same mould of accountability. It came from the collection of various institutions. From the end of the Second World War, Renwick (1986) saw that the system of education was called into question, as a distinction of maturity "in the sense that, on almost any issue of public interest you can think of, relevant knowledge and experience is now likely to be found in the community at large as well as in the minds of officials in state administrations" (p. 51). Universities and other tertiary institutions, Renwick observes, have become a focal point for "independent commentary and criticism" (p. 51). He describes the burgeoning development of research as well as the support and adaptation to "new roles", that lead to an "anxious jostling for status and professional dominance" (p. 51). Professional associations were again a new, but natural outgrowth of this period.

Such a burgeoning of ideas and thought in society lead Renwick to reflect on the dilemma for education policy as either requiring support, or left alone, a common position for any policy maker in a liberal democracy. Hawke (2002) drew comparisons with the *Hawke Report*, (Ministry of Education, 1988) to fashion an amelioration of his thinking with Renwick. The treatment there is to take the education policy dilemma of "education for all" amid a fractioning and splintering of society as it grapples with the finer distinctions of social order. The basis of his argument is that reform is not new for education, and cites a number of examples from the second half of the 20th century. He finds the suitability of education for reform and concludes, "Education is inherently related to a search for improvement…reform is endemic rather than episodic" (Hawke, 2002, p. 3). Further Hawke (2002) strongly

characterises the tertiary education reforms that he oversaw as responding to the needs of employment that arose from the reforms of the public sector more generally, which had generated unprecedented levels of unemployment and chaos. Those instances, Hawke contends, should be considered against a backdrop of public sector reforms with reprioritised private interests over public interests, and the need to give up "traditional 'public sector' thinking" (p. 3) that was thwarted in its attempt to adjust. In conclusion, "[p]ressure on education was not frontal" (p. 3). Instead government schemes arose initially as addressing skills and knowledge, called *Access* and *MAccess* from the Department of Labour, devised in partnership with local employers and Māori iwi respectively. These schemes responded to the lack of preparedness for life, where young people "had nowhere near the attitudes and skills that were expected from school leavers" (p. 4). According to Hawke, educationists were unwilling to engage in the debate for reform stating, "educationists responded [to a proposed reform] that the employer and officials had no understanding of education" (p. 4). Hawke and his committee became a target for educationalists who saw the narrowing of the aims and purposes of tertiary education reduced towards preparing students for employability. Such an intervention towards tertiary education from a distinguished economist such as Hawke is not unprecedented. It is to his credit from among others that he was so persuasive. However, as the thesis contends, the aims and purposes of education are far larger than employability, and as will be shown, his thinking does not meet the deeper demands of educational reform.

Renwick (1986) by contrast strongly asserts that planning in education for a future workforce is key to fostering thought and ideas, and is eminently achievable. The paper draws a number of careful conclusions for a state department planning professional development in education, a term he takes in the broad sense of demarcation of specialisation for various activities that meet the "larger objectives of public education" (p.65). At stake is the design of adaptability and flexibility for policy planning. He calls for communication

between specialised groups, the participation of laity in education, the relationship between the two, that those plans should be made without a "common culture" (p.65), that conditions for setting professional development are retained by teachers, that decision-making power is decentralised, and that professional development be associated with continuing education. The list of conclusions, all supported with clear and concise evidence considers thought in policy for a society "in a state of disequilibria", which is the condition for planning a future "they cannot presume, a future, moreover, that seems bound to be problematic" (Renwick, 1986, p. 65).

Such a picture of preparing and developing for a future profession could hardly be less problematic or predictable. However, to have followed such conclusions would today produce very different preparations by tertiary institutions for the work expected in education policy. To expect as is usual, a coherence and coordination of policy across other areas of state planning, would assume a very different expectation for society, equally achievable and would require a very different response from tertiary education policy. Such thinking to address labour market concerns is well within the grasp of educationists such as Renwick. Neither is it inappropriate to retain public interest, debate, discussion and planning as a resource for thought. The thesis contends that Renwick is a leading light in the sort of thinking that education policy could turn to more often, as representative for the engagement of education. Such thought demonstrates a role as critic and conscience of society that upholds a responsibility for the freedom to act.

As convinced as that may sound however, future policy planning in tertiary was unprepared to accept the role of 'critic and conscience' and remains largely unexplored by the sector. As will now be shown, the conditions for policy planning continued on with a very narrow and mean-spirited view of education as nothing more than preparation for the workforce. The rise of a set of ideas that loosely associated as neoliberal prepared the policy

conditions and conditions for rejecting and thwarting the acceptance of the role of 'critic and conscience'. In general we see the rise of a policy setting for a society conceived along economic lines. The challenge arises more strongly that the 'critic and conscience' role is key to educational advancement, understanding and thinking. It is important to show at this point, the way neoliberalism inadvertently thwarts the *acceptance* of that 'critic and conscience' role, its thinking and execution.

**Neoliberalism and the critic and conscience role**

There is a well-established connection in literature between the influence of a loosely based set of ideas termed neoliberalism and the development of higher education in New Zealand since the latter half of the 1980s. We have seen the strengthening and increasing demands of neoliberalism emerge as an unquestioned ideology. It is in the nature of an all-encompassing scheme that demands our attention as sacrosanct that requires examination. Liberal economics which was devised to allow more freedom in our lives, has ended up stifling life in academic freedom. However, the thesis shows that we do have the means from within our current lives to find a way out, to thwart the ideological belief of neoliberalism as an orthodoxy from the way we act.

The role of 'critic and conscience of society' allows dynamic thought to persist beyond idealism and orthodoxy. Given the looseness of ideas that associate to bring neoliberalism as an orthodoxy, it is critically important to uncover strands of thought as neoliberal policy in review. The thesis attempts to show that liberal economics sought to maintain disparity and difference from the non-cooperation between people as the optimising of decision-making. Market processes accept change and possibility as a natural and dynamic occurrence in decision-making. Neoliberalism eclipses that notion of difference for dynamic possibilities as an orthodoxy, and while maintaining the market as the best arbiter for new

possibility, nonetheless encourages governance as setting the conditions by which activity and order in a dynamic society is to occur. Taken to its extreme, the market has come to condition the way we exist as a changing and transforming society, which has implications for the way we interact with others. Such conditioning as will be shown, acts as an illusionary sympathy that gives a dulled sense of new possibility in our everyday lives, from which the role of critic and conscience needs a release.

The origins of liberal economic thinking can be traced back to the Enlightenment period that sought to apply science as a means to provide for humankind. Three distinct schools of thought have been identified (Olssen & Peters, 2005) each centred on and dedicated to neoliberalism. The Austrian school of economics emerged in the late 19th century and was associated with the second-Chicago school of economics, and finally the Freiburg school in the 1930s. Hayek is most strongly associated as the founder of the movement, because he took the ideas of the Austrian school from which he was trained, to London and then onto Chicago, before retiring in Freiburg. He was largely responsible for the movement of liberal economics from one that involved the state to one that embraced the supply and demand of the market as the most efficient means to arrange society. Politically therefore, he called for the reduction in the involvement of the nation state in people's everyday lives.

The economic view of the self-interested individual is one who is rationally disposed to make decisions in an optimal way, because they are the best judge of their own interests and needs. The context of making those choices, namely the free market, is the best way to allocate resources and opportunities. The rational optimiser is guided by the efficiency of the market as a moral guide. Because the market is so efficient at self-arrangement and organisation, neoliberals strongly believe that interventions from government or other forces outside the market to regulate the market are inferior to the natural processes of the market.

Consequently, the power of the state is presented as a negative conception of the involvement of the state and instead is limited to the protection of individual rights. Finally the liberalisation of trade is an extension of the negative involvement of the state in markets between countries. It calls for the abolition of all tariffs or other forms of state-imposed restrictions on trade, and instead the facilitation and maintenance of floating exchange rates and an opening of national economies through trade agreements.

Despite the inherent similarities between them, a clear distinction can be made between neo and classical liberalism. Hayek's contributions, while orientated on classically liberal economics, strongly articulated the reduction of the state provision in our everyday life. The freedom of the private individual was better addressed by the influences of the market rather than the state. His outlook is classical in the sense that he advocated the market as a more efficient distribution of goods and services than the state. He argued that the ordering of the market relied on natural spontaneity, and that society was better served and arranged along the efficiency of supply and demand. Unlike Herbert Spencer, who spoke of the benefit of ordering our individual behaviour, Hayek applied the benefit of order to the entire society, so that large sections of society were clustered or had different patterns that arose from natural spontaneous groupings (Peters, 2011).

That has consequences for the way we value our subjectivity or being subject in the world. Hayek strongly believed that we attribute what we value in the world through our subjectivity. He wanted processes that make us more exposed and valuable as human beings, a strongly liberal position. The state represented for him a form of social cohesion that was inefficient and was not exposed to the rigour of the raw forces of nature. The market he advocated was the most effective at providing local information to us based on supply and demand. Things or events would emerge without design (the so-called "velvet glove" theorem) (Peters, 2011).

**Neoliberal governmentality**

In contrast to Hayek, Buchanan took the idea of a liberal efficiency of the market a step further and conceived the *efficient* involvement of the state in our lives. He argued that the government and the power of the state can act to set optimal conditions for individual market competition to thrive. Strongly critical of Hayek for reducing the involvement of the nation state in our lives, Buchanan advocated the involvement of government to set the conditions by which the market would be most efficient in our lives, a form of *positive* conditioning of society for optimal market conditions (Peters, 2011).

Hayek wanted to emphasise that the ordering of the market occur as a natural self-replicating process. Many natural processes occur spontaneously, such as the sudden instinct of prey or the complex harvest of pollen by bees, which provide great beauty and amazement to us. These processes arise spontaneously without an overarching design. In a reference to overcoming Cartesian rationality, Hayek contends that the correct knowledge of one part of the structure allows understanding of the whole structure (Olssen & Peters, 2005). The overarching structure is an attempt at rejecting Cartesian rationality, and instead placing man not at the centre of the world for rational thought, but leaving us exposed to ambiguity and a lack of foundation. There is a natural conditioning of the market that tends towards orderliness, although never finally achieving that, as it is constantly in flux and change. Natural processes are drawn through entropy to the path of least resistance towards equilibrium as a place of order and scientifically conceived as *Order out of Chaos* (1984) from Pridgione and Stengers.

As Peters (2011) points out, the idea of spontaneous ordering is to apply not only to markets, but also to social life as seen in the structure and growth of language and the development of moral norms. Selective evolution in the market therefore is the source of all order, analogous to Darwinian natural selection. The use of financial capital as a means to

produce a return or not (profit or loss) is a mechanism of selection for fit or unfit systems in social enterprise. Hayek strongly believed that human action gave rise to social systems that arose from being attuned to the processes of the market, rather than by design (the "velvet glove" thesis). Knowledge embodied in human practices and skill as tacit and local is given a primacy over other types of knowledge. It confers a privilege from competitive reinforcement as other rules and practices come to be replaced and discarded as unsuitable to the human environment.

By contrast, the views of public choice theorists such as Buchanan argued that the raw and competitive nature of markets was a useful apparatus to the nation state. Buchanan and public choice theorists "were concerned with the marketisation of the public sector by the deliberate actions of the state" (Olssen & Peters, 2005, p. 319). Their main interest was the spontaneous and open reordering of the market for harmonious social transformation. Indeed there appears to be rejection of autonomaticity and evolution, to be replaced by Buchanan as a *conscious action* to give a long overdue answer to institutional overhaul. The emphasis is on the workings and involvement of the state, and is divided into the *protective state* concerned with the basic rights of citizens enforced by law, and the *productive state*, conceived as a participant. According to Buchanan, these two modes of social involvement with the state were to be thought of as the framework of rules within the action of rules as selected. In the context of neoliberalism as a political theory, Buchanan draws distinction between the freedoms of our everyday lives as engineered by the *positive* influence of the state. "The stringent constitutional safeguards on the protective state make any change in the status quo or redistribution of property almost impossible, the positive arm of the productive state effectively extracts compliance from individuals in order to engineer a market order" (Olssen & Peters, 2005, p. 319). The influence of classical liberalism begins to fade when we consider the domain of personal freedom, rights of privacy, professional autonomy, and

general discretion at work. Such a shift in liberalism is important to consider when understanding the changes to higher education in New Zealand and other OECD countries over the last three decades.

**Knowledge as intellectual capital**

The most significant progress of the neoliberal project in the 21st century has been the global emergence of knowledge as the new form of intellectual capital. Previously the way we thought intellectually was tied more securely to countries and cultures where it had originated. Following various influential groups, such as the so-called "Washington Consensus" and modelled in policy by the IMF and World Bank (Roberts & Peters, 2008), there has been an overall adherence of intellectual capital to the processes of globalisation at the expense of other accounts of globalisation. In effect, there is an obscuring of country and regional differences in the commitment towards the global emergence of intellectual capital. There is a consequential reduction of local traditions, and cultural values of organisations to "mediate, negotiate, reinterpret and transmute the dominant model of globalization and the emergent form of knowledge capitalism" (Olssen & Peters, 2005, p. 330).

Knowledge capitalism emerged as a consequence of describing the knowledge economy, an economy in which knowledge is seen as a key resource in the creation of wealth and innovation for the advancement of the nation state (Gilbert, 2007; Peters, 2001a). While not a new idea for an economy, the rise of intensity of knowledge as a resource for example from IT communication coinciding with the processes of globalisation as national and international deregulation present a compelling picture for the characterisation of fundamental changes to national economies. Knowledge economy and knowledge capital are terms that have their origin in reports from the OECD (1996), and the World Bank (1998, 1999) and were reproduced as a policy blueprint by nation-states around the world. These

reports show that education is an undervalued form of knowledge capitalism. At stake for education, according to the reports, is the future of work, organisations, the shape of society.

**Neoliberalism, tertiary education and research**

Over the past three decades, tertiary education policy has been strongly shaped by marketisation, managerialism and productivity that are hallmarks of neoliberalism. The New Zealand experiment has combined the various elements of public choice theory, agency theory, and transaction cost economics that characterise the ideology of neoliberalism. The process of reform for tertiary education during that time has not been averse to either progressive or conservative governments. The reform process has a particular view of human beings in mind that are rational, self-interested, individual consumers. Policies are implemented that reflect the ideology that supports the economic conditions of individualism sought. Tertiary education is no exception. Indeed education holds special place at the confluence of a society in continual growth and development, by preparing workers, shaping organisational arrangements, and focusing social conscience. Competition between individuals is an encouraged, and an expected outcome of neoliberal thinking. Amid the sweeping changes, policies of "user pays" were introduced and education was pressed into service as something to be traded and consumed as any other product. Students were seen as benefiting privately from their investment in education, reinforced with the requirement for students to carry a larger portion of the tuition cost of tertiary education. Roberts (2007) notes that the notion of education serving as a public good had largely disappeared from policy discourse by the early 1990s.

Further influence of commercial models on tertiary education policy can be found with the introduction of governance by boards of directors, with full competition encouraged between public and private institutions. The distinction between public and private was

dulled with the introduction of terms such as "providers", and students referred to as "consumers". The model of market for tertiary education policy in New Zealand was openly embraced. With minimal state intervention, accountability for institutions was focused on "the bottom line" in policy-making decisions.

The election of a new government in 1999 saw the introduction of a new agenda, termed "the third way" in policy discussions (Codd, 2001). The policy direction sought less exposure to market forces through managing the affordability for students, but at the same time emphasised the role of the state in supporting market conditions of the knowledge economy. The formation of TEAC in 2000 was put in charge of introducing the new policy reform, and went onto produce four reports. With the release of the *Tertiary Education Strategy* (2002), the movement for defining the involvement of the state in tertiary education policy was complete. TEAC moved from a policy advice agency to the policy arm of the Minister, known as the TEC, with responsibility and oversight of its implementation.

With the introduction of a strategic approach to the policy direction of tertiary education, it is claimed that a more inclusive and cordial approach to social groupings has been made to those who were previously excluded from tertiary education. In particular over the last 30 years, Māori and women and older people have all had more success in tertiary education where they were previously excluded. This change is seen as reaching a "new consensus" (Smyth, 2012), again a term that suggests a plateau or normalising the acceptance of a new arrangement as an embrace of "others". A strategic approach is thought to prioritise the balance of available resources with a particular need towards more marginalized sections of society. TES (Ministry of Education, 2002) was replete with phrases that gave national priority to those needs. At the same time, new planning mechanisms for institutions were introduced.

The overwhelming distinction in these reforms for institutions had been their retention of institutional autonomy, which is consistent with Hayek's view of the involvement of the nation state as inferior to the freedom of market forces. In policy settings that unfolded, the autonomy for universities and tertiary institutions more generally had rarely been disturbed. Policy reforms overlooked putting in place a robust system of quality assurance. The introduction of the Performance-based Research Funding (PBRF), first suggested in 1988, and fully implemented in 2005, moves the policy settings for a university towards more overt conditioning of the institution from free-market principles. Considered more fully below, the move joins knowledge as a commodity to research in competition with others.

**Performance-based Research Funding**

Roberts (2011) has identified the policy of a competitive system for the part-funding of tertiary education, as a further feature of the neoliberal landscape of tertiary education policy. This section will briefly set out the features of the scheme that highlight such a landscape, including reference to the report of the latest published results from the 2012 funding round. The next round will be in 2018. The following section continues to associate the critical features of the PBRF system as a reflection of neoliberal ideology and highlight the effect of competition on academic freedom and intellectual life more generally.

New Zealand's competitive research funding scheme has combined features of schemes employed elsewhere in the world. It was felt that no one system would alone satisfy the New Zealand context. A great deal of effort went towards considering the particular context of the tertiary education landscape in New Zealand. However, the introduction of the scheme reduces research to a series of measurable 'outputs' that place an indelible mark on the reshaping of the intellectual life of research and researchers in tertiary institutions in New Zealand.

Although there was early mention in broad white papers on tertiary education reforms, the PBRF scheme grew out of substantial recommendations from TEAC (2001c). Following a review of a scheme in Hong Kong and Great Britain, and Australia, the commission settled on a combination of "peer review" and "performance indicators" to determine funding (Roberts, 2007). The review also proposed that up to one-third of total funding for the sector be allocated as contested through PBRF. The performance of each institution would be weighted towards broad criteria, namely, 60% on quality ratings of an individual researcher, 25% towards number and type of degree completions, and 15% secured against external research funding generated by the institution (Ministry of Education, 2006a).

From 2003 the performance of all tertiary institutions began to be measured based on the three criteria. Individual researchers were required to complete an Evidence Portfolio (EP) for three sections: a list of research outputs, peer esteem, and contribution to research environment, with the respective weighting of 70% for the first section and 15% each for the remaining two. The period covered extended back six years, from 1 Jan 1997 to 31 Dec 2002. The EPs were evaluated by an appointed external panel of researchers in subject groupings. Education had its own panel. Each individual researcher was ranked by the panel as 'A' ("world-class standard"), 'B' ("very good quality research") or 'C' ("good quality research), or R ("did not meet the requirements for "C") (Ministry of Education, 2012, p. 20). A category for new and emerging researchers (NE) was added in 2012, who did not meet the A or B standard and were classed as 'C(NE)'. Analysis and allocation of the results is then collated over 300 pages, including an overview of the scheme, methodology, description of result presentation, result analysis, key considerations, further performance measures, formulas and allocations, along with a further 11 appendices that contain mainly data tables (Ministry of Education, 2012).

Roberts (2007) notes in a critique of the PBRF system, some positive features of the changes made since 1999 to tertiary education. He notes that there is more respect and acceptance by government towards the expertise found in academic institutions. He acknowledges those who sat on TEAC in developing the future of tertiary policy as having extensive university research and teaching experience. The investigative work for preparing for PBRF was carried out by TEAC, who looked at existing research funding schemes around the world. Those reports were made available, which has received important comment and feedback from well-qualified people on external panels. Roberts (2007) welcomes the process of introducing these reforms to tertiary education as a "thorough, democratic and well informed…policy process employed in reforming tertiary education and research…." (p. 356). Three themes of the PBRF policy are then identified as requiring deeper examination, namely, "the relationship between privatisation, competition and research performance; the standardisation of research; and motivations for research" (p. 356).

The system that the PBRF was intended to replace arose in a context of the shortage of research funding (TEAC, 2001e, Hawke, 2002). The previous system was based on distributions driven by the demand along specific lines of research (so-called "demand driven funding") was granted through the UGC. Public funding therefore took place along the lines of the research needs deemed necessary by the researchers themselves. Indeed the lack of accountability towards the production of knowledge is a key feature that evades the previous system, accountable only through service to the scholarship it provides. PBRF, by contrast, more strongly holds both parties in a contractual relationship that is open and objective as far as reasonably possible. It was introduced to increase the proportion of spending to institutions that were performing at high levels in their research outputs. In support of a system of relating the level of research funding to performance, the Commissioners acknowledged their acceptance of three assumptions: first, "that there is a positive relationship between the use of

explicit incentives for performance and the actual effort expended by academic researchers"; second, "that an increase in individual effort enhances aggregate research productivity"; and third, "that a greater concentration of research funding enhances the quality and/or quantity of research outputs" (TEAC, 2001e, p. 88).

The neoliberal reforms have been viewed by some as increasing participation in the sector in a way that was unexpected and unplanned (Smyth, 2012). It is only through strategic planning, PBRF accountability and other reforms, that with the appropriate conditions applied, increased and diversified participation in the tertiary sector would occur. The introduction of incentivised state-sponsored accountability appears to reinforce participation in higher education, in a way that is mutually exclusive and unique, and that stymies tertiary education as elite and privileged.

Critics of neoliberal reforms see that the reforms themselves invented a problem that did not justify such a radical policy intervention. Roberts (2007) points out, the genesis of the problem arises from the proliferation of institutions and organisations encouraged under neoliberal ideology of the National-led Government of 1990-1999. The neoliberal social reforms required to support such a proliferation can be readily attributed to the maximising of freedom through individual and popular choice. The research needs of the country did not require a structural reform of institutions towards competitive advantage, but rather more money to complete cycles of research programmes that had become shortened and more constrained in their scope and outlook.

**Performativity: The change in institutional decision-making**

A key justification of prioritising efficiency as a metric for the tertiary institution is the scarcity of resources and the continued fiscal burden on the state. Such an outlook has an immediate and damaging impact on institutional autonomy. The nature of that efficiency

relies on the importance and priority given to performativity, as a feature of the autonomous institution. It would be preferable that such autonomy be subject to the same conditions of supply and demand. Such a position thwarts a deeper understanding of autonomy and therefore freedom and independence of tertiary institutions.

The current debate appears to present the state's involvement in tertiary education as entrapment by the market processes. Such a debate is legitimate neoliberal governmentality, since the market is sole mechanism for state intervention to its citizens. In the continued burden of providing post-compulsory education as a public good, justification of a desirable social order is raised as a contentment of the individual who pays for that service. The debate therefore serves to delegitimize a common purpose usually afforded through taxation.

Such action can be found behind comments such as the "Reversal of the dynamic of institutional decision-making" (Smyth, 2012). In the provision of social order and contentment legitimated through the market as "mass education", the autonomy of the institution is indeed brought into question. The need of institutional norms and practices is to be contrasted with the needs of individual academics operating in the marketplace of ideas exchange. Smyth's (2012) comments come as a conclusion to the reformed system of tertiary education policy that optimises the funding levels in tertiary institutions with the strategic priorities of the government. He concludes that the post-compulsory education of a wide-range of young students regardless of background, who aim for higher qualifications, that are taught by academics where their research in citations has accelerated since 2005, all managed by efficient institutions, is the optimal picture and attainment of mass higher education from a process of reform.

**Conclusion: Implications for scholarship and thought**

The chapter has attempted to present the influence of neoliberal economics on tertiary education. The main conclusion that academic processes are no less subject to the market, conditioned and encouraged by government policy such as PBRF, has direct implications for scholarship and thought. The contention is that neoliberal orthodoxy expressed in tertiary education policy works to ameliorate and condition our thought as dull and insipid. Scholars need to expose ourselves more broadly to the dynamic and full possibilities of society as critic and conscience.

It might also explain why there appears to be a confusion to accept the role as critic and conscience. Such confusion is related to the illusory operations of thinking conditioned by the forces of supply and demand. The implications for such a role as critic and conscience, unique as they are to tertiary legislation since 1989, have barely been explored from within the rise and rise of managerialism over the life of an academic. To escape from institutional processes as a reflection on the nature of academic life are more likely to be found in the more ephemeral and distance corners of our cultural life.

Roberts (2007) has suggested that the role of critic and conscience of society can be related to intellectual life as "a defence of the importance of ideas" (p.111), their examination and extemporising. In examining the notion of being intellectual, he puts forward an argument for the critic and conscience of society role as one among others that support being intellectual. "They are not intellectuals *first* and only incidentally academics or scientists" (p. 111). For those working in universities with the role of 'critic and conscience of society' in legislation means working with existing ideas. Scholarship by definition is generated from a critical framework, and so the threshold for that role as an academic appears to be satisfied. More problematic is the role of being a conscience of any group with overtones of universalism. Roberts (2007) points out a key role for the intellectual as "*having* a

conscience", as commensurate with university life in the role of critic and conscience of society. "*Having* a conscience, without pretending that this is *someone else's* conscience, allows one to fulfil the other, critical, function not merely because this is required under the law but because it [is] necessary to become an intellectual of 'good conscience' – that is, to live up to the name 'intellectual'" (p. 112).

Such a reading of the role of 'critic and conscience of society' is very important in the discovery of what is at stake. In a defence of intellectual thought, the application and use of ideas in the role of 'critic and conscience of society' is of crucial importance. In the acceptance of the role, academics are compelled to use the ideas of others with 'good conscience'. It begins therefore to express the qualities required to meet that demand rather than merely having ideas in scholarship. Such a quality begins to expose the stifling and incessant conditions of competitive market forces, for example, between academics under PBRF conditions. No longer can scholarship be taken seriously without the 'good conscience' of the use of the ideas of others. Such a role or practice for academics comes with "a certain form of *humility* as a defining feature of their intellectual lives" (Roberts, 2007, p. 112).

Implications for scholarship of the kind mentioned here appear to be useful in overcoming the demands of an orthodoxy that is committed to the rule of market forces. However, in this thesis it is accepted that the threshold for academic scholarship should be raised further. It is already the case, as has been shown, that critic and conscience of society is made valid through the informed conditioning of neoliberal governmentality. Many people involved ordinarily in tertiary education, but outside academia, are fully aware that their post-school education has kept them alive and available for critical and articulate thought. The thesis examines the extent to which academics can take responsibility for their scholarship, as a response to the responsibility of the upholding of academic freedom. The rapid uptake and

articulation of neoliberal policy shows how adaptable tertiary professionals and others have been. In this thesis it is accepted that thought in good conscience is applied with humility, with concern for others, as a new response to upholding academic freedom within the institution. Such a demand though may be inconclusive for *acceptance* of the role if we fail to consider acting in good conscience as a concern for others. Such a position calls forth the moral implications for accepting such a role. That theme is taken up in Chapter 4 with *the gift without reward*, as expressed by Jacques Derrida.

# CHAPTER THREE

# An algorithmic society: Highlighting the academic public sphere

**Introduction**

The previous chapter critically examined the immediate context of 'critic and conscience', an academic freedom unique to New Zealand, its introduction, and development, amid wide-ranging reforms in tertiary education policy. It placed on display the effect of those reforms that calls into question the need for scholarship as critic and conscience. While backgrounding the notion of critic and conscience of society as one response to academic freedom, the conditions imposed by reforms that pursue neoliberalism raised questions as to the validity and reliability of academic freedom, seen in the downgrading of scholarship and the distraction to scholars more generally. One of the purposes of the thesis is to consider what it might mean for universities to accept a role as critic and conscience. What is not being considered is the purpose of academic freedom that might be felt as a resistance to a previous reform of tertiary education. It is beyond the scope of the thesis to critically assess that reform in tertiary education policy. To do so would throw up questions about the very conditions by which we are free or constrained within the academy. The thesis contains arguments that accept that the reform of tertiary education has moved the traditional research of the university centred on the nation-state, towards a powerful influence that is set to remain part of the fabric of social policy and society. The thesis will also accept that within scholarship there are alternatives, that is respectful of the tertiary policy environment, while challenging the nature of the university. The humanisation of scholarship as a deliberate action (Harland, 2016) is evidence of those who prepare scholarship and think on behalf of society, which requires urgent attention.

Harland, Tidswell, Everett, Hale, and Pickering (2010) note that the criteria for the university in New Zealand are open to wide interpretation and implementation. 'Critic and conscience of society' is legislated as one criterion which defines academic freedom for the university in New Zealand. In practice it is available as two separate tasks for academics. Harland et al. (2010) found the role of critic relatively straightforward to accept, because "academic practice is grounded in criticism and critical thinking and academics can use these attributes to play a critical role within society" (p. 93). Harland et al. (2010) define conscience as an "internal voice" that distinguishes right from wrong and therefore takes on a moral dimension. "Developing such a conscience requires the ability to reason and being critical requires a conscience if the position is accepted that our beliefs and actions depend on our values" (p. 93). Accepting both terms together 'critic *and* conscience' proved harder to find evidence for.

When scholars act as public intellectuals, there is an uncomfortableness towards what might be spoken. Heinemann ((2014, October 19) views that uncomfortableness as belonging to a role that might challenge the status quo of financial and political power that seeks reinforcement of the 'same' and states: "Each [side in academic public debate] increases the burden on those who are critics, rather than on those who have power and need to be challenged". The chapter investigates one instance of that political power that reinforces the belief towards a private benefit that is felt as an uncomfortable burden. While there is a public role of academics in society as public intellectuals, the research has noted that private objectives have been tied to the funding of scholarship, which Heinemann (2014, October 19) believes "conditions the behaviour within the sector". The university is to behave and be held accountable as a private business concern. Heinemann believes that universities as a community of scholars were chosen by society as critic and conscience because scholars are able to hold very different views among themselves. In Heinemann's view, the conflict for

scholars is that the conditioning of universities towards private interests does not allow for the public role of critic and conscience. The thesis shares that concern, but is prepared to set a higher threshold, one that accepts that the constraint of scholars means that there is no obvious escape from the private conditioning of scholarship. The thesis contains arguments that a new practice is needed for academics that restores the role and academic freedom of universities as an orthopraxy.

The thesis turns to amplify further that struggle and tension between the privilege of academic freedom and tertiary education reform, not as a resistance from academics, but as a responsibility for its role, taken as a privilege that will be forever unattainable. An openness to the unattainable, the infinite and therefore uniqueness of other scholars is argued to be an important element in upholding responsibility of academic freedom. In Chapter 4 that follows, such responsibility is taken to be a self-sacrifice as a "radically individualistic gift" (Peters & Biesta, 2009, p. 3), a responsibility that may involve an unfaithfulness or irresponsibility, which may better inform the nature of scholarship. The present chapter will examine the conditions that arise as a result or as a consequence within a networked society of global interconnections in education today that forgo the unconditional nature of exchange found in the uniqueness of the 'other'. Developments of a networked society will be identified that require critical thought from education, that appear to undermine a professional freedom towards a meaningful conscience of society. Conclusions will be drawn on the likelihood and fragility of that role of academics to remain critic and conscience of society towards the general perfectibility of a network. Such acceptance as a vulnerability is later introduced to the unattainable role of the academic to maintain the privilege of academic freedom afforded by society, a privilege worthy of protection.

The difficulty of neoliberalism and the opaqueness of understanding tertiary education policy as an orthodoxy, will be developed and amplified. The chapter will attempt to look

more widely at society, and an underlying political philosophy linked to neoliberalism, namely 'game theory', an insight that was first proposed by the mathematician John Nash, who was celebrated for his contribution with the Nobel Prize for economics, and is referred to as the Nash equilibrium. Implications for democracy will be explored.

**Networked society as an inversion to the logic of power**

At the turn of the century, there were several attempts from philosophy to theorise the individual as interpersonal. Martin Buber (1923) drew a distinction between 'I' and 'Thou', George Herbert Mead (1934) gave an account of the *generalised other* as a social conscience. It appeared to be a promising lead to questioning the nation state at war in the 20th century that drew increasingly from techno-science and advances in nuclear weaponry. Social networks of today have become supercharged and optimised for exchange with others through social media. There is a decentralisation of social control away from the nation-state. Many features of our everyday and ordinary lives are available for connection through the World Wide Web. Equally, our understanding of being networked socially has been enhanced and enlarged. New ways of meeting potential partners for selling products or making group decisions have emerged from social media. Key events in political history such as the election of a US President are available live at an instant around the globe. Many political leaders see the need to keep us informed through Twitter, each tweet sent to a powerful microcosm of invisibly connected subscribers.

There has never been a time in history when we have so much choice from connectivity with others. It is through the relationships that have formed from mutual choice that we have created "an invisible constellation of relationships" (Moreno, 2014, p. 21). We communicate through the interpersonal choices we make, either informal or the official ones

that are assigned to us by institutions. Social networks enhance and support people to create new communities of understanding and support.

The understanding of a social network among scholars is extremely important and equally significant as it occurs in daily life. The nature of academic freedom is specialised and specific to scholars. To remain relevant as critic and conscience of society, scholars draw on their network of social experiences as well as the published thought of others. The choices they make about a position will communicate within the community to hopefully find a mutual, willing recipient. Such reciprocity of exchange is arguably what breeds insight and understanding within the community of scholars. It generates over time a pattern of sources to draw from, that inform the field of research, constantly influenced and emerging as part of the debate. As will be discussed in Chapter 5, Derrida points out that a networked system of scholars was far from anticipated at the birth of the modern university, a problem amplified in an increasingly instantaneous world of interconnection. These themes are also picked up when considering the implications for disclosure as scholars in Chapter 7.

A solution for the production of scholarship is too readily accepted in a world that is accustomed to instantaneous answers and that is experiencing strains of strong political nationalism, sometimes with the imposition of security walls at borders to prevent the movement of people. The rapid dominance and use of overwhelming power that these sorts of security policies create are viewed as a valid political response to the concern of citizens to find mutual connections. Such concerns can be bewildering and confusing to scholars who strive to offer insight and thought to society. Responsibility towards freedom for their profession becomes increasingly open to challenge and debate, that emphasises the tenuous nature of scholarship.

There is tension emerging between a networked global arrangement of trade and liberalism within the nation state. That tension is mirrored in scholarship by academics who

seek and rely on social connectedness, but must turn as scholars to the provision of the nation-state, usually universities or other tertiary institutions. It has been already highlighted that the acceptance of academics to publish and become known internationally comes into conflict with the stated aims of 'increased productivity' and other intended aims of the university. Further, the need for accountability is coming less from one's connection with a scholarly community or like-minded peers, but more from the rise of artificial intelligence and thought with the influence of online publishing. As will be discussed, the turn towards algorithms as a tool of productivity inverts the power structure of networks away from people, towards machines. Examples of the ready acceptance of our culture to downgrade or negate the involvement of human beings in social activity will be identified. This has implications for the way scholars give purpose to their work as critic and conscience of society, which will be discussed.

At the heart of interconnectivity as an exchange is the problem of accountability within these systems. As the systems of interconnectivity become more complex, there appears to be a corresponding decline of transparency of a system where decisions for exchange are being made, a disambiguation and decentralisation of decision-making. Accountability for those decisions is driven by a need towards compliance that is instead maintained by surveillance. Some of the most powerful companies that ever existed such as Google or Facebook gain their veracity and purpose from the power and strength of artificial intelligence algorithms. Such an evolution adds to the allure and potency of the development of artificial intelligence as a replacement for human involvement. That new horizon of how citizens access health care, how they manage their financial decisions, how work is conducted is well advanced.

The difficulty of grappling with these issues by politicians has been cited as a source of recent voter frustration (Cooper Ramo, 2017), where nationalistic tendencies have taken

hold as a surrogacy for the loss of control. Part of the focus for the thesis is the inherent loss of control, but one that is more respectful of ourselves as human beings than political nationalism. It is accepted that the nature and function of a networked system is opaque to judgement and justification, highly valued by scholars, which will later be considered from the standpoint of the philosophical idea of deconstruction.

For now, the focus of the chapter remains with the implications and new purpose that arises from a networked system of control for scholarship. The academic environment that supports the production of scholarship, especially one that is legislated to play a role as critic and conscience of society, will be examined. Connectivity which crosses national borders is highly valued by scholars. Scholars rely on interconnectivity for their scholarship. While there is an openness for the movement of goods between nations, the movement of people especially for scholarship and research purposes is increasingly problematic and devalued by the nation-state. That reluctance is shaping the way scholarship is undertaken. Conclusions will later be drawn on the nature of taking a role as scholars from the perspective of deconstruction that may better serve scholarship to derive meaning from the meaninglessness around them.

While algorithms have been reported as an overlooked influence in our lives, they give rise to an interconnected and networked society that lends itself towards governance by artificial intelligence algorithms that undermines democracy. The claim is that from the pursuit of a networked society, and the internet is one example among others, will result in the acceptance of decisions made by machines that impact critically on humans. Some have commented that to accompany the evolution of interconnectivity will result in an inversion of the logic of power. That applies no less to universities whose embrace towards networked systems of control has led to a dehumanisation and automation on campus and the confusion around the lack of control that arises. The advent of the algorithmic society predicted here,

destabilises and disturbs existing structures that tertiary education policy must adapt to more critically. As will be explored, the implication for scholarship mirrors the tenuous position of scholars, an idea explored by Jacques Derrida.

**The influence of democracy on the public sphere**

Alexis de Tocqueville (1835/1944) undertook a study of democracy as it was appearing in 19th century America. He had been dismayed at the way it was developing in France, and wanted to reveal more of the relevance of democracy to France. As part of its global spread at that time, democracy valued the idea that members of society ought to have a share in the structures of power that governed their society. Tocqueville noted in America the way that democracy valued the individual worth of people. Instead of hierarchical social structures which segregated and distributed power in society unequally, democracy for these Americans could be viewed as equal and equally capable of judging their society. Muldoon (2005) notes that "Democracy persuades people that they are capable of judging for themselves what is ultimately true or false. Democracy exalts individuals by persuading them that they can discern the nature of reality through the intelligent application of the faculty of conscience" (p. 90). Muldoon goes on to observe two further important consequences of the individual conscience, namely, the need for individuals to make reasoned judgements, an attractive quality, and the privatisation of individual faith, a detractive quality to democracy. The reliance on faith as a private individual private enterprise will be challenged by arguments within the thesis, such as when Derrida considers the private faith of a scholar as a profession of faith.

Tocqueville views democracy therefore as a way of life that values an equality of conditions, a levelling of one view of how to proceed in society over the other. While there are an abundance of inequalities within democracy itself, Tocqueville believes that it is in the

nature of democracy to become more democratic. That should be seen as a rebuttal to the dominance of aristocracy, a social class to which he belonged, and instead locates the origins of democracy as a trend emerging in Europe over 700 years with the opening of the ranks of the clergy of the church. However, his account of democracy in America is not philosophical in the sense of setting out a theoretical perspective, but rather an account by observation of the practice of democracy in America. Coming near the end of a very short chapter on sovereignty, Tocqueville writes "The people reign in the American political world as the Deity does in the universe. They are the cause and the aim of all things; everything comes from them, and everything is absorbed in them" (Tocqueville, 1835/1944, p. 58).

The idea of democracy is an unsociable connection, because it gives a powerful freedom to people to have a stake in the structures that govern their society. That freedom brings risk, risk to society, to the structures that govern them, and as Tocqueville observed and recorded, democracy in early 19th century America can work well. Self-interest plays a role, but only to an extent. Self-interest in democratic society is to be set aside for gaining strength from associating together, such as in a community, which is fragile and immature, and tempts higher authorities to interfere with it and set it right. Democracy relies on not interfering or meddling in those communities in return for walking alongside and encouraging a wisdom to order, to order up a collective and representative view to be governed. What those collective views most bring to any government from the bottom up is spontaneity, today another rare commodity in exchange with others. Just as important to democracy is the need to obey authority and set aside one's views for the views of others insofar as it is useful to do so. In association with others, we set aside our pride in return for accomplishing something that we could not do alone, which in turn strengthens our pride and sociability.

Nussbaum (2010) writes out of concern for the decline of democracy as a critical feature of citizenship in America. Her concern is that democracy among other invaluable aspects of the humanities is in need of being upheld, especially through education. Although Tocqueville is not quoted, the idea of democracy upholding itself as democratic is presented as under threat from the pursuit of profit. Self-interest and greed it is argued are threatening the decline of democracy as a fundamental in society. Ironically, democracy is not really interested in social cohesion that comes from a unified and uniform society. Democracy is seeking the opposite from the play of others in difference. However, the more accepted notion of democracy for reasoned judgement is supported by the need for education that develops reason. Nussbaum makes the claim that democracy supports humanity better, when the profit motive is set aside to allow for a more informed citizenry from the humanities, as an organising principle of democracy.

The related idea of democratic education is equally important for humanity, but also as a call to action, not least to the parts of education that support democracy. Her vision for action as an informed citizenry is a key idea Nussbaum wishes to convey. It is not an account of democracy at a distance as Tocqueville gave, but rather the idea that democracy is a feature of humanity that is critical to human existence. There are many examples given, and in turn call us to act, sometimes out of urgency or deficit, and other times out of prospect. The profit motive that Nussbaum observes as so motivating in society is in need of refinement and insight from the humanities, which offers "searching critical thought, daring imagination, empathetic understanding of human experiences of many different kinds, and understanding of the complexity of the world we live in" (Nussbaum, 2010, p. 7). That is not to deny the importance of techno-science and its advancement, but in order to strengthen an informed citizenry we draw from a range of sources. Sites of education are noted where the contest over democracy is strongest and loudest, and in need of deeper consideration. "The

focus on schools, colleges, and universities is justified…because it is in these institutions that the most pernicious changes have been taking place, as the pressure for economic growth leads to changes in curriculum, pedagogy, and funding" (p. 9). When it comes to what democracy offers, Nussbaum is critical that we are informed enough to adopt such a narrow focus in schools. Education offers a great deal more and is available more readily than is assumed by such a focus. Equally democracy allows for "reasonable disagreement among citizens who hold many different religious and secular views" (p. 9), a feature worthy of support, and "in which people inform themselves about crucial issues they will address as voters" (p. 9).

The possibility for being informed from among wide ranging and diverging views held in democracy, Nussbaum believes, is in urgent need of support from the humanities, specifically "critical thinking and reflection" (p. 10). Related to that is our capacity "to imagine the experience of another…[that] needs to be greatly enhanced and refined if we are to have any hope of sustaining decent institutions across the many divisions that any modern society contains" (p.10). It is the call to participate and act in such a democracy that "makes wider demands" (p.10) that critically informs and contributes to humanity. Nussbaum is perhaps warning that ignorance towards action leaves us in further danger of returning a kind of governance from wealthy elites, the very governance that Tocqueville saw democracy in America defeating.

As part of examining critical citizenship and tertiary education, Roberts (2014) identifies dehumanisation as part of the *Tertiary Education Strategy 2010–2015* (Ministry of Education, 2012), in particular the lack of the social and cultural value that tertiary education offers to democracy that underpins citizenship and states,

> It is as if the whole process of tertiary education has become *dehumanized* in quite a specific sense. For the statements [of the Tertiary Education Strategy] that carry weight in the official discourse of tertiary education, it is scarcely necessary to refer to human beings at all. As long as the system *performs*, the particulars of human thinking, feeling and willing, of relations and context, become largely irrelevant. (p. 229)

Those particulars of being human unrecognised and unrecognisable in official document for tertiary education are important in the dynamic organisation of society from neoliberal economic rationality. The thesis returns to Derrida's interest in performative speech acts that argues that human action is inseparable from the event of which they speak. To speak therefore of the TES that overlooks attention to human thought as derived from feelings, mood and other qualities suggests a dispassionate and dehumanized nature of policy being followed.

Concerns with the undermining of democratic citizenship through surveillance as part of "cultural mistrust" are highlighted by Roberts (2014). Monitoring and measurement are two features from tertiary education policy that are replicated in society more broadly, with the need for heightened surveillance from the introduction of legislation to expand the powers of the Government Communications Security Bureau (GCSB). That expansion as part of neoliberal reform accepts a new condition of citizenship that is "closely related to a culture of distrust...Under neoliberalism, the language of accountability replaces the notion of responsibility" (Roberts, 2014, p. 230). The chapter will later reference the Nash equilibria, that supports characteristics of surveillance and distrust from neoliberalism, an observation supported by Amadae (2015). It is important to note that responsibility may amount to accountability from a neoliberal outlook, where the market guides human action through accountability. The thesis means to show that to guide us as humans cannot be reduced to our action within a market of exchange. Through his notion of the "gift without reward", Derrida

shows that through the action of exchange, we exchange with others as other, as something we are not, which attempts to elevate our human exchange as beyond a systemised market of accountability, but does not reject that type of exchange.

**Algorithms as an artificial intelligence in our everyday lives**

Recent attention has been drawn to the hidden influence of algorithms in our lives operating on an interconnected network of exchange (Gangadharan, 2015). These are mathematical formulae used by computer programmes to enhance decisions when interacting electronically by collecting data from that interaction. They are widely applied, from predictive policing, to traffic monitoring, to online target advertising on the web and TV. Algorithms allow predictions to be made from a definite set of data, using strict parameters from analysing a given set. Those parameters are finely tuned to such an extent that predictions of certain behaviour for future actions come to be relied upon. Indeed the interpretation of such predictions is in itself a feedback for future algorithms. In an endless series of algorithmic feedback-predictors applied for desired outcomes, our ability to make choices for ourselves and to act with autonomous human agency in the world is largely undermined by the application of algorithms.

While the pervasive use of computers used for making decisions from algorithms in our lives is a relatively new field of research, the use of algorithms for decision-making is well established. Evidence for that can be traced back to the mathematical advances made with invention of the computer associated with Alan Turing. John von Neumann (1944) invented game theory with the economist Oskar Morgenstern, and John Nash (1950) extended and generalised that pioneering work. Mirowski (2002) examines the extent to which economic orthodoxy has adapted and become absorbed into the science of cybernetics, an alternative way of describing the control of a series of computers linked together, that

learn and develop through feedback. The ability of networked computers to adapt and develop on behalf of economics as a system of exchange is shown to extend the ideas of economists Hayek and Buchanan presented in the previous chapter. Conclusions will be drawn for making decisions being made in exchange with others that undermines the value of political democracy.

Algorithms appear as a simple set of mathematical rules that are embedded in software to complete a task. Social media sites, google search, amazon.com predictions, but more widely anything that collects data, such as spy agencies, use algorithms to sift through the data for certain patterns. An algorithm can be compared to a baking recipe that carries out specific instructions using a set of ingredients to deliver a specific outcome. Cookies embedded in websites, to unintentionally extend the metaphor, are computer instructions that examines our actions within a specific website domain, and then makes some decisions unknown to us. In a crude sense the cookie interprets our actions to allow something else to happen from our use of the site. A common example is on a bookstore website, where we receive further title suggestions based on our selection. Further suggestions are commonly framed up as titles that others have selected based on our choices, thereby legitimising the algorithm as an ordinary common practice among users of the site. In a similar fashion, there are wide and expanding sources of data, from TV viewing to car driving, and supermarket loyalty programmes that lend themselves to interpretation and interaction of an algorithm.

The *Nash equilibria* has been suggested as a political philosophy (Amadae, 2015) that links distrust and self-interest with political freedom of society. It draws on mathematical work of John Nash, for which he received the Nobel Prize for economic sciences in 1994, among other international awards for his work in the field of mathematics. His major contribution from that field was in game theory, specifically non-cooperative games, where the elements of the game accept the non-cooperation of the players. Nash sought to extend his

theory to encompass all forms of human interaction as representative of society. The insight for which he was recognised from mathematics was to offer a theory that proposed an equilibria would result from the non-cooperation of the players, the so-called *Nash equilibria* or non-cooperative equilibria. Those insights became part of economic sciences through the conflict between America and Russia in a so-called Cold War (Mirowski, 2002), that is, a state of geopolitical tension that lasted from 1947 until 1991 with the collapse of the Soviet Union. It was a state of heightened tension in which neither side would concede nor cooperate with the other, but remained engaged, compatible and ready to act in conflict, out of self-interest. An equilibria as a freedom of a kind existed that both accepted the non-cooperation, but were required to predict what the other side might attempt from surveillance of the other side. At stake were terrifying consequences of an armed-nuclear conflict. Such tension involved constant surveillance, and a system of radars and weapons in America were set up to monitor and engage the activities of the Soviets for signs of threat. Mirowski (2002) notes the emergence of a political strategy from the intense engagement of war that could never be fought but required constant vigilance of what the Soviets might be about to do. John von Neumann, a prominent Hungarian *emigré* to America and brilliant mathematician, first suggested the application of computers to analyse the large amount of data being collected from surveillance. The Rand Corporation, a non-profit development agency in America who employed von Neumann and many others, played a prominent role in developing the nuclear strategy of America in the Cold War based on the mathematics of game theory.

A political philosophy of mistrust and surveillance associated with such a strategy and supported by game theory has been found to match closely with neoliberal economics (Amadae, 2003, 2016; Mirowski, 2002, 2013; Stein, 2008). Mathematics of game theory demonstrates that strategies for each side are made that predict how the other side will react.

For instance when the game of poker is viewed as a system of exchange, each side is engaged in the potential for exchange with another player. The best moves, mathematics showed, could be predicted that did not defeat the opponent or end the game, but supported the exchange of cards as far as was possible. It applies to situations best where the consequences of ending the game are too devastating to consider, and therefore require constant vigilance and monitoring, completing the importance of engagement. To some extent, it is argued by Mirowski (2002, 2013), the emphasis on the other is so prominent in devising strategic plays, that you cannot help but incorporate the opponent into your own thinking. It is conceivable that each side understood the other side so well, that they would play the exact same set of strategies that continued in the engagement of exchange. There arises a mutuality out of non-cooperation in exchange with others. The conditions for stability or equilibria of such a system arise by creating powerful incentives not to resolve the conflict or to enter into irreconcilable conflict, but to remain in a game that involves continued strategic enterprise. Applied to politics, the view of human beings in such a scenario of social interest is one of mistrust of those around them. Being available to others as 'other' from Nash's equilibrium came with suspicion and self-interest, which were mathematically shown by John Nash (1950a, 1950b) to bring about stability in non-cooperation. He extended his work to a research program that argued that cooperative games would benefit from a reduction to their non-cooperative form (Walker, 2012). It conceives human beings as hostile and competitive. Such politics is behind the urge to get what you want, especially at the expense of others, that relies on the constant monitoring and surveillance of the behaviour of others out of distrust. There are wide implications therefore for what we disclose with others towards a sense of human trust and honesty, of being prepared to accept the truth of things from another human being, that the thesis engages with in Chapter 7.

The Nash equilibria predicts that coming to an exchange with another, requires a strategy that seeks one's own selfish needs to be optimised in relation to all others around them. "Nash appropriated the notion of a strategy as an algorithmic program and pushed it to the nth degree" (Mirowski, 2002, p. 343). When a player's turn arrives to strategically deploy resources, the game will deliver a benefit based on their optimal relation to each other in "play". Each player is seeking separate and non-cooperative optimisations. An equilibria is obtained from the system in exchange that promises delivery of a benefit or payoff, one that only partially meets the optimal intent of each exchange out of non-cooperation. In that sense, there is something in it for everyone. The philosophy maintains that each player is selfish and is working to optimise their interests in relation to each other. Cooperation between optimisations would destabilise and cause unpredictability in the system. Selfishness always leads to the safer outcome, but in doing so throws up a dilemma in the exchange, which was studied at the Rand Corporation and become known as *the prisoner's dilemma* of which there are many versions. That dilemma of whether to trust or betray the other in exchange is shown to be a compromise of the optimisation most sought. The rational choice, Nash shows, is to betray the other side, because to trust the other person is to risk losing everything in exchange, a further instability. Freedom could be found in equilibria from the optimisations of utility rationally chosen (Amadae, 2015). Such optimisations are becoming strongly supported from the aggregation of data by algorithms. In this sense, the way we act out of reason, has been likened by Amadae (2015) to being a prisoner, a prisoner to reason, unconscious to thought.

Extending Nash's theory to the whole of society has been shown to link closely with neoliberal economic rationality (Amadae, 2015). Hayek, Buchanan and other proponents of neoliberalism showed that a society based on individual freedom would not degrade into chaos when self-interest is most upheld. The politics of self-interest previously feared by

politicians predicted to lead to chaos, was now linked to economics as a political freedom.

The Nash equilibrium reassures politicians that "rational pursuit of self-interest, even in the

face of ...enemies will lead to a kind of order, where all players agree with the strategies

being played, and that those strategies makes sense to them" (Curtis, 2007, 16'53"). The price

of that freedom is a world in which everyone would have to be suspicious and distrustful in

exchange with each other. That involves the obsession of attempts to reconstruct their

opponent, who is totally hostile and bent on their destruction. However, under experimental

testing at the Rand Corporation and conducted by Nash, live participants who were taking

part in a re-enactment of the prisoner's dilemma, turned to trust and cooperate with each

other, a new kind of freedom. The freedom that they found from betraying each other was too

difficult to live with. It showed inadvertently that human beings just do not live like this.

John Nash himself suffered from paranoid schizophrenia, that perhaps explained his

pursuit to extend his ideas as a theory of politics of society. Gripped by paranoia, the way to

escape out of the control of others is,

> through an eternal vigilance and hyperactive simulation of the thought of the Other.
> Not only must one monitor the relative "dominance" of one's own strategies, but
> vigilance demands the complete and total reconstruction of the thought processes of
> the Other - *without* communication, *without* interaction, *without* cooperation - so that
> one could internally reproduce (or *simulate*) the very intentionality of the opponent as
> a precondition for choosing the best response. An equilibrium is attained when the
> solitary thinker has… reached a fixed point, a situation where his simulation of the
> response of the Other coincides with the other's own understanding of his optimal
> choice. (Mirowski, 2002, p. 343–4)

Dominance was a theme that Derrida addressed through a philosophical investigation

of logocentrism. The sort of play that Derrida wanted is based on his concept of difference,

that conceptualises again the relation to the other being presented here. In Chapter 5, the

thesis attempts to show that in an exchange with others in society, foregoing self-interest

brings about change or difference from the trust (in deficit) of self-interest. Placing another

person's interest at expense to my personal freedom is one way that may undo that dilemma of self-interest as a prisoner of reason, and bring about a new freedom. The price obtained from the freedom to optimise our exchange must be overcome from the trust we have for each other. The suspicion of surveillance promotes and enhances the readiness for self-interest and distrust because it can be revealed in hindsight what hand or self-interest was being most sought. One way to overcome that distrust is through the openness of democracy.

**Institutional autonomy of tertiary institutions devolved to its IT systems**

This section examines the ubiquitous and networked expansion of computing power as a distortion of the freedom and autonomy of the university towards self-interest and distrust. The tertiary sector has always been exposed to techno-science, tacitly accepted in policy. However, the proliferation and expansion of computing machines themselves is in danger of being accepted as the mediator of the tertiary institutions between humans and the decisions that are made. That has implications for redefining the freedom of tertiary education again and being replaced by another type of organisation that devalues the current collective networked understanding. On the one hand the institution is attracted to the efficiency and rationalisation of data management, and on the other there is a seduction that says "you cannot help but be involved in a consumption of data". There is an inherent imbalance between networks of national identity and as a user of particular platform. We face difficulty in relation with others to find meaning for ourselves as individuals in situations where our very existence is under consideration, either as learners or scholars and perhaps unintentionally compromised or challenged through the unchecked expansion of computing power.

The autonomy of tertiary institutions can be defined by the interpersonal connections that occur in everyday life of the institution. With the proliferation of computing power as a

networked system of control, there has been a rapid expansion to such an extent that interpersonal connections with IT devices mimic and model the connections of person to person connections as "real". This has implications for the way we understand institutional autonomy and its responsibility to those who belong. No longer can we assume that interpersonal exchange such as teaching and learning, or the exchange of scholarship will give meaning to the institution. Rather the meaning and persuasion that networked computing systems offer us personally has grown to become an equal albeit artificial partner in the meaning we make of the world. In an algorithmic society, institutional freedom can no longer be considered immune to the influence of computing power. Such an exposure has direct implications for the purpose and responsibility of tertiary education policy.

There is not space to discuss the full implications of such a large topic, but rather the thesis highlights the capacity and impact that such a move has on our individual autonomy and freedom. In exploring the issue of autonomy within an advancing IT environment, some of the limits in exercising academic freedom will be highlighted.

Academic institutions turn towards corporations for computing power. Those corporations such as Apple, Google and Facebook are celebrated "as some of the most remarkable creations of the modern economy" (Cooper Ramo, 2017) and have an inherent bias towards becoming more connected. The more connections that can be made, the more data can be generated, which reinforces the purpose given to the corporation. Universities have been wary of the uptake of networked computing that may eventually come to undermine or question the purpose for universities themselves.

Examples from a networked algorithmic society that question the regulatory regime of the nation state comes from health care and throws up ethical concerns. One implication of such work may be that such mapping and modeling of bodily systems will allow for a transfer of ethical standards to include machines. The application of artificial intelligence towards

making healthcare decisions without human accountability already takes place. The processes and structure for making those decisions of biological compatibility for donor organs between nation-states is one example that is close to being established. That would place the accountability for those decisions beyond and outside those who created the system as fundamentally unaccountable. At the time that those biological decisions of donor compatibility are pieced together, traditional borders between nations are transcend, a system that would undermine and question the validity of a democracy. Cooper Ramo (2017) claims that the level of sophistication and complexity required to regulate such a system is beyond the human conception of regulation or policy.

The possibility for the convergence of these systems with systems of DNA sequences as the unique pattern of individual patients has ethical implications that have yet to be fully grasped. It would appear that humanity in being led by technological advancement, without the influence and full appreciation and embrace of scholarship in the humanities.

One way to draw out further the pervasiveness of networked computing power is to undertake a simple comparison between philosophy and economics of the meaning of the needs of someone versus the wants or desire of humans. Needs are captured in philosophy by the Other, God, or some sort of unattainable higher power or belief. We can never finalise those needs or hold ourselves accountable to them. In economics, such needs are a matter of survival for all human life. In everyday life, both agree that we should strive to avoid wearing our needs or survival like a badge. To do so would be to state the obvious that we exist and begin to block our connection with ourselves in relation with others, and appear constantly needy. Equally though it is possible to go through life without ever realising that we are loved or accepted by others, or to find purpose in our life from the love or connection with others. At this point it appears that philosophy and economics diverge. What stops such self-acceptance towards acceptance by others is the fall back towards our wants, those things that

commonly fill our lives for survival. Philosophy might observe that the pervasive effect of computing power promoted by economics needs questioning if computers are to provide the level of acceptance and adaptation that is promised by networked computing systems. Many people already live saturated with automated processes that meet many desires or wants, usually through social media. It is not difficult to imagine a machine that would act as a companion in conversation in the privacy of one's home, adapting and updating algorithmically to every nuanced desire, obtaining its purpose from the accumulation of data to fulfil the purpose of their master. The idea that machines could in the near future adapt algorithmically to fill our daily need is false, because while a machine might arise that generates the formation of a personable and human connection, it acts at best as a surrogate for a real human relation. Such surrogacy at its worst blocks and denies that we have human needs, that we are required to tend to our survival and that our existence depends on both ourselves in survival and our relation with others in the world. Such a struggle is very common even today, and it is more the task to live with surrogacy and to accept that the world can never satisfy our every need even as a desire or want, including the pervasiveness of computing power. If machines could satisfy our every need, it would be a false world. That raises the question of how to live with the computing power of interconnected systems promoted to satisfy our desires, but adapting to our very survival as an acceptance of dependency. Deconstruction, as will be touched on later, offers an alternative way to support the presentation of meaning coming forward that is "irreducible, unrepeatable, heterogeneous and idiosyncratic" (Anderson, 2015, p. 54).

**Conclusion**

Later, the thesis looks at the theme of mastery as a practice within education that is unconscious to itself. For now, the idea of mastering our own society from the orthodoxy of

economics relates to the discussion of algorithms of society presented here as a political philosophy of self-interest. Scholars may watch on, removed at a distance and yet remain no less immune from its influence. Academic freedom remains an important privilege, that requires scholars to be both offer respect through their research and receive protection. Examples here have traversed something of the decline of democracy from a pursuit of self-interest. The relation of the scholar to the public sphere must remain open to make sense of the tension between university processes and the upholding of democracy. It is painful to observe a decline of democracy, of society devaluing itself, because it impacts on the values of scholars (Harland & Pickering, 2010) held as a privilege for democracy more generally.

There is a certain irony that as part of the transition from a mass to a global society, the collapse of the Cold War order was replaced by the expansion and globalisation of electronic communication. The chapter can only give a taste of some of the attempts being made to reclaim a future for education from some of the ramifications for a society embracing AI systems running algorithms. The ramifications for thought are widespread, and can only be hinted at, enough it is hoped to highlight scholarship as well placed as a social conscience if considered as a gift without reward. Such a gift well-established by Jacques Derrida, has certain consequences that derive from critical features of the university to highlight responsibility for the role of 'critic and conscience of society'. Some of those features have been highlighted here as valuing individual scholars desiring to play a role as critic and conscience. That notion has been challenged, not from any threat to individualism, but from what society values as networked and interconnected. As has been highlighted, any connection between people involves an exchange of some kind. There are many threats from nation-states towards interpersonal exchange that is more than a network. The thesis seeks to highlight a role that scholars might play in meaningful spontaneity and curiosity that supports their social conscience as a gift without reward.

# CHAPTER FOUR

# The gift of critic and conscience in New Zealand: Unconditional acceptance of academic freedom

There is no reason for there ever to be the least gift - Derrida.

The acceptance of the role of 'critic and conscience of society' has already been noted as an important aspect of the criterion by which universities are defined in New Zealand. Such acceptance is yet to be finalised because the role of 'critic and conscience' and academic freedom more generally involves a responsibility both to be upheld as a desired notion, and the freedom for academics to speak. For some commentators, academic freedom is seen as a privilege of society that upholds democracy (Ignatieff, 2017; Ignatieff & Roch, 2018; Nussbaum, 2010). Such protection from reprisal to speak out or make comment on society in their view ought to be seen as worth enhancing and cherishing. The lives of ordinary people are otherwise left to the powerful elite who maintain a system for control as an injustice of society. If academics do not speak out, then society should lose the privilege of universities to speak truth, or attempt to move us away from social injustice. Such a position is intended to support or maintain the acceptance for academic freedom for universities of society as a basic safeguard against injustice.

The idea of upholding the privilege of academics is under threat. A contemporary example is found from Ignatieff (2017) in his current role as President of Central European University, that is fighting to remain a free institution in Budapest, Hungary and who cites other universities in Turkey, Russia and the US that are dealing with a similar struggle. He notes that academic freedom in the populist age is under threat from both inside and outside

the university. Outside autocratic governments and private interests align, while on the inside there is "the threat...of fiefdoms of jargon and self-righteous coercion" (Ignatieff, 2017). It is increasingly difficult in the populist nature of social debate for anyone to speak out with much adherence to truth or social justice, such is the persuasive power of the market. Academics are no less immune in their work environment from exposure to market forces and managerialism that has been highlighted and explored. The politics of populism suggests to Ignatieff (Ignatieff & Roch, 2018) that there is less need for universities to require protection from speaking out in an already crowded marketplace of thought and debate, explained from an adherence to acting out of self-interest. Populist talk of the privilege to society that universities might bring from academic freedom is to be pitted against commentary that calls for yet more marketisation of universities. Ignatieff (2017) terms that political debate an "[a]version to "expertise" and rejection of "establishment" authorities...a central element in the politics of populism" (p. 3).

A deeper examination of the protection of academic freedom is called for and is worthy of exploration. A *laissez-faire* marketplace of ideas as a social commentary to debate, neglects the capacity of humans to provide organised insight on behalf of others. Universities are the last remaining place dedicated to higher thought, for thinking beyond our ordinary lives, to draw attention to social injustice and power imbalance, values held dearly in democracy. However, like all privileges, when speaking out as an academic, it might be better balanced with our capacity to be human, to draw from our human qualities and reach others in human thought. The importance of the humanities to universities should not be overlooked as extending and supporting that capacity.

To balance the privilege of academic responsibility with the protection and freedom to speak out as academics, the thesis turns to the philosophical ideas of deconstruction, best exemplified by Jacques Derrida as a seminal figure in the humanities and philosophy. In

expanding, promoting and becoming strongly associated with those set of ideas, Derrida also demonstrates 'an openness to the other' as an "unforeseeable incoming of the other" (Peters & Biesta, 2009, p.16). It is that mode of his thinking, of thinking on behalf of the other, more than any that will support the research towards an *acceptance* of the role that seeks to balance the demands of upholding the privilege of academic freedom as critic and conscience of society. Derrida visited New Zealand in August 1999 and presented research on his ideas of the unconditional university. The philosophical theme of unconditionality, promissory and covenantal is further extended from his ideas on gift that came to be captured in his work, *Donner le mort* (1991) *(trans. D. Wills, The Gift of Death,* 1996). Although an essay of only four small chapters, and a mere taste of a much larger work on the questions of the gift (*Donner le temps, 1. La fausse monnaie* (1991) *(trans. P. Kampf, Given Time I. Counterfeit Money,* 1991), the French text appeared as a part of conference proceedings held in Royaumont in December 1990. However, that text was not what Derrida delivered at that conference, instead what was presented found its way into *Donner le temps* (GT) due for publication at the time (Wills, 1996). *The Gift of Death* was intended as yet further reflections on the nature of gift. Inspired by the French sociologist Marcel Mauss's famous short work *The Gift: The Form and Reason for Exchange in Archaic Societies* (1925, trans. 1990), *The Gift of Death* is typified by an intensity of ideas that is arguably convincing enough to delve no further. Caputo (1997) noted the crystallisation of Derrida's thinking on Johannes de Silento that was prevalent only in small amounts throughout his previous work. Caputo noted that scholars other than Derrida had made attempts to weave de Silento into the fabric of deconstruction, a task that was suddenly accomplished by Derrida in one stroke. As will be argued, the chapter will largely confine itself to these two works of Derrida to explore acceptance of 'critic and conscience' as unconditional for universities in New Zealand, an acceptance that can be felt as a privilege of our own death. Scholarship that arose however

from Derrida's visit to New Zealand will also be drawn from as will other secondary scholarship of his work that delineates the field of deconstruction.

**The gift of Derrida's death**

On the death of Jacques Derrida in 2004, international newspapers were far from complimentary towards his work. The obituary in the *New York Times* (Kandell, 2004, October 10) attempted again to hold the irrelevance of Derrida as its prime importance. That elicited a protest from his students, some of whom wrote a joint letter, signed by many, and then hosted as a memorial website at the University of California, Irvine where he taught for many years. *The National Review* (Miller, 2004, October 10) commented with "The French father of deconstruction, Jacques Derrida, has died at the age of 74, in Paris. His intellectual legacy essentially is to have articulated a theory proposing that communication is impossible. Think about that for a second, because that's what deconstruction really is: *a theory that argues communication is impossible.*" More reflective and helpful obituaries can be found in the *NZ Herald* ("Pointy-heads do Battle", 2004), *New York Times* (Eakin, 2004) and *The Australian* (Hall, 2013).

While the formal summary of his institutional work is important, his thinking can also be taken as a move away from academic institutions (Roth, 2004). There are many famous examples in his personal life that disrupt or "deconstruct" the processes of the academy. He abandoned a doctoral thesis in 1957 on Husserl's phenomenology seeking instead to embark on a series of critical encounters in Western philosophy, literature and theory, which culminated in a doctoral thesis engaging with the works of James Joyce ("The Ideality of the Literary Object", Derrida, 1983). In that sense, Derrida might be better appreciated as a roving practitioner of philosophy, who tested the strength of his thought in the world outside the walls of an academic institution as a means to draw attention to the confines of the

institution (Willinsky, 2009). His writing forms nothing like a standard philosophical *oeuvre*, to which we might point to a seminal work or finalise a position of his thought. Rather Derrida's writing appears to be ready to accept competing tendencies and tensions within philosophy through his wide philosophical engagement with contemporary culture. He attempts to place himself at the service of humanity through that engagement, rather than prioritising the coherence of a philosophical position. Consequently and perhaps not unexpectedly, his work led him to controversy from which Derrida did not shy away from, and today the difficulty of placing his thought or legacy continues to remain emblematic of the contemporary issues of freedom in our democracy and society that he was drawing to our attention, as a symptom of the retention and relevance of academic freedom.

The hiatus that arose for awarding Derrida an honorary doctorate in 1992 from Cambridge University are well documented and do not require any further analysis. Such is the very public display of controversy that far exceeds the expectation of everyone involved, let alone the lasting attention to the philosophical community, stands as an example of the legacy of Derrida that deconstruct the accepted norms and practices of academic life. The controversy of making the award that arose from analytic philosophers outside Cambridge University, directly brought into question the traditions of the institution to which they were adhering. Public accusations attacking Derrida as employing trickery, or obfuscation in his scholarship, accused as he was through his writing as being unrecognisable as a scholar, reinforced the contribution of Derrida as questioning the traditions and foundations of the academy. The way to ask questions about institutions that adhere to higher thought were until Derrida rarely attempted, and today remain far from settled, such is the delicacy of what is at stake for those committed to examining the un/conditionality of higher thought. In writing to advance the prospect of higher thought, Derrida abandoned a thesis in philosophy as insufficient to examine what he saw as most needed, a deeper response to academic freedom

(Derrida, 2004) and did not defend a doctoral dissertation until 1980.

His work is strongly associated with deconstruction, a form of critical analysis that seeks to subvert or tear apart the very connections that bind or construct ideas, particularly in spoken or written text. In philosophy, deconstruction would seek to upset the prevailing understanding from metaphysics, the dominant source of thought in Western philosophy. That analysis appears most commonly in written form that exposes irreconcilable binary oppositions for which an alternative might be offered. Such work is extremely risky, and often criticised as a work of distraction and obfuscation, felt as an undermining and destabilising of a dominant position.

As already noted, such nihilistic tendencies have often been cited as a strong motivation for accusations of ethical deficiency or politically dangerous. Those accusations are untenable when we consider more carefully the thought of Derrida as having a distinct horizon (Peters & Biesta, 2009). The horizon of deconstruction conceived as an ethico-political horizon is argued by Biesta (Peters & Biesta, 2009) to be "a concern for the other" (p.31), in Derrida's words "an openness towards the other" (Derrida, 1984, p. 124). Biesta argues that deconstruction should be taken as an affirmation for what might be possible.

But that horizon should not be taken as an affirmation that defines what already exists. Alterity by its nature is seeking things to be other, not the same. In the case of a horizon of deconstruction that opens up something new, we might expect to identify what is yet to arrive from beyond the horizon, "what is unforeseeable from the present, or what is beyond the horizon of the same" (Peters & Biesta, 2009, p.15). Deconstruction is more than simply being open to the other, it is also the becomingness of the other (Peters & Biesta, 2009).

**The unconditionality of the university**

Derrida made a visit to Auckland in August 1999, as a part of an Australasian tour, "a truly intellectual event for Auckland and New Zealand" (Peters & Biesta, 2009, p. 39). His visit consisted of a public lecture *Forgiving the Unforgivable* (Derrida, 2001c) that filled the Auckland Town Hall, which he had given many times previously, alongside a paper on the unconditionally of the university to an invited audience of scholars. A series of academic papers from that invited audience were published as *Derrida Downunder* (Simmons & Worth, 2001). Derrida's paper on the university is of interest to the thesis discussion as a responsibility for the university, and was reproduced in a further publication *Deconstructing Derrida: Tasks for the New Humanities* (Trifonas & Peters, 2005) and referenced again in *Derrida, Deconstruction, and the Politics of Pedagogy* (Peters & Biesta, 2009).

In the published paper, *The Future of the Profession or the Unconditional University (Thanks to the "Humanities," what could take place tomorrow)* (Derrida, 2001b) given to the Auckland conference, Derrida deconstructs the university to gradually and carefully reveal the unconditional university as a restoration of academic thought in action. In doing so, he clearly signposts his own thought in deconstruction. That is to be expected in the political act of his finite thought taken as an unconscious offering or gift. The concept of mankind is initially set among the problem of a "modern university" without condition, an unlikely and forever unattainable condition "that can not be grounded in reason or being" (Das, 2010, p. 8). Academic freedom as unconditional freedom is already a right of universities "to question and assert, or even the right to say publicly all that is required by research, knowledge, and thought concerning the *truth*" (Derrida, 2001c, p. 11, emphasis in the original). Such a truth is found in faith of the profession, from the work of scholars to reflect and draw from the world around them with integrity. Human rights, or the right to speak out without reprisal, derives from the Enlightenment as "proper to man", upon which "Humanism and the historical idea

of the Humanities" (p. 12) is founded.

Peters (Peters & Biesta, 2009) highlighted concerns from the conference, as a resistance to neoliberal reforms from globalisation. New Zealand was no less immune from those reforms felt just as widely under Thatcher's leadership of Great Britain and the Reagan presidency in the US. Education for Peters was seen as central to the political arsenal of the state in bringing about those reforms. Such a decry for the Humanities can readily be found in his writing on Derrida, subsequent to the conference (Peters, 2001b).

The acceptance of the role of critic and conscience of society is for Derrida a political act. Without condition, the university will have "the principle right to say everything…to say it publicly, to publish it" (Derrida, 2001b, p. 14). The public space for speaking truth rests with the Humanities. As part of that "profession of faith" (p. 14) for the Humanities is the idea of confession, "to keep it secret" in the form of fiction. Derrida notes the wide range of examples from the "worldwide scene" as a repentance, and seeking forgiveness, such as "crimes against humanity" (p. 14).

Derrida (2001a) examines briefly the independence of the university as nebulous and difficult to pin down, where unconditionally is better suited to the future of the academic profession. Unconditionally of the university excludes research that is pressed into "service of economic goals and interests of all sorts, without being granted in principle the independence of the university" (p. 14). Unconditionally suggests vulnerability and fragility in the powers that it possesses, to have a capacity and role that strides politically for independence. "It gives itself up" (p. 14). Under question is the extent to which the university requires control and support "by commercial and industrial interests?" (p. 14). Examining the economics of unconditional independence, Derrida notes that "the Humanities are often held hostage to departments of pure or applied science in which are concentrated the supposedly profitable investments or capital foreign to the academic world" (p. 15). Derrida argues that a

sovereignty or seal of the unconditional university is a horizon upon which to fix the history of the academy for deconstruction. Resistance is not freedom, except when it is freedom in deconstruction, found best in the Humanities as "an originary and privileged place of *presentation,* of manifestation, of safe-keeping in the Humanities" (p. 15). Deconstruction takes its place in the university, forever "the place of Irredentist resistance or even, analogically, as a sort of principle of civil disobedience, even of dissidence in the name of a superior law and a justice of thought" (p. 16). That makes the work of the scholar a profession of faith, "a commitment, a promise, an assumed responsibility, all that calls not upon discourses of knowledge but upon performative discourses that produce the event they speak of" (p. 17). The work concludes with seven summary propositions, the last of which appears to contradict what has been said about the university's unconditionality. The audience is posed a "hypothesis" that unusually involves a confession that is not, at first, easy to understand. The hypothesis of an unconditional university is impossible to prove, "inaccessible to proof" (p. 21) and is therefore contrary to a scientific hypothesis. If it were a false proposition, science would have to prove that as false. The contradiction being offered is to invite the unconditional freedom to uphold independent thought in the university as a performative speech act as a response to the wholly other, *tout autre.*

The move to decenter the human condition limited as it is to generate knowledge that relates and speaks to us as human beings, is worthy of attention. The reshaping of academic freedom for a decentred freedom is being captured by an economic schema of utilitarianism that would rather have the conditionality of being human accepted for its own. Derrida and other theorists such as Nussbaum (2010), Arendt (1998) and Freire (1973, 1985, 1993) have contended that the humanities are a stronger and clearer platform to understand and appreciate the conditions of what it takes to be human.

The privilege of academic freedom of society relies on the responsibility of scholars

to report things around them without the interference of reprisal. This notion of academic freedom as private and accountable only to itself, can be open to criticism because the privilege of such freedom allows for thought that can be uncomfortable or inconvenient to others. Arguments that support a private or internal privilege rely on the heterogeneous nature of thought, a coincidence of events in the world discerned privately on behalf of society to be an optimal arrangement of self-interest. Such a position requires the continual reciprocity and sanctioning of thought towards the progress and unfolding of society. That position is insufficient as a social conscience of the university. The efficiency and pervasiveness of economic rationalism is held by some as a convincing and compelling means to attain optimal conditions from a functional exchange that the thesis has argued needs addressing, especially in tertiary education policy. Derrida by contrast takes a position that advances and deals with academic freedom not as a cloistered or held understanding internal to universities, but academic freedom as an unconditional *gift* that forgoes the need for reciprocity or reward between the society they serve and the insight offered.  Forgoing the privilege of academic freedom for democratic society as a functionality is not without consequences, as will be explored. The desire for dispassionate analysis and the lack of gratitude shown are two immediate consequences for academic freedom from giving up its functionality. However, as will be argued, in order to thwart the utilitarian need to account for higher thought and its effect, aspects of reciprocity as a gift are further refined from the philosophical idea of alterity, a standing in place of the 'other'. Notions of truth found in universities, veritas, that overcome the foibles and biases of human thought from being peer-reviewed by other scholars, is to be highlighted as an opportunity for intellectual humility of an openness or vulnerability to the other.  A horizon for the university to speak truth within the humanities that is infinite and unconditional, lies with the treatment of scholarship as an unconditional gift.

**Academic freedom as a gift for the unconditional university**

To further extend the academic freedom within the unconditional university, the thesis draws from Derrida's *The Gift of Death* (1996) that examines more carefully the ethics of the unconditional gift for academic freedom. It is a work in which Derrida "exposes tirelessly...an economic ethics of responsibility...tied to an *econo-onto-thanatology"* (Das, 2010, p.7). The functional idea of gift finds a specific and direct relation with Māori, a culture indigenous to New Zealand, through the work of the French anthropologist Marcel Mauss, whose influential work *Essai sur le don: Forme et Raison de l'échange dans les Sociétés Archaïques (The Gift: The Form and Reason for Exchange in Archaic Societies* 1954/1990) reported an anthropological survey of the functioning of gift from Polynesia, one of which were from Māori. Such a study, while noteworthy for its functionality of gift is touched on here to deepen the contrast with Derrida's philosophical adaptation of those ideas. It is important to acknowledge the trace of thought through Māori culture, to Mauss, that appears with Derrida. While many studies and topics of inquiry from anthropology on gift have appeared, there was a delay until the publication of *Donner le Temps. 1. La fausse monnaie* (Derrida, 1991) for other disciplines within social sciences and humanities to take up the idea of gift as a theme (Schrift, 1997). The thesis builds up a notion of gift from a brief exploration of Derrida's work that argues for academic freedom that thwarts and exceeds the utilitarian outlook of tertiary education policy. The thesis pursues the further refinement of academic freedom, that privileging of freedom of society from reprisal and attack towards academics, as an unreciprocated gift dispassionate towards the need for gratitude.

Before turning to Derrida's work, the functionality of gift is worth exploring to deepen and contrast with an unconditional gift. If academic freedom is to be upheld as a privilege for society that is beyond reproach, then the honour in the exchange of scholarship freely given is crucial to the discussion. Drawn from a wide range of distinct societies around

the world, the anthropological survey of functioning social systems of Marcel Mauss, gives

wide evidence for the relevance of gift among humans. At its core is the idea that giving

something as a gift becomes part of a system of reciprocity that produces something that is

beyond or unconditional to either party. At stake is the honour of the giver and receiver in

entering into that system.

> It is a total system in that every item of status or of spiritual or material possession is implicated for everyone in the whole community. The system is quite simple; just the rule that every gift has to be returned in some specified way sets up a perpetual cycle of exchanges within and between generations…. The cycling gift system is the society. (Douglas, 1990, p. viii)

In an extreme example of excess or unconditionally, Mauss recalls the excess of potlatch –

"total services of an agonistic type" (Mauss, 1954/1990, p.6). The potlatch was a gift-giving

feast by indigenous peoples of the Pacific Northwest coast of Canada and the United States,

that was their primary economic system. "The institution of 'total services' does not merely

carry with it the obligation to reciprocate presents received. It also supplies two other

obligations, just as important: the obligation, on the one hand, to give presents and, on the

other, to receive them" (p. 35). The same applies for *hau*, a term that Mauss used to describe

the obligation or spirit to return the gift that is inherent to the object. "What imposes

obligation" Mauss (1955/1990) writes, "in the present received and exchanged, is the fact that

the thing received is not inactive. Even when it has been abandoned by the giver, it still

possesses something of him. Through it the giver has a hold over the beneficiary...This is

because the *taonga* is animated by the *hau* of its forest, its native hearth and soil" (p. 11).

From the metaphysical point of view, reciprocity is presented in terms of the giver,

the gift given, and a givee. As important an example of reciprocity as this is, it operates as a

system of exchange, without treating the unconditionally of the gift as gift. Derrida took

exception to metaphysical nature of things and, as will be shown, the model of functional

exchange of gifts contradicts itself in its own terms, but also avoids the unconditionally of the gift. In the case of *hau,* a spirit of the gift that has a hold over a counter-gift, the giver could no longer be identified, and there could be no gift. Were it to be returned, it would annul the terms that define it. "To reduce the gift to exchange," writes Derrida (1991),

> is quite simply to annul the very possibility of the gift. This annulment is perhaps inevitable or fatal. No doubt its possibility must always remain open. Still one has to deal with this annulment…; still one must not treat the question of the thing, of the gift of the thing, and of the thing-gift as a false problem one need merely expose to the fresh air of reason for it to be snuffed out like a candle…. *In total*, there is no gift as concerns reason, not even practical reason. There is no reason for there ever to be the least gift. (p. 77)

The thesis attempts to demonstrate the unconditional gift from Derrida's arguments expressed from *The Gift of Death* (1996), as further reflection on the nature of academic freedom in the unconditional university.

In the 1996 work *The Gift of Death,* the ethical writings of Czech philosopher Jan Patočka (1907-1977) and Kierkegaard's *Fear and Trembling* (1843/2005) are explored as Derrida's own responsibility towards the limits of his own history. The work itself is a 'gift' to the death of Patočka, who was a prominent spokesperson for Charta 77, a human rights declaration of 1977. He died at the hands of his oppressors, from a brain haemorrhage, after 11 hours of police interrogation (Wills, 1996). It is more than a mere tribute, that explores Derrida's Jewish responsibility for the thought of Patočka from probing his own Jewish heritage, that had largely remained hidden in his writings (Caputo, 1997). Derrida treats the Christo-historicity that interests Patočka, specifically to present them as relevant and contemporary to Derrida's own Jewish thought through revisiting and reworking of that most Jewish of stories, the sacrifice of Isaac, as told by Johannes de Silentio (Kierkegaard 1895/2005). By placing his own work at the limit or edge or border of the death of Patočka "that separates one another, one from another, one from oneself" (Das, 2010, p.1), the work is

a demonstration of Derrida's attempt at the unconditionality of thought for what remains, as the remnant in mourning (of not being able to assume the origin of oneself, in difference, so that the *I* disappears and the *other* arrives) of his death.

**Gifting the privilege of academic freedom for society**

Academic freedom is claimed as a privilege that society ought to enjoy. The role of critic and conscience of society, a freedom granted in legislation to New Zealand academics, is a privilege worthwhile cherishing to allow academics to pursue truth without reprisal and attack. However, the struggle for academics to escape from their responsibility as a privilege, as something extraordinary, needs to be set aside in the unconditional university. According to Derrida, for there to be a gift given unconditionally, there must be no need for reciprocity. Such freedom is paradoxical to privilege because, to pursue truth unconditionally is ordinarily a burden to accept that is beyond human capacity.

Academics have a determinate responsibility in their public observations and reporting for the history of academic scholarship as much as a history of society that they are working on behalf of. Placing neoliberal tendencies inherent to a tertiary sector aside for the moment, academics work within their field of scholarship to elucidate from previous scholarship. Such ideas of the advancement of knowledge can never avoid such responsibility. Derrida captures the aporia or conundrum of responsibility when he writes,

> Saying that a responsible decision must be taken on the basis of knowledge seems to define the condition of possibility of responsibility (one can't make a responsible decision without science or conscience, without knowing what one is doing, for what reasons, in view of what and under what conditions), at the same time as it defines the condition of impossibility of this same responsibility (if decision-making is relegated to a knowledge that is content to follow or to develop, then it is no more a responsible decision, it is the technical deployment of a cognitive apparatus, the simple mechanistic deployment of a theorem). (GD 24)

Derrida is elucidating a theme that is drawn out from *Fear and Trembling*, the impossibility

for Abraham in the extreme as either a responsibility to God, or responsibility to the

conditions that are found more generally in society.

> What Jacques Derrida here is interested in is the other Kierkegaard, the inconsolable
> Søren Kierkegaard of utter desolation, singularised by mortality and abandoned by the
> law of the calculable. The intensity and passion of Kierkegaard here is somewhat in
> certain proximity of the messianic intensity which is the exodus passion, of the
> wilderness of an irreducible singularity, the passion of difference. (Das, 2014, p. 259)

Responsibility for Derrida is an act of faith. The unconditional university requires an

act of faith, a profession of faith. Derrida opens his paper *The Future of the Profession*

(2001b)*,* declaring his faith: "This will no doubt be *like* a profession of faith: the profession

of faith of a professor who will act as *if* he were nevertheless asking your permission to be

unfaithful or a traitor to his habitual practice" (p. 11, emphasis in the original). The

deconstruction that Derrida is undertaking is the general assumption that responsibility

associated with our behaviour is assumed to be justifiable in the public realm.

*The Gift of Death* (1996) probes a "history of responsibility" and places history as

extrinsic to responsibility. These historical conditions confront everyone as a responsibility

towards our freedom and liberty. We must keep apart the "essence of an experience" from

"one's own historical conditions" (GD 5). Derrida argues that classically there is "a concept

of decision and responsibility" that excludes all historical connections such as genealogical,

causal, other types of motivation from "heart, essence, or proper moment" for responsible

decision making, characterised historically by what we must acknowledge and take

responsibility for. By contrast Patočka argues that historicity however it arrives must remain

a problem "that is never to be resolved". If it were to be resolved then we would be

completely closed to history. Derrida draws on Patočka's distinction between demonic

rapture or enthusiasm, and responsibility. By the *demonic* he means "that which confuses the

limits among the animal, the human and the divine" but however "retains an affinity with mystery, the initiatory…the sacred" (GD 2). Derrida proposes to examine religion more closely as a means to surpass the orgiastic towards responsibility.

The work begins with an examination of the secrets of European responsibility, such as they are intimately related to Christianity. "Patočka sees the emergence of Europe as the emergence of a freedom and a responsibility that are the special fruits of Christianity" (Caputo, 1997, p. 192). The main thrust of the *Heretical Essays on the Philosophy of Europe* (Patočka) is a good example of Christo-Euro-centrism or Western metaphysics that is recognisable from throughout Derrida's work. What is to become of Europe if it relies on its Christian roots and eschews it pagan ones? Derrida questions the blindness/openness of Europe to Jewish and Muslim faiths, to the ebb and flow of people and recalls the Christian Crusades against Muslims as but one extreme example in need of responsibility. "How to conceive of "the expansion of Europe" before and after the Crusades? More radically still, what is it that ails "modern civilisation" inasmuch as it is European?" (GD 3). What became of Europe following the crusades, that came at the expense of the Patristics and gave rise to the scholastics, the birth of universities for modern civilisation, at a time when thought was more contained by Christianity? While that is no longer the case, and as will be later shown, Derrida argues that the approach or thought of the university involves such history and is available to us as a personal responsibility.

## Academics remain unconsciousness to the gift of academic freedom

The unconditional university requires the gift of academic freedom, as a privilege that exceeds us all. Academics to whom such freedom applies and who generate scholarship, need to remain privately faithful to scholarship as a responsibility in thought. What academics already bring is the selfless desire to contribute in thought. There is a great deal of

responsibility in contributing to each other's work. However the gift of academic freedom for the unconditional university requires that the giftee be unconscious to the gift, that their scholarship give life to others in a way that they may never be aware of. To undertake such scholarship should proceed unbound by a contract or indebted or given as a repayment in any way.

Derrida makes clear his own acceptance of unconditionally in his attempt to walk into the desert, to strip bare the Abrahamic faith traditions from which his Jewishness arises (Caputo, 1997), as but one tradition among others that have all a shared heritage, "the religions of the races of Abraham" (GD 65). When we consider a history of responsibility, Derrida is clear that suffering from ignorance of history is not the fault of the scholar or philosopher. "It is not in fact a sin of ignorance or lack of knowledge…[that] their historical knowledge…confines…themselves in the details" (GD 4). Rather that in creating history, there is an abyss, that is "orgiastic mystery" and requires separating from "Christian mystery", which for Derrida is where the origin of responsibility lies. His work is a deconstructive movement or gesture from the Abrahamic messianic faith tradition towards the universal messianism (Caputo, 1997). Derrida intends to show from his reading of *Fear and Trembling* (Kierkegaard, 1843/2005)*,* that the particular messianisms can equally apply to those without determinable faith. The horizon of universal possibility is an abyss Derrida writes. "Historical man does not want to *admit to* historicity, and first and foremost to the abyss that undermines his own historicity" (GD 4). The deconstructive is therefore a way for Derrida to show that religion does not have the final say or "exclusive rights" (Caputo, 1997, p. 190), but that it is possible to free the religious or faithful from religion, a so-called religiosity of religion.

The demonic is that which arrives prior to the subject. "It belongs to a space in which there has not yet resounded the injunction to *respond*; a space in which one does not yet hear the call to explain oneself, one's actions or one's thoughts, to resound to the other and answer for oneself before the other" (GD 3). Derrida defines that space prior to the arrival of knowledge, and seeks to reconsider that as a gift of death that regards "the other in its relation to infinite alterity" (GD 3). Such infinite alterity as will be argued is infinite goodness that will never be known, but is an experience that Derrida links to the unique experience of our own death. Caputo (1997) notes that the French expression "*donner la mort"* is translated as "giving death" (p. 191), in the sense of bringing or causing death, as if it were a condition either for someone or oneself (a suicide) that is given to them. Caputo notes that the English word "giving" does not seem quite right for the destructive nature of death. Derrida exploits that paradox of being given death (GD 10), that questions our finiteness in responsibility.

## Asymmetrical gaze: Responsibility as self-sacrifice for the other

It is very difficult, but not impossible, to be placed in the infinite goodness of truth. It is almost a burden too much to bear to remain open and accepting enough as academics, that might be taking part in something that is loved and valued by others as an infinite or an unconditional gift. Derrida states that getting to a place of selfless or infinite acceptance of ourselves for supporting one's fellow man is a sacrifice. Such a sacrifice legitimates ourselves in privilege, and gives scholarship and higher thought an unconditional place within society. Before we can make that claim, we have to look carefully at integrating the sacrifice or the so-called *Binding of Isaac* (Gen. 22:1–19) as the basis of our gift, unique to ourselves in academic scholarship, one for the other. Derrida examines the question: How could we accept such an extraordinary commitment to infinite freedom that blatantly disregarded fellow humans as a gift, let alone one for the other? The Danish philosopher and

evangelist Søren Kierkegaard, wanted us to make our faith a priority through God, instead of the ethics that humans come up with. He argues that we should embrace the sacrifices that God demands in return for self-understanding and acceptance, rather than overcoming the obstacles and hurdles set out in the human world. In some cases there can be no purely ethical solution. Derrida by contrast is attempting to bring the gaze of the infinite onto the ethical world as one for the other in self-sacrifice.

Suppose that we receive a gift in the privilege of academic freedom, the scholarship of a fellow academic. No gift in the eyes of the receiver is perfect or unconditional. It is after all an approximation of what the giver really desires in their heart, as a mere taste for the life of thought gifted in the community. But as the giftee we are torn, because it is imperfect, clumsy at best, to gift what we are most committed to as a perfect gift in scholarship. In my responsibility, am I worthy enough that I should offer my unique contribution as a gift for the community of scholars that upholds the privilege of academic freedom? The gift that we give to each other, involves both ethical norms, such as upholding the conventions of written scholarship, alongside our own private and unconditional responsibility, that passes on through to a commitment to scholarship as a privilege. Many problems of society have been addressed already as a history of responsibility, it would seem unfathomable to attempt to begin again. But begin we must. We must wager that in the crowded marketplace of responsible thought, that our contribution will be no less worthy than others to come forward, had it not come forward. That is the same wager that Abraham made with God known only to himself. In the account of *Fear and Trembling* the Danish philosopher Kierkegaard, posed anonymously (in secret) as the evangelist Di Silentio when he gave that account. The biblical story reads that Abraham was asked by God to put his son Isaac to death. Such a sacrifice was in the eyes of Abraham extremely important to carry out since it showed, he believed, his faith in God. To everyone else, that would be murder, a betrayal of humanity. Abraham took

his son, his most precious gift, who was about 18–19 years old, away to the sacrificial altar in secret, secret also to himself, because Abraham does not understand God. The death of his son was what God had asked, an extreme example that was based on his relationship with God, rather than the universal and accepted norms of society that had been reasoned out. Fortunately an angel intervened and Isaac was saved. They sacrificed a ram instead. Kierkegaard (1843/2005) argued that our relationship with God private or public transcends the ethical norms of society. Such a responsibility is felt as *fear and trembling*, a reference to a line from Philippians 2:12, "Wherefore my beloved as ye have always obeyed, not as in my presence only, but now much more in my absence, continue to work out your salvation with fear and trembling." — itself a probable reference to Psalms 55:5, "Fear and trembling came upon me..." (the Greek is identical). It suggests that we are behaving as if we are standing *unconditionally* in the absence of the master. God or the infinite [*tout autre*] represents what is wholly Other, or inaccessible to us, but to whom we are no less responsible. "The trembling of *Fear and Trembling*," Derrida states,

> is, or so it seems, the very experience of sacrifice. Not, first of all, in the Hebraic sense of the term, *korban*, which refers more to an approach or a "coming close to," and which has been wrongly translated as "sacrifice," but inasmuch as sacrifice presumes the putting to death of the unique in terms of its being unique, irreplaceable, and most precious. It also therefore refers to the impossibility of substitution, the unsubstitutable; and then also to the substitution of an animal for man; and finally, especially this, by means of this impossible substitution itself, it refers to what links the sacred to sacrifice and sacrifice to secrecy. (GD 59)

Being with one's salvation as an unconditional gift to others requires a fear and trembling, that you might feel as you die, an unconditional uniqueness (your experience of your own death) which for Derrida, brings together both our relationship with God and the world, not one or the other as Kierkegaard would have it. What Kierkegaard finds as a paradox, Derrida now sees as paradigmatic. He finds in equal measure the *singularity* of any 'one' or other, and the duty of being responsible to "every Other", (the *general* found in

common law). Consider the freedom to produce scholarship. The scholar is caught up in the same sacrifice of ethics, to respond with whatever obliges them to uphold that freedom.

> By preferring my work, simply by giving it my time and attention, by preferring my activity as a citizen or as a professorial or professional philosopher, writing here in a public language, French in my case, I am perhaps fulfilling my duty. But I am sacrificing and betraying at every moment all my other obligations: my obligations to the other others whom I know or do not know, the billions of my fellows (without mentioning the animals that are even more other others than my fellows), my fellows who are dying of starvation or sickness. I betray my fidelity to other citizens. (GD 69)

In deciding on behalf of a future community of scholars that keeps responding to thought and ideas, at the same time, I am betraying millions of others to whom I owe an obligation or responsibility, such as those starving or suffering. I have made an ethical decision of sacrifice to forgo my obligation to the call of a future community, out of neglect for others (Keating, 2014).

Such acceptance of an experience of self-sacrifice for academics writing for the unconditional university can be found as a secret, a *mysterium tremendum*, a Christian mystery, that is unspoken and silent. As soon as we put ourselves into language, we betray the silence. In our singularity to speak, the silence acts like a covenant, a promise of infiniteness of the wholly other. We are required to speak, but if we are to give a gift to each other, then we have to accept that before we speak there is silence, a vulnerability or openness, that we might best associate with our death. "Just as no one can die in my place, no one can make a decision, what we call "a decision," in my place. But as soon as one speaks, as soon as one enters the medium of language, one loses that very singularity" (GD 60).

Speaking ends our singularity, because it "translates into the general" (GD 61), such that our responsibility from our actions are translated away from the singular to allow for public responsibility. Responsibility therefore requires both the secret in our infinite singularity and a betrayal of the secret of which we speak. Das (2012) uses the term

"originary melancholy"(p. 5) to denote such a secret. Within the politics of responsibility, our very attempt to be ethical and responsible, to make the right decision may lead us instead to be unethical and irresponsible without justification. Derrida believes that it is so inevitable to be irresponsible that we must be constantly vigilant towards being responsible.

**Economics of the gift**

Derrida is attempting to identify a human condition of inevitable irresponsibilisation that places religion under examination. Conforming to religion as an orthodoxy stamps out the secret with God and represses the radical call of the Other [*tout autre*] to remain open to the call of the infinite. The choice of Abraham's story from the book of Genesis is an instance from which three religions were founded. Before these biblical accounts, there was a premoral, orgiastic condition, which Derrida claims also needs to inform moral philosophy, and an interpretation of the Bible by religion all the more. It is from within that context that Derrida identifies a human condition that requires further responsibility from ethics, and without solving that, points to a direction for philosophy to pursue. The ethics of responsibility explored by Derrida arose at a time when deconstruction was dealing with criticisms of ethical relativism and nihilism (Goldman, 1999). Derrida is responding to his critics who have written off deconstruction as relevant any longer to address questions in the real world. As has been noted, deconstruction is about ethics.

Miller (2009) notes how "scandalous and troubling" (p. 216) the iteration of Derrida's ethics of irresponsibility is from both the Bible and from Kierkegaard and places it closer to Levinasian ethics as indicated by Derrida in a footnote (GD 78). For Miller, that is still beyond Levinasian discourse, "that I might irresponsibilize myself just through responding, as Levinas might put it, to the face of the other" (p. 216). The crucial moment of the story of Abraham is when the angel intervenes, to allow a return to the ethical, and restores the

prohibition to murder each other. Levinas would accept that encounter with the other has a restorative effect to the ethical, as a feature of a kind of ethic of ethics. Kierkegaard might read the angel breaking the bindings of Isaac, and releasing him to his future purpose. Caputo (1997) notes that Derrida's reading of Kierkegaard opens up a Levinasian reading of Kierkegaard "that was missed by Levinas himself" (p. 205). The account of Abraham's willingness to sacrifice his son is taken by Kierkegaard as beyond the general rules or as proper to religion, whereas Levinas argues for a return to the ethical at the encounter between the angel intervening in Abraham's murderous act "as the crucial effect of the face-to-face encounter with the other" (p. 216). Derrida, at this juncture, holds no distinction between the ethical and the religious, but instead attempts to assimilate the 'One' with the 'other'. He claims that each person as other is no less singular, as other, and just as wholly other as each other, as in the absolute other, God. *Tout autre est tout autre*: every other (one) is every (bit) other, or "Every Other is Wholly Other". Not unlike the ideas of Levinas, Derrida seeks to assimilate the lower case "one" to the uppercase "One" my neighbour to God, that seeks an ethic of ethics. When we are responsible to our neighbour we are, in that instance, irresponsible to everyone else in commitment or openness to the other.

*Tout autre* offers a new kind of messianism that was unexpected from the story of Abraham. Our every waking moment is like Abraham on Mt Moriah, poised with a dagger ready to strike, the most "unforgiveable irresponsibility" (Miller, 2009, p. 214). The idea of becoming irresponsible like this is an ordinary and inevitable condition of being human that requires vigilance as a social conscience. It is a double bind that no religion or culture has yet overcome or could hope to ever achieve, nonetheless part of the fate of being human. We can attend to that condition by being open and vulnerable, with intellectual humility to the other, a social conscience that informs the way we act towards others as other. Derrida sees the uniqueness of the creature as your neighbour, meaning that every other, is completely foreign

to me in their uniqueness, and other to every other others. Every other (one) is every (bit) other [*Tout autre est tout autre*], everyone else is completely or wholly other to me, and states, "It implies that God, as the wholly other, is to be found everywhere there is something of the wholly other. And since each of us...is infinitely other in its absolute singularity...then what can be said about Abraham's relation to God can be said about my relation...to *every other (one) as every bit (other)*...as secret and transcendent as Jahweh" (GD 78). From deferring the impossible task for attending responsibly to all others, we are caught irresponsibly, as a sacrifice to them, to attend responsibly towards the action to take. Such deferral places responsibility under examination.

This new form of irresponsibilisation, whereby scholarship fulfills its responsibility to its neighbour, and becomes inevitably irresponsible in relation to all others, is a social conscience that has the character of an economy. Derrida is interested in the decision that Abraham has to make as being part of the real world. "He wants to know whether and when giving death is a good deal, a solid investment that promises a good return, and whether there is a giving, indeed a giving death, that represents a gift without return" (Caputo, 1997, p. 191). In taking responsibility as a scholar, there is a personal responsibility that is tied to history that can "neither be a decidable object nor a totality capable of being mastered" (GD 5). When we make decisions that are "outside of knowledge or given norms" (GD 5) then we rely on something larger than ourselves, the upholding of academic freedom and the unconditionality of the university. Derrida concludes that the "gift of death…puts me into relation with the transcendence of the other…that gives me what it gives me through a new experience of death" (GD 6). Such responsibility relies on a break with the "secret of the orgiastic mystery" (GD 6) in such a way as to remain a problem to history.

To be a gifted scholar that wishes to uphold the unconditionality of the university means remaining unconscious to the gift, and therefore the gift cannot be a part of any

economy. However, when we consider the infiniteness of Abraham who has given beyond any possibility of exchange, then economy is brought in through the backdoor of our death. A scholar acting with intellectual humility, hesitates and trembles before the unliveable experience of the utmost secret of their own death, a silence that is ultimately secret between the divine and their unconscious. They must work to break their silence as a sacrifice to God to connect with others. That sacrifice of mutual otherness that is offered by the university is sacrificed, and instead scholarship must earn that privilege to speak again to connect with others that the university can be no less responsible for.

**Conclusion: critic and conscience of society**

The thesis has discussed the privilege of academic freedom to society as a gift that applies to the unconditional university. Uniquely for New Zealand, academic freedom is defined and offered conditionally to universities as an acceptance of the role of critic and conscience in New Zealand. It remains therefore to show that such conditions offered to define the university in New Zealand coincide with what is intended by the academic freedom that the thesis has presented as unconditional. The next chapter will examine from the perspective of deconstruction the critic and conscience role as an unconditional gift to society. The argument is being attempted from the ethics of deconstruction for the acceptance of critic and conscience as a role of the university, from the gift of critic and conscience, as a promise or covenant, to remain a secret, known only through the vulnerability and openness of scholars in the unconditional university.

The thesis makes the claim that Derrida's deconstruction of the university as unconditional was his *acceptance* of the role as critic and conscience of society as a gift, unique to New Zealand universities. Taking up that role as deconstruction, as demonstrated by Derrida, allows us to take responsibility for our history again as an ethical acceptance of

scholarship. Such responsibility, as will be explored again, requires an openness to the Other, in Derrida's case, a feeling we are drawn to that arises at our death, perhaps experienced as an opening out or vulnerability of self with others.

Derrida gave his speech to a capacity crowd at some personal sacrifice to his reputation among his peers. It is common, indeed academics are urged, to develop a public reputation for insight and scholarship that acknowledges their peer community. Drawing attention to inadequacy or injustice of society comes at a cost to their reputation, something that academic freedom is intended to protect, but that universities are reluctant to exercise. However, the indifference of universities to accept such a role and the treatment of academics who do speak out, adds to the pain and difficulty already being felt. The thesis argues for an alternative if we are to accept responsibility for the painful past from the history of universities, from originary melancholy.

There are implications therefore for retaining critic and conscience as part of legislation. If academic freedom is to be offered on the conditional support of legislation, when will justice be served on universities to accept the role? It is more the case that the obligation to retain that role as a legislative threshold would gradually be set aside in the marketisation and managerialism of universities. Justice would no longer even need to be seen to be done. Professional freedom for academics, the thesis argues, would be better served as deconstructive to the unconditionally of universities as a responsibility for their history.

If we are going to have academic freedom as a responsibility for the other, then no legislative protection is needed in the self-sacrificing of academics to speak and take responsibility. If we accept the deconstruction of the university towards its unconditionality, then we are asking to turn the privilege of academic freedom afforded by society on its head. No longer will that privilege be an obligation to uphold in legislation, but rather a promise or

covenant most keenly felt as a gift. The acceptance therefore of academic freedom of society, unique to New Zealand universities as critic and conscience of society, would serve us better as a covenant or promise of scholarship, an insight freely undertaken by academics. Such freedom would take better responsibility for a painful history of responsibility.

The thesis therefore asks if a covenantal document for academic freedom is required, that is, a document that informs legislation as an agreed set of conditions by which the privilege of freedom afforded to academics would be promised. Critic and conscience is but one criteria that requires urgent expansion to capture the work of scholars. Conceived as a gift, the work of scholars is argued to be ethically sound as an unconditional acceptance of the promise of scholarship. The thesis therefore accepts the scholarship of academics as a promise that in radical alterity is given as a gift of self.

# CHAPTER FIVE

## Deconstruction as critic and conscience

Deconstruction, if such a thing exists, should open up. - Derrida.

One of the lines of argument of the thesis is that *doxa* as a singular belief in the other, needs to be contrasted with a belief in all others. Relying on tertiary education policy as a common belief among the sector is insufficient for growth and development, especially in a sector dedicated to the production of knowledge. The criterion upon which policy is judged, is to be made more active and available in *praxis*. As will be shown, Derrida has a particular *praxis* that distinguishes his role as critic and conscience.

Further the idea of the 'Gift' for Derrida supports an ethical outlook that challenges an economy of exchange as an embodied action. The term *praxis*, its Greek origins aside for the moment, has frequently appeared in contemporary Western philosophy. In particular, it lends itself to the foundations of education as a practical activity that involves thought and the development of minds. Paulo Freire termed *praxis* in his well known work *Pedagogy of the Oppressed*, as "reflection and action directed at the structures to be transformed" (Freire, 1993, p. 126). It was a central idea that underpinned social transformation, that through a struggle with oppression, people needed from education a critical awareness to become more aware of their situation and their struggle. More philosophically, Hannah Arendt in her programme of "a theory of action", used the term to argue for an active life, rather than contemplative one in her work *The Human Condition* (Arendt, 1998). A Marxist outgrowth of *praxis* can be found with the Frankfurt School of Adorno and Gramsci. The theory of the organic intellectual developed by Gramsci in the 1930s is drawn from in the next chapter.

Unlike the traditional intellectual, Gramsci foresaw intellectuals as helping the bourgeoisie establish their ideas that was invisible to the existing class structures. They held positions in those class structures as "functionaries" of *bourgeoisie* ideas that were adopted as "the invisible unquestioned conventional wisdom circulating in social institutions" (Sessions, 2017, p.1).

The term orthopraxy is commonly used in the study of religion, as meaning "correct practice or conduct", as informed by the ethics and liturgy of the religion. Holding a practice as a faith or grace would be insufficient. Equally, orthodoxy denotes a correct belief, such as a creed, in a codified belief. A ritual, while involving a practice, is distinct for the strict adherence to certain rites and rituals that it contains. Orthopraxy is used to denote the wider focus of cultural life, the upholding of ethical systems.

It would not be difficult to accept that the role of critic and conscience as a *praxis*, is an action within a particular context that includes criticism and thought. The authors of the phrase "critic and conscience" (De Pont & Grant, n.d.), might have had critical thought in mind, but went to the trouble of delineating criticality from thought more generally. Both are extremely important to Derrida, and, as will be argued, coalesce around the role and its acceptance as a *praxis*. Orthopraxy for the thesis therefore is a culmination of the appropriateness of Derrida's ideas and philosophy as a contribution towards an acceptance of the role of critic and conscience.

Biesta (Peters & Biesta, 2009) notes that deconstruction "holds a special place in the tradition of critical philosophy" (p. 81). Such a critical style takes its significance from Plato, no less, where Socrates was shown by Plato to hold a distinction between knowledge (*episteme*) and belief (*doxa*). The philosopher was to contribute towards knowledge, while the mere *doxa* was reserved for the common man (described as *polis* in *The Republic).* In a later chapter, it will be noted that Derrida was keen to promote philosophical thought and

debate within the everyday lives of ordinary people. Philosophy was also to provide the criterion — judgement, distinction, separation — upon which knowledge would be generated.

Western philosophy has not given up to its commitment to critical thought. Modern philosophy provided a rich context for further reinvention, as the prominence of modern natural science pushed man away from its pedestal as the sole arbiter of knowledge. The generalisation of critique away from institutions such as the church and state was a crucial step, one that opened up those institutions for comment and thought more generally. The chapter initially looks at the definitions that Derrida gave to deconstruction, before turning to a development of some of the concepts used, that aim to strengthen the ethical responsibility of critic and conscience.

**Giving definition to the gift of deconstruction**

Over his lifetime Derrida provides many definitions of deconstruction, but there are generally three recognised as important. The first in 1971, is found in *Positions* (Derrida, 1981, p. 41–42), that describes the first phase as an overturning. Derrida's interest was in overturning a Western philosophical tradition, as at that time he referred to philosophy as monolithic, all-encompassing and fixed. The ideas of Plato lie behind this view of philosophy, just as "Platonism" had been a target for Nietzsche. Therefore deconstruction is a criticism of Platonism, which structures existence as a series of oppositions that are arranged hierarchically. The first phase is to overturn that assumption and Derrida states that "we must proceed...according to a unity that is both systematic and in and of itself divided…*a double science*. On the one hand, we must traverse a phase of *overturning*" (p. 41). The reversal of Platonic hierarchies: the hierarchies "between essence and appearance; between the soul and body; between living memory and rote memory; between *mnēmē* and *hypomnēsis*; between voice and writing; between finally good and evil", each of these pairs is argued to create a

binary illusion of a peaceful "classical philosophical opposition" but rather with a "violent hierarchy". Taking one of those pairs, Derrida proposes an inversion, "to overturn the hierarchy at a given moment" (p. 41). Derrida is wanting avoid the neutralisation of an argument from an intervention. In the same moment, he invites an irruption in classical metaphysics, where essence is to be more valuable than appearance. Deconstruction though might begin to assume that the essence of something is given by the knowledge of its appearance. While no longer in oppositional poles, there is still the case that essence can be reduced down to a series of appearances, that rely on memory or anticipation. The reduction to essence comes as an "Other", that which is given from "immanence", of essence being contained "within" appearance and or what we call essence to be found in appearance. Looking back through to the origins of philosophical traditions, there must have been a decision, however impossible, to inscribe the essence-appearance hierarchy that defines "metaphysics" and Platonism as separate terms (Lawler, 2016).

There is now a second "phase" in deconstruction that reinscribes or "opens" the inferior term to take its position as the "origin" or "resource" of the hierarchy. Such openness, as the term implies lies in the temporal. There is always a moment, however small, of the present, that has come from the past and heads to the future. Such a difference over time is termed by Derrida as "unities of simulacrum" or undecidables, in the sense that although we pay no attention, but if we were to give attention, we cannot decide if we are experiencing the past-present moment, or the present-future moment. To the extent that it is "a simulacrum" in the present moment requires an "openness" that destabilises the origins of the hierarchy, that allows a "redoing" of the decision to prioritise one term over the other, "*without ever* constituting a third term" (Derrida, 1981, p. 43). At this point, Derrida changes the orthography of the term, as in the case of using "a" to change difference to différance. The term is then held up as an undecidable resource that "slices" into metaphysics. Derrida

gives many examples in his work of old terms previously used in Western philosophy, that have an inferior position to other words, but are being used by Derrida as a resource for metaphysics that is yet to be named, and by a means that is "older" than the decision previously made.

Derrida made a refinement to deconstruction, that generalised deconstruction away from metaphysics towards the political, that gave it a new definition. Derrida states in *Force of Law* (Derrida, 1992a) that "Deconstruction is practiced in two...styles" (p. 21) and we can detect a refinement that does not correlate directly with the two phases mentioned. At the same time, these works deal with the genealogical history of an idea or theme, just as the early work *Of Grammatology* laid out the history of writing. There is a turn in this refinement of deconstruction towards the a-historical examination aporias, or paradoxes. *The Gift of Death* examined the paradox of responsibility, already cited. A further chapter will draw on his work on forgiveness for the unforgivable (Derrida, 2001a, 2001c) which can be placed in the second definition of deconstruction.

A third definition of deconstruction can be found in an essay called "Et Cetera." Here Derrida (2000) presents the principle that defines deconstruction:

> Each time that I say 'deconstruction and X (regardless of the concept or the theme),' this is the prelude to a very singular division that turns this X into, or rather makes appear in this X, *an impossibility* that becomes its proper and sole possibility, with the result that between the X as possible and the 'same' X as impossible, there is nothing but a relation of homonymy, a relation for which we have to provide an account…. For example, here referring myself to demonstrations I have already attempted…, gift, hospitality, death itself (and therefore so many other things) can be possible only as impossible, as the im-possible, that is, unconditionally. (p. 300)

The thesis has already referenced the unconditionality of the university called for by Derrida on his visit to Auckland in 1999, as an impossibility that can only be aspired towards. The

thesis therefore turns towards deconstruction to make sense of the concepts that lie below the surface in these instances put forward by Derrida on the university.

As already noted here, the definition of deconstruction is not directly compatible as an unfolding in the organic sense of a causal sequence (Bracken, 2002). The reason for this lies with deconstruction itself and will be explored later as *the signifying chain* of deconstruction. Derrida would want to avoid any sense of a fixed set of theories to draw from that came to a culmination of his work. However, his later work that dealt with the application of deconstruction did not repudiate his earlier thoughts or style, and Derrida began to apply some of the central aspects of his thinking to issues of ethics and politics. The concept of the gift has already been drawn on towards an ethic of deconstruction. To develop a deeper understanding of what that means, the chapter continues to develop a finer grained analysis of deconstruction as it relates to critic and conscience and more strongly brings out the application of deconstruction to the Other as an ethical possibility.

As clear as these define deconstruction from Derrida's own work, the scope of his thought touches on wide fields of scholarship, without losing its criticality. The following section draws on theorists that have attempted their own work in deconstruction as a means at giving more definition. Biesta (2009) argues for deconstruction as adding definition to criticality, in the sense of attempting to go beyond what is given towards judgement. That can be considered the critical work of deconstruction, a further refinement and definition. It would be incorrect of the thesis to advocate deconstruction as *the* role of critic and conscience of society. Such a position would fall towards the dogmatism that is inherently being avoided. Instead, the following investigation of deconstruction attempts to make a stronger connection from the treatment of the notion of *gift* and 'the role of critic and conscience'.

**Deconstruction as critic and conscience**

Deconstruction, it will be argued, encompasses and embraces both criticality and conscience at once. Such a position is difficult to establish, but as we have already seen, a dogmatic position relies on the inhumanity to man, the competition of ideas towards truth, rather than an openness to other human qualities such as transcendence allows. Critical thought relies on a reaction to critical dogmatism. It most wants to offer a position where human thought can find criterion upon which to rest and apply, but that does not finalise the criterion as a thought. Deconstruction cannot be taken as a method, since following a method as you would a recipe would suppose that the criteria are final. Derrida himself points out that deconstruction is not a critique in the sense intended by Kant, but because it deals with "instances of *krinein* or of *krisis* (decision, choice, judgement, discernment) is itself...one of the essential 'themes' or 'objects' if deconstruction" (Derrida, 1991, p. 273). Deconstruction takes aim at the agency we give to decision making, and for that reason "deconstruction is deconstruction of critical dogmatism" (Derrida, 1995, p.54).

While not a "method" in the strict sense of a providing a platform for discovery of new knowledge, it can be understood as another reaction to the trilemma for the discovery of knowledge, along the lines of the second option, the reflexive paradox (Peters & Biesta, 2009). Where Apel attempts to provide a solution, Derrida proposes that a solution can be found within the paradoxical framework that was presented by the trilemma. Biesta (Peters & Biesta, 2009) writes "Derrida has offered...a profound critique of the transcendental approach in that he questions the very possibility to articulate the condition of possibility in an unambiguous way" (p. 89).

To elucidate deconstruction as a distinct contribution to critical theory, Biesta (Peters & Biesta, 2009) provides a backdrop to critical theory that allows a distinction of Derrida's work to be made, by identifying a dogmatic position for critical theory more broadly, and

then presenting transcendental critique as a better alternative towards deconstruction. What follows therefore is an argument for the transcendental elements of deconstruction that broadens and widens out Derrida's project. The dogmatic position of critical thought shows a precise target for critical theory, namely an attempt to be critical in our evaluation of a specific case. Best pronounced by Hans Albert in his *Treatise on Critical Reason* (as cited in Peters & Biesta, 2009), the attempt to articulate a foundation or truth for that evaluation leads to what has become known as *Munchausen Trilemma*, named after a fictional Baron von Munchausen, who showed the impossibility of proving anything as true. This "thought experiment" was similarly made by Karl Popper who attributed the same trilemma to Jakob Fries. Both accounts of the trilemma hold that, when asking if any knowledge is true, three options are available, in which each option is equally unsatisfying. The options given by Hans Albert are: 1. The circular argument, in which theory and proof support each other; 2. The regressive argument, in which each proof requires a further proof, *ad infinitum*; and 3. the axiomatic argument, which rests on accepted precepts. Various options to overcome the limitation have been provided by a range of thinkers. Hans Albert argues for critical dogmatism when he holds that for any certain truth, there can be no proof. Instead Albert proposes that truth holds as long as the accompanying proof is scrupulously justified as a certain truth, which for the sake of critique is critical dogmatism. Criticism of this position stems from the need for philosophy to provide an impartial and justifiable platform. Clearly, the conventionality that critical dogmatism relies on does not allow such a foundation to arrive. Biesta offers an alternative that he terms "Transcendental Critique", as typified by Karl-Otto Apel. The term arises from the need for philosophy to find an alternative after the emergence of the scientific worldview that came to generate knowledge of the natural world. Kant provided a new platform for philosophy, termed transcendental philosophy, in which knowledge, particularly metaphysical, but also scientific could be found to be true with so

called "synthetic judgment". Such a programme, while a very large contribution, came under scrutiny for the reflexive paradox that it contained. Hegel, for instance, showed that the attempt to acquire knowledge relied on the existence of "knowing subjects" who already had capacity to acquire knowledge. Kant did not regard that as a serious problem, because for him the framework relied on holding human consciousness (*Ich denke*) as the highest articulation of thought.

Biesta (Peters & Biesta, 2009) cites Apel as one attempt among many to overcome that dogmatic component of transcendental philosophy, who makes "a shift from the framework of the philosophy of consciousness to that of the philosophy of language" (p. 86). Apel claims that knowledge is linguistically mediated, agreeing with Kant that generating knowledge is an individual exercise, one that involves language and communication. To be a communicative individual though requires "argumentation", which is located within a "community of communication". Such a collective, Apel offers, "is the condition of the possibility of knowledge" (p. 86). Such a community provides a criterion upon which critique can be founded. Such a reflexive and dependent ground of a community provides the polar opposite criterion to dogmatism, indeed Apel claims to "circumvent the dogmatic implications of the Münchhausen trilemma" (p. 86). He takes leave with the second principle of the trilemma, namely, reflexive paradox.

Biesta (Peters & Biesta, 2009) highlights the reflexive nature of Apel's position with respect to transcendental critique as an alternative to dogmatic critique, one that opens deconstruction as a more nuanced response to critique, but related through a reliance on transcendence. It is useful research for introducing deconstruction, because it highlights a particular feature of deconstruction by way of contrast with Apel's position. The main feature of contrast with Apel's work is the nature of reflexive grounding that sets the "conditions of possibility", in the case of Apel, argumentation, is that ground which is presupposed in all

argumentation. One of the problems to overcome is the performative nature of argumentation, that is, the act of arguing contradicts what is proposed or argued, such as "I claim not to exist". Apel contends "that all contentions that cannot be disclaimed without falling into a performative contradiction express a condition of the possibility of the argumentative use of language" (p. 87).  The conditions for communication in a community rest on performative consistency, and is the ultimate criterion upon which the argumentative use of language resides. Without giving much evidence of what that foundation looks like, performative consistency "meta-rules" the argumentative use of language. These rules outline the ideal of the community of communication.

## Deconstruction as a conscience of deferral

When considering the thought or conscience intended by deconstruction, Derrida was very clear that such thought lies in the political. That stems directly from the paradoxical nature of the criticality, and exists only where something is, which relies heavily on context and circumstances in which we are conscious. Such is the precarious nature of deconstruction, that the thesis cautiously suggests a role or outlook that simply "belongs" with Derrida, or attempts to continue his work. There are many instances where Derrida is explicitly political in his work (Peters, 2001b) and such openness suggests implications for the role that thought plays. His visit to New Zealand serves inspirational motives to makes sense of the tertiary education sector.

An important essay of Derrida's entitled *Structure, Sign and Play* (1978) attracted early public attention outside of France (Derrida was 36 at the time and his major works had just appeared in France). It was given as a lecture presented at Johns Hopkins University on 21 October 1966 as part of a celebration of the work of Claude Levi-Strauss, a prominent French anthropologist. Today that event remains controversial, not least by Levi-Strauss

himself, who took Derrida's paper as a repudiation of his work. These sorts of instances underscore the political nature of his work and foreshadow the very public and demanding role as a scholar. There are points of disagreement and conformity with Levi-Strauss that can be examined to makes sense of Derrida's thought. There are many instances where Derrida quotes Levi-Strauss in confirmation of his own arguments, and as will be shown, the controversy relates to Derrida attempting to remain within his thought as critically paradoxical, such that his contribution to the discussion of Levi-Strauss cannot be settled and remains indeterminate. Derrida points out some ideas that are yet to be completed by Levi-Strauss, or do not go far enough. Ultimately, what it did produce though was an acceleration of thinking away from structuralism that Levi-Strauss promoted towards deconstruction, of which Derrida was a seminal figure during the 1970s and 1980s.

As the title implies, *Structure, Sign and Play* (SSP) questions the "structurality of structure" as a "centre" that limits the role that free play has on the limits of structure. Near the opening of *Structure, Sign and Play*, a single paragraph calls into question the previous decade of French structuralism.

> The whole history of the concept of structure, before the rupture I spoke of, must be thought of as a series of substitutions of center for center, as a linked chain of determinations of the center. Successively, and in a regulated fashion, the center receives different forms or names. The history of metaphysics, like the history of the West, is the history of these metaphors and metonymies. Its matrix...is the determination of being as presence in all the senses of this word. It would be possible to show that all the names related to fundamentals, to principles, or to the center have always designated the constant of a presence—eidos, arché, telos, energeia, ousia (essence, existence, substance, subject) aletheia, transcendentality, consciousness, or conscience, God, man, and so forth. (SSP 279)

*Structure, Sign and Play* is a critique of structurality, not just structuralism. It stands as a repudiation of structuralism taken across time. When something emerges, structuralists accept that it did not arise from a single origin or genesis, rather it arose from the difference

between two things. That difference is no longer what it was derived from, but rather something new, as two parts come together as one new part. Without admitting an origin, there is no single antecedent causal effect that structuralists can point to in the new thing, only the difference between the two things, what they are no longer "not". Derrida makes this clear in the opening sentence of *Structure, Sign and Play*, "Perhaps something has occurred in the history of the concept of the structure that could be called an "event" (SSP 278). The difficulty for structuralists in suggesting the difference arises from what it is no longer, is that, they are unable and unwilling to make any relation over time to what has now arisen. For example, yesterday's reported weather data recordings are slightly different from today's report. In other words, structuralists cannot explain *change* over time as related, except as only a series of cross-sections of the data. The event of deconstruction emerges with its past intact as "always already" there, that is it is not something new, rather it reassembles from what was unknown to us, from what was always there (Bracken, 2002).

This has implications for our thought as a "de-centering". Derrida is keen to overcome and point out the limitations of a centre, a guiding or overarching principle, a transcendental signified, or a blanket term. In particular he points out that free play loses something of its notion of freedom, because there is a limit that the structure imposes. Only a change in the centre will change the limits. Humans themselves, Derrida argues, are unable to have the purposiveness of the structure and therefore proposes to decenter the centre, that is to have a centre outside of the limits of the structure. "A centre is both a centre and not a centre". While it is outside the structure, it imposes itself as an unforeseen backdrop in the event that fits perfectly the new structure.

The "metaphysics of presence" that was given importance with Heidegger is continued with Derrida, but at the same time disputed. We can see Derrida's own thinking about Western culture on display. He compiles a list of topics that arose as a "first cause", as

orginary in nature as a series of successive appeals that are present to the centre, that have occurred over and over in the history of metaphysics. Derrida lists them out, not in chronological order, but with the development of our culture, as an appeal to an ontological centre, and ends "transcendentality, consciousness, or conscience, God, Man, and so forth." (SSP 280). The Middle Ages were theocentric, where God was the first appeal and Man was a product of God's creativity. Man succeeds God in the list, which arrived with the enlightenment, the dethroning of God as the supreme source in Western culture, that became anthropocentric, where man invented God, the inversion of theocentricity. Therefore human consciousness derives everything, a new transcendental signified. The list ends with "and so forth", to indicate that the list is not yet complete. For man to be at the centre, history must record that moment. What Derrida seeks though is a new transcendental signified that is beyond the historicity of man, that emerges as an "event". In the event of the lecture, Derrida is making the case, that the structuralist's attempt to overcome man has been replaced with linguistics, or the so called linguistic turn. *"With the advent of structuralism, the world is no longer anthropocentric, it's* linguistic" (Fry, 2012, p. 133).

Within a critical and paradoxical framework, Derrida gives particular attention to the sign, notably about the way we relate to the sign and its role as a governing presence. Rather than the world as a collection of objects that infer their meaning to us, we accept ourselves as not yet beyond the inferred meaning, in which our ego is challenged to give up a governing or originary presence. Structuralism, also concerned with signs, placed the ego at the centre of our understanding of the world. Signs, such as a building, we give in to a virtuality, "that organises things...arbitrarily" (p. 127).

In the move away from structuralism attempted in SSP, Derrida draws attention to thought in spatial and temporal moments as virtual and derived, rather than literally given. That moment is termed an "event" at the opening of the essay, and "this event will have the

exterior form of a *redoubling* and a *rupture*" (SSP 278). Derrida points out that structure "has always been neutralized or reduced, and this by a process of giving it a center or referring it to a point of presence, a fixed origin" (SSP 278). In other words, the essay announces the decentering of structure that limits the "*freeplay* of the structure" (SSP 278).

Deconstruction as a thought process has been likened to an "evasive dance" (Fry, 2012, p. 125), where a distinct position is not to be settled by an idea that is governed by a transcendental signified. The prose style of Derrida's writing for instance is intentionally difficult to read, in the attempt to be evasive and avoid settling on a derivation of a particular and defined concept, the grounds where our thought has its origin. The word deconstruction can be taken as an acceptance of the deconstruction of our thought as derived from a definite concept.

The final section from *Structure, Sign and Play* is a summary and reflection on the critique of the structurality of Levi-Strauss and reads:

> Here there is a sort of question, call it historical, of which we are only glimpsing today the conception, the formation, the gestation, the labor. I employ these words, I admit, with a glance toward the business of childbearing-but also with a glance toward those who, in a company from which I do not exclude myself, turn their eyes away in the face of the as yet unnameable which is proclaiming itself and which can do so, as is necessary whenever a birth is in the offing, only under the species of the non-species, in the formless, mute, infant, and terrifying form of monstrosity. (SSP 294)

To a large degree the lecture is in agreement with Levi-Strauss. As a binary pair, it is not to be known which came first. (Derrida shuns the label post-structuralism applied to his work). A prominent feature of the passage is Derrida's comment on the relationship between nature and language. Previously Derrida had been in agreement with Levi-Strauss when he cites his introduction to Marcel Mauss commenting on language, that language could have come about "at once...Whatever may have been the moment and the circumstances of its

appearance in the scale of animal life, language could only have been born in one fell swoop" (SSP 255). Levi-Strauss is celebrating the instance of language, complete as a semiotic system, coming about in this instance. A moment ago there was no language. There is not a suggestion that it gradually emerged, or that a system arose through trial and error. By extension Levi-Strauss wants to confer meaning on everything at once, as if by rupture. Derrida does not disagree with that, and is interested in meaning coming about as a rupture. However, for meaning to be conferred at once, suggests once again, that man gives meaning through language, and before language there was no meaning. At the origin of culture (as arising from nature), the ethnographer has themselves to blame at the origin of culture which arises as a sense of nostalgia lost for nature. Such a nostalgia arises from the very research of ethnographers who seek to overcome the vagaries of thought. *The Savage Mind* was an ambitious book by Levi-Strauss, that seeks to tame the mind through culture, but as Derrida points out, ends up bringing that very concept into being as a monstrosity. That is the same criticism that Derrida makes towards Mauss, who also seeks to order up the thought of indigenous people in his explication of the gift.

One of the features of deconstruction appears with the way binaries are often presented in Derrida as a reversal of their priority. The lower or more generalised term appears to be given more priority than the higher or more specialised term of the pair, that in the emergence of things from one state to another, there is an admittance that from the pairs of terms, we cannot tell which came first, but really neither term in the pair can be done away with. Such a move is commonly found in philosophy, for example Hegelian dialectic, that holds that from a dialogue between a thesis and its antithesis, the two can be reconciled to form a synthesis or new proposition. Derrida makes the distinction between writing and speech. It should not be taken that speech precedes writing for instance. In considering the origins of speech and writing, Derrida wants to make the point in *Of Grammatology* that

writing did not arrive to reproduce or transcribe what was spoken. They are distinct phenomena that have a specific and interrelated trajectory. Difference is another instance of Derrida avoiding the priority of terms in their origin. Différance with an *a* and difference with an *e* are indistinguishable when spoken. Only when différance with an *a* is written down does the double meaning arise as deferral.

**A deferral of the signified/signifier binary in language**

The reference to Saussure, who famously engaged with the signification of the sign in language, is the departure for Derrida towards a new science. The basis of that science, semiotics for Saussure, was the signified and the signifier taken together in a relation or pairing of the two. Derrida seeks to overcome binarisms of the relation, between the concept (what is signified or "the signified") and how it is represented in sound (the signifier). Derrida reframes and deconstructs the relation between these, not as the relation between an object and a word, but as two terms taken as one event. If we take the word "cat", in quotation marks, then the concept "cat" is called up. If we take away the quotation marks, then we have no concept, just the word. This is referred by Jakobson as metalingual, in the sense, that we give meaning to the now familiar sign. But it also suggests that the word cat is another word for the concept of cat, a soft furry animal.  Taken as one event, the sound is more important than the concept of the sound, that is the *signifier* is related to the signified. When taken as one event, it triggers by associations another signifier, which then triggers another and another. Taken as a series of events over time, it has been referred to as "*the chain of the signifier*" by deconstruction. When taken together, the links do not appear in an organised pattern, but as a series of self-initiated events that inhere, or contain, something of the previous one. The pattern is never linear, but are associated within the temporal field from which they arose, unfolding over time. This helps explain the writing of Derrida as a series or

stream of significations. As already mentioned, the effort required to make sense again of Derrida's writing is itself a consciousness or work that is *supplementary* to his work. A supplement is something that either completes something that is not yet complete, or adds something that is already complete. So for instance, the work of reading another's text involves something supplementary to the meaning contained in the words. The task of reading involves both the existing arrangement of ideas, with the meaning that is taken as one event. Thought is supplementary to the existing meaning in the sense of a thought that completes what appears incomplete, or takes something away that is in excess to the existing idea. That would be an effort common to all readers. In the case of Derrida, what is more important is the way we accept that supplementarity as *différance*.

## Difference and Différance

The section draws on an essay that is simply titled *Différance (1968)* cited from *Margins of Philosophy* (MP) (Derrida, 1982, pp. 1-27) that appear two years after *Structure, Sign and Play (1966)*, as a sequel that adds and expands the capacity of deconstruction to defer towards the other. *Différance* is one of the tools that is available for the "play" of signification that de-centres or brings into dispute the centre of structure. Difference in "play" begins to lift the binary choices under examination out of the structure to which they are bound, to accept the heterogeneity of terms as an impossible difference.

Derrida's work challenges the binary nature of choice-making and decision-taking that characterises metaphysical ethics. It was usual of Derrida to take ordinary ideas of the community, hospitality, and the gift as examples of everyday occurrences, and place the ideas of metaphysics under their examination. Preparing to gift to others means working and thinking on behalf of the receiver. Questions such as will the gift be accepted as good enough by the receiver? have to be answered. The gain in "morality" in preparing something more

than is expected may offset the cost incurred from preparing that gift, and therefore not proceed. On receiving the gift, the receiver is now indebted to reciprocate not only in terms of what they have been given, but also the social construct of what is acceptable to have received. It may be that they have to live with the obligation of owing something in return until an appropriate time presents itself. There is then the paradox in deconstruction that "the giver is the one who receives, and the recipient...winds up in debt" (Gutting, 2001, p. 310). Such paradox begins to lift the response of gift out of the logic of an economy of simple exchange, and assign it to the play of differ*a*nce, difference as play, as an impossible difference.

The essay begins with what might appear with an interruption, as if there had been ideas already spoken and undertaken, a narrative device termed *medias res*. That is a deliberate ploy to emphasise the archiving of knowledge as a metaphysical tradition, that has logocentrism at its origins. The archive of the opening sentence is of course nowhere to be found as a disputation with metaphysics which through reason accounts for everything. It is therefore unreasonable to begin like this. Derrida is wanting to get us to think differently, to escape out of the binary oppositions that metaphysics has privileged, such as speech/writing, light/dark, presence/absence. He wishes to correct the under-privileging of one term for the other, and introduces a new term, the neologism difference/différance, where *a* is introduced to the conventional French word of difference. The choice of an *a* brings the associations of the initial letter of the alphabet, the arche of pyramid, as alpha, as origin, as killing the king as a transcendental signified ("...God, man and so forth"), a meaning that can only be picked up if it is written. Because the words are identical when spoken, their meaning cannot be recognised until they are written down. Those modes do not register in speech. Derrida though insists that *différance* while being a word, is not a concept, and that while being a concept, is not a word, placing it outside of all metaphysical systems. Instead, Derrida is

trying to refer to *différance* as what makes words or concepts possible, what lies outside of metaphysics. "*...différance is not*, does not exist, is not a present being *(on)* in any form" (MP 4). In other words "it derives from no category of being, whether present or absent" (MP 4). Instead Derrida wishes *différance* to reference the play of giving possibility for conceptualisation to occur. In doing so, he is not wanting to overcome or negate the metaphysical tradition of presence, but rather untie and twist out of the tradition of presence as absolute. The binary of voice/writing is also addressed. Writing for example, can give many different kinds of voice, that speaking cannot give, just as speaking the *a* in *différance* is inaudible and leaves the binary unresolved.

The next section of the essay seeks to define *différance*, which is neither a word nor a concept, again a narrative device, but appears as a *trace* of a word and concept as the reader engages with the text (explained below). Derrida places *différance* therefore outside all metaphysical systems that makes our words and concepts possible. Indeed it is the reference to the play of differences within the system which allow thought in deconstruction. To make that point he refers again to the theory of the linguistic system of signs of Saussure, who holds that the relation between the signifier and the signified is arbitrary and negotiable. The signifier is a word, an acoustic image, that other languages can substitute for that "sound image". The signified is the concept that the acoustic sound refers to. The system of signs according to Saussure takes on their meaning by differentiating from other signs. The arbitrary negotiation of the meaning is formed from the play or interaction of those differences between words. "The first consequence to be drawn from this is that the signified concept is never present in and of itself, in a sufficient presence in and of itself. Essentially and lawfully, every concept is inscribed in a chain or in a system within which it refers to the other, to other concepts, by means of a systematic play of differences" (MP 11). Derrida is interested in what comes before the system, what allows us to conceptualise in this way, as a

system of differences that lays out its signs as arbitrary and unrelated, but spatial nonetheless. *Différance* therefore is a term acting as a metaconcept outside the system to conceptualise meaning as meant. It does this in two specific ways, temporally and spatially. Temporally, *différance* introduces the notion of deferral, "to take recourse consciously or unconsciously, in the temporal and temporizing mediation of a detour that suspends the accomplishment or fulfilment of "desire" or "will", and equally affects this suspension in a mode that annuls or tempers its own effect" (MP 8). The example of delaying gratification in the Freudian sense is cited. The second more common meaning of *différance* is "to not be identical, to be other, discernible, etc," (to differ) and spatially distinct in the sense that to perceive a difference means that terms are different. The binary nature of metaphysics with *différance* that lies outside the metaphysical system questions and critiques those binarisms as different. The way we think about those binarisms is brought into question through the process of both deferral and their difference.

A sign can therefore be understood as a critique of deconstruction, one that is perpetually generating signification. That process does not stand still, but is neither self-sufficient nor independent. Successive signs carry forward a contamination of previous signs, which Derrida terms the *trace* of the sign. Trace promotes thinking in the sense that what has spilt into the next sign, must generate something more as a promotion for signification. Each signifier within the system of *différance* is made up of other signifiers, that are both different, or other and it defers its meaning to other signifiers. So in the unresolved debate of nature versus culture, nature defers to culture, and in this way bear a trace of each other. The trace is not available to conceptual opposition and therefore can be understood as a stream of consciousness, as moment in the movement or flow of time.

Derrida wanted to put into question the sense of a full spatial presence inferred by our thought as having everything at once in systematic order, and ultimately the whole system of

signification, not just a word or two. If our thought is derived from the temporal nature of experience, that has been derived through causality, then to infer that thought as a fact that has been caused by experience, needs to be put under erasure (*sous rature*, a term that arose with Heidegger), and is indicated as a word with a strikethrough. That should not be taken as a dismissal of a system, but rather that it is "inadequate yet necessary". We cannot do without structure with some sort of inference of a vertical axis or thought, but it is always tenuous, dubious and ephemeral (Fry, 2012). Derrida's focus therefore is about the detection of the difference of perspective within the system that identifies itself that permits a questioning of that identity (Bracken, 2002).

**A social conscience for the gift**

The thesis aims to provide a sound ethical basis for critic and conscience, and has adopted the ethics of deconstruction as a means to achieve that. The chapter has set out some prominent instances of deconstruction that provided the basis of the field established by Derrida's work. The main themes are to overcome metaphysics, a unified view of the world, that results in critique as paradoxical. His ideal ethical act as presented in *The Gift of Death* is the "gratuitous giving of one's life for another" (Johnstone, 2004, p.1), in other words the self-other relationship is given priority over the traditional subject-object relationship.

We have shown that Derrida accepts the Western metaphysical outlook, a tradition that "prioritises being, substance, sameness, and permanence across time or presence, and so absorb all difference into sameness. These forms of thought...impose unity on plurality and stasis on change, thus wrapping everything and everyone in a static totality. In short, metaphysics excludes the "other". This exclusion is...characterised as a form of oppression or even of violence" (Johnstone, 2004, p. 2).

Derrida went further in his programme of deconstruction towards an ethical turn that represented the "other" as those "others" who are marginalised and excluded by the prevailing and dominating social and political forces. These forces Derrida strongly locates within the metaphysical tradition that legitimates their oppression. The deconstruction of ethics as its reconstruction, therefore acts on those ethics that seek permanent, principled norms, found in the rationalist ethic of the Enlightenment. Johnstone (2004) offers a critique of Derrida's ethic of deconstruction, whose main modality is "Gift", which cannot proceed by the dominant metaphysics, and instead takes up the criteria from an analysis of Oliver Davies "in which we may consider *being* as the medium between the self and other" (p. 4), and details four types of ontology. Adopting the second type, Johnstone proceeds to critique Derrida's "Gift" and considers being itself as a gift originally from God. "Being, so understood, is inherently relational, and the relationship itself is personal in origin. Thus, in this way of thinking, the self and the other, which both receive the gift of being, are inextricably related to each other, in receiving, with their being, the capacity to give to others" (p 4).

The thesis takes the position therefore that the second refinement of a definition is a close and related partner to the first definition of deconstruction. The gift that Derrida has attempted is elucidated from deconstruction, is unavailable through metaphysics. It is intended to bring into view those who are forgotten, as tens of thousands of children die, while nations carry on with a policy of exclusion. "It is a major concern of the philosophers of Gift, to construct an ethic which transcends the commercial "economy" which they see as dominating our contemporary culture and excluding others" (Johnstone, 2004, p. 3).

There is a rejection of the notion of gift as a functional exchange of transfer, that reworks and brings out the unconditionality of gift, that is always present and available as a transcendence. The main ethical effort of excluding such an economic and functional notion

of exchange is that it excludes other people. At best it is a new kind of ethic, that Derrida is searching for, and showing a willingness for an openness for the incoming of the Other. The meaning of responsibility taken to extreme in death, is a giving of oneself in self-sacrifice, but intended by Derrida to be speaking to the present moment as a simulacrum.

The emphasis on the "Gift" as a self-sacrifice for the other, is doubly emphasised in seeking to eliminate the need for reciprocity as physical, material exchange. The ontological reason is that such a functional system as a system of thought excludes others, excludes other ways of thinking. The ethical demand of an exchange as an economic system that we have today excludes other people and avoids difference. Derrida suggests that to overcome those shortcomings we need to give one's life in sacrifice for the other as one's highest calling, or ideal ethical act.

As is consistent with deconstruction, as soon as the horizon comes into view, its meaning disappears from view. Derrida states that the gift is impossible. "As soon as a gift is identified as a gift, with the meaning of a gift, then it is cancelled as a gift. It is reintroduced into the circle of exchange and destroyed as a gift" (Caputo & Scanlon, 1999, p. 59). The concept of the "Gift" is unthinkable in the sense that it is not contained by metaphysics, but resides outside the limits of thought as forever unattainable. While impossible to achieve, we should not give up attempting something, which may involve something beyond the range of present metaphysics. It is therefore still thinkable to, but impossible from, the nature of the present structure of human thought and action to bring about. Once again, the deconstruction project set by Derrida draws attention to the dominant conceptual frameworks without denying them, and seeks to enable new thought and action to arise from beyond the frameworks. The "impossibility" of the gift is cast in such a way as to attract us to overcome those structures.

Derrida is clear about how to do that. We are trapped between the dominant metaphysics that excludes others, and the impossibility of the pure "Gift". As was noted in the previous chapter, the gift is conceived as a gift without the expectation of a reward, that lifts it out of the economy of exchange. The gift needs to be placed beyond the system of exchange to remain open to the Other. There is no need for a reward from the receiver if the gift is to be truly free. While that is actually now a conscious act, there is still the question if the purity of that gift has been achieved. Only when the giver gives his life for the other, can we enter into a belief that the gift was pure.

In a paper that carefully combines the philosophy of the gift with theology, Johnstone (2004) seeks to find a firmer ethical grasp for the ethics of the Gift. He is interested in developing a moral theory that has the "Gift" as its basis. Accurately and from a detailed critique of the particular type of givenness, Johnstone finds difficulty with Derrida's scheme can be answered with theology. It is beyond the scope of the thesis to deal with the theological aspects of Derrida's work, except to note the commitment he makes to God. Such "openness to the Other" has been carefully considered by Johnstone as a point of departure to highlight that Derrida is unable to overcome "the problem of the separated subject" (p. 7). Those limitations are reported by Millbank (1999), who notes that their idea of the Gift that belong with Derrida and Marion has not succeed in freeing themselves from a "separate" notion of the subject. This is a criticism that is commonly associated with Derrida and his work, which can tentatively be overcome with replying that his philosophical work is at a limit that demonstrates the finite possibilities of a totalising system of philosophy that can never be overcome. It leads Johnstone (2004) to conclude that there is a reliance on "a highly individualistic ethics grounded in a secret encounter with the "other" as "absolute me" "(p. 11), which is reinforced for Johnstone as a "priority to the gratuitous gift of one's life for another…as the utmost expression of autonomy" (p. 11).

Such criticism while worthy of note is not prepared to remain within the paradox. Derrida allows us to "see" in a different way, seeing things in their wholeness. It requires us to take responsibility for ways of relating to things instead of meeting perfection, or necessary requirements. Such acceptance includes both the good and the bad sides of everything, which for Derrida is to include death, which paradoxically is the opposite of life. For Derrida though that openness to the Other means that my life is not about me, indeed Derrida engaged in a great deal of public attention on causes that highlight injustice. When we are not open to the 'Other' we are insecure, fragile and inept, which leads to a violent restlessness and hatefulness. Derrida wants to encourage us towards the illusion of separateness, where we are as ourselves permeable to the constant flow of life in both directions.

Derrida's work is a work of healing, of taking down the barriers for accepting hurt, betrayal and disappointment in life, a theme taken up again in Chapter 7. Deconstruction offers a means to "heal" such wrong as a means for seeing and grasping things better, to undo distorted worldviews that come from being blind. There is too much emphasis placed on a self-sanctioned view which comes from an obsession with the way we exist with each other. Such a position is a self-centred view that prevents a view of the centre that is clear, an openness. There needs to be a givenness that gives up control of a persistent sadness or loss. It is only from our sense of powerlessness and humility that we can learn to see things as they really are, not just as we want them to be. Chapter 7 discuss forgiveness of the unforgivable, a further type of givenness that address the melancholy, a type of regret for the past. Before turning to that, the following chapter will identify such a condition from the critic and conscience of deconstruction.

**Feminism: A limitation of deconstruction**

An important criticism of deconstruction is found from feminist theory. Thinkers such as Kristeva, Irigaray, and others share the concerns of Derrida, namely giving deeper consideration to logocentrism. What feminist theory found in deconstruction is an ambivalence from Derrida towards women that at first is difficult to detect. Feminist theory is critical of deconstruction that declines to take a preferential option for women and asks: where does Derrida allow women to take their responsibility as irrevocably other and different?

The response to responsibility by Derrida towards the ethics of deconstruction has relied on thinking from Abrahamic faiths that have developed in broadly patriarchal contexts. Gender studies that gives rise to feminism was denounced by Derrida. In reply to a provocation from Peggy Kamuf over the use of a quotation from Francis Ponge's poem, *Fable*, that reads: AFTER seven years of misfortune/ She broke her mirror, Derrida states:

> That complicates a great deal the questions of woman and feminism. Under the heading of this unmasterable complication, I come to what you call "the deconstruction of feminism in America." Continuing to proceed by summary and crude statements, I would say that for me deconstruction is certainly not feminist. At least as I have tried to practice it, I believe it naturally supposes a radical deconstruction of phallogocentrism, and certainly an absolutely other and new interest in women's questions. But if there is one thing it must not come to, it's feminism. So I would say that deconstruction is deconstruction of feminism, from the start, insofar as feminism is a form - no doubt necessary at a certain moment - but a form of phallogocentrism among others. (Creech et al., 1985, p. 29–30)

In *The Gift of Death*, that indifference towards women is evident, when Derrida cites a passage from Matthew 5:28 that states, "Ye have heard that it was said by them of old time, Thou shalt not commit adultery: But I say unto you, That whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart" (GD 101). For men to gaze towards women with lust is to have already committed adultery in his heart, something

men do to women. *Phallogocentrism* is a term that Derrida employed to locate the traits of masculinity with men for instance, as signaling or signposting a site for deconstruction. In using that term, he is wanting to address the superiority that is given to "masculine" traits over "feminine" traits and wishes to encourage through deconstruction a new possibility for men in their relation with women. Irigaray (Whitford, 1991) is also interested in valuing the difference between men and women "whereby Western thought has excluded the "others" (prototypically women) that correspond to the devalued terms of its asymmetrical dichotomies" (p. 350). Irigaray (Whitford, 1991) has concerns with the consideration that deconstruction gives to women as women, the representation of their mind taken up in a male world. Deconstruction does not allow women to take their responsibility as irrevocably other or different. More deeply, feminism is more interested in asking who is our neighbour? To who do we choose to be neighbour to? Derrida is unable to answer that question because his idea emphasises the secret of our decisions as well as God. Derrida sees no need for feminism, or a priority to be made for the perspective of women. Derrida's response to responsibility appears unable to forgo his perspective on behalf of women as feminine. Deconstruction does not allow women to take their responsibility as irrevocably other or different. That observation needs to be placed within the context of the ongoing debate and reception of Derrida's work.

**Conclusion**

The chapter locates critic and conscience as a gift of deconstruction from the unconditionality of academic freedom from the deferral or delay in settling critic and conscience as deconstruction, that is, as something 'other' to deconstruction. That practice will be a theme that will be explored in the following chapter from the practice of Derrida as

a scholar. The practice is to defer the possibility, as an openness or freedom to the other, that shows deconstruction as responsible to critic and conscience in academic freedom.

The chapter draws on instances of deconstruction as critic and conscience that show it as gifted through instances of deferral to the other. Derrida's own reluctance to adopt the term deconstruction is one, but also its definition of openness that takes its *position* or origin from a term that is inferior to others, appears to support the responsibility for the 'other' from Mt Moriah as Derrida would claim. That is further explored in early works used by Derrida to elucidate deconstruction as 'other' to structuralism. It presents the 'other' as other, critical to the inferiority of being conscience. Every thought is to consider those marginalised or excluded, but also that a new thought would further the prevailing social and political forces unconscious to its effect. Structures of oppression, including new thought, cannot remain unconscious as a responsible practice.

The chapter has opened deconstruction towards critic and conscience from its component parts as a gift from deconstruction. The social conscience university is well placed to support thought of scholars as a responsible practice. Irresponsible to its presence, the university of social conscience is to become gradually more present and conscious of its inferiority out of deferral to the other, a reversal of the current position. The following chapter expands on that idea as a practice for scholars.

# CHAPTER SIX

## Mastery and significance

**Introduction**

The following two chapters draws further on the theoretical understanding developed

by Jacques Derrida to the analysis of the tertiary sector previously presented. In general

tertiary education policy is dealing with an environment of continuous reform in readiness for

optimal market conditions, a paradigm that Derrida's theoretical outlook of the gift without

reward challenges as an economy of exchange that is worthy of attention.

The thesis is seeking to offer an alternative paradigm of exchange. The idea of

openness towards the Other has been likened by Derrida through his use of Kierkegaard's

*Fear and Trembling* as standing unconditionally in the absence of the master. The problem of

getting out from behind the master, or taking up a role that is unconditional and exposed has

been modelled by Derrida himself. That process of taking up a role is to be considered as a

type of 'leadership' in the sense of modeling and exhibiting thought that is unconscious to

itself. That process is initially addressed in the chapter as an artistry, before drawing on the

way Derrida demonstrates the vulnerability and openness of the university in its attempt to

come out from behind the wholly Other. The chapter considers the important work of

addressing a recent review of the university undertaken by central government in New

Zealand, as an attempt at the importance to scholars of showing vulnerability to the very

object that is under examination, namely, their academy.

Those ideas of vulnerability in higher education are prominent in an address Derrida

gave to Columbia University at the opening of their graduate school in 1980 and will be

examined to highlight the possibilities by scholars for openness and unconditionality

previously called for in the university. Implications for the way the nation state influences the

freedom of scholarship through the policy settings of the sector will be examined from citing a recent example of a review of the tertiary sector in New Zealand by the Productivity Commission. Conclusions will be drawn between the way Derrida deals with mastery of philosophy and the playfulness of response from a high-level review of the tertiary sector. The thesis is committed to the playfulness of ideas as modelled through deconstruction as an important avenue for scholars to deal with the acceptance of a tertiary policy environment constantly under scrutiny.

**Thought leadership and mastery**

Drezner (2017) identifies the rise of the thought leader, a term he assigns to encompass those who "develop their own singular lens to explain the world, and then proselytize that world view to anyone within earshot" (p. 9). In his work to examine the "ideas industry", Drezner (2017) contrasts that with the more established term "public intellectual", which shares some characteristics with thought leadership. The theme of bringing ideas out into the public realm is returned to in the next chapter, where disclosure is considered more carefully. For now, the importance of mastery over self, viewed as inherent to learning, is contrasted with making ideas available.

Interventions by thought leaders are characterised by a moral ambiguity, an abeyance of their responsibility for themselves and those around them. They are most interested in the promotion of their big idea. It is most keenly seen when leaders lend themselves to new causes. Drezner (2017) highlights the facile thinking of thought leaders when he cites "a big idea" from a Thomas Friedman book, *The World is Flat* (2005), a work that seeks to examine globalisation, as "to thrive in the global economy one needs to be 'special', a unique brand like Michael Jordan…. Friedman is hyperconscious about his own brand; he will tell other writers if they fail to ascribe the provenance of Friedman's neologisms to Friedman" (p. 183).

The criticism is not that they have something to offer that is well-worked out and established as successful, more that their gift is lost to the inherent self-referencing that comes across as a hedonism or thrill. While some leaders might suffer from remaining relevant through the specialisation that their vocation demands, there are many attempts, usually philanthropic and benevolent, that allow a reworking of their narrative. While the efforts of philanthropy have been located at the origins of that 19th century benevolence, the attempts at leadership today are misguided, and arise mainly as a form of protection and commitment to the same, and consequently their efforts fall short in making a difference. We require a better platform especially in tertiary education as mastery for leadership.

We are living today with an abundance of financial wealth. Piketty (2014) points to living through a second "gilded age", a reference to wealth that masks real social problems. The term "gilded age" was initially applied to an era of rapid economic growth in America, that attracted expansion of extremes of wealth, and comes from the title of a Mark Twain novel, of the 1890s, The Gilded Age: A Tale of Today, in which serious social problems are satirised from the gilding of wealth. Piketty (2014) observes a second "gilded age" in America, running roughly from 1980 to the present day, where extremes of wealth inequality are again gilding the real impoverishment that some people experience.

Neoliberal reform over the last 20–30 years in Western countries asserted that the free market is to be the supreme arbiter, and that the economy is managed with technocratic expertise. Neoliberal thought is indifferent to the effect of wealth. That has produced a flow of capital away from the oversight of public interests towards private interests, where decisions of the free markets are more available. Discussions of the redistribution of wealth are seen as enabling for the sort of insight that gathers private wealth, a reinforcing effect for the ideas most sought. Drezner (2017) identifies that universities are no less immune from

this effect, where the availability of wealth at American universities can be linked to the hollowing out of thought.

There are many examples of philanthropic causes that benefit wide sections of society that seek to right the imbalance of the distribution of the market. In recent years, access to housing has been a prominent failure of the market to provide basic shelter and habitation for people. Politicians currently recognise that we have the public/private balance about right, and the need for effective political intervention is difficult to conceive. Drezner (2017) notes the capture of public thought by the superrich in the United States through their philanthropy of public institutions. Where previously intellectual institutions, such as universities and think tanks, had a function in democracy, today the production of knowledge is given over to the influence of billionaires seeking their ideas to be put into play. The same concern of the conformity of thought within the academy was previously made by Bertrand Russell in "British and American Nationalism" (in 1945), as cited by Irvine (1996), whose concern was centred on the influence of the appointments of businessmen to boards of trustees selected for their administrative duties.

Such conceptions of democratic society that lay inadequate before politicians as a result of the meaningful destruction of the good are to be seen as part of the cost of what could have been better, had leadership been more prominent. Such sponsoring of an intervention from leaders seems to only reinforce their immediate application to another cause. It is only in hindsight that such claims can be made, that encourage more resources. There are many examples of philanthropic work that either continue from past projects in hindsight, or have arisen from a new look at what is coming up. Both are invaluable. The thesis is attempting to convey the attention that those projects attract as paradigmatic and offer an alternative paradigm for responsible leadership for thought. Leadership of conscience must ultimately come from inside the project as an entity or awareness that it desires, rather

than imposed onto it. Such awareness of the other, of what is different, is a consideration of the other that is worthwhile.

The thesis argues that morality or what we consider worthwhile is made in consideration of the other, as a social conscience. Many are very comfortable however to see thought leadership as indifferent to what is most needed for the other. According to Drezner (2017) that claim is found with practitioners of thought leadership themselves, and is characterised as a singularity to the self, who acquired their art in commerce through suffering and sacrifice, grit and determination, and who defer to a master who can already command attention from others. Such a framework is understandable if we consider the accompanying narrative that only the greatest art will prevail through suffering and sacrifice. The upholding of such an art or success is to be ultimately decided by the audience. The generalising of great leadership to benevolent causes brings the same characteristics of a singularity of the self, or prevailing under duress. Questions of the worthiness of such an ambiguity are quickly brought into relief, when we consider the difference being sought through benevolent charity. The chapter argues that such ambiguity is an abeyance of the qualities that leave us as human, and distort to disguise the characteristics of what it means to be human. We cannot but help make a difference for others in our frailty and ephemerality that forgoes the need for supremacy.

Sessions (2017) extends the work of Drezner to consider the thought leader as an organic intellectual that Gramsci wrote about in the 1930s, an influential role that "gives the emerging class "an awareness of its own function" in society...The purpose of the thought leader is to mirror, systematize, and popularize the delusions of the superrich" (Sessions, 2017, p. 8). While the thesis considers the effect of the systematization and populism of thought, direct evidence of the influence of the superrich has not been found in New Zealand. The pattern of self-affirmation as a characteristic of domination is of interest. The opportunity

from Gramsci to consider those emerging in working-class conditions and "to express their vision of society and organise it into action" (Sessions, 2017) is relevant. Gramsci envisioned thinkers emerging from a common experience as a struggle in itself to express and convey meaning, where such concerted and organised action organically comes to reshape the existing structures with new meaning.

There are implications for leadership as an avenue for mastery. Mastery conjures up far more than the mere providence of leadership. With cultural mastery comes a symbol, standing for something, an ability to take one's place in the world as significant and recognisable. As with all forms of mastery and leadership, that is being questioned and has come under threat. No longer is cultural elitism as valued or rewarded as it was in the past. Such personal sacrifice while endured as a student, is further forgone as an ultimate reward of moral standing. There appears to be a dwindling audience to fulfil the personal desire most sought to be authentic. Instead, the pursuit of such self-mastery itself is called into question and found to be wanting and wayward. The decline of cultural artifice that is wilfully playful as a production element in education is therefore under scrutiny.

With the help of Derrida, one place to look for answers is to examine the responsibility of academic freedom that is as valued as a means towards mastery, reserved for the ultimate and most prized student to receive. The next section of the thesis begins with the mastery that Derrida himself attempted over his own project.

**The artistry or acceptance of deconstruction**

Derrida has been described as an assiduous reader of philosophy (Gutting, 2001) and, as a gift, undertakes the treatment and close scrutiny of traditional philosophical works. Through being provocative, Derrida endured great public scrutiny of his reading of philosophy, more than his contemporaries. While the reception to his texts is very divisive, it

also remains the lure and charm of his work. His texts have been characterised as "playing with language through puns, bizarre associations, or perverse self-referentiality" (Gutting, 2001, p. 291).

The finest philosophers are those that raise questions and that demand answers that are unavailable. Derrida gives an assiduous reading of philosophy that seeks to extend the tradition of philosophy. There is difficulty in approaching Derrida, not least that he is discussing the most difficult thinkers, "generally at a very high level of sophistication" (p. 290). His writing is frequently disarming, frustrating and for many unrewarding.

By breaching limitations of thought, the capacity and capability of philosophy is increased. When there are rules and structure in play, we are forced into new imaginations, new ways of thinking. By rejecting many of the conventional and rudimentary elements of philosophy, the philosophy of deconstruction can reach a different kind of freedom. The reason why Derrida is accepted as a philosopher of deconstruction is because all these elements are supplementary to what is missing from his philosophy, to what most needs to be said. Frequently he opens a work as if it were interrupting an existing conversation, as an acceptance of what has been said, but not yet spoken about. Derrida sets about to reinvent or supplement that conversation which seeks to rescue any inadequacy or deficiency.

The rules of the game or what gives significance to us, are vital and clearly give life. But we are all called, uniquely in response to those rules, as humans set to give meaning and purpose, which then come to impinge on us as a limitation. Our response therefore is a self-sacrifice, at best, to meet the demands of our real selves from within the approximate structures around us. In our daily lives there are many instances of being challenged by the limits of the world in our relationship with others. It is an extremely ordinary fact of life, as openly displayed in the documentary film (Ziering Kofman, 2002) of Derrida's own life.

Derrida spends a great deal of effort, not just breaking down the anatomy of philosophy, but developing his concept of *différance*, which as a tool, enables new possibilities from the structure to arise. In his revision of philosophy, Derrida is attempting to rebuild a philosophy as if those rules never existed, without denying that they do exist. Overlooking too quickly that separation between the rules and new possibility towards "freedom" frequently attracts criticism of deconstruction as overly opportunistic and irrelevant (Roth, 2004). Any philosophical thought that has been commented on by Derrida, will emerge with preconceived notions.

Derrida adopts very unusual forms of writing philosophy that unpick the anatomy of philosophy through peculiar fusions or hybrids of genres, to break down the fundamentals of making philosophy to rebuild as if those rules never existed. In the deconstruction of philosophy, Derrida not only examines the plight of various forms of philosophy, but also searches amid the rubble of the fundamentals of philosophy for solutions to the enigma or quirk of philosophy itself. Derrida's refusal to conform to the conventions of doing philosophy, ironically produces the unreality of philosophy. His trademark is to shatter the illusion of philosophy as complete. What is more important than his philosophy or another theory, is that it speaks to philosophers as humans. He does this through his choice of scholars, such as Heidegger, Kant, Marion, and many others who have all presented very convincing accounts of being human. But his narrative is perhaps a journey to the nature of the human heart, yearning for humanity to give more from philosophy.

A feature of his work is to take very human concepts such as community, hospitality, gift that all connect with an understanding of being human in relation with other people, and place them under the scrutiny of traditional philosophy, metaphysics, to reveal through deconstruction these concepts as internally incoherent. The exploration of these themes that Derrida undertakes is intended to reach us as a transmutation of those themes from within the

breadth of humanity. To make such an extravagant claim on our behalf, it is important that

they are delivered through his own awareness of the limitations of philosophy. It is better to

acknowledge philosophy as a mere artifice or approximation for the human condition, and

more as a manipulation that we do to ourselves, as a self-alienation in the approximation of

living as being human. Engaging with Derrida's philosophy for instance has been accepted as

a manipulation or obscurantism. Noam Chomsky posted a statement on an online bulletin

board in the mid-1990s, and it is said to be his only extended statement on postmodern

thought. A section on Derrida reads:

> So take Derrida, one of the grand old men. I thought I ought to at least be able to
> understand his Grammatology, so tried to read it. I could make out some of it, for
> example, the critical analysis of classical texts that I knew very well and had written
> about years before. I found the scholarship appalling, based on pathetic misreading;
> and the argument, such as it was, failed to come close to the kinds of standards I've
> been familiar with since virtually childhood. (Oard, 2011)

Frequently Derrida employs a narrative device, termed *medias res,* as if he is

interrupting a conversation already taking place, demolishing and clearing the ground of the

comfort of the audience as if it was a new beginning, caught up in the ambiguity of foresight.

An example of this technique drawn on later in the chapter. Such an immersion for the

audience is the artistry of the deconstruction philosopher easing us into new a mutual

realisation of his themes as human. By dismantling the barrier of the world of philosophy as

foreign or specialised, it attempts to break the stranglehold of the narrative as existing only in

Derrida's story to become our own story.

**Vulnerability of the university**

Many of these characteristics of deconstruction are clearly on display in an address

given by Derrida to Columbia graduate school in 1980, *Mochlos; or, The Conflict of the*

*Faculties* (1992) and appears in *Philosophie 2* (1984, p. 21–53) and in *Logomachia* (Rand (Ed.), 1992) from which quotes are taken. It is a demonstration of the artistry of deconstruction that has been strongly associated with Derrida's work, in this case a means for escaping out from under the weight of responsibility for the university, and celebrating rationality as a vulnerability for new possibility and thought that requires "a new university law" (p. 19). In so doing, it provides an insight into vulnerability or emptying out or openness as a means of accomplishment or mastery in "good conscience" by Derrida that throws off moral ambiguity. These features will be drawn out from a short study of that work.

*Mochlos* (Derrida, 1992b) appears to begin with an interruption to a conversation already taking place, as a gesture towards accepting as a much as possible a centenary celebration as a representation of the university in responsibility. "If we could say *we* (but have I not already said it?) we might perhaps ask ourselves: where are we? And who are we in the university…? *What* do we represent? *Whom* do we represent?" and later "And so I proceed: what represents university responsibility?" (Derrida, 1992b, p. 1). These series of questions attempt to give purpose to the address from a conversation that already exists. Derrida demonstrates an acute willingness to offer responsibility for the university not as a story of his alone, but a narrative that already (or was meant to) exists to give purpose for the story of those gathered.

The escalation towards philosophy begins very soon after, with reference to Immanuel Kant's work *Conflict of the faculties (Der Streit der Fakultäten,* 1798/1992*)*, a small and obscure series of essays that Kant wrote towards the end of his professional life as a philosopher, and overlooked even by scholars familiar with the origins of modern philosophy. Derrida often turned to Kant's writings, which in this instance are a pre-reflection on the modern university that eventuated most prominently with Humboldt's University of Berlin. The philosopher's philosopher, repeatedly referenced at the origin of modern scientific

thought was overlooked, an irresponsibility. The claim of responsibility though must lie within the limitations of the awareness of Kant's thought, if it is to be received with new insight, and Kant's writings gave Derrida a unique position from which to gauge problems and possibilities of the modern university. Further, it will be shown that responsibility, especially for a university, is to be associated with vulnerability and emptying out, an ordinary human condition that is readily experienced by those listening. What is being presented is not something we can rely on as a programme or recipe, but rather as a manipulation away from the adherence to reason towards human responsibility, without of course rejecting or abandoning reason.

Kant's work was dealing with and reflecting on working as a professional philosopher at a very difficult and strenuous time for universities in general. The Prussian government had previously threatened to reduce them to mere technical colleges, a similar situation facing universities today as a responsibility to consider the past, present and future of the university. There was a great deal of shaping and forming of the academic public sphere towards the end of the 18th century. Derrida treated Kant's writings not as an archival record, but rather as uniquely alive to the possibilities facing universities today.

The address is full of unusual forms of writing philosophy. One instance is the question of original thought, extremely important as fundamental to academic freedom, that Derrida "plays" with the originality of Kant's thought. Given that Kant is so strongly confirmed as a philosopher who lies at the origin of scientific thought, it questions the thought of thought itself, the way humans think, a very important role to celebrate at a university.

> And, with his well-known humour, abridging a more labourious and tortuous story, he presents to treat this idea as a find, as a happy-solution that would have passed through the head of a very imaginative person, as the invention, in sum, of a fairly rational device that some ingenious operator would send to the state for a patent. (Derrida, 1992b, p. 1)

Reconciling the idea of Kant's university with confirmation at a patent office, gives a clue as the wider target for responsibility, that philosophy and thought more generally has given itself over to ideas that are most useful to commercialise or receive the state sanction of a potential to the market. Bringing that to the conversation already underway from within the limitations of philosophy is developed later in calling for a new foundation for the university. For now, Kant makes the university as analogous to society as a social system.

What Derrida is attempting to suggest is not the eradication of debate or conflict, but rather the celebration of thought of which Immanuel Kant stands *par excellence*, of the conflict that scholars conduct themselves in debate and discussion within the university that is in need of a *mochlos*, a word from Greek language that refers to a lever or apparatus for a door that seeks to hold open a new possibility for the university from responsibility. "A *mochlos* could be a wooden beam, a lever for displacing a boat, a wedge for opening or closing a door, something, in short, to lean on for forcing and displacing" (Derrida, 1992b, p. 19). Derrida views the work of scholars as requiring a new tool or lever to engage with questions of responsibility for the university.

The paper makes reference to a famous address given by Heidegger upon his appointment as Rector in May 1933, which exemplifies the self-affirmation of the german university, as the final resting place where the university could be considered as a stable reference point for knowledge. At that limit, the university "makes a sudden sign toward the entirely-other of a terrifying nature" (p. 4) such that Heidegger becomes less capable of keeping up with the responsibility of objective knowledge and power. Derrida points out that before responding objectively, comes the need to "respond *to* being, *from* the call of being" (p. 4), as a co-responsibility. Such 'responsibility' is well established for Derrida as relying on the concept of alterity, which he then proceeds to view at the origins of Kant's university as a responsibility.

On autonomy of the university as an academic freedom, Kant is to have the university as best placed to comment on the scholarship of other scholars. When it comes to granting titles, then the university is no longer alone in its authority, but is acting with a freedom beyond itself, beyond "the autonomy of scientific evaluation...absolute or unconditioned" (p. 3), as a political power, "a representation of autonomy" (p. 3).

Derrida recognises a nostalgia or longing that Kant desires in his work with the King of Prussia, to reseek favour with the King, who had just commented that his work (*Religion within in the limits of Mere Reason)* had not found favour, impardonable, literally irresponsible (*unverantwortlich*). Kant was eager for his philosophy of the university to remain responsible to the King and cites the letter at length in the preface. Such an aim for responsibility today, Derrida suggests, is no longer appropriate, especially in the context of responsibility for the university and instead characterises the conversation Derrida is having as a malaise or lapse. "I am asking myself beforehand if we could say 'we' and debate together, in a common language, about the general forms of responsibility in this area. Of this I am not sure, and herein lies a being-ill doubtless more grave than a malady or a crisis" (p. 4). In Derrida's thinking-work then, in responsibility, Derrida is desperate and unprepared for both upholding the idea of university and to keep renewing it without end, his own vulnerability.

> From depths of this uncertainty I still believe in the task of another discourse on university responsibility. Not in the renewal of the contract in its old or barley renovated forms; but since, concerning entirely other forms, I know nothing clear, coherent or decidable, or whether such forms will ever be, or whether the university as such has a future, I continue to believe in the interest of light in this domain - and of a discourse attaining, tomorrow, to the novelty of the problem. (p. 7)

**Academic freedom in the unconditional university**

As an example of the malaise and reticence that scholars face to address the conditions for thought, a recent review by the Productivity Commission (Ministry of Education, 2015) is examined. The review that seeks to align New Zealand universities towards global standards, could be viewed as an attempt to address the twin dilemmas of interconnectivity of a networked society for a public university under the influence of neoliberalism. These dilemmas speak directly to the function of scholarship as trans-national and interconnected across national boundaries. As will be shown, there is a binarism that is set up between the process of review and those under review. The nature of the review therefore stands as a critique of scholarship production in New Zealand. There is a concern that academics are being exploited from a foreshortening of their freedom, and hence their capacity to remain scholars, through managerialism. The section draws on the need for academics to come out from behind the mastery of the public service in the unconditional possibility of academic freedom. The same difficulty has been expressed by Derrida and by Kant no less, that suggests the ephemerality of the university of society. That aside, the imposition of managerialism has rendered scholars in New Zealand misshapen, attempting to hold themselves in academia and tertiary education more generally. In the current search by the Productivity Commission for further models of tertiary education policy, managerial reforms have again been called on to threaten the traditional university. The pursuit of such doctrines introduced in New Zealand since 1988 to make universities more efficient and productive, have failed to support what is most needed, the privilege of the thought of scholars of society.

Ideas outlined in the *Unconditional University* (Derrida, 2001b) (also published as *The University Without Condition*), point to a relief in the pursuit of truth as a verification of academic thought for what might have been. Thoughts of exploitation or truncation of

freedom melt away, when we consider academic thought as hospitable and a comfort to the other, to each other. All scholars are entitled to think and dream in the freedom of the academy for conditions that enable others to think, to think as the other's other. To attempt that as a restoration towards truth is long overdue.

**A review of the issues before the Productivity Commission**

Academics in New Zealand are wrestling with yet another attempt to marginalise through managerialism the freedom to speak and therefore identify, accept, and act in the role of critic and conscience of society. The philosophical idea of deconstruction is most strongly associated with Jacques Derrida as one option among many to return human dignity to the university. The thesis accepts the need to urgently review new models for tertiary education, and at the same time, unconditionally question the constraints of neoliberal ideology as a concern of truth. Such concerns lie at the heart of academic freedom.

The overall picture of managerialism playing a dominant role in attempting to resolve the age-old problem and tension of "New Zealand's unique tertiary policy environment" will be accepted without question. The tertiary education policy environment is made up of tertiary providers and private tertiary providers lumped together, here re-termed a "whole of system perspective". The inquiry covers eight universities, 17 institutes of technology and polytechnics, three wānanga and 244 government-funded private training establishments.

The preparatory paper from the Productivity Commission (New Zealand Productivity Commission, 2017) that lists 78 issues to be considered, "aims to assist individuals and organisations to participate in the inquiry" (p. 2), and notes that the tertiary education sector faces considerable challenges because of "technology changes; increasing tuition costs; a reduction in the number of domestic tertiary students over the next few years and increased competition from Asian universities" (p.3). The review here considers one issue from the

preparatory paper, termed "Bundling of teaching and research in universities" (q. 10, p. 13). As an unconditional gift, the review participates out of disinterest (and perhaps out of helplessness) for such an inquiry, as a vulnerability. As if under the weight of toxicity or sleeplessness, we might instead wake up to an entirely radical and intoxicating model of tertiary education from the review.

**Managerialism inherent to inquiry**

The purpose of the inquiry is outlined in a letter from the Minister of Finance to the chair of the commission Murray Sherwin, engaging him in 2015 with his terms of reference. "The focus of the inquiry will be on how trends, especially in technology, tuition costs, skill demand, demography and internationalisation, may drive changes in business models and delivery models in the tertiary sector" (New Zealand Productivity Commission, 2017, p. iv). The Minister of Tertiary Education, Skills and Employment is considered under the New Zealand Productivity Commission's Act 2010, section 6 and 9, as a referring Minister, but the Minister's office declined to take part in the production of the terms of reference. The context for the inquiry was broadly given as recognising a "dynamic environment" from technology, tuition costs, internationalisation, skills, and demography, all identified as "changing". Such is the limited scope of inquiry into a dynamic environment that we can expect to receive a very sharp focus. It states that at the 2014 Innovations and Delivery Summit, numerous model of provision of tertiary education emerged and that the problem identified was tertiary providers are reluctant to be early adopters of "shifting away from the traditional models". We are reassured though that the TES 2014-19 is "influencing" that change. Indeed it would not be unexpected that the desirables set out in the Tertiary Education Strategy are to be emphasised, accelerated, and acting as a "blueprint" for the sector.

The process of inquiry appears as a politicisation of the Tertiary Education Strategy. A staff member of the commission, not an expert panel, conducts the inquiry. The inquiry director, appears to be experienced in tertiary education, government policy and running commission inquiries. These types of government inquiry are run as a collective work in the sector, that every step of the process is open, inviting a range of consultation in setting the terms of reference, the historical context, issues to be consulted on. As in other government inquiries of this type, the director identifies stakeholders in the process from their submissions and response at the reference setting phase, perhaps even at the summit. Those stakeholders are then "consulted on" from their submissions, and the final report prepared (New Zealand Productivity Commission, 2017).

There is no crisis here that requires an immediate intervention, but rather it paints the impression of a government intervention that seeks a mandate as a work unfolding from within the sector, as an amelioration of the turmoil that it has provoked. Productivity is only one theme of the tertiary education strategy, which would scarcely cover a full conceptualization of the sector. Such a narrow focus for review may attract the processes of careful management to optimise the outcome.

**Problematising the inquiry**

The freedom therefore to comment and be heard at the inquiry is largely determined by one's involvement and the perspective offered to the inquiry. Such codification of how one identifies and is identified in the inquiry is well established through the discursive process of discussion disguised as managerialism. Established scholarship, conference themes, or other past attempts at thinking of models of tertiary education are all to be set back in return for the immediacy of "consulting" the identifiable stakeholders. The nature and privilege of such conduct by the commission to consult *per se* is not unusual. It appears as an overt attempt to

optimise an agenda through private negotiation with stakeholders into a desired outcome or report for the government, rather than conduct an inquiry in the sense of newness or insight. We can expect to produce something new, but with no new insight or thought more generally into what universities produce. The argument being formed is not against the introduction of new models of tertiary education or that there might be a basis for that intervention from government, but rather the pre-ordained nature of a such an inquiry process as inhospitable to academics, falls short of the sort of freedom associated with higher thought, in particular as critic and conscience of society.

## A contestable issue

As an example of a contest between academic freedom and neoliberal economic reform, the thesis takes one of the issues that the Productivity Commission is asked to address, namely the link between the teaching and research component at universities. The accompanying commentary of the Commission encourages the view that participants should consider universities need no longer employ staff for undergraduate courses that conduct research, and provide research inactive fixed-term teaching-only staff. Indeed it makes sense from an economic productivity point of view that teaching alone has the largest benefit to the economy as repeatedly set out in the *Tertiary Education Strategy 2014-19*. Research as published scholarship is best supported through contestable funding, usually research applied at dedicated research institutions. Universities in other countries such as in the UK, Asia and African countries, as well as some US states and British Columbia are not required to research, and are cited as credible models to follow.

In public discussion, academics have recently highlighted the employment conditions as unreasonable towards research. Gelber (2016) has noted the freedom to speak out as a freedom in areas beyond an academic's immediate area of expertise was attempted to be

redefined as employment misconduct. Although as yet unsecured, the attempt to place restriction on the practice of academics to speak out has a pernicious effect of self-censorship out of a perceived fear that their actions are wrong. A reason cited is the importance of upholding the reputation of the university, that might also be extended to profitability. Obligations around teaching are also used to restrict academic freedom. Teaching is seen as the poorer option to research, and indeed QS Rankings (2016) contain a large component (60%) of peer-reviewed feedback through a survey of academic reputation and publication count. By contrast, many academics privately make teaching and supervision a priority, one that is perhaps out of step with the institutional incentives to publish and therefore comes at increased and exaggerated workload. Under that light, universities are incentivised to promote their ranking as evidence of pure research, which acts to thwart the pursuit of teaching as their sole determinate, found to be more immediate and acceptable for the globalised nation state. The position of the thesis would prefer to accept the resolution of teaching and learning tasks for academics that coincide with the aims and ends of an (education) institution that accepted the critic and conscience role of society, something the nation state on the global stage is struggling to accept. Perhaps that might end in the contribution students come to eventually make, the perfect example of exceeding one's self for the other. Would there be a need for academic scholarship? Perhaps it is more the case that the churn of publication is a poor proxy for the optimisation of thought, pressed into service of an outmoded and outdated model of tertiary education. By focusing on teaching and learning in excess of the other's other, we perhaps would see the rise of whole societies of academics and the rebirth of the university at its origin as itself an optimal scholarly enterprise.

**Returning with *Mochlos***

In addressing academic responsibility in the institution under review, Derrida provides key ideas about how to do that, not least his own effort in deconstruction that he terms *Mochlos*, a greek word that refers to a wedge for a door. The thesis accepts as a gift, the opening from a wedge, towards a new possibility for the university from the acceptance of what exists.

Derrida (1992b) "translates" the points or "nodes" of intersection between *The conflict of the faculties* (1798/1992) and the uncertainty and fragility of the institution. He notes that Kant "wishes at all costs to *state the law*" (p. 7) as an assertion of the university as a unified whole, especially the conflict between the faculties. In our case, the law states that universities will accept their role as critic and conscience, but they resist or are reluctant to doing that. That is consistent with Derrida's suggestion of decentering, of the university resisting the function of the institution as an extension of the state. When he notes instead that the rise of interconnections between scholars was unplanned by Kant in his conception of the university. The problems thrown up by this new arrangement is the first node or intersection of his translation of Kant's text worthy of our interest. New borders and lines of demarcation arise between "non-university centres of research and university faculties claiming at once to be doing research and transmitting knowledge" (p. 8). The field is very large taking in socio-technical studies of the military, medical, many others, information technology. There appears as a field, a university now outside and beyond what Kant conceives as 'academic'. For Derrida, the university has been placed at the margin of society. "The state no longer entrusts certain investigations to a university that cannot accept the structures or control the techno-political stakes" (p 8). Derrida notes that the model of the relation between royal power and pure reason is represented through the Western philosophical tradition. But the link to power is more complex, power that resides with a wide variety of institutions outside

the academy, all producing scholarship.

Performativity is relied on by Derrida in *Mochlos* and *The university without condition* "often and at length on Austin's now classic distinction between performative speech acts and constative speech acts" (Derrida, 2001b, p. 17). These terms taken from speech-act theory are argued at length by looking at the way the constative and the performative cannot be held apart and need to be taken together. As terms taken from linguistics, 'constatives' refer to the world itself, whereas 'performatives' do something in the world. The consequence of taking them together is again explored in both essays. The professor in their profession of faith is to rely on performative discourses "that produce the event of which they speak" (Derrida, 2001b, p.19). Foundational declarations made at the centenary of Columbia Graduate School might be viewed as philosophical leadership where the performance of speaking is taken as a performative act in the thought of a graduate school.

**Conclusion**

The same analogy can be drawn with the conduct of an inquiry into models of tertiary education policy. The arena of combat is the dialogue, conference, interviewing, and submissions. There would not be an inquiry without dialogue, those who want change, those who do not, who was present or absent. What results will always be a confirmation of what is most needed, that in order to meet the demands of the (so far absent) commissioning minister, and just as in a wrestling match, their needs to be a result. Academics are invited in that process to combat as unequal, as disabled, worn down from decades of managerialism, but nonetheless, are given the freedom to speak their truth. We are invited to celebrate such an inquiry that takes regard of academic freedom as indeed viable, valid, warranted, present and accounted for.

Such a spectacle though needs to be more carefully considered by the infinite viewer, which only in hindsight includes those involved in the contest. It is the framing up of the debate as a horizon of the other's other, that Derrida most wants to draw our attention. Producing research to such a ridiculous shortened time frame under PBRF for example is surely going to mean the inevitable rise of research inactive scholars, and as night follows day undergraduate staff will be deemed teaching only. That should not be taken as a solipsistic validation of what is also an immediate reduction of teaching and learning in the tertiary sector. It may be as has been pointed out here, that fostering others through teaching is perfectly adequate as a profession of faith. Equally, we should accept the unconditionality of scholars to publish or not, as a promise of society for what might arise for both ourselves and those we seek to influence. What we most want from the freedom for scholars is to offer something to society with lasting insight, as critic and conscience.

Deconstruction provides that very opportunity. Scholars we can ask, what are we prepared to open up to that brings attention to that which is leftover, discarded, vulnerable? The paper has shown that speaking out disabled to the very conditions under examination, namely a remodelling of universities, undermines the privilege or horizon of academic freedom most sought. Derrida introduces himself in the paper "as *if* he were nevertheless asking your permission to be unfaithful or a traitor to his habitual practice". The unification of the tertiary sector through productivity is for some a meaningful horizon, but it is blind to a horizon of meaning that speaks to the finite condition of being human. Instead more permission needs to be given to the less than habitual practices in thought.

The chapter opened with a claim to highlight the exploitation of academics from the treatment of their freedom through managerialism as representative of a decline of truth. However, to make that ethical claim to freedom from a commitment to one's calling as a profession of faith to the 'other', a resistance to the *Same*, is itself invalid and falls too readily

towards the universality of metaphysical truth claims. To speak out with such conviction and claims to morality, place the scholarship at the disposal of nihilistic tendencies too easily, which rightly follow deconstruction. Instead deconstructive claims to truth are to be made through an appeal to that which is not yet settled. Scholarship as a self-sacrifice must be dedicated towards that which is unsettled and uncomfortable, perhaps through resisting and forgoing the need to speak, as leaving bare the obvious accomplishment and success of academic thought of society. We are asked to forge an alliance on behalf of the other, as the other's other, as forever unconditional. What does Derrida provide to relieve our pursuit of truth that gets constantly tangled in the unfairness of inquiry?

Derrida held thousands of people in the palm of his hand for hours. He went to great lengths to maintain respect and reverence for people while engaging deeply in philosophical analysis that added penetrating thought on a wide variety of topics, not least forgiveness. Such work of scholarship is a self-sacrifice and he required academics to place themselves and their scholarship at the service of others. Such accomplishment of scholarship is not a measure of how articulate or responsible we are with being proper in language, but rather the personal risk to communicate as evidence for what we would risk, for Derrida is an irresponsibility in the economy of exchange, evidence of our treatment of each other in the exchange as one for the other. What we are most called to do in deconstruction therefore is to try to accept our finite selves from the infinite acceptance available from others in the self-presentation of scholarship.

# CHAPTER SEVEN

## Deepening academic freedom as a conscious disclosure
## in New Zealand

There is only forgiveness, if there is any, where there is the unforgivable - Derrida.

## Introduction

The practice or action disclosed by academics in New Zealand is representative of a freedom most desired in scholarship. The thought and work of academics holds a responsibility that is sovereign to academic freedom. The professional privilege of providing deep insight by reporting without reprisal into the way of the world, is far from settled, and remains forever a mystery. While acknowledging the need to speak out, there is also a responsibility to uphold the sovereignty of academic freedom. New Zealand universities are mandated in legislation to accept a role as critic and conscience of society as a responsibility to academic freedom. At stake is the continued need to hear from scholars who freely report on the world as a welcome risk to their reputation (Biesta, 2014). The need to speak out in order to exercise professional privilege comes with a cost of reprisal that is not always ready to be borne.

Scholarship conceived as a "sovereign exchange" between thinkers, "a gift freely given" and given without reward, reduces scholarship to an arrangement that is made in secret. Freedom in forgoing the need for something in return constitutes the gift as a self-sacrifice, which for Derrida is explained as an openness to the infinite Other, depicted in *The Gift of Death* (1996) as a radical vulnerability that we might experience as we die. Such readiness to die for the other calls forth a disinterest of ethical responsibility. Derrida

conceives responsibility for the sovereignty of scholarship therefore as an irresponsibility, a self-sacrifice borne most as a radically individualistic gift.

Such a notion of responsibility has immediate implications for the way academics disclose themselves as 'critic and conscience of society', a responsibility that seeks to exercise academic freedom as a privilege that forgoes reward, experienced as an emptying out. The awareness of scholars prepared to negate their own life for those more vulnerable is an ethical demand for Derrida that we can never avoid. Such self-sacrifice brings "every Other" to mind in the privilege of academic freedom. To extend the vulnerability of scholars towards the privilege or gift of academic freedom, disclosure in scholarship as academics is best found in forgiveness of the unforgivable, a further possibility of givenness within the concept of a 'Gift'. The notion of responsibility in the economics of scholarship will again be presented using the concept of forgiveness that was given in a public lecture from Derrida, "Forgiving the Unforgivable", to an appreciative audience in the Auckland Town Hall in August, 1999 and later published as "To Forgive: the Unforgivable and the Imprescriptible" in *Questioning God* (Derrida, 2001c).

**Disclosure as a response to responsibility**

The way scholars disclose themselves as academics in New Zealand is representative of what they wish to bring about through action. Thought and work in the academy needs to be followed by an action that discloses academic freedom as representative of being critic and conscience of society. Attempting anything that identifies academic freedom is risky, and rarely attempted, because it draws attention to the very fabric that sustains life within thought. While academics spend time thinking together in scholarship and developing academic life, the thesis keeps alive the possibility of some action that discloses academics as a work or

support (in radical transformation) for universities to accept *their* role as 'as critic and conscience of society'.

Functioning as an academic with intellectual humility means being prepared with self-sacrifice, awareness and vulnerability to the responsibility of academic freedom. Derrida shows that ethics and morality are constrained by responsibility from the paradox of containing an irresponsibility, a singular call for ourselves from the wholly Other. Were we to de-contain responsibility, we would appreciate our ethical selves. Humility, a sense of de-containment or emptying out, is an irresponsibility that is contained from being responsible. One implication might be that if we act to uphold academic freedom, we will most gift in disclosure as academics our consciousness from the self-sacrifice that allows others to come forward and place the perspective of self-interest under examination.

To consider what it takes to communicate authentically, to be taken into the depth of things with others, it is far from easy to bring about the offer of life to others who are trying to deal with their own individual thoughts and responses. On one hand, the academic holds an incomplete set of tools to negotiate how to bring scholarship forward in relation with others. There is an emphasis on remaining cautious and polite when exchanging ideas new to individuals. Finding the best way to negotiate personal values with others in the world is best done through deferring to convention that ameliorates thought or desire (Harland & Pickering, 2010). Unlike past generations with very strong conventions for disclosing scholarship, philosophers are faced with many difficulties to attempt to put their ideas into practice with others and instead leave ideas to unfold without disclosing themselves. The need to remain authentic as a scholar, that is true to one's ideas, is to be contested with the treatment of scholars. The need for academic protection has to play a part in the acceptance of the university as critic and conscience of society.

As members of an academic community, scholars are called to address the overwhelming and pressing problems that are constantly drawn to our urgent attention. In general, the news media report the call of unmet social need by the state as inadequate and derelict. Rarely do we hear that hospitals are supporting people to get better. Private wealth and individual choices can do a far better job at tackling the long list of unmet social need, from fostering children away from state care, or paying for expensive medications, paying for school books, shoes or fruit, buying idle pieces of pristine coastal property, restoring nature. There is no shortage of social problems to join with others that would benefit from deeper thought.

From the increase in the volume of education and the effort given to "making a difference", it is as if society remains indifferent to grasp responsibility. Each new generation of leaders with a social conscience calling for change has to deal anew with the issues of increasing pollution, depletion of resources, social poverty and injustice. Equally there are leaders who point to signs that future generations will not have to deal with past problems, that progress has taken care of existing more easily in the world. Instead we can have more, do more with our lives, are free to take more risks, and accept an increasingly rapid rate of consumption. Indifference assumes that we have made it and need now to only sit back and wait for the solutions to trickle down among us. To do so would to become unsatisfied and empty from such an indulgent and indignant outlook of leadership. Such is the call for critical awareness in education to remain active and thoughtful.

The disturbing and conflicting context of deciding what action as a response to the responsibility of academic freedom requires careful consideration. Aiming to do something that is comfortable or within reach might add little to the problem or disclose little of ourselves. Attempting something too outlandish might deplete our resources with no end in sight. The way scholars disclose themselves as academics in New Zealand is related to what

they wish to attempt as a purpose in their lives and the lives of others. It is a constant problem, innate to being human, and of interest to those who seek to find their purpose in life, to be offered in a supportive academic community, in reflective thought, as conscious action. Their commitment alone is extremely valuable, a work of sitting quietly, of firmly paying attention to the difference of things, that takes simplicity, peace, humility, and non-violence.

One place of influence that scholars are committed to disclosing themselves is with the mainstream tertiary institutions. New Zealand does not have the luxury or need for a comprehensive network of global tertiary institutions. While the academy is well placed to encourage its members to attempt a contribution or action based on the model of thought and reflection as scholarship, we should also consider that the connection with global tertiary institutions to be of crucial importance. Sorting out that connection is a complex and difficult task, especially with the pressure of global reform sweeping through education towards liberalisation. The past pain of those reforms could be one option to allow a future relief for academic institutions. Just how those institutions would benefit from the involvement of scholarship relies on what scholars are prepared to offer.

One of the areas of scholarship as a gift sovereign to academic freedom of academics is in the process of growth and development of academic communities. While there are many difficulties for academics to act critically and consciously, as a purpose that relives the past pain of reforms, consider what it might be like for groups of scholars of society to disclose themselves collectively. Consequently academics turn too quickly towards an individual contribution both inside and outside the academic community, that overlooks bringing a purpose to their scholarly community. In times of turmoil and with the rise and rise of the politics of change, the abeyance and lack of purpose is made more acceptable from an increasing sense of obedience and orthodoxy that starts to creep in. Support for remaining critic and conscience to sharpen the gift of scholarship comes from noticing the research of

others, the effect of that on scholars and others around them, rather than argument and debate of the problem. That is not to deny the very rich display of ideas and thought from other scholars to be openly celebrated and drawn forward. Action and lifestyle matter more to growth with other scholars than a cognitive belief in a moral position or dogma.

Universities help out in two ways, first as a way to meet and share personal stories without judgement, and second, as a means of distilling responses for life with others. The need for disclosing myself as a scholar from others is supported in a way that refashions and reshapes our lives for ourselves is possible. "Come as you are" is not a call to be saved or get protection or safety from being with an academic community. It is meant as offering safety in the gradual realisation of who we are and have been all along. Such a position is consistent with education offered by universities to become more than who we are or can be by our own efforts.

Democracy, which has been noted as under threat (Shapiro, 2001) has an element of "come as you are". In fact the origins of democracy for Tocqueville, who gave an account of the success of Democracy in America in 1831, lay 700 years earlier with an opening up of the clergy to laity. The university too found its way clear of the protection of the church as a self-governing institution, and is now argued to be inherent on a working, functioning democracy for support (Ignatieff & Roch, 2018; Shapiro, 2001). The idea of democracy is intended as an unsociable connection, because it gives a powerful freedom to people to have a stake in the structures that govern their society. That freedom brings risk, risk to society, to the structures that govern us, and as Tocqueville (1831) observed and recorded, democracy in early 19th century America can work pretty well. Self-interest plays a role too, "come as you are", but only to an extent. Self-interest in democratic society is to be set aside for gaining strength from associating together, such as in a community, which is fragile and immature, and tempts higher authorities to interfere with it and set it right. Democracy relies on avoiding

interference from authorities and encouraging a wisdom to order, to order up a collective and representative view to be governed. Universities play an essential part informing citizens towards representation in democracy. Thought arises spontaneously as a collective view from the bottom up, today another rare commodity in exchange with others. Just as important is the need to obey authority and set aside one's views for the views of others insofar as it is useful to do so. In association with others, we set aside pride in return for accomplishing something that could not be done alone, which in turn strengthens our pride and sociability.

**Remaining at the frontier**

Ignatieff & Roch (2018) have highlighted an intolerance towards academics from speaking out against the state, that has increased and is part of a global trend against democracy. Instances where academics have spoken out about their freedom usually relate to the role that they would like universities to adopt, namely as critic and conscience of society. Philippa Howden-Chapman (Munro, 2016) noted that while universities are places where freedom of exchange and discussion is encouraged, it is the public role of society that universities need to accept that provides a richer discussion, that in turn serves democracy as a contribution towards social conscience. Instances of the commercialisation of knowledge are cited as impeding academic freedom. Such a situation was recently reported (Munro, 2016) when requests for police information on gang culture made by Jarrod Gilbert at the University of Canterbury were thwarted and made more difficult, which ultimately resulted in a change to the police contract for providing public information for research purposes. The article also threw up wider instances of research contracts with government departments that include clauses that place the inconvenience of the research findings on the research as an impediment to the contract. Under the urgency and competitiveness of providing research services to governments, academics working within the contract discover that their research

may be unwelcome or inconvenient to the recipient and therefore reduce the freedom to report their findings without interference. There are legitimate reasons for the inclusion of these opt-out clauses in contracts that relate mainly to the commercial sensitivity of the findings. However, the frequency with which they are included suggests a blanket approach difficult to defend on closer scrutiny. Kypros Kypri (reported in Munro, 2016) has undertaken a wider investigation in the use of these claims and his research supports the reduction of the critical nature of the research towards mere function of fulfilling the contract obligations. Others who administer these types of contracts note that researchers are in danger of being turned into employees under the contract to simply deliver what the agency most desires or seeks. Researchers are critical of universities for not standing up to these sorts of contracts in a way that makes it clear, that when research is undertaken, it is to be accepted as generated with academic integrity and rigour. The Minister of Tertiary Education at the time was keen to show that such work is beyond the core function of universities, that does not prevent universities accepting their legislated role and was reported as stating that research contracts with government are distinct from the university's role as critic and conscience of society (Munro, 2016).

The tenuous and precarious connection between the state and university scholars has been previously noted. Immanuel Kant as a professional philosopher had to deal with a rebuke from the King of Prussia with humility and patience, seen in the forward to his work *Conflict of the Faculties* (Kant, 1784/1992). Derrida was also no stranger to remaining a contentious and difficult figure who also took the opportunity to promote philosophy as available in public thought. He saw that public debate and discussion of philosophy as a contribution to our everyday lives, that needed support from education (Willinsky, 2009).

The interference on public thought and awareness by the executive branch of government is a strong criticism from Geoffrey Palmer (Palmer & Butler, 2016) who as a

constitutional lawyer has been at pains to point out the weakening and undermining of democracy from such an arrangement. This latest work attempts to promote debate about what a constitution might look like, as a means to promote the idea of a cohesive constitution for New Zealand. The lack of such a constitution in his view, at the convenience of the executive branch of government to dictate its terms, avoids responsibility through a commitment to democracy. Palmer (2002) argues that politicians are held accountable too lightly, and it is extremely difficult for the wider populous in New Zealand to make sense of the basis for democracy as an agreed standard or basis for discussion. Holding politicians accountable can only be undertaken at the ballot box. Such a criticism should be placed in light of the evolving nature of a young country, but nonetheless part of an important debate of the fundamentals of a country's constitution. As author of the phrase offered for universities in legislation at select committee, 'acceptance of the role as critic and conscience', it would not be difficult to accept Palmer's attempt as constitutional to New Zealand, that supports democracy as an aim of academic freedom. Palmer would probably accept that piece of work as necessary for our constitution, but the research has not uncovered that claim directly. It throws up the nature of academic freedom as constitutionally significant to New Zealand's democracy. The current reluctance of universities to accept that role could be taken therefore as a neglect and detriment to our democracy.

**The gift of scholarship as democratic of society**

It is beyond the thesis to assess academic freedom as constitutional to New Zealand. Certainly, it could be considered constitutional in the means by which legislation states academic freedom is a right, but that might be a fragment too distant from the final, a vulnerability worth preserving in democratic New Zealand. Palmer has identified free thought and the right to free public education in his proposed constitution (Palmer & Butler, 2016).

No comment has been included on tertiary education. Academic freedom is worth protecting and as a phrase unique to New Zealand would be worthy of inclusion in New Zealand's constitution. As Palmer points out, any legislative change is within the grasp (or power) of the current executive without much oversight (on a whim), that goes against the principles of democracy. It would seem timely to make such an assessment. Such a means for the acceptance for the role of the university belongs with the gift of scholarship.

There are implications for upholding academic freedom within democracy from the gift of scholarship. To act out of self-interest as the Nash equilibrium suggests is to treat the gift as stolen. It requires that we are taken prisoner to the gift and that we tradeoff to end the game, an end too difficult to bear, an inhumanity. Compare that to the gift without reward, best found in the vulnerability of being an auxiliary to the other, of walking as other with others. The gift without reward is to accept that we are first of all gifted. It is only recognised as unrewarded from what is generated in exchange. The exchange of the prisoner's dilemma is that the winner takes all and that scholars forgo their self-interest as indifferent towards the gift of scholarship. The importance of difference is that scholars accept that they are gifted. Jared Gilbert spoke out on behalf of democratic ideals about the withholding of public information from his research request and was reported as stating, "academic research freedom advances the interest of New Zealand. It's absolutely important that we have the freedom to do the work we do. If that at times is uncomfortable ... for official agencies or the government, then so be it. That's exactly why those freedoms are there" (Munro, 2016).

The thesis contains arguments that are concerned with the treatment of academic freedom and the well-established principle of self-governing institutions in democratic societies. However, in this thesis it is accepted that the argument need not stray towards a critique of academic freedom *per se*, and assess whether that is good for democracy or not. Academic freedom in principle is not under threat. What is arguable though is the

applicability of that freedom to democratic society to be upheld, as a privilege worth defending. It is true that legislation could be revoked by future administrations and that, as a principle of the freedom of democracy, scholars are to play a role as the critic and conscience of society. The idea of scholarship as a 'gift' cannot be taken as a principle or guide for a secure and certain future of academic freedom in democratic society. As important as that remains for any democracy, the philosophical idea of 'gift' drawn on here is taken to mean the givenness of something that you do not have, a freedom that is 'other'. It is beyond the argument of the thesis to address the criticality of academic conditions under examination, the conditions that allow scholars the 'gift' of scholarship. Former Minister Joyce is correct when he sectioned off contract research as beyond the core domain of universities, but incorrect for the reasons he gave to facilitate democracy. He is content to allow the functionality of government departments to be serviced by current thought in universities, while at the same time promoting, that the core research of universities, benefits from the use those funds to generate further research. While for some that is indefensible, and for others inevitable, defending the privilege of academic freedom for scholars sadly depends what they disclose as scholars.

**Disclosure as radical forgiveness**

As part of retaining and valuing critic and conscience as belonging to academic freedom, Derrida argued that scholars support universities in their pain and struggle towards acceptance of unconditional freedom by forgiving the unforgivable, as a relief to the pain of the past that universities have yet to bring themselves to fully accept. This might be one way that scholars give responsibility to upholding the notion of a social conscience university.

Shame and coercion as part of university management systems minimise a scholar's capacity for responsibility. Paradoxically, when our presence as scholars is made

insignificant to the connections within a community, then it threatens their care for the impact that they have towards others. There exists a need therefore to attend to the fragility within us from belonging and mattering to a community. Derrida's idea for being responsible for the Other, might belong as a fragile, yet restless and trembling spirit for the responsible Other. Forgiveness as a possibility for enhancing and expanding self-acceptance when incapacitated from university management systems appears to be worthwhile.

To find forgiveness within academic freedom for the unforgivable is rarely attempted. The story of Abraham examined by both Kierkegaard and Derrida showed the moment of the most unforgivable irresponsibility. As Holloway (2002) notes, "Sadly, unconditional forgiveness is beyond most of us...It comes, when it comes at all, the way great genius suddenly visits us in extraordinary people. One of the dismaying things about history is that there never seem to be many of these moral geniuses around" (p. 86). Giving acceptance therefore of the radical transformational kind being sought is extremely difficult to find in history.

Acceptance for the university to grasp the goal of academic freedom, regardless of whether it is described in legislation or otherwise, could go either way, towards either unconditional or conditional acceptance. Forgiveness as a possibility of redemption of an acceptance, in self-acceptance, is a worthwhile possibility. Coming forward with scholarship in the university in the privilege of academic freedom, requires a sense of disclosure that on one hand must deal with the accountability of the institution and participate in a scholarly community of colleagues. Such a narrow acceptance of the freedom of scholarship would benefit from forgiveness of what is accepted by many accounts of university management systems as unforgivable. For scholars to forgive the unforgivable, should that arise, would emphasise vulnerability, openness, a foregoing of the need for reward, patience and humility,

to bring about radical forgiveness for accepting and strengthening unconditional academic freedom.

To bring about redemption from the chaos of the pain of the university of the past, requires radical transformation to show what is meaningful or what counts, as a relief and possibility for a better future. Currently the university manages the chaos of the past with salvage systems, that are artificial in the sense that systems retain meaning that cannot be transformed. There are many instances in policy of these. Relief from the suffering of operating as a researcher to optimise self-interest within such a system, is unavailable to conventional forgiveness. A background of unforgivable violence is an inevitable trespass on each other, which stops movement in a life of debate, exchange, and dialogue. The unforgiveness of a manager, who has caused harm from a needless moment of inattention while reporting on academic performance, has to endure the pain of guilt from the chaos that arises around them.

The pain of the university to be commercial or accountable to an economic rationality leaves scholarship in conflicted chaos as a melancholy or nostalgia for the past. The university needs a meaningful purpose, as enduring on institutions that support scholarship coming forward, in a way that transcends the past. "Only unconditional, impossible forgiveness can switch off the engine of madness and revenge and invite us, with infinite gentleness to move on into the future" (Holloway, 2002, p. 86).

Forgiveness for the pain to have the unconditional university accept its past, has implications for disclosure. The paradox of forgiveness being introduced here means that the scholar forgo as a victim the debt that is owed by the perpetrator, a kind of detachment. For that to be given as a 'gift' it must be given unconditionally. To reproduce that paradox of the unconditional gift, forgiveness must forgo what the victim has on the offender. What is put out unconditionally cannot include or take account of the victimness of the victim. On closer

examination, the paradox of a simple exchange cannot be quite filled. If the other is to be forgiven, where certain conditions must be filled, then that is to forgive through the repentance of certain work or actions. That falls to an economy of retributive justice that fills the prescribed conditions, not one of an economy of the unconditional gift.

Derrida addressed the Auckland Town Hall in August 1999 where he spoke about unconditional forgiveness, a talk he had given many times before. Despite highlighting the importance of forgiveness, these ideas have hardly found favour, partly because of the huge demands it would take on anyone to undertake them. The thesis views the importance of Derrida's ideas of forgiveness to be made available from the work of scholars towards the acceptance of a role of the university of society as critic and conscience. At the same time, the address speaks to scholars who for the purposes of the discussion can be taken as no less "of society". Although Derrida held a general audience in the palm of his hand speaking on stage for one and half hours, the importance of scholars to explicate those ideas of society remains a gift, a gift as critic and conscience of society. Michael Peters (Peters & Biesta, 2009) gives a direct account of his attendance at the event, as well as a reflection on the possible impact of Derrida's visit, noting that "the attraction of a mass audience to listen to a French philosopher seemed remarkable, especially in New Zealand where the intellectual culture is small and fragile and where difference is not easily tolerated" (p. 42). The address was a strong demonstration of deconstruction, "an exemplary and unforgettable live performance" (p. 44), which moved between the conditional and unconditional forgiveness. It was later published as *To Forgive: The Unforgivable and the Imprescriptible* (Derrida, 2001c).

**Radical forgiveness**

Derrida (2001b) likens the concept of the givenness of the gift with forgiveness, that appears to place forgiveness as a gift within the gift. "Between giving and forgiving there is at least…beside their unconditionality of principle - one and the other, giving and forgiving, giving for giving [*don par don*] - have an essential relation in time, …makes forgiveness an experience irreducible to that of the gift, to a gift one grants more commonly in the present, in the presentation or presence of the present" (p. 22). However, he does not mean the experience of forgiveness as a conscious presentation, instead emphasising the unconditionality of forgiveness as if it comes about at once, without thought, "that renders me incapable of giving enough....of being present enough to the gift that I give...such that I think...I always have to be forgiven...for never giving enough" (p.22).

In the work, Derrida (2001c) highlights at length many examples where forgiveness has been made available, although he notes some exceptions such as the university "despite its accomplishments [records] in the area in question" (p. 25). At truth and reconciliation commissions in South Africa, but also by the Japanese Prime Minister, and former President Czech statesman Václav Havel, these are very public examples of "forgiveness asked" (p.25), that have taken their permission at the Nuremberg trials of 1945, that gave "a concept still unknown then, of "crimes against humanity"" (p. 25). These are examples that lie beyond or "heterogeneous to" the judicial process of trial. Derrida also notes the prevalence of forgiveness, "as a break with common sense" (p. 25) that takes its impetus from Christian religion, but to which those processes of religion such as confession no longer applies. This recalls a prominent concept of Derrida's "religion without religion", where society is extremely indebted to religion without concern for its origins. To highlight further what is being considered, Derrida considers a short work of Jankélévitch, *Should we Pardon Them?* (1996) which attempts to make sense of the Auschwitz trials that concludes that forgiveness

is impossible, a point that Derrida is also wanting to explore, the impossibility of forgiveness, which cannot be granted, or when so monstrous an evil, it is better without forgiveness as a constant problem on a human scale.

Is it possible to ask for forgiveness without a past event? There are many events which befall humanity for which no recourse to asking for forgiveness can be made, such as an earthquake or other natural disaster. The same could apply to other misdeeds between humans, which begins to highlight how much forgiveness seems to already ask for. "...[I]t is not enough for there to be a past event, a fact or even an irreversible misfortune for one to have to ask for forgiveness or forgive" (Derrida, 2001b, p. 32). However, we seem to have a disproportionate need to carry on harming ourselves sometimes in the name of humanity, that then requires forgiveness before we see the need to go right back to it. It is like we cannot help ourselves in 'crimes against humanity' a phrase that has only recently turned up. What Derrida proposes in forgiveness of the unforgivable is nothing to do with seeking revenge or justice, because that would be forgiveness with some sort of restoration. What is done is done. If there is a need to make sense of the world from seeking justice or even retribution, then go ahead. It might help. What will help is dispensing forgiveness (as an idea available from Abrahamic religions) for the unforgivable. Think of the pain for instance of those who have made mistakes, and want to reclaim their future, where justice is not available, or where one thoughtless act of adultery tears apart a marriage where the effects will be so defining for their future. There are of course many times where we are unaware of our offence to others, that continues hurting others that we have long forgotten. The sort of forgiveness available to us cannot be used as a prudent management technique or damage insurance policy. Pure forgiveness can be thought of as an intrinsic good, a pure gift, given without the need of return or reward. Examples of that might be a royal pardon, or a US President granting a reprieve for the offences of convicted criminals. Pardons are made in New Zealand, where

you throw yourself at the mercy of the authorities and the pardon comes, or not, as an unwarranted gift. This kind of unconditional forgiveness in action is available to us all, but rare. It takes us outside the world that measures injuries, that counts the cost, and leaves us exposed and vulnerable in managing a measured response. It simply tears up the script to release us for the past into the future. It is rarely attempted, and Holloway (2002) notes that history shows how few moral geniuses there are, Nelson Mandela, Mahatma Gandhi, Martin Luther King perhaps. It is extremely difficult to get a proportionate response in politics, let alone a disproportionate one, that can bring a future to a situation from the grace of forgiving the unforgivable.

Unconditional forgiveness is a madness in the sense of forgiving the sinner, in this case the university, for an offence that is still taking place, that is not deserved and is unearned. Caputo (2002) states: "We would forgive those who are guilty and unrepentant and who have no intention, now or in the future, of making restitution or of sinning no more. Unconditional forgiveness would come down to the madness of forgiving sinners, to forgiving sinners qua sinners, just insofar as they are sinners, while they are still sinning" (p 118).

The morality of this sort of forgiveness has been located in Abrahamic faith, at the origins of humanity becoming moral and organised (Holloway, 2002). The prior chaos of confederated tribes is pre-moral, where forgiveness is given at the origins of organised morality that became organised as religion. Derrida was speaking to his audience in Auckland about unconditional forgiveness as a radical acceptance, suggesting therefore that we are all guilty in the sense that the purity of forgiveness requires a radical vulnerability. Derrida is perhaps saying that scholars should begin to experiment with forgiveness away from a measured response for justice, as a self-sacrifice, to find a future from the pain and suffering of oppressed people to be made visible, something that would show a university accepting its

role as critic and conscience. Forgiveness taking place beyond human volition can be found

quoted from prisoners to victims, made at their execution in the US: "I do not expect you to

forgive me, but I want you to know that I love you", and act as a singular call of existence

(love) that comes forward as unforgivable, as shatteringly humble. There is a mysterious

force in human relationships that can heal wounds and mend shattered lives, without the need

for calculation or anything in return.

To make such a forgiving statement is to forgive oneself, to release the hold or grip

that the other has over me, to take responsibility for oneself in the face of the other. The

purity of forgiveness comes from being released as a hostage to what the other has done to

me. I am a whole person on my own and I can be a good person to myself. To forgive oneself

from confronting one's past is to gift more choices and possibilities to others.

**Implications for disclosure as a practice in scholarship**

A short section from Biesta (2014), *Receiving the Gift of Teaching* (pp. 52–56),

locates the givenness of teaching and its role, as a practice that gives meaning, more than

mere existence. He is careful to distinguish between learning from someone and being taught

by someone, that the subtlety of language captures the distinction Biesta is wanting to make.

"Whether someone will be taught by what the teacher teaches lies beyond the control and

power of the teacher" (p. 54). It is understood that the identity of the teacher is formed at

those "sporadic moments" of teaching that come forward as a gift from teaching, that

coincide with that being received as a gift in ways that are beyond the power and control of

the teacher, which is worthy of struggle and incorporation in the daily life of a teacher. That

leads Biesta (2014) to conclude that being identified as a teacher is more than a reference to a

finite set of conditions from a professional body, but instead a recognition "that someone has

indeed revealed something to us and that therefore we have been taught" (p. 54). The idea has

already been referred to in Chapter 6 on leadership, in the sense of an artistry from which everyone could learn, but that the teacher was unaware of what was being taught.

As a mechanical functional exchange, we forgive when we apologise, as a recognition of the harm we have done. Those who have been harmed regain their dignity and are reconciled. As Holloway (2002) points out that it is hard to do between individuals, even more difficult between communities or nation-states. But those exchanges have been achieved and have brought about a renewal and continuance. Such conditional forgiveness is an ordinary part of human life that we are called upon to negotiate between ourselves or groups as a transaction of exchange, which keep the system most familiar in play. What Derrida (2001c) is suggesting is a forgiveness towards the unforgivable, which forgoes the need for a conditional exchange.

The thesis has previously noted that Derrida does not avoid the transactions or functionality of gift or forgiveness. In the paper on structuralism, he is not avoiding Jankélévitch, or Levi-Strauss, or his work, but rather finding an opportunity for questioning it, without denying that it needs to come forward in vulnerability and openness. As much as Holloway (2002) is highlighting the importance of unconditional forgiveness, there is a need to retain and respect the functional conditional exchange as a basis for forgiveness. In that sense, Derrida is asking that we draw attention to consideration of the painful acceptance of our past as a difficulty.

A distinction needs to be made between forgiving the person and forgiving the act. We should never forgive the terrible act that blunts and deadens our ability to discern between right and wrong. But the *agent*, of that act may be forgiven, if we are to reclaim a future for ourselves. Derrida's forgiveness "is a gift with no thought of return" (xiii, Holloway, 2002), in the sense that the perpetrator is released from their past and gifted their

future. Scholarship therefore that can be located in a concern for tertiary education, forgives its past.

**Discernment**

The thesis has been attempting to situate a place for the action of scholars and that their response to the responsibility of scholarship by academics is authentic and valid. To examine more deeply the validity that Derrida's ideas of givenness could support a response to the responsibility of scholarship, the thesis turns to the ideas of discernment as a platform or resource for generating a valid response. Discernment allows space for generating and discovering a response, in response to oneself as a responsibility. The ethical treatment of Derrida's responsibility therefore will be scrutinised.

One of the concerns that has been identified from deconstruction is the fall back of givenness towards self-givenness (Peperzak, 2002), or the resistance towards being received. It is reminiscent of deceit and self-interest that neoliberal political economy, it has been argued, makes a priority. Peperzak (2002) reflects on a remark of Levinas on "the praxis or "work" of a life lived in the service of others: "*The Work conceived radically is a movement of the Same towards the Other which never returns to the Same*. The Work thought through all the way requires a radical generosity of the movement which in the Same goes towards the Other" (p. 162, emphasis in original).

In considering the "academic response", the thesis is not interested in what results from what is being given. It is only a gift in the undeserving nature of what is received. The thesis has been unconcerned with what is returned to scholarship, instead confining its attention towards what is given by scholarship as an important type of givenness, one that could be the social conscience for universities. To be a gift it must be received without reward, to forgo the need to be rewarded. To be a gift obliges the other party to reciprocate,

one that may take a great deal of time to accomplish, but it can never be accepted as a gift without forgoing that need. The receiver therefore accepts the gift as an affirmation of the giftedness of themselves in "Gift".

More importantly is the need to prepare the gift in order to meet the demand of givenness that gifting involves. One of the difficulties that has been identified by Peperzak (2002) is the gift as a self-gift, that which is given as most rewarded for themselves. However, to be amazed at the accomplishment of self-giving without identifying where they have been most accepted is a hypocritical gift. As has been argued, there is the possibility that academics give for themselves out of sacrifice in scholarship. Derrida shows that to be important as an insistence on being good to ourselves against our will, or in spite of ourselves, as a sacrifice, that upholds the otherness of the other. However, as Peperzak (2002) points out that the gratitude of the gift needs to be more deeply considered. "By giving for oneself for others, you create a lack or sacrifice for oneself" (p. 168).

Peperzak (2002) identifies discernment as a skill that can be learnt and developed, that "perceives the difference" between egoistic intentions of giving that "can pervert every activity or disposition, including love, giving, praying, and so on" (p. 168). It is based on the idea that the satisfaction of the gift falls to the self-satisfaction of the giver, rather than the gift itself. Discernment can be used to distinguish generosity of the genuine from the fake. To do so, Peperzak (2002) states that "one's sensibilities must be mature and refined; one must be experienced in detecting one's own and others half- and wholly hidden biases" (p. 168).

The role of discernment for making decisions has a long tradition that ranges from biblical prophets and the sophists to more recent masters of spirituality. There is a great deal that has been worked out that would fulfil the sorts of conditions to distinguish "the various spirits that inspire and motivate human behaviour" (Peperzak, 2002, p. 168). To bring about the most generous decision from discernment among others, requires that we are experienced

in detecting the hidden biases of ourselves and others, those things that hold us back from giving all that we can to a decision with others as other to them. It is more usual to calculate exchange with others as an accounting exercise in profit and loss, manoeuvering and positioning for optimal exchange with others. Discernment asks that we forego that optimisation with others, but still remain in connection with them as 'other'. It requires that we retain our self-interest in such a way that sets our preferences alongside consideration for the preferences of others. The emphasis from discernments is on exchange out of generosity rather than coming to an answer and lends itself to a far wider scope of human expression and creativity than is normally associated with decision-making.

One of the criticisms of discernment is that it upholds an impossible degree of generosity and forbearance on others. Some critics argue that only those who wear sackcloth and ashes or subject themselves to poverty can discern. The criticism skips over a crucial point, namely that discernment brings satisfaction. Setting aside our preferences in exchange with others seems to suggest that we undertake an endless exchange of forbearance that exaggerates and emphasises sacrifice above all else. My suffering should be greater than yours to show the depth of my generosity in exchange with you. It is important to show that what we bring to the exchange is given with something that will be missed or sacrificed by themselves. However, while they are entitled to suffer, it should not preclude satisfaction and enjoyment from what has been shared, "including the other's and my own good deeds" (Peperzak, 2002, p. 170). At that point we can agree that our exchange is satisfying, but to get to that point, the hardest part is to forgo interest in our own self-interest and take up a position that is interested in "suffering for, and enjoying the well-being of the other" (p. 170). Discernment asks: are we interested in a concern for others as other?

The suffering and hostility that we experience from others is real. Peperzak (2002) points out that the defenders of pain and suffering will never notice the good or enjoyment. If

we are to discern the best way forward, it brings into dispute who suffered or sacrificed the most. From one perspective, to suffer shows the realness that comes from the pain of self-sacrifice as a generosity towards my authentic self. That could be a gift that yields more for the other. However, discernment seeks to strengthen and validate authenticity. It asks us to perceive the difference between the genuine or the inauthentic. It requires that we forego our perspective in order to detect the biases of our own and others.

At stake is enjoyment. It is one thing to be generous, but another to give the appearance of generosity. An imitation either of my own beliefs or the actions of others is a narcissism. Discernment seeks that out. The genuine giver is prepared to forgo self-interest and is humble towards their own deficiencies. The imitation of an action towards another that is said to be for their well-being is false and made for the giver's own pleasure. At the same time, we require satisfaction. Discernment allows for that too. If there is an awareness of enjoyment from having done something good, that thwarts the goodness of that action, then there are no good actions to come from that. Simply having an awareness of enjoyment is not (good) enough. Enjoyment follows the good. However, there is a suspicion that in devising that enjoyment, that it was done out of self-interest and suffering is more unselfish than joy. "That a generous person enjoys generous actions (including his own) is normal. But to consider myself generous because I know how to create the appearance of giving is perverse" (p. 169). Instead Peperzak (2002) calls for "humbling perceptions of [our] own deficiencies" (p. 169).

**Further doubt of Derrida's *Gift***

Bernasconi (1997) examines Derrida's use of the anthropological work of Marcel Mauss to unravel and explicate Derrida's thinking on 'gift' as it appears in *Given Time* (1991). Derrida departs substantially from a metaphysical view of gift, that treats both the gift

and the debt as a complete system. That appears to be consistent with Marcel Mauss's *The Gift* (1990) where it places under examination the circulation of gifts, that seeks to bring its own reward. Derrida therefore views Mauss as "discussing everything but the gift. By focusing on exchange, Mauss departs from the logic of the gift and so, according to Derrida (1991), "a consistent discourse on the gift becomes impossible" (p. 24). Derrida also considers the instance by Mauss on drawing moral conclusions. Derrida's criticism of Mauss is far-reaching. Bernasconi (1997) notes that "...Derrida's criticism [of Mauss] is more far-reaching than the standard objection when he observes that "Mauss's discourse is orientated by an ethics and a politics that tend to valorize the generosity of the giving-being"" (p. 262). What is more concerning for Bernasconi is the lack of attention that Derrida makes towards the method or means that Mauss makes his claims. On that point, Derrida is silent, or perhaps at best, states Bernasconi (1997), "Those readers would also have expected that Derrida would have made some attempt to expose the operation by which Mauss applied the logic of Western metaphysics with its oppositions and hierarchies to culture that proceed differently. Perhaps Derrida intends in the projected continuation of *Given Time* to examine Mauss's own methodological reflections..." (p. 262). In summary Bernasconi (1997) notes that "Not only does Derrida fail to take the opportunity to distance himself from Mauss's insistence on universal structures, he leaves unclear his relation to the empirical evidence from which those universal structures are supposedly drawn by Mauss" (p. 262).

Bernasconi (1997) considers Derrida's definition of deconstruction of the philosophical concept of the gift as "interweaving the two styles of deconstruction" (p. 264), namely as ahistorical and a genealogical inquiry. *The Gift of Death* is a good example of a genealogical inquiry that engages with the broad picture of the civilization of Europe through Jan Patočka. "...Derrida reads Patočka as offering not just a genealogy of responsibility *in* Europe, but also a genealogy of responsibility *as* Europe" (p. 263). Through this reading as a

deconstruction of the history of Europe, responsibility is brought into question, because "one is never responsible enough" (GD 51). The idea of responsibility that Derrida develops, as had been explored, is the asymmetrical nature of responsibility, a response to the singular call for ourselves as 'other' and a call of being responsible to "every Other" or the general common law of society. The response available as a "feeling" that for Derrida is beyond calculation as pure morality is considered by Bernasconi (1997) to be related to the biblical demand "not to do alms before men, because one would already have had one's reward" (p. 264) and therefore culturally determinable. To lift the concept of the gift out of the regular economy of exchange achieved as ahistorical is brought into doubt.

> It seems that the genealogical account threatens to undercut the ahistorical account. At very least, one would want to hear more from Derrida as to how these apparently rival analyses are to be reconciled. The two styles of deconstruction have given rise to two contradictory conclusions that could not be entertained at the same time without further deconstruction. (Bernasconi, 1997, p. 265)

**Conclusion**

Derrida gives an opportunity to ask who we are as scholars, with the emphasis away from knowledge towards being. We have to attempt the beingness of policy as different to us as human beings. At the same time, Derrida deals to the abstruseness of scholarship in its ordinariness. No longer should scholarship shy away from at least aiming to affect us as human beings. It is simply not good enough to provide abstract scholarship that is immune in its method as human. If we are to accept scholarship as scholarship, we need to see human beings belong to that work as an affect. The implication is that the academic process is both right and wrong. It is right to demand high standards, recognise effective methods of thought, but wrong to provide conditions for scholars that are inhumane and involuntary. Therefore in taking up the role of critic and conscience we can return the humanness to scholarship as a political action towards the legislated role of universities as critic and conscience of society.

The ideal ethical act for Derrida is the gratuitous giving of one's life for another. The irresponsibility within metaphysical ethics that Derrida demonstrates through deconstruction invites closer examination of metaphysical ethics, as the otherness of ethics. Faced with upholding academic freedom, the dilemmas for academics in disclosure of their thought are to act with intellectual humility that does justice to the non-ethical that is incalculable, unanticipated and irreducible. Setting aside Derrida's Abrahamic derivations employed in his work for a moment, and remaining aware of the need and effort of on-going debate and discussion of his work, the way Derrida treats responsibility for philosophy may hold a clue to the freedom of responding in the university from philosophy itself. The university is a philosophical institution, in the sense that it seeks ideas to place them under critical examination, discussed, interrogated, and then passing beyond national and ethnic boundaries. The very idea of an institution as "an academy" arose with the philosopher Plato. All those who are in the university are philosophers, a place that grants higher degrees of philosophy to those who do not strictly research philosophy.

There is a great need to continue to respond to the responsibility of academic freedom, and academics are well placed to do so. So too is the need for a public intellectual, one who allows space as an auxiliary or support for philosophical discussion and debate more broadly of society. Such a view is consistent with Derrida who envisages that thought in philosophy is both a source of education and scholarship, articulated in publications *Who's Afraid of Philosophy: Right to Philosophy I* (2002) and *Eyes of the University: Right to Philosophy 2* (2004)*.* Overlooked as an education activist (Willinsky, 2009), Derrida tried to step out into an interested public and do philosophy. His visit to New Zealand might be viewed in that way. A response to the responsibility for the university of philosophy is found with Saitya Brata Das (2010) who writes:

To be a philosopher, and to philosophise is to train oneself for this truth, to care for one's own death for the sake of a care for truth, which is to open up the heart of existence of the philosopher, to open up this heart towards the abyss, and in this opening allowing truth to pass as truth, to welcome truth as the event of an arrival. (p. 13)

# CHAPTER EIGHT

# Conclusion

The key research question, 'What might it mean for the university to accept a role as critic and conscience of society?', places importance on finding meaning and purpose for the university. That is taken as a subjective pursuit of truth, consistent with academic freedom, that involves tertiary education policy and scholars, teaching and learning. This thesis has not sought to answer a problem, but rather seeks to support meaning to keep coming forward as a meaningful responsibility, in particular towards an acceptance of a role for the university that is critic and conscience. To avoid being a marginalised outsider of society, the university must reconnect with the pain of its past that has resulted from a global movement of reform. The thesis finds that scholars are well placed to support such acceptance, but there are implications for the nature of academic freedom as a conscious disclosure for all "others" as a social conscience. The research seeks to contribute towards deepening the purpose of the university in society from the action of scholars as modelled and extemporised by Jacques Derrida.

The future purpose of the university has been considered by some to be part of a global movement of reform, that is reflected in tertiary education policy. A future purpose needs to be found for the university that is beyond its mere survival. One place that such a future is identified is in the acceptance by New Zealand of the university as critic and conscience of society. Such a move has implications for the nature of conducting scholarship, its freedom and rights. Scholarship needs a supportive environment that avoids being pressed into service for the next good fight to solve another problem, which can be too unsatisfying and personally draining. Jacques Derrida gave two important presentations in New Zealand

that the thesis has argued call the university to return to a purpose that gives meaning in society. The thesis has attempted to extend those instances from within Derrida's scholarship as an acceptance for a possible role of universities.

Academic life exists within the haze of tertiary education policies that try to balance the needs of the nation state with a networked society. The view of scholarship taken by universities has had a narrowing, less creative and more entrenched effect on the professional freedom of scholarship. A wider context for meaning has in the past always been valued to support scholarship in the humanities. That currently plays out for scholars as an obsession with the immediacy of the moment, to publish, to add insight, to be expert as expounded in the PBRF system and other systems around the world. Universities need to support the production of scholarship that allows for a deeper connection with its past, as an admittance to its past, instead of the over-emphasis on employment conditions (as noted in Chapter 6). That is too strongly associated with survival, mere existence, rather than generating meaning with insight that comes from existence. For the university to become critic and conscience of society requires a reconciliation with its past, that scholarship is well placed to provide as an *encounter* in the present.

The nature in scholarship is highly valued by Derrida as a gift without reward. The thesis claims that the essence of scholarship as such a gift already forgoes the need for a reward and permits a more transgressive, radical options in society. As noted in *The Gift of Death*, a violation of our moral or social boundaries may arise. As has been noted, the nature of violation is very specific for Derrida. He is aiming to create meaning from meaninglessness as a connection that we might seek as an acceptance before the 'Other' as a singular and eclipsing purpose. That applies no less to the university, which has had too little attention given to its survival (as in devising appropriate policy settings) at the expense of creating meaning in society. Derrida described that alternative as an unconditionality for the

university that it be granted the right to say everything that needs to be said as an aspiration towards its meaning. It is argued that critic and conscience is inherent to deconstruction.

For deconstruction, understanding the structure of scholarship and the way it is produced is the first step to get meaning for the university. The nature of scholarship currently exists without direct association between the topic under examination and the author and is exemplified by the PBRF system. Each paper could be taken as a contribution to an existing debate of society that has been likened to a gift without reward. The connection between the research and events of society is freely given. Scholarship by its nature is a contribution to society at a distance, generated by relying on what has already been produced, critically incorporating the past for new meaning to arise. Scholarship could be conceived more broadly as a reconciliation or forgiveness with its past. Themes of neoliberalism for instance have been given new meaning in scholarship, but do not yet find their existence in the tertiary environment.

New research in any topic involves bringing ideas forward through the thought or conscience of the author. It is not unusual to read papers, not only for the main insight, but for the treatment of the scholarship of others as a contribution in society. The topic under consideration can be dealt with as either an obstacle to be overcome, or by leaving room or openness for interpretation by the reader. There is a story unfolding from the use of the existing work of others. The interaction of scholars to ask questions and invite interpretation of their work mirrors an option for thought of the university. In the gifted and episodic nature of scholarship, examining and discussing topics of society are distant to the events under examination and need to be made more intimate. The university is already in the margins of society. It is from those interactions, and the treatment of scholars by others as one option for redoing the past and bringing the university back from the margins as critic and conscience.

**Acceptance of the university in society**

The thesis is not advocating a return to the past dominance and acceptance of the university as an ideal of society. Rather it sees the need to deal with being a university of society as *an acceptance* of itself as one instance of a contribution towards critic and conscience of society, that legitimates its presence in society. Scholarship is speaking from a tenuous place, that emulates very well the value of critic and conscience of society, but it must extend that purpose to a university, without which it can never proceed. What is more important is that the university is coming forwards worn down and burdened by its past, almost too much to bear. It has the effect in placing their concerns first, and of narrowing a world view. And yet around them is the flourishing and continuance of ideas and innovation. There are prominent displays of humanity calling for areas of progress and development, all of which are undertaken at a sacrifice towards unity and harmony of purpose of society. The task of the university is to overcome its sense of dismay at the distance or separation from others as an avoidance to a painful past, that the action of scholars through their scholarship already seeks. Practising forgiveness of the unforgivable is one way that addresses that painful past.

In discussing the university, it is very common to observe an attitude of acceptance that reads: "whatever happens, happens", as an avoidance of the reality around them. It is not that society want to believe that, but rather in the sidestepping of their responsibility towards scholarship, it stands in place and fills up like a surrogacy for their avoidance of reality. On the other hand, the university is surrounded by many who are willing to sacrifice everything for harmony and purpose (of society). That stems from a tertiary education policy as a result of global reforms informed from economic rationality, that cannot afford to form attachments without reward. Such an exchange risks being confronted by the lives of others, and to enter into alterity, one for the other. It is not a concern to the policy setting of the university living

an existence forged by its past and at the same time would do anything to put things right. The university today lives its life through others because their own is so empty. Scholarship has unfairly felt the burden of that marginalisation of society. When claims are made that the university is at the cutting edge, solving world problems, it places the university on display as a hollowed out shell living vicariously through the lives of those prepared to be involved.

The consequence for scholarship is that it is prevented or thwarted to live in the present as critic and conscience because it too is chained to a broken past of the university, which presents as a double secret. The university lives a life fused to its past of secret regret, of a life unfinished as if there was a piece missing that it is searching for, a nostalgia for the past. Scholarship lives as much as possible in the present moment, with the double bind of reflecting on that secret for itself, but being unable to admit that, or give any more purpose for the university to avoid its past. Consequently, the university with scholarship becomes the detached outcast of society. Where previously the modern university was an idealised part of the completed world, now it is a stray soul unable to form connections within, but constantly aspiring to greater purpose. Scholarship is marking time, because the university does not want to acknowledge the hardships that others have had to endure to find their purpose, or of what it takes to generate meaning as a gift, from the sacrifice of giving up the need for affirmation and celebration. To do so, would risk opening themselves completely for fear of even further misery. So there is a waiting, waiting for someone to make it all better, or fabricate a personal philosophy to avoid the truth that they are marking time, a constant search for meaning in the meaninglessness.

The main goal of humans according to Derrida is to find a connection that makes us feel acceptance again as an unattainable outcome of the 'Other'. It is not uncommon to play a waiting game for that connection to take place and instead avoid the reality of the truth by waiting with the confrontation of the emptiness we feel. It stands in place as proof we are

alive. We want to feel connected, but are ignorant or blind to see that the main objective is to wait with the confrontation of whatever caused the emptiness in the first place, to wait with the waiting.

Universities are made up of a catalogue of human experiences, but themselves appear to be immune to the wide variety of human experiences that is contained in scholarship. Universities are in danger of remaining unempathic and lost among the marginalised of society. They operate out of a view of the world that is selfish. At the same time it is a demonstration of the pain that universities live with, imposed on them by others. It is extremely difficult to accept that pain, to become more relevant for others when universities live with their own pain and suffering. Scholarship supports universities coming forward in pain, in the painful acceptance of their past as past, to support a purpose as relevant and most meaningful in authentic academic life with ourselves and others around us. One way to overcome that passive waiting that infects universities is to become confronted with their past. That can happen from within scholarship in the episodic nature of its desire for unity and wholeness. It induces according to Derrida, an irresponsibility by universities that radically comes forward as a transgression of society. Passivity with the past becomes activated in a head on collision with its past. That has implications for the privilege of academic freedom, to enable scholarship to bring forward that transgression, as a violation to the pain and suffering that unshackles the burden for universities.

It does not really matter whether universities operate along humanistic lines or Kantian lines of reason. The philosophy that philosophers come up with is very inconsistent. There is no unifying philosophical programme. There can never be a unifying belief that makes everything connect. For Derrida that is forever unattainable. Philosophy might arrive as the simplest gesture or aside to someone. "Story, vivid metaphor, emotion, sensuality, the particular case—none of these is an enemy of philosophy" (Hustvedt, 2016, p. 505). The

purpose for working in universities might be that we want to get together with friends. But universities by tradition alone tend to keep searching from their commitment to a higher purpose for life, because to acknowledge in the present moment their existence as more than mere survival is inherent with a past that is too difficult to accept. One of the main ways that drives us as humans to keep going is to find acceptance again, and up until that point, anything else is devoid of true meaning. So there is a dilemma between wanting to feel that connection and having to face another confrontation with the inaccurate representation of their world, felt as an emptiness. Scholarship is well suited to allow us to confront our past that is respectful of ourselves, supported and nurtured. When we get activated, we are activated to confront our past, and our passive side starts to dissipate, which reveals vulnerability and our true nature as a violation or violence. Such an inversion of the life of a university that is confronting its past is fraught with difficulty for academics, where scholarship prefers a detached exploration that brings them closer to reveal the truth as a vulnerability, which Derrida recognised as an emptying out in self-sacrifice. To further support that confrontation or radical transgression, Derrida offers forgiveness of the unforgivable, an iteration of the gift without reward, that may support scholars coming forward in the abeyance and terror of the university seeking meaning.

**Future research directions**

While the focus of 'gift' for the thesis has been on Derrida's interpretation, there are other philosophers and thinkers whose ideas could contribute to upholding the ideal of the university as critic and conscience along similar lines of radical alterity. Further research on the idea of gift might include the thought of the Christian mystic Simone Weil and her concept of grace (Weil, 1997). For Weil, the struggles of life reveal themselves as a grace of interior transformation, that is, a movement from youthful acceptance to an authentic

gratitude to life (Roberts, 2011). That resonates with Bernasconi's discussion of Derrida's gift towards an authentic responsibility. There are also important links here with earlier attempts to find meaningfulness in life through the gift of authentic critical thought. The effort to find meaning from a meaningless world was recorded by Tolstoy in his work *Confession* (Tolstoy, 1882) as something of a spiritual crisis. On the brink of eternal literary fame, Tolstoy experienced a profound loss of meaning in his life out of regret for the past and articulated a way to learn to live as a critical thinker (Roberts & Saeverot, 2018).

One implication of the argument of this thesis is that there would be greater emphasis on support from policy for the humanities, and what they would offer. A recent article (Brooks, 2015, October 6) speculated on the need for universities to be 'big' in the sense of offering wholeness or fullness to students, and pointed to the origins of American universities as religious institutions. A return to a cultivation of spiritual and moral natures was not called for, but instead the author speculated that the humanities would soften and balance the secular trend of the university if they were allowed a more prominent role. "Universities are more professional and glittering than ever, but in some ways there is emptiness deep down. Students are taught how to do things, but many are not forced to reflect on why they should do them or what we are here for." The article reports a change on campus life with the advent of "interdisciplinary humanities programs and even meditation centres — designed to cultivate the whole student: the emotional, spiritual and moral sides and not just the intellectual." These sorts of changes point to a wider role that might apply to universities if they were to lead a more open and aspirational campus. Changes to a future Tertiary Education Strategy that accept such a direction, would place more emphasis on the role of the humanities in the formation and development of students.

During the 20th century, the university existed through an era of 'massification', a phenomenon that promoted and enforced uniformity in a mass society, that had tragic

consequences for humanity. Living through that era, thinkers such as José Ortega y Gasset, Erich Fromm, Hannah Arendt, Theodor Adorno and others tried to understand and wrestle with a world that pointed to loneliness and suffering as part of a crowd (Ortega y Gasset), or totalitarianism (Arendt). The destiny of humans was generalised "as the experience of a community and as a jointly endured drama" (Kapuściński, 2006, p. 67). The ethics of a specific individual distinguishable from within the mass or collective is a feature that Kapuściński (2006) finds from dialogue as a specific Self from its relation to the Other, that is, a Self that exists in "a relation to the Other, when he appears on the horizon of my existence, giving me meaning and establishing my role" (p. 67). Kapuściński (2006) goes on to cite Jozef Tischner from his work *The Philosophy of Drama* (1998), who explored the event of an encounter as a drama, and writes: "At the start of the origin of the *self* lies the presence of *you*, and perhaps even the presence of a more general *we.* Only in dialogue, in argument, in opposition, and also aspiring towards a new community is *my self* created, as a *self-contained being,* separate from another. I know that I am, because I know *another* is" (p. 219, italics in original). Jacques Derrida has an alternative take on the ethics of an encounter, emphasising the uniqueness and absoluteness of who we are to ourselves, as significant in the existence of ourselves. That uniqueness he argues, is extremely difficult to bear, with the culmination being a feeling of our own death.

Scholars acting out of concern for their destiny from within a scholarly community require intellectual humility. In order to differentiate intellectual humility from other types of thought, Whitcomb, Battaly, Baehr & Howard-Snyder (2015) have settled on a type of attention to one's own intellectual limitation, that defines intellectual humility. Academics are said to responsibly own their intellectual humility when they attend to and acknowledge their intellectual weaknesses as a limitation. To do so not only requires acknowledging the source or ownership of their thought in self-attention, but also the treatment of the thought of

others to be made their own. The gift of the thought of others offered with intellectual humility to one's own scholarship is paradoxical to ownership (because it has become the law, and is no longer unique or absolute), and risks abandoning its humility. Church (2017) finds that the limitations-owning model of intellectual humility results in counter-intuitive positions and is therefore a less than complete definition. Further research from philosophy of gift might contribute to advancing a new understanding of intellectual humility.

In summary, being supported as an academic with the freedom to say what needs to be said, is to be made intrinsic and inherent to discovery and research. The thesis has argued that the responsibility for scholars from within the neoliberal university is to find and support encouragement for debate, discussion and disagreement, that would return a social conscience to academic freedom.

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