Digital Diploma Mills, Part I

The Automation of Higher Education

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Recent events at two large North American universities signal dramatically that we have

entered a new era in higher education, one which is rapidly drawing the halls of academe

into the age of automation. In mid- summer the UCLA administration launched its historic

"Instructional Enhancement Initiative" requiring computer web sites for all of its arts and

sciences courses by the start of the Fall term, the first time that a major university has

made mandatory the use of computer telecommunications technology in the delivery of

higher education. In partnership with several private corporations (including the Times

Mirror Company, parent of the Los Angeles Times), moreover, UCLA has spawned its own

for-profit company, headed by a former UCLA vice chancellor, to peddle online education

(the Home Education Network).

This past spring in Toronto, meanwhile, the full-time faculty of York University, Canada's

third largest, ended an historic two-month strike having secured for the first time

anywhere formal contractual protection against precisely the kind of administrative

action being taken by UCLA. The unprecedented faculty job action, the longest university

strike in English Canadian history, was taken partly in response to unilateral

administrative initiatives in the implementation of instructional technology, the most

egregious example of which was an official solicitation to private corporations inviting

them to permanently place their logo on a university online course in return for a

$10,000 contribution to courseware development. As at UCLA, the York University

administration has spawned its own subsidiary (Cultech), directed by the vice president

for research and several deans and dedicated, in collaboration with a consortium of

private sector firms, to the commercial development and exploitation of online education.

Significantly, at both UCLA and York, the presumably cyber-happy students have given

clear indication that they are not exactly enthusiastic about the prospect of a high-tech

academic future, recommending against the Initiative at UCLA and at York lending their

support to striking faculty and launching their own independent investigation of the

commercial, pedagogical, and ethical implications of online educational technology. This

Fall the student handbook distributed annually to all students by the York Federation of

Students contained a warning about the dangers of online education.

Thus, at the very outset of this new age of higher education, the lines have already been

drawn in the struggle which will ultimately determine its shape. On the one side

university administrators and their myriad commercial partners, on the other those who

constitute the core relation of education: students and teachers. (The chief slogan of the

York faculty during the strike was "the classroom vs the boardroom"). It is no accident,

then, that the high-tech transformation of higher education is being initiated and

implemented from the top down, either without any student and faculty involvement in

the decision-making or despite it. At UCLA the administration launched their Initiative

during the summer when many faculty are away and there was little possibility of

faculty oversight or governance; faculty were thus left out of the loop and kept in the

dark about the new web requirement until the last moment. And UCLA administrators

also went ahead with its Initiative, which is funded by a new compulsory student fee,

despite the formal student recommendation against it. Similarly the initiatives of the York

administration in the deployment of computer technology in education were taken

without faculty oversight and deliberation much less student involvement.

What is driving this headlong rush to implement new technology with so little regard for

deliberation of the pedagogical and economic costs and at the risk of student and faculty

alienation and opposition? A short answer might be the fear of getting left behind, the

incessant pressures of "progress". But there is more to it. For the universities are not

simply undergoing a technological transformation. Beneath that change, and camouflaged

by it, lies another: the commercialization of higher education. For here as elsewhere

technology is but a vehicle and a disarming disguise.

The major change to befall the universities over the last two decades has been the

identification of the campus as a significant site of capital accumulation, a change in social

perception which has resulted in the systematic conversion of intellectual activity into

intellectual capital and, hence, intellectual property. There have been two general phases

of this transformation. The first, which began twenty years ago and is still underway,

entailed the commoditization of the research function of the university, transforming

scientific and engineering knowledge into commercially viable proprietary products that

could be owned and bought and sold in the market. The second, which we are now

witnessing, entails the commoditization of the educational function of the university,

transforming courses into courseware, the activity of instruction itself into commercially

viable proprietary products that can be owned and bought and sold in the market. In the

first phase the universities became the site of production and sale of patents and

exclusive licenses. In the second, they are becoming the site of production of - as well as

the chief market for - copyrighted videos, courseware, CD-ROMs, and Web sites.

The first phase began in the mid-1970's when, in the wake of the oil crisis and

intensifying international competition, corporate and political leaders of the major

industrialized countries of the world recognized that they were losing their monopoly

over the world's heavy industries and that, in the future, their supremacy would depend

upon their monopoly over the knowledge which had become the lifeblood of the new

so-called "knowledge-based" industries (space, electronics, computers, materials,

telecommunications, and bioengineering). This focus upon "intellectual capital" turned

their attention to the universities as its chief source, implicating the universities as never

before in the economic machinery. In the view of capital, the universities had become too

important to be left to the universities. Within a decade there was a proliferation of

industrial partnerships and new proprietary arrangements, as industrialists and their

campus counterparts invented ways to socialize the risks and costs of creating this

knowledge while privatizing the benefits. This unprecedented collaboration gave rise to

an elaborate web of interlocking directorates between corporate and academic

boardrooms and the foundation of joint lobbying efforts epitomized by the work of the

Business-Higher Education Forum. The chief accomplishment of the combined effort, in

addition to a relaxation of anti-trust regulations and greater tax incentives for corporate

funding of university research, was the 1980 reform of the patent law which for the first

time gave the universities automatic ownership of patents resulting from federal

government grants. Laboratory knowledge now became patents, that is Intellectual

capital and intellectual property. As patent holding companies, the universities set about

at once to codify their intellectual property policies, develop the infrastructure for the

conduct of commercially-viable research, cultivate their corporate ties, and create the

mechanisms for marketing their new commodity, exclusive licenses to their patents. The

result of this first phase of university commoditization was a wholesale reallocation of

university resources toward its research function at the expense of its educational

function.

Class sizes swelled, teaching staffs and instructional resources were reduced, salaries

were frozen, and curricular offerings were cut to the bone. At the same time, tuition

soared to subsidize the creation and maintenance of the commercial infrastructure (and

correspondingly bloated administration) that has never really paid off. In the end

students were paying more for their education and getting less, and the campuses were in

crisis.\*

The second phase of the commercialization of academia, the commoditization of

instruction, is touted as the solution to the crisis engendered by the first. Ignoring the

true sources of the financial debacle - an expensive and low-yielding commercial

infrastructure and greatly expanded administrative costs - the champions of

computer-based instruction focus their attention rather upon increasing the efficiencies of

already overextended teachers. And they ignore as well the fact that their high-tech

remedies are bound only to compound the problem, increasing further, rather then

reducing, the costs of higher education. (Experience to date demonstrates clearly that

computer-based teaching, with its limitless demands upon instructor time and vastly

expanded overhead requirements - equipment, upgrades, maintenance, and technical and

administrative support staff - costs more not less than traditional education, whatever

the reductions in direct labor, hence the need for outside funding and student technology

fees). Little wonder, then, that teachers and students are reluctant to embrace this new

panacea. Their hesitation reflects not fear but wisdom.\*\*

But this second transformation of higher education is not the work of teachers or

students, the presumed beneficiaries of improved education, because it is not really about

education at all. That's just the name of the market. The foremost promoters of this

transformation are rather the vendors of the network hardware, software, and "content" -

Apple, IBM, Bell, the cable companies, Microsoft, and the edutainment and publishing

companies Disney, Simon and Schuster, Prentice-Hall, et al - who view education as a

market for their wares, a market estimated by the Lehman Brothers investment firm

potentially to be worth several hundred billion dollars. "Investment opportunity in the

education industry has never been better," one of their reports proclaimed, indicating

that this will be "the focus industry" for lucrative investment in the future, replacing the

healthcare industry. (The report also forecasts that the educational market will

eventually become dominated by EMO's - education maintenance organizations - just like

HMO's in the healthcare market). It is important to emphasize that, for all the democratic

rhetoric about extending educational access to those unable to get to the campus, the

campus remains the real market for these products, where students outnumber their

distance learning counterparts six-to-one.

In addition to the vendors, corporate training advocates view online education as yet

another way of bringing their problem-solving, information- processing, "just-in-time"

educated employees up to profit- making speed. Beyond their ambitious in-house training

programs, which have incorporated computer-based instructional methods pioneered by

the military, they envision the transformation of the delivery of higher education as a

means of supplying their properly-prepared personnel at public expense .

The third major promoters of this transformation are the university administrators, who

see it as a way of giving their institutions a fashionably forward-looking image. More

importantly, they view computer-based instruction as a means of reducing their direct

labor and plant maintenance costs - fewer teachers and classrooms - while at the same

time undermining the autonomy and independence of faculty. At the same time, they are

hoping to get a piece of the commercial action for their institutions or themselves, as

vendors in their own right of software and content. University administrators are

supported in this enterprise by a number of private foundations, trade associations, and

academic-corporate consortia which are promoting the use of the new technologies with

increasing intensity. Among these are the Sloan, Mellon, Pew, and Culpeper Foundations,

the American Council on Education, and, above all, Educom, a consortium representing the

management of 600 colleges and universities and a hundred private corporations.

Last but not least, behind this effort are the ubiquitous technozealots who simply view

computers as the panacea for everything, because they like to play with them. With the

avid encouragement of their private sector and university patrons, they forge ahead,

without support for their pedagogical claims about the alleged enhancement of education,

without any real evidence of productivity improvement, and without any effective

demand from either students or teachers.

In addition to York and UCLA, universities throughout North America are rapidly being

overtaken by this second phase of commercialization. There are the stand-alone virtual

institutions like University of Phoenix, the wired private institutions like the New School

for Social Research, the campuses of state universities like the University of Maryland

and the new Gulf-Coast campus of the University of Florida (which boasts no tenure). On

the state level, the states of Arizona and California have initiated their own state-wide

virtual university projects, while a consortia of western "Smart States" have launched

their own ambitious effort to wire all of their campuses into an online educational

network. In Canada, a national effort has been undertaken, spearheaded by the

Telelearning Research Network centered at Simon Fraser University in Vancouver, to

bring most of the nation's higher education institutions into a "Virtual U" network.

The overriding commercial intent and market orientation behind these initiatives is

explicit, as is illustrated by the most ambitious U.S. effort to date, the Western Governors'

Virtual University Project, whose stated goals are to "expand the marketplace for

instructional materials, courseware, and programs utilizing advanced technology,"

"expand the marketplace for demonstrated competence," and "identify and remove

barriers to the free functioning of these markets, particularly barriers posed by statutes,

policies, and administrative rules and regulations."

"In the future," Utah governor Mike Leavitt proclaimed, "an institution of higher

education will become a little like a local television station." Start up funds for the project

come from the private sector, specifically from Educational Management Group , the

educational arm of the world's largest educational publisher Simon and Schuster and the

proprietary impulse behind their largesse is made clear by Simon and Schuster CEO

Jonathan Newcomb: "The use of interactive technology is causing a fundamental shift

away from the physical classroom toward anytime, anywhere learning - the model for

post secondary education in the twenty- first century." This transformation is being made

possible by "advances in digital technology, coupled with the protection of copyright in

cyberspace."

Similarly, the national effort to develop the "Virtual U" customized educational software

platform in Canada is directed by an industrial consortium which includes Kodak, IBM,

Microsoft, McGraw-Hill, Prentice-Hall, Rogers Cablesystems, Unitel, Novasys, Nortel, Bell

Canada, and MPR Teltech, a research subsidiary of GTE. The commercial thrust behind the

project is explicit here too. Predicting a potential fifty billion dollar Canadian market, the

project proposal emphasizes the adoption of "an intellectual property policy that will

encourage researchers and industry to commercialize their innovations" and anticipates

the development of "a number of commercially marketable hardware and software

products and services," including "courseware and other learning products." The two

directors of the project, Simon Fraser University professors, have formed their own

company to peddle these products in collaboration with the university. At the same time,

the nearby University of British Columbia has recently spun off the private WEB-CT

company to peddle its own educational website software, WEB-CT, the software designed

by one of its computer science professors and now being used by UCLA. In recent months,

WEB-CT has entered into production and distribution relationships with Silicon Graphics

and Prentice-Hall and is fast becoming a major player in the American as well as

Canadian higher education market. As of the beginning of the Fall term, WEB CT licensees

now include, in addition to UCLA and California State University, the Universities of

Georgia, Minnesota, Illinois, North Carolina, and Indiana, as well as such private

institutions as Syracuse, Brandeis, and Duquesne.

The implications of the commoditization of university instruction are two-fold in nature,

those relating to the university as a site of the production of the commodities and those

relating to the university as a market for them. The first raises for the faculty traditional

labor issues about the introduction of new technologies of production. The second raises

for students major questions about costs, coercion, privacy, equity, and the quality of

education.

With the commoditization of instruction, teachers as labor are drawn into a production

process designed for the efficient creation of instructional commodities, and hence

become subject to all the pressures that have befallen production workers in other

industries undergoing rapid technological transformation from above. In this context

faculty have much more in common with the historic plight of other skilled workers than

they care to acknowledge. Like these others, their activity is being restructured, via the

technology, in order to reduce their autonomy, independence, and control over their work

and to place workplace knowledge and control as much as possible into the hands of the

administration. As in other industries, the technology is being deployed by management

primarily to discipline, deskill, and displace labor.

Once faculty and courses go online, administrators gain much greater direct control over

faculty performance and course content than ever before and the potential for

administrative scrutiny, supervision, regimentation, discipline and even censorship

increase dramatically. At the same time, the use of the technology entails an inevitable

extension of working time and an intensification of work as faculty struggle at all hours of

the day and night to stay on top of the technology and respond, via chat rooms, virtual

office hours, and e-mail, to both students and administrators to whom they have now

become instantly and continuously accessible. The technology also allows for much more

careful administrative monitoring of faculty availability, activities, and responsiveness.

Once faculty put their course material online, moreover, the knowledge and course design

skill embodied in that material is taken out of their possession, transferred to the

machinery and placed in the hands of the administration. The administration is now in a

position to hire less skilled, and hence cheaper, workers to deliver the technologically

prepackaged course. It also allows the administration, which claims ownership of this

commodity, to peddle the course elsewhere without the original designer's involvement

or even knowledge, much less financial interest. The buyers of this packaged commodity,

meanwhile, other academic institutions, are able thereby to contract out, and hence

outsource, the work of their own employees and thus reduce their reliance upon their

in-house teaching staff.

Most important, once the faculty converts its courses to courseware, their services are in

the long run no longer required. They become redundant, and when they leave, their

work remains behind. In Kurt Vonnegut's classic novel Player Piano the ace machinist

Rudy Hertz is flattered by the automation engineers who tell him his genius will be

immortalized. They buy him a beer. They capture his skills on tape. Then they fire him.

Today faculty are falling for the same tired line, that their brilliance will be broadcast

online to millions. Perhaps, but without their further participation. Some skeptical faculty

insist that what they do cannot possibly be automated, and they are right. But it will be

automated anyway, whatever the loss in educational quality. Because education, again, is

not what all this is about; it's about making money. In short, the new technology of

education, like the automation of other industries, robs faculty of their knowledge and

skills, their control over their working lives, the product of their labor, and, ultimately,

their means of livelihood.

None of this is speculation. This Fall the UCLA faculty, at administration request, have

dutifully or grudgingly (it doesn't really matter which) placed their course work - ranging

from just syllabi and assignments to the entire body of course lectures and notes - at the

disposal of their administration, to be used online, without asking who will own it much

less how it will eventually be used and with what consequences. At York university,

untenured faculty have been required to put their courses on video, CD- ROM or the

Internet or lose their job. They have then been hired to teach their own now automated

course at a fraction of their former compensation. The New School in New York now

routinely hires outside contractors from around the country, mostly unemployed PhDs, to

design online courses. The designers are not hired as employees but are simply paid a

modest flat fee and are required to surrender to the university all rights to their course.

The New School then offers the course without having to employ anyone. And this is just

the beginning.

Educom, the academic -corporate consortium, has recently established their Learning

Infrastructure Initiative which includes the detailed study of what professors do,

breaking the faculty job down in classic Tayloristic fashion into discrete tasks, and

determining what parts can be automated or outsourced. Educom believes that course

design, lectures, and even evaluation can all be standardized, mechanized, and consigned

to outside commercial vendors. "Today you're looking at a highly personal human-

mediated environment," Educom president Robert Heterich observed. "The potential to

remove the human mediation in some areas and replace it with automation - smart,

computer-based, network-based systems - is tremendous. It's gotta happen."

Toward this end, university administrators are coercing or enticing faculty into

compliance, placing the greatest pressures on the most vulnerable - untenured and

part-time faculty, and entry-level and prospective employees. They are using the

academic incentive and promotion structure to reward cooperation and discourage

dissent. At the same time they are mounting an intensifying propaganda campaign to

portray faculty as incompetent, hide-bound, recalcitrant, inefficient, ineffective, and

expensive - in short, in need of improvement or replacement through instructional

technologies. Faculty are portrayed above all as obstructionist, as standing in the way of

progress and forestalling the panacea of virtual education allegedly demanded by

students, their parents, and the public.

The York University faculty had heard it all. Yet still they fought vigorously and

ultimately successfully to preserve quality education and protect themselves from

administrative assault. During their long strike they countered such administration

propaganda with the truth about what was happening to higher education and eventually

won the support of students, the media, and the public. Most important, they secured a

new contract containing unique and unprecedented provisions which, if effectively

enforced, give faculty members direct and unambiguous control over all decisions relating

to the automation of instruction, including veto power. According to the contract, all

decisions regarding the use of technology as a supplement to classroom instruction or as a

means of alternative delivery (including the use of video, CD-ROM's, Internet websites,

computer-mediated conferencing, etc.) "shall be consistent with the pedagogic and

academic judgements and principles of the faculty member employee as to the

appropriateness of the use of technology in the circumstances." The contract also

guarantees that "a faculty member will not be required to convert a course without his or

her agreement." Thus, the York faculty will be able to ensure that the new technology, if

and when used, will contribute to a genuine enhancement rather than a degradation of

the quality of education, while at the same time preserving their positions, their

autonomy, and their academic freedom. The battle is far from won, but it is a start.

The second set of implications stemming from the commoditization of instruction involve

the transformation of the university into a market for the commodities being produced.

Administrative propaganda routinely alludes to an alleged student demand for the new

instructional products. At UCLA officials are betting that their high-tech agenda will be

"student driven", as students insist that faculty make fuller use of the web site technology

in their courses. To date, however, there has been no such demand on the part of

students, no serious study of it, and no evidence for it. Indeed, the few times students

have been given a voice, they have rejected the initiatives hands down, especially when

they were required to pay for it (the definition of effective demand, i.e. a market). At

UCLA, students recommended against the Instructional Enhancement Initiative. At the

University of British Columbia, home of the WEB-CT software being used at UCLA,

students voted in a referendum four-to-one against a similar initiative, despite a lengthy

administration campaign promising them a more secure place in the high tech future.

Administrators at both institutions have tended to dismiss, ignore, or explain away these

negative student decisions, but there is a message here: students want the genuine

face-to- face education they paid for not a cybercounterfeit. Nevertheless, administrators

at both UCLA and UBC decided to proceed with the their agenda anyway, desperate to

create a market and secure some return on their investment in the information

technology infrastructure. Thus, they are creating a market by fiat, compelling students

(and faculty) to become users and hence consumers of the hardware, software, and

content products as a condition of getting an education, whatever their interest or ability

to pay. Can all students equally afford this capital-intensive education?

Another key ethical issue relates to the use of student online activities. Few students

realize that their computer-based courses are often thinly- veiled field trials for product

and market development, that while they are studying their courses, their courses are

studying them. In Canada, for example, universities have been given royalty-free licenses

to Virtual U software in return for providing data on its use to the vendors. Thus, all

online activity including communications between students and professors and among

students are monitored, automatically logged and archived by the system for use by the

vendor. Students enrolled in courses using Virtual U software are in fact formally

designated "experimental subjects." Because federal monies were used to develop the

software and underwrite the field trials, vendors were compelled to comply with ethical

guidelines on the experimental use of human subjects. Thus, all students once enrolled

are required to sign forms releasing ownership and control of their online activities to the

vendors. The form states "as a student using Virtual U in a course, I give my permission

to have the computer-generated usage data, conference transcript data, and virtual

artifacts data collected by the Virtual U software. . . used for research, development, and

demonstration purposes. "

According to UCLA's Home Education Network president John Korbara, all of their distance

learning courses are likewise monitored and archived for use by company officials. On the

UCLA campus, according to Harlan Lebo of the Provost's office, student use of the course

websites will be routinely audited and evaluated by the administration. Marvin Goldberg,

designer of the UCLA WEB-CT software acknowledges that the system allows for "lurking"

and automatic storage and retrieval of all online activities. How this capability will be

used and by whom is not altogether clear, especially since websites are typically being

constructed by people other than the instructors. What third parties (besides students

and faculty in the course) will have access to the student's communications? Who will

own student online contributions? What rights, if any, do students have to privacy and

proprietary control of their work? Are they given prior notification as to the ultimate

status of their online activities, so that they might be in a position to give, or withhold,

their informed consent? If students are taking courses which are just experiments, and

hence of unproven pedagogical value, should students be paying full tuition for them?

And if students are being used as guinea pigs in product trials masquerading as courses,

should they be paying for these courses or be paid to take them? More to the point,

should students be content with a degraded, shadow cybereducation? In Canada student

organizations have begun to confront these issues head on, and there are some signs of

similar student concern emerging also in the U.S.

In his classic 1959 study of diploma mills for the American Council on Education, Robert

Reid described the typical diploma mill as having the following characteristics: "no

classrooms," "faculties are often untrained or nonexistent," and "the officers are unethical

self-seekers whose qualifications are no better than their offerings." It is an apt

description of the digital diploma mills now in the making. Quality higher education will

not disappear entirely, but it will soon become the exclusive preserve of the privileged,

available only to children of the rich and the powerful. For the rest of us a dismal new era

of higher education has dawned. In ten years, we will look upon the wired remains of our

once great democratic higher education system and wonder how we let it happen. That is,

unless we decide now not to let it happen.

(Historian David Noble , co-founder of the National Coalition for Universities in the Public

Interest, teaches at York University. His latest book is The Religion of Technology . He is

currently writing a book on this subject entitled Digital Diploma Mills).

Notes

\* Tuition began to outpace inflation in the early 1980's, at precisely the moment when

changes in the patent system enabled the universities to become major vendors of patent

licenses. According to data compiled by the National Center for Educational Statistics,

between 1976 and 1994 expenditures on research increased 21.7% at public research

universities while expenditure on instruction decreased 9.5%. Faculty salaries, which had

peaked in 1972, fell precipitously during the next decade and have since recovered only

half the loss.

\*\* Recent surveys of the instructional use of information technology in higher education

clearly indicate that there have been no significant gains in either productivity

improvement or pedagogical enhancement. Kenneth C. Green , Director of the Campus

Computing Project, which conducts annual surveys of information technology use in

higher education, noted that "the campus experience over the past decade reveals that

the dollars can be daunting, the return on investment highly uncertain." "We have yet to

hear of an instance where the total costs (including all realistically amortized capital

investments and development expenses, plus reasonable estimates for faculty and

support staff time) associated with teaching some unit to some group of students actually

decline while maintaining the quality of learning," Green wrote. On the matter of

pedagogical effectiveness, Green noted that "the research literature offers, at best, a

mixed review of often inconclusive results, at least when searching for traditional

measures of statistical significance in learning outcomes."

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Digital Diploma Mills, Part II

The Coming Battle Over Online Instruction

Confidential Agreements Between Universities and Private Companies Pose

Serious Challenge to Faculty Intellectual Property Rights

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 Tensions are rapidly mounting today between faculty and university

 administrations over the high tech commercialization of higher education.

 During the last two decades campus commercialization centered upon the

 research function of the universities, but it has now shifted to the core

 instructional function, the heart and soul of academia. In both cases the

 primary commercial impulse has come from non-academic forces, industrial

 corporations seeking indirect public subsidy of their research needs and

 private vendors of instructional hardware, software, and content looking for

 subsidized product development and a potentially lucrative market for their

 wares. In both cases also, there has been a fundamental transformation of

 the nature of academic work and the relationship between higher

 educational institutions and their faculty employees. With the

 commoditization of instruction, this transformation of academia is now

 reaching the breaking point.

 The commercialization of research entailed the conversion of the intellectual

 process of research into discrete products - inventions - and the conversion

 of these inventions into commodities - something that could be owned and

 exchanged on the market - by means of patents and exclusive licenses. With

 this change, faculty who conducted research in the service of their role as

 educators and scholars, became instead producers of commodities for their

 employer. Universities could become commercial players not only because

 they were the major site of federally-funded scientific and technological

 research but also because amendments to the patent law had given academic

 contractors ownership of all patents resulting from federally-funded

 research. This potentially gave the universities something to trade with

 industry: licenses to those patents. But before the universities could make

 any proprietary deals with industry they had first to secure the patent

 rights of their research faculty and staff, because patents are issued only to

 inventors not to institutions. Universities thus established ad hoc

 arrangements with their own professors, giving them a share of revenues in

 exchange for their patent rights. Eventually, they adopted formal intellectual

 property policies similar to those devised many decades before by private

 industry: employees would be required contractually to assign their patent

 rights to the university as a routine condition of employment.

 In the process, research, formerly pursued as an end in itself or as a

 contribution to human knowledge, now became a means to commercial ends

 and researchers became implicated, directly or indirectly and wittingly or

 not, in the business of making money for their universities. The

 commercialization of academic research brought universities and industry

 into close partnership; it made some people very rich and no doubt resulted

 in the development of some new technologies. But it also ushered in a brash

 new regime of proprietary control, secrecy, fraud, theft, and commercial

 motives and preoccupations. Some argue that this new commercial ethos has

 irreversibly corrupted the university as a site of reliably independent

 thought and disinterested inquiry, placing in jeopardy a precious and

 irreplaceble public resource.

 Today the universities are moving rapidly to commercialize their

 instructional activities in much the same way. Here the instructional process,

 classroom teaching, is converted into products, such as a CD ROMs, Websites,

 or courseware. These products are then converted into marketable

 commodities by means of copyrights and licenses to distribute copyrighted

 instructional products. Like the commercialization of research, the

 commercialization of instruction entails a fundamental change in the

 relationship between the universities and their faculty employees. Here

 faculty who develop and teach face-to-face courses as their primary

 responsibility as educators are transformed into mere producers of

 marketable instructional commodities which they may or may not

 themselves "deliver."

 Universities today are going into business for themselves, as the producers

 and distributors of commercial instructional products, or they are making

 deals with private firms for the production and distribution of online

 courses. But before the universities can begin to trade on their courses, they

 must first control the copyright to course material. Course copyright is the

 sine qua non of the digital diploma mill. In copyright law, however,

 ownership follows authorship. This means that course materials are the

 property of the teaching faculty and staff who developed them.

 Traditionally, universities have acknowledged that faculty, as the authors of

 courses, have owned their course materials and hence copyright to them

 (except in those cases where extraordinary university resources were

 involved in course development, which might entail shared ownership). But

 the universities are now undertaking to usurp such traditional faculty rights

 in order to capitalize on the online instruction marketplace, and it is for this

 reason that the rather arcane matter of copyright and intellectual property

 has become the most explosive campus issue of the day. Here the battle line

 over the future of higher education will be drawn. For faculty and their

 organizations it is a struggle not only over proprietary control of course

 materials per se but also over their academic role, their autonomy and

 integrity, their future employment, and the future of quality education. In

 the wake of the online education gold-rush, many have begun to wonder,

 will the content of education be shaped by scholars and educators or by

 media businessmen, by the dictates of experienced pedagogy or a quick

 profit? Will people enroll in higher educational institutions only to discover

 that they might just as well have stayed home watching television?

 At present the universities are in a phase of transition, experimenting with

 solutions to their copyright dilemma. Such efforts must be watched very

 closely because what happens now will likely determine the future shape of

 higher education. During the last few years several universities have entered

 into formal agreements with private firms which give some indication of

 where they are headed: UCLA and the Home Education Network (THEN), UC

 Berkeley and America On Line (AOL); and the University of Colorado and

 Real Eduation. These documents, heretofore confidential, herald the dawning

 of a new regime of instruction strikingly similar to the commercial regime of

 academic research. The initial loci of these arrangements are the extension

 programs of the universities, the testing grounds for online instruction and

 the beach-heads, so to speak, for the commercialization of higher education.

 In each of these contracts, entered into without faculty knowledge much less

 approval, the university has explicitly assumed its own, rather than faculty,

 authorship/ownership of course materials, in violation not only of academic

 tradition but perhaps also of federal copyright law. In claiming

 authorship/ownership as a precondition of making the deal, the universities

 might also have committed fraud. Whether or not the universities have

 already overstepped legal boundaries, it is clear that there is a move afoot

 here to establish surreptitiously a new practice, a new tradition, in which

 universities automatically own all rights to course material developed by

 faculty. Unless faculty act quickly to assert and confirm their rightful claim

 to their course materials, their inaction might retrospectively be seen by the

 courts in the future as a tacit acknowledgement of the abandonment of those

 rights. In the longer run, universities will no doubt undertake to routinize

 this theft by requiring faculty to assign all copyrights on course material to

 the university as a condition of employment as they have done with patents.

 \* \* \*

 The first case to be examined is the secret agreement between UCLA and The

 Home Education Network (THEN) signed on June 30, 1994 and amended

 February 21, 1996. This agreement entailed the granting by a university of

 exclusive production and distribution rights to electronic courses, including

 copyright, to a private, for-profit corporation, without any prior faculty

 consultation or approval.

 THEN emerged not from the world of education but from the fast hustle

 media world of spins and sound-bites, cable TV and public relations. It was

 the brainchild of political media consultant and television producer Alan

 Arkatov, who produced and marketed the media campaigns of over a dozen

 U.S. senators, governors, and mayors, before serving as Senior Advisor to

 President Clinton's 1992 campaign chairman Mickey Kantor. In 1994 he

 negotiated a landmark contract with the Regents of the University of

 California to form an unprecendented arrangement with UCLA Extension

 (UNEX), the largest continuing higher education program in the country. The

 agreement gave Arkatov exclusive rights to all electronic delivery of UNEX

 courses and the exclusive use of the UCLA name for that purpose, thereby

 launching THEN as "the most comprehensive continuing distance learning

 program of its kind in the United States."

 THEN is now directed by its President and CEO John Kobara, who comes out

 of the cable television industry and the public relations and marketing side

 of academia. A UCLA graduate, Kobara was vice president and general

 manager of Falcon TV, one of the nation's largest independent cable

 operators, and served as president of the Southern California Cable

 Association before returning to UCLA to direct the Alumni Association. By

 the time he joined THEN in 1997, Kobara was UCLA's Vice Chancellor of

 University Relations directing all of the university's public relations,

 marketing, and government and alumni relations activities. Combining their

 media experience, political influence, and insider knowledge of UCLA and its

 myriad community connections, Arkatov and Kobara were well placed to

 make the most profitable use of their ambitious arrangement with UCLA. But

 UCLA administrators, meanwhile, had ambitions of their own, not only to

 provide a new revenue stream for UNEX but to establish it, and UCLA, as the

 premier vehicle for distance learning in the University of California system,

 and beyond.

 The extremely broad agreement between THEN (signed by Arkatov) and the

 Regents of the University of California (on behalf of UNEX, a part of the

 Division of Continuing Education of UCLA, signed by Robert Lapiner, UCLA

 Dean of Continuing Studies) granted to THEN the exclusive right to produce,

 for a ten year "production period", and exploit, in perpetuity, all electronic

 versions of UNEX courses: "the sole, exclusive and irrevocable right under

 copyright and otherwise to make, produce and copyright by any means or

 'Technology,' as such term is hereinafter defined, now known or herefter

 devised during the 'Production Period', as such term is hereinafter defined,

 audio, visual, audio/visual. digital and/or other recordings of all UNEX

 classes. . . ." as well as "the sole, exclusive and irrevocable right under

 copyright and otherwise to exhibit, perform, broadcast, transmit, publish,

 reproduce, manufacture, distribute, advertise, sell, rent, lease, market,

 publicize, promote, merchandise, provide technical support for, license and

 otherwise exploit, generally deal in and with and turn to account the

 Recordings by all means and technology and in all media and forms of

 expression and communication now known or later developed in all

 languages throughout the universe (the 'Territory') in perpetuity. . . ." THEN

 also secured the right to use the "University of California" and "UCLA" names

 in connection with the exploitation of their rights granted in the Agreement,

 as well as the right to assign or transfer their interests in the agreement to

 "any entity."

 In consideration of this generous grant of rights, UNEX would receive a

 percentage of THEN's gross receipts (increasing from 6 to 12 percent over the

 course of the term) plus reimbursement of expenses incurred in the

 preparation of courses, including materials and wages. UNEX retained the

 right to designate which courses would and would not be converted to

 electronic form and the right to final approval of their content. However, it

 agreed that "THEN shall have the unlimited right to vary, change, alter,

 modify, add to and/or delete from the Recordings, and to rearrange and/or

 transpose the Recording and change the sequence thereof." In 1995 there

 was apparently some difference of opinion between the parties over

 whether or not the 1994 agreement covered online and Internet delivery of

 courses. THEN insisted that it did and ultimately prevailed upon UCLA to

 formally amend the agreement stipulating explicitly that "UNEX and THEN

 acknowledge that the inclusion of On-Line Rights is on the same economic

 and other terms as pertain to Recordings in the Agreement and that all such

 terms shall be interpreted so as to encompass On-Line Rights."

 If the THEN-UCLA agreement brought the pecuniary preoccupations of

 private commerce into the heart and soul of higher education, it also carried

 with it another characteristic aspect of proprietary enterprise: secrecy.

 Despite, or perhaps because of, the broad terms and far-reaching

 implications of their agreement, THEN officials and UCLA administrators

 formally agreed to keep it secret. In a confidentiality clause in the 1994

 agreement, it was agreed that "except as required by law, UNEX shall hold in

 confidence and shall not disclose or reveal to any person or entity

 confidential information relating to the nature and substance of this

 Agreement. . ." and that any participating "Instructor shall hold in confidence

 and not disclose or reveal to any person or entity confidential information

 relating to the nature and substance of the agreement between UNEX and

 THEN. . . ." While THEN clearly had proprietary motives for such

 confidentiality, why did UCLA administrators, trustees of a public institution

 trading in publicly-created goods, agree to such secrecy? What did the

 university have to hide? Perhaps it was what the agreement had to say

 about its larger ambitions, and, especially, its relations with faculty.

 Kobara's spin on the deal is that this arrangement is a modest one, restricted

 to UNEX and thus without any significance, or any reason for concern,

 beyond it. He insists that THEN has no relationship with UCLA but only with

 UNEX,which he argues is an independent entity. This is not the case. While

 UNEX is self-supporting, it is unambiguously a part of UCLA, as the

 Agreement itself makes clear. It is for this reason that an officer of UCLA,

 Robert Lapiner, signed the agreement, representing the Regents. Moreover,

 Kobara's modesty is clearly belied by the Agreement, which reveals

 intentions of a much wider scope. According to the Agreement, "The parties

 contemplate that the relationship with THEN may extend to other University

 of California campuses. Because of UNEX's unique responsibility to be bound

 to THEN for the Term hereof, THEN agrees that the participation of all other

 University of California campuses as well as other academic units of UCLA in

 this project will be coordinated by UNEX and for the purposes of this

 Agreement shall be considered 'UNEX Classes.' An appropriate share of

 revenues otherwise payable to UNEX for any such courses shall, however, be

 distributed proportionately to the participating University of California

 campus or other academic unit of UCLA." Whether or not they are able to

 realize their grand vision, it is clear that UCLA from the outset intended to

 extend its distance education operations beyond UNEX and, through UNEX -

 the largest continuing education program in the UC system - beyond UCLA to

 other UC campuses. This Fall the UCLA Division of Letters and Science

 launched its Instructional Enhancement Initiative mandating that every

 course must have a website containing at a minimum course outlines and

 assignments and encouraging faculty to put their lectures and other

 materials online as well. Like the THEN-UCLA deal, this action was taken

 without debate or formal faculty approval. THEN and UCLA officials maintain

 that there is no connection between this unprecedented initiative and their

 UNEX activities. In response to increasingly apparent faculty concern, UCLA's

 Provost of Arts and Letters Brian Copenhaver has recently distributed a

 letter to all faculty insisting, perhaps too much, that IEI is "resolutely and

 only academic" and that "there are no plans to use IEI commercially."

 Reading the Agreement, however, one has to wonder.

 At the heart of the THEN-UCLA deal is the crucial matter of copyright. As is

 typical in any such agreement, the parties must attest to the fact that they

 indeed have the right and authority to grant whatever it is they are

 granting. Thus, UNEX affirmed that "UNEX has the full right, power, and

 authority to enter into and perform this Agreement and to grant to and vest

 in THEN all rights herein set forth, free and clear of any and all claims, rights,

 and obligations whatsoever." Under this assumption, UNEX agreed that "As

 between UNEX, THEN, and the instructors of the UNEX Classes (the

 'Instructors'), THEN shall be the owner of all right, title, and interest,

 including without limitation, the copyright, in and to all Recordings of UNEX

 Classes produced by and for THEN hereunder and, for purposes of Title 17 of

 the United States Code also known as the Copyright Act of 1976, as amended

 (the 'Copyright Act'), THEN shall be deemed the author of the Recordings." By

 what legal right and under what authority could UNEX make such a grant,

 given the fact that the instructors who create the courses rather than UCLA

 or UNEX are the rightful and heretofore acknowledged owners of copyright?

 The instructors, of course, were never even party to this agreement. This is

 the crux of the Agreement and all such arrangements.

 In order to be in a position to uphold its side of the bargain, UNEX formally

 agreed that it would undertake to compel its instructors, on THEN's behalf, to

 assign their copyrights to UNEX, thereby enabling UNEX to assign them to

 THEN. This was made fully explicit with the inclusion in the Agreement of an

 "Exhibit A," outlining a compulsory "Instructors' Agreement," whereby

 instructors would be made to surrender their rights to UNEX as a condition of

 employment. The Agreement thus stipulates that "UNEX shall use its best

 efforts to cause each Instructor to agree in writing ('Instructor Agreement')

 for the specific stated benefit of THEN, to the provisions set forth on Exhibit

 'A' attached hereto." Furthermore, the agreement stipulates that any such

 Instructor Agreement had to meet the specifications not only of UNEX but

 also of THEN, which "shall have the right of prior written approval of the

 form and substance of the agreements entered into by UNEX and Instructors

 concerning the production and exploitation of the Recordings."

 Exhibit A is a five page document which specifies in detail what the

 Instructor must give up and do for UNEX and THEN in order for UNEX to

 meet its contractual obligations to THEN. Predictably, the Instructor must

 agree to grant to UNEX the same rights granted by UNEX to THEN, namely

 "the sole, exclusive and irrevocable right under copyright and otherwise to

 make, produce and copyright by any means or technology now known or

 hereafter devised Recordings of all UNEX Classes taught by Instructor" as

 well as "the sole, exclusive and irrevocable right under copyright and

 otherwise to exhibit, perform, broadcast, transmit, publish, reproduce,

 manufacture, distribute, advertise, sell, rent, lease, market, publicize,

 promote, merchandise, provide technical support for, license and otherwise

 exploit, generally deal in and with and turn to account the Recordings by all

 means and technology and in all media and forms of expression and

 communication now known or later developed in all languages throughout

 the Territory in perpetuity." The Instructor must acknowledge and agree

 that "THEN shall be deemed the author of the Recordings" and that the

 "Instructor has no rights of any kind or nature in the Recordings of UNEX

 Classes taught by the Instructor;" and must "forever waive any right to

 assert any rule, law, decree, judicial decision or administrative order of any

 kind throughout the world, which allows Instructor any right in the moral

 rights (droit moral) in the Recordings."

 According to Exhibit A, the "Instructor must not permit the Course Materials

 utilized by the Instructor for UNEX Classes taught during the Production

 Period to be recorded by any Technology, except by THEN" unless it is

 approved by THEN or is restricted to publication in print form on paper (e.g.

 books). The Instructor is also obligated to assist UNEX and THEN in securing

 releases to all copyrighted material used in the Instructor's course. And just

 as UNEX must use its best efforts to cause the Instructor to sign the

 Instructor Agreement, so the "Instructor shall use Instructor's best efforts to

 cause all guest lecturers taking part in UNEX Classes taught by such

 Instructor to execute agreements approved by UNEX and THEN that are

 consistent with the balance of the provisions of Exhibit A." Finally, the

 Instructor is required to execute any other documents consistent with the

 terms of the Instructor Agreement, as requested by UNEX or THEN, and if the

 Instructor fails to do so, "the Instructor shall be deemed to have appointed

 UNEX and/or THEN as Instructor's irrevocable attorney-in-fact with full

 power of substitution and delegation and with full and complete right and

 authority . . . to perform such acts and take such proceedings in the name of

 Instructor. . "

 The Instructor Agreement, a formal written contract between employee and

 employer in which employee rights are legally transferred to the employer,

 was seen by the parties in 1994 as the way UNEX would secure the power

 and authority required to comply with its Agreement with THEN, at the

 expense of the Instructors. Today both parties contend that such Instructor

 Agreements are not necessary. According to the terms of a revised

 agreement, they argue, which has not yet been finalized, the actual

 ownership of electronic courses would reside solely with UNEX while THEN

 would merely have exclusive rights of distribution. And UNEX now maintains

 that its ownership rights are automatic and would not require any formal

 contract with their employees. As David Menninger, UCLA's Associate Dean

 of Continuing Education and UCLA Extension, explained to me in a letter in

 December, 1997, "since the focus of the Extension/THEN relationship has

 shifted to Extension online courses, for which the Regents of the University

 of California retain ownership, no such instructor's agreement has ever been

 used, nor is any further need anticipated."

 It is not clear upon what legal basis Menninger asserts his claim that the

 Regents of the University of California retain ownership, given the traditional

 legal rights of the Instructors to these courses. According to Kathy

 Whenmouth, technology transfer specialist in the University of California's

 President's Office, the University does not yet have any policy on the

 copyright of online course materials. Clearly, the matter is far from settled.

 What exactly are the rights of instructors and the Regents? Now that the

 UNEX/THEN Agreement has seen thelight of day, it will no doubt become a

 focus of controversy. Is it legal? Will it withstand a legal challenge?

 Whatever the ultimate legal status of the Agreement,which would have to be

 determined in court, this episode sheds much light upon the methods,

 intentions, and visions of those involved in the commoditization and

 commercialization of university instruction.

 The second agreement, between America On Line (AOL) and UC Berkeley

 (The Regents of the University of California) points in much the same

 direction. Signed on July 26, 1995, this agreement, which also contains a

 confidentiality clause, centers upon Berkeley's extension program, the Center

 for Media and Independent Learning. Here the arrangement from the outset

 entails only the licensing of course distribution rights without any transfer of

 copyright from the university to the company. According to the agreement,

 the University aims to offer "electronic courses in a broad spectrum of

 disciplines (Arts and Humanities, Business and Management, Computer

 Science, Hazardous Materials Management, Natural Sciences, Social Sciences),

 for credit or for professional development." Accordingly, the "University

 grants AOL a non-exclusive, revocable, worldwide license to market, license,

 distribute, and promote" these courses. In doing so, the "University

 represents and warrants to AOL" that such offerings "will not infringe on or

 violate any copyright, patent or any other proprietary right of any third

 party. . . " Once again, as was the case with the UCLA- THEN agreement, the

 University is representing to AOL that it alone owns the course materials and

 that no third parties, including the faculty who develop courses, have any

 rights to them. In order to secure faculty compliance with this claim, the

 University has drawn up a generic course development "letter of agreement"

 for instructors to execute. In this document, which instructors are required

 to sign, the University informs instructors that "The Regents of the

 University of California will own the copyright to all materials you develop,

 in print or other media, for use in this UC Extension course . . . and we retain

 the right to continue offering the course should you resign as instructor." By

 means of this contract the University obtains, and the instructors abandon,

 ownership of all course materials. Instructors are paid a modest

 "honorarium" for developing the course and abandoning their rights, payable

 half on acceptance of the materials and half on actual delivery of the course.

 Whereas AOL receives ten percent of all royalty revenues, the instructors

 receive none.

 The final example is possibly the most far-reaching, involving the

 Denver-based company Real Education, Inc. (Real Ed) and the entire

 University of Colorado. Real Education was founded in 1996 by CEO Rob

 Helmick, an attorney and former general counsel for various universities

 who specialized in education law and the "merger and acquisition of

 educational institutions worldwide." In 1996 Helmick's law firm, Helmick

 and Associates International, acquired Real Information Systems, one of the

 leading worldwide web production companies in the U.S., and created Real

 Education, Inc., "so that universities could easily outsource instruction." Real

 Education has become a major player in the outsourcing of university online

 instruction and currently has contracts with some twenty universities and

 colleges throughout the United States, including the University of Colorado,

 Northern Illinois University, Rogers University, and the Colorado Community

 Colleges. The company specializes in providing universities with all of the

 hardware, software, internet links and technical support they need for online

 course delivery, including assistance with course development. It is now

 collaborating with Microsoft and Simon and Schuster to create a standard for

 the industry. For its part, the University of Colorado has been in the

 forefront of online education and recently won the Eddy Award of the

 National Science Foundation as the "Number One Online University in the

 World."

 After some preliminary collaboration, Real Ed and the University of Colorado

 entered into a formal agreement on May 27, 1997. The arrangement engages

 Real Ed to provide the technical means for online course development and

 delivery but the University retains all copyright to course material.

 According to the agreement, the "University, on behalf of its four campuses,

 wishes to develop its online capability utilizing Real Ed's Einstein Network

 Version 2.5 (or the latest version thereof) to create University credit and

 non-credit courses for delivery in the United States and abroad." As part of

 its obligations, Real Ed agrees to "oversee the adaptation of existing

 distance-learning courses and collaborate with the University's faculty and

 staff in the development of new courses" and to "provide instructional design

 support to University faculty to assist in the transfer of lectures to the online

 format." However, according to the contract, "it is understood and agreed that

 the relationship of University and Real Ed, with respect to all course

 development, is that of author and editor, final approval and ownership

 rights over University-developed material will vest in the University. . . ."

 Once again, in making a deal with a private firm, the University is explicitly

 identifying itself as the "author" of all course materials having full

 "ownership rights."

 Having made clear its proprietary claims vis a vis Real Ed, the University has

 also made an effort to establish the contractual basis for such claims vis a vis

 its faculty. The University has drawn up an "Agreement for Development of

 Courses Between the Regents of the University of Colorado and Faculty

 Course Developer" to be signed by all faculty developing online courses.

 According to this agreement, "Faculty acknowledges that the 'on-line course

 is deemed as a 'work made for hire' within the meaning of the U.S. Copyright

 Act of 1976 and The Board of Regents of the University of Colorado shall own

 exclusively and forever all rights thereto including derivative works." In

 addition, "Faculty acknowledges and agrees that the 'on-line' course itself

 may not be used in faculty consulting, in delivering lectures or presentations

 to another academic institution, and may not be duplicated or distributed to

 other individuals, academic institutions or corporations without a written

 agreement and approval of the University." In return for developing a

 typical three-credit course and assigning copyright on all course materials to

 the University, the faculty member receives one thousand dollars plus

 royalties of ten percent of revenues up to $125,000 and fifteen percent

 thereafter. (Real Ed receives five thousand dollars for each course developed

 plus one hundred dollars per student.) At present, faculty involvement in

 online course development is voluntary. However, according to the

 agreement with Real Ed, the University has the power to designate which

 faculty will develop such courses. According to Maureen Schlenker of the

 University of Colorado at Denver who oversees "UC Online," departments

 might require faculty to participate. No doubt untenured and part-time

 instructors, those with the least job security and lowest pay, will most likely

 be pressed into service. Marvin D. Loflin, dean of the college of arts and

 sciences on the Denver campus, says he is considering plans to hire

 non-professorial "teaching associates" to teach on-line courses. "I'm prepared

 to make over the whole infrastructure of higher education," he recently

 proclaimed to the Chronicle of Higher Education (March 27, 1998, p. A30).

 These agreements herald a new regime in higher education, one which is

 taking hold of the nation's campuses at an accelerating rate: the

 commoditization and commercialization of instruction. Extension programs

 are the cutting edge for this new commercial ethos not only because of their

 obvious involvement in distance learning but also because they are typically

 staffed by the most vulnerable instructors, people who have little job

 security and would thus be most ready to comply with university demands.

 But as the arrangement between the University of Colorado and Real Ed

 makes especially clear, the new regime of online education extends far

 beyond university extension programs and the most vulnerable. Indeed, it is

 now becoming increasingly apparent that the real market for online courses

 will be the on-campus population, as the experience of the University of

 Colorado aleady indicates. And as UCLA's Instructional Enhancement

 Initiative makes plain, faculty at all levels will ultimately be drawn into the

 new regime, through encouragement or coercion. The implications of these

 agreements therefore must be considered seriously by anyone who is using

 or plans to use electronic means to enhance or deliver their courses. Who

 owns the material you have placed on the Website or e-mail? Without a

 clear and definitive assertion of copyright claims by faculty, the universities

 will usurp such rights by default.

 This is a matter of some urgency and it is especially pressing for those

 faculty who work in a non-union workplace. Unionized faculty have at least

 an organization and collective bargaining rights through which they might

 fight for their rightful claims. But non-unionized faculty must invent other

 means. One strategy might be for faculty to file for injunctions against their

 universities to prevent them from entering into or complying with

 agreements in which they make claim to copyright on course materials that

 legally belong to faculty. These agreements might well be illegal, perhaps

 involving fraud, and hence invalid. Faculty might also investigate whether or

 not their university is involved in the delivery of any courses without

 having first obtained a signed copyright agreement with the instructor. Once

 again, this might well involve an illegal infringement of copyright. But by

 whatever means, collective bargaining, litigation, or direct action, faculty

 must act, and act now, to preserve their rights.

 University control over copyright is the sine qua non of the Digital Diploma

 Mills. Without it the universities and their corporate partners cannot

 proceed. As the CEO of Simon and Schuster, Jonathan Newcomb, has stated,

 commercial online education presupposes "advances in digital technology

 coupled with the protection of copyright in cyberspace." (Emphasis added).

 Only by resisting and opposing university control over copyright will faculty

 be able to preserve their legal rights, their autonomy, their jobs, and, above

 all, the quality and integrity of higher education. The fate of higher

 education is in their hands.

DIGITAL DIPLOMA MILLS, PART III

The Bloom Is Off the Rose

© by David F. Noble, November, 1998

 Preamble

 Abe and Moe run into each other on Flatbush Avenue.

 "Boy, have I got a deal for you" Moe," says Abe. "I've got these fancy new

 university courses, computers and everything, you can take it right from

 your own living room. What do you think?"

 "Sounds nice," says Moe, "How much?"

 "For you, my friend, a bargain," says Abe, "Only three hundred dollars."

 "I'll take it" says Moe.

 Four months later they run into each other again.

 "Hey Abe, you crook," says Moe, "Remember that course you sold me?"

 "Sure," says Abe, "what about it?"

 "It was lousy," says Moe, "I didn't learn a thing."

 "Moe, you dummy, of course you didn't," says Abe. "That was a buying and

 selling course, not a learning course!"

Far sooner than most observers might have imagined, the juggernaut of online education

appears to have stalled. Only a year ago, it seemed there was no stopping it. Promoters of

instructional technology and "distance learning" advanced with ideological bravado as

well as institutional power, the momentum of human progress allegedly behind them.

They had merely to proclaim "it's the future" to throw skeptics on the defensive and

convince seasoned educators that they belonged in the dustbin of history. The monotonal

mantras about our inevitable wired destiny, the prepackaged palaver of silicon snake-oil

salesmen, echoed through the halls of academe, replete with sophomoric allusions to

historical precedent (the invention of writing and the printing press) and sound-bites

about the imminent demise of the "sage on the stage" and "bricks and mortar"

institutions. But today, alas, the wind is out of their sails, their momentum broken, their

confidence shaken.

At countless campus forums on the subject throughout North America, the burden of

proof has squarely shifted from the critics to the promoters. Though still amply funded

and politically supported, it is they who are now on the defensive, compelled, in the wake

of repeated failures and in the face of mounting skepticism, to try to buttress their still

lame arguments with half-baked data about pedagogical usefulness, economic return, or

market demand. Attendance at campus events has multiplied an order of magnitude as

faculty and students have finally become alert to the administrative agendas and

commercial con-games behind this seeming technological revolution.

Off campus, the scene is much the same. Study after study seems to confirm that

computer-based instruction reduces performance levels and that habitual Internet use

induces depression. Advertisers peddle platinum Mastercards and even Apple laptop

computers by subtly acknowledging that "seven days without e-mail" is "priceless" and

that being in touch with your office from anywhere anytime is a "bummer." Meanwhile,

all the busy people supposedly clamoring for distance learning - who allegedly constitute

the multi-billion dollar market for cyberinstruction - are curling up at night with the New

York Times top bestseller, Tuesdays with Morrie, a sentimental evocation of the intimate,

enduring, and life-enriching relationship between a former student and his dying

professor. "Have you ever really had a teacher? One who saw you as a raw but precious

thing, a jewel that, with wisdom, could be polished to a proud shine? If you are lucky

enough to find such teachers, you will always find your way back." So much for distance

learning.

Above all, a spectre is haunting the high-tech hijackers of higher education, the spectre of

faculty (and student) resistance. Last Fall this Digital Diploma Mills series began with the

juxtaposition of two events. The first, UCLA's Instructional Enhancement Initiative (and

partnership with The Home Education Network), signalled the commoditization of

instruction and commercialization of higher education by means of digital technology. The

second, the unprecedented two-month strike by faculty at York University, represented

the first significant sign of opposition to this new regime and the unholy alliance among

academic administrators and their myriad corporate and political partners. In this new

age of higher education, I wrote then,"the lines have already been drawn in the struggle

which will ultimately determine its shape." Over the last year, this struggle has

intensified.

At UCLA, the widely-touted Instructional Enhancement Initiative, which mandated web

sites for all 3800 arts and sciences courses, has floundered in the face of faculty

recalcitrance and resistance. By the end of the academic year, only thirty percent of the

faculty had put any of their course material online and several dozen had actively

resisted the Initiative and the way it had been unilaterally inspired and implemented.

UCLA Extension's partnership with The Home Education Network (which changed its name

in the Spring to Onlinelearning.net) ran aground on similar shoals when instructors made

it clear that they would refuse to assign any of their rights in their course materials to

either UCLA (the Regents) or the company. In already up to their necks, the partners

decided simply to claim the rights anyway and proceed apace, flying without wings on

borrowed time. While the strike at York awakened the faculty there to a new vigilance

and militancy with regard to the computer-based commercialization of the university, it

also emboldened others elsewhere to do likewise. At Acadia University, for example,

which had linked up with IBM in hopes of becoming the foremost wired institution in

Canada, the threat of a faculty strike forced the administration to back off from some of

their unilateral demands for online instruction, and faculties at other Canadian

institutions have been moving in the same direction. And even within Simon Fraser

University's Department of Communications, home of the recently refunded Canadian

flagship Telelearning Research Center, serious faculty challenges to the virtual university

enterprise have emerged and gone public.

In the United States as well, resistance is on the rise. Last year faculty and students in the

California State University system, the largest public higher educational institution in the

country, fought vigorously and effectively against the California Educational Technology

Inititiative (CETI), an unprecedented deal between CSU and a consortium of firms

(Microsoft, GTE, Hughes, and Fujitsu), which would have given them a monopoly over the

development of the system's telecommunications infrastructure and the marketing and

delivery of CSU online courses. Students resisted being made a captive market for

company products while faculty responded to the lack of faculty consultation and threats

to academic freedom and their intellectual property rights. In particular, they feared that

CETI might try to dictate online course content for commercial advantage and that CSU

would appropriate and commercially exploit their course materials.

Throughout the CSU system, faculty senates passed resolutions against CETI, tried to

obtain an injunction to stop the deal, and used the media and public forums to campaign

against it. Together with students, faculty participated in widely publicized

demonstrations; at Humboldt State University in northern California, students

demonstrating against the deal altered the sign at the campus entrance to read "Microsoft

University", a creative act of defiance which caught the attention of media around the

country. Through the efforts of the Internet activist group NetAction, the controversy

over the CETI deal became a cause celebre, galvanizing opposition and leading to

high-profile government hearings and legislative scrutiny and skepticism. Opposition to

the deal from California-based business competitors such as Apple, Netscape, and Sun

(none of the CETI partners were California-based) also contributed to the erosion of

legislative support for the half-baked deal (which was seen as probably unconstitutional

under state law). Before long, Microsoft and Hughes dropped out, then GTE, and the deal

was dead. A new deal is in the works but is sure to encounter determined and

well-organized opposition.

Further north at the University of Washington in Seattle, a campus with little recent

history of faculty activism, four hundred faculty members attended a February forum on

"digital diploma mills" sponsored by the local chapter of the AAUP. Later that Spring,

Washington governor Gary Locke and Wallace Loh,his chief advisor on higher education,

gave speeches extolling the virtues of the "brave new world of digital education" and

outlined plans for statewide initiatives in that direction. The AAUP immediately drafted

an open letter to the governor vigorously opposing this vapid vision and circulated it

among the faculty. Within two days, seven hundred faculty from across the campus, from

slavic studies to computer science, had signed the letter - surely a record for concerted

faculty action of any kind. Another two hundred signatures were later added and the

letter was made public, in early June. Within a week, this bold and eloquent faculty

protest had made headlines around the country.

"We feel called upon to respond before quixotic ideas harden into disastrous policies," the

faculty wrote the governor. "While costly fantasies of this kind present a mouth-watering

bonanza to software manufacturers and other corporate sponsors, what they bode for

education is nothing short of disastrous. . . . Education is not reducible to the downloading

of information, much less to the passive and solitary activity of staring at a screen.

Education is an intersubjective and social process, involving hands- on activity,

spontaneity, and the communal experience of sharing in the learning enterprise.... We

urge you to support learning as a human and social practice, an enrichment of soul and

mind, the entitlement of all citizens in a democracy, and not a profit-making commodity

to be offered on the cheapest terms to the highest bidder. The University of Washington

is a vital resource to our community, not a factory, not a corporation, not a software

package. Its excellence and integrity are not only assets that we as a community can

afford to maintain, but also assets that we cannot afford to squander."

The widespread academic and media support engendered by this letter compelled the

governor to meet with a faculty delegation and ultimately to retreat somewhat from fully

embracing the virtual education agenda, at least for now. "We're not unique," history

professor Jim Gregory, one of the organizers of the letter campaign, told the press. "We

just may be a little more mobilized at this particular moment." He was right. All the way

at the other end of the continent, near Ft. Myers, Florida, similar sentiments were

emerging. The Florida Gulf Coast University (FGCU) , the new tenth campus of the state

higher education system, was advertised as the "university of the future," "built as a

testing-ground for Internet-based instruction," where faculty are hired on short-term

contracts without a tenure system. In recent months the FGCU faculty and their union the

United Faculty of Florida have begun openly to question the pedagogical value of online

education, protest against the increased workload entailed in distance learning - a major

complaint everywhere, resist the university's attempt to appropriate their intellectual

property, and lobby for a standard tenure system rather than have to reapply for their

jobs every two years.

In an administration survey, more than half of the faculty - who were hired on the

understanding that the new campus would specialize in distance education - opposed

increasing the proportion of distance-learning classes from 16 to 25 percent of classes.

"Some professors say they remain unconvinced of the method's effectiveness," the Wall

Street Journal reported in July. The questionable economic viability of existing distance

education classes has also been an issue.

"Some observers say significant savings can be achieved only if the size of

distance-learning classes increases," the newspaper reported, but enlarging the classes

only undermines the pedagogical promise even more. Intellectual property issues are at

the center of faculty concerns. Faculty became especially alarmed when the Dean of

Instructional Technology Kathleen Davie was quoted in a Chronicle of Higher Education

article saying that, with regard to faculty course materials "the first rights belong to the

university." A new draft policy on intellectual property, formulated without faculty

involvement by Davie and her associates, is explicit on this point: "IP developed by FGCU

employees (faculty, staff, and students) under university sponsorship or with university

support shall belong to the university. University sponsorship or support means the work

is conceived or reduced to practice: as a result of the employee's duties; through the use

of University resources, such as facilities or equipment; or with university funds, or funds

under the control of or administered by the university." In a response to a faculty

member's query about this, Dean Davie summed up the university position: "For the most

part, the university holds the copyrights for instructional materials created as part of

one's compensated workload."

The creator of one course has already complained about the university's efforts to seek

outside sponsorship without his permission. Chuck Lindsay, the president of the FGCU

Faculty Senate, noted in a letter to the Chronicle of Higher Education that the faculty had

not been involved in the formulation of the policy and emphasized that "we do not

subscribe to the notion that online course materials are, as such, a product of work for

hire. . . .We hold that any policy that attempts to lay down across-the- board levels of

ownership and revenue sharing for new online course materials reflects a perspective

that ascribes an inferior status to original instructional creations and a work for hire

mentality;both are contrary to the mission and guiding principles of FGCU.

FGCU is not alone in moving in this direction, of course; draft policies of the University of

California, the University of Victoria, the University of Kansas, and Penn State, to name a

few, reflect similar intent. But here the unionized faculty have kept themselves abreast of

the situation, have gone public with their concerns, and have begun to mobilize their

resources for the struggle. The administration is on the defensive. In an interview this

summer, Dean Davie acknowledged that she had personally declined a faculty request

that I be invited to the campus to hold a forum on these issues, out of fear of jeopardizing

her position.

The faculty actions at CSU, the University of Washington, and FGCU are not isolated

events. There is similar ferment throught academia. This became apparent at the

international Digital Diploma Mills conference held at Harvey Mudd College in Claremont,

California in April. The conference attracted well-informed faculty and student

participants and an audience of campus activists and rank and file union members from

throughout the United States and Canada, as well as Mexico. (The keynote speaker was

Mary Burgan, general secretary of the AAUP, who suggested that "distance makes the

heart grow colder.") The two days of sessions critically examined the political economy,

pedagogical value, and economic viability of online education and explored the

implications for faculty and students, while those in attendance used their free time to

compare notes, make contacts and extend their networks. The Chronicle of Higher

Education ran a two-page story on the conference, which ended on an revealing note,

pointing out that "officials at Harvey Mudd took pains to distance themselves from the

event."

At the same time, faculty and student activists have been holding similar forums on their

own campuses. I myself have participated in many such events at campuses such as the

University of Pittsburgh, Alma College, James Madison University, Embry-Riddle

University, George Mason University,the University of Western Ontario, the University of

Wisconsin, the University of Washington, the California State University campuses in

Sacramento and San Bernadino, California Polytechnic University in Pomona, and the

University of California campuses at Irvine and Los Angeles. Increasingly, and

everywhere, faculty and students alike are waking up to the realization that it is High

Noon for Higher Education. They are overcoming their traditional timidity and

parochialism to make common cause with like-minded people across the continent, to

fight for their own and the larger public interest against the plans and pronouncements of

peddlers and politicians who in general know little about education. Having learned that

they are not alone, faculty are displaying a new-found confidence in their own experience

and expertise, and thus in their rightful capacity to decide what is a good education.

Socrates, they have reminded themselves, was not a content provider.

In the wake of this resistance, the media has caught the scent, publicly validating and

magnifying its message. After several years of puff pieces and press releases about the

wonders of wired learning, the media is finally beginning to give the matter more

scrutiny and critics their due. "Virtual Classes Trend Alarms Professors," the New York

Times reported in June; a front page article in the Wall Street Journal in August carried

the headline "Scholarly Dismay: College Professors Balk at Internet Teaching Plans;"

describing what it called the "backlash against virtual education," the Christian Science

Monitor carried another summer story entitled "Professors Peer Doubtfully into a Digital

Future;" the Industry Standard, "The Newsmagazine of the Internet Economy," began its

feature article "Academics Rebel Against an Online Future" with the words: "Hell no - we

won't go - online. . . .The backlash has begun."

The San Francisco Chronicle, the Seattle Times, the Los Angeles Times, the Boston Globe -

all have run critical articles examining the commoditization and commercialization of

university instruction. In June the Industry Standard's cover story was "Ideas for Sale:

Business is racing to bring education online. Now academics fear they're becoming just

another class of content provider." The headline for the article read "Higher Earning: the

Fight to Control the Academy's Intellectual Capital." In response to the open letter to the

governor from University of Washington faculty that same month, The Seattle Times ran

an editorial entitled "Potential Pitfalls," noting that "Signs of high tech corporate

corruption are already sneaking into higher education classrooms." Indeed.

If the media-annointed "backlash" against virtual education has prompted a bit more

skepticism on the part of reporters and editorial writers, so too has the pitiful

performance of the virtuosi themselves, whose market appears to have been a mirage.

After several years of high- profile hype and millions of dollars, the flagship Western

Governors' Virtual University opened for business this Fall, offering hundreds of online

courses. Expecting an initial enrollment of 5000, the WGU enrolled only 10 people, and

received just 75 inquiries. Intended to put a positive spin on this disaster, WGU

marketing director Jeff Edward's doubletalk unwittingly hit the nail on the head: "it

points out that students are pretty serious about this." Serious enough, that is, to know

crap when they see it.

It's pretty much the same story at Onlinelearning.net, the UCLA partner that describes

itself as "one of the leading global supplers of online continuing education." The company

lost two million dollars in its first year of business and was unable to pay UCLA the

anticipated royalties. According to insiders, it is currently losing about $60,000 a month.

John Kobara, the president of the company and former UCLA vice chancellor for

marketing acknowledged at a company event this month that it is indeed a very risky

business. Kobara noted that most apparent successes are misleading: at the Universities of

Colorado, Washington, and Arizona, the great majority of allegedly "distance learning"

customers "are in the dorms" while most online programs, such as those at Berkeley and

Vanderbilt, have retention rates of well less than 50%. "Retention is the challenge," Kobara

explained. Getting people enrolled is one thing, and difficult enough. Getting them to

remain enrolled and complete their courses is another thing entirely. A November 2nd

article in the New York Times entitled "More Colleges Plunging Into Uncharted Waters of

On-Line Courses," confirmed that these were not isolated experiences.

Distance learning administrators are keeping their chins up and issuing upbeat press

releases which are increasingly hard to believe. Officials at WGU, which recently joined

forces with Britain's Open University in an attempt to improve its prospects , the

Southern Regional Electronic Campus (SREC) which coordinates distance learning courses

in sixteen southern states, and the California Virtual University, which coordinates the

online offerings of one hundred California campuses, have all expressed optimism about

the future of distance learning. "We feel confident that there is tremendous interest,

especially in the non-traditional student environment," said WGU's Jeffrey Xouris.

"Figures indicate significant interest in distance education," said CVU's Rich Halberg. "The

dirty little secret," Gerald Heeger, dean of Continuing and Professional Studies at NYU, told

the New York Times, "is that nobody's making any money."

Great expectations have yielded great expenditures, that is the story so far. The high-tech

hallucinations of new revenue streams that so enchanted administrators everywhere

were conjured up by voo-doo demographics, which mistook distance for demand. What

was left out of the equation was whether or not people, on the basis of convenience and

computer gimmickry, would be willing to pay more for less education. Apparently not.

In time-honored fashion, the purveyers of this dismal product have turned to the

taxpayer to bail them out. They are placing their bets on the Distance Education

Demonstration Program contained in the education bill recently approved by Congress

and signed by Bill Clinton, which waives classroom requirements for federal student aid

eligibility for distance learning customers, thereby priming the distance education market

and providing an indirect subsidy to vendors. According to existing law, students must

spend a specified number of hours in a classroom to be eligible for student aid. Vendors

have been lobbying for some time, against strenuous opposition from traditional academic

institutions and unions, for a waiver of such requirements, which would render their

customers eligible for student aid and them eligible for a handsome handout.

The new legislation grants such a waiver for fifteen organizations engaged exclusively in

distance learning, including the Western Governor's University. But, even fattened with

such pork, it is unlikely that the distance-learning market will materialize on anything

like the scale dreamed up by the wishful thinkers of Wall Street. An inflated assessment

of the market for online distance education has been matched by an abandonment of

financial common sense, as officials recklessly allocated millions of (typically taxpayer)

dollars toward untested virtual ventures. Suckered by the siren-songs and scare-tactics of

the silicon snake-oil salesmen, university and college officials have thrown caution to the

wind and failed to full cost their pet projects. As former chief university financial officer

Christopher Oberg warned at the Harvey Mudd conference, administrators have

suspended normal accounting practices at their peril, and the returns are in. (Little

wonder, perhaps, that the presumably more sober Certified Public Accounts Review

program at Northern Illinois University has broken off its partnership with online vendor

Real Education, citing questionable business practices.)

In the face of faculty and student resistance, increasing media skepticism, and notably

lackluster performance, some university administrators are beginning to break ranks. It

is perhaps no surprise to hear a note of caution emanating from an elite private

institution, which must retain some semblance of genuine education for its privileged

clientele even while competing for their favors with high-wired acts. Yet it is

nevertheless remarkable to find it coming from one of the nation's premier technical

institutions, which famously foisted all of this technology upon us in the first place. Last

year Michael Dertouzos, director of M.I.T.'s Laboratory for Computer Science - home of the

World Wide Web - waxed eloquently about the virtues of non-virtual education.

"Education is much more than the transfer of knowledge from teachers to learners. As an

educator myself, I can say firsthand that lighting the fire of learning in the hearts of

students, providing role models, and building student-teacher bonds are the most critical

factors for successful learning. These cardinal necessities will not be imparted by

information technology. . . . teachers' dedication and ability will still be the most

important educational tool." And now, Dertouzos' boss, M.I.T. president Charles Vest, has

added his voice to the chorus. "Even though I'm from M.I.T., I'm not convinced technology

is the answer to everything," Vest conceded. In particular, the relationship between

teacher and student "is an experience you can never replace electronically." Echoes of

Tuesdays with Morrie.

More striking still is the recent inaugural address of J. Bernard Machen, the new

president of the University of Utah. The University of Utah is located in Salt Lake City, the

headquarters of the WGU, and among the distinguished guests at the inauguration was

Utah governor and WGU co-chairman Michael Leavitt, who once proclaimed that "in the

future an institution of higher education will become a little like a local television station."

Formerly the provost at the University of Michigan, Machen forcefully decried the

vocational emphasis of online learning and the shifting allocation of public higher

education resources toward virtual instruction at the expense of traditional campus-based

education. "Let us not succumb to the temptation to force a college education to its lowest

common denominator," Machen insisted. "It inherently limits the broader, more

interactive aspects of a university education. Spontaneous debate, discussion, and

exchange of ideas in the classroom are essential in developing the mind. Poetry must be

heard, interpreted and discussed, with professors and classmates. Learning about the

different professions and academic disciplines available at the University of Utah requires

personal involvement, and that is only available on our campus, and it can only be

experienced by being here. . . . The kind of education I am describing is not the cheapest,

but it is the best."

Predictably, Machen's remarks were derisively dismissed by governor Leavitt's office. "It

is not the first time that we have heard a kind of fearful, skeptical reaction of the higher

education community," one aide to the governor remarked, in a condescending manner all

too familiar to faculty critics. But they are not listening carefully, for this is not what they

have heard before. The tune may be the same, but the tone has changed, dramatically. No

longer are students and faculty (and the rare administrator) speaking up for quality

education out of fear and defensiveness in the face of a preordained and prematurely

foreclosed virtual future. Emboldened by recent experience (and forewarned by the

diastrous demise of public health care), their voices now resonate with new-found

conviction and resolve, with the confident and joyful determination to forge a different

future. No time for complacency, to be certain, to abandon vigilance or vital preparation

for critical battles to come (especially the battle over intellectual property), but the tide

appears to have turned. Indeed, it is now the tired response of the governor's office that

appears time-worn and out of touch, the damning words strangely hollow without the

weight of history behind them.

The bloom is off the rose.

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DIPLOMA MILLS, Part IV:

Rehearsal for the Revolution

By (c) David F. Noble, November 1999

"Those who cannot remember the past are condemned to repeat it"

 George Santayana

 All discussion of distance education these days invariably turns

into a discussion of technology, an endless meditation on the wonders

of computer-mediated instruction. Identified with a revolution

in technology, distance education has thereby assumed the aura of

innovation and the appearance of a revolution itself, a bold departure

from tradition, a signal step toward a preordained and radically

transformed higher educational future. In the face of such a

seemingly inexorable technology-driven destiny and the seductive

enchantment of technological transcendence, skeptics are silenced and

all questions are begged. But we pay a price for this technological

fetishism, which so dominates and delimits discussion. For it

prevents us from perceiving the more fundamental significance of

today's drive for distance education, which, at bottom, is not really

about technology, nor is it anything new. We have been here before.

In essence, the current mania for distance education is about the

commodification of higher education, of which computer technology is

merely the latest medium, and it is, in reality, more a rerun than a

revolution, bearing striking resemblance to a past today's enthusiasts

barely know about or care to acknowledge, an earlier episode

in the commodification of higher education known as correspondence

instruction or, more quaintly, home study. Then as now, distance

education has always been not so much technology-driven as

profit-driven, whatever the mode of delivery. The common denominator

linking the two episodes is not technology but the pursuit of profit

in the guise and name of higher education. A careful examination of

the earlier, pre-computer, episode in distance education enables us to

place the current mania not only in historical perspective but also in

its proper political-economic context. The chief aim here is to try

to shift our attention from technology to political economy, and from

fantasies about the future to the far more sobering lessons of the

past.

Before proceeding with the historical analysis, it is important to

spell out what is meant by both education and commodification, since

these terms are often used with little precision. To begin with,

education must be distinguished from training (which is arguably

more suitable for distance delivery), because the two are so often

conflated. In essence, training involves the honing of a person's

mind so that that mind can be used for the purposes of someone other

than that person. Training thus typically entails a radical divorce

between knowledge and the self. Here knowledge is usually defined

as a set of skills or a body of information designed to be put to

use, to become operational, only in a context determined by someone

other than the trained person; in this context the assertion of self

is not only counter-productive, it is subversive to the enterprise.

Education is the exact opposite of training in that it entails not the

disassociation but the utter integration of knowledge and the self,

in a word, self-knowledge. Here knowledge is defined by and, in turn,

helps to define, the self. Knowledge and the knowledgeable person are

basically inseparable.

Education is a process that necessarily entails an interpersonal

(not merely interactive) relationship between people -- student

and teacher (and student and student) that aims at individual and

collective self-knowledge. (Whenever people recall their educational

experiences they tend to remember above all not courses or subjects

or the information imparted but people, people who changed their

minds or their lives, people who made a difference in their developing

sense of themselves. It is a sign of our current confusion about

education that we must be reminded of this obvious fact: that the

relationship between people is central to the educational experience).

Education is a process of becoming for all parties, based upon

mutual recognition and validation and centering upon the formation

and evolution of identity. The actual content of the educational

experience is defined by this relationship between people and the

chief determinant of quality education is the establishment and

enrichment of this relationship.

Like education, the word commodification (or commoditization) is used

rather loosely with regard to education and some precision might help

the discussion. A commodity is something created, grown, produced, or

manufactured for exchange on the market. There are, of course, some

things which are bought and sold on the market which were not created

for that purpose, such as "labor"and land -- what the political

economist Karl Polanyi referred to as"fictitious commodities".

Most educational offerings, although divided into units of credit

and exchanged for tuition, are fictitious commodities in that they

are not created by the educator strictly with this purpose in mind.

Here we will be using the term commodity, not in this fictitious, more

expansive,sense but rather in its classical,restricted sense, to mean

something expressly created for market exchange. The commoditization

of higher education, then, refers to the deliberate transformation

of the educational process into commodity form, for the purpose of

commercial transaction.

The commodification of education requires the interruption of

this fundamental educational process and the disintegration and

distillation of the educational experience into discrete, reified,

and ultimately saleable things or packages of things. In the first

step toward commodification, attention is shifted from the experience

of the people involved in the educational process to the production

and inventorying of an assortment of fragmented "course materials":

syllabi, lectures, lessons, exams (now referred to in the aggregate

as "content"). As anyone familiar with higher education knows, these

common instruments of instruction barely reflect what actually takes

place in the educational experience, and lend an illusion of order

and predictability to what is, at its best, an essentially unscripted

and undetermined process. Second, these fragments are removed or

"alienated" from their original context, the actual educational

process itself, and from their producers, the teachers, and are

assembled as "courses," which take on an existence independent of and

apart from those who created and gave flesh to them. This is perhaps

the most critical step in commodity formation. The alienation of

ownership of and control over course material (through surrender of

copyright) is crucial to this step. Finally, the assembled "courses"

are exchanged for a profit on the market, which determines their

value, by their "owners", who may or may not have any relationship

to the original creators and participants in the educational process.

At the expense of the original integrity of the educational process,

instruction has here been transformed into a set of deliverable

commodities, and the end of education has become not self-knowledge

but the making of money. In the wake of this transformation, teachers

become commodity producers and deliverers, subject to the familiar

regime of commodity production in any other industry, and students

become consumers of yet more commodities. The relationship between

teacher and student is thus re-established,in an alienated mode,

through the medium of the market, and the buying and selling of

commodities takes on the appearance of education. But it is, in

reality, only a shadow of education, an assemblage of pieces without

the whole.

Again, under this new regime, painfully familiar to skilled workers

in every industry since the dawn of industrial capitalism, educators

confront the harsh realities of commodity production: speed-up,

routinization of work, greater work discipline and managerial

supervision, reduced autonomy, job insecurity, employer appropriation

of the fruits of their labor, and, above all, the insistent

managerial pressures to reduce labor costs in order to turn a profit.

Thus, the commoditization of instruction leads invariably to the

"proletarianization" or, more politely, the "deprofessionalization" of

the professoriate. (As investors shift their focus from health care

to education, the deprofessionalization experienced by physicians

is being extended to professors, who now face what some Wall Street

spokesmen are already calling EMO's, the education counterpart to

HMO's.)

But there is a paradox at the core of this transformation Quality

education is labor-intensive, it depends upon a low teacher-student

ratio, and significant interaction between the two parties -- the

one utterly unambiguous result of a century of educational research.

Any effort to offer quality in education must therefore presuppose

a substantial and sustained investment in educational labor, whatever

the medium of instruction. The requirements of commodity production,

however, undermine the labor-intensive foundation of quality

education, (and with it, quality products people will willingly

pay for). Pedagogical promise and economic efficiency are thus

in contradiction. Here is the achilles heel of distance education.

In the past as well as the present, distance educators have always

insisted that they offer a kind of intimate and individualized

instruction not possible in the crowded, competitive environment of

the campus. Theirs is an improved, enhanced education. To make their

enterprise profitable, however, they have been compelled to reduce

their instructional costs to a minimum, thereby undermining their

pedagogical promise. The invariable result has been not only a

degraded labor force but a degraded product as well. The history of

correspondence education provides a cautionary tale in this regard,

a lesson of a debacle hardly heeded by those today so frantically

engaged in repeating it.

The rhetoric of the correspondence education movement a century

ago was almost identical to that of the current distance education

movement. Anytime, anywhere education (they didn't yet use the word

"asynchronous") accessible to anyone from home or workplace, advance

at your own pace, profit from personalized, one-on-one contact with

your instructor, avoid the crowded classroom and boring lecture hall.

In brief, correspondence instruction emerged in the last decade of

the nineteenth century along two parallel paths, as a commercial,

for-profit enterprise, and as an extension of university-based higher

education. At the heart of both was the production and distribution

of pre-packaged courses of instruction, educational commodities

bought, sold, and serviced through the mail.

The commercial effort arose in the expectation of profiting from the

growing demand for vocational and professional training, generated

by increasingly mechanized and science-based industrial activity,

and rapidly devolved into what became known as diploma mills. The

university effort arose in response to the same demand for vocational

training, as an attempt to protect traditional academic turf from

commercial competition, to tap into a potent new source of revenues,

and as a result of a genuinely progressive movement for democratic

access to education, particularly adult education. While the

universities tried initially to distinguish themselves in both form

and content from their increasinly disreputable commercial rivals, in

the end, having embarked down the same path of commodity production,

they tended invariably to resemble them, becoming diploma mills in

their own right.

The parallels with the present situation are striking. For-profit

commercial firms are once again emerging to provide vocational

training to working people via computer-based distance instruction.

Universities are once again striving to meet the challenge of these

commercial enterprises, generate new revenue streams, and extend

the range and reach of their offerings. And although trying somehow

to distinguish themselves from their commercial rivals -- while

collaborating ever more closely with them -- they are once again

coming to resemble them, this time as digital diploma mills.

In the following pages we will examine in some detail the history

of the correspondence education movement in the U.S, looking first

at the commercial ventures and then at the parallel efforts of the

universities. The account of the university experience is based

upon heretofore unexamined archival records of four of the leading

institutions engaged in correspondence instruction: the University

of Chicago, Columbia University, the University of Wisconsin and the

University of California, Berkeley. Following this historical review

of the first episode in the commodification of higher education, we

will return to the present to indicate some similarities with the

current episode.

Thomas J. Foster established one of the earliest private, for-profit

correspondence schools in Pennsylvania in the late 1880's to provide

vocational training in mining, mine safety, drafting and metalworking.

Spurred by the success of these efforts, he founded in 1892 the

International Correspondence Schools, which became one of the largest

and most enduring enterprises in this burgeoning new education

industry. By 1926 there were over three hundred such schools in

the U.S., with an annual income of over $70 million (one and a

half times the income of all colleges and universities combined),

with fifty new schools being started each year. In 1924 these

commercial enterprises, which catered primarily to people who sought

qualifications for job advancement in business and industry, boasted

of an enrollment four times that of all colleges, universities, and

professional schools combined. Copyrighted courses were developed for

the firms in-house by their own staff or under contract with outside

"experts," and were administered through the mail by in-house or

contract instructors. Students were recruited through advertisements

and myriad promotional schemes, peddled by a field salesforce employed

on a commission basis.

In their promotional activities and material, targeted to credulous

and inexperienced youth, the commercial firms claimed that their

courses would guarantee students careers, security, wealth, status

and self-respect. "If you want to be independent," one firm pitched,

"if you want to make good in the world; if you want to get off

somebody's payroll and head one of your own; if you want the many

pleasures and luxuries that are in the world for you and your family;

if you want to banish forever the fear of losing your job -- then --

sign the pay-raising enrollment blank! Get it to me! Right now!".

The chief selling point of education by means of correspondence,

the firms maintained, was personalized instruction for busy people.

"The student has the individual attention of the teacher while

he is reciting, though it is in writing," another firm explained.

The student "works at his own tempo set by himself and not fixed

by the average capacities of a large number of students studying

simultaneously. He can begin when he likes, study at any hours

convenient to him, and finish as soon as he is able".

In all of the firms a priority was placed upon securing enrollment and

the lion's share of effort and revenues was expended in promotion and

sales rather than in instruction. Typically between fifty and eighty

percent of tuition fees went into direct mail campaigns, magazine

and newspaper advertisements, and the training and support of a

sales staff responsible for "cold canvassing," soliciting "prospects"

and intensive follow-ups and paid by the number of enrollments they

obtained. "The most intensive work of all the schools is, in fact,

devoted to developing the sales force," John Noffsinger observed in

his 1926 Carnegie Corporation -- sponsored study of correspondence

schools written when the correspondence movement was at its peak.

"This is by far the most highly organized and carefully worked out

department of the school". "The whole emphasis on salesmanship is the

most serious criticism to be made against the system of correspondence

education as it now exists," Noffsinger noted. "Perhaps it cannot be

avoided when schools are organized for profit," he added. Indeed, the

pursuit of profit tended inescapably to subvert the noble intentions,

or pretentions, of the enterprises, especially in what had become

a highly competitive (and totally unregulated) field in which many

firms came and went and some made handsome fortunes. In a burgeoning

industry increasingly dominated by hucksters and swindlers who

had little genuine knowledge of or interest in education per se,

promotional claims were easily exaggerated to the point of fraud

and the salesforces were encouraged to sign up any and all prospects,

however ill-prepared for the coursework, in order to fulfill their

quotas and reap their commissions (which often amounted to as much

as a third of the tuition). Enrollees were typically required to

pay the full tuition or a substantial part of it up front and most

of the firms had a no-refund policy for the ninety to ninety-five

percent of the students who failed to complete their course of study.

(In Noffsinger's survey of seventy five correspondence schools only

2.6% of the enrolled students completed the courses they had begun.)

The remarkably high drop-out rate was not an accident. It reflected

not only the shameless methods of recruitment but also the shoddy

quality of what was being offered -- the inevitable result of the

profit-driven commodification of education. If the lion's share of

revenues were expended on promotion -- to recruit students and secure

the up-front tuition payments -- a mere pittance was expended on

instruction. In the commercial firms the promotional staff was four

to six times- and oftentimes twenty to thirty times -- the size of

the instructional staff and compensation of the former was typically

many times that of the latter. In some firms, less than one cent of

every tuition dollar went into instruction. For the actual "delivery"

of courses -- the correction of lessons and grading exams -- most

firms relied upon a casualized workforce of "readers" who worked

part-time and were paid on a piecework basis per lesson or exam

(roughly twenty cents per lesson in the 1920's). Many firms preferred

"sub-professional" personnel, particularly untrained older women,

for routine grading. These people often worked under sweatshop

conditions, having to deliver a high volume of lessons in order

to make a living, and were unable therefore to manage more than a

perfunctory pedagogical performance. Such conditions were of course

not conducive to the kind of careful, individualized instruction

promised in the company's promotional materials. (As Noffsinger

pointed out in his Carnegie study, "the lack of personal contact

between teacher and student" was the "chief weakness" of the

instruction.) The central "pedagogical" concern of the firms

was clearly to keep instructional costs to a bare minimum, a fact

caricatured in vaudeville sketches of correspondence education in

which all work was done by a lone mail-clerk and the instructors

dropped out of sight altogether.

All of this made perfect economic sense, however, and was summed

up in correspondence industry jargon in the phrase "drop-out money".

Since students were required to pay their tuition up-front without

the possibility of a refund, and instructors were paid on a piecework

basis, once students dropped out there was no further instructional

expense and what remained of the upfront payment was pure profit:

"drop-out money". Given the economics of this cynical education

system, there was no incentive whatsoever to try to retain students

by upgrading the conditions of instruction and thereby improving

the quality of course offerings. The economics in fact dictated

the opposite, to concentrate all efforts upon recruitment and next

to nothing on instruction. Already by the mid-1920's -- when the

correspondence movement was at its peak - increasing criticism of the

commercial correspondence firms had largely discredited the industry,

which was coming to be seen as a haven for disreputable hustlers

and diploma mills. In 1924 the New York Board of Regents condemned

the schools for their false claims and for their no-refund policies.

"There is nothing inherent in correspondence as a method of

instruction to disqualify it as a way to education," wrote Noffsinger,

an avid supporter of adult distance education (and later official

of the National Home Study Council, established to try to regulate

the industry.) "Unfortunately," however, he lamented, "the majority

of correspondence schools are not well equipped and still less

conscientiously conducted. They are commercial enterprises designed

to make quick and easy profits. Many of them are in the shady zone

bordering on the criminal. A large proportion of those who enroll in

correspondence courses are wasting time, money, and energy or even are

being swindled". Noffsinger condemned "the victimization of hundreds

of thousands who now are virtually robbed of savings and whose

enthusiasm for education is crushed". In the commercial schools,

Noffsinger warned, "the making of profit is their first consideration,

a dangerous situation at best in education."

The evolution of university-based correspondence instruction closely

parallelled that of the commercial schools. Following some early

stillborn experiments in academic correspondence instruction in the

1880's, the university-based movement began in earnest in the 1890's;

by the teens and twenties of this century it had become a craze

comparable to today's mania for online distance education. The first

entrant into the field was the newly founded University of Chicago

whose first president William Rainey Harper was an early enthusiast

for distance education. By the time he moved to Chicago from Yale,

Harper had already had considerable experience in teaching via

correspondence through the Chautauqua organization in New York state,

and he made the Home Study Department one of the founding pillars of

the new university. Following the lead of Chicago other institutions

soon joined the ranks of the movement, notably the state universities

of Wisconsin, Nebraska, Minnesota, Kansas, Oregon, Texas, Missouri,

Colorado, Pennsylvania, Indiana, and California. By 1919, when

Columbia University launched its home study program, there were

already seventy-three colleges and universities offering instruction

by correspondence. Emphasizing the democratization of education and

hoping to tap into the lucrative market exploited by their commercial

rivals, the universities echoed the sales pitch of the private

schools.

Hervey F. Mallory, head of the University of Chicago Home Study

Department proclaimed the virtues of individualized instruction,

insisting that education by correspondence was akin to a "tutorial

relationship" which "may prove to be superior to the usual method of

teaching". "The student acts independently and for himself but at the

same time, being in contact with the teacher, he is also enabled to

secure special help for every difficulty". Correspondence study, the

department advertised, offered three "unique advantages": "you receive

individual personal attention; you work as rapidly as you can, or as

slowly as necessary, unhampered by others as in a regular class;" and

your studies "may begin at any time and may be carried on according

to any personal schedule and in any place where postal service in

available". Mallory insisted that correspondence study offered an

education better than anything possible in "the crowded classroom

of the ordinary American University". "It is impossible in such

a context to treat students as individuals, overcome peer pressure

for conformity, encourage students who are shy, slow, intimidated

by a class setting". Home study, by contrast, "takes into account

individual differences in learning" and the students "may do course

work at any time and any place, and at their own personal pace". From

the evangelical perspective of its proponents, then, correspondence

education was more than just an extension of traditional education;

it was an improvement, a means of instruction at once less costly and

of higher quality, an advance, in short, which signalled a revolution

in higher education. "What warrant is there for believing that

the virility of the more ancient type of cloistered college and

university could be maintained, except here and there, in our business

civilization?" Mallory asked rhetorically. "The day is coming,"

President Harper prophesied, heralding that revolution,"when the work

done by correspondence will be greater in amount than that done in

the classroom of our academies and colleges, when the students who

shall recite by correspondence will far outnumber those who make oral

presentations".

As was the case with the commercial schools here too the promises

and expectations of enthusiasts were thwarted by the realities

of commodity production. Although they were not for-profit

organizations per se, the correspondence programs of the universities

were nevertheless largely self-supporting and hence, de facto,

profit-oriented; a correspondence program's expenses had to be covered

"by profits from its own operations," as Carl Huth of the University

of Chicago's Home Study Department put it. And while it was initially

assumed that this new form of instruction would be more economically

efficient than traditional classroom-based instruction, the pioneers

quickly discovered that correspondence instruction was far most costly

to operate they they had imagined, owing primarily to the overhead

entailed in administration. Almost from the outset, therefore, they

found themselves caught up in much the same game as their commercial

rivals: devising promotional schemes to boost enrollment in order to

offset growing administrative costs, reducing their course preparation

and revision expenses by standardizing their inventory and relying on

"canned courses", and, above all, keeping instructional compensation

to a minimum through the use of casual employment and payment by

piecerate. Before too long, with a degraded product and drop-out

rates almost comparable to that of the commercial firms, they too had

come to depend for their survival upon "drop-out money."

From the outset, the leaders of the university programs pointedly

distinguished their work from that of their disreputable commercial

counterparts. It was unfortunate that the universities had "stepped

aside to leave large part of the field of adult education to

commercial schools or even to confidence men and swindlers," Mallory

noted, but the new university programs would correct for that failure.

"The most important fact about the university system of correspondence

instruction in contrast to that of the commercial schools," he argued,

"is the fact of institutional background, and that background is a

great public-service institution -- a modern university. . . .

an organic whole whose spiritual or immaterial aspects are far more

important than the concrete parts". The Home Study Department of

the University of Chicago, he insisted, was "interwoven with the

university" and thus reflected its exalted traditions and mission --

what would today be called "brandworthiness". Accordingly, the Home

Study Department initially emphasized that its courses would be taught

by the same professors who taught courses on campus and, indeed,

at the outset even President Harper himself offered a course by

correspondence. But within a few years, most of the course delivery

was being handled by an assortment of instructors, readers, associate

readers, fellows, lecturers, associate lecturers, and assistants,

their pay meagre and their status low. They were paid on a piecerate

basis -- roughly thirty cents per lesson and, under university

statutes, received no benefits. Representatives from the regular

faculty ranks were largely those at the lower rungs who took on

correspondence work in order to supplement their own quite modest

salaries. In order to make out, the Home Study instructors were

compelled to take on a large volume of work which quickly devolved

into uninspired drudgery, and it was understood that there was no

future in it.

Initially, the Home Study Program was selective in its recruitment,

requiring evidence of a prospective students's ability as a

prerequisite for enrolling. Students had to have sufficient reason

for not enrolling as a resident student and had to "give satisfactory

evidence, by examination or otherwise, that he is able to do the

work required". (The University of Chicago required at least

partial resident matriculation for those seeking degrees and required

examinations for credit given by correspondence.) Eventually,

however, such entrance requirements were dropped in order to increase

enrollments. According to the Home Study brochure some years later,

"You need not take an entrance examination, nor present a transcript

of work done elsewhere. Your desire to enroll in a particular course

will be taken as evidence that you are prepared to do the work of

that course". Although there were some early efforts at advertising

and salesmanship, these were kept within what were considered

proper bounds for a respectable institution of higher education -- a

university policy lamented by the Home Study Department, especially in

the face of competition from other, more aggressive, institutions such

as Columbia.

As in the case of the commercial schools here too the reduced quality

of the courses combined with the lack of preparation of those enrolled

produced a very high drop-out rate. And like the commercial schools

-- the University of Chicago adopted a no-refund policy; tuition was

to be paid in full at the time of registration and, once registration

was completed, fees were not refundable. As late as 1939, and

despite the criticism of commercial schools on just this count,

the University's president Robert Hutchins, the renowned champion of

classical education, reaffirmed this policy. "The registration and

tuition fee will not be refunded to a student whose application has

been accepted and who has been duly enrolled in a course," Hutchins

wrote to a correspondence student. "This statement reflects standard

practice in correspondence schools everywhere".

Columbia University did not join the correspondence movement until

1919 but quickly became a leader in the field with revenues matched

only by the University of Chicago. It owed its success to an

unusually ambitious program aimed at a national and international

market and an aggressive promotional effort that rivalled that of

the commercial schools. A Home Study program was first proposed in

1915 by James Egbert, Columbia's head of extension, and the idea was

enthuasiastically endorsed by Columbia's president Nicholas Murray

Butler, an avid supporter of adult education who had earlier in his

career been the founding director of Columbia's summer session for

part-time students. In full flower by the mid-twenties, the Columbia

correspondence program was providing instruction to students in every

state and fifty foreign countries.

Although Columbia never gave academic credit for its correspondence

courses aside from a certificate of completion, the university

nevertheless strove to distinguish its offerings from those of the

commercial schools, emphasizing "personal contact and supervision",

concentrating on recognized academic subjects, limiting the number of

students in each course, and keeping standards high through regular

review of material by the appropriate academic faculty. The two-fold

aim of Home Study, according to Egbert, was to extend the enlightening

reach of the university while at the same time generating additional

revenue. He and his colleagues soon discovered, however, that the

preparation of course materials and the administration of the

program were more demanding, labor-intensive, and expensive than had

been anticipated. To offset these costs, they moved to broaden the

correspondence curriculum into more lucrative vocational areas of

every sort and to expand their promotional activities in an effort to

enlarge the enrollment. In 1920 Home Study had 156 students; by 1926

there were nearly five thousand and that number was doubled by 1929.

As Egbert undertook "to apply business methods" to his expanding

operation, the program employed a national salesforce of sixty "field

representatives" (as compared to one hundred instructors) who were

paid a commission according to the number of students they enrolled.

In addition, Columbia mounted a full-scale national advertising

campaign in the manner of the commercial firms, with such themes as

"Profit By Your Capacity to Learn", "Will you Increase Your Fixed

Assets?", "Turning Leisure to Profit," "Who Controls Your Future?",

"Who is Too Old to Learn?" and "Of What Can You Be Certain?". In

1929 Egbert proudly unveiled plans for a vastly expanded enterprise

which would be housed in a new twelve-story building. Compared to

the lavish expenditure on promotion, the Home Study program kept

its instructional expenses to a minimum. Here too all payment for

instruction was on a piecerate, per lesson basis. As at Chicago,

while some faculty engaged in Home Study in order to supplement

their salaries, they were likely to be "academic lame ducks", as

one Home Study official described them, and the bulk of instruction

was performed by a casualized low-status workforce of instructors,

lecturers, and assistants. Overworked and undervalued, they were

not quite able or inclined to provide the "personal contact" that

was promised. While the Home Study Department continued to boast that

all of their courses were "prepared so as to enable the instructor

to adjust all study to the individual needs of each student", that

"direct contact is maintained between the student and the instructor

\*personally\* (emphasis in original) throughout the course,"and that

correspondence students "can attain the many advantages of instruction

of Univerity grade, under the constant guidance, suggestion, and help

of regular members of the University teaching staff," the reality was

otherwise. Together with fraudulent advertising and an indiscriminate

enrollment policy, inescapably perfunctory instruction produced a

drop-out rate of eighty percent, a rate comparable to that of the

for-profit commercial schools.

The experience of two of the largest state university correspondence

programs, Wisconsin and California (Berkeley) was similar to that of

the private Chicago and Columbia, even though their institutions could

draw upon public funds, because here too the departments were required

to be largely self-supporting (public subsidy might be available for

overhead but not instruction, which had to be borne by student fees).

The Regents authorized correspondence courses at Wisconsin as early

as 1891, a year before the University of Chicago, but it was not until

1906 that an actual correspondence department was established as part

of Wisconsin's famous Extension program. From the very beginning,

it was made explicit that correspondence courses "shall not involve

the university in any expense." Originally correspondence instruction

was conducted under the auspices of the regular faculty although the

actual instructional duties were performed by "fellows" and "advanced

students". Because of the onerous workload, faculty participation was

minimal and enrollment remained small. The effort was revived under

President Charles R. van Hise and his new director of extension Louis

E. Reber, two engineers attuned especially to the training needs of

industry.

Van Hise had recognized the economic potential of correspondence

instruction, judging from the experience of the commercial schools,

and he commissioned a study of the for-profit firms. "The enormous

success of the commercial correspondence schools suggested that

here was an educational opportunity which had been neglected by the

Universities," van Hise wrote in 1906. "There are tens of thousands

of students in the State of Wisconsin who are already taking

correspondence work in private correspondence schools, probably more

than thirty thousand, and they are paying for this work outside of

the State more than three-quarters of a million dollars per annum".

Up to this point Wisconsin's correspondence courses had offered

primarily academic and cultural fare under the auspices of the

academic departments, but van Hise, at the behest of businessmen

who offered to make donations to the University if it reactivated

correspondence study, pushed the enterprise in a decidedly vocational

and industrial direction. Reber, formerly the Dean of Engineering

at Pennsylvania State University, had the same industrial orientation,

viewing correspondence study primarily as a way of providing a

trained workforce for industry. "It would be difficult under present

conditions to provide a better means for meeting the persistent

and growing demand for industrial training than the methods of

correspondence study adopted by the University," he observed. "This

fact has been cordially recognized and the work encouraged and aided

by employers of men wherever it has been established". Before coming

to Wisconsin Reber visited the International Correpondence Schools

in Scranton and undertook to refashion the Wisconsin correspondence

program along the same lines as that leading commercial enterprise.

Reber succeeded in having the correspondence department established

independent of the regular faculty, with its own non-academic staff

of instructors and with its courses removed from faculty control.

Under Reber's direction the Wisconsin correspondence program grew

enormously, drawing one of the largest enrollments in the country.

The drop-out rate was roughly fifty-five percent and "drop-out money"

was the name of the game.

Berkeley's program was modelled on Wisconsin's. Initially Berkeley's

correspondence courses were meant to be the academic equivalent

of resident courses, taught by university faculty and supervised

by academic departments, and the university pledged to "place each

student in direct personal contact with his instructor". But here

too, the program administrators discovered that, as director Baldwin

Woods later explained, "correspondence instruction is expensive".

Thus, for economic reasons, the program moved to expand enrollment

by catering to the greatest demand, which was for vocational courses

for people in business and industry, by engaging in "continuous

promotion," employing "field representatives," and relaxing admissions

standards ("there is no requirement for admission to a class save

the ability to pursue the work with profit.") Enrollment increased

four-fold and fees were later increased to whatever the market

would bear. Most of the instructional work was done by low-status,

part-time "readers" described by one director as "overworked" who

were paid on a piece-rate basis of twenty-five to thirty-five cents

per lesson. Not surprisingly, the drop-out rate averaged seventy to

eighty percent. Students were required to pay full tuition up-front

and a partial refund was allowed only if no more than two lessons had

been completed. In 1926 The President's Report declared that "the

fee for a course must be set to bring in income. Expansion must be

largely profitable".

At the end of the twenties, after nearly four decades in the business

of correspondence instruction, the university-based programs began

to come under the kind of scrutiny and scathing criticism heretofore

reserved for the commercial schools. The first and most damning salvo

came from Abraham Flexner, one of the nation's most distinguished and

influential observers of higher education. Best known for his earlier

indictment of medical education on behalf of the Carnegie Foundation,

Flexner had served for fifteen years as general secretary of the

Rockefeller-funded General Education Board and later became the

founding director of the Institute for Advanced Study at Princeton.

After his retirement from the General Education Board in 1928,

Flexner delivered his Rhodes Lectures on the state of higher education

in England, Germany, and the United States, which were published

in 1930 under the simple title \*Universities\*. In his lectures on

the situation in the United States, Flexner excoriated the American

universities for their commercial preoccupations, for having

compromised their defining independence and integrity, and for

having thereby abandoned their unique and essential social function

of disinterested critical and creative inquiry. At the heart

of his indictment was a scornful assessment of university-based

correspondence education, focusing in detail upon the academically

unseemly activities of the University of Chicago and Columbia

University. Flexner acknowledged the social importance of

correspondence and vocational education but questioned whether

they belonged in a university, where they distracted the institution

from its special intellectual mission, compromised its core values,

and reoriented its priorities in a distinctly commercial direction.

The rush to cash in on marketable courses and the enthusiasm for

correspondence instruction, Flexner argued, "show the confusion in our

colleges of education with training". The universities, he insisted,

"have thoughtlessly and excessively catered to fleeting, transient,

and immediate demands" and have "needlessly cheapened, vulgarized,

and mechanized themselves," reducing themselves to "the level of the

vendors of patent medicines."

He lampooned the intellectually trivial kinds of courses offered by

the correspondence programs of Columbia, the University of Chicago,

and the University of Wisconsin, and wondered about what would make "a

great university descend to such humbug". What sort of contribution

is Columbia making towards a clearer apprehension of what education

really is?", Flexner asked. He particularly decried Columbia's

indiscriminate enrollment practices and especially its elaborate and

deceptive promotional effort which, he argued, "befuddles the public"

and generates a "spurious demand." If Columbia's correspondence

courses were genuinely of "college grade" and taught by "regular

members of the staff," as Columbia advertised, then why was no

academic credit given for them? If correspondence instruction was

superior to that of the traditional classroom, then why did not

Columbia sell off its expensive campus and teach all of its courses

by mail? "The whole thing is business, not education," Flexner

concluded. "Columbia, untaxed because it is an educational

institution, is in business: it has education to sell [and] plays the

purely commercial game of the merchant whose sole concern is profit".

Likewise, he bemoaned as "scandalous" the fact that "the prestige

of the University of Chicago should be used to bamboozle well-meaning

but untrained persons. . . by means of extravagant and misleading

advertisements". Finally, pointing out that regular faculty in most

institutions remained justifiably skeptical of correspondence and

vocational instruction, he assailed the "administrative usurpation of

professorial functions" and the casualization of the professoriate.

"The American professoriate," Flexner declared, "is a proletariat".

Flexner's critique of correspondence education, which gained

widespread media attention, sent shockwaves through academia,

prompting internal efforts to raise standards and curtail excessive

and misleading advertising. At Columbia, the blow was eventually

fatal to the correspondence program. A year after the publication

of Flexner's book -- and the unveiling of Columbia's ambitious plans

for a vastly expanded program with its own grand headquarters -

President Butler wrote to his Extension director Egbert that "a good

many people are impressed unfavorably with our Home Study advertising

and continually call my attention to it. I should like to have

you oversee this advertising very carefully from the viewpoint

of those who criticize it as 'salesmanship,' etc". The result of

this belated concern was a severe restriction of advertising (which

lasted at Columbia until the late 1960's).The continued unwillingness

of Columbia's Administrative Board to grant academic credit for

correspondence courses -- largely because of the low regard in which

these courses were held by the regular faculty -- coupled with the

restrictions on general advertising which the Board had now come to

deem "inappropriate and unwise" effectively undermined the effort to

maintain enrollments sufficient to sustain the Department (especially

in the midst of the Depression) and it was finally officially

discontinued in 1937. A year after Flexner's critique, and partly

in response to it, the American Association for Adult Education

launched a Carnegie Corporation-funded survey of university-based

correspondence courses under the direction of Hervey Mallory,

longtime head of the Home Study Department at the University of

Chicago. Published in 1933 as \*University Teaching By Mail\*, the

study, which generally endorsed and called for the improvement of the

correspondence method, acknowledged the validity of much of criticism.

Referring explicitly to Flexner, the study noted that "many believe

that correspondence instruction is not a function of college or

university" and wonder "how does it come that literature and art have

fallen to the absurd estate of commodities requiring advertisement

and postal shipment?". The study argued, however, that while "there

is something fine and entirely right in the demand for independence,

integrity, and disinterestedness," on the part of universities, the

"ideals of practical service, of experiment in educational method, and

of participation in the life of the community" are not incompatible

with it and insisting that many, especially mature, students had

benefitted from correspondence instruction. The study conceded, on

the other hand, that "it may be that schoolmen and businessmen have.

. . created the demand by a false propaganda of success through

education, of promise of additions to the pay envelopes proportional

to the number of courses, certificates, credits, and degrees, and

other rewards displayed in correspondence study advertising".

In surveying the weaknesses of the method, the study acknowledged the

narrowly utilitarian motive and also the "very real isolation" of most

correspondence students, owing not only to the intrinsic limitations

of the correspondence method of instruction but also to the pressures

on instructors which further undermined its promise. "One of the

charges against the correspondence study system is that it tends

to exploit the student by inducing him to enroll and pay fees, and

then fails to give adequate service in return," the study observed;

students routinely complained about "insufficient corrections and

comments by the instructor" and the "lack of 'personal' contacts

with instructors" which contributed to the excessively high drop-out

rates. In the light of such apparently inescapable weaknesses

of correspondence instruction, the authors of the study abandoned

altogether earlier evangelical expectations about this new method

some day supplanting traditional education and insisted instead, much

more modestly, that correspondence instruction should be employed

only as a supplement to, rather than a substitute for, classroom

instruction." No reputable proponent of home study seriously suggests

that correspondence teaching should replace classroom instruction,"

the authors declared. "Correspondence study is not advocated as a

substitute for campus study, but is established as a supplement with

peculiar merits and demerits. Correpondence courses are of the most

value to the individual when taken in conjunction with a residence

program. They are not a substitute for education. They should not

be taken merely in conjunction with one's job or avocation, nor are

they to be used simply as a hobby or as an exercise of will power

by itself. They serve individual purposes best when they fit into a

long-time, socialized program of education". Earlier claims about the

alleged superiority of correspondence over classroom instruction were

likewise abandoned and various attempts to "experimentally" compare

the two were dismissed as scientifically spurious and inconclusive.

The study devoted considerable attention to the unsatisfactory working

conditions of instructors -- notably that they were overworked and

underpaid -- in accounting for the failings of the method, which

depended ultimately upon "the willingness of the instructor to give

a generous amount of attention to the student". "When that fails,

the authors noted, "the special merit of the correspondence method,

individual instruction, remains individual chiefly on the students'

side alone -- this is the chief weakness in method -- perfunctory

reading of reports, lack of helpful suggestions, and delay and neglect

by over-burdened" instructors. Instructors excused their perfunctory

performance on the grounds that the pay was too small to merit the

effort and the authors of the survey confirmed that the workload

of instructors was typically excessive and that "the compensation

in nearly all the institutions is very small". "The excuse of

instructors that pay is too little has some merit. The merit of

the excuse lies in the fact that in most cases in the present system

the pay is small by the piece, and piecework may be irksome to the

teachers both when it is light and when it is heavy, in the first

place perhaps because the tengible reward is slight, in the second

because the work piles up beyond one's schedule". Most instructors,

the study also found, worked on a part-time, fee-for-service basis,

with little supervision which meant both that they suffered from job

insecurity and that there was a noticeable "difficulty of maintaining

standards". "The employment of readers or graders or fee instructors,

as they are variously called, has been severely criticized on the

assumption that such readers are not qualified teachers or are doing

a merely perfunctory job of paper criticism". "Nearly all university

correspondence teachers might be designated as fee instructors," the

study found, "since few are on a salary basis".

While the authors of the Carnegie study criticized such pedagogically

counterproductive employment practices -- and also the "usual policy

of the universities not to refund fees" to students who drop out -

they placed the blame not so much on the university correspondence

programs per se but rather on the commercial pressures with which they

were unfairly burdened. "Most university correspondence courses are

underfunded and understaffed," they noted, and each is forced to be

self-supporting, leaving them no choice but to adopt the unseemly

commercial practices of their for-profit cousins. "Correspondence

instruction in the university should not be required to 'pay its way'

in a business sense any more than classroom instruction," the authors

insisted. "The business methods should not be those of a commercial

concern whose prime motive is to dispose of commodities or services

for a money profit". Yet the survey showed that such was clearly the

case. Although the authors warned that no "university correpondence

administration should not lay itself open even remotely to objection

on grounds of dubious commercial practices, such as 'charging what

the traffic will bear," exacting from students fees that will yield

a profit, or giving instructors poor compensation in order to keep

costs low," they knew that, given the circumstances in which they were

compelled to operate, the circumstances of commodity production, they

had no other option.

The belatedly modest and critical tone of the Carnegie survey

signalled that the heyday of correspondence education was over.

The great expectations of this first foray into the commodification

of higher education had been exploded and the movement was spent.

Strong criticism of the private, for-profit correspondence schools

was ritually repeated over the years, with little noticeable effect,

particularly in a series of studies sponsored by the American Council

on Education. Likewise, subsequent examinations of university-based

correspondence education continued to confirm the findings of the 1933

survey. Thirty years later the General Accounting Office was warning

veterans on the G.I. Bill not to waste their federal funds on

correspondence courses. In 1968 the Carnegie-funded Correspondence

Education Research Project, which had been commissioned by the

National Home Study Council (later renamed the Distance Education and

Training Council) and the National University Extension Association,

found that correspondence courses suffered from poor quality,

perfunctory instructor performance, and a very high drop out rate;

that instructors endured low pay (on a piecerate basis) and low

status; that programs continued to rely upon "drop-out money" to

survive; and that there was little prospect for improvement "as long

as correspondence instruction is held in such low esteem."

All such investigations and attendant efforts at reform and regulation

invariably failed to change the picture, even as correspondence

programs adopted the latest media of delivery, including film,

telephone, radio, audio-tapes, and television. Universities continued

to offer correspondence instruction, of course, but the efforts

were much more modest in their claims and ambitions. Poor cousins

of classroom instruction, they were for the most part confined to

institutionally separate and self-supporting extension divisions and

carefully cordoned off from the campus proper, presumably to spare the

core institution the expense, the commercial contamination, and the

criticism. \* \* \*

Like their now forgotten forebears, today's proponents of distance

education believe they are leading a revolution which will transform

the educational landscape. Fixated on technology and the future,

they are unencumbered by the sober lessons of this cautionary tale

or by any understanding of the history they are so busy repeating.

If anything, the commercial element in distance education is this time

even stronger, heralded anew as a bold departure from tradition. For,

now, instead of trying to distinguish themselves from their commercial

rivals, the universities are eagerly joining forces with them, lending

their brand names to profit-making enterprise in exchange for a piece

of the action.

The four institutions examined here as prominent players in the

first episode of distance learning are, of course, at it again.

The University of Wisconsin has a deal with Lotus/IBM and other

privatecontractors to develop and deliver online distance education,

especially under the auspices of its Learning Innovations Center

while University of California has contracts with America Online

and Onlinelearning.net for the same purposes. And the University of

Chicago and Columbia are among the most enterprising participants in

the new distance education goldrush. The University of Chicago signed

a controversial deal with a start-up online education company called

UNEXT.com, which is headed by Chicago trustee Andrew Rosenfield and

bankrolled in part by junk bond felon Michael Milken. Principal

investors in the company include the dean of the law school and two of

Chicago's Nobel-prize-winning economists. The new game is less about

generating revenues from student fees than about reaping a harvest

from financial speculation in the education industry through stock

options and initial public offerings.

The first university to sign up with UNEXT was Columbia, which has

licensed UNEXT to use the school's logo in return for a share in

the business. "I was less interested in the income stream than in

the capitalization. The huge upside essentially is the value of the

equity in the IPO," Columbia's business school dean Meyer Feldberg,

a friend of Milken's, told the \*Wall Street Journal\*. "I don't see

a downside," he added, betraying an innocence of Columbia's history

that would make Flexner roll over in his grave. "I guess our exposure

would be if in some way our brand name is devalued by some problem

with this experimental venture". Columbia has also set up its own

for-profit online distance education company, Morningside Ventures,

headed by an executive formerly with the National Football League,

satellite, and cable TV companies. Columbia's Executive Vice

President Michael Crow explained the need for the company with

hyperbole reminiscent of that of his prophesying predecessors in the

correspondence movement. "After a thousand years, university-based

education is undergoing a fundamental transformation," he declared;

"multi-media learning initiatives" are taking us beyond the classroom

and the textbook. And he acknowledged the essentially commercial

nature of this transformation. "Because of the technologies

required and the non-traditional revenue streams involved," he noted,

"corporations will play a major role in these new forms of education.

We felt the need for a for-profit company to compete effectively and

productively."

Last but not least, Columbia has now become party to an agreement with

yet another company which intends to peddle its core arts and science

courses. Columbia will develop courses and lend its brand name to

the company's product line in return for royalties and stock options.

According to one source, the company has already been busy recruiting

faculty to the enterprise as course developers and has suggested the

possibility of using professional actors to deliver them.

For the time being, however, until the actors arrive, the bulk of

university-based online distance education courses are being delivered

in the same manner as correspondence courses of old, by poorly paid

and overworked low status instructors, working on a per-course basis

without benefits or job security and under coercion to assign their

rights to their course materials to their employer as a condition of

employment. The imperatives of commodity production, in short, are

again in full force, shaping the working conditions of instructors

until they are replaced once and for all by machines, script writers,

and actors.

Just as the promoters of correspondence instruction learned the

hard way that the costs of their new method were much higher than

anticipated and that they had to lower their labor costs to turn

a profit, so the promoters of online instruction have belatedly

discovered that the costs of this latest new method are prohibitive

unless they likewise reduce their labor costs. As Gregory Farrington,

president of Lehigh University, observed recently, "unless the new

technologies can be used to increase the average teaching productivity

of faculty, there is virtually no chance that those technologies will

improve the economics of traditional higher education". But

increasing the "teaching productivity of faculty" -- whether through

job intensification, outsourcing, or the substitution of computers

for people -- essentially means increasing the number of students

per teacher and this invariably results in an undermining of the

pedagogical promise of the method, as the experience of correspondence

instruction clearly demonstrates. And the degradation of the quality

of the education' invariably destroys the incentive and motivation of

students. Already the drop-out rates of online distance education are

much higher than those of classroom-based instruction.

So here we go again. We have indeed been here before. But there are

differences between the current rage for online distance education and

the earlier debacle of correspondence distance education. First, the

firewalls separating distance education programs from the core campus

are breaking down; although they first took hold on the beachheads

of extension divisions, commercial online initiatives have already

begun to penetrate deeply into the heart of the university. Second,

while the overhead for correspondence courses was expensive, the

infrastructural expense for online courses exceeds it by an order

of magnitude -- a technological tape worm in the guts of higher

education. Finally, while correspondence programs were often

aimed at a broad market, most efforts remained merely regional.

The ambitious reach of today's distance educators, on the other

hand, is determinedly global in scale, which is why the World

Trade Organization is currently at work trying to remove any and all

barriers to international trade in educational commodities. In short,

then, the dire implications of this second distance education craze

far outstrip those of the first. Even if it fails to deliver on its

economic or pedagogical promise, as it surely will, its promoters will

push it forward nevertheless, given the investment entailed, leaving a

legacy of corruption and ruin in its wake. In comparing Napoleon III

with Napoleon I, Karl Marx formulated his famous dictum "first time

tragedy, second time farce". A comparison of the past and present

episodes of distance education suggests perhaps a different lesson,

namely, that sometimes the tragedy follows the farce.

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