

The Professor

INTRODUCTORY NOTE

Alvaro d'Ors, who was born in 1915, has had a university career for most of his life as a professor and as a librarian. A veteran of the Spanish Civil War, in 1939 he returned to university life, first to the University of Santiago de Compostela and then to the University of Navarra. At the latter he was Professor of Roman Law and chief librarian, in which capacity he developed an international reputation. He retired from teaching but continues at the university in a special professorial status.

Alvaro d'Ors is frequently compared to the great German theorist Carl Schmitt. And in fact, d'Ors acknowledges an intellectual debt to Schmitt, which in turn is a debt to Thomas Hobbes. As is the case with Schmitt, so too with d'Ors, political reality is viewed from a juridical perspective, a less than surprising fact considering that both were professors of law. But d'Ors is no disciple of either Schmitt or Hobbes. The difference between his thought and theirs is more important than the similarities. For example, generative of Schmitt's political thought is the "friends and enemies" distinction whereas for d'Ors, as for Aristotle, it is the family. The radical individuals found in a pre-political "natural condition of mankind" and expressed as the "war of

everyone against everyone" is something that d'Ors finds incompatible with the fact that human beings are always found in society and in a society with a certain order—the order of the family. From this primordial fact of the human condition springs the differences between legitimacy and legality, authority and power, violence and order.

Our interest here, however, is not in what d'Ors has to say about political philosophy and its ruling concepts in general, but in what he has to say about that microcosm of society which is the university. If it is so (and it is so) that the *telos* of the university is knowledge, then some version of the ruler-ruled relationship exists there in some specific way. This is to say that the content or part of that particular society must be ordered in such a way as to make the goal of knowledge possible. Sometimes, the core of the order is spoken about in terms of the academic freedom of the participants and the academic integrity of the curriculum. In the German universities of the nineteenth century the formula employed was that of the *Lehrfreiheit* of the professors and the *Lehrnfreiheit* of the students. Analo-

"The Professor" (1985) by Alvaro d'Ors is translated by Maria Eugenia Orti and introduced by Nino Langiulli. Both teach at St. Francis College in Brooklyn Heights, New York.

gous to the German formulation, remembering that analogies imply both sameness and difference, Alvaro d'Ors speaks of the relationship of authority and power—the authority of the teacher and the power of the learner.

Since there has been considerable debate on the nature and purpose of the university, on the one hand, and the role of its components, on the other, it should be of interest to American readers to hear another voice on the issues—a voice which until now has been heard only in Spanish, despite the international prestige of the author in academic circles, particularly those concerned with the study of Roman law.

Professor d'Ors begins the essay with an etymological discussion of terms related to “professor” and then goes on to the central distinction of his argument, i.e., the authority-power distinction. He concludes the account with a discussion of three aspects of the function of teaching, viz., objectivity, humility, and the consciousness of intermediacy (*Mediatez*). The reference to the mediation of angels (Intelligences) in the concluding paragraphs of the essay gives it an antique quality not usually found in modern and postmodern conversations on academic integrity and freedom. It is a remnant of a story that ends neither with the death of God nor the death of Satan—another kind of angel.

—Nino Langiulli

THE PROFESSOR

Although “*professio*” generally means any form of public declaration, the word *professor* referred, from antiquity, to any kind of teaching. In this more ample sense it concurred with doctor and also with one of the meanings of *magister*. It is remarkable that in the Justinian code, written in the first half of the fifth century, it also coin-

cides with a new term—*antecessor*—which designates the person who teaches precisely law and to whom the law grants a noble rank. This last term has disappeared from the language, while “doctor” now refers to an academic degree, and more commonly, to the medical profession, even though the latter may not have earned a doctorate. On the other hand, “maestro” refers today to any type of excellence in an art or a craft, and very concretely this name is given to the practitioners of elementary education, the “school teachers,” without the connotation of excellence. Finally, our term “professor” is given, as we see in the *Diccionario de la Real Academia*, either to a person who practices any art or science—for example, the midwife or “professor in births,” or to those who play a musical instrument, or even to the magicians—or to those who teach any science or art. For this reason the word “*profesor*,” in Spanish at least, does not imply any special dignity, or any particular level of teaching. Only by foreign influence do we speak of the “professors” as holders of university chairs (*catedráticos*). But this manner of speech has these days a rather affected and burlesque or pedantic connotation.

It is a recent foreign import not due to the secular French influence in Spain, but to the more recent influence of Germany and Italy, particularly of the latter. In fact, although the title of “*profesor*” had a special distinction in the Germany that the Spanish university students began to frequent from the end of the nineteenth century, the diffusion of the term “*profesor*” is due undoubtedly to the indistinct usage that the Italians have of the term, among whom the title of “*dottore*” is only slightly superior, and is given to all licensed practitioners (*laureati*). For in Italy, as well as in other countries, perhaps due to ecclesiastic influence, the doctorate degree disappeared, through approximation to and later iden-

tification with the licentiate. In Portugal, on the other hand, the highest academic title is that of "*doutor*," but even there the term "professor" is less used. In Spain, precisely because the appellation "*profesor*" comes from Italian influence, we notice this denomination is given to the lower levels of university teaching, while for the highest level of teaching (that of the *catedráticos*) the term "*don*" is reserved followed by the first name. (The Spanish word "*catedrático*," derived from Latin although of Greek origin, has been used especially in Spain to designate the highest level of teaching as the official title designation not only at the university level, but also at the level of secondary teaching. It is never a title to be used as a direct form of address, like that of "*don*," but functions as a bureaucratic classification.) It is curious that the same denomination is given in the English universities to the professors of highest rank, due perhaps to Spanish influence, since this abbreviated form of "*dominus*" was characteristic of the nobility.

Naturally, the title of this essay seems to refer to teachers of any type or grade, always within the university, and not only to those who have not achieved the dignity of *catedráticos*. In fact, the distinction of the *catedrático* from the rest of the professional body has been strongly affected by the conditions of the new type of mass university and by the method of promotion that we have nowadays, and, even in a deliberate way, by the treatment given by the legislator. Thus, in the first place, we will refer to the university professors in general, without a distinction of categories: to all the university teachers.

Secondly, before addressing anything related to the deontology [ethics] of university teaching, we need to state what is meant by "*docencia*" at the particular level that is specific to the university. "*Docencia*" is re-

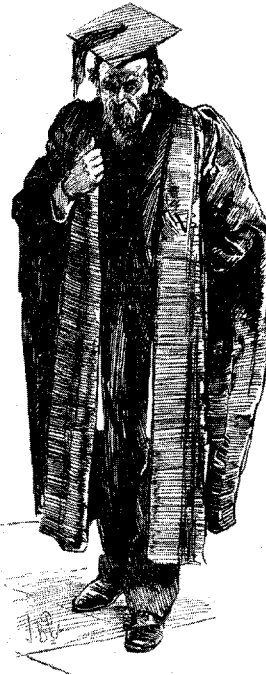
lated to discipline although it is clearly distinguishable from it. This relationship is that "*docencia*" consists in teaching (*docere*), while discipline consists in learning (*discere*). It is obvious, therefore, that the first concerns the professor or teacher and the second concerns the student, "*discipulo*" or "*discente*." But the natural relationship between teaching and learning has resulted in having the subject matter being taught called "*disciplina*," since it has to be learned by the student. It is also called (in Spanish) "*asignatura*," as it is the subject assigned to a particular group of students according to their prescribed program of studies. Furthermore, the learning to which "discipline" refers is usually of interest to the teacher at lower levels than at the university level, since it is understood that the professors at these lower levels have to concern themselves with the didactic result of what they teach. It is natural that before the students come of age, the person who, by the delegation of the students' parents, assumed the function of teaching something has also to concern himself with the degree of improvement achieved by his students. The regimen imposed under such conditions is also called "*disciplina*," the "scholastic discipline." This is to say, "*disciplina*" is not only understood as the learning activity of the students, but also as the coercion imposed by the teachers to obtain, or at least to achieve, this learning activity. In what degree the disciplinary coercion enters—or should enter—into the ordinary task of the university student is what we are going to see now. For on it depends in a very decisive degree the deontology of teaching.

To clarify this question of whether the discipline is also a part of the duty of the university teacher, it is convenient to see first the nature of the relationship that exists between the university professor and his students; in other words, in what con-

sists the relationship of teaching with respect to learning.

When we analyze the respective positions that the docent (the teacher) and the discent (the learner) occupy in that relationship, we can see the teacher as the one who "knows" what he has to teach, and the second as the one who "can" demand what he is to be taught. This contraposition between knowledge and power in the university is only a particular instance of the permanent relationship between authority and power. Authority is the officially recognized knowledge—in our case, by the granting of a title and a rank by the university in the process of entrusting a person to teach something. The power is the officially recognized power. In this case, it is the result of the contract by which a given student is registered in a school, and as a consequence of which he acquires a right, that is to say, a power, to be taught according to a prescribed program. Hence, the authority of the docent, and the power of the discent.

The attitude of the learner (discent) vis-à-vis the teacher (docent) must, to begin with, be that of the acceptance of the authority of the latter, and this disposition is called, in Latin, *docibilitas*, that is to say, the acceptance of teaching, which is not a good equivalent of the word "*docilidad*" in Spanish. But the teacher, while having authority, lacks, on the other hand, power (*potestad*). The fact that, later, in the organization of a university the teachers may assume executive functions or positions, that is to say, of power (*potestad*), does not alter their natural function of authority as teachers, but it is always something added to it, and usually temporarily.



The activity in an intellectual relationship, as the one existing between teachers and learners, manifests itself in the respective forms of language which are the answer and the question; the answer is the form of expression of the teacher, and is initiated by the question, which is the form of expression of the learner, for it is a general principle that "he who can, asks, and he who knows, answers"; that is to say, in the university, the student asks and the professor answers.

But the student, who is the one with the right to ask questions, cannot start by formulating concrete questions. Only one general question is implicit in his own initiative to register in the university—a single question which is very broad and general concerning all that he himself needs to learn to receive instruction in a particular science or profession, according to the official criteria of the plan of studies he has accepted. But, as the student becomes better informed, he also acquires a greater capacity to formulate more concrete questions that the teacher will have to answer. In this consists the whole job of teaching; basically, in in-

structing the students in order for them to acquire the capacity to formulate questions. One asks, obviously, what one does not yet know; but only he who knows something is capable of asking about what he does not know. He who knows nothing begins by ignoring what he does not know; and he can ask nothing concretely about the science he is supposed to learn.

Thus, the university activity is reduced fundamentally to the answering by the teachers of the questions posed to them by

the learners. The teachers are there for this, to answer any question asked of them within the area of the authority for which they are recognized. This is a principal duty, the first principle of its special deontology [professional ethic].

It is clear that any disciplinary coercion supposes a complete inversion in this natural correlation of question and answer, for, with it, it is intended to ascertain in some way if the student has learned what has been taught to him. Because of that the examination, which is the principal part of the disciplinary coercion, inverting the natural order, resides in the one who "knows," the teacher examiner, asking questions of the one who "questions," the student examinee, to find out what he does not know. Thus the question is set forth of why is it that the professors give examinations, that is to say, ask questions of the ones who in the natural order, should ask questions of them.

This has a contingent historical explanation, namely that in modern times Spain has received the university legal order from France, and as a consequence the idea that the university has to select its students by a system of successive examinations in each subject. The case is not the same all over the world, but it does take place in those universities that have accommodated themselves to the Napoleonic model. For this reason, the Spanish teachers are put in charge of giving exams to their students, and of failing the least proficient.

This particular system of selection by means of examinations which are entrusted to university teachers conforms to the idea that society, wishing to have competent professionals, entrusts the selection of those professionals to the state, concretely to the Ministry of Public Education. The various names of this Ministry make no difference. This ministry, however, delegates the function of selection to the universities. These

delegate it to the faculties (schools or departments) which then turn them over to the persons responsible for each chair (*cátedra*). In this manner, there falls, ultimately, on the professor the function, extrinsic to teaching, of examining students, that is to say, the concern with discipline, which is distinct from the act of teaching, and which is what naturally concerns him as an instructor. That such activity is additional, and, as we have seen, contrary to the nature itself of the teaching relationship of question-answer, is evident.

We should clarify further that, although we speak of "examinations" in the Spanish system, true examinations are only given to students who have followed their studies extramurally (*matricula libre*), that is to say, to those students whose degree of proficiency can only be gauged by an examination. The examination, in fact, should always be oral and with a committee of three (or five) members. But the increase in the number of students imposed on us the written exam, which is judged by one professor only, who reads what the student has written and gives it a grade. This grade is recorded fictionally in an act with three signatures, as if three persons had evaluated that test, which is not really the case. On the other hand, for those students who attend the lectures and other forms of personal interrelation with their professors, the above form of examination is not essential, and the responsible professor can grade those students (called *oficiales* in Spain) by means of all the different tests given during the course (*pruebas del curso*), that is to say, by his personal knowledge of the student, without examinations. Because of this, the records of such students carry one single signature only, not the signatures of a fictional committee. Nowadays, we speak of "final exams" only in an exaggerated manner when referring to official students.

But in any case, it is clear that the "pass-

ing mark" of an "official" student, in Spain, depends, in each course, upon the decision of a professor, whose passing mark contributes to that professional selection which society requires by mediation of the Ministry, and the successive delegations that have been mentioned.

As we have said, the deontology of this professor that examines evidently exceeds that of a teacher, inasmuch as it is an extraneous activity that is imposed upon him by contingent circumstances. For this reason, we believe that when we talk of the deontology of the teacher, we should omit that of the examining professor which may be considered elsewhere. One might object that in the university of promotion rather than in the university of selection that we have these days, that activity of giving examinations is inconvenient and even anachronistic, and in effect it is so, but this is not the issue which occupies us.

We must, then, focus on what concretely can be the deontology of teaching (*docencia*), while not concerning ourselves with that of discipline. In this sense, we have already said that the essential function of the teacher is to answer the questions of the student. And, in this regard, we can point to some aspects of that fundamental function: they are objectivity, humility, and the consciousness of intermediacy [*mediatez*].

In first place, there is objectivity. This virtue of the teacher's word could be compared to veracity without pretending it to be the Truth, because Truth can be known to us only through Revelation, while the only thing that can be demanded from the persons who teach is that they not deliberately alter what they believe. This is precisely what is meant by veracity, and from the point of view of the actual result, is equivalent to objectivity.

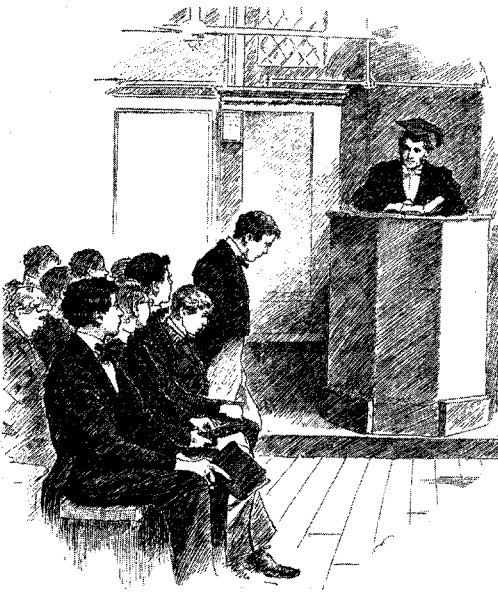
The veracity that is demanded from the professors, however, presupposes that they

have the correct information. This is the responsibility of the person who has a recognized authority. For it does not suffice to repeat in good faith what one has learned at some previous time, without requiring the critical and effective spirit about his own knowledge, so as to adjust it to an objectivity that is increased and refined by the progress of the sciences. Hence the professor must make a constant effort to be abreast of the advances of his science, to assimilate them in order to integrate them in the plan and order of his day-to-day teaching. This usually leads him to take an active part in that progress, which receives the name (not always exact and appropriate, often even pedantic) of research, since that is the best way to understand well the problematic situations that stimulate progress. In other words, the professor, who has a recognized personal authority as teacher, must also know how to formulate questions to himself, and should know how to take advantage of the questions of his students in order to discover in them a stimulus for going beyond the knowledge received; in fact, it is not infrequent that the apparently naive questions of the students may have helped to find a new objectivity on the part of the professors who know how to listen to such questions, and do not stubbornly refuse to recognize their own inability to answer them.

So to what point is it possible or not to be up-to-date on the advances of one's own science without confining oneself to a small area of specialization is something that will depend on conditions, some of them objective, others personal, about which no hard principle can be established. In any case, a specialization, which is always to be recommended for the purpose of investigation, should not preclude a certain degree of general information on the progress of the whole subject that one teaches, since the responsibility of a professor, also that of the

person intensely dedicated to a circumscribed field of investigation, is first and foremost the one he has as a teacher, and on this rests his academic authority.

Second, and related to what has been said beforehand about objectivity, is humility, without which no science is possible, since every true science presupposes the recognition of what is not known, not only personally, but also collectively, as when science has not resolved a doubt or corrected an



error. Because of this, the gift of science is related to the blessing of those who weep, since the absence of the Truth, which the man of science gradually discovers in the traces of his "investigations," is too important for an honest person to feel estranged from this absence. Flowing from this, in the practical order, is that the professor must enunciate his affirmations with a certain margin of relativity. And in this consists that essential irony of the university existence. This irony is the academic form of the personal humility of the person who has the consciousness of not having reached the insurmountable limits of his science, or

even of the consideration that some limits are really insurmountable through the scientific method alone, even when it might be presumed to be a certainty.

In the teaching experience, this humility of the professor never results in a decrease of his authority. Rather, the evidence of such humility, which frequently manifests itself in the ability to recognize his own errors, only results in the amelioration of the degree and quality of his academic authority. And one form in which this humility must express itself is by the respect for those who have not yet reached some level of knowledge, or who make mistakes; that is to say, by never depreciating his students, no matter how dim-witted they may be.

Yet, the humility of the professor shows in another aspect of his work, which is the capacity to repeat things tirelessly, without waning, even with the enthusiasm that could be expected of the person who is teaching some new material. In this regard we should remember that statement of Kierkegaard which Eugenio d'Ors [Alvaro's father] recalled in his 1915 lecture on "Learning and Heroism," a lecture that should be reread as a statement of professional ethics by the university professors. Kierkegaard said: "He who does not know how to repeat is an esthete. He who repeats without enthusiasm is a philistine. Only he who knows how to repeat, with continuously renewed enthusiasm, is a man." We could now add: "only he is a true teacher." It is helpful to point out that the term "philistine" had become popular towards the end of the nineteenth century in European university environments, through German influence, precisely to designate the person who lacks a spiritual dimension, and who is brutalized by the myopia of the most vulgar interests of his daily existence. Indeed, the professor repeats his courses, year after year, without feeling the shame that an esthete might feel because of the lack of novelty and

originality. This is due to the fact that the subject matter that he explains has a firmly established basis. For what cannot be repeated is what proceeds from accidental caprice, as are the digressions from the topic. Should they occur, the jokes or similar ingenious observations should bring shame to repeat, since they are not part of the topic that must be taught.

Still in relation to humility, permit me a digression on the topic of the so-called "freedom of the chair" [academic freedoms.]

The "freedom of the chair" is frequently spoken of in the sense of the free expression of the professor's thinking. This, however, is only a secondary consequence with respect to the true meaning of that term. It concerns, in truth, the nonsubjection to an official program, or to a textbook officially established.

The question was brought up mainly when Kant defended himself against the ministerial Prussian censure of Lutheran orthodoxy because he did not keep to the official discipline of his chair in the School of Philosophy. Kant argued at that time that the following of official programs and texts had validity in the teaching of the three ancient and important Schools: Theology, Jurisprudence, and Medicine, but not in that of Philosophy, which did not serve the purpose of professional education (the formation of professionals), but had a less pragmatic and more cultural purpose. In fact, the School of Philosophy, which at that time included the Sciences (since it was only with Napoleon that they were separated into the new School of Sciences, and in Germany this took even longer to happen), had been fundamentally a school in the university, of "liberal arts," for the preparation towards the other three classic Schools. Thus, Kant requested the "freedom of the chair" only for the School of Philosophy, as it was only there that this

liberty was understandable and admissible.

The fact is that this continues to be true in respect to the new schools derived from that of philosophy. Because subjects are taught in them that had been studied in the baccalaureate, albeit in an elementary manner, it would be impossible to plan their teaching in an official manner on the ground of basic and complete programs and texts without at the same time debasing the quality of a higher level of teaching. Because of this, there exists the need to leave each professor at liberty to teach not the whole subject but that part of which circumstances may make him consider to be more appropriate to be taught in detail to the students, ordinarily in monographic courses without requiring him to explain the whole subject matter, or to limit himself to a determinate text that is officially accepted.

The fact that, particularly from philosophy lessons, there has been the attempt to derive from the nonsubjection to an official program and text that other freedom which is the consequence of expressing one's thought without censure of antiorthodox forces, is readily understood. But this freedom is not only controversial, but secondary to that other primary and formal freedom of being able to explain, each and every year, and even each and every day, the subject that one wishes. Were this not so, teaching would be debased, as we have said, to the baccalaureate level, since the original function of the School of Philosophy was precisely to educate bachelors in liberal arts, and not professionals, as it is the case today.

In the third place, there is the consciousness of intermediacy (*Mediatez*) in teaching communication. With this we mean: the soul of the teacher can only offer to the soul of the student sensible signs, such as words, spoken or written, images, gestures, mod-

els of activity, but it cannot introduce notions directly into the soul of the student. After all, not even the angels, purely spiritual beings, can do more, although they have a much higher power than that of the human soul to move sensible objects, and they have the same imagination and memory of another spirit.

Fundamentally, the spiritual vehicle for teaching is the memory of the student, but here too the power of a professor is very limited, precisely because it is a stimulus of a punctuated virtuality: we can remind the students of a notion in particular moments, but not in a continued and constant manner. Consequently, the teacher who wishes to increase the power of his teaching must constantly ask for the help of angels, of his own and those of his students, through whose purely spiritual mode he can awake not only the memory and the imagination of his students, but also the total effectiveness of his teaching, and to empower it in a manner that is inaccessible to a strictly human communication. As is known, not even the angels can influence directly the understanding and the will of the human soul which does not communicate freely with them. Through their [the angels] activity in the censorial field, and, especially of the imagination and of the memory, they can indirectly favor not only the intelligence, but what is even more necessary, the will to learn. Whether or not the influence of angelic mediation (which is as natural as the sensible communication from soul to

soul) has produced a satisfactory result that, as we have said, exceeds the ambit of teaching and pertains to the pedagogical art of the discipline, which is foreign to the task of the university professor. Yet a professor who does not utilize that way of angelic communication shall necessarily obtain a more mediocre result.

In conclusion, the teacher cannot pretend to shed light over the science that he teaches, but only to place the student in the path in order that he himself may attain that illuminating result by his own means, because science is not communicable, in a strict sense; it can only be offered. The activity of studying, and with it the disciplinary result, belong personally to the student himself. The professors can only induce, promote, and help that process of disciplinary appropriation of the student with all the means within their reach through objectivity, humility, and through the mediation of the angels.

If we are allowed a common comparison, the teacher is not the electric switch which turns on the light, but the red pilot light which, in darkness, indicates where the switch to obtain the desired light is located. From this conscious limitation of the teacher derives mainly the need that he has of not trusting his human resources, but to have constant recourse to the supernatural help of God and to the natural help of the Guardian Angels in order to make his teaching more effective.

