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A Sketch of the History of Truth in Teaching

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## Miscellany

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### A Sketch of the History of Truth in Teaching

The future is obscure, even to men of strong vision, and one would perhaps be wiser not to shoot arrows into it. For the arrows will surely hit targets that were never intended. Witness the arrow of consumerism.

It started simply enough: various people—and especially a young man named Nader—found automobiles less safe than they wished, and quite possibly than you would have wished. They demanded and in a measure obtained, if not safer cars, at least cars that were ostensibly safer. A considerable and expensive paraphernalia of devices became obligatory in new cars. These zealous patrons of the public furthermore insisted that defective products be corrected, and that damage arising in spite of the most conscientious efforts of the manufacturer should be his financial responsibility. Similar arrows were soon launched at a score of nonvehicular industries.

This quiver of truth and safety-minded arrows was thrown for a time at perfectly appropriate targets—business men accustomed to public abuse, who were naturally able to charge their customers for any amount of safety, frequent and successful lawsuits, and obloquy. But the arrows of reform pass through—if they hit at all—the targets at which they are aimed, and in 1973 they hit a professor. Evil day!

In that year a young man named Dascomb Henderson, a graduate of Harvard Business School (1969) and recently discharged as assistant treasurer of a respectable-sized corporation, sued his alma mater for imparting instruction since demonstrated to be false. This instruction—we may omit here its explicit and complex algebraic formulation—concerned the proper investment of working capital. One of Henderson's teachers at the Harvard school, a Professor Plessek, had thoroughly sold his students upon a sure-fire method of predicting short-term interest rate movements, based upon a predictive equation incorporating recent movements of the difference between high- and low-quality bond prices, the stock of money

(Plessek had a Chicago Ph.D.), the number of “everything is under control” speeches given by governors of the Federal Reserve Board in the previous quarter, and the full-employment deficit. It was established in the trial that the equation had worked tolerably well for the period 1960–68 (and Henderson was exposed to this evidence in Plessek’s course in the spring of 1969), but the data for 1969 and 1970, once analyzed, made it abundantly clear that the equation was capable of grotesquely erroneous predictions. Assistant Treasurer Henderson, unaware of these later results, played the long-term bond market with his corporation’s cash, and in the process the cash lost its surplus character. He was promptly discharged, learned of the decline of the Plessek model, and sued.

This was a new area of litigation, and Henderson’s attorney deliberately pursued several lines of attack, in the hope that at least one would find favor with the court:

1. Professor Plessek had not submitted his theory to sufficient empirical tests: had he tried it for the decade of the 1950s, he would have had less confidence in it.
2. Professor Plessek did not display proper scientific caution. Henderson’s class notes recorded the sentence: “I’ll stake my reputation as an econometrician that this model will not [engage in intercourse with] a portfolio manager.” This was corroborated with a different verb by a classmate’s notes.
3. Professor Plessek should have notified his former students once the disastrous performance of his theory in 1969 and 1970 became known.
4. Harvard University was grossly negligent in retaining (and hence certifying the professional competence of) an assistant professor whose work had received humiliating professional criticism (*Journal of Business* [April 1972]). Instead he had been promoted to associate professor in 1972.

The damages asked were \$500,000 for impairment of earning power and \$200,000 for humiliation.

Harvard and Professor Plessek asked for dismissal of the suit, as frivolous and unfounded. Universities and teachers could not be held responsible for honest errors, or all instruction would be brought to a stop. Universities and professors could not be asked to disseminate new knowledge to previous students—this would be intolerably costly. In the lower court these defenses prevailed, and Judge MacIntosh (Harvard, LL.B. 1938) asserted that university instruction and publication were preserved from such attacks by the First Amendment, the principle of academic freedom, an absence of precedent for such a complaint, and the established unreliability of academic lectures. On appeal, however, Judge Howison (Yale, LL.B. 1940) remanded the case for trial on the merits, and in the course of revers-

ing Judge MacIntosh's decision, remarked: "It seems paradoxical beyond endurance to rule that a manufacturer of shampoos may not endanger a student's scalp but a premier educational institution is free to stuff his skull with nonsense."

As the reader will know, Harvard and Professor Plessek won the case on the merits, but by a thin and foreboding margin. Only the facts that (1) the Plessek question, as of 1969, looked about as good as most such equations, and (2) the plaintiff could not reasonably be expected to be informed of the failure of the equation as soon as 2 years after it was discovered—the lag in publication alone is this long—excused the errant professor. As for Harvard, it would have shared responsibility for the undisputed damage to the plaintiff if Plessek had been of slightly lower quality. So held the court of last resort, in a decision that professors read as carefully as a hostile book review.

The university world received the decision with what an elderly Englishman would call concern, and I would call pandemonium. Professional schools—medicine as well as business—were quick to realize its implications. Within a breathless 3 weeks, a professor in Cornell's medical school had sent an explicit retraction of his treatment of Parkinson's disease to the last 10 years' graduates of the school. This proved to be only the first of a torrent of such actions, but well before that torrent had climaxed, at least 95 suits against universities and teachers had been filed. Along with the "call-backs," as the retractions were called in honor of their automobile antecedents, the learned journals were flooded with statements of "errata" and confessions of error. A fair number of academic reputations fell suddenly and drastically.

The subsequent, explosively rapid expansion of litigation directed to error in teaching is not for this nonlegal writer to report. Many years and cases were required before a reasonably predictable set of rights and responsibilities could be established, and a man may find much to anger himself in these cases, whatever his position. That the lazy or stupid student was entitled to an exhaustive explanation for his failure in a course (*Anderson v. Regents*, 191 Cal. 426) was an intolerably expensive aberration—especially when the teacher was required to present a tape recording of the explanation. That a professor could not be held responsible for error in a field where truth and error frequently exchanged identities (*Neal v. Department of Sociology*, 419 Mich. 3), on the other hand, inevitably raised a challenge to the field to justify its existence. Rather than pursue either the main line of decisions or the aberrations, it seems preferable to look at the eventual effects of truth-in-teaching upon the universities. A conscientious observer must be cautious in his interpretation of the effect—even though the present essay is clearly exempt from challenge (*President Bowen v. Assistant Professor Holland* [329 N.J. 1121], a tenure case)—so the following remarks are best viewed as plausible hypotheses.

In general, the new responsibility rested heavily upon those most able to bear it: those fields in which classification of given material as true or excusably false versus inexcusably false was easiest to establish with near unanimity. Theological schools were virtually exempted, and, oddly enough, also computer science. Mathematics was exempted because one could always look up the answer, and political science because one couldn't. The branch of economics dealing with how to enrich a new nation ("economic development" was the title) was actually forbidden by the courts, on the ground that no university could pay for the damage its teachers did.

In those subjects where truth-in-teaching bore most heavily—those where incorrect knowledge was costly and demonstrable, as medicine, chemistry, and tax law—the classroom became a very different place. Students were *forbidden* by most universities to take notes, which were supplied by the teacher, and the sneaky device of a tape recorder with hidden microphone was combatted vigorously, if not always successfully. Harvard's defense proved to have content: teachers were unwilling to introduce new ideas, but it can be argued that the net balance was favorable: much ancient nonsense also vanished, and courses often were completed in 2 weeks.

The learned journals underwent a remarkable transformation. Let me quote the introductory paragraph of an article on the nature of short-run price fluctuations in commodity prices (*Review of Economics and Statistics* [August 1978]):

The present essay presents a theory, with corroborating though inadequate evidence, that there is a set of nonrandom short-run movements in the price of "wheat." (The actual commodity analyzed is secret but will be revealed to professors on written waiver of responsibility.) The present essay is concerned only with methodology. Only the crudest beginning has been made, and it would be irresponsibly rash to venture money on the hypothesis. Also, the hypothesis is virtually identical with Reslet's (1967); I contribute chiefly a more powerful statistical technique (due to S. Stigler 1973), which has its own limitations. The regressions have been calculated three times, on different computers, with similar results.<sup>1</sup> The author will welcome, but not be surprised at, valid criticisms of the paper.

The superscript 1 referred to a footnote inserted by the editor of the *Review*: "The Board of Overseers of Harvard University expresses concern at the measure of nonrandomness in the residuals, which, if the author were a Harvard professor, would require a full departmental review of the manuscript." No wonder one scholar complained that there was more warning against reading his article than against smoking marijuana cigarettes!

The longer-term effects of truth-in-teaching are another story, which I shall not seek even to summarize here. The historic step was the creation in 1981 of the Federal Bureau of Academic Reading, Writing, and Research (ARWR). This body soon established licenses for participation in scholarly activities, and the license became a prima facie defense against the charge of incompetence. No university which employed an unlicensed teacher could receive federal grants, which by 1985 averaged 99.7 percent of university revenue. A fortunate by-product of this reform was the exclusion of communists, classical liberals, foreigners, and men under 36 from the licensed fields of scholarship, and of statisticians from law schools. But, to repeat, this is another story.

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