

Tenure, Job security, Academic Freedom, Freedom of Speech 09.09.doc

“Students need professors with **job security**, continuity and academic freedom to address challenging topics and maintain high standards.”

- “Joint Statement Urging the KCTCS To Restore Tenure and Regain the Academic Community’s Confidence.” April 24, 2009.

<http://www.aaup.org/AAUP/newsroom/2009PRS/AAUPAFTKCTCS.htm>

“The tenure system has been under particularly heavy fire since the mid-1990s, when some higher education gurus, exasperated by the stubbornness of tenured faculty in refusing to pay attention to undergraduate teaching reforms, began to ally themselves with managerial gurus who advocated the abolition of the **job security** of tenure in order to ensure “nimble” responses to changing circumstances. They also believed that ambition would lapse in the modern workforce if employees were not goaded by fear of firing.”

- Mary Burgan, “Save Tenure Now”. Academe Sept-Oct 2008.

<http://www.aaup.org/AAUP/pubsres/academe/2008/SO/Feat/burg.htm>

“**Job security**, benefits, and opportunity to advance are the three working conditions that most divide non-tenure-track faculty from their tenure-track colleagues. Fully half of the full-time non-tenure-track faculty expressed dissatisfaction with their **job security**, compared to 34 percent of tenure-track and 3.5 percent of tenured faculty.”

- “The Status of Non-Tenure-Track Faculty.” AAUP, June 1993.

<http://www.aaup.org/AAUP/comm/rep/nontenuretrack.htm>

“The growth of the contingent labor market would also be spurred if one or more of the unions that currently bargain on behalf of faculty were to take an interest in developing alternative employment contracts. I am aware that many will view such a development as simply not possible—the *raison d’être* of unions is to ensure **job security** as well as better working conditions and higher pay for employees. But in the face of the economic changes that have put a premium on short-term benefits and substantially higher wages as a substitute for **job security**, unions are beginning to change. Their challenge in a labor market that favors contingent work is to get the best deal possible for their members. Faculty unions will not lead the parade toward an alternative model of academic employment, but if unionized contingent workforce contracts succeed in other parts of the economy, eventually faculty unions will adopt—and adapt—similar strategies and tactics for the colleges and universities they have successfully organized.”

- Robert Zemsky, “Tenure Wild Cards.” Academe Sept.-Oct. 2008.

<http://www.aaup.org/AAUP/pubsres/academe/2008/SO/Feat/zems.htm>

“Tenure, which some critics believe should be on its way out, bears close examination. As described in AAUP policies, tenure protects academic freedom and ensures reasonable **job security**. It provides, in the words of Ariel Anderson, WMU's faculty contract administrator, "the assurance of due process and procedural fair play." Tenure can complicate the agendas of deans, chairs, administrators, and trustees who might otherwise consider dismissing a faculty member who teaches well, but who teaches controversial or unpopular material. It may also hobble the corporate leader operating within a university, who might otherwise be able to change academic

programs and missions to fit a new "market niche." These complications posed by tenure are entirely appropriate to a college or university committed to academic freedom and fairness in faculty personnel decisions.

Tenure is not a reward; it is a necessity for the academician. Higher education as we know it would not continue without this solid protection of academic freedom."

- Ruth Flower, "From the General Secretary: Tenure Expands." *Academe* Jan.-Feb. 2003, <http://www.aaup.org/AAUP/pubsres/academe/2003/JF/Col/ftgs.htm>

"In Colorado, full-time instructor positions would be converted to tenure-track positions with no change in pay, rank, course load, or professional expectations. The proposal would also require no changes in the existing tenure track for research professors. What would change would be **job security** for instructors. "Instead of reapplying for our own jobs every three years, we would have a permanent position; we would no longer be 'at-will' employees and would have academic freedom protections," says Suzanne Hudson, secretary of the AAUP chapter and a leader, with fellow instructor Don Eron, of the push for tenure. "A lot of people have asked us why we focused on academic freedom instead of higher pay or reduced course loads. Our feeling is that we can reach for those things when we can agitate without fear of reprisals.""

- Gwendolyn Bradley, "Instructor Tenure Proposals." *Academe* Nov.-Dec. 2008. <http://www.aaup.org/AAUP/pubsres/academe/2008/ND/nb/nb1.htm>

"the single most important factor promoting deliberative democracy in higher education has been tenure. Through tenure, faculty have acquired a degree of **job security** that is rare in the American workplace. Although it was instituted primarily to protect the free expression of ideas in the classroom and free inquiry, tenure has also often afforded faculty enough job protection to risk open criticism of, and even opposition to, administrative decisions and policies. Such criticism is, of course, an indispensable part of deliberative democracy. Without the **job security** provided by tenure, faculty participation in representative bodies would be purely pro forma."

- Jeff Mitchell, "A Communitarian Alternative to the Corporate Model." *Academe* Nov.-Dec. 2007. <http://www.aaup.org/AAUP/pubsres/academe/2007/ND/Feat/mitc.htm>

"Berry's book is more than an organizing handbook and should be read by more than just contingent faculty. He reminds us why tenure matters and how the attack on it is accelerating:

historically the special case for academic tenure has been that the freedom to search for and speak the truth as one sees it (academic freedom) is not possible except under conditions of tenure-like **job security**. If one is afraid of being fired, one will, naturally, tend to watch one's tongue. Since it is not in the public interest to have students taught by people who are afraid to speak the truth as they see it, tenure has been seen as a public good. Now that most teachers in higher education have neither tenure nor the prospect of ever getting it, administrators and trustees have won a great victory. They have much greater flexibility to hire and fire as program and enrollment demands, and the faculty as a whole is less able to set the terms of its own work. So, as tenured faculty retire, many of their jobs are converted into non-tenured contingent ones. Berry makes clear throughout his book that the attack on faculty is about power, not about building excellence in higher education or improving access and opportunity for students. The creation of an increasingly powerless faculty undermines both excellence and the university's essential role in society."

- Elizabeth Hoffman, "Use This Book." Review of Joe Berry, *Reclaiming the Ivory Tower: Organizing Adjuncts to Change Higher Education*. New York: Monthly Review Press, 2005. Academe Sept.-Oct. 2007. <http://www.aaup.org/AAUP/pubsres/academe/2007/SO/BR/Hoff.htm>

Barbara Bowen. "Union proposes CCE for adjuncts." *Clarion* (PSC newsletter), Summer 2007, p. 6. At <http://www.psc-cuny.org/Clarion/ClarionSummer2007ContractUpdate.pdf>

Certificates of Continuous Employment at CUNY are described in Article VI of the Bylaws of the Trustees of CUNY, <http://www1.cuny.edu/abtcuny/trustees/bylaws/article6.html>

"CCE - Certificate of Continuous Employment, given to lecturers after five consecutive full years of service, after which the lecturer is no longer subject to annual reappointment. The certificate is valid only in the college or Educational Opportunity Center that grants the certificate."

- "GLOSSARY: "CUNYisms" AND OTHER USEFUL TERMS", <http://www.baruch.cuny.edu/hr/GlossaryofCUNYTerms.htm>

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Tenure's Rationale and Results

By *MATTHEW W. FINKIN* and *EMANUEL DONCHIN*

Wendy M. Williams and Stephen J. Ceci report that tenured professors are so cowed by the prospect of peer disapprobation and so "timid" that they shy away from teaching courses "unpopular with their peers" or investigating topics that senior colleagues "frown upon" ("Does Tenure Really Work?," *The Chronicle Review*, March 9). They conclude that tenure fails to encourage academic freedom.

Their study, reported in greater detail in *Behavioral and Brain Sciences*, tells us something; more on that later. But — as the vast majority of those commenting on the study (one of us among them) in the open peer commentary section of *Behavioral and Brain Sciences* believe — their conclusion suffers from a misperception of what academic freedom is and a misunderstanding of what tenure does.

Tenure protects a professor from being sanctioned for her teaching or research as long as she has kept within disciplinary standards of care. Peer disapproval does not violate academic freedom, at least not per se. Colleagues may question the value of one's teaching or research on valid academic grounds: They may conclude that a course lacks rigor or departmental fit; they may doubt that a line of research will develop into a profitable or even interesting area.

But controversiality is not a proxy for significance. Consequently, the question of what is wise or foolish may be appropriate for collegial consideration. That is why courses require approval by curriculum committees, and other committees control the allocation of research funds. So long as one has adhered to a disciplinary standard of care, academic freedom assures the professor the right to publish what her colleagues may believe to be utter foolishness; but it does not insulate the author from being thought a fool for publishing it.

Assuming collegial displeasure could chill teaching or research, Williams and Ceci fail to distinguish ideologically or politically motivated reaction from thoughtful criticism based on the pedagogical value of a course or the disciplinary value of a line of

research. In fact, they conflate the two. They refer to an associate professor's fear of studying a topic because of a senior colleague's contrasting view of the field, without acknowledging that academic freedom protects the senior colleague's right to maintain that view as much as the associate professor's right to oppose it.

It is difficult to see how the educational enterprise could function were academic disagreement on the value of a line of inquiry to be equated with infringement of the right to pursue it.

Now to tenure. Tenure is a limit on the institution's ability summarily to dismiss a professor; it prevents pretextual grounds to be proffered for dismissals that are actually motivated by public — or even intramural — outrage over a faculty member's teaching or research. Note that tenure is a constraint on dismissal, or an action tantamount to that.

Williams and Ceci aren't concerned with dismissal, which is within tenure's purview, but with collegial disapprobation, which is not. Not to put too fine a point on it, tenure has nothing to do with a senior colleague's frown.

Williams and Ceci tell us that even tenured professors can be timid, not because of the prospect of summary dismissal but out of fear of the consequences of disapproval. But that tells us nothing new. In his 1972 presidential report at Yale University, Kingman Brewster observed that "with their privileges and immunities our academic communities are often too timid in their explorations. The fear of failure in the peerage inhibits some of our colleagues, even when they do have tenure."

Nor can one draw any inference from this state of affairs about the needfulness of tenure. The noted economist Fritz Machlup observed in 1964 that the case for tenure doesn't rest on the probability that without it, a large number of academics would suppress the thoughts, "true or false, wise or foolish," that could lead them "along lines of reasoning which may eventually lead them to new insights." The question is not whether tenure encourages the many who are inoffensive, but whether it protects the few who are outspoken.

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<http://chronicle.com> Section: The Chronicle Review Volume 53, Issue 30, Page B13

Academe Online

The Campaign Against Tenure

Don't worry about the direct assault on tenure. The indirect threat—from post-tenure reviews and contingent appointments—is much more serious.

By Matthew W. Finkin

The frontal assault on tenure, cheered by the American Association for Higher Education's (AAHE) New Pathways Project, has failed. No research university, no selective private liberal arts college, nor, and in a sense, more important, any number of less luminous but no less significant institutions of higher education, public or private, have abandoned tenure or moved toward its abandonment. The reasons are twofold. First is the strength of the tenure system, its importance to the profession in protecting faculty freedom, and its importance to the institution as a critical quality control. Tenure would not have survived since the [1940 Statement of Principles on Academic Freedom and Tenure](#) was pronounced, through the Cold War, student rebellion, and significant periods of economic contraction, if there were not something of lasting value in it for institutions.

The second, though less edifying, reason for the failure of the attack lies in the fatuousness of the New Pathways Project. The opening shot was fired by Harvard education professor Richard Chait in a 1995 article, "The Future of Academic Tenure," published in *AGB Priorities*. I attempted to unpack Chait's argument in my book, *The Case for Tenure*.

Interestingly, Chait predicted that prominent research universities, flagship state campuses, and elite private liberal arts colleges would not abandon tenure: "[T]here is no compelling evidence," he wrote, "that elite institutions have been ill served by traditional tenure systems." Nor is there any evidence that "nonelite" institutions were ill served, either. Thus the whole point of the project was dubious from the outset. It drew the distinction between the elite and the masses, and with verve; but it never explained why the distinction was merited. Instead, ideas were floated, and then floated away:

- The AAHE argued to the flexible career tracks of doctors employed in HMOs as a model alternative to tenure. But then the press revealed that the doctor-models we were supposed to emulate labored under "gag clauses" that forbade them, on pain of discharge—lacking tenure—to tell patients what was going on; and our models have now proceeded to unionize in significant numbers. I don't hear the AAHE talking much about HMO-employed physicians anymore.
- A linkage of tenure to course registration was proposed. So, for example, a 10 percent drop in one's enrollment for more than two years would expressly be made grounds for discharge. One needn't dwell on this risible scheme, for it hasn't been mentioned again.
- Financial inducements to forgo tenure were also proposed. This incentive has actually been introduced at a few places, but I expect it will soon find display space in the Museum of Folly.
- And we have been urged to let a thousand flowers bloom: why should the professoriate labor under a single "one-size-fits-all" model of probation and tenure? Let the parties contract as they will—"Let Bennington Be Bennington." A slogan substitutes for thought; a contract of indentured servitude becomes as good as any other, so long as it has been agreed to.

All this would be comical but for the project's darker side, for it attempted to conquer by division. Younger faculty were appealed to on the ground that the tenure process was often arbitrary or worse; they were thus summoned to disbelieve any profession by their seniors to the contrary as self-serving, if not cynically manipulative. Women and minorities were appealed to on the ground that incumbent white men were a bottleneck to their careers. And local and regional colleges were urged to separate themselves from any other orbit of comparison. So did the project pit the masses against the "elite," women against men, blacks against whites, the young against the old. The arguments underlying these appeals were spurious; the appeals demagogic.

Even so, two developments adverted to by the project are serious, and the AAUP has consistently expressed its concerns about them. The first is the development of systems of "post-tenure review," often as the result of administrative, regental, or even legislative pressure. How these systems will play out has yet to be seen. I suspect many of them will evolve into a routine of relatively harmless, if time-consuming, paper shuffling; but, at their worst, they hold the potential for abuse and injustice.

I expect a fuller texture of exposition by means of investigations of the AAUP's Committee A on Academic Freedom and Tenure as these post-tenure pigeons come home to roost. The follow-up report published in the January–February 1998 issue of *Academe* on events at Bennington College, whose administration the AAUP censured in 1995, is instructive. The late Neil Rappaport, an instructor of photography and an active opponent of the new Bennington administration, was given a "post-presumptive tenure" review after twenty-two years on the faculty and was dismissed for want of "collegiality."

The second disturbing development is the increase in the use of "contingent," or part-time and non-tenure-track full-time, faculty. This development parallels the rise of a contingent workforce in the economy as a whole, a matter occasioning much study by scholars of industrial relations, labor economics, and employment law. In higher education, this situation is the product of thousands of discrete decisions by departments and deans, each of which may have seemed defensible, even beneficial, at the time, but that in the aggregate have worked significantly to reduce the core of tenured faculty. We have our work cut out for us.

A description of one effort to address the problem, at Louisiana State University, appears on pages 38–41 of this issue of *Academe*. The thoughtfulness and purity of purpose of that effort is obvious. But the LSU proposal—to identify instructorships as "teaching-only" positions to be placed on renewable-term contracts—is vexing. Tenure, according to the 1940 *Statement*, is a means to a certain end: to ensure faculty members, as citizens of the academic enterprise, of freedom of teaching and freedom of internal speech, as well as freedom of research and publication. Historically, that protection has proven especially important for teaching-oriented faculty at teaching-oriented institutions. The idea that tenure should apply only to those who both teach and do research, but not to those who only (or primarily) teach, is theoretically unsound and potentially threatening.

Much more useful, however, is the LSU proposal to cap the number of renewable-term appointments. This recommendation coincides with the observation of economist Fritz Machlup, a former president of the AAUP, that the percentage of faculty with tenure should be as large as the institution can maintain consistent with achieving other ends.

Despite its flaws, the LSU proposal, unlike the New Pathways Project, recognizes that the solution to the "contingent faculty" problem will require a clarification of the valid uses of such faculty and the elimination of the misuse of them, not an abandonment of tenure. Engaged teaching, significant research, and sustained public service cannot thrive on the backs of a faculty treated as a disposable factor of educational production, and no cheerleading to the contrary can make it otherwise.

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News

Tenure as a Tarnished Brass Ring

March 31, 2008

Claire B. Potter has a level of academic success many young Ph.D.'s these days can only dream about. A professor of history and chair of American studies at Wesleyan University, she has tenure at an elite college. **Tenure provides her not only with job security,** but with part of her identity as the blogger [Tenured Radical](#), where she shares views on a range of topics, writing with the freedom that tenure is supposed to protect.

So why would Potter recently have approached her provost to inquire about the possibility of trading in tenure for a renewable contract? It turns out that there are lots of obstacles to doing so, Potter said, in that Wesleyan doesn't have a model in which someone off the tenure track could fully participate in campus governance, and this isn't a question the university is used to being asked. So she's not sure it will happen. But why even explore it?

Potter's question was a natural outgrowth of a blog posting she made this month that questioned the value of tenure.

Wrote Potter: "I have argued against tenure for several reasons: that it destroys mobility in the job market. That we would do better financially, and in terms of job security and freedom of speech, in unions. That it creates sinecures which are, in some cases, undeserved. That it is an endless waste of time, for the candidate and for the evaluators, that could be better spent writing and editing other people's work. That it creates a kind of power that is responsible and accountable to no one. That it is hypocritical, in that the secrecy is designed to protect our enemies' desire to speak freely -- but in fact we know who our enemies are, and in the end, someone tells us what they said. But here is another reason that tenure is wrong: It hurts people."

The posting and similar online comments from others have prompted considerable discussion -- pro and con -- in the academic blogosphere. And out of the blogosphere, experts on tenure say that the frustration Potter and others are expressing with tenure reflects the changing nature of how academics see their careers and how they are treated. **Even many tenure experts who say that tenure skeptics fail to appreciate the full value of tenure say that the frustrations being expressed are real and may represent a turning point of sorts. What does it mean when tenure isn't just being attacked by bean counters or critics who want to rid the academy of tenured radicals, but by some tenured radicals (not to mention tenured and untenured professors of a variety of views)?**

To be sure, provosts are not being overrun with questions from professors who want to get off the tenure track, and the recent Web discussion has brought out strong defenders of tenure.

"There are lots of things that have hurt me in academia, but tenure is NOT one of them," wrote the blogger [Lumpenprofessoriat](#). "I have been hurt by the lack of health care from my years as an adjunct. I have been hurt by the uncertainties of working as migrant, contingent labor in academia for more than a decade. I have been hurt by deans, provosts, and by some of my colleagues who put time and effort into delaying my start in a tenure track line and in further delaying my final tenure decision for another decade. I have been hurt by decades of debts and low wages that I may never recover from. I have grudges, depression, anger, rage, and issues aplenty from my sojourn through the academic labor market. **But the one thing that has NOT hurt me is tenure.**"

But in online postings and elsewhere, the questioning of tenure has drawn considerable support (even if much of that support isn't necessarily calling for its abolition, but pointing to tensions in the system). See [Easily Distracted](#) on the impact of proceduralism and mystery, [Uncertain Principles](#) on the different disciplinary standards and the impact of a "make or break" moment on careers,

or [Confessions of a Community College Dean](#) (whose blog appears on *Inside Higher Ed*) on the conflict between transparency and the tenure system. [Citizen of Somewhere Else](#) is calling for a cease-fire in the discussions. All of these postings have drawn comments from readers -- tenured or not -- some of them saying that they see abuses of the system with regularity, others dreading going through it, and others vowing not to.

One anonymous academic commented on Tenured Radical this way: "I am completely freaked out by the mysteries of the tenure process and have decided not to pursue a t-t job, but instead to work toward getting either a permanent lectureship or a split admn/lectshp position, many of which are held by people at my institution. I don't think I want to deal with the pressure and anxiety of not knowing how to court all the right people into my camp. I am currently benefiting from the fact that someone else did not get tenure, as I hold a visiting position to replace someone who elected to take their 'terminal' year as a leave year. I have 'replaced,' due to overlapping scholarly interests, a very brilliant teacher, a dedicated colleague in all the fields of expertise with which his work crossed, and a highly respected scholar with numerous prestigious publications. Why this person did not get tenure has never been explained to me. It was very controversial, inspiring student protests. (I have no idea if the department waged any sort of protest. It's all part of the secrecy.) I sincerely hope this person is using this year to find a job where s/he will be appreciated. I don't think I could measure up. If s/he couldn't get tenure here, what must it take?"

Many factors are at play in the debate, experts say. The majority of faculty members who work in public higher education, many say, are better protected on free speech issues by the Constitution than by tenure, and the Constitution doesn't just kick in after one gets tenure. Another factor is a growing sense that earning tenure isn't entirely a matter of merit, but in many ways can be a fluke. In an era when those who earn tenure can think of people they view as equally talented who never made it off the adjunct track, or when at many universities, people who never published a scholarly book are judging the quality of tenure portfolios that must contain two books, respect for the process has diminished.

The Mysteries of Tenure

Comparisons to other (generally criticized) processes in society come up a lot. In the blog [Slave of Academe](#), Oso Raro compared the tenure process to hazing (a common comparison, with many noting that it's easier to imagine getting in to a fraternity or sorority after hazing than earning tenure). The blog posting was inspired by [the tenure case of Andrea Smith](#), whose future at the University of Michigan is in danger because of a negative vote by the women's studies department.

Wrote Oso Raro: "All of which is to say that in spite of all the efforts to empiricize, measure, and delineate tenure, to 'understand' the process, a large part of it will always be mysterious, the final hazing, the culminating movement of neophyte to acolyte. I feel ambivalent about such an interpretation, obviously, only insofar as such belief systems can blind us to the real inequities in tenuring processes. Similar to other rigorous, mystical institutions, like the military, Roman Catholicism, Hollywood, Broadway, and the dark arts of Wall Street and the City, the university also has its blood sacraments, which include ritualistic purging. Part of the problem with tenure being wrapped in mystery, ceremony, and hocus-pocus worthy of a *Skull and Bones* initiation, is that in the dark all cats are gray, and it becomes hard to discern legitimate concern (and yes, indeed, outrage) from hucksterism and carpet bagger self-aggrandizement. This has led a sizable portion of the profession to shrug their shoulders when tenure scandals emerge, or worse, reach for the easy answer of dismissal ('activist-scholar')."

The issue of mystery is one that comes up again and again in the new critiques of tenure. While tradition has it that only a secret process allows evaluators to speak freely, that argument isn't selling with the current generation -- for whom tenure is more rare and whose value systems don't accept the same premises their elders did. Cathy A. Trower, co-principal investigator of the Collaborative on Academic Careers in Higher Education, at Harvard University, supports the idea of tenure, but said that the criticisms reflect demands for real change.

"Tenure is an employment system," she said. "People carry out tenure processes and inflict -- or not -- the pain on others that these people describe. I say: Fix the perpetrators/abusers, not throw out tenure." Trower noted that even with more people being hired off the tenure track, most colleges do have tenure, so it is important to look for ways to make the system work so that "the people in charge put young scholars through a humane and dare I say nurturing process that leaves them polished, poised, and excited fully vested, productive, and tenured members of the campus community who will treat those coming up behind them equally well and equitably."

Of course, Trower acknowledged that today's concept of "humane" is different from yesterday's. In [an article](#) on faculty diversity in *Harvard Magazine* that she wrote with Richard P. Chait, co-principal director of COACHE, they noted the frustrations of many with the tenure system, which is largely based on standards adopted by the American Association of University Professors in 1940.

"We do not contend that the abolition of tenure will somehow solve the problem of faculty diversity. The issue is less one of tenure as an *institution* and more one of tenure in its *implementation*. That is, do the policies and practices of yesteryear best serve contemporary faculty? The proposition might be posed as follows: If a representative random sample of faculty, *selected to mirror the diversity the academy presumably desires*, were to assemble as a 'constitutional convention' to rethink tenure policy, would the document that emerged essentially paraphrase or materially depart from the 1940 AAUP statement? We do not know. We think, however, that the idea merits philanthropic support and deserves to be tested."

They go on to suggest ways -- very consistent with the current critique of tenure -- that their surveys of young faculty members suggest that today's assistant professors are likely to differ from their more senior colleagues when it comes to tenure evaluations. Where the traditional model held that "secrecy assures quality," younger academics think that "transparency of the review process assures equity." While the traditional view was that merit was "empirically determined" and that "competition improves performance," the new view is that merit is ""socially constructed" and that "cooperation is better than competition."

In an interview, Potter said that secrecy is central to the flaws of the tenure system. While she blogs about all sorts of university matters, she said that when she writes about tenure, she gets the most grief on campus, with people telling her that even writing about tenure issues in general ways is inappropriate. "A private institution is like an allegory for the WASP family when it comes to talking about tenure -- it's like you're not supposed to say that Mommy's drinking. Whatever happens, the real crime is talking about it."

The Limits of Academic Freedom

Potter said it is very clear -- from cases in the public record -- that talented people are turned down for tenure because their colleagues don't much like them, regardless of issues of quality. She cited the case of KC Johnson, the Brooklyn College historian who was nearly denied tenure despite [an impressive publishing record](#) and evaluations that demonstrated his commitment to teaching. His department "voted against him because they didn't like him," but his professional accomplishments should have made the case an easy one to resolve in his favor, Potter said. (Johnson eventually won tenure, but not before columnists and others took up his case and it became something of a cause célèbre.)

Johnson's political views tend to anger Potter, but she said it is hard to imagine how people could have justifiably voted against him, except that secrecy protects any vote and can cover up personal dislike. And similar votes, she said, hurt many female and minority candidates.

As Johnson's case illustrates, she said, there are better protections for academic freedom than tenure. She cited faculty unions (although Johnson did not feel supported by his), renewable contracts stating acceptable reasons to be dismissed or not renewed, and the public pressure on colleges to respect certain standards and ideals.

She also said that what Johnson did in his pre-tenure period (show a willingness to challenge his senior colleagues) demonstrates the great failing of the tenure system. Not only does it not protect adjuncts, she said, but it may actively limit the academic freedom of those on the tenure track, but not yet up for review. "Tenure does not protect the academic freedom of people who are not tenured. It works in the opposite direction," she said. "If you take the first six to eight years of someone's career, people are urged to be cautious, not to publish things in nontraditional media, not to offend anyone.... You take people coming out of graduate school when they have fertile or radical imaginations and you tell them to play it safe."

In an e-mail interview from Israel, where he is currently teaching on a Fulbright at Tel Aviv University, Johnson said he agreed with part of Potter's critique of tenure. He said she was absolutely correct to focus attention on the secrecy issue. "More sunlight in the personnel process will help eliminate some of the abuses," he said.

And Johnson agreed that tenure was designed for a different period -- when professors faced a constant threat of dismissal for views opposed by the government. "In the last seven years, despite the AAUP's overblown rhetoric, how many professors have been denied employment because of speaking out against government policies?" he asked. "So in this sense tenure can now be used a club to deny academic freedom to untenured faculty -- if they teach in humanities and most social science departments, unless they want to risk their jobs, they can't challenge the personnel preferences of a majority of their tenured colleagues, they have to be careful about the kind of topics they research, and they need to be silent on non-academic issues unless their opinions correspond to the race/class/gender world view."

But despite that skepticism, Johnson said that tenure -- once he won it -- has protected him. In [his blog](#) and book on the Duke University lacrosse scandal, Johnson has been unrelenting in criticizing Duke professors -- some of them academic stars -- whom he believes made irresponsible statements about the lacrosse players and have refused to apologize, even after evidence cleared the

athletes. "I could never have spoken out on the Duke case if I didn't have tenure at Brooklyn, since I would have been subject to retribution from local ideological allies" of the Duke professors, he said.

So what might work better? Johnson said he would favor tenure followed by five-year post-tenure reviews, but in ways that couldn't be manipulated by personal likes or dislikes of a department's members. He would like to see "a review process that's quantifiable (requiring, for instance, tenured profs to show that they've developed new courses, or published new articles, or done research for new books) rather than having subjective reviews."

The Value of Tenure

Some of those who study tenure issues or work to expand tenure are less than impressed with the logic of those arguing to move beyond it.

Gregory Saltzman, a professor of economics and management at Albion College, writes for the National Education Association about how to protect faculty members from unjustified dismissals. In an interview, he said that while he believes unions strengthen tenure, he dismissed the idea that they could replace tenure. He gave the example of "just cause" provisions, in which unions specify that dismissal is only allowed for legitimate reasons.

He offered this example. A tenured professor shows up at a city council meeting and argues against granting the university a building permit for some project and criticizes the university administration. Such behavior wouldn't endear a professor to his or her superiors, but it wouldn't get a tenured professor fired, Saltzman said. But move away from the tenure construct, and that situation is one of insubordination for which someone could be fired.

"Tenure provides more extensive rights," he said. "Deans and presidents put up with a lot of behavior that a non-academic employer would call insubordination and act on."

Cary Nelson, president of the American Association of University Professors and author of *Manifesto of a Tenured Radical*, went further. "Giving up tenure would actually be insane," he said.

Nelson said that higher education indeed is weaker because so many professors without tenure do not enjoy full academic freedom. But he said that the solutions to that problem are to heighten protection for them while also pushing for the creation of more tenure-track positions. He also said that the continued strength of tenure at elite institutions has a power that goes beyond them. "Tenure there establishes standards for academic freedom that anchor the professoriate as a whole," Nelson said. "I don't think the professoriate can survive in its present form without a significant number of anchor institutions with tenure."

Further, Nelson rejected the idea that all of those votes behind closed doors are full of inappropriate or unfair deliberations. "I've been behind the closed doors in my own institution, and by and large, I think our tenure system is fair and the overwhelming majority of our decisions are the right decisions." And in "a significant number" of the decisions that don't go the right way, Nelson said, errors were made by the person coming up for tenure that contributed to the outcome.

While many have responded to the recent discussion with shock that professors themselves would put this topic on the agenda, there are a few examples of some who have done so previously.

David J. Helfand started as an assistant professor of astronomy at Columbia University in 1978, and when he came up for tenure, he decided he didn't want it, believing that it wasn't necessary for academic freedom, that lifetime employment was inherently flawed, and that tenure didn't encourage the sort of career path and creativity to which he aspired. It took two years to negotiate, but he won the right to five-year renewable contracts instead of tenure and he is currently in his fifth such contract.

Helfand said that at the end of the fourth year of each contract, he writes up his accomplishments in teaching, service and research and provides "a few pages" of his plans for the next five years. In a process similar to tenure reviews, senior members of his department review the proposal, which they send with a recommendation to the provost, who has another committee review the plans before deciding whether to renew.

"One of the more salutary aspects of this procedure is that I get to see the divergence of reality from my plans, and have occasion to reflect on where I have been and where I am going," he said.

While Helfand said he hasn't noticed a groundswell of others following his lead, he said that he has been involved in the planning of Quest University, in British Columbia, a new institution without tenure that is the first private, nonprofit university in Canada. Helfand said that faculty members have individual contracts that cover six, one-month teaching blocks, with the remaining time designated

based on faculty strengths. Some contracts outline research expectations, others focus on public outreach or student recruiting. "This allows each faculty member to play to his or her strengths," he said.

What about academic freedom without tenure? Helfand noted that he has been active in many campus debates and that during the end of the presidency of Michael Sovern at Columbia, Helfand was publicly identified with a group of faculty members who believed it was time for a leadership change. Noting that he was even quoted to that effect in *The New York Times* in an article Columbia administrators couldn't have liked, Helfand said, "I have not felt this arrangement has shackled me in the least."

The president Helfand criticized has been gone from office for years. Helfand remains, but is now -- still without tenure -- his department's chair.

— **Scott Jaschik**

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Academe Online

Across the Great Divide

Tenure benefits those who have it and also those who don't

By Cary Nelson

Is tenure dead? The question is less a provocation than a cliché. Certainly several groups and numerous individuals have been busy for years trying to kill it off. The Pew Foundation has long been seeking alternatives—any alternatives short of extraplanetary exile for tenured faculty. Richard Chait and Cathy Trower of the Harvard University Graduate School of Education have been dancing an anti-tenure two-step for any paying audience for more than a decade. Meanwhile, the anti-tenure mice have been nibbling away at tenure for thirty years simply by hiring faculty off the tenure track, either full time or part time.

From one perspective—that of nationwide trends and averages—the battle for tenure is already lost. Between 1975 and 2005, the percentage of American faculty either tenured or eligible for tenure was gradually cut nearly in half, from 56.8 percent to 31.9 percent. The actual number of such positions has not declined, but the majority of hiring has been off the tenure track.

Yet on numerous elite or liberal arts campuses the picture continues to look entirely different. At many of our best-known institutions, tenure is alive and more than well: it remains the primary model for faculty hiring. And here and there across the country, institutions have rethought their addiction to foraging for fast-food faculty and instead have been replacing expendable parttimers with permanent employees.

Two Worlds

In one world, where the tenure system remains strong, academic departments benefit from a stable, dedicated workforce composed of tenured and tenure-track faculty. I know my colleagues' published work. I know the subjects of their current research. I am familiar with their course syllabi. I have built (or avoided) personal relationships with them over time. When I advise students about forming faculty committees, enrolling in courses, or planning a curriculum, I know how to balance faculty strengths and weaknesses. When we appoint new faculty, we vet them exhaustively and come to know their intellectual commitments months before they arrive. Even in moments of intense departmental conflict, in-depth knowledge of the players puts both advocacy and aggression in context. We are a community—with all of the attendant stresses and rewards—not a traveler's hub. And our students are part of that community; in time they master its resources and risks. They too need not travel blind.

The other world, the world dominated by the absence of tenure, is nothing like this community. In the world without tenure, substantially a place of part-time employment, transient "colleagues" cross paths unnoticed, like ships blind to each other's passage beneath the noonday sun. Yet even that blunt metaphor is inadequate, since it entails potential daytime visibility. Some departments concentrate part-timers in evening courses. Since those faculty members feed on the curriculum only at night, they are sometimes nervously referred to as "vampires." Perhaps that is a useful provocation. If it triggers a moment of recognition, tenured faculty may realize they are our vampires. We called them up and assigned them to our darkness. They are us, the faculty.

At institutions relying on contingent teachers, the appearance of new faculty or the disappearance of continuing faculty is often unmarked. No sense of community obtains. The college is literally not a meeting place, a space of interaction, for its faculty, many of whom may retreat to the parking lot immediately after class to travel to another teaching job. A department in an institution staffed with contingent faculty is often essentially a structure filled with nameless bodies. The campus is recognizable only through its buildings and its students. In institutions without tenure, academic freedom and shared governance are often nonexistent.

A department of tenured faculty may succumb to posturing and bombast, but even that is preferable to the world without tenure and academic freedom, where the climate is too often ruled by fear. If you believe part-time faculty have academic freedom, you should talk to them and learn how some design their courses to avoid controversy and the potential loss of their jobs. Yet the heads of institutions relying on such vulnerable faculty still hypocritically claim their students are being taught through the example of intellectual courage. Not that tenured faculty are necessarily eloquent or outspoken: as legal scholar Matthew Finkin and psychologist Emanuel Donchin succinctly pointed out in a March 30, 2007, article in the *Chronicle of Higher Education*, tenure is not a guarantee that everyone will be courageous but a method for protecting the few who are.

The protection that the combined force of tenure and shared governance gives significantly diminishes the necessity for constant,

disabling wariness and for intellectual choices shaped by estimates of personal and political vulnerability. Remarkably, many contingent faculty members remain fiercely dedicated and give excellent service despite the contradictory pressures to be forthright and cautious.

In its most comprehensive, institution-wide forms, the alienated world without tenure is consolidated across an economic and cultural divide. The world with tenure and the world without it are increasingly serving different populations. Tenure is becoming concentrated in elite institutions, where it serves elite students and offers faculty elite identities. In the world without tenure—increasingly the home of poor and working-class students, disenfranchised minorities, and alienated faculty—untenured teaching too easily becomes a second-class education.

The two other major institutional consequences of tenure's absence—diminished or nonexistent academic freedom and diminished or nonexistent faculty governance—exacerbate the problem. But of course these two matters are codependent: curtailment of one enhances curtailment of the other. **The AAUP has long known that job security underwrites academic freedom both individually and institutionally. Without a clear majority of faculty members possessing job security, a climate of fear may prevail.** Faculty members at an Ohio institution without tenure told me their president warned them in 2007 that speaking to the press was grounds for immediate dismissal; a national higher education reporter confirmed those reports. And in 2004, the AAUP censured the administration of Philander Smith College for dismissing a professor who violated a similar injunction against contact with the media (censure was removed in 2008 after a new president rescinded the policy). Without strong shared governance provisions, the faculty loses control over the primary areas of its responsibility—the appointment of faculty and the curriculum.

More deeply, faculty lose control over their own fate, and they typically lose the right to peer review and proper grievance procedures. The world without tenure is a world of administrative fiat—first over all elements of shared governance, then over academic freedom as it applies to faculty speech in public and in the classroom. Although the world of faculty contingency has seen numerous serious curtailments of faculty speech in recent years, the bedrock denial of faculty agency is in shared governance. Stripping a faculty of procedural safeguards enables assaults on individual freedoms as occasions arise. To survive at all, faculty then must suppress their fear enough to function, but the fear is with them nonetheless.

Erosion of Rights

At present, the worlds with and without tenure seem sharply divided. Yet in some critical respects, they are becoming steadily more similar. The most critical cultural overlap is in administrative impatience with the element of faculty authority in shared governance. In too many elite institutions, faculty have carelessly allowed thorough faculty oversight over programmatic development, budget allocation, and educational mission to wither. Administrators have filled the vacuum and are increasingly frank in their contempt for the delays inherent in collegial process. We have learned too often that, when the bedrock of shared governance crumbles, erosion of academic freedom soon follows.

One sees evidence of this deterioration at many institutions with tenure. Pressure to revise faculty dismissal proceedings may rise. Ad hoc committees appointed by administrators are being used more frequently in place of elected committees to facilitate both program termination and program creation, often outside normal faculty senate review procedures. Financial exigency—as in New Orleans after Hurricane Katrina and in Ohio at Antioch College—is being employed to disenfranchise faculty members and set aside handbook guarantees. Faculty are suddenly finding that academic freedom no longer applies to e-mail and university Web sites. At many institutions, a general commitment to across-the-board improvement of department quality is being replaced by a pecking order based on each department's capacity to raise external money, again without the faculty senate's consent. Sometimes, as at Rensselaer Polytechnic Institute in New York, administrators find reasons to limit the faculty senate's ability to define its own membership and thus who participates in shared governance. And, increasingly, some institutions, among them my own, are becoming reluctant to fund unprofitable humanities and social science research, something many tenured faculty never imagined would happen.

I am not predicting that tenure will disappear from the world that presently has it. I am, however, arguing that the erosion of shared governance is a strong national trend that cuts across both worlds. As shared governance declines and managerial administration rises, tenure and academic freedom will mean less than they have for nearly half a century. The two worlds of tenure are more interdependent than they may appear. The world without tenure is a living laboratory for higher education as a whole, and the results of experiments conducted there will not bring good news to any of us.

Will institutions without tenure and academic freedom completely destroy tenure and academic freedom at those institutions that have them? Not likely. Will the world with tenure and academic freedom be gradually corroded and transformed by the world without them? Almost certainly. The slow but nearly inexorable spread of contingency from the first to the second group of schools—a spread fundamentally facilitated by passive faculty at some of our best institutions—gives fairly reliable evidence of how trends at one kind of institution can influence others.

The Role of Tenure

My dichotomous model now needs further qualification. As we all know, at many institutions the two worlds coexist, with vulnerable and protected faculty often sharing the same building but remaining invisible to one another. Surely academic freedom carries less weight where a minority of those teaching have tenure or are on the tenure track. Most of the faculty at such institutions typically have little role in shared governance and no job security. Is the meaning of tenure itself changing at such institutions? Ask yourself how many schools now credit vacated faculty lines to administrators for reassignment, when only a generation ago tenured faculty in a given department routinely had power to decide the fate of vacated lines.

Evaluating this problem would be easier if we had comprehensive institution-by-institution data on trends in faculty hiring, not simply national averages. It would also help if we knew what percentage of courses are actually taught by tenured faculty at each institution. Accurate information on the role graduate student employees play in instruction is particularly elusive, but even in its absence we can begin to ask certain critical political and philosophical questions. One conclusion we can draw is that the meaning of tenure is not only individual but also institutional. Far too many faculty members think the only thing that matters is whether they themselves possess job security. But they have less of it than they think if it does not include structural support for due process, peer review, and shared governance. Tenure is something faculties possess collectively, and its collective character varies.

Tenure is also something we possess nationally. It is sustained by the remarkable consistency of the seven-year probationary period laid out in the joint 1940 *Statement of Principles on Academic Freedom and Tenure* formulated by the AAUP and the Association of American Colleges (now the Association of American Colleges and Universities), which today has more than two hundred organizational signatories. Despite substantial national variation, a rough normative consensus about tenure procedures prevails. That consensus, however undermined now, reinforces related expectations about academic freedom. Without those expectations, arbitrary dismissal would be far more common and restrictions on faculty speech universal.

To some degree, the survival of tenure and its reinforcement of academic freedom in many elite private universities, flagship public institutions, and liberal arts colleges constrain practices at schools heavily reliant on contingent labor. Tenure at the institutions that have it helps anchor faculty freedoms at other schools. Without the anchor provided by institutions enjoying tenure, the educational system as a whole would falter. The professoriate cannot survive in its present form without a significant number of “anchor institutions” with tenure. Though the cultural and professional power the standard of tenure wields is both diminished and threatened, tenure remains a critical component of faculty status and is crucial to the AAUP’s effectiveness nationwide, even at institutions without a single tenured professor. Yet by allowing the creation of a huge class of contingent faculty without job security, we have contributed to widespread resentment against tenure in the national faculty workforce. The alternatives to tenure, however, are all deeply flawed. They have value in relationship to tenure—as partial security for those who lack tenure—but not as independent, stand-alone replacements for the tenure system as a whole. Renewable contracts, for example, are not a problem for those quietly doing their teaching and research, but clearly put faculty critics of institutional mission and administrative decision making at risk.

New Standards

In November 2006, the AAUP’s Committee A on Academic Freedom and Tenure approved a historic extension of job security and due-process rights to part-time faculty. Regulation 13 in our *Recommended Institutional Regulations on Academic Freedom and Tenure* was the product of extensive ethical, political, and professional negotiations. The standards it puts forward, growing out of decades of contingent faculty activism in the California Faculty Association, the Coalition of Contingent Academic Labor, and elsewhere, were negotiated in relation to the standards for tenure set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*. Put crudely, part-time faculty were granted far more job security than most of them possessed beforehand, but notably less than comes with traditional tenure. If tenure did not exist—and was not still widely enforced for roughly a third of faculty nationally—the AAUP would have little hope of winning assent to granting a series of real but lesser rights to part-time faculty. On the other hand, the country could certainly reach a tipping point where too few tenured faculty remain nationally to anchor job security and academic freedom for anyone else. That possibility now presents real reason for concern.

The process the AAUP went through is not unlike what union negotiators go through in seeking a degree of job security for contingent faculty: their rights are negotiated in relation to the better working conditions tenured and tenure-track faculty enjoy, either at the same institution or elsewhere. Strong union support can make a tremendous difference for contingent faculty. The contracts negotiated in Vancouver, Canada, and by the California Faculty Association make that apparent. Yet the result of doing away with tenure would likely be a pervasive backsliding to at-will employment. Even multiyear contracts would be more difficult to put in place under those conditions. In other words, we have a system that has become far too exploitive of far too many people, but it will not be improved or reformed if we abandon its best guarantees. While many part-timers will not believe

me, let me put this clearly: you would be worse off if tenure did not exist.

What would happen if faculty unions were negotiating employment security in the absence of tenure? Obviously, right-to-work states would be largely cut loose from any consistent policies. And **the unions would be subject to the give and take, the gains and losses, of job-security negotiations in other industries.** You could then look to the auto industry for a model of the academy's future. Negotiated buyouts for faculty eligible for retirement would be supplemented by God only knows what sort of managerial inventions for jettisoning faculty. There would be no set of guiding principles for faculty employment with any realistic purchase on higher education practice. Tenure can be guaranteed by a legally enforceable union contract, but it cannot be literally invented by one.

The other lesson faculty members must relearn—a term I use because many once knew this—is that we are not powerless, despite how powerful the national trends undermining tenure may be. The collective meaning of tenure can be reshaped and altered only collectively—either by faculty passivity or faculty action. Perhaps more than anything else, faculty members need to rethink their identities so that they include a component of collective agency. No matter how strong any given faculty senate may be, every campus also needs an effective AAUP chapter, an organized, principled faculty voice prepared to speak truth to power. Faculty cooperation with administrators needs to be balanced by frank public discourse and, when necessary, by organized resistance. Only in that way can tenure's central role in defending academic freedom be preserved.

Cary Nelson is president of the AAUP. A book about his career, Cary Nelson and the Struggle for the University, is forthcoming from the State University of New York Press.

[Comment](#) on this article.

Comments:

I was dumbfounded by Cary Nelson's statement in the opening paragraph of his article in the September-October issue of *Academe* that "...Cathy Trower of the Harvard University Graduate School of Education [has] been dancing an anti-tenure two-step for any paying audience for more than a decade." This cavalier and crude dismissal of a person who has been working for more than a decade to find a way to make tenure work for women, minorities, and a new generation of teacher/scholars is completely off the mark. To add insult to injury, Paula Krebs quoted this absurd depiction of Dr. Trower in her editorial preface to the issue.

To set the record straight for those who don't know, Cathy Trower is Director of the Collaborative on Academic Careers in Higher Education (COACHE), which is gathering the data we need to help us improve the environment in which we recruit, retain, and develop junior tenure-track faculty, and to disseminate this information so that we can make the academy a more appealing place for new faculty to work.

Perhaps Cary Nelson and Paula Krebs find Dr. Trower threatening because the results of her work challenge the traditional notion that the seven-year up-or-out rule that was created by white male professors many decades ago is the only true credo of our profession. (See her article in the same issue of *Academe*, "[Amending Higher Education's Constitution](#)") Trower recognizes that this old doctrine doesn't work well sometimes and can actually prevent persons from being tenured who are worthy of tenure – specifically, women and minorities. Trower is not anti-tenure; she is so pro-tenure that she is working to improve the environment in which tenure must be earned so that it can be granted to people who don't fit the mold created for a different time.

K.F.

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Academe Online

A Dean Looks at Tenure

A former faculty member and current dean assesses the pros and cons of tenure: it promotes stability and independence, but it can also prevent change.

An Interview with Catharine R. Stimpson

Catharine Stimpson, a pioneer in the field of women's studies, is now dean of the Graduate School of Arts and Science at New York University. Seeking an administrator's perspective on tenure, *Academe's* editor presumed on an old friendship to ask her some questions.

Schrecker: Recently, as you know, tenure is coming under attack from both in and outside the academy. We're even hearing suggestions that, because there is so little public support for higher education, the academic community might well be advised to abandon tenure altogether. As an administrator and former faculty member, what do you think?

Stimpson: Ellen, you and I are old friends, so we can afford the luxury of irony. Let us imagine a parody of the evil administrator. What would the evil administrator think about tenure? The evil administrator might think that academic freedom is an overrated value. And the evil administrator would want a flexible work force that could be moved from position to position. Without tenure, a faculty would lack the long-term and stable leadership that could give it a sense of being a body of integrity. That would benefit the evil administrator, whose self-interest would be served by having teachers (let's call them "content providers") on short-term contracts, which could be manipulated according to the demand of the students. Let's call them "customers," or "clients."

And think, too, of the administrative savings. You wouldn't need "promotion and tenure" committees. You wouldn't have to write all those letters asking for tenure and promotion evaluations. You wouldn't have to read all those books and articles in order to make judgments. Life would be clean and simple.

Schrecker: Obviously, you don't buy into the evil administrator's scenario. As a presumably more enlightened administrator, you have a more favorable view of tenure, don't you?

Stimpson: I'm a strong believer in faculty governance. Faculty governance is not simply how the faculty controls certain aspects of institutional life, particularly the curriculum. Faculty governance also means consultation on a wide range of issues. It has to do with the spirit of the place, the ethics of the place. You can't have faculty governance, good faculty governance, unless you have a sense of stability in the faculty, and unless you have people who are seasoned faculty members within the institution. Tenure helps to create those conditions.

Now, institutions need seasoned faculty members for a lot of reasons. One of them is to counteract the effect of the current star system in academia, under which a professor's allegiance is more to the discipline and to the individual career than to the institution. There's no doubt in my mind that there's been a loosening of the ties that professors feel to the institution as an institution.

Be that as it may, faculty governance will not work unless we have faculty members who have a strong and long-standing interest in an institution. Such faculty members begin as junior professors, learn the ropes, accept increasing responsibility, and then become the wise counselors within the institution and the guardians of the principles of faculty governance, along with administrators. I would add parenthetically that one of the obligations of graduate schools (and I'm not sure how well we're doing this) is to professionalize graduate students into governance. Graduate students should serve on committees within departments and within the university as a whole.

Schrecker: Your argument, here, as I understand it, is that tenure is necessary for effective faculty governance. But the traditional defense of tenure has always been that it protects academic freedom. One is a collective guarantee, the other an individual. Can they be reconciled?

Stimpson: They're compatible. Faculty governance works best with academic freedom. Obviously, I prefer to think that the administration and the faculty can work together in an atmosphere of congeniality and civility. But there are cases—and I've encountered them—when a faculty member has to stand up and say "get lost" to a president or a dean without fear of retaliation. This is where academic freedom protects you. It protects you not only in the expression of ideas, but also in the reasoned expression of discontent with the governance of an institution, be that with an interim administration, donors, or legislators.

As for the traditional defense of tenure as a protection for academic freedom, my view is not merely theoretical; my own career has been affected. I was an early practitioner of both women's studies and gay and lesbian studies. I have also been outspoken on other issues, or I flatter myself that I've been outspoken. I'm not sure I could have done that without academic freedom. I have no faith in my own courage. And, as we all know, behind the defense of academic freedom is an enlightened belief that if you speak freely you have a better chance of speaking truly. And if you have a chance to speak truly, there will be benefits for society, for the advancement of knowledge, and for your own conscience.

In turn, faculty members must not abuse this precious legacy and confuse academic freedom with acting out or abuse.

Schrecker: Of course not. But isn't that the case with all free expression? How does academic freedom differ from the freedom of speech that all Americans supposedly enjoy?

Stimpson: I sympathize with the argument that you can have all the freedom of speech you want, but if you don't have access to the public, it doesn't count. It's rather different within the academic community, because ultimately the faculty has some access to the community "forum." As a professor at New York University, I can't guarantee that my views will be taken up by Rupert Murdoch's News Corporation or Time-Warner. I have no access to Charlie Rose or to the op-ed page of the *New York Times*. I have freedom of speech, but that doesn't mean I have access to what has become the marketplace of ideas.

But I can send out an e-mail to faculty members. I can ask to write for the student newspaper. I can stuff mailboxes. I can stand up in faculty meetings. The academic community is perhaps closer to the classical notion of the marketplace of ideas than contemporary society has become.

Schrecker: That's an intriguing notion. Of course, it's not hard to make a case that will persuade our fellow academics of the need for academic freedom so that we can speak out within the university. But on the outside, in the rest of society, how can you make a case that professors require the kind of special protection that tenure now allows?

Stimpson: The question I asked myself when I was at Rutgers, especially when AT&T was "laying off" thousands and thousands of workers is this: if I worked for AT&T, if I were middle management, and I was laid off, and I had kids, and I knew that my taxes were going to support the tenured Rutgers faculty members, how would I feel? And my answer was I'd probably feel pretty lousy, and I'd ask myself why I should pay taxes to support a professor when I, myself, was so vulnerable. Especially if that professor might be saying nasty things about people who worked for corporations.

So, we need to show why tenure matters. We need to find an example of a situation in which someone has had an unpopular or unconventional idea and then that idea has turned out to be valuable to the community of inquiry and to the community at large. Can we actually make empirically demonstrable connections between academic freedom and the advancement of the social good?

Now, if we are talking about First Amendment issues, we could look at certain stories—say the Pentagon Papers story. It was clearly demonstrable that the truth needed to be known about the war. It helped people make better policy decisions. It made a better-informed citizenry. Can we do that with some academic freedom cases? Cases in which academic freedom protects not just my right to eat pizza and say things about Madonna, but where it protects me if I were to say something unpopular that ultimately turned out to be helpful. You can make that case, for example, for women's studies. When you look at it, you see a flow of information that's been beneficial to education, to women's health, to our understanding of women's political processes.

Schrecker: Sure, but isn't a lot of the current public opposition to tenure less a matter of hostility to the unpopular ideas of individual professors than it is a result of the perception that tenure protects people who are over the hill and slacking off? As an administrator, do you believe that is a valid argument?

Stimpson: I think the strongest case against tenure is the deadwood argument. Look, deadwood happens whether there's tenure or not. The deadwood question becomes particularly intense in an academic setting not only because there is tenure, but because a faculty must be on the front lines of knowledge. If you have deadwood in a research university, you are cutting against the whole purpose of that university.

The deadwood question is, of course, exacerbated by the law that took away mandatory retirement at the age of seventy. I am ferocious about the consequences of the loss of mandatory retirement. I believe that if people do not retire at an appropriate time, there are several consequences. One is the possibility that they're not as fresh and vigorous as they once were (and that's not an ageist thing to say), and the second is, they do block the movement of younger faculty.

Now, I was once brought up short when I made this argument. I was questioned severely by a woman faculty member at a community college, who said that she, like many other women, joined the faculty in her forties, and she simply couldn't afford to

retire at seventy. That's a fair argument, and I think in this case, when you're preparing what are called retirement packages, you have to take that into account, and perhaps put a lump-sum payment into people's retirement plan to make it possible for them to retire. You have to push the questions about health insurance, as well. At NYU the problem of housing is acute. So one has to be sensitive to the future that retiring faculty members face—in material terms and in terms of doing valuable work. There are all sorts of ways to take advantage of retired professors in the classroom, or as advisers. My support of tenure is accompanied by a strong belief that tenure is not a lifetime privilege.

Faculty members can be their own worst enemy in terms of defending tenure. They can be so by making tenure into a lifelong job, no matter what their particular mental condition, by slacking off after they get tenure, or by behaving in unethical ways. And their faculty colleagues have to take responsibility for dealing with the slackers and predators within their ranks.

You know, the institution to which the university is most similar is the church. It gets itself into a lot of trouble when the clergy, either men or women, do not behave according to the highest ethical ideals of the institution. We can't see having tenure as the equivalent of selling indulgences.

Schrecker: I know the AAUP doesn't agree with you here. We strongly supported the abolition of mandatory retirement. And in any event, is the deadwood problem really so serious? Are there really so many incompetent faculty members refusing to retire?

Stimpson: We need more data here, and a definition of incompetence or destructive behavior. Even if it's a small problem, it's an acute problem because of our need to welcome younger faculty members.

Schrecker: Let's look at those younger faculty members. With so many tenure lines being eradicated and people being hired as adjuncts or on short-term contracts, aren't we really fooling ourselves about providing opportunities by eliminating so-called deadwood? And aren't we also fooling ourselves about the existence of academic freedom in an institution where so many of its members teach part time?

Stimpson: Academic freedom is the first and most traditional defense of tenure. However, it is possible for a well-run institution to extend academic freedom to everyone who teaches. That's easy. The adjunct question is very difficult. It's going to blow up unless institutions confront it squarely and look at the conditions under which adjunct faculty are teaching. It's very easy to say "convert all those positions to full-time ones." But some people want to do adjunct teaching, and some programs use adjuncts in ways that are perfectly appropriate. Take our graduate program in computer science, for example. Here in New York, we have all this brilliant talent down in Silicon Alley; it's a wonderful opportunity for adjunct teaching. Creative writing is another opportunity.

The difficulty arises when adjunct and part-time teaching is used for cost-effectiveness and only for that. I know it's wrong to have adjunct and part-time teaching because you want to cut economic corners. On the other hand, in a private institution you can have enormous economic pressures. You can't make tuition \$100,000 a year. You can't make tuition so high that it deprives poor kids of the opportunity to come here.

Schrecker: Kate, if we're talking about part-time or contingent faculty members, shouldn't we also look at other ways in which some people are thinking about restructuring academic careers to eliminate tenure and gain flexibility? I'm sure you're aware of the recent discussions about possible alternatives to tenure like long-term contracts that reward faculty members with higher salaries or more frequent sabbaticals. The AAUP, as you know, has opposed those initiatives. As a dean, what do you think of them?

Stimpson: Well, it's equivalent to the charter school movement in public education. It's an experiment. Let's try it. Let's see what happens. What it means is you'll have some institutions that have teaching assistants, long-term contracts, and regular tenure simultaneously. There might be some awkwardness and impurity there. Two difficulties one might anticipate are that, ironically, the long-term contract would become de facto tenure. And, second, what happens if someone comes in and cancels the contracts? A long-term contract is still not the same as tenure. But I'm all for the experiment. Because with education today, you can't just sit and say that you're "going to just do everything the way it's always been done."

The other step that's been suggested is, of course, to have one- or two-year performance reviews and then to tie merit increases, or perhaps any sort of pay raise, to those performance reviews. If you institute that system, you have to make sure that the faculty is thoroughly involved and a part of the performance review, setting the criteria.