

Does Academic Tenure Promote the Common Good?

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Academic tenure does not promote the common good. Although tenure promises academic freedom and economic security, it delivers neither. Even worse, if tenure has any impact at all, it is almost entirely negative. Tenure helps create a narrow-minded professoriate alienated from a more intellectually diverse public. This divorce of the academy from society does not help the common good; it also does a disservice to professors and administrators themselves, encouraging a host of vices, from pride to cowardice to sloth. Furthermore, the path to tenure works against academic freedom, as political conservatives, libertarians, and people of faith face an uphill climb against entrenched interests that can be, at times, openly hostile to their positions. Surprisingly, tenure makes professors more, and not less, economically insecure. Academic tenure also makes the firing of incompetent professors almost impossible, so administrators must consider eliminating entire departments, instead. Losing an entire academic department instead of the worst professors across all departments does a profound disservice to the common good. Tenure also creates an untenured underclass desperately hoping to start the tenure track, with little likelihood of doing so.

Tenure's Promises

Tenure promises academic freedom and economic security. As the 1940 Statement of Principles on Academic Freedom and Tenure says, "Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession

attractive to men and women of ability.”¹ This 1940 statement from the American Association of University Professors (AAUP) and the Association of American Colleges came on the heels of a 1915 AAUP declaration, which includes the candid remark that freedom of inquiry and research is “almost everywhere so safeguarded that the dangers of infringement are slight.”² Correct.

Practically speaking, professors do not need tenure to safeguard their freedom of inquiry and research; instead, tenure protects the tenured professor’s freedom of speech and action both inside and outside the classroom. We must not be overwhelmed by claims that trailblazing research and free inquiry cannot happen without tenure. On the contrary, they can and do. Even tenure’s advocates recognized this fact over one hundred years ago. Tenure also promises economic security. Institutions may be unable to offer an extravagant salary, so the argument goes, but they can offer greater protection from dismissal, thereby making the job more attractive from an economic point of view.

Tenure promises freedom and security. Tenure fails to deliver these promised goods, and tenure hurts the common good in the process.

Tenure Does Not Promote Academic Freedom

Tenure fails academic freedom in two ways: First, the presence of tenure does not foster intellectual diversity. Second, the path to tenure undermines academic freedom.

First, the presence of tenure does not foster intellectual diversity. If tenure promoted academic freedom, we should expect faculty to have a greater range of opinions than the general public—that is, than those who lack tenure. But we know the reverse is true: Taken as a whole, professors are far less intellectually diverse than the general population, a fact now widely recognized.³ “The only debate we get here is between the far-left . . . and the liberals,” Harvard professor Harvey C. Mansfield told the student newspaper, *The Harvard Crimson*, in a piece on the lopsided campaign contributions of Harvard faculty.⁴ Such narrow-minded thinking at elite institutions undermines the common good.

Harvard is unexceptional. In Wyoming—a state that went for Trump by a landslide in the 2016 presidential election—just one person at the University of Wyoming gave to the Trump campaign, for a grand total of \$56.⁵ Indeed, looking at all Federal Election Commission data for employers with the name “college” or “university” reveals the truth of Mansfield’s maxim: The debate appears to be between the far-left and the liberals, with Hillary Rodham Clinton and Bernie Sanders capturing 95 percent of donations, by my rough calculations.⁶ Recent

analyses of survey data, self-reported positions on the free market, and voter registration demonstrate the academy's lack of intellectual diversity in other ways.⁷

This lack of breadth speaks against tenure's claim to promote academic freedom. The argument is straightforward: If tenure protected academic freedom, we should see greater intellectual diversity in the academy than in the public at large. But we do not see greater intellectual diversity in the academy than in the public at large. Thus tenure does not protect academic freedom.

Genuine academic freedom in our nation's colleges and universities could benefit the common good enormously. Currently, our divided nation turns to media, mostly television, as well as social media in order to think about how to reconcile our differences. Imagine if debates on college campuses resembled the lively discussions the broader public has at Thanksgiving dinner, without fisticuffs. Instead of shouting, professors, when confronted with *colleagues* who had wildly different views, would have to think academically about rival positions, instead of dismissing them—as they can now—as academically disreputable points of view.

Second, the path to tenure actually undermines academic freedom. Remember, tenure promises academic freedom to the tenured, not to those trying to obtain tenure. The tenure process itself cares little for academic freedom. When asked about bright conservative undergraduates entering the academy, Alan Kors, now an emeritus professor at the University of Pennsylvania, said, "This is one of the most difficult things." Why? "One is desperate to see people of independent mind willing to enter the academic world. On the other hand, it is simply the case they will be entering hostile and discriminatory territory."⁸

First, the graduate admissions process does not commit itself to academic freedom. Just as a corner bistro employs baristas who make its kind of cappuccino, academic departments both attract and seek certain kinds of students interested in a particular range of ideas. Robert George, a professor at Princeton University, said the following about the prospects for outstanding conservative undergraduates: "If the kid applies to one of the top graduate schools, he's likely to be not admitted. Say he gets past that first screen. He's going to face pressure to conform, or he'll be the victim of discrimination."⁹ Such a scenario undermines the common good. If true, the average tenured professor views only progressive undergraduates, not conservative ones, as future colleagues.

The hiring process does not commit itself to academic freedom, either. Serving on a search committee commits you to a host of obligations. *Do not discriminate, do not ask whether the applicant has any children*, and so forth. But these obligations do not extend to your assessment of a candidate's intellectual commitments.

In academia, your beliefs are so obvious they are quite literally in print, at least on your curriculum vitae. Therefore, an education department may pass over an applicant doing research on school choice with a shrug and a clear conscience: “That is not what we do,” they may say. Again, the common good suffers. The minds of students atrophy when the intellectually interesting ideas they hear voiced in the culture at large do not receive academic treatment.

Finally, the tenure process does not commit itself to academic freedom because what counts as success varies according to one’s prior intellectual commitments. “In academia,” Daniel B. Klein and Charlotta Stern write, “we find that rules and standards for performance are not separable from support for specific beliefs.”¹⁰ And that is when we think about scholarship, not teaching or service. When we consider collegiality, a fourth criterion, the results are far worse.¹¹

Tenured professors use the tenure process to create safe spaces for themselves with little regard for academic freedom. No wonder, then, that we associate certain habits of character with the academy.¹² We can call them “tenured vices.” Tenure certainly encourages pride. With unassailable job security, the proud professor dismisses those who dismiss his work; he struts back to his office, full of self-righteousness. Professors understandably dismiss any suggestion that teaching is a service industry or that students and their parents (or, sadly, their loan officers) are their clients or employers. But insulation from the market can generate disregard for the well-being of the people being served. The butcher, brewer, and baker—to borrow from Adam Smith—have a healthy interest in how people respond to the goods they offer. The same is not true of the tenured professor. Indeed, being a bad teacher—but well published in all the right journals—may serve to bolster one’s professional image, not diminish it.

Tenure also encourages cowardice. Tenured professors think otherwise, of course; they think they are brave. But they are not. Indeed, when tenure’s champions offer historical examples of courage, they inadvertently remind us of the genuine courage of our untenured forebears. (For the record, Galileo did not have tenure.) Courage is speaking truth to power when you can get fired (or worse), not speaking truth to power when you cannot.

To be clear: Tenured professors speak and act with little possibility of dismissal. Tenure’s defenders recognize this fact: “Normally, the firing of a tenured professor is such an extraordinary event that it involves acts of breathtaking misconduct or total incompetence,” writes John K. Wilson, editor of *Illinois Academe*, a project of the AAUP of Illinois.¹³

Tenure also protects cowardly administrators. In response to complaints from parents or alumni about tenured faculty, administrators can wash their hands of the whole affair. But administrators at institutions without tenure must exhibit

real courage, either by confronting a wayward faculty member or by defending their colleagues to donors and institutional allies. Such vigorous interaction between colleges and universities and the broader culture can strengthen society's weakened commitment to higher education and institutional commitment to serving the community. These changes would be positive developments for the common good.

Tenure Does Not Deliver Economic Security

In 1850, Frédéric Bastiat emphasized the distinction between what we see and what we do not see in our political and economic thinking.¹⁴ The same point can be applied to tenure. What is *seen* is the trumpeted economic security of the tenured professor. What is *not seen* is the fragility of the professor's actual position. What is *seen* is the easygoing attitude of the tenured professor. What is *not seen* is the suffering of those who labor to support the tenured elite.

First, tenured professors think they are economically secure, but the opposite is true. Tenured professors become beneficiaries of the enormous wealth of their institutions by contract.¹⁵ As a consequence, tenured professors are more, and not less, vulnerable to market forces. If you work for a widget company, and the market for widgets evaporates, you know you still have skills the market values. By contrast, tenured professors have less experience marketing their services, and tenured professors may find those skills deteriorating over time. The temptation to sloth overwhelms some tenured professors, and their talents rust. While proclaiming, "Tenure is vital to the success of higher education," Hank Brown, John B. Cooney, and Michael B. Poliakoff nevertheless write, "Concern that tenure sometimes protects incompetent faculty is shared by the public (81 percent) and professorate (95 percent) alike."¹⁶ Think about that statistic for a moment: Professors are more likely than the general public to believe that tenure protects incompetent faculty.

Getting rid of an incompetent tenured professor is incredibly difficult. Basically, you have to get rid of a whole academic department or publicly lament the university's impending doom. Neither scenario promotes the common good, and tenure explains why administrators have such little room to maneuver. As Gregory M. Saltzman notes, because terminations for "financial exigency" and for "program discontinuance" do not imply misconduct or poor performance by an *individual* professor, the courts and the AAUP give institutions some leeway, in just these two instances, to show tenured professors the door.¹⁷ And so we have all-or-nothing battles over whole departments being closed, with headlines such as these: "A University of Wisconsin campus pushes plan to drop

13 majors—including English, history and philosophy”; “What Happens When Entire Departments Get the Ax”; and “Hastily and Without Consultation.”¹⁸ Do these sound like battle cries for people with real economic security?

Furthermore, the elimination of an entire humanities department at what should be the core of university life—indeed, even considering the elimination of one such department—does profound disservice to the common good. What are people to think of history, if the local university is getting rid of its history department?

In addition to this free-market criticism of tenure, there is a second critique, a progressive one. Kevin Birmingham puts the matter bluntly: “If you are a tenured (or tenure-track) faculty member teaching in a humanities department with Ph.D. candidates, you are both the instrument and the direct beneficiary of exploitation.”¹⁹ Doctorate-granting institutions use graduate students to teach and to grade, knowing that many of these students will not have jobs after graduation. This system makes life for the tenured professor less difficult, but adjunct professors do not fare so well. *The Guardian* headlines its reporting on this academic underclass in this way: “Facing Poverty, Academics Turn to Sex Work and Sleeping in Cars.”²⁰ Anyone who says tenure promotes the common good must address those who do not fare so well under the status quo.

The future for tenure is bleak. An AAUP report on “Trends in the Academic Labor Force, 1975–2015” compares “tenure line” (tenured and tenure-track professors) with “contingent” faculty (everyone else), concluding that 70 percent of the academic labor force is “contingent,” that is, composed of those without hope of tenure. By contrast, in 1975, tenured and tenure-track professors represented 45 percent of the academic labor force. The drop in tenure-track positions has fallen even more significantly than the drop in tenured positions.²¹ If you are not in a tenure-track job today, you will not have tenure tomorrow.

So there is another reason to say goodbye to tenure: It is leaving the station anyway. If the institution is failing—and it is—then we should be proactive and consider alternatives. We should do so for the benefit of those who think they have job security but will discover with horror they do not, and for the benefit of those who think they have a chance to be one of the tenured few when their prospects for success are getting worse, and not better.

Conclusion

If tenure goes, by force of argument or by inevitable collapse, what should we put in its place? One possibility is to replace tenure with nothing at all. To my mind, ministers, priests, and pastors offer an interesting contrast with the professoriate. Becoming a member of the clergy, depending on the denomination, may be even more rigorous than becoming a professor, which can require years of study, a trial period of some kind, and rigorous public examination. Yet clergy have little contractual protection for intellectual freedom or for economic security.

Trial and error, with a diversity of approaches, is the best way forward. That is often the case when thinking about the common good, as subsidiarity teaches us. So let many flowers flourish in the academy's tenure-fertilized ground. We know now that tenure can be replaced with multiyear contracts, subject to review, and that tenure forfeiture can be accompanied with greater benefits. At Webster University, for example, professors can seek an alternative status that gives them more frequent sabbaticals.²² Perhaps a college over here will purchase unemployment insurance; perhaps a university over there will work a buyout clause into professors' contracts, as universities already do with people they truly value, like football coaches.²³

Academic tenure does not promote the common good. Consider an alternative scenario: Professors spend part of their careers teaching at a university, some time working in industry, and then return to the academy again, having interacted with the much larger, nonacademic world. Such crosspollination would prove enormously fruitful. The benefits to the common good should be obvious. Think about the students, for example. Humanities programs have a hard time selling students on the professional worthiness of their majors. No wonder: many professors have little exposure to the market and have chosen careers that insulate them from that market. Without tenure, they may have more, and that is a good thing. Of course, people will say this scenario is unlikely. And that is true. Professors rarely exit academia, because they know the obstacles they will face if they try to return. The obstacle has a name: *tenure*.

Notes

1. American Association of University Professors and Association of American Colleges, “1940 Statement of Principles on Academic Freedom and Tenure, with 1970 Interpretive Comments,” in *Policy Documents and Reports*, 11th ed., ed. American Association of University Professors (Baltimore: Johns Hopkins University Press, 2015), 14.
2. American Association of University Professors, “1915 Declaration of Principles on Academic Freedom and Academic Tenure,” in *Policy Documents and Reports*, 10th ed., ed. American Association of University Professors (Washington, DC: AAUP, 2006), 292.
3. Howard Kurtz, “College Faculties a Most Liberal Lot, Study Finds,” *Washington Post*, March 29, 2005, <http://www.washingtonpost.com/wp-dyn/articles/A8427-2005Mar28.html>.
4. Karl M. Aspelund and Meg P. Bernhard, “Harvard Faculty Donate to Democrats by Wide Margin,” *The Harvard Crimson*, May 1, 2015, <https://www.thecrimson.com/article/2015/5/1/faculty-political-contributions-data-analysis/>.
5. Data from the Federal Election Commission for the 2016 Presidential Election via <https://classic.fec.gov>. Accessed July 9, 2018.
6. My own analysis of data from the Federal Election Commission for the 2016 Presidential Election via <https://classic.fec.gov>. Accessed July 9, 2018.
7. Daniel B. Klein and Charlotta Stern, “Professors and Their Politics: The Policy Views of Social Scientists,” *Critical Review* 17, nos. 3–4 (2005): 257–303; Neil Gross and Solon Simmons, “The Social and Political Views of American Professors,” Working Paper, September 24, 2007, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.147.6141&rep=rep1&type=pdf>; Daniel B. Klein and Charlotta Stern, “Is There a Free-Market Economist in the House?: The Policy Views of American Economic Association Members,” *American Journal of Economics and Sociology* 66, no. 2 (April 2007): 309–34; Daniel B. Klein and Charlotta Stern, “By the Numbers: The Ideological Profile of Professors,” in *The Politically Correct University: Problems, Scope, and Reforms*, ed. Robert Maranto, Richard E. Redding, and Frederick M. Hess (Washington, DC: AEI Press, 2009), 15–37; Mitchell Langbert, Anthony J. Quain, and Daniel B. Klein, “Faculty Voter Registration in Economics, History, Journalism, Law, and Psychology,” *Econ Journal Watch* 13, no. 3 (September 2016): 422–51.
8. Quoted in David Brooks, “Lonely Campus Voices,” *The New York Times*, September 27, 2003, <https://www.nytimes.com/2003/09/27/opinion/lonely-campus-voices.html>.
9. Quoted in David Brooks, “Lonely Campus Voices,” *The New York Times*, September 27, 2003, <https://www.nytimes.com/2003/09/27/opinion/lonely-campus-voices.html>.

10. Daniel B. Klein and Charlotta Stern, "Groupthink in Academia: Majoritarian Departmental Politics and the Professional Pyramid," *The Independent Review* 13, no. 4 (Spring 2009): 80.
11. To its credit, a committee of the AAUP has said collegiality should *not* be used as a criterion for tenure. American Association of University Professors, "On Collegiality as a Criterion for Faculty Evaluation," 2016 revision, <https://www.aaup.org/file/AAUP%20Collegiality%20report.pdf>.
12. Now I work in the academy, and I know many outstanding professors—industrious, humble, kind, and even brave. But their decency and virtue do not come from tenure.
13. John K. Wilson, "A Troubling Case at the University of Illinois," *Illinois Academe* (Fall 2013): 1.
14. "When a man is impressed by the effect *that is seen* and has not yet learned to discern the effects *that are not seen*, he indulges in deplorable habits, not only through natural inclination, but deliberately" (his emphasis). Frédéric Bastiat, *Selected Essays on Political Economy*, trans. Seymour Cain, ed. George B. de Huszar (Irvington-on-Hudson, NY: 1873), 1.
15. I use "enormous wealth" advisedly; even small liberal arts colleges have millions of dollars in endowment.
16. Hank Brown, John B. Cooney, and Michael B. Poliakoff, "Openness, Transparency, and Accountability: Fostering Public Trust in Higher Education," in *The Politically Correct University: Problems, Scope, and Reforms*, ed. Robert Maranto, Richard E. Redding, and Frederick M. Hess (Washington, DC: AEI Press, 2009), 270.
17. Gregory M. Saltzman, "Dismissals, Layoffs, and Tenure Denials in Colleges and Universities," in *The NEA 2008 Almanac of Higher Education*, ed. Michael Edwards and Mark Walsh (Washington, DC: National Education Association, 2008), 60–61. In response to the widespread use of financial exigency as a reason to terminate professors, the AAUP has strengthened language about its use. American Association of University Professors, "Recommendations for Institutions Experiencing Financial Exigency," *The Role of the Faculty in Conditions of Financial Exigency*, July 2013, <https://www.aaup.org/sites/default/files/FinancialExigency.pdf>.
18. Valerie Strauss, "A University of Wisconsin Campus Pushes Plan to Drop 13 Majors—including English, History and Philosophy," *Answer Sheet*, Blog, March 21, 2018, <https://www.washingtonpost.com/news/answer-sheet/wp/2018/03/21/university-of-wisconsin-campus-pushes-plan-to-drop-13-majors-including-english-history-and-philosophy/>; Robin Wilson, "What Happens When Entire Departments Get the Ax," *The Chronicle of Higher Education*, June 18, 2009, <https://www.chronicle.com/article/When-an-Entire-Department-Gets/44519>; Colleen Flaherty, "'Hastily and Without Consultation,'" *Inside Higher Ed*, July 17, 2018, <https://www.insidehighered.com>.

com/news/2018/07/17/philosophers-object-claremont-graduate-decision-close-its-philosophy-department-and.

19. Kevin Birmingham, “‘The Great Shame of Our Profession’: How the Humanities Survive on Exploitation,” *The Chronicle Review* 63, no. 24 (February 17, 2017), <https://www.chronicle.com/article/The-Great-Shame-of-Our/239148>.
20. Alastair Gee, “Facing Poverty, Academics Turn to Sex Work and Sleeping in Cars,” *The Guardian*, September 28, 2017, <https://www.theguardian.com/us-news/2017/sep/28/adjunct-professors-homeless-sex-work-academia-poverty>.
21. American Association of University Professors Research Office, “Trends in the Academic Labor Force, 1975–2015,” March 2017, https://www.aaup.org/sites/default/files/Academic_Labor_Force_Trends_1975-2015.pdf.
22. “The joint understanding of Webster’s mission and nature led to a mutual genesis of the University’s alternative to tenure, the Faculty Development Leave.” Webster University, “Faculty Governance History,” Webster University Policy Handbook, Spring 2008, updated April 3, 2015, http://wsapps.webster.edu/portal/handbook/university_handbook-03April2015-CORRECTED.pdf. I learned about Webster’s alternative to tenure from Jack Stripling, “Most Presidents Prefer No Tenure for Majority of Faculty,” *The Chronicle of Higher Education*, May 15, 2011, <https://www.chronicle.com/article/Most-Presidents-Favor-No/127526>.
23. For example, Yale University bought out Willmoore Kendall’s professorship.