

# Tenure, Academic Freedom, and “Howling Mobs”

A Response  
to Aeon J. Skoble

*James E. Bruce*  
*Associate Professor of Philosophy*  
*John Brown University*

I am grateful to Aeon Skoble for his thoughtful and provocative response to my essay. Disagreement helps us think more carefully about what we believe and whether we are right to do believe it. For the sake of clarity, I try to elucidate the points of disagreement between us by raising a series of questions. In doing so, I try to be a fair and charitable interpreter of his remarks, though I predictably disagree with them.

## **What Does Tenure Actually Protect?**

In my essay, I quote from documents produced by the American Association of University Professors (AAUP) to show what tenure’s champions claim for it. I then show how, despite its promise of academic freedom and of economic security, tenure delivers neither. If it protects anything, it protects the wrong things, while making academia worse and not better.

About academic freedom, I offer a straightforward argument. If tenure protects academic freedom, then 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. The argument is valid, but Skoble disagrees with the conclusion, so he must think at least one premise is false. I think he agrees with me that we see less intellectual diversity in the academy than in the public at large; he certainly concedes that academia is guilty of groupthink and that untenured faculty face pressure or even discrimination on ideological grounds. So he cannot

consistently reject the second premise; he must reject the first. He thinks that, if tenure protects academic freedom, we need not necessarily see greater intellectual diversity in the academy than in the public at large. But then how do we know tenure protects academic freedom?

Skoble seems to have something like the following argument in mind: either tenure promotes something that is bad or tenure promotes something good but does so imperfectly; tenure does not promote something that is bad, so tenure promotes something good but does so imperfectly. But this disjunctive syllogism rests on a false dilemma. It assumes that we reject things either because they promote something that is bad or that we reject things because they promote something good but do so imperfectly. There is a third possibility, one I pursue in my essay, but one that Skoble ignores: something can fail by its own standards and also have within itself the means to make things worse.

That is the case with tenure. We both agree that tenure has failed. Skoble takes this failure as evidence of imperfection of something otherwise good. I argue that tenure helps generate the problem, stating why I think so: “The path to tenure actually undermines academic freedom.” I then detail how it works its magic. Skoble leaves this argument untouched, simply claiming that “imperfect protection is still better than no protection.” He here assumes what needs to be proved, namely that tenure promotes the good, albeit imperfectly. In my essay, I show why it does not.

Without tenure, physicists still have freedom in their research. Apart from tenure, economists have freedom in teaching economics. The 1915 AAUP declaration on tenure recognizes this important fact. The intellectual achievements of the eighteenth and nineteenth centuries, in those rough and tumble pretenure days, speak against concerns that we must have tenure to have progress.

Skoble passes over these remarks, speaking instead—I can imagine with furrowed brow!—about “howling mobs” threatening the academy and about “the wrath of the mob” having “a chilling effect.” Now let us be clear: Skoble is right. But, today, the howling mobs are *inside* the academy. The barbarians have scaled the ivory towers. Skoble recognizes this threat, but he wrongly believes tenure protects scholars from those in power within the academy. That is false. Tenure does not protect scholars speaking truth to power. Tenure protects tenured professors.

Skoble agrees that tenure protects incompetent faculty. But, in reply, he offers a straw man: “Fortunately, though, I do not think that the completely incompetent are the majority of academics.” The question is not whether or not the *majority* of academics are *completely* incompetent. The question is whether tenure protects the *mostly* incompetent. It does.

## Does Tenure Make It Too Difficult to Be Fired?

Skoble wants to dispense with the “common misconception” that tenure means that tenured professors cannot be fired. Rather than responding to something in my essay, he is erecting a straw man. Of course, tenure does not mean that a tenured professor cannot be fired under any circumstances. Otherwise, professors could not be fired for serious criminal activity, even acts of violence against students or colleagues.

My claim is not that it is impossible to fire tenured professors; on the contrary, my essay assumes it can be done. Instead, I put forth straightforward evidence to show how difficult it is to do so, and I make this case by appealing to tenure’s *defenders*, not tenure’s critics. I say there is “little possibility of dismissal.”

And that is true. That is why administrators contemplate closing whole academic departments rather than facing the fight of removing individual tenured professors.

## What about the Bullying?

Skoble writes that professors should not be compared to elementary school teachers, later comparing the decision to become a professor to the choice to become a doctor, lawyer, or engineer. But let us carry this comparison further: doctors, lawyers, and engineers do not have tenure, but public elementary school teachers have something close to it. Professors are highly credentialed and ambitious people who, if fired, tend to find jobs that pay as well, or better. Skoble says people choose academia in part from a willingness to question and explore ideas, but he then says academics “literally cannot do our job if we’re fearful of reprisals for doing it.” If that is true, then a better comparison for professors is not elementary school teachers but elementary school students.

We can continue this comparison of professors as elementary school children using Skoble’s example of academic bullying. If a conservative or libertarian achieves tenure, he notes, then he or she can act as a “fair-minded champion” against an academic bully; without this tenured champion, “the bully has an even easier time of it.” And there is a deeper problem: Skoble sees the protective tenured champion, but he fails to see that tenure protects the bully, too. If an argument for tenure is that it may help me get tenure if I happen to have an already tenured colleague acting as a champion for me, then that is pretty thin gruel. After all, the practice of hiring cousins may help me hire my cousin if I happen to have a cousin acting as a champion for me. But that does not make it right.

To his credit, Skoble recognizes that not everyone needs a champion. Though some “don’t mind using their power to insulate themselves,” he writes, “others do take academic freedom seriously as a matter of institutional culture.” But Skoble wrongly gives tenure credit for a culture of academic freedom. On the contrary, the “power to insulate” comes from tenure; “academic freedom” comes from elsewhere. Professors seriously committed to academic freedom think academic freedom is itself desirable.

Academia does not need private champions and the tenure that gives us such champions. Academia needs transparency. Highly regarded conservative scholars lose the tenure vote (consistent with the groupthink rampant in the academy) only to triumph in the court of public opinion and in an administrative decision to grant tenure. So transparency, not tenure, is key.

## What Is the Alternative?

Skoble rightly says that we should consider other options for promoting academic freedom if tenure cannot do so. He considers a few of my suggestions: revoking tenure without a replacement, multiyear contracts, and greater interplay between academia and industry.

Let me reiterate my basic point before I consider his reply to revoking tenure without a replacement. As I write in the essay, “Trial and error, with a diversity of approaches, is the best way forward.” When tenure becomes obsolete, we should promote experimentation. I offer examples, but, as I note in the essay, subsidiarity teaches us that those close to the problem can generate solutions that promote their own interests while also serving the common good.

To explain one possible alternative, revoking tenure without any replacement, I compare professors to clergy, gifted thinkers with considerable training but without tenure. Skoble finds the comparison unpersuasive. Unlike clergy, he writes, academics are tasked with “discovering new truths” rather than “promulgating the teachings of their faith.” According to Skoble, the “ideological diversity” of a university is antithetical to the mission of a church. That is a surprising claim, given that my essay surveys the data on how ideologically monolithic the academy is, and Skoble agrees with my assessment of university groupthink in his reply.

Remember, I think tenure contributes to this lack of ideological diversity. If I am right, clergy, without tenure, should be more ideologically diverse—and, indeed, they are. For example, Roman Catholic priests are far more politically diverse than university faculty are. Priests should have a core set of religious beliefs, though they disagree about other things. Skoble may object that priests all agree on certain religious doctrines, so they are not ideologically diverse at all.

But the parallel is appropriate: all mathematicians think calculus can be used to solve problems and do, in fact, promulgate calculus as dogma. Similarly, though they agree on doctrine, progressive Jesuits and conservative Dominicans disagree strongly about politics. Tenured professors, by contrast, have less ideological diversity than untenured, dogmatic priests.

Finally, if critics of tenure should offer alternatives, as I have done, then tenure defenders should offer paths to reform, too. Skoble agrees the system is broken. What does he think will make the broken tenure system better? He does not say.

## **Conclusion**

Tenure is not an academic Fourth Amendment, though Skoble compares it to this protection against unreasonable searches and seizures. Instead, tenure is the Eighteenth Amendment. Like tenure's advocates in 1915, supporters of prohibition in Congress in 1917 wanted to make America a better place; after all, they too had lofty goals. But prohibition did not imperfectly reform the morals of the country. It failed, and it also generated new problems. Ratified in 1919, it was repealed in 1933, with the Twenty-First Amendment. Universities have lived long enough under a failed regime. Tenure needs its own Twenty-First Amendment.