

Tenure: The Good Outweighs the Bad

A Surreponse
to James E. Bruce

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James E. Bruce opens his reply to my previous essay with gracious remarks, which I appreciate and reciprocate. I could not help noticing that part of what he was being gracious about was that “Disagreement helps us think more carefully about what we believe and whether we are right to believe it.” The idea here is as old as Socrates, who was put to death because not enough people understood it, and indeed for most philosophers it is a foundational principle. John Stuart Mill used this principle as the basis for his defense of robust rights of freedom of conscience and freedom of expression. Mill notes that while such rights are protections of individuals, they benefit the entire community. As an individual, say I have belief B, which is in dispute with someone (Jones) who believes C. Broadly speaking, there are three possibilities: I am right, Jones is right, or we are both mistaken. A free exchange of ideas with Jones benefits me personally because if it turns out I was mistaken about B, I will have learned something; and if it turns out I was right about B, I will have developed a better understanding of B and *why* it is true, and sharpened my critical faculties at the same time. The exchange benefits Jones for similar reasons. But the exchange also benefits the entire community by giving everyone else reasons to accept (or reject) B. This, Mill points out, is crucial to progress in morals and science generally, not merely to the edification of Jones and me. Ultimately, this is why universities need robust protection of academic freedom: faculty members cannot function as truth seekers (and facilitators of truth seeking) without the freedom to disagree.

This very exchange between Bruce and me is a case in point: We are treating each other with civility and respect, but are also unafraid to say what we think

needs to be said. The core of my position is that academic freedom is necessary for university faculty to function, and that tenure is the best available option for protecting that freedom. Bruce has pointed out downsides to tenure; he makes several valid criticisms, but I think those downsides are either not as bad as claimed, or costs outweighed by the benefits.

Where Is the Howling Mob?

One of my arguments involves the chilling effect produced by a lack of robust protection. Here is an example: I think it is ridiculous that interracial couples cannot marry. As a specialist in moral and political philosophy, I might write an article explaining why this is unjust. But I also might not want to write such an article, out of fear that public outcry about my defense of such immoral flouting of convention would put pressure on my employer to fire me. You might be thinking that this is a silly example; interracial couples *can* marry, and the vast majority seems not to think this is a bad thing at all. But now imagine it is 1937. Of course, I do not need protected freedom of expression to talk about ideas that are generally well-accepted and uncontroversial. But many ideas that are well-accepted today were once hotly contested or generally thought of as false or dangerous. I do not need tenure to defend interracial marriage *now*, but I would have in 1937. Today, no one would angrily demand my dismissal for that, but what if I were to defend free trade or open borders? What if I wanted to write a book defending anarchism?

Bruce counters this concern by noting that these days, the “howling mob” is inside the academy. There is some truth to that, which I will address momentarily, but I think it is nevertheless true that there is still a mob outside the academy. Mass media generally, and social media in particular, facilitate agitation from outside that can create pressure on the institution. But to Bruce’s concerns about the mob within: it is true. There is an orthodoxy within the academy, a well-documented leftward slant in political affiliation. To Bruce, this is an argument against tenure, but my point is that the more I am persuaded that there is groupthink orthodoxy afoot, the more I want assurances that I would not get fired if I write an essay on free trade or the Second Amendment or a book on anarchism. I take it the counterargument is that the more entrenched the orthodoxy becomes, the less likely a heterodox scholar will be tenured, or even hired, in the first place, with the result that tenure is protecting all the orthodox, who do not actually need it, while failing to protect the heterodox, in the sense that they are not there in the first place. I can see that this poses a problem but fail to see how abolishing tenure would help. As things stand, some heterodox scholars do get hired and

tenured, and they are certainly a minority; but they can be gadflies, beacons, role models, and so on. They can produce contrary views, which will then be on the table, even if in small numbers. If only the heterodox need formal protection, and we have a problem with growing orthodoxy, then eliminating the formal protection will exacerbate the problem.

Abolishing Tenure Would Not Solve the Problems

Bruce argues that tenure actually *contributes* to the problem of groupthink. There is a sense in which this is surely correct: It will be easier for members of the in-group to think that other members of the in-group are deserving, so they keep tenuring the like-minded; and hence, there is less ideological diversity. I do not deny that this happens; my point is that there is no reason to think it would be better if we abolished tenure. Maybe a candidate keeps her head down and goes along until she is tenured, then she is free to be more independent. Whether this happens infrequently is beside the point; it would not happen at all without the formal protection.

Bruce expresses concern that tenure protects incompetent professors. My argument is that when this happens, it is a malfunction of the system, not an intrinsic feature of its proper use. The way it is supposed to work is that incompetent professors do not get tenure in the first place. The rebuttal is “but they do, therefore tenure is a bad idea.” But that is like arguing that because you ran a red light and caused a wreck, driving is a bad idea. We all get tremendous value from driving despite the fact that a lot of accidents occur. Working to improve road safety and driver awareness is preferable to banning driving. I am completely in favor of reforming tenure procedures to make the criteria more objective and also stricter, rather than abolishing it. I have yet to see a proposal from abolitionists that would not make problems worse. If we have orthodoxy and groupthink now, we would have more of it should the robust protection of academic freedom through tenure be dismantled. Tenure’s inadvertent protection of incompetent professors is a result of the advantage of a high bar. Paraphrasing Thomas More in *A Man for All Seasons*, I give the incompetent professors the benefit of tenure for my own sake. If we make it easier to convict criminals, we also make it easier to railroad the innocent. If we make it easier to fire professors for incompetence, we could expect all sorts of new categories of things that qualify—anything from opposition to egalitarian redistributivism or support for open borders to the use of lecture and primary sources rather than PowerPoints and flipped classrooms.

How Can Tenure Be Reformed?

Bruce challenges me to specify which reforms I might advocate to fix the system. This is fair because my argument is that while I acknowledge many of the flaws in the current system, I think it is nevertheless the only way to protect academic freedom; it is thus incumbent on me not only to make the case that proposed alternatives will fail to protect academic freedom but also to suggest remedies for concerns Bruce and I share. For one thing, hiring committees as well as tenure committees need to be as sensitive to ideological diversity (and socioeconomic class diversity) as they have become to other dimensions of diversity. This is not to criticize recent movements to diversify faculties, but it is conceptually mistaken to use one dimension of diversity as a proxy for all. Second, tenuring criteria should be objective where possible, so that in-group bias cannot be used to favor weaker but more amenable candidates. This is not to say that departments should be oblivious to whether there is good chemistry between the candidate and the other members, but if the candidate cannot meet certain objective thresholds, mere in-group membership should not be the overriding factor. Third, we can mitigate incompetence with a post-tenure incentive structure that is based on carrots rather than sticks, such as merit raises or course reduction. Meanwhile, those who can be clearly shown to have committed academic dishonesty will continue to be at risk. Reforms such as these will be a hard sell because everyone wants to get along, and faculty unions have a greater interest in protecting all the faculty members than in just the tenured ones because this increases their numbers. But if the reforms are introduced gradually, and framed as alternatives to abolition, they have a chance at success. This would allow us to be better at self-policing while maintaining a secure protection of academic freedom.

Despite Bruce's valid criticisms, then, I continue to believe that academic tenure promotes rather than detracts from the common good. Tenure remains scholars' best defense of free inquiry and heterodoxy, especially in these times of heightened polarization and internet outrage. Let us focus on fixing it, not scrapping it.