

what I wanted in a college. As a paying customer, my needs were well met by Pepperdine.

Today, however, although I remain fiscally conservative, I am a nontheist, a social liberal, and a public intellectual critical of religious extremism and excessive intrusion of religion in American public life (see Shermer 1999; 2004; 2006; as well as *Skeptical* magazine, of which I am the founding editor). Pepperdine would never hire me today, but what if they had before I bifurcated down this rather divergent intellectual path, and then used my position as a platform for converting conservative Christian students into liberal nontheists? If students and their parents complained that they were not getting what they paid for (in 2006, tuition was in excess of \$40,000), should the Pepperdine administration have the option of terminating my employment? In my opinion, yes; in the opinion of all of my professor friends and colleagues whom I queried (both those with and those without tenure, and even one of my old Pepperdine professors), no. Their reasoning is that academic freedom trumps institutional needs, and the opportunity for faculty growth is more important than student preferences or collegiate predilections.

The results of my informal survey – conducted in preparation for an American Civil Liberties Union (ACLU) conference on tenure and academic freedom in which I defended the right of the University of Colorado to fire Professor Ward Churchill for stepping beyond the bounds of his duties as a college professor when he penned an essay that equated the victims of 9/11 to “little Eichmans” – fall squarely in the range of responses offered by the professoriate surveyed by Ceci et al. Tenure, although flawed and in need of minor modifications, is rarely abused and is necessary to protect intellectual freedom in the academy.

There are two levels of analysis considered here in testing tenure: descriptive and proscriptive. The Ceci et al. article is primarily descriptive and metadescriptive – what professors believe about tenure, and what they believe other professors believe about tenure. Although there are limitations to such self-report data (well outlined by the authors), the methodology offers important insights into beliefs that Frank Sulloway and I employed in our study of religious beliefs; for example, why people believe in God and why they think other people believe in God. As we noted in our own caveat, “we are not so naive as to think that people have complete access to their internal states that translate as fully accurate reasons for belief. However, in the spirit of recognizing that the observable level of behavior is a meaningful one for humans, we feel that one way to shift from the observable to the unobservable is to simply ask people why they believe” (Shermer & Sulloway, in preparation). What professors believe about tenure and why, and what they think other (higher or lower ranked) professors believe about tenure and why, across a wide range of hypothetical scenarios, is crucial information in shifting the discussion from the descriptive to the proscriptive; in this case, the study by Ceci et al. reveals that extreme attitudes (positive or negative) toward tenure are not common in the academy, and that recommendations of change must be made within certain modest boundaries in order to be adopted.

Having taught as an adjunct professor at three different colleges in the course of twenty years (Glendale College, California State University Los Angeles, and Occidental College) before embarking on a career as an independent researcher, writer, and editor, one solution occurred to me after reading the Ceci et al. article: Let the market decide; that is, allow individual institutions to define the parameters of tenure according to their unique core values. For example, if Pepperdine University is offering their customers (parents and students) a conservative Christian learning atmosphere, and as one of their professors I was purposefully undermining that mission through social activism inside and outside the classroom, then by all means the administration should do what it needs to do to preserve the integrity of the university’s core values, even if that means firing me. By contrast, Occidental College, which is well-known as a far left-leaning institution (I kept my fiscal conservatism to

myself when I taught there), can market to its potential customers that it fosters a liberal secular learning atmosphere. An extreme religious fundamentalist professor thumping a Bible on campus might reasonably be considered polluting this campus atmosphere.

On the other hand, if an institution is willing to tolerate some deviance from its foundational norms as part of an intellectual diversity program, then contracts with faculty should specify such deviance parameters; where a contract cannot anticipate specific instances of parameter violations, conflicts can be resolved through institutional arbitration. In neither example is an all-encompassing rule about tenure – enforced through state or national teacher unions or courts – necessary or even possible. The problem in the case of Ward Churchill and the University of Colorado, as with so many tenure disputes, is the difficulty involved in attempting to apply a single overarching principle to a system as complex and multivariate as the academy. A simple solution, then, is to retain the spirit of tenure across the academic board, while allowing each institution to define tenure within the parameters of its own core values. This market solution elegantly addresses the problem of grafting a general principle onto an extraordinarily varying human institution, a problem well captured by that sage dispenser of pop philosophy, Yogi Berra: “In theory there is no difference between theory and practice. In practice there is.”

Put tenure in today’s social context

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Abstract: Tenure should not be judged on its ability to promote whistle-blowing. Because the process of getting tenure may weed out those who might later need it, reform is called for. Reform of tenure must take into account not only the Salieri-effect, but also Thomas Kuhn’s popular philosophical attack on independent thought and the tendency towards the use of minimal standards, resulting from the professionalization of research, to block work which is more than minimal. Reform of various institutions to encourage autonomy is needed so that those who receive tenure use it for its intended purpose.

The target article’s interesting survey of opinions about the effectiveness of tenure displays the limitations of the hoped-for impact of tenure on the willingness of professors to be independent. By putting significant pressure on junior professors to conform, tenure can even hinder rather than promote autonomy. In fact, it tends to quickly weed out those who might later use it well. It has also failed to promote whistle-blowing by protecting whistle-blowers. But this failure should not be held against tenure, as it was not designed to serve this purpose.

The challenge to improve the conditions of autonomous scholars and to encourage others to become so has to be seen against a background of various forces working against independence. The authors ignore this shifting background by portraying the problem of furthering independence as being clear-cut because virtually all thinkers support independence. Not so. Thomas Kuhn and his followers have mounted a powerful attack on autonomous research (Kuhn 1962; cf. Bailey 2006).

The authors seem to expect that, as autonomy increases, so does whistle-blowing. But this need not be the case: Independent thinkers do not need to see policing their colleagues as their responsibility. The authors mention the thesis that a significant number of tenured professors do not bother with research or serious teaching and are lax in their standards of behaviour, because they cannot be held accountable. However, the authors do not test this hypothesis. Rather, they ask whether

tenure is perceived as increasing the willingness of professors to be whistle-blowers. The former question is of concern for the appraisal of tenure, but the latter is not. It may be interesting to know whether the desirable result of encouraging whistle-blowing is produced, but it should not be put under the rubric of encouraging independence, as the authors put it. Institutions set specific tasks for individuals (Wettersten 2006). The tasks that the institution of tenure sets for professors are those of engaging in independent teaching and research. The control of professorial behaviour poses tasks for quite different institutional arrangements – if needed: better reviews of output, clearer administrative standards and enforcement procedures, and better financial monitoring. The results of the target article indicate that professors tend to pass problems of unacceptable behaviour on to the administration, that is, to department chairpersons. This seems quite reasonable and has nothing to do with independence, as the authors indicate.

The professionalization of research has led to the application of minimal standards, which tends to hinder good research. In the nineteenth century, Charles Babbage bitterly complained that membership in the Royal Society did not depend on having made any scientific discovery: Distinguished people could simply purchase membership (Babbage 1830). But, then, membership in the Royal Society did not by itself grant intellectual status. Membership only showed an interest in natural philosophy, which is admirable. This meant that the task faced by members was to achieve status by making real contributions. However, this had an unintended and desirable consequence: Minimal contributions were of little interest, so there was real competition to make significant discoveries and reward – social recognition – for those who did.

Babbage wished prospective members to achieve status by making real contributions to science. He was quickly successful: Research became a profession, and membership in research organizations or the attainment of professorships was enough to achieve status. This, however, had an unintended and undesirable consequence: Status could be achieved by meeting the minimal standards for membership. This is the case today, especially when one is seeking tenure.

The use of minimal standards has its own logic. Minimal standards have a strong tendency to become maximum standards because any research that goes beyond them runs the danger of violating them (Wettersten 1979). Thomas Kuhn's praise of normal science is an example. Conformity with a paradigm represents a minimal standard. Any really challenging and interesting work will violate this standard and thus will probably be rejected as substandard.

Traditionally, tenure has been viewed against an idealized version of a community of scholars that requires protection from outside interference in their pursuit of truth. Admirably, the authors contribute to a more realistic picture by indicating how pressure from colleagues to conform can limit research – a phenomenon which has been studied and given a name, the Salieri-effect, by Joseph Agassi (see Agassi 1981). Just as Salieri is reputed to have blocked the career of Mozart in order to preserve his own status, senior colleagues tend to block, underestimate, and discourage junior ones who might outshine them. There are stunning exceptions, such as Planck's encouraging Einstein, and, Agassi suggests, Einstein's encouragement of Davisson and Germer, but these are apparent exceptions.

After the professionalization of research, a need arose to protect the "invisible college" – the community of scholars united only by their interest in the truth – and the tenure system was introduced to that end. This end is still a worthy and pressing goal (Agassi 2003), but more study is required to examine how professionalization has changed the internal community of scholars and how it can be made more democratic (Wettersten 1993). New teaching methods that encourage autonomy are called for (Wettersten 1987b; 1987c), and new strategies for preserving autonomy need to be developed (Wettersten

1987a). In order to correct the worse cases of punishing autonomy and to lessen the pressure to conform, institutions are called for which seek to help outsiders in trouble, whether they are young or old, accomplished researchers or beginners; institutions that will take care to avoid the Mathew effect – the rich get richer (Merton 1973) – which ruined the positive effect of well-meaning institutions such as the McArthur Fund. The misuse of minimal standards needs to be combated by encouraging those who pose new problems and set new desiderata for solutions. When autonomy is more highly valued and when more individuals are autonomous, tenure will continue to serve a modest purpose. In the meantime, we need to institute more education for autonomy.

Authors' Response

Tenure and academic freedom: Prospects and constraints

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Abstract: In our target article, we took the position that tenure conveys many important benefits but that its original justification – fostering academic freedom – is not one of them. Here we respond to various criticisms of our study as well as to proposals to remedy the current state of affairs. Undoubtedly, more research is needed to confirm and extend our findings, but the most reasonable conclusion remains the one we offered – that the original rationale for tenure is poorly served by the current system as practiced at top-ranked colleges and universities.

R1. Introduction

As Victor Nell (2006) recently remarked, "Publishing in *BBS* is not for the faint-hearted" (p. 246). It forces authors to justify their assumptions, double-check their data, and defend each claim, no matter how reasonable it seemed to them. In response to the description of our study and its findings, several commentators expressed the view that the study either was not needed because the results were predictable, or that our interpretation of the data missed the mark, or that our exposition was muddled. We discuss each of these claims in turn.

At the outset, we wish to express our gratitude to these 19 commentators for their thoughtful and thought-provoking insights. They raised a number of issues we had not anticipated, detected mistakes in our reporting of a few statistics, and posed alternative explanations that seem reasonable to us. As will be seen, we accept many, though not all, of their points. However, we stand by our conclusion that the original justification for tenure does not appear to warrant its current justification. None of the concerns raised diminish this interpretation, and in fact several of them actually amplify it, as we show below.