corroborated predictions (Raup 1986). Moreover, most novel scientific explanations, especially those that contradict well-established paradigms, are probably wrong (Sagan 1995). Nevertheless, the scientific community must walk a fine line between harboring legitimate doubts toward controversial ideas, which is justified, and dismissing them out of hand, which rarely is (see Beyerstein's [1995] distinction between methodological and pathological skepticism).

Scholars who generate controversies in journals or classrooms can often expect to encounter resistance, and at times even stiff opposition, from colleagues. As a consequence, an undetermined number of academic scientists may shy away from unpopular stances, particularly in the early stages of their careers. In the long run, this suppression of controversy is likely to be detrimental to scientific progress. One suspects that if more academics were intimately familiar with the history of scientific controversies, they would be more willing to brook, and even actively embrace, their gadfly colleagues. In turn, more faculty members might feel free to pursue the controversial lines of inquiry that tenure ostensibly guarantees.

Tenure is a necessary – not a sufficient – condition for controversial research

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Abstract: The Ceci et al. article is consistent with tenure being a necessary condition for controversial research. In the absence of tenure, as in the United Kingdom, professors have been fired and suspended for politically controversial issues. There are a variety of reasons why tenure does not ensure that professors will engage in controversial research, including career interests and the desire to be liked.

I am not really surprised by the findings of the study, but I do question whether the results imply that tenure should be abolished. It seems obtuse to use the finding that assistant professors are often silenced by the fear of a negative tenure evaluation to come to the conclusion that tenure does not result in advertised benefits. On the face of it, there is the opposite implication: Tenure is a necessary condition for engaging in controversial research.

It is also obtuse to use the finding that associate professors are only marginally more likely to "ruffle feathers" as an argument against tenure. Obviously, promotion is also a resource that is dependent on an evaluation process, so it is not surprising that people without tenure and full professor status would be less likely to rock the boat. In order to make a convincing argument against tenure, one would have to show that full professors would be just as likely to engage in controversial research whether or not they had tenure – that tenure is a necessary condition for engaging in controversial research. This was not tested in the present study and it could not be tested in the United States. However, tenure in the United Kingdom has been abolished, and the authors note that, "after all, the United Kingdom abolished tenure for all appointments and promotions that came after November, 1987, yet it would seem that their professoriate remains strong and vibrant." However, Chris Brand was dismissed from his position at the University of Edinburgh,[1] and Frank Ellis has been suspended from the University of Leeds,[2] both for reasons related to the issue of race differences in intelligence. Such examples surely serve to intimidate professors engaged in research that touches on issues related to current political orthodoxy.

In fact, as the authors themselves note, professors in the United Kingdom are evaluated for their research, and it is easy to imagine that professors wanting positive evaluations would not want to offend their colleagues. The strength and vibrancy of the British professoriate is thus unlikely to extend to controversial issues that conflict with the ideologies of university administrators. The pitfalls of lack of tenure can also be seen in the case of Andrew Fraser of Macquarie University in Sydney.[3] Fraser, who was on a one-year pre-retirement contract, was suspended from teaching after making comments on race differences in intelligence and criminality.

The most parsimonious interpretation of the data is that professors will not engage in controversial research if it will impact negatively on evaluations, either for tenure or promotion. The findings of this study are consistent with supposing that tenure is a necessary condition for doing controversial research. They also show what we already know – that tenure is not a sufficient condition for doing research or teaching ideas that depart from current orthodoxy. The fact is that tenure is only one of many resources that academics value that may be endangered by displeasing the powers that be. The authors mention valuing harmony and avoiding criticism from respected colleagues, but engaging in controversial research may mean no more invitations to deliver papers at other universities or important conferences. In fact, controversial professors may not be able to publish their work at prestigious academic or commercial presses. (Indeed, Chris Brand's book, *The g Factor*, was "de-published" by John Wiley after it had been on sale for six weeks in the UK, and Deakin University refused to publish Andrew Fraser's peer-reviewed article on race differences.) Or they may even have difficulty getting their work published at all. They will not be invited to the good parties, or get nice summer fellowships, or get asked to serve as dean or in a future administration in Washington. Or maybe their sources of funding will dry up. As a professor commenting on the lack of academic debate over a recent paper by John Mearsheimer (University of Chicago) and Stephen Walt (Harvard), critical of the Israel Lobby, noted: "People might debate it if you gave everyone a get-out-of-jail-free card and promised that afterward everyone would be friends" (in Fairbanks 2006). Professors who engage in controversial research know they are "going to jail," but with tenure, at least it's not hard time.

NOTES

1. See http://en.wikipedia.org/wiki/Chris_Brand.
2. See http://news.bbc.co.uk/1/hi/education/4838498.stm.
3. See http://en.wikipedia.org/wiki/Andrew_Fraser_(academic).

Tenure is justifiable

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Abstract: The target article by Ceci et al. provides some interesting results regarding how faculty might react to difficult social dilemmas, but it has little to say about tenure and its effect upon academic freedom. This comment discusses briefly what we know about tenure, and employment protection more generally, and why it may be in a university's best interest to hire tenured faculty. The comment concludes by pointing out that the results make a rather useful contribution regarding the difficulty of eliciting information on malfeasance in organizations, an area of enormous importance. For example, the results may help us understand why the government has introduced rewards for the reporting of fraud under the whistle-blowing provisions of the Federal Claims Act.

Ceci et al.'s Abstract for the target article concludes with the statement, "These findings challenge the assumption that

tenure can be justified on the basis of fostering academic freedom, suggesting the need for a re-examination of the philosophical foundation and practical implications of tenure in today's academy." Although the findings reported in this article provide some interesting results regarding how faculty might react to difficult social dilemmas, the results have little to say about tenure and its effect upon academic freedom. I comment briefly on the results and then discuss what we know about tenure, and about employment protection more generally. Finally, I point out an area in which the article makes a rather useful contribution regarding the efficacy of the whistle-blowing provisions under the Federal Claims Act in the United States.

In terms of the scientific contribution of the results, the authors report how responses to hypothetical situations vary with the rank of the respondent: assistant, associate, or full professor. By comparing the results from assistant professors (who are not tenured) with those of full professors (who are usually tenured), the authors hope to see how tenure affects "academic freedom." As a matter of fact, full professors are not always tenured (at least two colleagues in my department are untenured full professors), and hence the relationship between rank and tenure status is a correlation. More generally, the status of full professor at a research university, in addition to being correlated with tenure status, is also correlated to many other attributes, including research ability, salary, outside income, and overall productivity. The point is that although the survey provides information regarding how faculty of different rank respond to a social dilemma, it is impossible to causally attribute these responses to the institution of tenure. Teasing out the difference between correlation and causation is an extremely difficult task that is one of the major research areas in modern applied social sciences (see Angrist-Krueger [1999] for an excellent discussion of the issue).

Second, the target article is beautifully written, but at the cost of making some misleading statements. It is rather inaccurate to say that, "Tenure is said to represent the crown jewel of academic life." Although some individuals might make this statement, it is a rather simplistic and inaccurate description of the employment relationship at a modern research university. Siow (1998) provides a wonderful review of the institution of tenure, including a careful discussion of its costs and benefits. He mentions the argument of academic freedom, but finds no evidence that this explains the historical evolution of the institution of tenure. More generally, tenure is an example of the more general class of employment contracts that raise the cost of dismissing a worker, but it is inaccurate to claim that it provides complete job security.

One of the reasons that tenure survives is because most universities are very stable entities, and hence there is little benefit from having a large amount of staff turnover. Once a faculty member has demonstrated competence in their field, then, normally, there would be no reason to dismiss them as long as they perform their duties. Should the university have to shut down a program, then the staff in that program would lose their positions, even if they were tenured. Moreover, under American employment law, tenure is not an employment guarantee. Rather, were a tenured employee to be unjustly dismissed, the standard remedy would be compensation equal to the harm suffered (though in some rare cases where the university is clearly at fault, and the harm to the employee very high, reinstatement may be used, as in *Silva v. U. of New Hampshire* (1994) *888 F. Supp. 293*).

The authors write as if the "crown jewel" of academic life has no benefit for the university. In fact, there are many benefits to providing increased job security to individuals. First, as Carmichael (1988) shows, tenure creates incentives for faculty to make decisions that are in the interests of the university – if anything, tenured faculty are likely to be reluctant to act in ways detrimental to their own institutions, since tenure is only as good as the institution that grants it. Second, Ransom (1993) finds that research output is the major avenue by which faculty gain real salary increases over their careers. Hence, in the absence of tenure, faculty would spend even less time engaged in teaching and administration, to the detriment of the functioning of the university. This may explain why tenure protects individuals from wrongful dismissal as long as they discharge their administrative and teaching duties. Employment at will might achieve this; however, as Ehrenberg et al. (1998) show, one would then have to compensate individuals with higher salaries.

One might argue that universities already do this because they hire inexpensive, untenured adjunct professors to cover many of their courses. On average these faculty members are of lower quality than tenured faculty (Ehrenberg & Zhang 2005). This may explain why many universities freely hire tenured faculty rather than rely solely upon untenured adjuncts. In particular, it is reasonable to suppose that these universities wish to provide the highest quality education possible given their budget constraints. Therefore, the authors need to carefully explain how the public interest would be advanced by restricting freedom of contract through the abolition of a university's right to offer employment contracts with tenure.

Let me comment briefly on the results themselves. Regarding Question 1, on unpopular courses, as I have mentioned, tenured professors are contractually obligated to carry out their teaching duties, and hence tenured faculty do not have the right to teach unpopular courses. Normally, teaching assignments are done in a collegial fashion. Yet, the university, as represented by the senior faculty responsible for setting the teaching matrix, has the right to ask faculty to teach any course consistent with their employment contract. Should they refuse, they could be dismissed, even if they have tenure. Regardless of tenure status, faculty members are employees of the university, and as such they have certain obligations to perform their duties in a responsible manner. Many universities may be lax in their oversight of faculty, but that is a managerial issue, rather than one of academic freedom.

There *is* a real issue concerning the extent to which a faculty member may express unpopular views in a popular (large) class. However, the current survey instruments do not address this question.

In this regard, Questions 2, 3, and 5 are not about academic freedom per se, since these infractions could lead to a tenured professor being dismissed. Rather, they address the issue of whether or not individuals in a small community would be willing to "blow the whistle" on their colleagues. Fraud and inappropriate behavior are serious issues in all large organizations, and much of it goes unreported. It is an important policy question to understand the conditions under which this information is likely to be reported and acted upon. The results of Ceci et al. suggest that lower-ranked individuals are less likely to act upon such information, though in many cases they may be quite knowledgeable regarding infractions occurring at the workplace. It would have been interesting to know how secretarial staff would respond to such questions, and how their responses vary with their own tenure.

In order to help uncover fraud in government procurement, the Federal Claims Act has a whistle-blower provision that provides financial compensation (up to a million dollars in some cases) to individuals who find and report fraud against the government. Several university hospitals, where faculty members have actively (and in some cases for little financial gain) participated in defrauding the government, have been successfully prosecuted under this program. The fact that individuals need to be highly compensated to report acts of malfeasance indicates that the problem of free speech in organizations goes far beyond the right to have an unpopular opinion and is, at best, only tangentially related to the issue of academic tenure.[1] Rather, we conclude that tenure may be justified, not on the grounds of academic freedom, but because it lowers the cost of hiring highly skilled faculty.

NOTE

1. Certainly, tenure is not necessary for individuals to report malfeasance. See Couzin (2006) for a discussion of a recent case in which several graduate students, at great personal cost, reported fraud committed by their supervisor.

Tenure is fine, but rank is sublime

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Abstract: Does tenure serve its original purpose of promoting freedom of inquiry for academics in teaching and research? It seems not. Of concern is the finding that achieving tenure does not translate into a significant increase in exercise of freedom of inquiry either in teaching or research. Why? Promotion evaluation for associate professors by their senior colleagues has a continued inhibiting effect.

The target article by Ceci et al. addresses an important issue facing higher education today. What are the consequences, good and bad, of the tenure system for faculty, the institutions they serve, and society in general? The authors review some of the concerns currently being expressed by critics of tenure in academe, and give several cogent examples of challenges to the system and academic freedom coming from both the political right and the political left. As example of the former, the right, are outcries for the firing of Ward Churchill, a tenured ethnic studies professor at the University of Colorado who called some victims of the 9/11 terrorist attacks "little Eichmanns" in an online essay; example of the latter, the left, are demands for job termination for several professors (Arthur Jensen, J. Philippe Rushton, Richard Herrnstein, and Charles Murray) who advocate a strong heritability component for human intelligence. At present a battle exists, with supporters and opponents of tenure trying to influence university policy committees (e.g., at the University of Colorado–Bolder), legislators, and members of the public.

Ceci et al. suggest that a neglected topic in this debate is the question whether tenure and academic freedom serve their original purpose of promoting freedom of inquiry for academics in teaching and research. The authors' survey of 961 professors from 50 top-ranked colleges and universities looked at this issue with some interesting results. It would have been nice, however, to see a similar sample from smaller and lesser-ranked schools, of which there are a large number in the United States: Are the tenure and promotion criteria and practices comparable? If they are not (e.g., less demanding tenure and promotion evaluations or more collegiality among ranks), then these findings may be somewhat limited.

On the positive side, the full professors in the study showed no strong tendency of becoming, in their beliefs of their colleagues, a "post-tenure renegade professor," that is, confrontational, demanding his or her way, and unwilling to compromise. If this is accurate, as studies of behavioral forecasting, personal biases, and social psychology show – people tend to predict the behavior of others quite well – then some criticism of tenure and promotion may be dampened by this finding. I will say, though, that in my 30 years as an academic, I have experienced on several occasions what could be called the Dr. Jeykll and Mr. Hyde effect: a quiet, respectful, nonconfrontational junior colleague transformed at tenure – but most often with promotion to full professor – into a self-centered, combative, nonconciliatory alpha beast, who often will scare the hell out of very junior or new faculty with the consequence of severely diminishing their willingness to assert their rights of academic freedom (e.g., teach or conduct research not approved by senior faculty or speak in favor of controversial positions).

Perhaps the most important finding in Ceci et al.'s study involves the very limited "freeing" effect tenure produces relative to promotion to full professor. This is clearly seen in the similarity between the responses of tenured associate professors and those of the non-tenured assistant professors on issues regarding reporting ethical misconduct and abandoning unpopular (to the senior professors) teaching and research activities. Ceci et al. characterize the assistant and associate professors' timidity, compared to full professors' attitudes, as an abrogation of the former's academic freedom, and I would agree. One could sympathize with assistant professors facing both tenure and promotion evaluations (and a degree of unfamiliarity and inexperience regarding their academic roles), but what about the tenured associate professors? Why are many of them not as assertive as their full professor colleagues regarding activities relevant to academic freedom? The answer is that, as they say in the military, rank has privileges. No one in the military would consider it a good career move to criticize or oppose the wishes or feeling of those higher in rank tasked with his or her evaluation and promotion – it would be viewed as career suicide. Not to suggest that academe is a quasi-military hierarchy, but the social dynamics (academic freedom be damned) appear similar. The sad fact is that, as the authors recognize, it may take 10 to 20 years for a professor to reach full professorship, and their data suggest that during that critical period of professional development and accomplishments, full exercise of academic freedom is likely not to occur because of evaluation/promotion considerations.

The cost of this dampening effect is what concerns me most. What innovative, creative, groundbreaking, and yes, controversial research (e.g., stem cell) and classes are shelved by those academics facing the 10 to 20 years of review and evaluations leading to the Holy Grail of full professorship at their institution? Steve Ceci and I did a controversial 2-year study of the peer-review process in prestigious psychology journals (Peters & Ceci 1982) while we were still non-tenured assistant professors. Our study received much publicity (e.g., from *Behavioral and Brain Sciences* and from *Science*), and we received over 1,000 supportive letters from colleagues in the United States and Europe, but our senior, tenured colleagues were very critical of our work, with some characterizing it as "juvenilia" unworthy of serious study. A nasty tenure battle subsequently occurred for one of us, with the peer review study cited as being "unprofessional" and a reason for nontenure. Fortunately, more reasoned heads prevailed, but the point had been made: Academic freedom is not a given for junior faculty. Displease those senior colleagues evaluating you at great risk to your career. I would have thought then, 25 years ago, that the awarding of tenure would change one's outlook regarding academic freedom and opportunity; but experience, and now the empirical findings of Ceci et al.'s work, have tempered that view considerably.

Tenure as a necessary but not sufficient requirement for academic freedom

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Abstract: Although the job security afforded by tenure is one important factor in deciding whether or how to exercise academic freedom, professors must weigh a number of other important career goals that constrain their choices. This multiplicity of goals, combined with concerns about career mobility, may help to explain the differences Ceci et al. observe between professors at different ranks.