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Testing Tenure: Let the Market Decide

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Is tenure justified? An experimental study of faculty beliefs about tenure, promotion, and academic freedom

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Abstract: The behavioral sciences have come under attack for writings and speech that affront sensitivities. At such times, academic freedom and tenure are invoked to forestall efforts to censure and terminate jobs. We review the history and controversy surrounding academic freedom and tenure, and explore their meaning across different fields, at different institutions, and at different ranks. In a multifactorial experimental survey, 1,004 randomly selected faculty members from top-ranked institutions were asked how colleagues would typically respond when confronted with dilemmas concerning teaching, research, and wrong-doing. Full professors were perceived as being more likely to insist on having the academic freedom to teach unpopular courses, research controversial topics, and whistle-blow wrong-doing than were lower-ranked professors (even associate professors with tenure). Everyone thought that *others* were more likely to exercise academic freedom than they themselves were, and that promotion to full professor was a better predictor of who would exercise academic freedom than was the awarding of tenure. Few differences emerged related either to gender or type of institution, and behavioral scientists' beliefs were similar to scholars from other fields. In addition, no support was found for glib celebrations of tenure's sanctification of broadly defined academic freedoms. 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.

Keywords: academia; academic freedom; ethical issues; faculty beliefs; professoriate; promotion; scientific misconduct; tenure; whistle-blowing

1. Introduction: History and controversy surrounding academic freedom and tenure

Tenure is said to represent the crown jewel of academic life. It confers on those lucky enough to have it a lifetime of financial security and, purportedly, substantial freedom to teach and conduct research. Despite the modest pay and long probationary period, in those countries that still award tenure, once a scholar achieves this rank, his or her professional life can seem to be set. Because such security is uncommon among professionals, those who have tenure jealously guard it against proposals to limit its scope (e.g., post-tenure reviews, limited-term contracts, and the decoupling of tenure from guaranteed salary, as is becoming more common in medical schools).

From the beginning, however, academic freedom and tenure have been attacked, often for political reasons (e.g., Sykes 1988; see also Kimball 1990). This has been especially true in the behavioral sciences, in which topics

sometimes engender great controversy and demands for censure, tenure revocation, and job termination (see, e.g., Morton Hunt's 1999 book describing social and behavioral scientists' careers that have been impaired, including threats of tenure revocation). Slaughter (1980) provides a historical analysis of the reasons behind job termination during the early years following the onset of academic freedom and tenure, cataloguing numerous examples, and Hunt (1999), Gottfredson (2005a), and others make the case that these pressures to reprimand and terminate tenured positions are still present.

Recently, Gottfredson (2005a) reviewed the attacks on a number of behavioral scientists conducting controversial IQ research, observing that:

the farther one goes into forbidden territory, the more numerous and more severe the sanctions become: first the looks of disapproval and occasional accusations of racism, then greater difficulty getting promoted, funding, or papers published, and eventually being shunned, persecuted, or fired. (p. 159)

There are numerous examples of demands for censure, tenure revocation, and job termination in response to writings and teachings that offend conservative or liberal audiences. Concerning the former, leftist professors have repeatedly offended conservative colleagues, students, parents, and lawmakers. They have been threatened with censure and the revocation of tenure because of Marxist interpretations in their teaching or writings (see Chronicle of Higher Education 1987), for promulgating pro-choice abortion views, and for expressing skepticism about organized religions (see examples in Sykes 1988). Liberal professors have been fired for advocating against involvement in the United States' war efforts, for criticizing the "reform capitalism" of the New Deal, and for advocating against corporate interests of university benefactors (Slaughter 1980). Recently, incendiary remarks about the culpability of victims of the attack on the World Trade Center towers resulted in a legislative initiative to limit a University of Colorado professor's tenure and academic freedom, which, according to a *Time Magazine* story describing similar legislative initiatives in other states, is "indicative of a broader trend among lawmakers' chipping away at the traditional insularity of the ivory tower" (Chu 2005, p. 38). And, comments considered anti-Semitic made by Black Studies Professor and Chair, Leonard Jeffries, resulted in the termination of his chairmanship and an inquiry into whether his tenure should be revoked; this in turn prompted Jeffries to sue, alleging a violation of

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his First Amendment rights (see Leonard Jeffries vs. Bernard Harleston [1995]). Finally, Hunt (1999) describes attacks made by religious fundamentalist groups to cripple research they regard as intrinsically liberal, such as surveys dealing with adolescent sexuality.

On the other side of the political spectrum (i.e., conservative writings and teachings that offend liberal audiences), the writings and teachings of Arthur Jensen and J. Philippe Rushton were met with outcries and demands for job termination, as were the writings of Richard Herrnstein and Charles Murray (see Gottfredson [2005b] and Hunt [1999, p. 86] for details of the threat of tenure revocation against Rushton). More recently, the views of evolutionary psychologist Kevin MacDonald (1994; 1998a; 1998b) about the alleged evolutionary strategies of Judaism that led to its putative genetic sameness (urge to remain endogamous) resulted in protests and calls for reprimand and McDonald's resignation (Ortega 2000).

At present, Hans-Hermann Hoppe is suing the University of Nevada for abridgment of his academic freedom. Hoppe opined during two lectures that some groups have a short-term time frame whereby they attempt to maximize rewards over the near term because they either have no long-term perspective or their gene pools end with their life. He listed children, the elderly, and homosexuals as groups preferring present-day consumption to long-term investment. "Because homosexuals generally do not have children," Hoppe said, "they feel less need to look toward the future.... Homosexuals have higher time preferences, because life ends with them" (Glenn 2005, p. 2). A student in Hoppe's class complained to the administration, resulting in a "letter of instruction" being placed in Hoppe's personnel file that declared Hoppe had created a "hostile learning environment" and instructed him to "cease mischaracterizing opinion as objective fact."

Numerous other examples of abridgment of speech or writings also can be given. For example, Michael Levin, a tenured professor, expressed in his writings and public statements controversial ideas about feminism, homosexuality, and race. Levin's writings and statements led to protests and demonstrations in his classes. In response to the resulting campus unrest, the university president named a faculty committee "to review the question of when speech ... may go beyond the protection of academic freedom or become conduct unbecoming a member of the faculty, or some other form of misconduct." In addition, the dean of Levin's college established "shadow sections" for Levin's required introductory course because of his controversial and, to some, offensive views. Students were given the option of enrolling in a newly opened second section of Levin's course taught by a different professor. Levin brought suit on first amendment freedom of speech grounds (see Michael Levin v. Bernard Harleston [1990]).

1.1. Attacks on tenure

Although the behavioral and social sciences appear more likely to engender political criticisms, tenure and academic freedom in all fields of scholarship have come under attack for financial and conceptual reasons. This assault has prompted the argument that the very ideas of tenure and academic freedom are conceptually problematic and

can result in inflexibility and inefficiency (see Hohm & Shore 1998; Olswang 2003). Taken together, these political, financial, and conceptual criticisms have reached a thunderous chorus, leading scholars in a special issue of the *American Behavioral Scientist* to remark that “at no other time throughout this century has tenure been as much under attack as it is today” (Tierney 1998, p. 627), and “external critics [are] reaching a crescendo of complaint that may trivialize tenure” (Plate 1998, p. 680), which many view as a sinecure for the lazy and incompetent (Olswang 2003).

Defenders of academic freedom and tenure have responded to criticisms by noting the many benefits they convey. For instance, defenders of tenure and academic freedom have noted their usefulness in attracting a high-quality workforce, the protection they confer against McCarthy-type intrusions into research (historically, professors lost their jobs for teaching evolutionary theory and for criticizing free trade, monopolies, child labor, and military matters during wartime; Slaughter 1980), and their positive effects on students, such as higher graduation rates at institutions that have higher proportions of tenure-track faculty (Ehrenberg & Zhang 2004; Hohm & Shore 1998).

However, one issue currently lacking attention from both defenders and detractors is whether tenure and academic freedom continue to serve their original mission. From the inception of tenure in 1940 (American Association of University Professors, 1940), the case was made that “the common good depends on the free search for truth and its free expression ... academic freedom applies to both teaching and research” (Fuchs 1997, p. 138). Since then, commentators have repeatedly echoed this sentiment (Huer 1991). For example:

[tenure] enables a faculty member to teach, study, and act free from ... restraints and pressures which otherwise would inhibit thought and action.” (Byse & Joughin 1959, p. 128)

and

“the professor must follow any bold, vigorous, independent train of thought to produce honest judgment and independent criticism.” (Machlup 1958, p. 130)

In view of its original mission, and the subsequent re-echoing of this mission by numerous commentators, it is curious that there exist no data illuminating the extent to which tenure and academic freedom serve their original purpose. To examine this question, we conducted the first survey of faculty opinions about whether tenure continues to promote “honest judgment and independent criticism,” key elements of the essence of academic freedom.

1.2. Is academic freedom defined differently across fields and ranks?

In the present study, we have sought to answer a set of related questions, such as whether tenured professors are more likely than untenured ones to believe their colleagues will insist on the right to teach and research controversial topics and to criticize senior colleagues who violate ethical standards. We ask: Are tenured associate professors as likely as full professors to believe this, or are they wary of offending full professors lest their own promotion to full professor be jeopardized? Do fields of research and types of institutions make a difference in

one’s willingness to insist on academic freedom? Are there unanticipated negative consequences that arise from the present system of tenure and academic freedom, at least under some circumstances? Finally, is academic freedom defined differently by junior and senior faculty, or are its tenets universally appreciated and applied?

To address these questions, we asked faculty from the academic fields of the arts/humanities, behavioral/social sciences, and physical/engineering sciences to answer questions about hypothetical colleagues who encountered dilemmas concerning (a) the freedom to teach unpopular courses, (b) the freedom to research controversial topics, and (c) the freedom to expose wrong-doing by senior colleagues (i.e., sexual harassment, inappropriate use of grant funds, falsification of data). The hypothetical colleagues were depicted as being either tenured full and associate professors, or untenured assistant professors. Respondents were asked to indicate how their typical colleagues at this rank would behave, rather than how they themselves might behave. A number of variables were manipulated in an effort to examine the roles of gender, rank of respondent, type of institution, and academic field.

1.3. Ratings of others versus ratings of one’s self

The decision to ask respondents to indicate how their colleagues would behave versus asking them how they personally would behave was one we discussed with survey methodologists during the design phase of the survey. On the one hand, asking respondents how they believed their colleagues would behave requires that they have an accurate idea of how their colleagues would behave, whereas it could be argued that they possess a more accurate idea of how they themselves would behave. Research on behavioral forecasting and personal biases demonstrates, however, that often this is not the case. A graver problem is that in moral, emotion-laden, and performance domains, respondents underestimate their shortcomings (e.g., Tenbrunsel 1998), and tend to underreport negative information about themselves to researchers. Researchers who study biases of various sorts have long noted that people judge themselves as more ethical than the rest of the population. When respondents are asked to estimate their own behavior, as opposed to the behavior of others, they tend to inflate their own status or behavior. For example, students report that their SAT scores are higher than they are – a finding similar to that found for reports of health status, criminal acts, and illicit sexual behavior (Shepperd 1993; for review, see Taylor & Brown 1988). In a series of studies, Epley and Dunning (2000; 2004) demonstrated that people inflate estimates of their own ethical behavior but accurately estimate other people’s ethical behavior. They found that people’s self-predictions of whether they would cooperate, donate money to a charity, or sacrifice their time were inflated. Predictions of others, in general, were largely accurate, a finding that replicates classic work by social psychologists showing that people predict the behavior of others quite well (Nisbett & Kunda 1985), and often better than they predict their own behavior (e.g., Bass & Yammarino 1991; Fussell & Krauss 1991; MacDonald & Ross 1999). A final reason for preferring respondents’ beliefs about how their colleagues would behave is that beliefs

themselves, even if inaccurate, are nevertheless important: one's beliefs signal implicit theories about the likelihood that ethical misconduct will or will not be tolerated by colleagues, whether or not the culture of the academy is one in which academic freedom is invoked, and so on. In short, beliefs about our colleagues tell us a great deal that is of interest to the present question.

2. Methodology

2.1. Sample

Twenty-five institutions were randomly selected from the 2003 *U.S. News and World Report's* list of the top 50 liberal arts colleges, and 25 institutions were randomly selected from the same list's top 50 research universities. The former colleges are regarded as elite and competitive educational establishments, and the latter universities are all classified as doctoral-extensive institutions by the Carnegie Foundation and are regarded as being among the top U.S. research institutions. We focused exclusively on U.S. institutions because the justification of tenure as a means of fostering academic freedom is most explicit in the United States. However, as we argue in the *Discussion*, we believe the findings are relevant to other national systems that endorse academic freedom in the absence of tenure, or provide tenure in the absence of an explicit endorsement of academic freedom.

For each of these 50 institutions, we compiled a list of 18 academic fields. We based our choice of these 18 fields on pragmatic grounds: we began with the National Research Council's (NRC's) 1995 listing of "Research Programs in the United States," which lists 41 major fields; we then deleted from this list those fields that appeared too infrequently across the sample of 50 colleges and universities (e.g., classics, art history, oceanography, geography, pharmacology). For similar reasons, we combined the biological sciences into a "super field" that included all seven biological science fields listed by the NRC, and we did the same for the eight engineering fields listed by the NRC. This division was done because some of the individual fields appeared too infrequently across our sample to enable statistical analysis. Table 1 shows the resultant 18 fields; they represent six fields from the humanities/arts, six from the sciences/engineering, and six from the social/behavioral sciences.

For each of the 50 institutions, we selected three faculty members from each of the 18 fields in Table 1: one from the assistant professor rank, one from the associate professor rank, and one from the full professor rank. This was done randomly within ranks, without regard to gender or years in rank.

2.2. Instrument

We sent, via the Internet, one of three versions of a letter requesting respondents to answer questions related to five scenarios, each containing four parts, on a 9-point Likert scale, with half formatted as 1 = NEVER, 3 = RARELY, 5 = SOMETIMES, 7 = OFTEN, and 9 = ALWAYS, and the other half with the numerals and ratings reflexed to avoid response bias. The three versions of the letter were constructed by varying the rank of the professor described in the questions (assistant, associate, or full professor). We requested respondents' confidential opinions about the way their colleagues would typically behave in the five scenarios offered, pledging anonymity for the professors and their institutions. No personally identifying information was requested of the participants other than their own rank, the number of years they had been in that rank, their primary field of study, and their gender. Respondents were asked to rate each option on the following 1-to-9 scale, using intermediate numbers to indicate intermediate responses.

How frequently would the typical assistant [associate/full] professor do what is described in each option?

- 1 = would NEVER do
- 3 = would RARELY do
- 5 = would SOMETIMES do
- 7 = would OFTEN do
- 9 = would ALWAYS do

If after several weeks we received no reply to our initial e-mail, we sent a reminder to that individual. If there was still no response after 2 months, we sent the second and final reminder. Table 2 shows the five scenarios, with four subparts in each.

Thus, we sent the 20-item questionnaire (five scenarios with four parts each) to 2,700 potential respondents (50 institutions \times 3 ranks \times 18 academic fields). Nine hundred and sixty-one of those who were sent our survey responded with complete data, yielding an overall response rate of 36%. Response rates varied by academic field, with the highest rates coming from the arts/humanities and social sciences (both 38%) and the lowest rate from physical sciences/engineering (31%). Full professors (43%) were more likely to respond than were associate professors (35%), who, in turn, were more likely to respond than were assistant professors (28%). Respondents from large universities and small colleges did not differ in response rate (both 36%).

Next we discuss three potential sources of response bias, any one of which could call into question our interpretation of the main findings of the experimental survey. Following this discussion, we turn to the results of the survey. The results are organized in terms of the four options for

Table 1. Three major fields with six academic areas that were sampled within each

Arts/humanities	English	History	Linguistics/ languages	Philosophy	Literature	Music
Social sciences	Psychology	Sociology	Economics	Anthropology	Political science	Supplemental social sciences
Physical/engineering	Physics	Chemistry	Biology	Computer science	Mathematics	Supplemental physical/ engineering sciences

Table 2. Respondents were asked what the typical colleague would do in each of the following five scenarios, rating the likelihood of the four options beneath each dilemma

	Question 1	Question 2	Question 3	Question 4	Question 5
Questions	Assistant (Associate/ Full) Professor B is considering teaching a new course that several of B's senior colleagues frown upon. What would the <u>typical</u> assistant (associate/full) professor in B's position do?	Assistant (Associate/ Full) Professor S has credible evidence that a senior colleague has been having a sexual relationship with a woman in his undergraduate class. What would the <u>typical</u> assistant (associate/full) professor in S's position do?	Assistant (Associate/ Full) Professor Y heard a senior colleague boast that she had relocated a \$700 espresso maker, purchased with grant funds for office use, to her home. What would the <u>typical</u> assistant (associate/full) professor in Y's position do?	Assistant (Associate/ Full) Professor K is considering submitting an article on a controversial, unpopular, politically-charged topic about which K has been discreetly collecting data. What would the <u>typical</u> assistant (associate/full) professor in K's position do?	Assistant (Associate/ Full) Professor G has discovered that a senior colleague in G's department has published falsified data. What would the <u>typical</u> assistant (associate/full) professor in G's position do?
Options	<p>Try to make content more acceptable to senior colleagues.</p> <p>Teach the course as originally planned.</p> <p>Try to reach compromise with senior faculty.</p> <p>Forget about teaching the unpopular course.</p>	<p>Put pamphlet in his mailbox on the university sexual abuse policy.</p> <p>Keep quiet.</p> <p>Make a formal complaint to the chair.</p> <p>Confront him.</p>	<p>Report colleague to the grants oversight officer.</p> <p>Keep quiet.</p> <p>Tell federal grant officer.</p> <p>Confront him.</p>	<p>Reframe the approach to make it less objectionable to critics.</p> <p>Forget about it and stop further work on the topic.</p> <p>Hold onto it until some later time.</p> <p>Submit it.</p>	<p>Report it to the university's research officer.</p> <p>Tell the chair.</p> <p>Ignore it.</p> <p>Confront the colleague.</p>

each of the five scenarios. Each of these 20 findings is preceded by a synopsis before we delve into the myriad specific statistical findings.

2.3. Evaluation of two potential sources of response bias

Before describing the main findings of this experimental survey, we address two aspects of the methodology that could have led to biases in the results. First, as a check on the possibility that the 36% of faculty who responded were somehow different from the 64% who did not, we also surveyed a group of 48 faculty (half assistant professors and half full professors), chosen randomly from the same pool of institutions and in the same randomized manner as the larger sample was chosen. We offered each of these 48 faculty \$35 to answer the same 20 questions, and this survey yielded a response rate of 90% (43 out of 48). This paid sample was recruited to assess whether the 961 professors who responded to the first wave of our survey were different in their attitudes regarding the questions on this survey compared with the 64% who did not respond. The 90% response rate among the paid sample enabled us to compare the values derived from the non-paid sample of 961 persons with values that approximated the statistics in the event that all 100% responded.

The two distributions (the one based on the 36% response rate, and the one based on the 90% response rate) for each of the 20 question-means were almost identical. This indicates that there was little or no response bias relevant to our questions in the 36% sample, because very similar values would be obtained as the response rate approached 100%. There were 40 values derived from the 90% sample – 20 for assistant professors and 20 for full professors, means for answering 20 questions. The 40 values were, in all but one case, very similar to the 40 distributions derived from the 36% sample: 39 of the 40 sample means fell within the 95% confidence intervals of the means from the 36% sample, differing in all cases by less than .3 scaled score. (The sole value that fell outside the 95% confidence intervals differed by .6 scaled score, $t(39, 55) = 2.448$, $p = .019$, but even this value fell short of the $p < .0025$ Bonferroni correction for multiple comparisons, resulting in no exceptions differing significantly from the 36% distribution.)

Moreover, as a very conservative adjustment, we replaced the missing 10% of respondents from the 90% paid sample with the most extreme values possible if those missing 10% had responded (1's and 9's) and found that 39 out of 40 adjusted means continued to fall within the 95% confidence intervals of the non-paid sample. This provides evidence that the 36% response rate reflected the same attitudes that would be found

if the response rate was 100%. Thus, the 36% sample did not appear to reflect response biases because it resembled what would be found if all potential respondents had responded. Because of this, we folded these 43 responses in with the original 961, yielding a final sample size of 1,004.

Second, we examined another potential source of bias, this one having to do with assumptions about the relationship between rank and tenure. All assistant professor respondents were untenured (we were able to verify this), whereas all full professors were tenured. Although we assume that almost 100% of associate professors were tenured, we were not able to verify this because at some institutions associate professors may still be untenured. However, if any associate professors in the sample were still untenured, they had to be very few because untenured faculty in the academic departments (all respondents were from “named” disciplinary departments rather than research centers or institutes within the universities) at these universities are almost never kept in their jobs after 10 years, five or more of which are spent as assistant professors. By taking the subsample of institutions that have untenured associate professors, and within this subsample, those at the associate professor rank, and deleting those with more than five years at the rank of associate professor, we are left with only 6 out of 351 respondents at the associate professor rank who could possibly be untenured. Recoding these six respondents as untenured did not alter any of the results that follow. Thus, for ease of exposition, in all of the analyses that follow it is assumed that assistant professors were untenured, and associate and full professors were nearly always tenured.

3. Results

Two of the scenarios in the questionnaire address potential associations among tenure, rank, and discipline, on the one hand, and faculty members’ beliefs about the willingness of their colleagues to exercise their academic freedom, on the other hand. Specifically, these scenarios concern faculty members’ (1) willingness to teach a class that is unpopular with senior colleagues, and (2) willingness to publish unpopular opinions. Both of these issues are at the heart of the historical rationale for academic freedom (Byse & Joughin 1959; Fuchs 1997). The three remaining dilemmas go beyond the concept of academic freedom and assess faculty members’ (3) willingness to report ethical violations in the use of federal grant funds, (4) willingness to whistle-blow a senior colleague’s falsification of data, and (5) willingness to report a senior colleague’s sexual misconduct with an undergraduate student in his or her class. These latter three topics were included to determine whether the granting of tenure, professorial rank, and/or academic field are associated with a greater versus lesser willingness to whistle-blow upon the discovery of ethical misconduct, or if in fact tenure was associated with the “renegade professor” claims put forward by some critics. For example, Sykes (1988) argues that tenured professors hold the university in “a petrified grip” to protect their self-interests against those of students, untenured faculty, and society: “tenure corrupts, enervates, and dulls higher education. It is, moreover, the academic culture’s ultimate control mechanism to weed out the idiosyncratic, the creative, and the nonconformist” (p. 258).

Each of the five scenarios offered was followed by 7 to 9 options, of which 4 were tests of the hypothesis that the granting of tenure/rank is associated with changes in professional and personal behaviors, with the remaining options serving as distractors. As noted, this strategy resulted in 20 questions overall.

We turn now to the major findings for each of these five scenarios, supported by both linear and logistic models, with simple effects within each model buffered for multiple contrasts.

4. Question 1: Willingness to teach a class unpopular with senior colleagues

*Assistant (Associate/Full) Professor B is considering teaching a new course that several of B’s senior colleagues frown upon. What would the **typical** assistant (associate/full) professor in B’s position do?*

Courses can be unpopular for a variety of reasons, including scholarly (e.g., the belief that such a course does not embody suitable scholarship), pedagogical (e.g., the belief that the course does not fit in the departmental major), and ideological (e.g., the belief that the course runs counter to a desired ideology/philosophy). We purposely left unspecified the basis for the unpopularity of the hypothetical course because all of these reasons are covered by the tenets of academic freedom.

Respondents’ beliefs about the willingness of their colleagues to teach a new course that is frowned upon by senior colleagues revealed several significant results. Below we report their ratings for each option as a function of their own rank, the type of institution, the field of study, and the rank of the hypothetical colleague described in the questionnaire. Prior to describing more in-depth results, Figure 1 illustrates the main findings regarding the perceived likelihood of each option by questionnaire type and respondent rank.

4.1. Option 1: Try to make the content more acceptable to senior colleagues

For this option the only statistically significant result was that all respondents, regardless of their own rank, type of institution, or field of study, expressed the belief that full

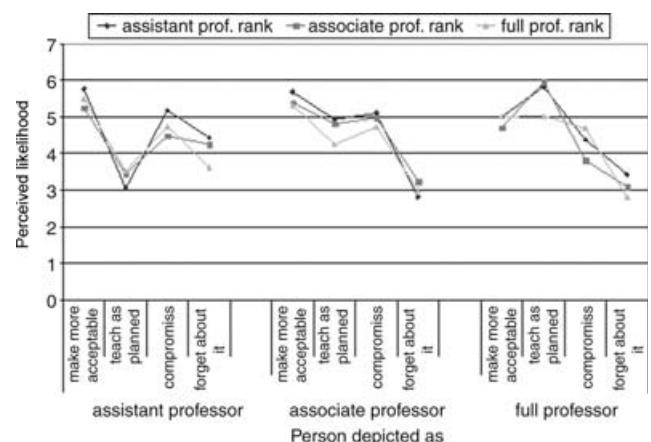


Figure 1 (Ceci et al.). Question 1: Willingness to teach a class unpopular with senior colleagues.

professors would be less inclined to make the content of their course more acceptable than would either associate or assistant professors [$F(2,904) = 9.6, p < .001, \omega^2 = .021$], neither of whom differed from each other. This difference between ranks of respondents, although statistically significant, was moderate in magnitude. The overall mean rating associated with respondents' belief that full professors would use this option less than lower-ranked professors was .6 point (4.9 vs. 5.5, where 5.0 is "sometimes" and 7 is "often").

4.2. Option 2: Teach the course as originally planned

The above option ("Try to make the content more acceptable") is somewhat weaker than this one, because it is possible to adapt a new course to be more acceptable without giving up the basic idea. Choosing the current option, however, creates a confrontation between senior colleagues who do not want to see a course taught, and a colleague insisting on teaching it without adapting its content to appease senior colleagues. For this option there were pronounced differences both as a function of respondents' rank and as a joint function of respondents' rank and the rank of the hypothetical faculty member described in the dilemma. Regarding the rank of the respondents, full professors were more likely to choose this strong option than were lower-ranked professors [$F(2, 904) = 5.3, p < .005, \omega^2 = .013$]. Collapsing across the rank of the respondents, the likelihood of teaching the course as planned, without adapting its content to make it more acceptable to senior colleagues, was believed to be *much* higher if the faculty member in the dilemma was described as a full professor than as an associate or assistant professor [both $F_s(2, 904) \geq 108, p < .0001, \omega^2 = .193$].

The means are telling, as seen in Figure 2: If the individual in the questionnaire was described as a full professor, respondents opined that his or her likelihood of using this option was 5.6. On the other hand, if the individual was described as an associate professor, the likelihood dropped a full scale point to 4.6, and if the individual was described as an assistant professor, the likelihood of using this option dropped to 3.4 (where 3 is "rarely"). Each of these differences falls outside the upper and lower 95% confidence bounds of the others, documenting the chasm between the perceived power(lessness) associated with the three ranks.

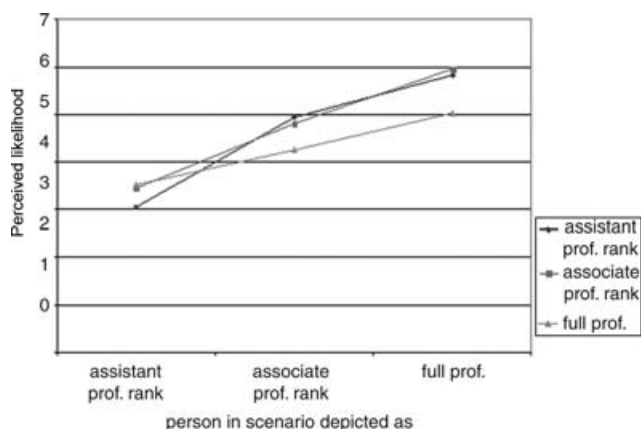


Figure 2 (Ceci et al.). Option 2: Teach the course as originally planned.

Complicating the above main effects, however, was an interaction between the rank of the respondent and the rank of the hypothetical faculty member described in the dilemma, $F(4, 90) = 11.7, p < .01, \omega^2 = .014$. The source of this interaction was a tendency for assistant and associate professors to *overestimate* full professors' willingness to teach the course as originally planned, without making any changes to appease senior colleagues. *Full professor* respondents believed that full professors would use this strong option somewhat less often than lower-ranked respondents believed full professors would use it.

Thus, the perception among lower-ranked respondents of full professors' willingness to insist on teaching an unpopular course without adaptation is somewhat greater than full professors' perception of their own rank's willingness to teach such a course. This same overestimation by lower-ranked respondents of full professors' insistence on asserting their freedom was found repeatedly throughout the questions that follow. It is not that full professors did not assert their academic freedom more often than associate and assistant professors, but rather, that they did not assert it quite as strongly as the latter believed they would.

4.3. Option 3: Try to reach a compromise with senior faculty

For this option, full professor respondents rated hypothetical full professors to be significantly less likely to work toward a compromise with their colleagues (mean = 6.2, S.D. 1.8) than they rated associate professors (mean = 7.0, S.D. 1.53) or assistant professors (mean = 7.0, S.D. 1.6), the latter two groups not differing from each other. Associate professors' ratings mimicked this same belief in the lesser willingness of hypothetical full professors to work toward a compromise, but with slightly lower means (mean = 6.0 for hypothetical full professors vs. 6.8 and 6.9 for lower-ranked hypothetical professors). In contrast, assistant professor respondents' ratings showed a greater chasm between their perception of full professors' unwillingness to compromise (mean = 5.9, SD 1.98) and assistant professors' willingness (mean = 7.3, SD 1.69): Thus, the gap between the perceived willingness of professors to compromise was approximately .8 scale point higher than the perception regarding perceived willingness of associate professors to do so (.9 gap) and 1.4 points higher than the perception of assistant professors about other assistant professors. Substantively, these mean differences are the equivalent of stating that full professors are believed to exercise their freedom to teach an unpopular course "often," whereas lower-ranked professors are believed to do so only somewhat more than "sometimes." These findings were qualified by a higher-order interaction involving the rank of the respondents and the rank of the hypothetical individual described in the question, as well as the respondents' disciplinary field, $F(8,904) = 2.54, p < .01, \omega^2 = .022$. Simple effects testing with a Bonferroni correction showed that this three-way interaction was due to smaller disparities in art/humanities respondents' ratings of the likelihood of using this option. Basically, there was less disparity among the ratings of assistant professors in the arts/humanities, who perceived full professors to be no less likely than lower-ranked professors to use this option (mean = 5.3, 5.1, 5.5, respectively, for their ratings of hypothetical full, associate, and assistant professors), whereas assistant

professors in the sciences and the social sciences perceived wide differences in the use of this option by full professors versus lower-ranked professors (.9–1.4-point gaps).

4.4. Option 4: Forget about teaching the unpopular course

For this option there were strong trends in the same direction seen in the three options above; namely, respondents perceived senior colleagues as more likely to exercise their academic freedom (i.e., less likely to forget about teaching an unpopular course), $F(2,904) = 109$, $p < .001$, $\omega^2 = .079$. Overall, full professors were believed to be much more likely to insist on their right to teach an unpopular course (mean = 6.0) than were either of the two hypothetical lower-ranked professors (mean = 7.1 and 7.0, respectively), all $p < .05$ with Bonferroni correction. There was also a main effect for disciplinary field [$F(2,904) = 10.07$, $p < .001$, $\omega^2 = .008$]: Respondents from the arts/humanities were slightly but reliably more likely to insist on the right to teach an unpopular course (mean = 6.5) than were respondents from either the sciences (mean = 6.82) or social sciences (mean = 6.81). Finally, there was a statistically significant interaction between the rank of the respondents and their disciplinary field, $F(2,904) = 3.45$, $p < .01$, $\omega^2 = .015$. Bonferroni tests revealed that this interaction was the result of assistant professors in the arts/humanities differing significantly from their counterparts in the sciences and social sciences; overall, the arts/humanities professors were more likely to perceive this option being chosen than were their counterparts (mean = 6.2, 7.2, and 7.0, respectively).

5. Question 2: Willingness to report ethical violations of senior colleagues

Assistant (Associate/Full) Professor Y overheard a senior colleague boast that she had relocated a \$700 espresso maker, purchased with federal grant funds solely for office use, to her home. What would the typical assistant (associate/full) professor in Y's position do?

5.1. Option 1: Report the colleague to the officer responsible for oversight of federal grants

Few differences emerged on this option, as most respondents viewed it as low-frequency behavior. Full professor and associate professor respondents chose this option *slightly* more often (mean = 2.72 and 2.63) than did assistant professors (mean = 2.44; $F[2,899] = 3.84$, $p < .05$, $\omega^2 = .008$), but these differences were small. The only other significant result was that respondents from small colleges preferred this option more often than did those from large research universities (mean = 2.76 and 2.47, respectively; $F[1,899] = 5.19$, $p < .05$, $\omega^2 = .006$). No other main effects or higher-order interactions were significant.

5.2. Option 2: Keep quiet

This option is the flip side of the strong option of confronting the wrong-doer – keeping one's mouth shut.

Numerous differences emerged on this option. For ease of exposition, we confine the reporting to a description of a four-way interaction that qualified all of the statistically significant main effects and lower-order interactions. The interaction involved the rank of respondent \times rank of person described in the dilemma \times type of institution \times academic field [$F(8,900) = 2.15$, $p = .029$, $\omega^2 = .019$]. Simple-effects testing revealed the sources of this interaction. Once again there was a tendency for the hypothetical full professors in the questionnaire to be rated as being more likely to choose the strong option (i.e., not to keep quiet) than hypothetical lower-ranked professors. However, this tendency differed as a function of respondents' own rank, type of institution, and academic field. Respondents who were full professors opined that the hypothetical assistant professors in the questionnaires would be .8 of a scale point more likely to keep quiet than hypothetical full professors in the questionnaires (mean = 4.7, 5.4, and 5.5, respectively for hypothetical full, associate, and assistant professors). Associate and assistant professor respondents also rated the likelihood of keeping quiet to be greater among lower-ranked professors, but their ratings were in general higher than those of full professors. This indicated that they believed that colleagues of all ranks would be more reticent in a situation such as this than did full professor respondents. For example, assistant professor respondents rated the likelihood of remaining quiet to be 5.9, 6.2, and 6.6, respectively, for hypothetical full, associate, and assistant professors. And associate professors rated these three ranks with a mean of 5.5, 5.7, and 5.9, respectively. Thus, *assistant professors* were of the opinion that all ranks of professors would "often" remain quiet, whereas *full professors* believed that all ranks would "sometimes" remain silent. (Although the above results differed by field of scholarship and type of institution, university [but not small college] respondents from the social sciences expressed the belief that their colleagues would be more likely to remain quiet than did respondents from either the arts/humanities or the physical sciences. These contrasts failed to reach conventional levels of significance when buffered for multiple contrasts.)

This is one of the few exceptions to the tendency for lower-ranked respondents to overestimate the willingness of full professors to assert themselves.

5.3. Option 3: Confront the colleague

The sole significant result for this option was that all respondents, regardless of rank, type of institution, or field of study, opined that all colleagues would be unlikely to confront the wrong-doer. However, all expressed the belief that full professors would be more likely to confront a wrong-doer than would either of the lower ranks [$F(2,900) = 71.7$, $p = .0001$, $\omega^2 = .137$]. Despite its statistical reliability, however, the magnitude of this difference was rather small – only .3 to .4 of a scale point separating full professors from associate and assistant professors.

5.4. Option 4: Tell the federal grant officer

Faculty of all ranks, institutions, and fields rated this option as quite unlikely, opining that their colleagues would report the infraction to a grant officer with a frequency

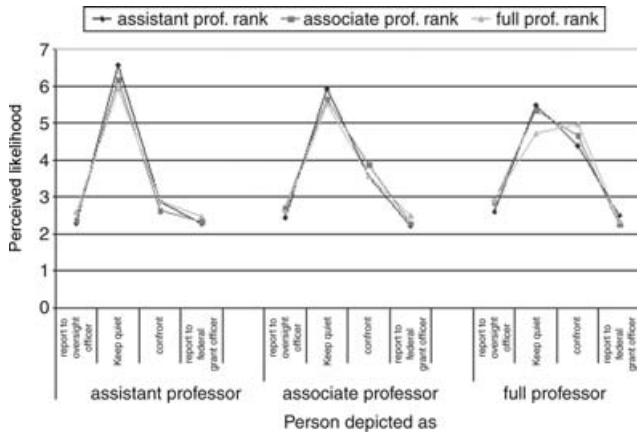


Figure 3 (Ceci et al.). Question 2: Willingness to report ethical violations of senior colleagues.

between “rarely” and “never.” There was, however, a statistically significant institutional difference, $F(1,899) = 6.89$, $p = .009$, $\omega^2 = .008$, with small college respondents using this option slightly more often than large university respondents (mean = 2.5 vs. 2.2). However, this main effect was qualified by a significant interaction involving rank of respondent \times rank of hypothetical colleague described in the questionnaire [$F(4,899) = 2.5$, $p = .04$, $\omega^2 = .011$]. In general, senior colleagues tended to believe that lower-ranked faculty would be more likely to exercise this strong action (report the errant colleague) than did lower-ranked faculty. However, associate professors were viewed by full professor respondents as being significantly more likely to report the infraction at small colleges (mean = 2.82) compared to large universities (mean = 1.79). Figure 3 summarizes responses for this question, showing that differences tended to be small between ranks, almost always between .25 and .75 scaled point.

6. Question 3: Willingness to report sexual misconduct

Assistant (Associate/Full) Professor S has uncovered credible evidence that a senior colleague in S's department has been having a sexual relationship with an undergraduate woman in his class. What would the typical assistant (associate/full) Professor in S's position do?

6.1. Option 1: Put a pamphlet in his mailbox describing the university's sexual harassment policy

In substantive terms, respondents believed that colleagues would only rarely place a pamphlet describing the university's policy of sexual misconduct in an errant colleague's mailbox (means fell within the 2.5–4.2 range). There was a first-order interaction involving the rank of the hypothetical faculty member described in the dilemma \times the respondents' academic field [$F(4,899) = 3.3$, $p = .01$, $\omega^2 = .015$], and also a marginally statistically significant interaction involving rank of respondent \times respondents' academic field [$F(4,899) = 2.2$, $p = .07$, $\omega^2 = .01$]. The source of these interactions was a greater belief among physical scientists/engineers and arts/humanities faculty that full professors would put a pamphlet in the errant

colleague's mailbox than was true of social science respondents (mean = 4.1, 4.1, and 3.3, respectively). Assistant professor respondents from the social sciences and physical/engineering sciences opined that full professors would be more likely to put a pamphlet in the mailbox than did their counterparts from the arts/humanities (mean = 3.7, 3.7, and 3.3, respectively). Finally, there was a marginal main effect of gender [$F(1,933) = 1.05$, $p = .056$, $\omega^2 = .004$]. Male respondents rated the likelihood of putting a pamphlet in the wrong-doer's mailbox .3 scaled-score point lower than did female respondents (mean = 3.6 vs. 3.9). No other effects involving gender were statistically significant. Note that although it would have been interesting to contrast female and male respondents in their beliefs about the relative likelihood of females versus males putting a pamphlet in the wrong-doer's mailbox, we were unable to do this. Many fields in science/engineering have too few females at each rank to make the hypothetical rating exercise ecologically realistic.

6.2. Option 2: Keep quiet

Overall, respondents felt that their colleagues would “sometimes” keep quiet about the sexual misconduct (grand mean = 4.5). However, this finding was differentiated by three factors: the rank of the respondent, the rank of the hypothetical colleague described in the questionnaire, and the respondent's academic field [$F(8,904) = 2.6$, $p = .008$, $\omega^2 = .023$]. This complex interaction can best be understood as two countervailing two-way interactions involving the rank of the respondent \times rank of the hypothetical colleague described in the questionnaire – one for arts/humanities respondents and a different one for science/engineering and social science respondents. For respondents from the arts/humanities fields, there was a fairly pronounced disparity between the ratings of one's own rank versus other ranks. Assistant professors opined that it would be unlikely for their junior colleagues to keep quiet in the face of knowledge about sexual misconduct (mean = 3.2; i.e., “rarely keep quiet”), while simultaneously opining that their senior colleagues would be more likely to keep quiet (mean = 6.0; i.e., between “sometimes keep quiet” and “often keep quiet”). In contrast, full professors tended to rate junior and senior colleagues more similarly, though opining that junior would be slightly more likely to keep quiet than would be their senior colleagues (mean = 5.2 and 4.3, respectively, for full professor ratings of junior vs. senior colleagues). Respondents from the fields of science/engineering and social science were more likely to rate junior and senior colleagues similarly. Analysis of gender showed a statistically significant main effect [$F(1,938) = 4.0$, $p = .045$, $\omega^2 = .004$], as a result of male respondents choosing “keeping quiet” .3 of a scaled-score point higher than did female respondents (mean = 4.7 vs. 4.4). No other differences involving gender were significant.

6.3. Option 3: Make a formal complaint to the chair

Overall, respondents opined that colleagues would file a formal complaint with the chair somewhere in the vicinity of “sometimes.” Analysis of this option revealed a statistically significant higher-order interaction involving the rank of the respondent, the rank of the hypothetical

colleague described in the questionnaire, the type of institution (small college vs. large research university), and the respondent's academic field, $F(8,906) = 1.97$, $p .05$, $\omega^2 = .017$. Simple-effects tests showed that the source of this interaction was a trend among some fields for senior raters to rate senior colleagues as more willing to file a formal complaint than were junior colleagues when the wrong-doer was a senior member of the department. Science/engineering respondents from small colleges rated senior colleagues as significantly more likely to make a formal complaint than were junior colleagues (mean = 1.4 scale point difference, $p < .01$); this was also true of full professors in the arts/humanities from small colleges (mean = 1.3 scaled-point difference in the perceived likelihood of a senior vs. junior colleague filing a formal complaint). Social science respondents from both small and large institutions did not differ, though the disparity in social scientists' perceptions of senior versus junior behavior was not as large (.5 scaled score) as the disparity in perceptions of senior versus junior behavior observed for science/engineering and arts/humanities respondents. Analysis of gender revealed that female respondents, on average, believed that making a formal complaint was approximately a half-scale point more likely than did male respondents, $F(1,940) = 8.9$, $p = .003$, $\omega^2 = .009$. No other effects involving gender were statistically significant.

6.4. Option 4: Confront him

Confronting the wrong-doer is the strongest stance one can take when a colleague has violated a code of ethics. Unsurprisingly, it is an option that respondents believed would be used by their colleagues only between "rarely" and "sometimes." Raters of all ranks expressed the opinion that junior colleagues would be significantly less likely to confront a senior colleague about sexual misconduct than would a senior colleague, and the magnitude of these differences was large, often as much as two entire scale points (for junior colleagues ranging between "rarely" and "never," mean = 2.3–2.7; for senior colleagues ranging between "rarely" and "sometimes," mean = 3.9–4.7). This finding was qualified by the presence a significant interaction between of the rank of the person depicted in the questionnaire \times the rank of the rater \times the type of institution (small vs. large) \times the rank of the person depicted in the questionnaire \times rank of rater [$F(4,905) = 2.43$, $p = .05$, $\omega^2 = .011$]. In short, this interaction resulted from two instances in which the difference in associate professors' ratings of the greater likelihood of senior colleagues to confront than for junior colleagues to do so was relatively smaller than was true of other ranks, both $ps < .05$ by Tukey post hoc tests. Overall, men and women respondents were quite similar in their belief that colleagues would confront a senior colleague who had engaged in sexual misconduct with a student between "rarely" and "sometimes," with means of 3.5 and 3.4 for men and women, respectively. Although there was no main effect for gender of respondent, there was a significant interaction involving rank of respondent \times rank of hypothetical colleague described in the questionnaire \times gender of respondent [$F(4,939) = 2.6$, $p = .04$, $\omega^2 = .011$], resulting from a number of uninteresting exceptions to the often-observed trends reported throughout this manuscript (e.g., female

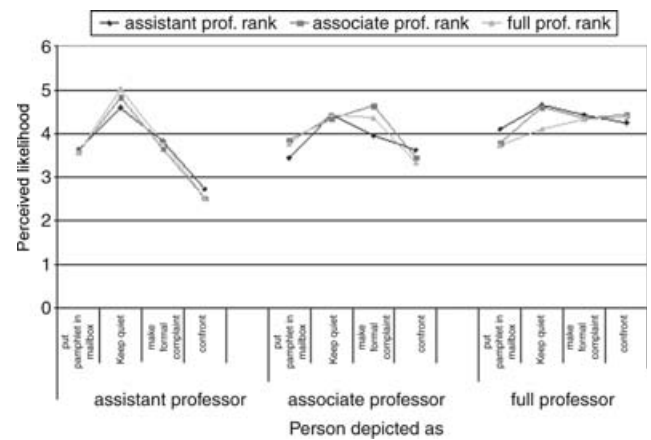


Figure 4 (Ceci et al.). Question 3: Willingness to report sexual misconduct.

professor respondents rated confrontation as relatively more likely by a hypothetical associate professor than by either full professors or assistant professors, whereas male professor respondents rated confrontation as relatively more likely by a hypothetical full professor than by either associate professors or assistant professors).

Figure 4 depicts the magnitudes of the effects for all four options. As can be seen, some of these effects were quite large, particularly when contrasting hypothetical assistant professors' willingness to confront a sexual miscreant with full professors' willingness to do so.

7. Question 4: Willingness to publish unpopular research

Assistant (Associate/Full) Professor K is considering submitting for publication an article on a controversial, unpopular, politically charged topic about which K has been discreetly collecting data. What would the typical assistant (associate/full) professor in K's position do?

Research can be politically unpopular for a host of reasons, some having to do with its actual political implications (liberal vs. conservative), and others having to do with professional disagreements unrelated to politics in the traditional sense. We purposely did not specify the type of "politics" in the question because both invoke the same academic freedom principle to speak and act without constraint. Figure 5 illustrates the main findings. As can be seen, full professors are seen as far more likely to exercise strong options such as submitting the work for publication (mean = 4.3) than are assistant professors (mean = 2.6). Conversely, assistant professors are perceived as far more likely to select weak options such as forgetting about the work (mean = 3.1) than are full professors (mean = 2.1). In the following subsections we probe these main effects in greater detail.

7.1. Option 1: Hold onto it until some later time

In general, respondents believed that colleagues would only "rarely" to "sometimes" hold onto a piece of scholarship that was politically problematic. There were three main results. First, collapsing across rank of the respondent, when the questionnaire depicted a character who was an assistant professor, he or she was opined to use this option

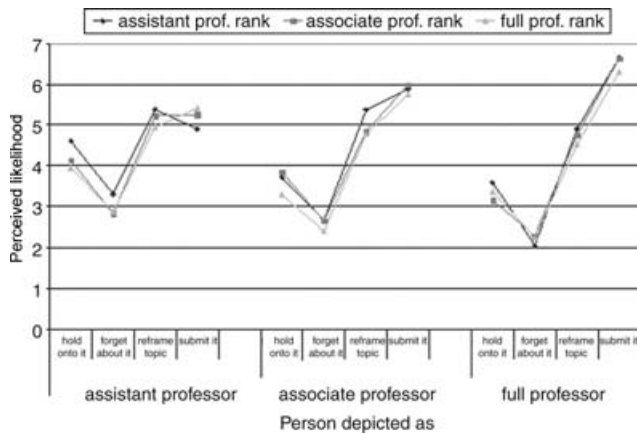


Figure 5 (Ceci et al.). Question 4: Willingness to publish unpopular research.

somewhat more frequently than when the questionnaire depicted a character who was a more senior colleague (means = 3.5, 3.7, and 4.0, respectively, for full, associate, and assistant professors; $F[2,881] = 13.1$, $p = .001$, $\omega^2 = .029$). Second, collapsing across rank of the character depicted in the questionnaire, full professor and associate professor respondents felt that their colleagues were less receptive to using this option (means = 3.4 and 3.6) than were assistant professor respondents (mean = 4.2). Thus, there was a .8 scaled point separating the most senior and junior colleagues on this option. Finally, respondents working at small colleges believed this option would be used more often than did their counterparts from large universities (means = 3.9 and 3.6, respectively). Albeit small, this difference was statistically significant, $F(1,881) = 5.5$, $p = .019$, $\omega^2 = .006$.

7.2. Option 2: Forget about it and stop further work on the topic

Once again we observed what was by now the expected pattern; namely, the expressed belief that senior colleagues are less willing to sacrifice their academic freedom than are junior colleagues. When the character in the questionnaire was depicted as an assistant professor, he or she was believed to use this option (i.e., stop work on the topic) more frequently than when the questionnaire character was an associate or full professor [$F(2,893) = 14.8$, $p = .001$, $\omega^2 = .032$]. In addition, respondents from small colleges were marginally more likely to believe that their colleagues would use this option than were those from large universities [$F(1,893) = 14.8$, $p = .054$, $\omega^2 = .004$]. These main effects were complicated by a three-way interaction involving both factors with the respondents' field of research, $F(4,893) = 2.7$, $p = .03$, $\omega^2 = .012$. Basically, this interaction was driven by several aberrations from the above trends; specifically, associate professors from scientific fields at large universities tended to rate this option higher than did both full professors and assistant professors at large universities; assistant professor respondents from arts/humanities fields at small colleges also rated it higher than more senior ranks at both small and large institutions, with magnitudes ranging between .8 and 1.3 scaled points.

7.3. Option 3: Reframe the approach to make it less objectionable to potential critics

There were just two statistically significant trends for this option: First, regardless of the rank of the respondent, when the character in the questionnaire was depicted as an assistant professor, he or she was believed to prefer this option .5 scale point more than when the character in the questionnaire was described as a full professor (means = 4.7 for full professor characters vs. 5.2 for assistant professor characters; $F[2,894] = 4.9$, $p = .008$, $\omega^2 = .011$). Second, independent of the rank of the character in the questionnaire, full professor respondents were significantly less likely to choose this option (mean = 4.7) than were assistant professor respondents (mean = 5.2; $F[2,894] = 4.6$, $p = .01$, $\omega^2 = .010$). No other main effects or interactions were statistically significant for this option.

7.4. Option 4: Submit it

This is the strongest option for this question, and so it was somewhat surprising that it was chosen relatively more frequently than the strong options for other questions. For this question, respondents believed that their colleagues would choose this option close to "often." There was a significant interaction between rank of respondent \times type of institution (small college vs. large university) \times academic field, $F(4,892) = 4.0$, $p = .01$, $\omega^2 = .018$. The nature of the interaction can be summarized as follows: Among faculty at small colleges, choosing this option tended to decrease as one moved from full-professor respondents down to assistant-professor respondents, particularly among those in the arts/humanities, where there was a 1.4 scale score difference between full professor respondents and assistant professor respondents (means = 6.1 and 4.7, respectively). This tendency was smaller among faculty respondents from large universities, where the largest gap between full and assistant professors was .6.

8. Question 5: Blowing the whistle on data falsification

*Assistant (Associate/Full) Professor G has discovered that a senior colleague in G's department has published falsified data. What would the **typical** assistant (associate/full) professor in G's position do?*

As can be seen in Figure 6, the same pattern observed for Question 4 is repeated here. Specifically, assistant professors are more likely to engage in weak behaviors such as ignoring evidence of wrong-doing than are full professors, and the reverse is true of strong tactics such as confronting the wrong-doer, where the gap is slightly more than 2 full scale points.

8.1 Option 1: Ignore it

There were a number of significant main effects and lower-order interactions for this option, all of which were qualified by a highly significant interaction involving rank of respondent \times rank of character depicted in the questionnaire \times type of institution \times academic field, $F(8,903) = 2.5$, $p = .013$, $\omega^2 = .021$. This interaction was broken down with Tukey post hoc tests. The source

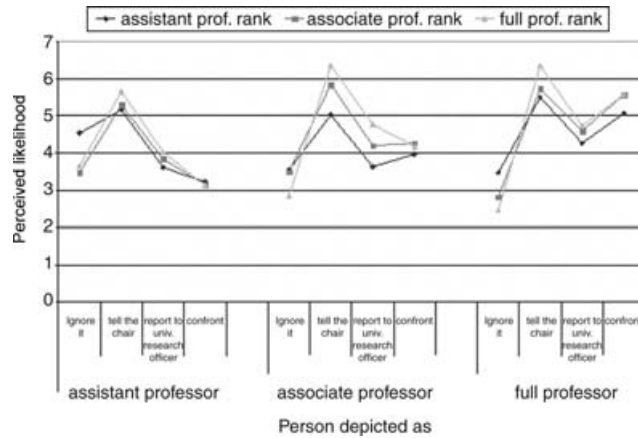


Figure 6 (Ceci et al.). Question 5: Blowing the whistle on data falsification.

of this four-way interaction was a host of significance tests involving differences between various unsystematic combinations of levels of the four variables versus other combinations of levels. For example, associate professors from the arts/humanities were less likely to choose this option for characters depicted as associate professors than they were for characters depicted as assistant professors, whereas this was not the case for associate professors in other fields, nor for full professors in any field with exception of those from small colleges; assistant professors from large universities (but not small colleges) in scientific fields chose this option significantly more often for other assistant professors than did assistant professors in other fields.

Once again we observed a strong trend for respondents to believe that characters who were depicted as *assistant* professors would choose this option significantly more often than did associate and full professors (means = 2.8, 3.3, and 3.9, respectively; all standard errors ranging between .11 and .13, thus falling outside the 95% confidence intervals for each contrast). Similarly, collapsing across all other variables, assistant professor respondents were more likely to select this option than were associate professors, who, in turn, were more likely to select it than were full professors (means = 2.9, 3.3, and 3.9, with standard errors ranging between .11 and .14, all comparisons falling outside the 95% confidence intervals).

8.2. Option 2: Tell the chair

Once again there were a number of significant main effects and lower-order interactions that resulted from the non-overlapping means of full, associate, and assistant professor respondents (all contrasts exceeding $p < .05$, with full professors believed to be most likely to tell the chair, independent of the rank of the character depicted in the questionnaire), as well as the significantly greater belief in the likelihood of telling the chair about a senior colleague's errant behavior when the character depicted in the questionnaire was also a senior colleague than if the character was depicted as belonging to either of the lower ranks. These findings, however, were qualified by a significant four-way interaction between rank of respondents \times rank in questionnaire \times type of institution \times field of study, $F(8,905) = 2.2$, $p = .025$, $\omega^2 = .019$. This interaction was broken down with

Tukey post hoc tests. The basis of this interaction was that full professor respondents from the arts/humanities fields at large universities were significantly less likely to choose the option of telling their chair (mean = 5.5) than were respondents from the science/engineering fields (mean = 6.0) or social science fields (mean = 6.7). Full professor respondents at small colleges did not differ by field (means ranging between 5.7 and 5.9).

8.3. Option 3: Report it to the university's research officer

There were three straightforward findings associated with this option, two of which pointed to greater reluctance on the part of junior colleagues to whistle-blow: First, as has often been the case elsewhere in this survey, when the character in the questionnaire was depicted as either an assistant or associate professor, he or she was believed to use this option less frequently (in this case by approximately .7 scaled score) than when the questionnaire character was depicted as a full professor [$F(2,898) = 9.9$, $p = .001$, $\omega^2 = .022$]. (Assistant and associate professors did not differ significantly from each other in choosing this option.) Thus, junior colleagues were believed by respondents to be reliably less likely to whistle-blow on a senior colleague who falsified data than senior professors would be. Second, collapsing across the rank of the hypothetical character in the question, respondents who were full professors were significantly more likely to choose whistle-blowing than were either assistant or associate professor respondents [$F(2,898) = 7.2$, $p = .001$, $\omega^2 = .016$]. Finally, respondents from large universities were believed to be reliably less likely to whistle-blow than were those from small colleges (means = 4.0 vs. 4.4, respectively; $F[1, 898] = 6.2$, $p = .013$, $\omega^2 = .007$).

8.4. Option 4: Confront the colleague

As the strongest option, confronting an errant colleague was deemed a tactic that would be chosen "sometimes." Two findings regarding this option were noteworthy. First, respondents of all ranks opined that junior colleagues would be far less likely to use this option ("rarely") than would senior colleagues ("sometimes"), with nearly 2 entire scale points separating full professors from the lower-ranked professors (means = 5.1, 4.1, and 3.2, respectively, in descending order of rank; $F[2,906] = 85.2$, $p = .001$, $\omega^2 = .158$). Second, arts/humanities respondents believed that their colleagues at all ranks would be less likely to choose this option than would respondents from the science/engineering and social science fields, the latter of whom felt that this was especially true of junior colleagues [$F(2,898) = 3.5$, $p = .032$, $\omega^2 = .008$]. These two latter groups did not differ from each other ($F < 1.0$). In addition, there was an interaction between the rank of the character depicted in the questionnaire \times size of institution, $F(2,898) = 4.9$, $p = .008$, $\omega^2 = .011$. This came about because, although respondents from these two types of institutions did not differ in their ratings of hypothetical full professors, large university respondents rated the likelihood of confrontation by associate and assistant professors as lower than did small college respondents.

9. Synopses of results

There were five main findings from this survey – the first of its kind – of faculty beliefs about their colleagues' attitudes toward academic freedom and misconduct.

9.1. *Untenured assistant professors and tenured associate professors believed their cohort was less likely to insist on academic freedom than the full professors' cohort*

Throughout the many hundreds of analyses it was repeatedly observed that full professors' opinions regarding the exercise of academic freedom by their peers differed significantly from assistant and associate professors' opinions about full professors. All ranks of faculty respondents believed that lower-ranked faculty members were less likely to teach courses disfavored by senior colleagues, conduct controversial research, or whistle-blow unethical behavior. The magnitude of the gaps separating them from full professors was often large – a shift from belief in doing something “never” to doing it “sometimes,” or from doing it “rarely” to doing it “often.” However, full professors believed that all faculty members would insist on academic freedom far more often than did lower-ranked professors, including tenured associate professors. Compared with lower-ranked respondents, full professors generally believed that exercising strong options, such as confronting wrong-doers, teaching disfavored courses, or publishing controversial findings, was more likely across all ranks. In contrast, assistant and associate professors believed that strong options would be exercised mainly by full professors. Although full professors agreed with assistant and associate professors that their rank would be somewhat more likely to exercise academic freedoms, they portrayed themselves as being much less likely to exercise their academic freedoms than assistant and associate professor respondents imagined them to be. And full professors rated weaker options, such as ignoring wrong-doing, as less likely to be used by everyone than did junior colleagues. The magnitude of some of these differences was very large.

9.2. *There was no support for the “post-tenure renegade professor” hypothesis*

Several commentators have claimed that, once tenured, faculty become indifferent to the criticisms of colleagues, work-adverse, and self-entitled even to the point of valuing their own perquisites over the good of students and untenured colleagues (Kimball 1990; Sykes 1988): “Even in the better schools, a grant of tenure is often an invitation to scale down or even retire from the arduous business of creating knowledge” (Kimball 1990, p. 102). “The renegade professor knows that every genuine idea . . . is a subversive act within the academic culture” that must be quashed (Sykes 1988, p. 264). Our study was not designed to examine the first part of Sykes's claim; however, there was no support for the renegade professor view. *All* faculty, including those with tenure, were perceived as being reluctant to engage in activities that ran counter to the wishes of colleagues. Even tenured full professors believed their cohort would invoke academic freedom only “sometimes,” rather than

“usually” or “always”; they chose confrontational options “rarely,” albeit more often than did lower ranked colleagues, and appeared more conciliatory (adapting courses, trying to reach compromises with critics of their research) than one might have anticipated in light of the principles governing academic freedom. Their willingness to self-limit may be the result of a desire for harmony and/or respect for the criticisms of colleagues whose opinions they value. Thus, the data did not support the depiction of *Professorus Americanus* as unleashed renegade.

9.3. *Full professors were not as brazen as junior faculty believed, and lower-ranked professors were more timid than full professors believed*

Interestingly, lower-ranked faculty believed that full professors would engage in stronger forms of expression of academic freedom than full professors themselves believed to be characteristic of colleagues at their rank. For instance, for several of the scenarios, *lower-ranked* respondents believed that full professors would choose *more* confrontational options than *full professors* believed would be chosen by their full professor colleagues. Conversely, full professors believed that lower-ranked professors would engage in stronger forms of academic freedom than the latter believed was characteristic of colleagues at their rank. For example, full professor respondents often rated assistant professors a full scale point higher than assistant professors believed their assistant professor colleagues would act. In short, everyone believed everyone else was braver than anyone believed herself or himself to be.

9.4. *The lure of tenure and promotion seems to have muzzled lower-ranked professors, who were more reluctant to report ethical misconduct and relatively more willing to abandon unpopular teaching and research*

If such avoidant behavior ended when tenure was awarded, it might still be cause for concern. However, as seen, similar avoidant behavior, though at a somewhat reduced level, was observed among tenured associate professors, who were often reluctant to exercise academic freedoms many years after receiving tenure. From its genesis, tenure was intended to provide freedom to teach and research unpopular ideas, yet associate professors in our study were almost always less likely to insist on such freedoms than were full professors and were closer in their ratings to untenured assistant professors than to tenured full professors. It is one thing for an untenured faculty member to withdraw a course because of dissatisfaction among senior colleagues; it is another matter to observe associate professors, years after they should have been freed from the forces of external control over teaching and research, abrogating their academic freedom. Given that it can take 12 to 15 working years or more to become a full professor, this “hush time” seems quite protracted. Critics have argued the case that the academy's system of evaluation militates against the public interests that were enshrined in the tenets of academic freedom, and has become self-serving for senior professors at the expense of those below them. The results of the present study do provide some

support for this criticism, depicting lower-ranked professors at the mercy of senior faculty, and rendering academic freedom a somewhat relative concept (Sykes 1988, p. 137), even if the senior professors are unaware they exert such pressures on their lower-ranked colleagues.

9.5. Results were consistent across academic fields, types of institutions, and genders

Across the many hundreds of linear and logistic analyses we conducted, the conclusions were consistent for men and women, physical scientists, social scientists, humanists, and respondents from large and small institutions. When differences between genders or academic fields or institutions occurred, they tended to be small and nonsystematic. In some ways, this was the most surprising result. It underscores the pervasiveness of the academic culture: Being a tenured or tenure-track faculty member is associated with a set of values and beliefs that seems to be independent of type of institution, academic discipline, or gender, with a few exceptions that showed rather small effect sizes. It bears noting, however, that had we surveyed other geographic regions and other types of institutions (e.g., religious, small low-status, state vs. private), the results may have been less uniform. This hypothesis will require even larger-scale efforts than the present study to examine.

10. Discussion

It has been ninety years since the American Association of University Professors and the American Association of Colleges formulated the modern U.S. notion of tenure and academic freedom in their 1915 joint statement, but, as Fuchs (1997) has asserted, “the freedom of individual faculty members against control of thought or utterance from either within or without the employing institutions still remains the core of the matter” (p. 147). In this study, we examined the extent to which this core aspect of tenure – freedom against control of thought or utterance – extends to two kinds of behavior: the freedom to teach and research unpopular ideas, and the freedom to whistle-blow in the face of ethical misconduct. The results of this survey of U.S. faculty at top-ranked colleges and universities, across a broad range of disciplines and ranks, indicate that two groups of tenure-track faculty – untenured assistant professors and tenured associate professors awaiting promotion to full professor – appear to defer some aspects of their academic freedom, presumably out of concern that exercising this freedom might result in negative consequences for their career advancement. The effect sizes associated with several of the findings were fairly large and reflected *non-overlapping distributions* of answers between the responses of full professors and those of their lower-ranking colleagues. Substantively, this difference translates to an entire scale point or more separating the beliefs of full professors from those of their lower-ranked colleagues, tantamount to a shift in central tendency from “rarely” engaging in some behavior to engaging in it “sometimes,” or from engaging in it “sometimes” to engaging in it “often.” These variations strike us as large differences in group

beliefs. If one group of professors believes their colleagues will rarely confront wrong-doing, for example, while another group believes they will confront it often, this could lead to significant group differences in behavior – even if the beliefs are ill-founded.

Although tenure and academic freedom are viewed differently in many countries, we believe these U.S. findings will be relevant to at least some other national systems, including the Canadian system, which shares many of the features of the U.S. system, and the British and German systems. For instance, the *Education Reform Act* (1988) stipulated that all academics at universities in the United Kingdom whose appointments and promotions took place after November 1987 would no longer have tenure. The *Act* does not appear intended to undermine academic freedom, however, specifying that it “shall . . . ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges” (Farrington 1994, p. 228). Thus, in the U.K. system, the concept of academic freedom is endorsed in the absence of tenure. And yet, because faculty research productivity and impact is evaluated, and funding is tied to these evaluations, it is imaginable that pressures to conduct certain types of research that are rated as more valuable may be implicit, as various British colleagues have suggested to us. At German universities, fixed-term assistant professors are directly supervised by tenured full professors, who also are the primary advisors for their habilitation project (akin to a second doctorate). Thus, the relationship between tenure and academic freedom is more complicated, though our U.S. findings should, if anything, be even more salient in that country (because of the longer wait in Germany for first tenure).

The scientific study of “academic dominance hierarchies” and other inter-group relations among faculty members has a long tradition in the behavioral and social sciences (for extensive review, see Becher & Trowler 2001). Recently, commentators have noted the growing internal hierarchies and divisions among disciplinary faculty and staff, stimulated by the fragmentation of research arising both from the greater emphasis on teaching needs in mass higher education systems and the political imperatives of economy and efficiency in what is becoming an increasingly global enterprise. Becher and Trowler (2001) asked 220 academics from 12 disciplines and 18 institutions in the United Kingdom and the United States to describe their perceptions of their employment and working conditions. Their conclusions resound with warnings about the changing nature of academic work and the questionable future of many traditional academic values and practices:

The rapidly changing disciplinary fundament has had dramatic effects on many of the longer-established as well as the newly developed academic tribes in recent years. The demands on permanent full-time academic staff have multiplied: Academics find they must, for example, not only generate new courses; they must cost them, determine and stimulate markets for them, evolve new ways of delivering them and ensure they can stand up to hard external scrutiny. The stress on old assumptions about the nature and organisation of work are becoming more difficult to resist across the

world. The impact of these extra tasks and the additional time they involve varies with the individual's academic rank and the type of parent institution . . . research has shown managerialist policies to have imposed new and less favourable working conditions, reduced the scope of individual discretion and generally tended to deskill the members of the academic profession . . . [and] has had an impact on individuals, qualifications for employment and for their subsequent promotion. (Becher & Trowler 2001, pp. 17–19)

The present study is a scientific examination of the innermost political workings of one of the most complex hierarchical educational systems – namely, a study of academic freedom, tenure, and promotion, and the disciplinary and institutional differences in their operation. The impact of the changing roles and responsibilities of academics documented by Becher and Trowler (2001) may vary not only with discipline, but also with academic rank (Slaughter & Leslie 1997), type of parent institution (Clark 1997), and perhaps myriad personal characteristics (e.g., gender). It may even be that tenure and academic freedom have different meanings and realities to those who became academics in the 1960s and 1970s than to those who joined faculties in the 1980s and 1990s, with the latter academics effectively joining a different profession. The design of the present study allows us to examine, albeit tentatively, all of these claims.

In fact, in commenting on our results, one reviewer remarked on the resemblance between the behavior of senior faculty and that of their infrahuman cousins described by de Waal (1998): “It’s difficult not to see the submission of group members to the alphas at work.” Barring other explanations that we may have overlooked, we see it that way, too.

10.1. What other explanations are there?

We considered three alternative explanations for the differences among the three ranks of faculty. First, one could argue, for example, that full professors may be more emboldened to exercise their freedom to teach and research controversial topics and whistle-blow wrongdoing, not because they are finally free from further promotion insecurities, but because they are older, wiser, and so on. That is, their behavior has less to do with career advancement issues than with age and experience. Second, one could argue that full professors’ job definitions may have been structured differently from those of younger cohorts, leading to the differences observed in this survey. Finally, it could be argued that non-whistle-blowing was the result of a failure of the dilemmas to cross some subjective ethical threshold for respondents, rather than a result of any threat of negative professional consequences in the event that one did confront wrongdoing.

Our reason for favoring an explanation centered on the fear of negative promotional consequences, as opposed to the first two cohort and epochal effects, is that when we ran the analyses using a proxy for faculty respondents’ hiring cohorts (i.e., with total number of years as a professor used as a covariate to control for job-related expectations that may have changed over time), we continued to observe many of the same effects associated with rank that were reported throughout this target article. For example, for Question 1, three of the four sets of findings were replicated when years as a professor were controlled

in the model. When associate professors, who had been employed in the academy for anywhere between 3 and 30 years in our sample, were older than their cohort mean, or when full professors (who had been employed in the academy for between 6 and 40 years in our sample) were younger than their cohort mean, they tended to behave more like their respective ranks than like their hiring cohorts or age groups. These covariance analyses support the interpretation that the observed results have *less* to do with how many years one has worked as a professor (or the epoch during which one was hired), and *more* to do with the rank one occupies (and whether further evaluations for promotion are pending).

In a related fashion, when “number of years within current rank” was taken into account as a covariate, there was also little evidence that older, more experienced colleagues within a given rank were different from their younger but same-ranked colleagues. The systematic nature of the findings – specifically, increased insistence on academic freedom to teach and conduct research that coincides with increased rank, independent of age or experience – renders alternative explanations less likely. Similarly, the covariance analysis for the two ethical dilemmas, using both total years as a professor and years within rank as covariates, did not alter the results from the analyses of variables for either of these dilemmas. In other words, the senior faculty members were still more likely to whistle-blow than were junior faculty, even when their ages were equated (e.g., a full professor promoted very early compared with an associate professor of the same age and years as a professor).

Concerning the third explanation (failure of the dilemmas to cross some subjective ethical threshold for respondents), without assuming a lot of “factor X” assumptions, it is not clear why these dilemmas *did* cross a threshold for young full professors but did not cross it for same-aged associate professors.

Given human nature, perhaps we should not be surprised to observe faculty avoiding confrontational tactics that could jeopardize their chances of earning tenure (in the case of assistant professors) and promotion to full professor (in the case of associate professors). Surely, professionals outside the academy are also reluctant to press their freedoms and exercise their moral obligations if doing so might derail their careers. In fact, it is possible that the professoriate is less reluctant (i.e., more emboldened) than professionals outside the academy – an empirical question that must await research on non-academic professionals.

10.2. Does tenure serve its original purpose?

Tenure has been “sold” to policy makers and stakeholders (e.g., state legislators, parents, taxpayers, university administrators, and the professoriate itself) as a means toward an end – that of providing intellectual freedom unlike that of almost any other profession – on the grounds that it will enhance teaching and scholarship and ultimately contribute to the “common good” (Fuchs 1997). On the basis of the results of this survey, critics may ask whether this price is worth paying for the established social goods that emanate from the current system; namely, helping to attract a high-quality workforce, protecting faculty scholarship against McCarthy-type intrusions, and improving

student graduation rates on campuses with relatively higher proportions of tenure track faculty (Ehrenberg & Zhang 2004).

However, these social goods are counterbalanced by the finding that assistant professors are perceived by their colleagues to be silenced by the fear of a negative tenure evaluation if they assert their academic freedom to teach and research or to whistle-blow on an errant senior colleague. In this sense, tenure could be seen as a muzzle on those who have not yet achieved it, if only because of their implicit belief that it will be withheld if they do not appease senior colleagues. Once tenured, associate professors are perceived to be somewhat more willing to “ruffle feathers,” but not nearly as free to do so as one might expect, given the rhetoric surrounding the justification of tenure as a liberating force. Compared to untenured assistant professors, associate professors with tenure were perceived as being only slightly more inclined to whistle-blow in the face of ethical violations, nor were they seen as being especially willing to assert their freedom to teach disfavored courses or research unpopular ideas if doing so conflicted with the desires of those who will one day sit in judgment of them for promotion to full professorship.

Thus, tenure can be described, at least in part, as a double-edged sword: a reward so highly motivating that it helps attract high-caliber professionals to the academy, but also a reward so eagerly anticipated that it can at times engender nonoptimal outcomes such as forgoing one’s rights, freedoms, and responsibilities. As Sykes (1988), a critic of tenure, argued: “[even though] academic freedom is the rock on which tenure is founded, and tenure is the heart of the academic enterprise, tenure is also the ultimate protection from accountability.”

In view of the central role tenure has played in the evolution of academic freedom at U.S. institutions (Brown & Kurland 1993), we can now revisit the question we set out to address: namely, whether tenure and academic freedom still serve the original purposes for which they were intended and for which they continue to be justified. For a strong tenure system to be broadly supported, it should do more than help attract a talented workforce to jobs that are not highly paid relative to the private sector (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); it should foster academic freedom and flexibility, and convey to those who have it the freedom to stand up to ethical improprieties and professional misconduct and espouse political speech that may be unpopular among colleagues and administrators. *The findings from the present survey suggest that tenure itself does not result in faculty members routinely teaching courses that their senior colleagues disfavor, nor in their conducting research that their senior colleagues dislike.* The question we ask is: What, if any, system of incentives and accountability might work more effectively than the current system to foster the goals for which tenure and academic freedom were originally justified? For this question we currently have no answer as far as the original goals are concerned, though it seems important to acknowledge that U.S. universities are regarded by much of the rest of the world as a success story – a desirable place to send their talented students for advanced training. We hope

that in our effort to improve matters, nothing impedes the continued success of our universities in the eyes of the world.

10.3. *Caveat lector*

Finally, we note that although 1,004 subjects may seem like a large sample in the behavioral sciences, it proved to be too small to disaggregate the three superfields (arts/humanities, social sciences, and physical/engineering sciences) into their constituent departments because the size of cells rapidly dwindled below that for which sufficient statistical power existed. It is conceivable that specific fields differ in important ways that could not be revealed here. For example, is anthropology closer to the behavioral/social sciences than to arts/humanities? Are some fields of biological science closer to some fields in the behavioral sciences than to the physical sciences? Do fine arts professors differ from humanists? Another limitation of our sample is that we confined our sampling to the top U.S. universities and colleges. It would be of interest, for example, to compare state-supported versus private colleges, or top research institutions (e.g., doctoral-extensive) versus lower-ranked institutions (doctoral-intensive), or religious institutions versus secular ones. Neither did we examine geographical differences or medical schools in which tenure has been decoupled from salary, nor faculty working in centers, institutes, or other locations outside of named disciplinary departments. As such, we have no knowledge about such potential differences. Finally, we focused exclusively on U.S. institutions, and it would be very interesting if transnational comparative data were available.

11. Conclusion

In conclusion, the results of this survey of U.S. institutions revealed both subtleties and surprises about tenure, promotion, and academic freedom. Blanket criticisms of tenure, focusing on the “unleashed monster,” received no support. Respondents perceived senior colleagues as moderate and ill-inclined to rush to judgment or confront others; tenured professors were viewed as not insisting on having their way. However, neither was support found for glib celebrations of tenure’s sanctification of broadly defined academic freedoms. Lower-ranked faculty appeared “muzzled” by the fear that displeasing senior colleagues could result in denial of tenure and promotion, and the finding that tenured associate professors were perceived as being less likely than full professors to exercise academic freedom suggests a “hush time” lasting 10 to 20 years or more. In sum, the picture of tenure, promotion, and academic freedom in 2006 proved more complex than many critics and proponents have acknowledged.

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Open Peer Commentary

Intellectual conformism depends on institutional incentives, not on socialized culture

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Abstract: The study by Ceci et al. shows that academic behavior associated with the core principles of intellectual freedom is more shaped by institutional incentives than by organizational culture. From an organizational theoretical point of view, this is quite an unexpected finding, not least because we do believe universities to be fairly strong and explicit cultures that should be successful in socialization.

In their highly intriguing article, Ceci et al. ask whether tenure is justified and investigate the topic by presenting an innovative scenario survey to a representative sample of academics. My commentary dwells on the broader conclusions that can be drawn from the study both politically and theoretically. Depending on the expectations you have, the results at which the authors arrive can be interpreted in fairly divergent directions, underpinning both a pessimistic as well as a more optimistic view with respect to tenure. The authors themselves appear to take a rather pessimistic stand that is primarily based on the degree of conformism and compliance to “group-think” demonstrated in the survey by assistant and associate professors on their way to, or even in the possession of, tenure. Hence, no doubt the study proves that the tenure-track system fosters academic behavior that is far from the ideal of academic freedom, if the latter is understood as comprising independence of mind, intellectual courage, and nonconformism, except when the highest echelon – the full professorship – is reached. The authors are worried that an academy that is not able to instill the norms of academic freedom beyond a minority of its professionals is in trouble. But, as stated earlier, that depends on the expectations you have.

In contrast, I was struck by the degree to which full professors actually were believed to act independently in the two case scenarios out of the five that specifically aimed at capturing the principles of academic freedom rather than general ethics: trying to make public controversial research results and teaching courses regarded for some reason as problematic among colleagues. Not only did full professors themselves believe that faculty in their category would behave with integrity to a greater extent than would those in other ranks, but so did the other two categories in the study. Given the fact that universities generally are highly hierarchical organizations, sometimes even described in terms of being “feudalistic” and built up around networks and small coteries of scholars fighting each other while depending strongly on in-group loyalty, it is encouraging to note that despite such an organizational environment, nonconformism is nevertheless an expected behavior once the institutional preconditions exist to safeguard it.

The most important finding that Ceci et al.’s study shows is exactly this: Academic behavior associated with the core principles of intellectual freedom in the end is more shaped by institutional incentives than by direct socialization. Although junior staff on their way to tenured positions are definitely believed

by all categories to behave in ways that can best be described as conformist or politically correct, the study demonstrates that this pattern of behavior fades away as dependency on colleagues diminishes. It is not an instant break with earlier behavioral patterns, as even tenured associate professors are believed to succumb to external and collegial pressures to a higher extent than could be expected, but it is a clear tendency. Interestingly enough, this change in behavior is not believed to appear at all to the same extent when the three scenarios focusing on more general ethical concerns are brought into the picture. Here, all categories of professor instead behave in a way that indicates the existence of a negative *esprit de corps*: not reporting on cheating or harassing colleagues.

Paradoxically, the results lead to the conclusion that the university system is both a weak and a strong organizational culture. In the earlier and formative phases of an academic career, being more or less forced into behaving in an overly conformist way should, according to both culturalist thinking and organizational theory, socialize persons into a behavioral pattern that should be sticky over time. Learned behavior, on both an individual and an organizational level, usually turns into norms that are quite tenacious and thus hard to change.

However, that is not the case here. Although with some time-lag, behaviors do change in quite a substantial manner, going from conformist to nonconformist when the norms of academic freedom are concerned. From an organizational theoretical point of view, this is quite an unexpected finding, not least because we do believe universities to constitute a fairly strong and explicit culture that should be successful in socialization. The study discussed here points in the direction of American universities being cultures in which double standards are upheld.

The norms of academic freedom, such as integrity, independence, and – far and foremost – nonconformism, survive on a meta-level even after years and years of behavior by oneself and others which does not at all live up to these norms. It is the changes in the institutional arrangements, then – that is, being tenured – that finally make behavior correspond more to the meta-norms. However, though I here emphasize how important institutional incentives seem to be, this is not to deny that socialization does play a part. The depressing results found by Ceci et al. regarding tenured associate professors who are believed to still behave in conformist ways, point to direct socialization effects being in play – effects that only successively decrease.

They do decrease, however, and the arrangements liberating the individual scholar from having to please his or her colleagues either out of direct pressure or out of anticipation of future career opportunities are what contribute to this change.

In contrast to the European university systems, and, in particular, the Swedish one which I know best, the American tenure-track system strikes me as being based on a more pragmatist perception of both individual human nature and how organizations function. Generally, individuals are group-oriented and depend to a large extent on being approved of and liked by the group. Even though persons attracted to an academic career may be below average in this respect, that is, be somewhat less willing to adapt, being active in an hierarchical organization like the university necessarily exercises a lot of group pressure. Thus, the institutional counter-forces to fight individual and organizational tendencies to conformism must be radical. Tenure offers a solution. It does not solve the problem regarding conformism on the lower levels, but, as the study shows, tenure is a result of the effects of the institutional incentives preceding it. In the Swedish system, the equivalent to tenure for full professors was abolished ten years ago. The institutional incentives today are to a large extent promoting collegial and ideological conformism, as there are few academic positions where research is included. Instead, research is to an absolute majority financed through applications to external funds. In such a system, not even the full professors can escape collegial and ideological pressures.

In the light of what Ceci et al.'s study shows, the American tenure-track system still seems quite superior.

Why ask if tenure is necessary?

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Abstract: Although the target article is groundbreaking and creatively conceived, there are troubling questions regarding its methodology and conclusions. The sample in the authors' study was drawn from a popular magazine's lists; there is no recognition of the fact that most faculty are now off the tenure track; and comparisons are made with the British system with no supporting data.

I begin with a disclaimer. I write from my perspective as the most recent past president of the American Association of University Professors (AAUP), the premier defender of tenure in the American academy.

The target article, although ambitious, groundbreaking, and laudable in many respects, raises a number of questions about its methodology and conclusions. Why did the authors choose to select their sample from lists of purportedly superior institutions published in a popular magazine when they might have sampled from a list of all the institutions in the country? The fact that the lists are of questionable validity for judging the quality of an institution is almost irrelevant.

The overwhelming majority of students in the United States attend and receive their degrees from postsecondary institutions that would never come within hailing distance of such lists. Not only are almost two-thirds of faculty members employed in institutions that do not appear on such lists, but they are employed off the tenure track. It would be of great interest to know how at-will employees – which is what most American faculty now are – would respond. Having made the choice to sample as they did, however, the authors might have provided a list of the participating institutions without violating the anonymity of their respondents. That information would be most helpful, not only in judging the instant article, but also in designing future studies.

It is almost always preferable, of course, to employ an experimental rather than a correlational design, and the difficulties attendant on doing so in a study of this type need not be catalogued here. Issues of response bias are also all too familiar. Nonetheless, a more direct measure of faculty behavior would seem to have been preferable, even at the cost of foregoing the advantages of an experiment. What is the relative incidence among tenured, tenure-eligible, and at-will faculty of actual self-censorship in the arenas of teaching and research? What is the incidence of overt and covert threats to academic freedom among those groups? Of course, simply asking the obvious and straightforward questions risks biased responses, but it might yield more potentially useful data.

The suggestion that the tenure system, because of its high reward value, might engender the paradoxical effect of decreasing the exercise of academic freedom must be addressed. It is not simply the denial of a reward, as the target article suggests, but in many instances it is the end of an academic career. One must keep in mind the consequences of a denial of tenure, especially in the current academic job market.

The unexpected finding that rank is a better predictor of hypothetical behavior than tenure status is difficult to explain, and the authors' suggestion that age and experience or differences in professional socialization might account for it is an attractive hypothesis.

Granted that questions regarding confronting sexual and research misconduct are and should be of great concern to the profession, they are not, strictly speaking, issues of academic

freedom but, rather, of professional ethics. Nowhere, to my knowledge, does the AAUP (or other associations, for that matter) claim that tenure is either a guarantor or protector of ethical behavior in situations such as those described in the survey instrument. Admittedly, one might reasonably infer that to be the case, but it is not ordinarily put forward as a defense of the tenure system. As the authors opine, the reasons for respondents' reluctance to confront unethical behavior are probably both myriad and complex. The social and diplomatic skills necessary to deal with errant colleagues are not ordinarily taught as part of a graduate program.

The suggestion that tenure might not be necessary to protect academic freedom on the grounds that tenure no longer exists in the United Kingdom, where academic freedom appears to thrive, is startling. That no data are provided in the target article to reinforce the claim is problematic, but the unstated assumption that the two systems are directly comparable is simply wrong. The differences between the British and American university systems are legion. The sheer size of the American academy, coupled with its heterogeneity, is the first and most obvious. Depending on the criteria used to identify them, there are more than 3,000 or more than 4,000 postsecondary institutions in the United States. They can be classified in a bewildering number of ways: by size, purpose, method of control (public, private, for-profit, religious, and so on), degrees granted, and so forth.

Although the AAUP would not suggest that enlightened labor legislation or a well-negotiated collective bargaining agreement could substitute for tenure, it is the case that most British faculty are represented by strong unions and protected by law. The situation in this country is that the vast majority of our faculty members are not unionized – even when unionization would be their preference – because they are either employed in public institutions in states that do not permit public employee collective bargaining, or employed in private institutions whose faculty are effectively barred from unionizing as a result of the 1980 Supreme Court *Yeshiva* decision. Recall that this decision found, most astonishingly, that the faculty of Yeshiva University are “managers” and, therefore, ineligible to bargain collectively under the protection of the National Labor Relations Act.

Nonetheless, I end on several positive notes. The target article is, indeed, both groundbreaking and innovative. As is often the case, some of the more interesting results were to be found in the interactions rather than the main effects, and these results should have heuristic value. It is gratifying that no support was found for the notion that the granting of tenure turns Dr. Jekyll into Mr. Hyde. And from the standpoint of good reporting, I was delighted to see the distinction drawn between statistical and practical significance – one that is too seldom made.

The economic justification for academic tenure

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Abstract: The ocean of academic knowledge is now so wide and so deep that university administrators must rely on the incumbents in their departments to identify and train new hires. This is in direct contrast to a sports team, where management can readily identify new talent. It follows that aging academics get to enjoy tenure, whereas older athletes do not.

The target article by Ceci, Williams, and Mueller-Johnson (Ceci et al.) makes it clear that academic tenure is not sufficient for academic freedom. Of course, the purely logical case for

tenure is based on necessity. Tenure is a requirement for academic freedom because, without it, even a full professor at the end of his or her career might be reluctant to speak freely. But if tenured academics are not speaking out then, as Ceci et al. suggest, we need to ask whether there are other justifications for the practice.

Some critics of academic tenure argue that it is unjustified, pointing to the protection it gives unproductive older scholars. These critics seem to think that a university should be run more like a professional sports franchise. Like a sports team, a university department has a fixed number of positions (“slots”) that must be filled. In athletics, this means that every season each incumbent athlete is held to the standard of his potential replacements: past glory counts for little once current performance begins to decline.

A good university will also try to hire and retain the very best young talent, but old professors linger on – in some cases long past the time when a fresh new face would have improved overall quality. It is not academic freedom that is wanting, but academic performance. Why should this happen? If the goal of academic tenure is to generate unfettered research and teaching, and if we are not getting much of this (as the target article suggests), then why are universities not organized more like sports teams?

The answer is unlikely to be that the training period of a professor is particularly long, or that it requires exceptional dedication, or that it is undertaken with a low probability of success. Athletes too must assign their youth to focused study for little or no remuneration and with no guarantee that their efforts will ever help them earn a living. Neither is it clear that an academic has more to lose if he or she is forced to give up his or her job late in life. Athletes love their work and often have very few skills to bring to the outside labor market.

Ceci et al. also suggest that academic tenure might be compensation for low pay. Athletic salaries are high, but this was not true before television, and it is still untrue in the less popular sports. Poorly paid athletes do not get tenure – they find other work once their athletic careers are over. And, although it may be true that the productive period of an academic’s career is longer than that of an athlete’s, this would explain only why the average academic career is relatively long, not why older professors are never fired.

So why is it that academics are anointed with tenure but athletes are doomed to fight (and eventually lose) a battle for positions on the team? The economic explanation does not rely on academic freedom. It depends on the critical importance to the organization of hiring the best talent and the relative difficulty of observing potential performance (Carmichael 1988). Athletic skill is comparatively easy to judge, and management is better than most at identifying the best young players. In a successful university, it is the incumbent professors in a department who choose whom to hire. Given the vast and expanding state of academic knowledge, these are the only university employees in a position to judge the potential of candidates.

With time, of course, the research and teaching productivity of all faculty becomes easier to observe. So, in principle, the dean could fire the weakest faculty member in a department and then accept the advice of those remaining on whom to hire. But suppose you were working at a university that had this policy: you would understand that everyone in academe eventually sees their performance fall as they age, and that, as the knowledge frontier expands, each generation of scholars has a head start on the previous one. So you would know that if you identified the best candidates to hire, there would come a time when your performance would fall below that of the younger people in your department. In this context, would you ever recommend the hiring of someone you expected to be better than yourself? Equally important, perhaps, would you ever pass on to a brilliant young colleague the specialized knowledge you have gained from years of professional experience?

Tenure is not just about academic freedom, which is the hypothesis challenged by the target article. Tenure is also

required if incumbent professors are going to identify candidates who might turn out to be better than them, and if they are going to help these young scholars by passing on their accumulated knowledge. Like the academic freedom argument, this claim is based on necessity – tenure on its own may not be sufficient for good hiring. But without it, the university would lose something valuable: the input of its incumbent scholars to the hiring and training process.

This view of tenure is consistent with some other aspects of academic life. Young professors are often hired on “tenure track” appointments, meaning that their tenure decision will depend on their individual performance only, not on their performance relative to that of their colleagues. This fosters collaboration among young scholars and allows them to participate in tenure and hiring decisions. As well, since faculty have no input to personnel procedures in other departments, administrators can provide incentives by letting entire departments compete for resources. Among economists this idea is sometimes expressed as: “Good universities don’t support their bad departments. And bad universities don’t support their good departments.”

The economic justification for academic tenure depends critically on the value of the information provided by incumbent professors. If management can evaluate potential new hires, as it can in high schools, community colleges, and perhaps some teaching universities, then there are no good economic arguments for tenure. In these cases, especially if there is no compelling argument based on protecting freedom of expression, we should let management hire and fire under the same legal constraints as in any other industry.

Scientific psychology and tenure

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Abstract: Ceci et al. draw conclusions that are inaccurate, analyze and report results inappropriately, fail to translate their scale into policy-relevant terms, and draw overly strong conclusions from their single study. They also attribute all the ills of academic appointments to tenure, and ignore problems with other aspects of the system. Their conclusion that tenure is not supported is at best premature.

Ceci et al. contend that the practice of tenure is not supported by its limited impact on judgments by faculty members that their colleagues would intervene in certain academic controversies or ethical violations. But the application of scientific psychology to such policy issues as tenure is valid only if the research adheres to methodological criteria that ensure the legitimacy of the empirical conclusions, and policy implications respect the complexity of the societal system to which scientific findings are applied. Ceci et al. are to be challenged on both grounds.

Ceci et al.’s major conclusions are sometimes inaccurate. In section 9.1 of the target article, they assert that “Untenured assistant professors and tenured associate professors believed their cohort was less likely to insist on academic freedom than the full professors’ cohort.” This is incorrect for the scenarios that directly concern academic freedom. Figures 1 and 2 demonstrate that the perceived likelihood of professors at their own rank teaching a controversial course as planned is lower for assistant professor judgments ($M = 3.0$) than for associate and full professor judgments ($M = 5.0$ and 5.0 , respectively). Figure 5 demonstrates that the perceived likelihood of professors at their own rank submitting unpopular research is much lower for assistant professors ($M = 3.3$) than for associate and full professors ($M = 6.0$ and 6.3 , respectively).

These inaccurate conclusions are anticipated by Ceci et al.'s unclear analysis and presentation of results. The authors never report actual comparisons corresponding to the preceding conclusion and confuse target and respondent rank in several places. For instance, in section 5.3 they write, "all expressed the belief that full professors would be more likely to confront a wrong-doer . . . however, the magnitude of this difference was rather small – only .3 to .4 of a scale point separating full professors from associate and assistant professors." But the qualification concerns respondent rank and the initial claim target rank, which actually differs by over 1.0 unit between assistants and fulls and over .5 units between associates and fulls (see Fig. 3 of the target article). And, in section 4.2, Ceci et al. report that, "the likelihood of teaching the course as planned . . . was believed to be *much* higher if the faculty member in the dilemma was described as a full professor than as an associate or assistant professor [both $F_s(2, 904) \geq 108, p < .0001, \omega^2 = .193$]." What the two F s represent is ambiguous (numerator degrees of freedom are 1 for pairwise comparisons), and this pattern only occurs when averaging across respondent rank rather than focusing on faculty judgments of their own rank. Furthermore, it tells little about the more relevant contrast between assistants and the two tenured ranks.

Ceci et al. report statistics on the significance and strength of their findings, but fail to translate their scale into meaningful terms for policy. The critical question is: What proportion of tenured and untenured faculty would act in accord with academic freedom? The answer to this question requires some threshold be applied to Ceci et al.'s scale to produce the desired proportions. To illustrate, assume normal distributions with M s of 3.0 and 5.0 (the values obtained for assistant and tenured ranks for teaching controversial courses as planned) and standard deviations (SDs) of 1.5. With a low threshold of 2.5, 63% of the non-tenured group and 95% of the tenured group would teach the course as planned – an increase of 32% or 51% more faculty. A moderate threshold of 4.0 produces percentages of 25% and 75%, a difference of 50%, representing 200% more faculty. A higher threshold of 5.5 gives values of 5% and 37%, a difference of 32%, representing 673% more faculty. Most proportions, except those for low thresholds at which virtually all faculty members teach the course as planned, represent real improvements in the reported manifestation of academic freedom upon receiving tenure. The basic lesson is that nothing substantial can be derived from the original scale without assumptions associated with thresholds for the critical actions of faculty – something Ceci et al. failed to do.

Other methodological shortcomings include the use of elite faculty who may be less concerned about job security than less privileged faculty, the reporting of effect sizes without acknowledging that small effect sizes are sometimes associated with "robust" effects, failure to conduct contrasts that allow attribution of variability to separate tenure and final rank effects, expecting tenure to be a panacea for all possible influences on academic expression (e.g., concerns about appointment to full professorship, which is a separate issue), and describing their research as "an experimental study of faculty beliefs" when the only true experimental manipulation is faculty rank in the scenarios.

One important methodological and policy limitation is the lack of replication. Ceci et al. are to be commended for taking a first step towards the empirical study of tenure, but it is just a first step. Scientific models tend not to become well-founded on the basis of one study, in part because of every study's inevitable flaws. Later studies tend to be stronger and more comprehensive, hence providing a sounder foundation for a scientific model and ensuing policy implications.

In extending their conclusions to policy, Ceci et al. wrongly attribute all ills of academic appointments to tenure, when in fact tenure is just one element in a complex system. Tenured faculty do not have "appointments for life" and can be terminated for inadequate performance (not just egregious misconduct). Termination may only be rare because of the extremely lengthy

educational and appointment procedures that precede tenure, or because of inadequacies in the administration of university faculty rather than as a result of tenure per se. Tenure can hardly be blamed if administrators choose to not monitor faculty performance, not provide corrective feedback, and not undertake demanding legal requirements for termination similar to those used in comparable professions (e.g., medicine, law).

Ceci et al. also largely ignore the financial and related implications of removal of tenure. The financial implications of lowering university job security could be substantial if universities want to attract strong faculty. This could even extend to serious financial implications for termination if strong faculty members began to demand the kinds of contracts that see senior administrators in business receive extraordinary financial settlements when relieved of their positions. Or, university administrators overly concerned with finances may choose to refuse such requests, resulting in compromises to quality that could be difficult to document.

In conclusion, Ceci et al.'s study does not support the conclusions they draw, nor would those conclusions alone, even if valid, be sufficiently strong to support their policy implications for tenure. Further research and well-founded theorizing are required.

The constraints of academic politics are not violations of academic freedom

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Abstract: Tenure is designed to protect the academic freedom of faculty members by insulating them from arbitrary dismissal by administrative authorities external to their community of scholars. Therefore, the target article's focus on constraints that derive from peer pressures and academic politics is misplaced, rendering the results of the survey irrelevant to the issue of the value of tenure.

Ceci et al.'s conclusions stand or fall on the validity of their measuring instrument. They claim to have assessed the faculty's willingness to insist on the exercise of their academic freedom by determining the extent to which faculty members at different career stages are willing to insist on teaching a course unpopular with their senior colleagues, or to publish a similarly troublesome article. These may very well be interesting data, but they have nothing to do with the value of tenure in ensuring that freedom.

The target article fails to distinguish between interference with academic freedom by forces external to the academy and inhibitions of faculty freedom that derive from interactions within a community of scholars. Tenure is designed to address the former sources of pressure: It shelters faculty from the predilections of legislators, governors, university presidents, and boards of trustees. Tenure cannot affect the group dynamics that operate within a community of scholars. Tenure, as Finkin (1996, p. 3) notes, is the assurance, following a probationary period, that "the professor can be discharged only after a hearing before his, or her, academic peers." That is, tenured faculty can only be dismissed for "just cause" and following "due process." Dismissal is an administrative act, and thus tenure protects against actions by entities or persons in the chain of command, from the president of the United States, down. Tenure, however, does not and cannot insulate faculty members from the constraints of academic politics. The target article demonstrates, at best, the existence of such social pressures, but it provides no useful data reflecting on the value, or effectiveness, of tenure.

The survey administered by Ceci et al. does indicate that at different stages of one's academic career, one is more or less

sensitive to the views that prevail in one's community. In any community, some individuals acquire influence that derives from their record of achievement and their long experience, as well as from their evident ability to influence the views prevailing in the community or from the strength of their personality. Does one really need a major survey to determine that such social dynamics exist?

The point is that adjustments made within the community of scholars are not instances of a failure of tenure to protect academic freedom because these pressures are not exercised by a force external to the scholarly community. Had they really been concerned with academic freedom, Scenario 1 in the survey should have asked about Professor B who is considering teaching a new course which "a number of legislators (or the chair of the board of trustees, or the editorial page of the local paper)" frown upon, rather than whether "several of B's senior colleagues frown upon" this course. The former is a question concerned with academic freedom, the latter is not.

The actual version of this scenario that is used is a matter of group dynamics within the independent community of scholars. The pressures created by my colleague's views are not different than those exercised by members of peer review groups, journal editors, and the audience attending my colloquia. That the more senior the faculty members, the more they are immune to such pressures, is not really all that surprising and has little to do with the value of tenure.

It is inherent in the nature of the academic enterprise that, as a collective, we impose quality control over the curriculum. If I undertake to teach a course on the foundations of cognitive neuroscience, I will be derelict in my duty if I devote my lectures to a brilliant analysis of the symbolism in *Hamlet*, or a detailed examination of Garrigue's analysis of "the influence of T. S. Eliot on Shakespeare" (Lodge 1995). My colleagues, and the chair of my department, may well frown upon my antics; my decision to comply with their guidance would not be a violation of my academic freedom.

My colleagues may frown upon the teaching of phlogiston theory or creationism. Such strongly held scholarly views may very well turn out to be wrong, as knowledge is in a constant state of flux. The dynamics in the battle of ideas, however unpleasant and wrong they may prove to be, are natural concomitants of scholarship; and they are not, as the target article demonstrates, immune to peer pressure and to influence by seniority.

The forces against which tenure protects are those revealed by a survey of public opinion about colleges and faculty, conducted under the auspices of the American Association of University Professors (AAUP) (Smallwood 2006). The results are somewhat troubling to those concerned with academic freedom. While it is encouraging to learn that "80 percent agreed that 'the best way to ensure academic excellence is to make sure politicians don't interfere with research in colleges and universities'" (Smallwood 2006, p. A1), it is disconcerting that 38% of the respondents did not agree that "professors who oppose the war in Iraq should be allowed to express antiwar views in the classroom." And 63% said that public universities should be able to dismiss professors "who join radical political organizations like the Communist Party." This is but a small sample of the results of this very rich survey – a survey that revealed considerable distrust of the academy by conservatives, who tend to worry about the "liberal bias" of professors.

In this climate, the tenure system remains a bulwark protecting academic freedom. There is a long, sorry record of legislators, trustees, presidents, and other public officials either dismissing, or trying to dismiss, members of the faculty who articulate views that challenge the prevailing orthodoxy. As Rudolph (1962) notes in his masterly history of American colleges and universities, the history is that of

the battle between the past and the present in American higher education, a battle between certainty and uncertainty, between absolutism and relativism, between revealed truth and science. (Rudolph 1962, p. 481)

Academic freedom is continually endangered by faith-based thinking that cannot tolerate the scholarly approach which assumes that every assertion is subject to doubt. The target article, by redefining the nature and purpose of tenure, is not serving the cause of academic freedom.

The simple arithmetic of tenure

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Abstract: Academic opinions are irrelevant to the value of tenure. Facts are relevant, and the facts are that tenure protects some academics from losing their jobs because they communicate unpopular information, and that some untenured academics do lose their jobs because they communicate unpopular information.

Ceci et al. have used a research method to study only what the method allowed them to study, have over-valued the information it produced, have misinterpreted the data they did collect, and have ignored relevant information that is available to anyone who reads a newspaper or surfs the Web.

The authors' survey research, however, was precise. They surveyed academics' opinions about what some hypothetical other academics might or might not do in situations requiring them to say or do unpopular things, and then they associated those opinions with both the respondent's and the hypothetical target academic's rank. The simplest way to explain what Ceci et al. found is to say that, on average, everyone who responded to their survey, regardless of academic rank, thought that more senior and higher-ranked academics, in particular associate and full professors with tenure, were more likely to teach politically unpopular courses, to do unpopular research, or to blow the whistle on academic miscreants, than were less senior untenured assistant professors.

But that's it.

The authors interpreted their sample survey of opinions as a quest for "data illuminating the extent to which tenure and academic freedom serve their original purpose. . . . [W]e conducted the first survey of faculty opinions about whether tenure continues to promote 'honest judgment and independent criticism,' key elements of academic freedom" (sect. 1.1, para. 3). The assumption that "academic opinion" can determine "whether tenure serves its original purpose" was never justified – and is not justifiable.

Ceci et al. draw a conclusion that is contradicted both by the opinions they surveyed and by the facts. They write, "*The findings from the present survey suggest that tenure itself does not result in faculty members routinely teaching courses that their senior colleagues disfavor, nor in their conducting research that their senior colleagues dislike*" (sect. 10.2, para. 4; emphasis in original). Their own survey shows that respondents thought that the academics least likely to teach disfavored courses or do disapproved research were hypothetical non-tenured assistant professors, and the most likely were tenured professors, with tenured associate professors in between.

The opinions Ceci et al. collected and tabulated have nothing to do with the social or political value or importance of tenure. The costs and benefits of tenure are not calculated in units of opinion but in units of action. The unknown cost of tenure is the hypothetical existence of some unstated number of lazy or superannuated professors who collect their salaries while doing very little or nothing at all. The known benefit of tenure includes the ability of academics to use its protection to fight off the pressure to fire them when they present

opinions or data that influential people or groups in society do not like.

J. Phillippe Rushton, a psychology professor at the University of Western Ontario, was able to resist the pressure to fire him over an allegedly racist theory that he proposed at a scientific meeting. The pressure was generated by a media campaign, and it was inflamed by the premier of his province and by administrative other ranks within his own university faculty. He kept his job because he had tenure and because his university president supported him (Horn 1999, pp. 330–31; Rushton 1998).

Nancy Oliveri, an untenured University of Toronto medical researcher affiliated with Toronto's Hospital for Sick Children, was fired from both her university and her hospital positions after publishing drug trial medical findings that embarrassed Apotek, the company that sponsored the trials. Her findings also embarrassed the university, which was negotiating with Apotek to endow a multimillion-dollar biomedical research building. Dr. Oliveri's case became a public *cause célèbre*, and she was finally reinstated by both the university and the hospital (Oliveri Symposium 2004).

The argument for tenure is succinct. On the one hand, the tenured professor who publishes unpopular ideas may suffer social, political, and personal persecution and may be threatened with other unpleasant consequences, but his or her tenure keeps at least one bad thing from happening: He or she does not lose his or her job. On the other hand, a researcher or professor without tenure will be sacked if his or her unpopular ideas offend, for whatever reason, the university administration or public or private powers with influence on the university. These facts are worth more than any number of opinions, no matter how carefully collected.

A counter-argument is that tenure artificially protects people in the upper echelons of academia. The result is that lower-level untenured academics such as sessional lecturers and assistant professors suffer because the accumulated aggravations that an administration cannot vent against its senior academics will be discharged against its lower-level employees. Therefore, either everyone or no one should have tenure. This is a bad argument.

It is unreasonable to extend tenure, which is a conditional guarantee of permanent employment, to probationary employees. No rational organization (excluding, for example, fraternities, Al-Qaeda, and the Ku Klux Klan) would offer a promise of permanent membership to beginners. The new academic simply might not work out. Most North American universities use the transition between assistant and associate professor as a decision point for dropping or keeping an academic. It is an obvious place to make the decision that John or Jill has enough talent to make us want to invest in his or her career as a professional academic, and in the interest of protecting his or her freedom of inquiry we will also endorse that decision with tenure. Tenure means only that we cannot dismiss John or Jill without cause, and that we specifically cannot dismiss him or her for reporting unpopular ideas, teaching a controversial course, or whistle-blowing on an academic miscreant.

Ceci et al. cite articles and books that report on academics who were dismissed or threatened with dismissal because of their opinions or their research. Then they justify their own work by writing that "it is curious that there exist no data illuminating the extent to which tenure and academic freedom serve their original purpose. To examine this question, we conducted the first survey of faculty opinions about whether tenure continues to promote 'honest judgment and independent criticism,' key elements of the essence of academic freedom" (target article, sect. 1.1, para. 3). The data, which they choose to ignore, are right in front of them. Opinions do not "[illuminate] the extent to which tenure and academic freedom serve their original purpose." Facts do. The facts are clear, but Ceci et al. apparently did not notice this, because they

conclude on the basis of their opinion survey that "*tenure itself does not result in faculty members routinely teaching courses that their senior colleagues disfavor, nor in their conducting research that their senior colleagues dislike*" (sect. 10.2, para. 4; emphasis in original). Of course tenure by itself does not produce any of those things; it just protects the people who do produce them.

The untouchables: Benefits, costs, and risks of tenure in real cases

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Abstract: The exceptional importance of the Ceci et al. study for the debate over tenure is noted, particularly the perceived importance of academic rank relative to tenure status. Beyond the significance of academic freedom lie important issues of the costs and benefits of tenure that now need to be addressed in equally rigorous research involving extensive, detailed consideration of actual cases.

There are many ways to consider the question "Is tenure justified?" Ceci et al. have reported one ingenious approach, a tour de force, dizzying in its statistics and complexity of interpretation, and it is the most important study of the issue in decades. Like any great science, it raises almost as many questions as it answers, but it brings a vast amount of fresh data and thinking to the table.

Tenure is a peculiar quality of academia. It has recently been replaced by renewable contracts at a few universities, and some universities have even offered to "purchase the tenure" of some tenured faculty. Job security outside academia is sometimes almost as strong as tenure, however, such as in some government agencies or union shops. Labor and employment laws can help with job security, but little equals the job security of academic tenure, especially concerning freedom of expression.

Tenure has positive and negative features for grantors. It can help recruit and retain desired faculty, and it can allow for more precise long-range staffing plans. However, a negative feature of tenure is the drag on innovation and growth provided by "dead wood" – tenured professors who do little scholarly work post-tenure and who are nearly impossible to get rid of. Few workplaces provide such sinecures, and the question of whether tenure is justified must, of course, go beyond academic freedom. It must involve finances and taxpayer dollars (taken from taxpayers without such job security), as well as the problem of ensuring innovative, productive, and up-to-date scholarship.

Ceci et al. have helped redefine our perception of academic freedom, to some extent unlinking it from tenure and linking it more to rank, with full professors, the alpha rank, standing in contrast to the other ranks studied; the completed academicians versus the still-incomplete academicians.

Why is tenure important? People speak out on all sorts of controversial topics in our argumentative society, and standing behind all of us is the First Amendment. Most academic disciplines have few extremely controversial or politically or values-charged issues. Most scholarship even in the social sciences involves little earth-shaking controversy. It is usually straightforward technocratic parsing of variance. Little social science scholarship rises to the level of "offense" at any professional rank – tenured or not – and some work that could give offense is based on bias or weak scholarship, such as holocaust denial; that should be dealt with as a faculty competence question.

We should hope for some amount of controversial, risk-taking scholarship. In fact, we have too little of it, despite the tenure density on American campuses. Does risk-taking scholarship need tenure to support it? Having spent a career studying risk-taking, I am struck by how major risk-takers in many areas do not take their risks from comfortable, secure platforms but are often functioning in uncertainty, in situations of change, growth, and challenge. Tenure can work against such conditions.

Systematic research on pre-tenure versus post-tenure innovation and scholarly risk-taking is needed. The protections of tenure fall mostly on political or values issues, which arise rarely on most campuses. Is an expensive system like tenure appropriate for such rare events? Most university scholarship does not rise as far or even come close on the scale of controversy to what one finds by running one's remote through television talk shows or on the Internet in a society cathected on controversy and extreme behavior.

So what does tenure achieve that is positive, other than provide some job security and occasionally protect a professor from his or her critics or bosses?

Ceci et al. have opened the closet door on the justifications for tenure. All sides of the debate need a full airing and even more data. A much wider range of institutions needs to be studied. For their study Ceci et al. used "top-ranked institutions," but tenure is probably less important there than in lesser schools, where excellence and independence may be less valued and where there is a weaker history of free expression. These would be the type of schools frequently seen on the American Association of University Professors (AAUP) censored list. In the elite schools, it could be argued the faculty are more widely employable and mobile and are thus less concerned over tenure and job security. Perhaps assistant/associate professors in such elite schools regard the ultimate achievers there, the full professors, as great individuals, with their independence not achieved by mere tenure alone, which might be in accord with some of Ceci et al.'s results.

If hypothetical scenarios were to be used in any future research, I would argue for a wider range of examples and for asking respondents whether they have actually seen a comparable situation. However, we cannot justify or condemn tenure on the basis of hypothetical scenarios. Ceci et al. have brilliantly placed the debate over tenure under scientific scrutiny, yielding provocative results that we can build on. But we must now move toward an equally thorough approach based on real cases – actual records of tenure protection, or lack thereof, in academic freedom or ethics deliberations – examining such factors emphasized by Ceci et al. as rank, tenure status, gender, academic discipline, as well as type of institution. This should involve the analysis of costs and benefits of tenure, hypostatizing the ideas from Ceci et al. in concrete cases.

Some attempts have been made at examining actual cases, but most are limited to specific disciplines, or are dated or not extensive or sufficiently detailed. Such research on actual cases would be difficult, probably requiring substantial access to university records, which could be protected, and with non-disclosure agreements between parties. Most universities have grant auditors, as do most funding agencies. If such records could be reviewed where whistle-blowing had occurred, some real cases of rank and tenure effects could be examined. Court records might also be helpful, as might face-to-face interviews with parties. Detailed case studies might be undertaken of similar departments (e.g., psychology) from dissimilar universities (e.g., Ivy League universities vs. small, religious colleges). Detailed data-based comparisons could be done of academic freedom issues and examples found from both before and after the 1940 AAUP Statement of Principles, expanding Slaughter (1980) (see target article, sect. 1).

In conclusion, Ceci et al.'s study should now be followed up with systematic studies of real cases bearing on tenure protections, examining the costs as well as benefits of tenure wherever possible.

Academic freedom: History trumps questionnaire

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Abstract: The fact that a right is unlikely to be exercised by most members of a group does not mean it has lost its social and justice-defending utility. Current attitudes can be revealed by a questionnaire, but the value of a tradition must be assessed in the light of history. Historically, academic freedom and tenure are inseparable and mutually reinforcing.

Ceci et al. provide a model of what a questionnaire can reveal, and what it reveals is disturbing and important. However, I believe they are mistaken in thinking that they have tested the traditional case for tenure and found it wanting, and therefore, that a reappraisal is necessary. The authors provide an excellent historical review of cases in which academics have been menaced for unpopular views and then, without any analysis of that historical record, assume that it is trumped by a survey of current attitudes. Their strongest point is made in passing and it is an appeal to history; namely, that the United Kingdom has shown that academic freedom can be separated from tenure. That statement requires careful scrutiny.

The following are some fundamentals about what things safeguard a right. The exercise of a right is most secure if (1) it is explicitly acknowledged (preferably in law) and has an institutional protection, and (2) that institution is entrenched in a long-held and deeply internalized tradition. I assume that we value people speaking out on issues of moment, even if what they say is deeply unpopular, and that we believe justice requires that they not be punished for doing so.

The fact that academic freedom/tenure gives academics special protection in providing this public good may outrage equity (whistle-blowers ought to have the same protection and so forth), but this does not make the tradition of tenure any less valuable. Better that some can speak out without penalty than none.

Thanks to Ceci et al., we know that many current academics do not appreciate the role of tenure in safeguarding the right of dissent, and by implication, most of them are unlikely to exercise that right. But a questionnaire provides only a snapshot of the present. Has the situation ever been different? Perhaps only a small minority of academics has ever had the intellectual independence and courage to say unpopular things that they felt needed saying. Nonetheless, people like Jensen and Rushton and Levine and Brand have spoken out. That they needed some kind of protection is self-evident: Brand lost his post, Rushton had to ward off a call for his dismissal by the prime minister of Canada, Levin effectively lost his first-year logic course; and how safe would Jensen have been had not academic freedom/tenure been alive at Berkeley? What have the current views of academics to do with what we see here? Even if tenure does not motivate most current academics to speak out, it may be essential to those who do.

Ceci et al. point to the United Kingdom as a case in which tenure is not guaranteed but academic freedom is, and that raises a fundamental question: Does the combination of the two (tenure and academic freedom) provide a protection that a guarantee of academic freedom alone does not? My reading of the historical record is that the U.S. academic community knows very well that it is subject to temptation and, therefore, has self-imposed a restraint: tenure virtually forecloses the option of discharging an academic who makes his or her university unpopular. That institutional restraint is deeply grounded in a historical tradition of respect, thank heaven, because traditions are priceless things that can not be created by fiat. I vividly recall the first time I was discharged because of my politics (I was deemed to be too

friendly to blacks in the South). The university president opened the interview with a broad smile and the words, "Now, of course you have never been granted tenure." Even he, a former highway commissioner whose highest ambition was to become governor, was aware of a traditional restraint on his behavior.

In my opinion, despite what exists on paper, universities in the United Kingdom in fact protect tenure more effectively than universities in the United States do. I know of no cases at leading universities in the U.K. where academics of long standing have been let go, except under circumstances that would have equally applied to tenured U.S. academics. However, even if the U.K. is embarking on an experiment of academic freedom without tenure, let us wait a generation to assess the results. In theory, of course, you can give academic freedom all sorts of institutional safeguards other than tenure – the right to go to an ombudsman if you feel your politics were a factor; the right to representation by an attorney; complex procedures of due process – but none of these protections can match tenure in terms of being hallowed by tradition. Traditions, of course, can be slowly undermined by the erosion of the depth of feeling that sustains them. One would expect that the erosion would affect academics last. Ceci et al.'s study is a wake-up call: Rights unappreciated are an endangered species.

In sum, tenure may not motivate, but that does not render palatable the consequences of its demise. Questionnaires cannot substitute for what can be known only by analysis of the historical record. Academic freedom and tenure need each other, and both need academics who are immersed in the tradition that sustains them.

The preservation of academic freedom: Tenure is not enough

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Abstract: The original purpose of tenure has become clouded by the process by which it is granted. In New Zealand, tenure and academic freedom are separate, with academic freedom protected by legislation. Clearly, tenure is neither necessary nor sufficient to protect academic freedom. Individuals and universities must do more to guard academic freedom in order to encourage, nurture, and protect it.

Our initial objective was to provide an international perspective on the concept of tenure and to evaluate the extent to which the issues surrounding it are academically universal. But in reading the target article by Ceci et al., we discovered a need to re-evaluate the importance of the freedoms that tenure was originally designed to protect. In our view, the original intention of tenure has become clouded by issues related to the process by which it is achieved, and in attempting to gain tenure, many academics may have forfeited the very privilege that tenure was designed to protect.

In providing our "international perspective" on the issue of tenure and academic freedom, we should first come clean. Although our first (and only) academic positions have been in New Zealand, we were both brought up in the United States, and we received our doctoral and postdoctoral training at American universities. Furthermore, we both maintain strong research links with colleagues in the United States, and we have watched members of our cohort (and now our own students) undergo the probationary period that sometimes leads to tenure in the U.S.

There are some major differences in the university systems in the United States and New Zealand. For example, in contrast to

the U.S. where universities can be public or private, all universities in New Zealand are institutions that are owned by the Crown. Funding for New Zealand universities is provided by a combination of government funds and tuition. Academic appointments in New Zealand begin with a probationary period that lasts 3 to 6 years. At our university, the tasks that must be satisfied during the probationary period are clearly outlined in writing at the time of hiring, and the candidate is evaluated annually on progress toward those goals. Furthermore, the candidate is provided with support designed to maximize the chances of success, including access to mentorship and to special research funds. He or she is also encouraged to attend special seminars designed specifically for tenure track staff on issues related to teaching, research, graduate supervision, grant writing, and all of the other tasks that an academic is expected to perform. In New Zealand, the probationary period is looked upon not only as a test period for the candidate but also as a period during which the university helps the candidate master the skills necessary for a successful academic career; by the end of the probationary period, no one is surprised by the outcome.

In contrast to tenure in the United States, the job security that comes with confirmation in New Zealand is somewhat limited. The Individual Employment Agreement for academic staff at our university states that:

The employment of any employee whose appointment has been confirmed may be terminated by either party upon 6 months' notice. A confirmed appointment shall be considered permanent subject to satisfactory performance until the employee's normal retirement date unless the employer finds it necessary to terminate the appointment for reasonable cause.

(<http://www.otago.ac.nz/humanresources/payscales/index.html>)

Thus, confirmation in New Zealand does not necessarily lead to permanent job security, nor does it confer any special protection of academic freedom.

How then, is academic freedom protected in New Zealand? It turns out that, here, academic freedom is enshrined in legislation. The Education Act of 1989 specifies that universities accept the role of critic and conscience of society and that academic freedom is to be preserved and enhanced. As defined in the act, academic freedom includes the freedom to question and test popular wisdom, put forward new ideas and state controversial or unpopular opinions, and regulate the subject matter that is taught (<http://educationcounts.edcentre.govt.nz/publications/downloads/oecd-thematic-annexes.pdf>). Thus, in New Zealand, tenure and academic freedom are separate, and academic freedom is protected by a different mechanism.

Let us now return to the issue from Ceci et al. that we found most disturbing. We were struck by academics' answers to question 4: Willingness to publish unpopular research. Although rank was potentially a better predictor than tenure, at all ranks individuals reported that they would sometimes fail to exercise their fundamental academic freedom to publish unpopular research. This finding raises a fundamental question: Although tenure was originally designed to protect academic freedom, is it a necessary or sufficient condition?

The New Zealand situation illustrates that tenure is not always necessary to protect academic freedom; but we would argue that legislation in New Zealand, like tenure in the United States, is also not sufficient. The results of Ceci et al. clearly show that other pressures from within the university, such as relative rank and risk for subsequent promotion, are strong forces that sometimes silence academics. Unfortunately, these forces are not restricted to the university. Pressures from outside can also alter the probability that academics will exercise their privilege to challenge conventional wisdom. In a series of articles published in the *New England Journal of Medicine*, some academics have raised concerns that data or opinions that are contrary to existing beliefs or that do not support particular financial inter-

ests often face legal, administrative, and political attacks from outside the university (e.g., Drazen 2002; Nathan & Weatherall 2002). The authors of those articles noted a worldwide trend in which legitimate public debate has been stymied by administrative or legal adjudication. The end result has been to keep investigators tied up with a range of tasks that ultimately silence academic discourse. Furthermore, harassment of some academics in this manner makes other academics think twice before tackling controversial topics. Unfortunately, even full professors with tenure are not immune to these effects (Loftus & Guyer 2002; Tavris 2006).

In conclusion, we believe that universities must jealously guard academic freedom; but to do this, they will need to go beyond tenure as the only protective mechanism. In addition to protecting academic freedom, universities must also actively foster debate and nurture (rather than punish) those individuals who take part in the process. Universities must send a clear message to academics of all ranks and tenure status that challenging conventional wisdom is not only acceptable, but it is encouraged. In our view, academic freedom is not only a right, it is a responsibility.

American ambivalence toward academic freedom

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Abstract: Why are U.S. academics, even after tenure and promotion, so timid in their exercise of academic freedom? Part of the problem is institutional – academics are subject to a long probationary period under tight collegial control – but part of the problem is ideological. A hybrid of seventeenth-century British and nineteenth-century German ideals, U.S. academia – and the nation more generally – remains ambivalent toward the value of academic freedom, ultimately inhibiting an unequivocal endorsement.

What is perhaps most surprising about Ceci et al.'s study of the relationship between academic rank and attitudes toward "academic freedom" is not its findings but the apparently primitive state of empirical research examining the matter. Moreover, contrary to the authors' suggestion, the United States, although perhaps the nation most ideologically committed to tenure as a vehicle for promoting academic freedom, does not have an especially coherent normative justification for the practice. As in so many other matters, the United States filters aspects of the British and German experience through its own distinctive history. The result is a lively *mélange* of competing notions that render the concept of academic freedom "essentially contested."

Ceci et al.'s findings themselves are predictable: Tenured full professors are more comfortable challenging the words and deeds of their colleagues than are academics who have yet to complete either the tenure or the promotion process, with all ranks turning out to be more timidly disposed than any of them had imagined. Surprisingly, Ceci et al. do not draw the most obvious conclusion to explain this result; namely, that in American universities, tenure and promotion are subject to relatively strong collegial oversight for a relatively long period. The pressure to conform to local norms is thus unusually strong, especially in the run-up to a tenure decision, and it has lasting effects on the candidates. (This policy also affects the examination of doctoral dissertations, the fate of which is almost always determined in-house.)

From a European standpoint, the United States is striking in the weight accorded to a candidate's local public relations. The

good will of tenured and promoted members of a candidate's department is essential for success, as higher levels of academic administration tend to respect the judgments issued at lower levels, unless circumstances clearly indicate otherwise. The hiring of even full professors in the United States is treated as primarily a departmental, rather than a university, appointment. Issues captured by the phrase "team player" can easily eclipse whatever merits a candidate brings as an individual. Moreover, a consequence of the relative autonomy enjoyed by U.S. academic departments is that their members are more preoccupied with boundary maintenance. Thus, every prospective tenure candidate raises the spectre of opportunity costs; namely, the other possible candidates one might hire – and who might be a better fit – if this one is denied tenure.

The solution would seem to be simple: Refer tenure and promotion decisions to a higher level of the university, and over a shorter period of time, to remove local prejudice and inhibit the formation of conformist attitudes. For example, the probationary period for regular academic staff in the United Kingdom has been traditionally only 3 years, not 6 or 7. The several levels of promotion are still based on inter-departmental competitions, where the frame of reference is the overall contribution to the university and the candidate's discipline, not specifically the well-being of his or her department. To be sure, the United Kingdom has drifted over the past two decades toward a more U.S.-style system, but this has happened for reasons unrelated to academic freedom.

On the one hand, longer probationary periods allow more discretion for administrators to reconstitute academic units to fit changing market conditions. On the other hand, a stress on departmental cohesion is more likely to generate a distinctive "research culture," which is a key indicator in national academic performance measures.

The large question that looms behind Ceci et al.'s findings is whether academics are themselves the best guarantors of academic freedom. Given the self-organizing origins of the American Association of University Professors, the answer may appear to be obviously yes. However, Germany under the Second Reich provides an alternative precedent. Academic freedom in this context was not simply a specialised version of free speech but a guild privilege of a certain profession not enjoyed by society at large. Corresponding to such privileges were obligations, not least of which was to publicize one's research in the classroom and the wider society. Moreover, academics could legally criticize state policy by invoking the spirit of the "nation" that may have temporarily eluded the politicians. But could academics be trusted to administer their own delicate position? The answer was no, as academics were as self-serving as anyone else. Here the higher-education minister, Friedrich Althoff, did all he could to control the hiring and promotion of professors, typically by preventing the formation of local academic dynasties through nationwide competitions. The "Althoff system," although irritating the likes of Max Weber, is largely credited with having propelled Germany to scientific preeminence in the years leading up to the First World War (Spinner 1993). The mere reinforcement of local norms was insufficient for academic advancement: Ambitious academics had to strike out in innovative ways that appeared to promote the national interest.

America's constitutionally devolved educational authority renders a homegrown version of Althoff highly unlikely, except perhaps at the level of state university systems. However, Althoff indirectly throws light on a fundamental ambivalence about the U.S. commitment to academic freedom. As Ceci et al. rightly observe, attacks on academic freedom from both the political right and left have often centred on the anticipated consequences of taking seriously what academics have said. In the German context, this would be a problem only if a professor threatened national security or, more immediately, abrogated students' freedom to learn. (David Horowitz's campaign to have U.S. universities adopt an "academic bill of

rights” taps into this latter sentiment.) However, the more vague but pervasive American challenges to academic freedom hark back to the campus-based setting of the original colleges (modelled on Oxbridge) that anchor so many normative intuitions about university life in the United States, regardless of institutional foundation (Fuller 2002, pp. 220–25). These intuitions, epitomized in the legal expression “in loco parentis,” are most clearly manifested in what is often praised as the pronounced pastoral side of American university life. But it may also be that this residual idea of the university as the extended family (i.e., “alma mater”) may also encourage an overprotective self-censorship that ultimately undermines an unequivocal defence or exercise of academic freedom.

In defense of the tenure system

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Abstract: We do not dispute the findings of Ceci et al.’s study, though they are based on survey research which does not always reflect real-life experiences. We report on cases we have defended on the basis of the tenure system, few of which mirror the situations reported in the target article. We end with a strong defense of the tenure system in the modern university.

Surveys, although valid, do not always mirror real world events. Our comments reflect our experiences as officers of the American Association of University Professors (AAUP). As with First Amendment cases, most tenure and academic freedom issues usually hinge not on the dramatic, but rather, on the finer points involved.

We stress that rank and tenure do not protect professors from intimidation, loss of salary, or exclusion from positions of power, even after years of service. Rather, tenure offers protection against arbitrary or politically motivated termination of professors. The cases with which we have dealt rarely concerned intimidation of junior faculty or whether junior professors felt free to teach a controversial course – the scenarios investigated by Ceci et al. Rather, the typical AAUP cases involve intimidation of all ranks by administrators, who now include chairpersons. In this the old adage about power corrupting seems to have played out. Is a tenured professor absent without leave and subject to sanctions if he is invited by the king of Spain to deliver a presentation and does so despite chairperson warnings not to leave campus, even if he makes arrangements for covering his classes? Can a chairperson routinely visit a tenured professor’s class without complaints having been made to support such over-seeing? Can a chairperson arbitrarily require a senior tenured professor to live within 50 miles of campus even if the professor never misses a class or meeting, despite the absence of a university requirement addressing residency? These examples are the types of issues that we have been called upon to defend against.

The image of the post-tenure renegade professor is likely overblown, as reported in the target article. We have not encountered the person described. The few who approached this mold included: (1) a tenured assistant professor who professes creationism in his classes under the protection of academic freedom; (2) a professor who feels free enough to speak out and challenge authority when deemed necessary; and (3) a chair with a meager publication record who was promoted to full professor because, as a tenure committee member put it, “People like him.” This particular chairperson has a record of intimidating a female full professor in his department – someone who has routinely been challenged, even by junior members of

the department without intervention by the chairperson, for simply following university regulations which go against the wishes of the chairperson and his other male colleagues. Despite the AAUP, there are few such professors at most institutions in the academy.

The administrators in each of these cases were chairpersons. Our senior administrators at Wichita State University have seen merit in AAUP policies, though department chairpersons – several of whom were the targets of unfair chairperson practices before they themselves became chairpersons – have not. Chairpersons have routinely characterized grievance procedures as interfering with their authority. AAUP visibility is generally less now than in past years across the academy. For example, junior faculty seem more interested in achieving their tenure records; of course, they always turn to the AAUP when they are the targets of administrative wrongdoings! This situation reflects the nature of contemporary universities. As is the case with the AAUP, industrial unions also feel their diminished influence. Ceci et al. alluded to these generational workplace differences.

However, although Ceci et al. found that tenure does not necessarily result in the teaching of unfavorable courses by junior faculty, this only reflects a survey shortcoming: the authors address inflexible questions and situations. Tenure does not give professors the right to refuse to teach the curriculum of a department and instead teach courses less valuable to the departmental agenda. However, a chair may assign any faculty member to teach any course whether that person is as qualified as more senior members of a department interested in the course. This, again a real-life situation, is related to the question addressed by Ceci et al., but in a way that their survey cannot discern. Again, the power of the new role of “the chair as administrator” is revealed: Administrators are loath to question or challenge one of their own. In our experience, it is typical for chairperson salaries to rise faster than those of even senior faculty, regardless of academic and professional merit.

We end with a strong defense of the tenure system, as it serves to protect the most important aspect of academe: academic freedom. Much criticism of tenure often reflects a poor understanding of the protections it affords. There is no inherent protection of professors who cease to perform as professors. Pressures can be brought to bear that might force their resignations or, hopefully, encourage them to resume their productivity: salary, course loads, and so on. Of course, ethical lapses are not defensible under the protection of tenure, though they are often difficult to prove. We underscore that the events which led to the birth of the AAUP and the development of the concepts of academic freedom, as well as the development of the tenure system, are still in place, necessitating vigilance by the professorate and protection of this important right of the academy (see American Association of University Professors 2006). This is reflected by a recent incident in Colorado, referred to by Ceci et al., and another case in which funding was denied to a scientist who supported evolution (Hoag 2006). This is precisely the situation that led to the establishment of the AAUP.

We believe that in concluding “*tenure itself does not result in faculty members routinely teaching courses that their senior colleagues disfavor, nor in their conducting research that their senior colleagues dislike*” (target article, sect. 10.2, para 4; emphasis in original), Ceci et al. miss a major point of the tenure system. Tenure provides a way for professors to feel free to teach their expertise and to voice their opinions on issues and matters of concern to the academy, even when this runs counter to institutional policy. It protects against malicious termination, while offering a way to rein in those who do not competently meet professional standards. Unfortunately, it also serves to protect mediocrity: There are antifeminists, holocaust deniers, and creationists on campuses from Wichita States, Northwesterns, and Harvard Universities alike. It is of interest to note that a recent survey conducted by the AAUP found that most

Americans support the idea of tenure, though they may not fully understand it (Gross & Simons 2006).

One final note: While it is cute of Ceci et al. to refer to de Waal's work with apes, it is, of course, completely irrelevant. Although some animal behavior is indeed quite similar to that of our own, ideas such as tenure and academic freedom are totally human concepts, and we can learn little about such behavior by studying nonhuman animals, even our closest relatives, the chimpanzees. We say this with some authority, as one of us is a comparative psychologist.

Tenure and the political autonomy of faculty inquiry

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Abstract: This commentary discusses several problems with the target article by Ceci et al. First, the results admit of an alternative interpretation that undercuts the conclusion drawn. In addition, a number of points, the research should be supplemented by examining situations in which there is no tenure-granting policy. Finally, 60% of the questions are concerned with whistle-blowing, but the issues involved in such cases make them much less relevant to the assessment of tenure than the authors suppose.

Under this administration there has been an unprecedented interference in scientific processes, and President Bush has directly avoided implementation of a law designed to guarantee scientific independence. One of his 750 "signing statements" bypassed implementation of the law. . . . It is good for academics and scientists to speak out forcefully – which, unfortunately, most of them are reluctant to do.

— Jimmy Carter (2006)

Discussions of tenure often proceed by anecdote or imprecise, general impressions. For example, college presidents may complain of "lazy, incompetent" faculty who "ruin" their campuses but cannot be removed (Fogg 2005). Given the ease with which such charges can be made, Ceci et al. are to be applauded for undertaking a serious empirical study of a major issue regarding tenure, that is, the relationship between tenure and the exercise of free speech. Nonetheless, the study falls far short of their goal of casting doubt on whether tenure does effectively protect free speech in the academy.

One problem is that the experimental results admit of a very different interpretation; namely, that tenure does allow a genuine independence of inquiry from political pressures external to the professorate, if not in other cases. The authors report themselves puzzled by why a significantly higher number of respondents marked "the strongest answer" in Question 4 (thus indicating that controversy does not impede research); however, Question 4 was the only question not explicitly concerned with reactions among one's colleagues. Thus, the difference in that response may well be explained just by the contrast between external pressure and that which comes from the possibility of upset or angry senior colleagues.

Such independence from external pressures is often regarded as the central point of tenure. As Jonathan Knight of the American Association of University Professors (AAUP) has remarked, tenure allows colleges "to provide the best education to students 'by ensuring to faculty they need not be worried about outraged trustees or legislators . . . if they want to explore controversial notions'" (quoted in Fogg 2005). Perhaps, as President Carter laments (in the epigram quoted at the beginning of this

commentary), too few faculty are actively speaking out in support of unfettered research, but the authors' work indicates that faculty view one another as largely politically autonomous.

Another problem is the absence of any investigation of what happens in institutions which do not grant tenure. It is clear now that with some topics, such as evolution and stem cell research, both teaching in schools and research elsewhere have been seriously affected by government pressure; we also have recently seen efforts to override or even suppress scientific research in federal institutions on matters such as "Plan B" birth control (Harris 2005) and climate warming (Revkin 2006). Quite severe restrictions on government funding of artistic expression are also well known (Dubin 1993). It appears, then, that not only are faculty prepared to exercise their independence, but also that research agendas can otherwise be adversely affected.

Among the pressures on the professorate that are external to the faculty, some become embodied in the institution. Lawrence Summer's resignation as Harvard's president and the withdrawal of the first-choice presidential candidate at the University of Nevada, Las Vegas, (Rainey 2006) reflect the desire trustees can have to prioritize supposed organizational skill over scholarly goals, as well as the fact that tenured faculty may be prepared to speak out against resulting decisions that are thought to subvert academic values. I was, in fact, president of a faculty senate at the end of a troubled administration, which ended after a very negative faculty climate survey. Given the reactions that came from the board of regents, the main city newspaper, and many others, it is reasonable to conclude that tenure had a very important role for those transmitting the news of widespread faculty disapproval.

Part of what can lead faculty to oppose administrators is the perception that heavy influence is being exerted in areas involving teaching and research, where the administrators have little understanding. For example, a university administrator with the central goal of increasing grant revenues may bring considerable blind pressure to bear on the content of research – and do so without even any clear understanding of the difference between clinical and theoretical inquiry. Tenure can certainly play an important role in protecting research and teaching.

The strong "independent" response to Question 4 can be seen as even more significant when we notice that three of the five questions have to do with reporting colleagues for malfeasance. Whistle-blowing is not invoked in the usual defenses of tenure, and there are good reasons why it should not be part of a test of the success of tenure granting. There are both societal and institutional factors working against reporting colleagues. Among other things, several careers can be pointlessly damaged or even ruined if the whistle-blower gets it wrong.

Given the relative faculty freedom from external demands, what should we make of a reluctance to teach courses that senior faculty disapprove of? This is a difficult issue, because it is not clear that junior faculty would generally be well advised to choose their courses independently of more senior views. Equally, it is unclear how to assess the authors' conjecture that the lure of tenure is silencing junior faculty. It is a causal hypothesis, while the survey just gives us correlations. At a minimum, comparative research should be done between tenure/tenure-track faculty and similar teachers, researchers, and writers or artists not in such positions.

Another strong reason for looking at institutions that do not grant tenure is that the very fact of generations of scholars having had tenure in institutions that do grant it may have created a fairly open academic atmosphere in those places. Instead of indicating that tenure does not support freedom of expression, the responses on the survey could mean that faculty members generally do not feel compromised enough for there to be a significant payoff in angering colleagues. In this regard, it is unfortunate that many of the authors' examples are drawn from political correctness battles. It is my own judgment that a number of the instances mentioned are not cases of responsible

academic research. For example, the assertion that homosexuals do not generally have children appears questionable (Editors of *Advocate* [2006]) – but an adequate argument for my general assessment would certainly exceed the limits imposed here.

NOTE

Carter (2006) cites Drew (2006).

The heuristic value of controversy in science

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Abstract: Ceci et al.'s (2006) findings remind us that tenure rarely serves its intended purpose. I argue that tenure often fails in part because many faculty members possess an insufficient appreciation for the heuristic value of controversy in science and other disciplines. Using two case examples from clinical/personality psychology, I show how controversial positions can draw sharp criticism while facilitating scientific progress.

Ceci et al.'s (2006) findings remind us of a sobering fact: the institution of tenure, although designed primarily to safeguard unpopular positions (Menand 2001), frequently fails to serve its intended purpose. Here I offer one partial explanation for their results, namely, many academics' insufficient appreciation of the heuristic value of controversy. In the interests of space, I focus on scientific controversies, although most of my conclusions apply in equal force to other domains of academia (e.g., humanities).

As a collection of fallible human beings, the scientific community is subject to the same social psychological processes, such as groupthink, confirmation bias, and ingroup-outgroup bias, that can impede decision-making in other groups (Rosenwein 1994; Shadish & Fuller 1994). In reading Ceci et al.'s (2006) findings, it is difficult not to be reminded of the classic work of Schachter (1951), who asked groups of nine participants to discuss the most appropriate disposition for "Johnny Rocco," a juvenile delinquent. The potential interventions for Rocco ranged from extremely harsh to extremely lenient. The group member who advocated for a position diametrically opposed to the majority (the "deviant") was disliked the most, and was peremptorily ignored by other group members following unsuccessful efforts to "set him straight."

To the extent that Schachter's (1951) findings extend to the Ivory Tower, there are ample grounds for concern. The history of science teaches us that controversies can play a valuable role in facilitating progress. Many mainstream scientific positions began as fringe views that were initially repudiated by the majority (Shadish et al. 1994), with Wegener's theory of continental drift and Alvarez's more recent theory of an asteroidal cause of the extinction of dinosaurs (Rosenwein 1994) being paradigmatic examples. Even controversial positions that are substantially incorrect can facilitate scientific progress by forcing researchers to rethink their cherished assumptions and adduce more compelling evidence for their assertions.

Moreover, researchers who advance minority positions may, like Schachter's deviates, be shunned by many of their colleagues. Yet some may make significant scientific contributions. In their psychological analysis of Apollo moon scientists, Mitroff & Fitzgerald (1977) found that a subgroup of what they termed "Type I scientists" (scientists who relished theoretical speculation) were regarded by their peers as controversial, even abrasive. Yet these individuals were the most likely to be rated by these peers as among the most valuable scientists in the Apollo program. Their colleagues' comments about them

are illustrative: "They are examples of the lunatic fringe"; "X and Y make people extremely mad but they also spur them on. They are the creative vanguard" (Mitroff & Fitzgerald, p. 665).

We can appreciate the heuristic value of controversy in science by examining two prominent controversies in my own field of clinical/personality psychology. Both controversies have proven valuable for scientific progress, although many colleagues criticized the scholars who instigated them for fomenting unproductive debates.

After examining numerous studies of personality trait measures, Mischel (1968) concluded that the prevailing view of traits as pervasive, cross-situationally consistent dispositions was unwarranted. For a decade or more, Mischel's review threw the field of clinical/personality psychology into disarray by raising serious questions concerning the predictive utility of widely used trait measures. Following several thoughtful critiques (e.g., Bem & Allen 1974; Block 1977; Wachtel 1973), the challenges raised by Mischel were largely resolved by Epstein (1979), who found that trait measures can exhibit predictive utility for behaviors across situations, but only when these behaviors are aggregated into stable response classes. That is, traits are often helpful for predicting long-term behavioral trends, but are rarely helpful for predicting isolated behaviors.

Some accused Mischel (1968) of cultivating a straw man debate or "pseudocontroversy" (e.g., Carlson 1984) that did little to advance the field's conceptualization of traits. Nevertheless, as Kenrick and Funder (1988) observed, Mischel's anti-trait position, although too extreme in certain respects, exerted a salutary impact on psychology. His trenchant critique prompted many trait researchers to reevaluate their fundamental assumptions, leading them to adopt a more nuanced view of the cross-situational consistency of behavior.

Thirty years later, Rind and colleagues provoked an even more incendiary controversy by reporting the results of a meta-analysis concerning the relation between self-reported child sexual abuse (CSA) and adult psychopathology (Rind et al. 1998). Drawing on a quantitative synthesis of 59 studies on over 15,000 college participants, Rind et al. found that across 18 symptom domains, the correlations between CSA and later maladjustment were uniformly weak, with *r*s ranging from .04 to .13. Rind et al.'s results and conclusions contradicted widely held views regarding the ubiquity of CSA's negative sequelae. Not surprisingly, they were roundly denounced by academics (e.g., Spiegel 2000), radio talk show hosts (e.g., Dr. Laura Schlessinger), a past president of the American Psychiatric Association, and, in a bizarre twist, both houses of the United States Congress (Lilienfeld 2002; Rind et al. 2000). Some of Rind et al.'s critics went so far as to contend that their findings should never have been published. Although several criticisms of Rind et al.'s analyses, such as the authors' exclusive reliance on nonclinical samples and on self-reports of CSA (e.g., Ondersma et al. 2001), raised reasonable questions, most others were easily rebutted (Rind et al. 2001).

Despite – or perhaps because of – the acrimonious controversy it engendered, Rind et al.'s (1998) meta-analysis has prompted a reexamination of the etiological role of CSA in models of psychopathology. In the wake of their findings, some authors have issued renewed calls for attending to the importance of resilience in adjustment to trauma (Sommers & Satel 2005; Wright et al. 2005). Still others have begun to examine the causal role of CSA using genetically informative designs, such as studies of monozygotic twins discordant for a history of CSA. This research suggests that CSA probably increases risk for subsequent psychopathology, but perhaps only when the abuse involves direct genital contact (Kendler et al. 2000).

I would be remiss not to mention one critical caveat. Science is an inherently conservative enterprise in which most unconventional views are initially regarded with skepticism (Merton 1942). This feature of science is not entirely irrational, because most neoteric ideas have yet to accumulate a track record of

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 Mearshamer (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_\(academic\)](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–Boulder), 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. Jekyll 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.

Ceci et al. have found that faculty believe full professors would be more likely than assistant or associate professors to exercise academic freedom in potentially risky ways, whereas tenure is a relatively unimportant factor in deciding whether or how to act. To help explain why the boundary between associate and full professors may be more important in these cases than the boundary between tenured and untenured individuals, we emphasize that faculty members pursue multiple goals (e.g., achieving job security, increasing pay, attaining promotions and higher status, improving working conditions) and that tenure, although important, addresses only job security. Moreover, this security exists only at one's current institution. Even discounting the choice or need to relocate, professors who exercise the academic freedom provided by tenure may jeopardize other important career goals. By questioning whether tenure continues to serve its intended purpose, Ceci et al. have essentially argued that tenure is not sufficient to ensure academic freedom. We do not disagree with this assertion, but we propose modifying it: Tenure is a necessary but not sufficient condition for academic freedom.

Assuming that professors' behavior – in the aggregate, not in each instance – is strategic and rational, it can be used to understand faculty members' goals and motivations. It would be naive to assume that maintaining current employment status is the sole concern. Professors would exercise without fail the academic freedom provided by tenure only if they were indifferent to the consequences of their actions in every area but job security. Some instructive parallels exist between professors and another group of professionals granted life tenure: federal judges.

Political scientists have noted that federal judges, while enjoying life tenure, are not immune from external pressures and consider factors beyond law and conscience when rendering judgments. Their rulings hold consequences for the ability to advance to higher-status judicial posts, to run successfully for political office, to earn pay increases, and so forth; less tangible factors, such as prestige and recognition by peers, may also motivate judicial decision making (Baum 1994; Cohen 1991). Thus, life appointment to the bench does not prevent rational judges from considering how other individuals may respond to their decisions.

Likewise, rational faculty members – tenured or not – should consider how colleagues, administrators, students, and others might view their behavior. Like judges, professors are motivated by career ambitions. In academia, attaining the rank of full professor is not the only way to increase one's status. Some faculty members aspire to work at a more prestigious institution, whereas others seek positions of academic leadership or administration, including department chair, dean, provost, or president. Like the federal judiciary, academia is a small world. Even across disciplines or institutions, individual reputations are often well known or easily discovered. For example, a faculty member on a search committee might contact an old friend from graduate school who has worked closely with an applicant. For an academic determined to move up his or her self-defined career ladder, rational behavior is that which does not alienate one's colleagues. As technological advances facilitate the flow of information, managing one's professional reputation becomes more important. Accordingly, faculty might be expected to take fewer professional risks.

Professors also pursue other tangible goals, such as increased pay, sabbatical leaves, research grants, and larger office or lab space. Some of these can be attained through promotion or moving to a new institution. However, even within academic ranks at the same institution, subjective assessments of faculty performance influence salaries and professional perks. Professors desire the respect of their colleagues and a collegial working environment, and they may wish to be elected or appointed to leadership positions that include important committees. Attaining these goals requires being concerned with more than job security as well as carefully managing the impressions formed by others.

Colleagues may or may not react favorably to a professor who acts assertively to exercise and defend academic freedom. The disciplinary and institutional cultures shaping one's work environment, especially the value assigned to dissenting voices, no doubt vary considerably. Whenever a professional risk is taken by exercising academic freedom, tenure protects against the most severe sanction: dismissal. Nonetheless, other factors mitigate against the full exercise of academic freedom. Accordingly, tenure may be a necessary but not sufficient requirement for academic freedom.

Even if one accepts this conclusion, an important question remains: Why did Ceci et al.'s respondents believe that full professors would be more likely to exercise academic freedom than assistant or associate professors? We offer two speculations. First, exercising academic freedom may place both untenured assistant and tenured associate professors at greater risk than full professors of being deprived of limited resources or being given unpleasant work assignments. Within and between departmental units, full professors tend to wield more power than assistant or associate professors. Second, when making decisions regarding potentially aversive confrontations with colleagues, full professors may give less weight to career mobility than assistant or associate professors. Whereas tenure supports academic freedom at the institution that grants it, developing a reputation for being confrontational – whether reasonably or unreasonably – may constrain one's job prospects at other institutions. Even with a solid record of achievements and a good reputation, career mobility generally is poorest for full professors. Except when special knowledge, skills, or experience are required, most academic institutions are reluctant to hire at the full professor level when there is an abundant supply of professors who can be hired less expensively at the assistant or associate level. Thus, we are not surprised to observe negligible differences in the anticipated exercise of academic freedom between untenured assistant professors and tenured associate professors, as these individuals often have better career mobility than full professors. Ceci et al. may have focused too narrowly on professors' desires to achieve tenure and promotion at their current institutions as the primary factor in their deciding whether or how to respond to threats to academic freedom.

Testing tenure: Let the market decide

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Abstract: Tenure debates and disputes are often irresolvable because of the complex and multivariate nature of contractual relationships between faculty and administration, and the nuanced and varying beliefs about tenure held by the professoriate. The Ceci et al. study leads this commentator to suggest a simple solution – allow individual institutions to define the parameters of tenure according to their unique core values.

Pepperdine University is a private religious school affiliated with the Church of Christ. When I matriculated in 1974, Pepperdine was extremely conservative – politically, religiously, and socially. Politically, the administration had ties to the Republican Party – President Gerald Ford spoke there, as did the physicist Edward Teller on the validity of Mutual Assured Destruction as a Cold War strategy. Religiously, my professors were Christians, and twice-weekly chapel attendance was required, as was a set of religion courses. Socially, student activities were closely monitored, with dancing prohibited and opposite-sex dorm-room visits forbidden. However, as I was a born-again Christian riding the wave of an inchoate evangelical movement, this was exactly

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.

To recap our principal findings, on the basis of more than 1,000 analyses, including extensive post hoc tests and logistic regressions that we alluded to but did not report (because of limitations placed on the size of the article), we repeatedly found that assistant professors rated their own cohort as less likely to insist on academic freedom and less likely to engage in strong forms of whistle-blowing than they believed associate and full professors to be. The latter two ranks also expressed the belief that assistant professors would be less likely to do these things. Further, we typically found that associate professors rated their own rank as less likely to insist on academic freedom and whistle-blowing than they believed to be true of full professors. This last finding calls into question the original justification for tenure because promotion to full professor rather than the awarding of tenure was the event that most liberated faculty from pressures to refrain from academic freedom and whistle-blowing. Notwithstanding the criticisms, challenges, and questions posed by the commentators, we stand by these conclusions, although we are the first to acknowledge that more research is needed to extend our findings and perhaps even alter them.

R2. Criticisms and concerns

R2.1. Criticism 1: The findings have little or nothing to do or say about the value of tenure

Buck, Donchin, Donderi, Jacobson, and others argue that our findings have little to say about tenure's value. In their words: "[the results] have nothing to do with the social or political value or importance of tenure" (Donderi); "questions regarding confronting sexual and research misconduct . . . are not, strictly speaking, issues of academic freedom, but, rather, of professional ethics. Nowhere, to my knowledge, does AAUP (or other associations, for that matter) claim that tenure is either a guarantor or protector of ethical behavior in situations such as those described in the survey instrument" (Buck); "The target article demonstrates, at best, the existence of social pressures, but it provides no useful data reflecting on the value, or effectiveness, of tenure" (Donchin); "60% of the questions are concerned with whistle-blowing, but the issues involved in such cases make them much less relevant to the assessment of tenure than the authors suppose" (Jacobson, Abstract).

Granted, tenure has many positive aspects, such as those we mentioned in our target article, including its protection against McCarthy-type intrusions into research, its usefulness in attracting a quality workforce, and its positive effects on students attending institutions that are more tenured. In our article, we cited research by our Cornell colleague, Ron Ehrenberg (Ehrenberg & Zhang 2004), showing higher graduation rates at institutions with higher proportions of tenure-track faculty. For example, other factors held constant, a 10-percentage point increase in the percentage of part-time faculty not on tenure track is associated with a reduction in the graduation rate of 2.6 to 4.0 percentage points among students; and a 10% increase in the proportion of full-time faculty not on tenure track is associated with a reduction in the graduation rate of 4.4 percentage points. These are genuine benefits of tenure, and we acknowledged them

in our article, along with several other genuine benefits. Our goal was not to gainsay these and the other very real benefits associated with tenure, but to ask whether the original justification for tenure – that it fosters academic freedom – can be currently justified. That several commentators took us to task for what they perceived to be our anti-tenure bias suggests that we unsuccessfully represented our position. We never sought to claim tenure is worthless, only that it falls short of its original justification.

Hence, in discussing our results, we argued that the value of tenure's many benefits needs to be judged in terms of its costs, such as reduced institutional flexibility, maintenance of some faculty who are not productive researchers or effective teachers, and, in light of the present findings, reduced likelihood that assistant and associate professors will exercise the academic freedom that tenure was supposed to promote, out of a seeming belief that its exercise will result in denial of tenure or promotion to full professor. Thus, our conclusion was that although we see many benefits to tenure, its original justification – fostering academic freedom – is not one of them and should not be looked to for its current justification. Clearly, this conclusion provoked strong reactions in some commentators. This is understandable given that it is a topic that many feel passionately about, and given the number of commentators who have played longstanding professional roles in organizations such as the American Association of University Professors (AAUP). However, regardless of whether anyone agrees with us on this point, we should not be accused of ignoring tenure's many demonstrated benefits.

Donchin claims that faculty willingness to teach unpopular courses and conduct research on unpopular topics has nothing to do with the value of tenure in assuring academic freedom: and that we failed to distinguish between interference with academic freedom by forces external to the academy and the internal forces that derive from interactions among scholars. In his words, "Tenure is designed to address the former . . . It shelters faculty from the predilections of legislators, governors, university presidents, and boards of trustees." Because the revocation of tenure is an administrative act, Donchin argues that tenure is not meant to insulate faculty from academic politics. In response, we note that if tenure were designed solely to shelter faculty from external forces, then we would agree with Donchin's argument, as well as with **Jacobson**, who makes a similar argument (claiming that the willingness of our respondents to choose the strongest option for Question 4 was because this option did not involve internal pressure, but only external political pressure, which Jacobson argues is the heart of academic freedom). However, from its inception in the United States, tenure was conceived as a means of protecting scholars from both internal and external forces of pressure and coercion. Ever since its enshrinement in the AAUP's (1940) *Statement of Principles* (see American Association of University Professors 1940), tenure has continuously been justified on the basis that a lifetime appointment ensures that professors' pursuit of truth will be unhindered by pressures both internal and external to the academy (e.g., Byse & Joughin 1959; Fuchs 1997; Huer 1991). Indeed, in their commentary, **Greenberg & Billings** draw on thirty years of experience

as officers of the AAUP, during which a large – if not the largest – number of tenure and academic freedom abridgements emanated not from external forces but from internal ones, such as department chairpersons who dictated what colleagues could and could not do (e.g., be absent from class to give a talk elsewhere). If tenure is supposed to insulate scholars from internal forces, then the present results indicate that it is not perceived by respondents as doing a good job of it.

Relatedly, **Donchin** and others question whether the fact that senior colleagues are more immune to internal pressures is relevant to discussions about the value of tenure. We think it is. If a cost–benefit analysis of tenure is undertaken, then surely it is relevant that on the cost side, some undetermined number of junior colleagues find themselves muzzled by the fear of not getting tenure. We readily agree with Donchin and others that tenure may serve a valuable purpose in insulating faculty from external pressures. (We say “may” because we have no data one way or another. But it is an interesting research question that we hope will be explored.) And we also agree with **Bennich-Björkman’s** belief that the American tenure system may be superior to its alternative in Sweden.

R2.2. Criticism 2: Tenure is a necessary but insufficient condition

A number of commentators expressed the view that although tenure by itself may not prod faculty to exercise academic freedom, it is nevertheless a necessary precondition for doing so (**MacDonald, Ruscio & Kelly-Woessner**). This is an appealing stance, save one inconsistency: In countries that do not have formal tenure or which have limited job security that may be terminated for whatever the institution regards as “reasonable cause,” academic freedom can still be ensured by other means, such as union contracts, legislation, and so on. Thus, we agree with those who acknowledge that tenure is not sufficient to guarantee academic freedom, but we go a step further and ask whether it is even necessary. If countries without tenure, such as New Zealand, can manage to guarantee academic freedom (see **Franz & Hayne**), then what necessary role is left for tenure to play in fostering academic freedom? As noted above, we discussed in our target article other benefits of tenure, such as higher graduation rates on campuses comprising tenured faculty, the ability to attract a talented work force, and so on, and these are important benefits. However, in terms of its original justification, tenure may be neither necessary nor sufficient.

Flynn makes an important related point: Even if most academics never speak out on controversial issues, the few who have the courage to do so are protected by tenure – at least more than they would be in its absence. This strikes us as a reasonable argument, one that we find compelling, but it is also an argument that could be informed by empirical research to determine its validity. We hope that such research materializes in the future, though it deserves noting (as we mention below) that tenure has not protected some faculty from attack and job termination.

R2.3. Criticism 3: Alternative explanations of the data

Ruscio & Kelly-Woessner and **Farley** list other factors that deserve empirical study, such as whether full professors are more likely to exercise freedom because their prospects for career mobility are less (thus, they can be confrontational because no one will bad-mouth them to a search committee for a job elsewhere, as there are few jobs at their level). Although we agree in principle with these commentators, we have one niggling doubt: Why wouldn’t associate professors be just as likely to exercise their academic freedom, given their limited career mobility? After all, how many job ads are there at the associate professor level? Not many – probably no more than there are for full professors. If an institution has permission to search for a tenured person, it may be more apt to go after a well-known full professor who is already a star than after an associate professor who is seen as a rising star. Our own institutions only rarely permit us to search for tenured scholars at either the associate or full professor rank, but when we are permitted to do so, we have always hired a full professor. If you check out the available job ads, we believe that you too will discover that there are as few associate professor openings as full professor ones, and if we are correct, then **Ruscio & Kelly-Woessner’s** proposed explanation falls short of the mark.

Donchin likens our vignettes to illegitimate demands by faculty. He states: “If I undertake to teach a course on the foundations of cognitive neuroscience, I will be derelict in my duty if I devote my lectures to a brilliant analysis of the symbolism of Hamlet.” Although we agree with this analysis, it misses our point. Our survey questions had nothing to do with teaching or publishing material that was illegitimate or beyond the training of the faculty. Rather, our central finding was that junior faculty were less willing than senior faculty to exercise their right to teach and publish (and whistle-blow) about matters that were within their ken, such as publishing a controversial paper in their area or teaching a disfavored course in their discipline.

Fuller asserts that we ignored the most obvious conclusion to explain our results: “namely, that in American universities, tenure and promotion are subject to relatively strong collegial oversight for a relatively long period. The pressure to conform to local norms is thus unusually strong.” He proposes shorter tenure and promotion timelines, with reviews performed at a supra-departmental level. This strikes us as an ineffective strategy for two reasons. First, most U.S. university reviews are already multi-step processes, starting at the departmental level but requiring formal additional review and approval at usually two supra-departmental levels (college and provost). So Fuller’s argument seems a bit of a stretch, particularly with regard to doctoral in-house examinations. Two of us, who have completed graduate degrees in England (SJC, KMJ), are quite aware of the pressures to stay in the good graces of one’s supervisors. Second, by casting our results in terms of adherence to “local norms,” it shifts the discourse from what is essentially a fear of personal retribution at the hands of a wronged party (i.e., a senior colleague on whom one blows the whistle) to a claim of local community norms for silence and cover-ups that we doubt can account for all of the findings. In fact, we suspect that the prevailing norms for some

of the question domains actually are tilted in the opposite direction to Fuller's assumption. Specifically, local norms would seem to favor whistle-blowing, publishing disfavored papers, and teaching unpopular courses. We grant that if assistant professors thought that they might lose their job by teaching an unpopular course or reporting sexual harassment by a senior colleague, they would refrain from doing so. But this runs counter to prevailing norms in the sense that when a junior colleague keeps something to herself (e.g., knowledge of sexual harassment by a senior colleague), it is not because she feels that divulging such harassment goes against local norms (it does not), but rather, because she fears that the harasser will exact a pound of flesh if he gets the chance. This does not seem to us to be a matter of "conforming to local norms."

R2.4. Criticism 4: Results are unsurprising

Several commentators expressed the view that our findings were predictable (e.g., **Fuller, Shermer**), and two went so far as to opine that the study was hardly needed (**Clark, Donchin**). On the one hand, we agree that some of our findings were unsurprising. For example, we anticipated that very few professors would fit the media depiction of the "renegade professor," and this turned out to be the case. Nor were we surprised to find that assistant professors believed their rank to be reluctant to exercise academic freedom if it meant angering senior colleagues. This, too, turned out to be the case. However, we were quite surprised by the finding that tenured associate professors were not only less likely than tenured full professors to believe their cohort would exercise academic freedom, or to whistle-blow ethical misdeeds, but also that they overpredicted full professors' ethical behaviors, just as much as full professors overpredicted theirs. We were really stunned at the magnitude of some of these effect sizes – they were huge. In short, we think that an accurate summary of the results is that they were an amalgam of predictable and unpredictable findings.

As far as whether a study was necessary to document what some felt was a highly predictable finding – that faculty at different stages of their career are differentially sensitive to the views in their community – it is our view that we benefit from empirical support for such assumptions. After all, history is littered with the carcasses of false beliefs and assumptions that at one time seemed self-evident but which turned out to be unsupported by systematic empirical research.

Finally, we wonder why, if these outcomes are so predictable and unsurprising, there is silence in the academy about junior colleagues' reluctance to exhibit the same academic freedom that full professors exercise? Surely, some degree of surprise will be engendered upon learning of these findings; the alternative is that there has been a conspiracy of silence among senior faculty. Happily for us, many commentators appeared to share our view that many of the results were surprising and "intriguing, unexpected" (e.g., **Bennich-Björkman, Buck**).

R2.5. Criticism 5: Sampling and methodological limitations

Buck, Farley, Peters, MacLeod, and others expressed concerns about sampling and methodological issues.

Concerning sampling, **Buck, Farley, and Peters** noted that we did not sample from a list of all institutions in the country, choosing instead to sample solely from a list of the top-ranked 50 colleges and top-ranked 50 universities, and that we failed to consider that faculty from elite institutions may be less concerned about job security, thus possibly resulting in smaller effect sizes (**Farley**). As **Buck** and others noted, small colleges are far more likely to have large portions of their faculty "at will," that is, not on tenure track. **Buck** aptly captured our dilemma during the planning stage when she noted that almost two-thirds of faculty members are employed in institutions that do not appear on our list. Precisely. We needed faculty members who were on the tenure track to determine whether tenured associate professors were more similar to tenure track assistants or tenured full professors. We agree with **Buck** that it would be interesting to look at faculty employed off the tenure track as well, but it was beyond our resources to examine that contrast here. We certainly agree with **MacLeod** that full professors are not only tenured but are higher paid, better researchers, more productive, more likely to serve as outside consultants, and so on, all of which makes it difficult to disentangle tenure from other characteristics that could affect the results. Our covariate analyses were designed to rule out some of these attributes (years within rank, years since Ph.D. that may proxy for things like salary), but they are highly imperfect, and we readily accept **MacLeod's** point. Finally, **MacLeod** raised a cautionary note about the possibility that some full professors may have been untenured. It is possible that a very small number of full professors were untenured (we were able to check on most, but not all), but if so, then including their responses could not have altered the results. As reported, we re-ran the analyses for the six associate professors who could possibly have been untenured, and the results were unchanged.

Thus, the contrast of greatest interest to us depended on tenured and tenure-tracked faculty answering our vignettes, and such faculty are more in evidence at ranked colleges and universities than at unranked ones. If the faculty members in our sample of ranked colleges were less concerned about job security than were faculty at less elite institutions, they nevertheless exhibited weak academic freedom and whistle-blowing beliefs about their colleagues. To the degree that faculty in our sample are less concerned about job security, it would serve to underestimate the main effects we reported because untenured faculty at less elite institutions could be expected to behave even more weakly.

This was a first effort, and we could not begin to address the tremendous diversity that exists among colleges and universities (2-year, 4-year, doctoral extensive, doctoral intensive, religious, secular, private, public, different geographic regions, different national systems, etc.). There were three reasons we decided to constrain our sample to the top-ranked colleges and universities – which constraint, as **Buck** notes, is akin to excluding two-thirds of U.S. faculty.

First, both size and type of institution (small liberal arts colleges vs. large research universities) is a contrast others have identified as a fruitful source of differences in attitudes governing tenure and academic freedom. Therefore, at the start we knew that the size of the institution was an important variable we needed to examine.

Second, during the planning stage, we became aware that many small colleges had insufficient numbers of faculty members at each rank and within each of the 18 disciplines to permit reliable sampling. The colleges that did have all 18 disciplines as well as multiple faculty members at each rank within each discipline were usually the better known, more elite schools on the list we used. Many small colleges had so few faculty members that when we tried to come up with three full professors, three associate professors, and three assistant professors in each discipline, we were thwarted. Many had departments with only two to four total full-time faculty members, thus obviating stratified sampling. In contrast, the top colleges tended to have larger faculties and many more of the disciplinary departments we studied. Hence, if we wanted to study the difference between small and large institutions, comparing professors in all three ranks, even the small colleges we selected had to be of a relatively large size among small institutions.

The third reason we studied ranked colleges is that many small, unranked colleges have little or no experience with federal grant officers on their campuses, thus making it unrealistic to ask faculty members there whether a typical colleague would report infractions to the resident grant officer. In the planning stage of this research, we discovered that many small colleges do not even have research expectations for their faculty, at least not as the term “research” is understood in Carnegie IA institutions, and few of them have resident federal grant officers, thereby rendering our questions unfamiliar, if not irrelevant.

In the Discussion, we noted that ranked small colleges and ranked research universities can be further broken down by factors such as religious versus secular, public versus private, and even by geographical region. However, exploring these possible predictors was beyond our resources, although we agree with **Peters** and others that examining such contrasts could be very interesting. Of course, these limitations in our sample were explicitly mentioned in the target article.

In sum, the contrast between small colleges and large research universities was, as already noted, motivated by prior work showing differences. However, we could not expand on this contrast without greatly expanding the size of our sample. We assumed that if faculty willingness to engage in controversial research and express controversial opinions is abridged at these larger institutions, then it is at least as likely to be abridged at smaller ones.

R2.6. Criticism 6: Conclusions are sometimes inaccurate

Clark raised four technical points that we briefly address here: First, he argued that the likelihood of submitting unpopular research is much lower for assistant professors' judgments of their own rank ($M = 3.3$) than comparable values for associate and full professors ($M = 6.0$ and 6.3 , respectively). Although we take his point, the mean he reports for assistant professors rating other assistant professors' willingness to publish unpopular research is not 3.3 but is 4.9, as can be seen in Figure 5. So assistant professors were less likely to submit unpopular research than were associate professors ($M = 6.0$) and full professors ($M = 6.3$), but the difference is not as large as Clark

suggests. Second, he notes that, in section 5.3, we confuse target and respondent rank in several places. In that section we did indeed transpose the target and respondent, as Clark perceptively noted. We did not catch this transposition even though the difference is quite visible in Figure 3. In fact, it is even larger than we reported in the sentence. Thus, the suggestion that we overstated the findings because the opposite is true is unwarranted.

Third, **Clark** noted that the degrees of freedom associated with one of our tests were ambiguous. The test in question is the F -test for the main effect of questionnaire type in our “Questionnaire–Field–Institution–Rank Anova” for Question 1, option 2. The words “both F s,” rather than “ F ,” refers to post hoc tests for this Anova that were originally intended to be part of the manuscript but that were deleted during editing to meet the length requirements of the journal. Therefore, the F -test given is for the main effect of questionnaire type, as indicated by the beginning of the sentence. The thrust of Clark's point seems to be that this particular use of the F -test indicates that we chose to average across rank of respondent and report the main effect across all respondents rather than reporting it only for each rank of respondent for their own rank. Given that we explicitly stated we were doing this for this particular analysis (as we were reporting a main effect), this criticism does not reach very far. Similarly, the commentator states that he missed in this section an analysis of the difference between assistant professor and the two tenured ranks. We addressed this in the subsequent paragraph (see also nonoverlapping confidence intervals around means); post hoc tests indicated that the differences between full professors and assistant professors, full professors and associate professors, and associate professors and assistant professors were all significant.

Fourth, **Clark** noted that Figure 2 in section 4.2 shows that the difference between questionnaire types only holds when collapsing across rank of respondent – not when each rank only considers its own rank. However, in the section just after this, we reported the significant interaction effect between rank of respondent and type of questionnaire, which accounts for this fact. Thus, despite Clark's error detection efforts, for which we are grateful, in actuality they either amplify our claims or are not errors at all.

Clark also disagreed with our claim that untenured assistant professors and tenured associate professors believed that their cohort was less likely to insist on academic freedom than was the full professors' cohort. Although he is correct that Figures 1 and 2, illustrating data for Question 1, reveal that the likelihood of teaching a controversial course is the same for associate and full professor judgments of their ranks (M s = 5.0 and 5.0), such results were an exception to a general trend found across many comparisons. For Questions 2, 4, and 5, assistant and associate professors rated themselves as significantly less likely to confront a senior colleague concerning misappropriation of grant money, less likely to confront a senior colleague concerning falsification of data, and less likely to engage in publishing controversial research than the full professors rated their own rank to be on these behaviors. In sum, although Clark noticed some mistakes in our figures, the general patterns of our results still hold.

R2.7. Criticism 7: Behavioral measures are superior to opinions

Donderi, Buck, Donchin, and others asserted that a more direct measure of faculty behavior would have been preferable to the opinion data we collected – even if it meant replacing the experimental design with a less potent design. There is no reason why others cannot collect behavioral data, which could prove to be quite interesting, as **Farley** noted as well. Unlike Farley, who appreciated the data we collected while advocating for behavioral data to supplement it, Donderi chided us for allegedly conflating opinion data with fact data. By facts, Donderi means actual cases of dismissal or threatened dismissal, which he argues are the real data of interest. In contrast, he also argues that opinion data from a survey such as ours are irrelevant to the issue of tenure. Why does Donderi believe that faculty opinions are irrelevant? We would argue that opinions, or, more precisely, junior colleagues' beliefs about senior colleagues' opinions, are extremely important. Imagine a young assistant professor who has knowledge of sexual harassment by her colleague with one of his students. If the assistant professor believes that her senior colleagues will be supportive of her whistle-blowing, then she may disclose what she knows. Otherwise, she may not. This is the kind of data that Donderi argued is uninteresting. We leave readers to judge the merits of his stance.

R2.8. Criticism 8: We have a negative bias against tenure

One commentator felt we opted to “interpret benefits of tenure in a negative manner, specifically, as lower ranks being muzzled rather than as tenure liberating contentious ideas” (**Clark**). This commentator asserts that “it is unclear what outcome would have been interpreted by Ceci et al. as supporting tenure.” Contrary to this assertion, we were entirely open to finding strong support for tenure's original justification: If tenured associate professors' ratings were similar to those of tenured full professors, we would have interpreted this as supporting tenure's original justification. **Buck** commented that tenure denial “is not simply a denial of a reward, as the target article suggests, but in many instances the end of an academic career.” We agree, but this only serves to strengthen our argument because tenure is so desirable a reward that it can cause non-optimal behavior, including the deferral of rights and responsibilities. Ending a career certainly qualifies as the kind of institutional incentive that can cause one to abrogate rights and resist whistle-blowing. Finally, **Greenberg & Billings** argued that tenure ensures academic freedom, and in service of this assertion, they cited cases they encountered as officers of the AAUP. With the exception of the case about the professor who taught creationism, none of the examples they accused us of ignoring have anything to do with academic freedom (e.g., requiring faculty to live within 50 miles of campus). Thus, it is not clear to us what they base their endorsement of tenure upon.

R2.9. Criticism 9: Several of the questions we asked were not fair tests of academic freedom

Four commentators (**Buck, MacLeod, Jacobson, Wettersten**) expressed varying levels of concern about

the nature of three of the questions we asked. For some, this appeared to be a minor point, but for others it emerged as a major complaint about our methodology.

First and foremost, we did not include the questions concerning whistle-blowing because of a belief that tenure has been justified on the grounds that it promotes ethical behavior, but rather, in order to examine whether tenure might undermine such behavior. We explicitly stated that the whistle-blowing questions were added to our survey to determine whether the tenure and promotion process has negative effects that extend beyond academic freedom – to instances of failing to report ethical misconduct, for example.

Jacobson's concerns about our questions were of a different nature. She remarked that “it is unfortunate that many of the authors' examples are drawn from political correctness battles ... not cases of responsible academic research.” But academic freedom is not limited to so-called responsible academic research. It is supposed to protect faculty speech and writing in all appropriate situations – not only when it is deemed by someone to be “responsible.” Is Jensen's and Rushton's research on the heritability of racial differences in intelligence “responsible”? It depends on whom you ask. But academic freedom was conceived to protect them regardless of one's opinion about whether one regards it as responsible. Judgments about what is and is not responsible are at the precipice of a slippery slope. As **Lilienfeld** argues, “even research that is substantially incorrect can facilitate scientific progress by forcing researchers to rethink their cherished assumptions and adduce more compelling evidence for their assertions.”

R3. Proffered remedies

A number of commentators proposed means of remedying the situation (**Shermer, Carmichael, Fuller, Wettersten**). Carmichael provides an interesting economic rationale for tenure: If senior professors are to hire younger professors who, if well-chosen, will eclipse them in research and teaching, then the senior professors must be protected with tenure or they cannot be expected to hire the best candidates. As intriguing as we find this suggestion, if the sole justification for tenure is to encourage senior faculty to hire the best young candidates, then there exist far less expensive means for doing this than providing lifetime job security. For example, senior faculty from other universities could be asked to rate the applicant pool, much the way they are called upon to act as external reviewers to rate candidates for tenure and promotion from peer institutions. Identifying the best young candidates in a peer institution's job pool would thus pose no risk to them.

Or professional societies could step up to the plate and rate new doctoral graduates along multiple teaching and research dimensions, to aid hiring decisions. **Carmichael's** analysis leads to the expectation that faculty in universities or even entire countries that once had tenure, but no longer have it (e.g., the U.K.), have been released from the fear of hiring young faculty who will eclipse them. Given how many other characteristics of such institutions would have changed with the tenure policies, it is undoubtedly very difficult to answer such a question.

A very different proposal was made by **Shermer**, who suggested that each institution be allowed to define tenure within the parameters of its local core values. In principle, we are not opposed to such a proposal, but we wonder about the myriad complexities that might emerge from its practice. For example, some of the examples described by **Greenberg & Billings** based on their experience as officers of the AAUP (e.g., a professor being absent without leave, or a chairperson making uninvited visits to a professor's classes in the absence of student complaints) are not tied to core values, so how would the market take care of such situations? Such surveillances are not part of anyone's employment contract or of the core values Shermer has in mind, so they would have to be dealt with ad hoc. Still, Shermer makes an intriguing case for a market-based approach.

R4. Conclusion

In conclusion, the fact that senior colleagues are perceived as being more willing to resist pressures and to exercise academic freedom is pertinent to discussions of the value of tenure. If a cost-benefit analysis of tenure is undertaken, then it is relevant to include, on the cost side, some undetermined number of junior colleagues who feel muzzled by the fear of not getting tenure and promotion if they resist internal pressures.

We agree with **MacDonald, Flynn**, and others who point to cases in which tenure protected someone doing controversial research from dismissal. But perhaps the issue is not whether in very rare cases (like that of Christopher Brand and Frank Ellis in the U.K.) the absence of tenure renders one vulnerable to job termination, but rather, as **Farley** prefers, what the overall cost-benefit ratio associated with tenure is. That is, how much good does it do to protect the handful of researchers doing controversial research versus how much does it muzzle those who wish to possess tenure but currently do not? If we confine the discourse to rare anecdotes, then we can easily dredge up cases of professors who have been attacked for doing controversial research even though they have tenure (see Tavris [2002] for a description of the lawsuits, threats of job termination, and career disruption experienced by tenured full professors Elizabeth F. Loftus and Melvin Guyer for publishing their exposé research).

In sum, tenure conveys many benefits, but it may be neither necessary nor sufficient to justify its original rationale, that of fostering academic freedom. No comment or criticism offered by the 19 commentators has vanquished this bottom line.

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[Letters "a" and "r" appearing before authors' initials refer to target article and response, respectively.]

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