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Academic Tenure

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The problem of academic tenure has become acute within American universities and colleges. The slowing down of growth in student bodies after abnormal periods of expansion, the slackening of the flow of gifts after extraordinary periods of philanthropy, the fashion of the hour for "social" security, the curtailment of academic freedom and the destruction of tenure in other nations make this a lively question.

These factors explain the incidence of the problem, not its substance. The source of tenure is its relationship to academic freedom. Tenure is regarded as a major guarantee of freedom because it puts the instructor beyond the easy reach of administrative tyranny or the quixotism of governing boards. That there has been tyranny needs no demonstration. College administrators are human, and they hold power. Wherever humans hold power there is a temptation to tyranny; and where there is temptation there is yielding. The quixotism of boards of control likewise rests upon basic human traits and needs neither argument nor demonstration. Anyone who has been long in the land must have seen enough instances without having his memory needlessly prodded. It suffices to say that the most common form of this quixotism appears in the irrational position that one bad man can do more harm than many good men can offset. The old saw about the bad apple in the barrel is one of those insinuating but desperately untrue analogies, for it is built upon the monstrous proposition that good people exercise no influence at all while bad people are dominant. It is a defeatist parable that makes utter nonsense of education but it has had a profound influence upon the generation now in control of colleges.

The curse of freedom from the point of view of governing

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boards and administrative officers is that it means freedom for the fool as well as the wise man. Unfortunately presidents and boards (and the public) cannot always distinguish the wise man from the fool. Indeed, the cup of hemlock is more likely to be pressed upon Socrates than upon Babbitt. The crowd usually will shriek for the crucifixion of one who raises awkward issues but will let the scribes and Pharisees pass quietly through their midst. Wisdom and folly are relative terms and the appraisal comes best long after the wise man and the fool are both dead. If by some process of relativity in time and space presidents and boards could now decide effectively what should have been done a century ago we might better trust their judgment concerning the wise and the foolish.

Since we must deal with men and situations here and now we need to set controls upon our judgments, following the procedure with which the Constitution has made us familiar—limitations upon the governing power. Life tenure for judges has kept many a poor judge on the bench but it has protected many more just judges from removal. Tenure for teachers rests upon the same foundation.

There is a second reason why tenure is associated with freedom. Not only do we imperfectly distinguish the wise man from the fool, but it is unsafe to limit freedom by insistence upon established canons. This is peculiarly true in the university, which exists not alone to transmit but to explore. The fact that a canon is "established" puts it beyond the exploratory stage. The essence of research is to destroy established ideas by substituting better ones. During the last thirty years the most completely revolutionary thinking has been that of the physicists. It makes the radical doctrines of the Marxists pale by comparison. One might even argue that over the long pull the revolutionary thought of the physicists and their fellow scientists may affect human life much more profoundly. Yet the demand for a holiday in science is not taken seriously, whereas the Red hunt makes its periodic headlines. The revolutionary character of thought can be currently identified no more readily than the
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distinction between a wise man and a fool. For research "safety first" is a wholly inappropriate slogan. The object is change, change as rapid and as fundamental as possible, so long as it is upon a basis of scientific integrity.

As in research, so in creative work; canons of good taste do not offer safe limitations upon freedom. What is at one moment in good taste is abominable at the next. Watches that drip off tables would not have appealed to Rembrandt. Houses that look like box cars would not have seemed esthetic to Wren or Bulfinch. The conscious crudities of Gauguin and the congregated dissonances of Hindemith would in other times and to other eyes and other ears seem in bad taste. Good taste is established by prevailing opinion, often transient. Though a majority vote is a useful way of determining upon action it has never been pretended, even by its most ardent advocates, that it is a measure of wisdom or good taste. Whether we are now in the midst of a revolution in our conception of art, whether we are in the midst of a period of arid and foolish experimentalism, whether our collective leg is being pulled, I do not know. As an individual I have a right to an opinion; as an administrative officer my opinion is irrelevant as a basis for displacing an "artist" member of the faculty.

Even when we pass from research and "creative" work to the subject of teaching we must protect the revolutionary. If minds are to be wakened and intellects sharpened there must be a challenge. How sharp that challenge is to be depends upon the teacher's method, upon the fixity of the student's prejudices, the profundity of his ignorance, the keenness of his mind and many other factors. One of my professors was displaced for a statement I had heard him utter many times. It was a provocative statement about the church; it never stirred me out of my rut and I never heard one of my fellow students refer even remotely to his remark as "radical" or "subversive." Indeed it influenced, so far as I could judge, only the president.

Among all the instances wherein I have seen the tenure of a teacher impaired or destroyed on an issue which involved free-
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dom of opinion within his field of teaching and research I have never known one where the merits were all on one side. Usually the man was asking for trouble. Usually, on the other hand, the institutional representatives handled the issue ineptly or unfairly—and in every instance the gains resulting from his displacement were more than offset by the losses.

Tenure which assures freedom is a gesture of strength. It is said that we want to protect that which we hold dear, but it is much more to the point to say we do not betray nervousness over positions we regard as impregnable.

The pressures upon freedom are often evidences of doubt as to the essential strength of our citadel. Religion has frequently offered a barrier to freedom. However, perspective alters opinion. We now laugh at the qualms of the church over the ideas and demonstrations of Galileo. At his grave in the church of Santa Croce I once heard a guide make sport of the issue. We are contemptuous of the more recent uproar over the impact of “Darwinism” upon faith and make mockery of the “Bible belt” states where legislation still attempts to protect education from subversive scientific attacks upon faith. It has been common to assert that this was an indication of the great importance of religion in the life of earlier times and to argue that the legislation is now a protection for religion in those “backward” areas where it is still regarded as vital. But another interpretation seems to me infinitely superior—namely, that men of science and men of faith are both occupying stronger positions than before and realize there is no essential conflict between them. Science has altered its hypotheses radically; its boundaries and potentialities have been surveyed more realistically; it describes life but does not answer its riddle. Physics sets metes and bounds upon its work; then yields to metaphysics. Religion on its part no longer regards some of its old positions as religious at all, and having abandoned them finds itself not weakened but freed of embarrassments. Science and religion are each ready further to modify its position as knowledge of itself and its old opponent grows richer. Tolerance is a gesture of assurance.
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We should keep that point firmly in mind as we turn from consideration of an old controversy to a current issue. The zone of freedom which tenure seeks to protect today is in writing and teaching about things economic and political. It is usually said that the reason for difficulty is the greater importance of the social structure in the life of today, the greater degree of interdependence in the modern age, which must inevitably limit the freedom of the individual.

This is a variant of the argument we confronted in the historic clash between science and religion and involves a like misinterpretation of the facts. Interdependence has reduced the pressure upon individuals. Engineering has limited the effectiveness of the state. No longer may the spoken word be censored as it flies through the ether, save by means more drastic, more difficult and less effective than ever before. Censorship, inhibitions upon freedom are not manifestations of power; they are essentially defensive. They reflect doubt—lurking, deep-seated, profound, and devastating doubt—as to the strength, even the reality, of the things they seek to protect. Limitations upon freedom do not come because economics and politics are more vital than at earlier times but because they are less effective. Ideologists put hard shells about the soft cores of their doctrines. The urgency of indoctrination and the destruction of tenure (the swiftest pressure upon teachers) are the clearest evidence of internal weakness.

We have come, it seems to me, to the heart of the problem of academic freedom as it affects tenure. It is not imperiled by strength but by weakness; it is not menaced by confidence but by doubt. And what is true of academic freedom in general is true of freedom within particular universities and colleges. Difficulties are rare in institutions which are sure of their mission and intent upon the pursuit and exposition of truth. Only where expansion of material assets is more important than widening intellectual horizons do freedom and tenure suffer. The sense of insecurity within an institution must be very serious indeed if its foundations can be shaken by the breath of a
public speaker. The fears so often expressed that an institution may be damaged by the incautious or unwise utterance of some professor reveal the want of faith in the solidity and reality of the institutional structure.

If freedom is the mark of strength, tenure is its symbol. For tenure is the guarantee to the individual that his freedom is real and not a shadow. However, it should never be mistaken for the substance of freedom. Some people have personalities so vibrant and ideas so lucid and appealing that they may be effectively free even in prison. The power of their teaching conquers every obstacle. Death itself may add potency to their ideas. They rise above the protection of tenure. At the other end of the scale are men with so little soul force and so poverty-stricken in their gift of expression that with a worldwide radio broadcast at their disposal they would make no impact. Tenure is no protection for what one is incapable of using.

That statement gives the cue to the most important limitation upon tenure. The term "academic tenure" is seldom precisely defined but it is never absolute. It is not "life" tenure, for it is usually subject to retirement rules. It is always dependent upon the solvency or fiscal exigencies of the institution. It does not give protection against punishment by civil or military authorities for illegal acts. Overt acts of immorality furnish a basis for displacement. Finally, and most important, tenure does not preserve the position of a negligent or incompetent teacher. Its only effect in such cases is to put the burden of proof upon those who seek to displace him. If he has had a period of probation and no substantial change in the conduct of his work can be shown, that burden of proof is very heavy indeed. But if deterioration in the quality of his teaching can be shown, the burden is not so severe. Admittedly proof of ineffectiveness is difficult, and fear of facing the issue on the part of administrative officers has made academic tenure appear to protect shoddy work. The real protection of poor teaching is not tenure, however, but lack of skill or want of courage on the part of the responsible officers of the institution.
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There is one other aspect of the relationship of tenure to freedom which receives far too little attention yet it is of first-class importance. As the symbol of freedom, tenure is effective only if it represents the free grant of the governing board as a voluntary restriction of its own freedom of action and as a gesture of confidence. Sometimes the source of formal rules of tenure defeats their essential purpose. If they are wrung as unwilling concessions from a reluctant board, jobs may be protected but not freedom. There are dozens of ways of persecuting, nagging and harassing the teacher which can sap the substance of the protection tenure is designed to give. Pressure group techniques are not sound procedures in any government, and in an institution devoted to the search for truth and its exposition such techniques destroy the kernel even when they salvage the shell.

The spirit which animates the institution is vastly more significant than the forms of its procedure. I have known institutions which clung to the absurd procedure of annual contracts where faculty tenure was really as secure as in any institution in America. On the other hand the most elaborately devised and safeguarded legislation regarding tenure was sent me by an institution only a few weeks before a group of its faculty was suddenly deprived of its positions, upon grounds which were transparently flimsy. Both these cases were exceptional and extreme but they serve to remind us that the characteristic American faith in legislative enactment is even more badly misplaced in this matter than in most others.

The problem of tenure has become unusually acute because the times are out of joint. The market situation in the teaching profession has had a profound effect. Just before the World War, and again just afterward, there was a surge of students; colleges and universities grew rapidly and junior colleges sprang up like weeds. Consequently there was an intense demand for teachers and jobs were plentiful. Standardizing agencies, like the Association of American Universities, and the great regional associations, like the North Central Association of Colleges and
Secondary Schools, published "approved lists" of institutions and virtually required advanced degrees. This broadened the market for trained scholars even more. At the same time the great foundations were pouring out money to the capital funds of institutions and private philanthropy made all previous periods of beneficence seem puny. Furthermore the public showed such a lively interest in improving professorial salaries that state institutions, like privately endowed universities and colleges, added to their faculties and advanced salaries rapidly.

It was at this same period that "research" became a watchword. The miracles of medicine and applied science, the startling suggestions of Einstein and other mathematicians and physicists, the vogue for economic predictions—all these came to a great climax and absorbed public interest. No institution was longer regarded as respectable unless research was a significant part of its program. Industry caught the fever and poured out millions annually, establishing projects, institutes and research foundations.

All these factors combined to make for great mobility in the teaching profession. The problem was not so much how an individual should find a job but of a choice among those available. Institutions were harassed to fill the places of those drained off by industry and by other institutions. Tenure was readily granted in order to make posts attractive but was held rather lightly by young scholars who expected to move to better posts.

The aftermath of 1929 had its first effect upon industry. Industrial enterprises rapidly demobilized immature research organizations. They had not produced the expected miracles; merely enlarging them had not brought commensurate improvements in products or the anticipated multiplication in number. Financial stringency and disillusionment combined to throw on the market scientists, economists and statisticians in considerable numbers. These then sought to return to teaching.

This rush back to teaching occurred at the same moment that graduates who had no economic opportunity decided to go to graduate school to be ready when prosperity returned. Institu-
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tions, likewise, had entered upon graduate instruction when the pressure was greatest and now encouraged it for the revenue it provided during lean years.

The combined effect was an oversupply of degree holders as great as the excess of openings had been only a few years earlier. Budgets of state institutions were cut, income from endowments fell, enrollments no longer mounted rapidly and salaries were cut. Public faith reacted violently. Technological unemployment became a catch phrase; there was talk of a scientific holiday; education was put under severe criticism from within and without. Naturally these factors united to produce widespread academic unemployment.

The effect upon tenure would not have been so marked if public morale had remained firm. But superabundance of optimism was followed by public pessimism of the deepest dye. It went to extremes as foolish as optimism had previously. Experience was regarded as a poor guide. Economic and political nostrums became both more irresponsible and more potent. "Social security" became a slogan that evolved into a program. Political and economic issues became passionate, so that quarrels about freedom were more frequent and tenure was sought as a protection. The coming of refugees who could be employed at bargain prices by hard-pressed institutions threatened the posts of some teachers. Earnest seekers for jobs, who made no salary demands, gave administrative officers an opportunity to displace some of those members of the faculty who had been accepted when trained people were scarce and salaries relatively high, but who had not proved equal to their tasks. There were efforts to economize in unwise ways, or to use pretended economy as a stalking horse for callousness or tyranny. All these things combined with the rising sense of panic to increase the pressure for "security" through tenure, just when shrinking income made institutions hesitate to accept long-term commitments of any kind.

Only an atmosphere bordering upon hysteria could possibly have furnished the setting for some of the things we have wit-
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inessed. Relatively minor episodes have been the occasion for severe breaks in academic morale. Full-dress investigations have reviewed the procedures of individual institutions with particular care to keep no domestic laundry for the private daily rinse. Associations have bid for members on the promise of fighting for quick tenure. Two results have been exceedingly bad. The first, and by far the most important, has been the serious impairment of morale in many institutions. A reign of terror is not a good atmosphere in which to conduct an educational program. The second has been to make administrative officers even more conspicuously wanting in courage than before. There is a profound temptation to accept poor teaching rather than run the risk of an uproar if the teacher is displaced. Actions tend to be overcautious and then rash—the typical unevenness of a nervous and excited person.

The great pressure for rapid acquisition of tenure is a self-defeating move. If the period of probation is long, department chairmen, deans and presidents are prone to give the beginner the benefit of the doubt, hoping that with experience and maturity he may improve. Indeed, so prone are they to what from one point of view may be described as patience and from another as indecision that many an incompetent has acquired an equity in his job by adverse possession. Frequently the personal sympathies were too great during the protracted depression, when officials hesitated to turn into unemployment a teacher whom they were clear should not be kept "permanently." For a time they were as optimistic as the business community that prosperity would turn the corner and separation would then be easy. But as the years went on the problem became more difficult.

On the other hand, if the period of probation is too short officials are forced to a decision. Hating to make a decision that involves a long-term commitment, they give the institution rather than the teacher the benefit of the doubt and refuse the appointment that carries premature tenure. Into this course of action they are encouraged also by the fact that any vacancy is certain to have many applicants, and reasonable industry and
luck assure at least as good a man as the one under immediate review. Moreover, in a short probation he will not have established ties of property or of personal acquaintance which make separation difficult for college officers to contemplate. Their sense of responsibility on that point mounts rapidly if given time to mature.

The moment at which the teacher should acquire tenure is a matter of practical judgment. Any attempt to establish a theory which fixes an optimum period for probation is certain to fail. Rules, therefore, rest upon empirical bases, not upon any inherent validity. Each teacher should be given tenure whenever it is clear that he is a success. The grant of tenure does not fix him in the post. He is always free to leave and may even be encouraged to do so. But it is a wholly different thing to advise a man to leave if you have deprived yourself of the authority to dismiss him. The difference is not merely one of power; there is an important psychological difference also. He can leave with better grace, and other institutions are vastly less suspicious of his availability. A man may be a success, and entitled to this recognition, even though the road to advancement is closed by too many senior departmental colleagues, by restricted institutional funds—or for many other reasons.

The habits of our speech often betray our thoughts. When we speak of a problem we always think of a solution. But "problems" of the dimensions of academic freedom and tenure do not have neat, simple and final "solutions." Rather they must be in perpetual process of solution, and they assume fresh forms as we reach new stages. The aspects of tenure which make it at the moment a peculiarly acute issue will pass. In time the number of candidates and the number of openings will come again into some rough kind of balance. Or it may be that there will again be a surplus of openings. When and if either of those stages arrives the issue of tenure will decline in momentary importance. But as long as men seek freedom, the problem of protecting academic freedom will remain; and as long as that problem remains, tenure will be one of its symbols.