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

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