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 overseeing? 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

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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, at 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

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