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 Garrigle'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

DOI: 10.1017/S0140525X06009186

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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

https://doi.org/10.1017/S0140525X06009186 Published online by Cambridge University Press

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

J. Phillipe 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

DOI: 10.1017/S0140525X06009198

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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 professorial 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.

https://doi.org/10.1017/S0140525X06009186 Published online by Cambridge University Press