LETTERS

Tenure Review

I welcome Ernst Mayr's editorial (24 March, p. 1294) advocating periodic review of tenure at our academic institutions. However, the main appeal of his proposal rests not so much with the dispatching of the "drones," as he calls them (most of whom are harmless souls fulfilling humble academic tasks anyway), but with the dispatching of those inflamed, highly vocal, pestilential earthshakers that make our academic lives utterly miserable by spasmodically convulsing what would otherwise be a supremely calm, serene, tranquil, and placid academic world. I list below some such cursed people together with what would surely have been the departmental vote, and the action the administration did in fact take.

Name	Vote of department	Action by administration
Pythagoras	Against	Exile
Socrates	Against	Poisoning
Christ, Jesus	Against	Crucifixion
Alighieri, Dante	Against	Exile
Savonarola, Girolamo	Against	Incineration
Bruno, Giordano	Against	Incineration
Galilei, Galileo	Against	House arrest
Marx, Karl	Against	Exile
Freud, Sigmund	Against	Exile

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Mayr's comments on tenure require a prompt response. They appear to offer a sensible and easily implemented solution to the problem posed by incompetent but tenured faculty. Unfortunately, however, while Mayr tries to preserve some of the protection afforded by tenure, his proposal needs to be vigorously resisted, for it would more probably lead to an undermining of tenure without necessarily bringing the benefits he seeks.

The major benefit conferred by tenure is the freedom of faculty members to study, discuss, and explore without fear views and topics that may be highly unpopular or controversial. Most scientists pursue careers that are models of conformity and caution, but some may wish to be more adventurous. Some areas of research can raise strong passions: observe, for example, the debates over recombinant DNA and sociobiology. If scientists in these areas were subject to renewable contracts (even if termed "ten-

ure"), it is safe to predict that, for many, caution would increase as the renewal date approached, and topics that may seem of major scientific interest would be neglected.

There is another serious objection to the proposal for periodic tenure reviews. Mayr suggests that the initial review come from a department committee. One might expect that this will often lead to leniency on the part of the reviewers in the hope of similar treatment when their own tenure comes up for review. Alternatively, the review might well provide an excellent opportunity to get rid of an abrasive colleague, and this same hazard exists if the review were instead to be undertaken by the chairperson. Indeed, extensive experience with procedures devised by the American Association of University Professors has shown that a major proportion of the threats to faculty members come from other faculty members and from department heads and deans who once were (or still are) faculty members. The apparently attractive idea of tenure review bristles with problems of implementation that are at least as objectionable as those it is designed to handle.

It is not only on the frontiers of research that feelings become inflamed and faculty positions are threatened. Some of us hope that more university scientists will become engaged in what Ravetz has termed "critical science" (*1*). This involvement in current issues does not need to be partisan but can be in the direction of elucidating complex technical issues to a broader public in order to foster an informed debate. Here again, these scientists need the protection of tenure, for, it is clear, those employed in industrial and government laboratories do not have the freedom to engage in these issues unless they are generally on the side of their sponsors. University science departments will probably provide virtually the only source of independent comment, and university scientists will not be able to play a responsible role if their jobs are in jeopardy. Again, this is not some hypothetical possibility: as "critical science" has developed in the United States, government and industrial scientists have been conspicuous by their silence or their scarcity. . . .

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References

1. J. R. Ravetz, *Scientific Knowledge and Its Social Problems* (Oxford Univ. Press, New York, 1971).

Mayr joins the growing number of those calling for a system of tenure review as a means of purging the academic profession of the "incompetent or thoroughly lazy individual [who is] securely protected against dismissal." Tenure review, rather than abolition of the tenure system, is seen by Mayr as a method of preserving the baby while getting rid of the bathwater. I suggest, however, that bathing the baby in this particular "solution" is inimical to the baby's health—it may take longer, but the baby will just as surely die.

As Mayr points out, the tenure system protects academic freedom against politically or ideologically motivated dismissals—it is what enables me to write this even though administrators in my university have advocated tenure review. Tenure was never meant to be a system in which dismissal for cause is not possible. The thoroughly lazy or incompetent can be dismissed for cause; just be sure that you have the evidence. Admittedly, building such a case is most often difficult, but that is probably as it should be considering the nature of the alternative. If there is a problem it is not with tenure per se but rather with our failure to enforce performance standards. Furthermore, contrary to Mayr, I see only very little that is unique about the tenure system when I compare academe to other professions—consider the promotions, transfers, lateral movements, and so forth, practiced in industry to cover similar problems, or the musical chairs played annually in the sports world by coaches and managers. Tenure is unique only in the explicit *political* protection it offers professors. And if tenure results in the protection of the lazy and incompetent, surely a periodic review system, conducted by departmental committees, is likely to invite continuation of the abuse through communal backscratching.

But let us also consider a heretofore unacknowledged possible abuse engendered by a tenure review system. Advocates of tenure review generally point to it as a possible solution to the problem that our universities are turning out more Ph.D.'s than the job market can absorb. Tenure review, by creating additional openings, would provide some alleviation of this problem. In the absence of clear evidence to the contrary, I must assume that the lazy and incompetent among us actually constitute very few in number; for tenure review to have any appreciable impact on this problem, then, it will have to turn into some form of forced, early retirement system. If, as I contend, most professors do not become lazy and incompetent after the granting of tenure, and if they do continue to perform at the general levels demanded by the tenure system, the only way in which tenure review can have any impact would be by placing *increasing* performance demands on each higher age bracket of professors. The tenure system as it is currently practiced is the only "seniority" system I know of which places so stringent a probationary period on entrants into the profession—typically 7 years. The prospect of adding higher performance requirements periodically is truly astounding and exists nowhere else in any professional undertaking.

If higher performance requirements are necessary, it would seem that the appropriate place to demand them is at the entry level, as the price for granting tenure initially. But anyone who has ever tried to upgrade the standards for tenure in an academic department is certainly familiar with the cries of anguish and the charges of foul play raised by junior faculty. Obviously, we are dealing with the problem of assigning priorities in an oxgoring contest.

The moral seems to be that no system is perfect but, like political democracy, I know of no better alternative than the tenure system. The granting of tenure is a step that requires careful consideration and high standards. But once granted, any review system is likely to be open to abuses that are worse than the illness it attempts to cure.

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Mayr fails to consider the likely impact which would counteract the effect of his otherwise eminently sound suggestion for periodic tenure review.

It is true that during the period of expansion of colleges and universities, a number of individuals of varied levels of competence and motivation found their way into many faculties, as is rather expected in instances of rapid expansion. In the leading universities, the screening processes have probably been less casual than in other institutions because of strong faculties and good administration and consequently stringent criteria. (In such institutions, the exceptions are probably also more visible than in other, less prestigious schools.) In the other institutions, however, stringent criteria for selection and for tenure have been usually replaced by detailed rules, procedures, and evaluations of averages. To the extent that such processes have been primarily developed by administration, the fault for occasionally granting tenure indiscriminately must be attributed to it. It has not been unusual to find administrations in some of the less professionally and academically prestigious institutions bow to letterwriting campaigns, popularity contests, and other pressures, and to reverse faculties' recommendations in the tenure granting process. One weak president, provost, or dean can do more harm than scores of bad faculty. First-raters hire and keep first-raters; but second-raters hire and keep third-raters, which applies both to faculty and administration.

As a consequence, the proposed tenure review process, if instituted, will probably be such as to maintain status quo, at best, because it will contain much the same ingredients as that leading to the granting of tenure. What is more likely is that the review process, instead of improving various faculties, will tend to widen the gap between the good and the average institutions and debase rather than help the overall educational system.

If we are really interested in eliminating incompetence in education, we need to look first to the improvement of hiring and tenure granting practices which would tend to improve the faculties in the long run. To the extent that these procedures are a strong function of administration, we need to look to better leaders rather than having leadership positions occupied by managers.

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Mayr repeats the old argument that tenure serves to lock incompetent professors into their sinecures and keeps the bright and young from productive careers. The program Mayr proposes, hedged though it is, does attack the key aspect of tenure, namely the assurance of a professional position. Furthermore, it increases the power of those who wish to abridge the benefits of tenure "because" of the current fiscal stringency or for political reasons. Any loophole of this kind will also increase the temptation to establish more "assistant professorial positions," which appear to represent career options, but offer no chance at permanency. Tenure does not represent an absolute protection for the dissenter, but it is a very powerful one.

What then about the faculty member who exhibits loss of competence and creativity, who becomes inadequate as a teacher and as a researcher? Administrative alternatives have always been avail-

able and with less red tape than the annual establishment of committees to review and hold hearings on 10 percent of the faculty. For instance, this category of "incompetent and thoroughly lazy" faculty (How large is it really? Has it recently increased? In absolute or in relative terms?) could be quite easily dealt with if universities were to split faculty remuneration into two subsets. The first, based upon rank and seniority, would be defined by the job, would reflect tenure, and would be immutable. The second portion of the remuneration would be awarded on the basis of a scheme that evaluates factors such as teaching, research, and service to the university. The level of the secondary reward would reflect all the considerations usually applied in salary decisions, including the value of the employee in the national marketplace. The scheme could also incorporate negative increments of the merit fraction of remuneration.

Such an approach would divide the "risk." Universities would be assured that only part of their resources could ever be locked into "inadequate" faculty, while maverick faculty would remain assured of a minimum level of security, allowing them to take stands on issues likely to provoke retribution. Those funds made available by the negative increments could indeed be used for the employment of promising new faculty.

All that would be needed to implement such an administrative scheme is the willingness to make tough decisions. But that is already needed today, not just at the time of hiring and when initial recommendation for promotion is made, but when salary increments are awarded and when space and "research support" are allocated. Faculty inadequacy often reflects administrative inadequacy on one or another level. Abrogating tenure is unlikely to solve that problem.

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Mayr makes an excellent point: not the abolition of tenure but a system of tenure review is required in our institutions of higher learning (and by extension, all educational institutions). But the program he proposes is not quite tenure review so much as a series of 5- to 10-year contracts for faculty members. At the University of Delaware we have instituted a system of true tenure review at somewhat shorter intervals than those proposed. All tenured associate professors must be reviewed by a faculty committee appointed by the department chairperson every 3 to 5 years; all full professors must be reviewed every 5 to 7 years.

This system, in operation since 1972, has had excellent results so far, mainly because it does not emphasize the search for incompetence but rather the positive aspect of providing useful comments and constructive criticism to faculty members from their peers. Peer pressure, we have found, is perhaps the single most effective means of getting faculty members who have somehow grown stale in their teaching or slow in their research to renew themselves and make fresh contributions to the university, their profession, and above all their students. Of course, the occasional recalcitrant or hopeless case does turn up, and more forceful measures have to be employed (the review system does make allowance for incompetence proceedings to be initiated, when necessary). But to date, no charges have been brought for dismissal, and everyone has a healthier sense of the true meaning of tenure. Still more positively, several associate professors have found that the peer review system can lead to serious consideration for promotion, an outcome actually planned for by the framers of the review system.

Tenure reviews, like all evaluations, do take time. But I can think of few more useful committee assignments for faculty members than this one which, when taken in the right way, can go a long way to promote everyone's best interests.

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Some of the letters tend to obscure the basic issue of my editorial. What I deplored was that tenure had drifted away from its original justification of protecting academic freedom to take on the meaning of a job security device, including the security of the incompetent. The opponents of tenure review claim—and this may well be completely true for certain institutions—that one cannot separate the two. For many, possibly most, institutions this is not true. Not only the letter from Halio, but personal experiences, prove that the two can be separated in most cases. I once worked for a "moral tenure only" institution, and in more than 20 years, only one staff member was dismissed, for a complete failure to perform his duties.

The critics of tenure review like to refer to it as the "abolition of tenure." This is most misleading. Taking a few rotten apples out of the barrel helps to preserve the quality of the remaining ones. In fact, it strengthens the major ob-

jective of tenure, the protection of academic freedom. It is axiomatic in our American thinking that no system should be without its checks and balances. This is the major virtue of tenure review.

Let me say at once that I fully agree with Friedlander that "the apparently attractive idea of tenure review bristles with problems of implementation," but so would any of the methods proposed by the opponents. Imagine what turmoil it would cause if a faculty committee had to vote annually on half the salary of each colleague by evaluating "factors such as teaching, research, and service to the university," as proposed by Gans, who continues, "The scheme could also incorporate negative increments of the merit fraction of remuneration."

It is clear that the method of implementation of tenure review is of crucial importance. Any authoritarian procedure would be fatal. The principle of checks and balances would have to be scrupulously adhered to. This means, for instance, that the committee might have to be composed in part of members elected by their colleagues (not the chairman) and in part of members appointed by a dean (or other higher administrative officer). There would have to be an appropriate appeals procedure, and so forth. Needless to say, existing watchdog committees (the American Association of University Professors, the Civil Liberties Union) would continue to be available in the case of a miscarriage of a tenure review.

Discussion of the tenure problem with scores of colleagues from many types of institutions has made it very evident to me that different institutions will require different review systems. Obviously, there is no single perfect system, and the faculty of each university will have to decide which particular system would be most suitable for them. Tenure review procedures are actually already in operation at various institutions, and—if I am correctly informed—have worked reasonably well. One would like to hear more from such institutions.

Several colleagues have pointed out to me that the precipitous granting of tenure during the 1950's and 1960's is responsible for much of our problem and that much trouble could be avoided in the future if one were to return to the more deliberate system of the 1930's and a more careful review of the record before full tenure and full professorship is granted. Zelby is entirely right when saying that the future incompetence of an appointee could often have been predicted if higher standards had been employed by the committee which originally recommended tenure. Indeed, tightening up the procedure of tenure granting might go a long way toward making the cry for tenure review less urgent. In this I also agree with Schwartz. However, I find no evidence for his claim that the academic tenure system does not differ from what is "practiced in industry to cover similar problems." Actually, the firing of unproductive or unsuccessful managers is a daily practice in most industries.

Those who oppose tenure review think that there are adequate procedures available to get rid of the failures: "The thoroughly lazy or incompetent can be dismissed for cause; just be sure that you have the evidence," says Schwartz. Gans likewise claims "Administrative alternatives [for the dismissal of incompetent professors] have always been available and with less red tape than the annual establishment of committees. . . ." Unfortunately, this is wishful thinking. Even with overwhelming evidence, skillful lawyers can cause so much trouble and disrupt academic life to such an extent that I know of several cases where the university or college found it cheaper to pension the delinquent professor at full salary than to go through the court battles.

As far as Emiliani's letter is concerned, he seems to have better access to historical sources than I. I admit frankly that I was unaware that Jesus Christ had tenure at an academic institution and that Socrates lost job and life on the recommendation of a tenure review committee! Emiliani's sense of values seems to be different from mine, because for me the endeavor to uphold academic integrity is not a suitable subject for jokes.

The problem before us is clearly one of finding the lesser of two evils. Tenure review is not perfect, but a tenure system so rigid that it unfailingly protects the thoroughly incompetent is even worse. The opponents of tenure review have so far failed to come up with a better alternative. As the abuses of tenure get worse, and this is what seems to have been happening in recent decades, the pressures of the outside world (for instance, the parents paying ever higher tuition fees) will rise to abolish tenure altogether. This threat can be blunted only if the academic community has the courage and integrity to institute its own reforms. I am convinced that the current laissez-faire attitude and shirking of responsibility cannot go on forever.

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