

Academic Ethics: Rethinking the Justification of Tenure

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Tenure for professors has been under pressure, and even the subject of outright attacks, for a long time. But the pace of the assault has accelerated lately, and there is no more significant canary in the coal mine than events in Wisconsin over the past two years.

Tenure protections have been systematically eviscerated by the Republican-dominated government in Wisconsin — the former home of progressivism and still home to one of the nation's most distinguished research universities in Madison and to many popular branch campuses throughout the state. Tenure protections were [removed from state law](#), watered-down protections [became part of system policy](#) subject to regents' control, and administrators [gained greater power](#) over posttenure reviews.

In the neoliberal world, tenure looks like an unusual institution — and it is, especially in the United States.

The job protection it provides — termination only for "good cause" — is not the norm in America, where at-will employment contracts are the standard (meaning workers can be fired for any reasons, except those specifically prohibited by antidiscrimination laws, such as the employee's race, gender, or age). Many civil-service employees and teachers in America, among others, enjoy tenure-like provisions, but they, too, are outliers in a landscape of disposable labor. Termination for cause is more common as an employment relationship in Europe, although there, too, it has come under pressure from the "logic of the marketplace."

Tenure in the United States has not been helped by the fact that universities regularly fail to undertake proceedings for termination when good cause actually does exist. "Cause" in that context means failure to perform in a satisfactory manner the research and teaching duties central to the position. Satisfactory performance is, of course, a less-demanding standard than that expected for tenure, but it is a standard, nonetheless — one to which the

proverbial "deadwood" professor should be held to account.

I am not aware of reliable data on how many duty-shirking professors there are in academe, but I have certainly encountered some in real life. That universities regularly give them a pass endangers the institution of tenure itself.

Ironies abound here. The University of Colorado at Boulder has not been shy about [forcing out tenured faculty](#) for alleged sexual misconduct (when proved, such misconduct can constitute cause for termination) and alleged research malfeasance (recall [the case of Ward Churchill](#), though it seems he was [really targeted for](#) constitutionally protected political speech). Yet Colorado, despite having a [posttenure review policy](#), has done nothing about other faculty members who consistently get below-average teaching evaluations and produce little or no scholarship.

The historical rationale for tenure was to protect academic freedom, as defined by the [American Association of University Professors](#) — a definition incorporated by reference into many faculty contracts. Academic freedom protects professors in their research and teaching, and also purports to insulate them from discipline when they speak as citizens in the public square. The justification is that such protections facilitate the discovery of truth to the benefit of society as a whole.

Freedom in research and teaching in pursuit of truth seems clearly well served by insulating faculty members from repercussions for reaching conclusions offensive to powerful economic interests and political groups. That may be especially true in the sciences, where research findings (think of climate science) are often very costly to those who have no interest in truth, but quite a lot in profit. (Certain academic fields that occasionally profess skepticism about truth may have a harder time explaining why they should enjoy these protections!)

To be sure, tenure is an imperfect protection. Non-tenure-track instructors do not enjoy academic freedom, or do not enjoy it meaningfully. And the entire system of peer review for publication and tenure creates pressure toward conformity and timidity. (That has become a serious problem in one of my academic fields, philosophy, but I am sure the dynamic works the same elsewhere.) That a legal mechanism is an imperfect means of promoting a valued end — in this case, freedom in teaching and research in pursuit of truth — does not mean we should abandon it, however.

The AAUP ideal that academic freedom should also encompass extramural speech may seem harder to justify in the faux egalitarian culture of the internet age. If one thinks that academics — because of their education and opportunities for research and inquiry — are likely to have more insight than the average citizen, then that protection makes sense: Surely we want to encourage academics to share their insights in the public sphere.

Although that is often a sound rationale for protecting extramural speech by academics, in the age of Trumpian ignorance it hardly seems a good public-relations strategy on behalf of tenure. Why should the professor be able to opine without fear of professional repercussion, while the high-level executive or law-firm partner enjoys no similar privilege?

Yet there is another important rationale for tenure, which explains why it is enjoyed by civil-service bureaucrats and elementary-school teachers, too: Job security is a very important form of nonmonetary compensation.

Long-term job security makes an enormous contribution to well-being and planning a life. There is a reason, after all, that economic [recessions increase suicide](#) rates. Employees who can be terminated only for cause are able to lead better lives — and they can also be better citizens, insofar as they can speak freely on matters of public concern without fear of losing their livelihood. That's why securing the equivalent of tenure has been such an important part of the agenda of social-democratic parties in Europe, and well beyond the universities.

Tenure plays a special role in academic life, to be sure, because of the unique function of colleges and universities in the discovery of truth and the development of knowledge. If that university-specific rationale is to survive in the neoliberal world, then institutions must become more willing to fire professors whose contributions to teaching and research are subpar.

But tenure at colleges and universities will not survive, I suspect, unless it is tied to the broader moral agenda of defending some kind of job security for everyone, given how important that is for human well-being, inside academe and out.

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