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**Review of**  
***Academic Freedom and Tenure: Ethical Issues***  
**by Richard T. DeGeorge**

The granting of tenure and the guarantee of academic freedom are two features of the American academic profession that differentiate it not only from other kinds of labor but also from other teaching professions. University professors with tenure rarely lose their jobs and within that employment enjoy a considerable degree of freedom regarding how and what to teach and what to research. They even exercise such administrative responsibilities as hiring colleagues. While other teachers through unionization may have some degree of job security, they do not enjoy the college professor's degree of autonomy. In primary and secondary education, teachers are not free to teach what they deem important, and they have little or no say in who their colleagues will be. Rather, elected school boards (usually in conjunction with state agencies) determine curricula and have ultimate say in staffing. So it is perhaps inevitable that in an environment where "efficiency" and "accountability" are increasingly demanded some of those who supervise American universities are asking, "What justifies giving college professors such unrivaled autonomy"? In *Academic Freedom and Tenure*, Richard T. De George offers an answer: academia's autonomy is justified by its relation to the truth.

The book is divided in two parts. The later half includes helpful background documents and articles on different aspects of tenure and academic freedom while De George's defense of these practices constitutes the first part of the book. He begins with an argument in favor of tenure, one that depends on its role in promoting academic freedom. Of course, this is hardly a novel idea. In 1940 the American Association of University Professors and the Association of American Colleges issued a joint Statement of Principles on Academic Freedom and Tenure (reprinted in part II of the book). It states, in part, that "tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability" (118). The first clause identifies the interdependence between academic freedom and tenure that is central to De George's argument. What then motivates granting professors academic freedom? The justification here too is teleological, for academic freedom is a means to the discovery and dissemination of truth (a justification not found in the 1940 Statement). Thus, a society that values the truth will need to ensure that its researchers and educators may exercise sufficient freedom to pursue that truth, and in our present economy this requires the granting of some form of tenure. There is, admittedly, a limitation to this line of reasoning, for if a society does not value the truth, then there is no justification for either academic freedom or tenure.

In pursuing his case, De George ignores the second end of tenure identified in the 1940 Statement; tenure is not justified by economic ends. Only academic freedom, he thinks, justifies the institution of tenure. This is noteworthy since recent familiar attacks on tenure have focussed primarily on economic considerations. Just such an economic analysis of tenure, *Academic Tenure: An Economic Critique* by McGee and Block, is included in this work. They argue, in part, that the system of tenure is economically

inefficient. Whereas corporations can pare away nonessential employees in order to become more cost-effective, universities with tenured professors are hindered from getting rid of ineffective or unnecessary teachers. For instance, suppose a college is experiencing declining enrollment in philosophy classes but increasing demand for business courses. If its philosophy professors are tenured, the school is barred from simply replacing them with more business teachers. If money is tight, the university may have to make due with an understaffed business faculty. The argument concludes, “tenure thus prevents efficient resource allocation, to the detriment of the consumers. Universities must wait for the faculty in overstaffed departments to retire or die before resources can be reallocated” (158).

De George points out that there is little real empirical evidence for the kinds of claims McGee and Block make regarding the economic consequences of tenure. (It should be noted that he is equally critical of the economic claims made by the proponents of tenure.) More importantly, however, the kind of criticism McGee and Block make ignores the proximal role of tenure in ensuring academic freedom and its distal function in the accumulation and perpetuation of knowledge. Thus, if De George is right, a purely economic critique can never be decisive. While it is true that academic institutions can be held accountable for what they do and how they use their funds, the criteria for judging the effectiveness of tenure has to be appropriate to its goal of ensuring academic freedom. Any criticism that does not recognize that this is the function of tenure is at best inconclusive.

While De George sidesteps an economic justification for tenure, he also avoids arguing that tenure is or should be thought of as a legally protected right or that academic freedom is a species of free speech protected by the First Amendment. It is particularly important to sharpen the distinction between academic freedom and freedom of speech since the courts have sometimes tended to conflate the two. Clearly, academic freedom goes far beyond constitutionally protected freedom of speech and includes at least three dimensions specific to the academy: (1) institutional autonomy (the freedom that academic institutions have to decide for themselves what students in a certain discipline should know and for gauging what knowledge might be developed in that discipline); (2) the student freedom to learn; and (3) faculty freedom with regard to teaching and research. Academic freedom, then, as distinct from freedom of speech is justified because it is necessary for pursuing knowledge and in the long run society benefits by having an institution that discovers, preserves, and passes on a body of knowledge. Thus, De George plots a middle road between an overly idealist and overly pragmatic defense of academic autonomy. On the one hand, the institutions of tenure and academic freedom are not inalienable rights. Instead, they are required only because they facilitate an end that benefits society. On the other hand, the ends they are to promote are not economic exigency for faculty or administration, but the accumulation, preservation, and dissemination of a body of truths.

While the overall structure of the argument up to this point is tight, some might question its most basic philosophical assumption, namely, that there are objective truths that can be known and that knowing these truths will in the long run benefit society. Indeed, many in the humanities would reject these claims. Some, for instance, reject the notion that there is objective truth. Others feel that the role of academics is to defend and critique hegemonic social structures rather than to expand knowledge. It is somewhat surprising that a defense of academia’s autonomy should turn on the status of truth. De George is in a difficult position here since he hardly wants to get bogged down defending the claim that truth is objective. He responds in two ways. First, he points out that while disagreements about knowledge, objectivity, and power are valid, this does not undermine the need for academic freedom, for even those who attack traditional meanings of knowledge and specific beliefs and evaluations do so in the name of other meanings and beliefs and evaluations. Which of these are best for society to follow, adopt, and build upon, is still of interest to society and best resolved by letting the debate work itself out to a resolution, which in turn will be challenged. This is not to be avoided but that is the point of having universities and of guaranteeing academic freedom (90).

The second way De George addresses the relationship between truth and academic autonomy is by including two essays on the topic in the later part of his book. On the one hand, in *Rationality and Realism: What is at Stake?* John Searle argues that abandonment of traditional standards of truth, rationality, and objectivity pave the way for a dangerous politicization of the academy. On the other hand, in *Does Academic Freedom Have any Philosophical Presuppositions?* Richard Rorty argues that such disputes ultimately make no difference to the way the university, as we know it, functions. Instead, Rorty argues that universities are defensible due to “the good which [they] do, to their role in keeping democratic government and liberal institutions alive and functioning” (181). For Rorty, the conception of truth has little relevance to academic freedom. But despite De George’s efforts to throw light on the subject, one is still left wondering about the relationship between academic autonomy and the concept of truth. Given what De George says in the section quoted, it seems that he sides with Rorty. Then one wonders why from the start he has not made a case for academic freedom that does not depend on a problematic assumption regarding the status of truth. Additionally, it is not clear that Rorty’s position is really consistent with De George’s teleological justification of academic autonomy; the claim that autonomous universities keep “democratic government and liberal institutions alive and functioning” is the kind of claim that academics might contest. Rorty treats it as axiomatic. At the argument’s philosophical foundation, there is not as much clarity as one would like.

7. But defending tenure and academic freedom is only half of De George’s project in this work--the less interesting and original half perhaps. It should come as no surprise that along with the privileges of academic freedom and tenure comes responsibility, and De George thinks it is important to identify the obligations that are created when society grants autonomy to academic institutions. Separate chapters are devoted to elaborating the obligations that arise from the system of tenure and those that arise from academic freedom. There is some overlap here since the defense of tenure depends ultimately on the justification of academic freedom. Of paramount importance is the obligation to preserve academic freedom within the walls of the academy. But additionally, De George thinks faculty have the obligation “to continue to keep up in their field, to continue to teach, carry on research, and publish to the extent expected by their institution; and to continue to pursue the truth”(41). He insists that continued support for academic autonomy is contingent on faculty meeting these responsibilities.

If De George is right, then many traditional criticisms of tenure and academic freedom are not actually problems inherent in the practices themselves but rather shortcomings with the way these institutions are carried out by those involved. In other words, many problems arise from the failure of academics to live up to their responsibilities rather than a failure of tenure or academic freedom per se. Take, for example, the criticism that tenure “tends to keep junior faculty meek and subservient rather than protecting their academic freedom” (87). That is, it is sometimes argued that since tenure decisions reside in the hands of senior faculty, and junior faculty fear not pleasing them, the latter are encouraged to perpetuate orthodox views, ultimately suppressing truly original work. According to De George, however, to the extent that this occurs, it is a failure of tenured faculty to meet their responsibilities, for the obligation to protect academic freedom generates the subsidiary responsibility to protect the academic freedom of those without tenure.

De George ultimately accepts that the academy requires some external, non-academic oversight. He thinks that the nature of this oversight, however, should be indirect. Society can expect the academy to develop, perpetuate and preserve a body of knowledge. It is left to academics, however, to develop methods and standards for evaluating the truth and, importantly, there can be no presuppositions as to what truth will be uncovered. Ultimately, society must trust that academics know best how to handle the truth. While this kind of accountability seems legitimate--one can imagine that academia might “derail” with unchecked freedom or that universities could be easily politicized without significant autonomy--this in turn raises the question: how do we create the proper equilibrium between overseers and the academy? How can we insure that one group does not encroach on the legitimate rights of the other? Although De George does not offer an extended treatment of this crucial question, one important ingredient in his

solution is clear. Academics have a role in educating society as to the real function of the academy and also to demonstrate the knowledge it discovers. In other words, academics have a responsibility to perpetuate a broad understanding of the academy. This book itself is best interpreted as a step in this direction.

10. With its central case for academic freedom and tenure and supporting documents this book provides a good introduction to the issues surrounding academic autonomy (the bibliography, however, could have been more complete). De George makes clear that he does not intend his to be the last word on the subject, for even granting his conclusion many important details are not addressed. For instance, a complete account would need to tackle such important practical issues as the length of the probationary period before tenure can be granted. Still, the principal goal is not to develop and defend a particular conception of tenure and academic freedom. Rather, the chief aim is to alert the reader to the obligations associated with academic autonomy in the hopes that academics will strengthen tenure and academic freedom and that others will recognize that these institutions do not preclude accountability. Both an academic establishment that benefits society and a society that is alerted to these benefits are needed if the academy is to preserve (and deserve) its autonomy.