The debate over the merits of faculty tenure at universities is perennial, passionate, and polarized. Supporters hold that tenure is essential if universities are to carry out their unique mission of creating, discovering, advancing and disseminating knowledge. It is vital to ensure academic freedom, required if research and teaching are to be protected from political, social, or ideological constraint. Critics charge that tenure protects unproductive faculty, maintains the status quo in academe, and diminishes the intellectual vitality of universities.

Both perspectives are correct. Tenure is crucial, but in its current form, it is also dysfunctional.

The six-year “up or out” tenure process leading to lifetime appointment, which prevails at most colleges and universities, is a product of the early decades of the 20th century. Tenure was created in response to a wave of faculty firings for research, teaching or expression of opinions deemed unacceptable by colleges, donors, business or government. The offenses cited at the time varied widely, from the teaching of evolution to opposition to World War I. One of the most telling incidents occurred at Stanford University, named after the son of railroad magnate and California Gov. Leland Stanford. A professor who championed municipalization of the railroads and an end to the low-wage Asian labor that built them was fired on the order of the Stanford board chair, Mrs. Leland Stanford. Had university boards and presidents retained this power to fire faculty at will, the situation would have rendered the mission of the university impossible. Tenure was a creative and intelligent response.

Nearly a century later, however, the problem is that tenure is both an insufficient remedy and too broad a response. It fails to protect faculty and academic freedom in times of intense political pressure when it is most needed. For example, during the 1950s McCarthy-era witch hunts, tenured faculty were fired at top universities across the country.

Tenure also fails to guard faculty who carry out the most controversial research or make politically incorrect research possible. The study of such subjects as intelligence differences by race, gender or ethnicity, for instance, has produced campus demonstrations, and faculty members who do such work are often shunned by colleagues. In these cases, tenure, at best, sustains a scholar’s employment through a career of marginalization. Indeed, it is not uncommon for departments with particular ideologies regarding a discipline to refuse to hire faculty with contrary views, or to deny them promotion or tenure.

If another stated goal of tenure is to ensure the openness of campuses to unpopular opinion, it is also insufficient to this purpose. During the Vietnam War era, for instance, many campuses, or hostile demonstrators on those campuses, barred government officials prosecuting the war.

The inescapable conclusion from these examples: While tenure has dramatically reduced the bald intrusions on academic freedom of the 19th and early 20th centuries, it has not provided universal protection against external or internal constraint.

On the other hand, of those faculty members who receive tenure, the overwhelming majority do not engage in teaching or research that is in any sense controversial. More often tenure provides a lifetime of job security not to professors whose work requires protection, but to a significant minority of “deadwood” — individuals who are unproductive, out of date, or poor in their research.
teaching or institutional commitment. In this sense, tenure can not only lead to academic freedom and intellectual excellence, but can also provide license without accountability and shield low-quality academics.

So why not eliminate tenure, as many suggest? There are three compelling reasons. First, the abuses of the past far outweigh the limitations of the present. For universities to succeed, it is better that the majority who may not need the protections of tenure receive them than that the minority who do need protections be denied them. Second, evidence indicates that colleges that lack tenure develop a de facto system of lifetime appointments, in which individuals receive continuing appointment based on their longevity at the institution or personal circumstances such as a child in school or a family illness, which make separation from the institution a hardship. By contrast, tenure at least necessitates a major scholarly review and a thoughtful decision by academic colleagues regarding a faculty member’s suitability for a lifetime appointment. Third — and this is an entirely pragmatic rationale — any major institution that chose to eliminate tenure would be at a disadvantage in recruiting top faculty in the future.

In spite of all these reasons to retain tenure, it urgently needs reform. When tenure began, mandatory retirement rules at particular ages were possible. Today, these are illegal. As a result, tenured faculty can remain at the university far beyond the time in which they are effective. With no incentive or requirement for them to retire, it can be exceedingly difficult and expensive to secure their departure. In some cases, institutions have had to provide “early” retirement packages — to failing faculty in their mid-70s. Many colleges report that this problem has grown worse in the last few years, as faculty members have responded to losses in their retirement funds by staying on the job longer than they originally planned.

For universities, the cost of this situation is not primarily financial. It is their intellectual vitality, the capacity to continue to create, discover, advance, and disseminate knowledge. With scarce budget lines committed to tenured faculty who no longer produce, or whose areas of scholarly and teaching expertise have been overtaken by other subjects or approaches, it becomes impossible to hire adequate numbers of new faculty who bring an infusion of energy and fresh ideas. In a weak economy with declining university funding, the problem is particularly acute.

For the reasons already discussed, I believe it would be an error to eliminate tenure, yet faculty turnover is essential if universities are to succeed in their mission. It is time for American higher education to attempt some controlled experiments with alternatives.

I would offer one proposal: Since mandatory retirement is not possible, the length of tenure could be limited to a significant but finite number of years. A term of 30 years, for example, would ensure essential academic freedom and at the same time allow for the turnover that universities require to remain intellectually strong.

Beyond that initial term, faculty and universities can together negotiate shorter-term contracts, modified assignments, or retirement. To be sure, some faculty remain vital well into their eighth decade, maybe even beyond. Some who no longer teach or publish or advise students still contribute to their institutions in other ways. In such cases, a contract extension model could work to the benefit of both the faculty member and the institution.

Still, as life spans grow longer and early-tier benefit packages create disincentives to retire, the issue of tenured budget lines absorbed by faculty past their productive years will become all the more acute. Moreover, as American institutions face a society in transition, in which change is the new normal, and compete with increasingly powerful competitors worldwide, the need to recruit top talent will become all the more pressing. Now is the time to develop a model of tenure for the 21st century that protects academic freedom and also maintains institutional vitality.

Arthur Levine is president of the Woodrow Wilson National Fellowship Foundation and president emeritus of Teachers College, Columbia University.

© Copyright 2010 Inside Higher Ed