HYMIE RUBENSTEIN REPLIES

Lorne Carmichael claims that lifetime job security in the ivory tower is the best way to protect academic freedom. Tenure is needed more today than ever, he says, because: unlike their predecessors stretching back to the 13th century, who were merely preserving and passing on existing ideas in scribe-like fashion, contemporary scholars are actually creating knowledge; only senior scholars in the same field have the expertise to hire the best candidates; and, finally, the dark forces of postmodernism and political correctness are intolerant of competing paradigms.

I urge Prof. Carmichael to familiarize himself further with the history of the Western university and to find out why most universities have always had high walls around them to keep out the rabble, not to mention the king. This might disabuse him of the conceit that only post-1960s scholars have pushed the creative envelope. Tenure as we now know it only became entrenched 40 years ago, in lockstep with the development of the oxymoronic notion of mass higher education—higher education for the masses, that is. In this country, the resulting shortage of homegrown scholars to service the hordes of dull but credential-hungry students was met by the recruitment of hordes of mediocre academics from second-rate American schools. The post-1960s era has certainly not been a golden age of Canadian higher education.

Lorne Carmichael's theoretical assertion that the highly specialized nature of academia means that only incumbent professors in the same field have the requisite knowledge to make good hiring decisions is also contradicted by the empirical evidence. Hiring recommendations are often made by *untenured* departmental members unfamiliar with the hyperspecialized interests of job applicants. Most hiring committees these days also include undergraduate and graduate students, as well as faculty members from diverse disciplines. Gender equity rules that mandate female participation (any willing women will do) further dilute Prof. Carmichael's expertise factor. Conversely, many senior academics—those whose recommendations might have some value—avoid like the plague the hard work of serving on such committees, or any committees, for that matter. Of course, they can opt out of tedious service work only because they have tenure.

As for the potential power of the postmodernists to fire those who disagree with them, I suggest that the Carmichael cure, tenure for all, is worse than the disease, which is the sloth and general debasement of intellectual achievement that tenure invites. At any rate, expected shifts in academic fashion, if not 9/11, will soon relegate postmodernism to the dustbin of intellectual history.

Prof. Carmichael should also know that tenure and freedom of expression actually have little to do with each other. There are many people with tenure—Roman Catholic priests and constitutional figurehead monarchs, for example—who have little or no freedom to challenge orthodoxies. Conversely, there are many people who contest the boundaries of free speech on a daily basis—in-your-face talk-show hosts and fearless newspaper editorial writers, for example—who have little or no job security. He is also aware, I'm sure, that an untoward slip of the tongue or pen is protected by the Canadian Charter of Rights and Freedoms, not to mention the academic freedom codes that all universities have now put in place. Granting people lifelong tenure so that they can freely express themselves on controversial issues is, in the words of two recent commentators, "like giving people a Rolls-Royce so that they can use the cigarette lighter in the dashboard."

Prof. Carmichael's second main argument for retaining tenure is equally unconvincing. Like his other rejoinders, his hypothesis that "tenure is also needed if professors are to hire younger colleagues who are better at their jobs than they are" and that "Without tenure hiring the best would mean firing yourself," is presented without empirical evidence and is, in fact, contradicted by evidence from non-tenured workplaces.

Why would a Wal-Mart recruiter ever hire someone with good management skills, knowing that he might be replaced by that person several years down the road? Why do the senior partners in law firms *always* try to hire the very best law-school graduates? The answer in both cases is that poor decisions would soon adversely affect individual, collective and corporate well-being. Accountability to superiors—and ultimately to public shareholders—ensures that Wal-Mart recruiters try to make good personnel decisions; profit-sharing guarantees the same for law firms.

If Prof. Carmichael's hypothesis does apply to universities, this is only because tenure makes individuals indifferent both to the well-being of other individuals and to the interests of the institution as a whole. The unfettered autonomy that professors enjoy because they have tenure results in both a lack of professional (not to mention personal) accountability and the absence of collective monetary and other rewards. This independence may work well at great universities—Harvard, Chicago, Oxford and the like—where standards for hiring, tenure, and promotion are sky-high. But academic autonomy works poorly at Canadian universities, most of which are run-of-the-mill institutions inhabited mainly by run-of-the-mill scholars. Most Canadian scholars know this. The shrewdest among them worked hard to unionize the professoriate, a process also begun in the 1960s, so that the freedoms academics have long possessed became entrenched in contract law. Indeed, unionized faculty associations have done a wonderful job conflating tenure, academic freedom, job security and management of the university, all to the

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detriment of Canadian higher education. On this point, Lorne Carmichael and I are one.

But I question his other unsubstantiated assumption that without tenure universities would revert to a Hobbesian "war of all against all." Even if he is correct, there are two ready answers to his worry that without tenure the life of professors would be "nasty, brutish and short." Implicit in his hypothesis is the corollary that, unlike professional athletes whose salaries are tied to current or very recent performance, academic tenure is needed because the salaries of university professors are back-loaded: academics earn very little—at least compared to their highly-educated private-sector counterparts—at the beginning of their careers, when they are in fact most productive, and are granted tenure to compensate for the length of time it takes to earn enough to purchase an upper-middle class lifestyle. But the solution for that is for universities to flatten their now steeply-sloped remuneration packages, which see unproductive senior professors earning up to three times more than their highly productive junior peers. With much higher entry-level salaries (which would also attract higher-caliber job applicants), professors fired in their mid-forties for poor teaching and research—something that almost never happens today—could not complain about having been grossly underpaid during their early years of stellar performance.

A second thing I would do is replace individual tenure with performance-based, but collegially-grounded, models for compensating academic departments for the collective good teaching and scholarship of their members. In part, group rewards would be siphoned off from the individual rewards—e.g., annual pay raises, career progress increments and travel funds—that are currently given out but which have little relation to actual performance. A negative consequence of individual rewards is that academics collaborate far less than employees in business, industry or government. The extensive literature on performance-based reward systems suggests that differentially and competitively allocating certain resources—more money for teaching assistants and supplies, upgraded classroom and laboratory facilities, a greater share of the library budget, additional academic and other positions and so on—based on the accomplishments of departments, not individuals, would cause department members to work cooperatively to improve their teaching effectiveness and scholarly output.

The literature suggests that under this type of system, because they and their departments would be rewarded for success, both newly hired and existing department members would try to help each other become better teachers and scholars. Peer pressure, encouragement, praise, blame and shame, all forms of social control that are effective in small groups, would be the main sanctions to get poor performers to do better. Good scholars and teachers who are independently motivated would flourish under this system; academic underachievers who need the formal encouragement or rebuke of their colleagues—the academic equivalent of the carrot and stick—would also see a boost in their performance. Conversely, some poor performers who adversely affect the well-being of their departments would likely resign or take early retirement—as some do today under a less formal system of intra-department sanctions—when their behaviour was subject to ongoing scrutiny from concerned colleagues.

LORNE CARMICHAEL'S REJOINDER

It is clear that Professor Rubenstein and I agree on many things, most importantly that the goal of the university system must quite simply be excellence—in teaching, scholarship and other services to the community. Universities should be unashamedly elite. We disagree only on the best way to get there from here. Hymie continues to believe that absent tenure and faculty unions, wise leadership would prevail and solve the problems he so correctly identifies. I am less confident. He also raises some objections to my case for tenure, and here I must confess that I have left out part of my own argument. For this reason I appreciate the editor's decision to give me the last word, and while I could go on about the benefits of market-driven tuition and more, I promise not to abuse the privilege.

First of all, I do enjoy the academic freedom that comes with tenure. As an academic economist I am able to publish letters or articles that are critical, for example, of the policies followed by David Dodge, or Paul Martin, or any other politician. If I were an economist working for the Bank of Canada or the Department of Finance, or any of the commercial banks, or indeed any organization in the financial services sector I would not have this privilege. Something as simple as a letter to *The Globe and Mail* would spur a visit from someone in my firm explaining forcefully the importance of a unified company position on matters of financial policy. The laws protecting free speech, powerful as they are, would not be of much use to me.

But, as my opinions about David Dodge are not of much interest I can hardly claim this is a powerful argument for academic tenure.

Professor Rubenstein's example of the law firm is a very good one and illustrates the part of my other argument that I neglected to explain. He notes that incumbent lawyers are the ones who judge candidates and yet their firms compete intensively for the very best young graduates every year. Perfectly correct. But senior partners at a law firm understand that over time the extra revenue generated by a smart and ambitious young lawyer will be much greater than her salary. A good lawyer creates his own job, and continues to do so with every billable hour.

In academe the athletic metaphor is much more appropriate. It is not that the best athletes do not generate additional revenue at the box office—they do. But the number of positions on the field is fixed. You can only have one shortstop. This fellow could be very knowledgeable about the calibre of the young shortstops available in this year's draft. But if you ask him to identify the best ones, he isn't going to do it.

When a university hires a brilliant and ambitious new professor of philosophy, this person does not create the revenue to pay for his position. It has to come from elsewhere in the university's budget. This is the essential difference between a law firm and a university department, and it explains why, absent tenure, even productive scholars will be reluctant to identify bright new hires. At some point they will be competing for their jobs with the very people they hire.

Would productive faculty understand and respond to these incentives? Of course. A good illustration is given by the opposition raised to the Canada Research Chairs program by many incumbent faculty in Canada. This program provides significant amounts of new federal money to help attract and retain in Canada some of the world-class scholars who would otherwise find greener pastures in the United States and elsewhere. Of course the faculty unions oppose the plan, since it allows individuals to achieve financial success through their own personal achievement rather than through the intransigence of their leaders at the bargaining table. But many established and productive scholars were also opposed to the program. Why? These successful scholars feared that an influx of excellent new researchers into Canada would increase competition for research grants and reduce their own chances for funding.

My argument for tenure is a limited one. It applies only when an organization has a limited budget and only when incumbents must be relied upon to identify the best people to hire. It does not apply to law firms and it does not apply to high schools. If I understand my worthy opponent correctly, I think he would agree that it might apply to the very top research intensive universities in the world. So the question that remains is where to draw the line.

If Professor Rubenstein is confident that an administrator trained in some other field would do a better job of identifying candidates than the perfectly awful hiring committee he describes, then my argument does not apply to his department and I suppose I must admit defeat. But I am pleased to report that in my own experience hiring committees have been focused and energetic. In my department our choices about hiring are acknowledged to be the most important decisions we make. Identification of the best candidates is actually the easy part. The hard part is to convince these wonderful people to come to our university in the face of much more lucrative offers in the United States, and in some cases from other departments in Canada. Untenured members of the committee participate with enthusiasm because they want good colleagues and because their appointments are tenure track. This means that a tenured position is available for them if they meet the standard; they do not compete with the people they help to hire.

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The tenure system has its costs. But if you want your good departments to make good hiring decisions, then tenure for incumbents is absolutely necessary. Of course I do not claim it is sufficient. There is always the potential for small-minded academic jealousy, even among the most productive of scholars. Some people just don't like having colleagues who are better than they are, even when there is no financial penalty. Productive colleagues make these folks feel like impostors.

This is why Professor Rubenstein's final point is so very important. The incentive system in academe must have a strong department-level component, for all the reasons that he has elucidated and because it provides a positive incentive for incumbents to hire the best. If the tenure system is to succeed over the long term, inter-departmental competition is essential.

An experienced university administrator once said that it took him years to understand everything he needed to know about running a university full of tenured professors, and that it could all be stated in two short sentences. "Good universities don't support their bad departments. And bad universities don't support their good departments." So, it's all very simple. Apart from a big increase in funding, to save the university system we need to do three things. We need to keep tenure, get rid of the unions and make departments compete with each other for the resources available. Professor Rubenstein and I agree on two out of three, which is not too bad. Actually, in academe that normally counts as consensus.