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ACADEMIC TENURE: A PERSONAL SUBMISSION*

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It seems paradoxical that academic tenure should come under official scrutiny at a time when the 'risks' in making tenured appointments are, in certain important respects, less than they have been for many years. It cannot seriously be denied that, during the post-war boom period of tertiary education which peaked in the 60's, tenured appointments were given to not a few people who, in the present climate, would not be considered serious candidates for tutorships. Because of the rapid rate of expansion and high level of funding at that time, this did not create an obvious immediate problem; if an appointment proved to be a mistake, it was comparatively easy to cover the situation by making a further appointment and 'finding something' for the original appointee to do. This is not so cynical as it sounds; in a situation where demand exceeded supply there was really no other practicable approach to take. Today competition for even the most minor post is so high that only extreme misfortune or gross negligence could lead to the appointment of a person who is not competent to fulfil his or her duties satisfactorily.

Unfortunately the same change in general climate has also, quite naturally, led to a need for much greater flexibility in the apportionment of limited funds and it is this fact, rather than concern about the quality of people 'appointed for life', which has caused the question of tenure to become a political issue.

It should be noted, however, that although academic tenure has long been largely, even if sometimes grudgingly, taken for granted by public authorities and the community at large, it has been the subject of debate within the universities for several decades. Those who are devoted to the teaching and development of a discipline within the broader framework of educational programmes are extremely sensitive to the interdependence of their own aims and efforts and the general health of the institutions within which they work. They could not but see, sometimes with sad examples before them, that the protection afforded by tenure had its costs as well as its values to their institutions and to tertiary education as a whole. It is fair to say that over the years there has been constant soul-searching over the issue and balanced, objective weighing of the cases for and against tenured appointments as standard university policy.

This very fact creates initial problems in preparing a submission on the question for a committee of enquiry. Firstly we cannot, in honesty, adopt the simplistic 'hands off' attitude which has come to be expected in industrial negotiations but must argue that, notwithstanding the 'costs' of tenure, the 'cost' of a total or very substantial abandonment of it could be considerably higher. Secondly it is hard to avoid feeling that the cases both for and against tenured appointments in universities have been so thoroughly argued for so long that they must be well known to anybody who has given the question deep consideration and there is little new that can be said. There is no doubt that the debate has always been dominated by two sets of spectres: on the one hand the vision of smug, cynical, lazy and even incompetent people drawing fat salaries from the public purse with no significant accountability for their performance or lack of it and of institutions stultified by the inertia or lack of imagination of people who cannot be prised out of key decision-making positions or, on the other hand, of institutions bending to the will, or the whim, of those in power at a given time, of students taught to accept rather than to enquire, and of academic staffs composed of third-rate or unscrupulous people toeing the line, toadying and back-biting, never allowing their academic integrity or genuine scholarly interests to interfere with their career prospects. It is hardly surprising that these spectres have so strongly influenced people's thinking; history (both ancient and modern) of universities, happily in other countries, can provide ample examples of both situations.

It is to be hoped, however, that Australian universities can continue to avoid both extremes and it may be that, notwithstanding the oft-stated nature of the standard pro and con arguments, the systematic listing of them by the people closest to the problem, senior and experienced university staff members, may shed some new light on their comparative force, the implications for priorities of different possible aims and the feasibility of compromises.

In favour of the situation of tenured appointments as standard practice, it is frequently stated that:

A1. Without tenured appointments Universities could not, in normal conditions, compete for the services of the most competent people or, having secured people who proved to be first-class, could not hope to hold them.

* This paper was submitted by the author to the current Inquiry into Academic Tenure being conducted by the Standing Committee on Education and the Arts of the Australian Senate.

A2. The security provided by tenure is an equitable compensation for the comparative paucity of material rewards.

A3. Only when freed from all anxiety and doubt about continuity of employment can people devote their full attention, as required, to present work and future planning.

A4. Untenured staff members are tempted to 'make their mark at any price', which can easily lead to phoney scholarship, rushed research and the neglect of those duties, including teaching, which do not bring immediate recognition.

A5. Often the most valuable research or experimental programmes require considerable, and unspecifiable, periods of time to be brought to fruition — and involve a risk of ultimate failure. Without tenure, people would be inhibited from undertaking such programmes. This would have unfortunate results for innovation and new discovery.

A6. It is a vital part of university education that students are encouraged to develop their own balanced views, beliefs and attitudes by exposure to a wide range of ideas which are firmly and honestly held and fearlessly expressed. Providing security of tenure is the most effective way to ensure that this does occur.

A7. In the event of a conflict of obligations to authority and to the demands of their disciplines, it is vital for the good health of universities and the objectivity of scholarship that academics give priority to the latter.

In opposition to the practice of tenured appointments the following, prima-facie equally forceful, arguments are generally advanced:

B1. Even when normal care is taken, bad errors can be made in the selection of appointees; universities should not be 'stuck with their mistakes' for ever.

B2. A brief probationary period does not overcome this problem. Inadequacies can show up after the expiry of that period and, in any case, where tenure is the norm, it is only in the most glaring cases of inadequacy that it is ever refused on the expiry of the probation period.

B3. People who have been extremely valuable can, for a wide range of reasons, deteriorate to the point where they are of little value — or even are positive liabilities — long before they reach retirement age.

B4. The presence of such people in the university community may have a demoralising effect on their colleagues and undermine effort and enthusiasm.

B5. Well-planned and necessary reforms and redirections to meet changing circumstances can be inhibited or even stultified by passive resistance or even downright rejection by people who cannot be replaced or disciplined.

B6. Some people may rely on security of tenure to enable them to concentrate all their effort and attention upon those areas of their responsibilities which appeal to them, irrespective of the value of their work to other people, and neglect what they consider mundane duties.

B7. Institutional flexibility is reduced by tenure; once a programme is established it cannot readily be disestablished. Whilst this is at worst wasteful during a period of expansion, it creates severe frustrations during a period of non-expansion and can lead to a crisis situation in a period of contraction.

B8. Promising young scholars are lost to academia because the positions which they would be competent to take are filled, indefinitely, by people who may have considerably less potential.

B9. Tenure promotes complacency and has no attraction for the ambitious, self-confident and genuinely first-rate people who are prepared to stand on their own record and compete openly for preferment. Such people may tend to move on into more competitive fields outside of universities, leaving slower, time-serving people on permanent university staffs.

It will easily be seen that these sets of arguments are very largely simply the two sides of a set of coins. Since it cannot be denied that each assertion, taken in isolation, is prima-facie acceptable and could well be of vital importance in certain contexts, then, unless we are prepared to go in for a coin-spinning exercise to relieve us of the problem of making a rational choice, we must examine the contexts in which each argument is of major force, the extents to which these contexts do, or are likely to, arise and, in the light of this, the least evil policy on tenure. In so doing, it is vital that we look, not at what in theory might happen, but at what in practice has tended to happen — which is why the conclusions of people who have lived close to the issue for many years may be different from those of people who view it objectively from outside.

Points A1 and A2 can fairly clearly be matched, in some respects at least, against B9. Taken conjointly they raise the question: what kinds of people, what personality and motivation patterns, do we really want in universities? Here it can certainly be argued that there are no grounds for assuming a correlation between the patient and rigorous devotion to scholarly enquiry, or to the nurturing of knowledge and insight in students, and the self-confident determination to achieve eminence and secure the maximum reward for effort and ability. Indeed it might be observed that some of the finest university work has been done by self-effacing people who have neither the inclination nor the ability to survive in a cut-and-thrust competitive society and that those who have this inclination and ability will tend to move out into that society whether they are tenured or not. If we grant, as surely we must, that an academic career attracts less material reward than almost any other sphere of activity which demands comparable qualifications, then it would tend to follow that, irrespective of tenure or otherwise, the universities will be left with those scholars who seek the current satisfaction of work in which they have a pride and interest rather than the excitement and challenge of outmanoeuvring their fellows. But this is certainly not to say, when we consider the role and function of a university, that the universities are left with time-serving or second-rate people. The ideal temperament for a university academic is not necessarily the same as that for an oil company executive.

This leads directly to points A3 and A4 — and the counterpoints B1, 2, 3 and 4. It is widely accepted that where a degree of unworldliness is no disadvantage and may indeed be an asset, it is both reasonable and wise to shield people from irrelevant worldly considerations — such as the possibility of being fired — in order that they can get on with the jobs they are paid for. It is interesting that the people of New South Wales recently voted overwhelmingly to extend the term of a parliament from three to four years on exactly that principle. This may be a dangerous comparison since nobody, I think, would wish to give a parliament total tenure. What is provided, however, is a most generous pension scheme for those who complete two terms, again on the principle that people doing important work should be able to give that work their full attention, undistracted by considerations of personal or family security. Recent experience with untenured staff in universities has shown a regrettable tendency for them to keep one eye on the current job and one eye out for the next. It is a little silly to keep people on their toes when they are not in a toe-dancing business. It is also worth mentioning that the community aspect of a university endeavour, be it teaching or research, is of no small importance; trust and co-operation between colleagues is vital but this cannot easily be achieved if they see each other as competitors — a situation which, sadly, does arise when two untenured people are looking at a future that offers one only job.

All this, of course, takes for granted the excellence, or at least the adequacy, of the people involved. But inevitably there will be some proportion who are not adequate, who should never have been appointed in the first place, or who would certainly not be appointed on their present level of performance or ability. The blunt question must be asked: even allowing the force of the arguments in the above paragraph, can universities, in this day and age, afford to carry their quotas of duds?

The big problem with this question is that people tend to respond emotionally to it, either by countering Can they afford not to? as though higher education would collapse overnight unless all academics enjoyed total security to behave as they saw fit, or with outbursts of moral indignation about somebody they once knew, or heard about, who stopped work the day he was granted tenure and did nothing but collect his pay for the next twenty years. It is a serious question and calls for sober, objective consideration. Surely the three really pertinent questions are: how big a quota of duds is there in fact likely to be? What effect do these duds have on the morale and standards of other staff members? Is the carrying of duds really, and exclusively, an outcome of tenured appointments?

Academia is a fairly exclusive occupation; children cannot opt for it when they leave school, as they can for engineering or accountancy or law or medicine. By the time people can seriously seek academic appointments they have shown their own paces to some degree and should have a fair idea of the kinds of work, and the kinds of rewards, that will be involved. Because of this, although undeniably some bad appointments are made, they are far fewer than might be the case in other professional areas. It would plainly be absurd to try to set down what is a reasonable percentage of duds for a university to carry but it is fair to say that universities, Australian universities at least, in fact carry a very small percentage indeed. People who have miscalculated their own desires and find that they are misfits are unlikely to stay in jobs they are unsuited to and unhappy in simply because they are tenured. There are, of course, the few who con their way into tenured academic appointments with a view to an easy life or who have such a strange notion of what is a fair day's work for a fair day's pay that they genuinely see nothing wrong with putting their responsibilities to the university at the bottom of their priorities. But they are so few that people who have spent most of their adult lives in academia could name the cases they have encountered on the fingers of their hands. And they are unlikely to have missed any; if there is one thing an academic deplores, it is a lazy and unprincipled colleague. Here we are moving into the second question, the effect of tenured duds on general morale. There is an understandable fear that, once job-security is assured, slackness will be contagious, that people will feel 'If he gets away with it, why shouldn't I?' This would almost certainly be the case in an industrial situation, however sad that may be, and it is likely to be the case in a pretty wide range of employment situations where people tend to measure their work solely against their pay packets. But in a university situation, precisely because people have accepted a high degree of responsibility for designing and seeing through their own work, the response to laziness or irresponsibility in colleagues is generally exactly the reverse; academics tend to see such people as a horrible example of what could happen to them if they allow themselves to become complacent. For any

academic, self-esteem, indeed self-respect, is heavily dependent upon working performance. The deliberate loafer tends to be viewed with contempt by his colleagues; they will be polite to him, universities are very civilized places, but he is the man they would least wish to be like. The attitude to the burned out colleague is quite different. It is normally one of sympathetic understanding, coupled with a somewhat stoical acceptance of increased obligation to compensate by greater effort because that colleague is no longer quite the man he was.

This attitude is by no means peculiar to universities. There is, thank Heaven, a natural human tendency in almost any situation to be protective towards the man who is still doing his best but cannot produce high quality work any more. Which is why it is extremely doubtful that the incidence of duds is closely related to terms of employment at all. Indeed there are good grounds for supposing that a higher proportion of duds is carried by such commercial enterprises as finance, insurance and trading companies, where people certainly have no tenure, than has ever been carried by universities, because the initial selection procedures are not nearly so rigorous and it is tacitly understood, in the interests of company image and recruitment attractiveness, that people are not sacked simply because better people are available. The real difference, then, between, say, an insurance company with untenured staff and a university with tenured staff, *under normal conditions*, is not that the one can ensure that all its personnel are the best available on the market at any given time for the work they have to do, whereas the other can not — rather it is that those insurance company officers who know themselves to be 'not quite up to it' live in constant anxiety about their futures, almost certainly with further detrimental effects to their work, whilst their university counterparts can concentrate wholly on making what contributions they are still able to to the general endeavour.

We must acknowledge, however, that at present conditions are not normal. It is because universities, after years of expansion, are suddenly facing a contraction situation that the question of the desirability of tenured appointments has arisen. When a commercial company is contracting its operations and finds itself simply overstaffed, or overstaffed in certain areas of operation, then, with whatever expressions of regret, it is in a position to let people go until it has adjusted the extent and distribution of its staffing to its current needs. This is what universities are now finding themselves unable to do. Here we are faced with points B7 and B8, against which it is, unfortunately, difficult to find anything to balance on the pro-tenure side. It must be borne in mind, however, when considering this point, that the question at issue is essentially an administrative one; it should not be assumed, simply because there has proved to be too high a proportion of tenured appointments in most universities at the present time to enable them to deal effectively and rapidly with what could fairly be regarded as an emergency situation, that tenure per se is undesirable. It is possible to suspend the granting of tenure to new appointees, a step which most universities have taken to a greater or lesser extent, until the situation adjusts itself. Certainly it would seem unwise to change more drastically than is absolutely necessary a system that has on a long-range view more advantages than disadvantages simply to meet a transient situation. Here people should look squarely at realities. If, solely to overcome the inflexibility problem, all tenure were cancelled so that universities, like commercial companies, could pay off any staff member whose services were no longer in immediate demand, which staff members would in fact be dispensed with? Would there be a systematic culling out of the least valuable people or would the axe fall rather on those who had not succeeded in entrenching their own positions or who were supposed, for whatever reason, to be best able to recover from the blow?

It should be understood that the composition of a university staff is fundamentally different from that of most organisations. A business enterprise, a public authority, even a high school, will have certain set tasks which must be performed and engage people qualified to perform those tasks. Provided they are all competent, any one is normally able to be substituted for any other within the same field of duties. A university has a broad obligation to provide higher education, promote original scholarship and research and provide objective leadership in the realms of enquiry and discussion to society at large. It achieves this by engaging people who have the capacity to contribute, not only to the provision, but also to the design and direction, of this education, scholarship, research and leadership. It can be extremely difficult, therefore, to make comparative assessments of different people's actual and potential contributions.

This is in fact the main thrust of point A5 — which must be measured against points B5 and B6. The academic is not only permitted, he is expected, to design his own work and his own method of tackling it. This does involve risks. Potentially excellent, well prepared courses can fail to attract the right calibre of students, innovative methods and approaches can prove, in practice, not to work as envisaged, original creative work can bog down, promising areas of research can prove inconclusive. But, unless these risks are taken, no advances are made. Unless the universities have faith in the ability and the integrity of their staff members and allow them the time and opportunity to develop their original contributions then they will degenerate into mere servicing instrumentalities, teaching to a set formula and conducting research and experiment to order. If such a situation developed it is fair to say that, irrespective of conditions of employment, the universities would nolonger attract those people who have most to offer higher education and the expansion of knowledge.

There are, of course, risks of another kind in the acceptance of these risks. Whilst allowing that great good can come from allowing and assisting competent people to work out their own ideas and pursue their own enthusiasms, it must be allowed that some of their enthusiasms will be mere indulgences of little value, even potentially, to students, the community or posterity. There are those people who believe that they have been appointed for their personal excellence and that, therefore, anything they choose to do will be a fair return for their salaries. In a situation which encourages self-direction it is bound to be difficult to get such people to adopt a more responsible attitude. For them tenure can be a licence to ignore the interests and needs of the university and its students whilst still purporting to meet their contractual obligations. The best that can be said here is that, in fact, such people are comparatively rare.

Ultimately, of course, it is on points A6 and A7 that most academics come down finally in favour of tenured appointments, notwithstanding their awareness of the disadvantages and dangers. The most fundamental question is whether or not we wish to retain universities as the kinds of institutions they have traditionally been in the British world, independent centres of intellectual excellence, owing their allegiance not to governments, to the establishment, to fashions or ideologies, but only to the ideals of scholarship, enquiry and truth. Those of us who do believe that such institutions have a vital role to play in this, or any, society, simply must assume that it is possible to ensure that the vast majority of people appointed to university staffs have both the competence and the integrity to maintain that traditional role. If we could not, it would be pointless to continue universities at all. A great deal is said about the need for university autonomy. But it is not always fully appreciated that the autonomy in question is not that of an institution, a corporate body, as such. An autonomous despotism may well be more damaging both to those it controls and those it deals with than an organisation subject to external direction. The really valuable, many would say essential, autonomy is not that of the university but that within the university. Only so long as individual scholars are trusted to provide insight into existing knowledge and to extend the boundaries of knowledge by the dictates of their own beliefs and values without fear or favour, can we be sure that the universities will continue to be universities in the full sense of that term. This is why tenured appointments have been regarded as so vitally important and why those within the universities overwhelmingly are prepared to pay the price of retaining tenure.

It would, however, be utterly unrealistic to assume that, particularly in the present economic climate, people outside of universities are going to attach the same value to the maintenance of tenured appointments as do those within the universities — or to pretend that policies on tenure should not be reviewed and could not be modified to the advantage both of the institutions and of the community. The sensible approach, therefore, is to hammer out, in the light of all the considerations raised, what is the basic minimum of tenure needed for universities to maintain effectively their traditional roles and what modifications could be of positive advantage irrespective of prevailing economic conditions.

In approaching this task it is important to distinguish quite clearly between the level or degree of tenure on the one hand and the extent or proportion of tenured appointments on the other. Although the two are certainly inter-related, the first is concerned principally with what is educationally desirable, the second with what is economically feasible. It seems appropriate, therefore, to consider them in that order.

It could well be felt that tenure has, in the past, been too all-embracing, that it amounted virtually to an unassailable right to hold, and be paid for holding, a given post to the age of retirement provided only that the incumbent did not behave utterly and overtly outrageously. It should be possible either to give a somewhat broader definition of misconduct or to include stipulations about the amount and nature of work to be undertaken in a way that would impose rather more contractual obligation on the tenured incumbent. It could be equally reasonable for the contract of employment to specify that a level of competence be maintained and to provide some guidelines for determining this. Tenure could be subject to periodical review, provided it were clearly understood that renewal would be automatic unless there were breaches of contract by the incumbent and the onus of proof would rest with the university as employer. It may also be desirable to establish an independent appeals tribunal to guarantee that misconduct or inadequacy of performance were never invoked to cover independence of thought or the expounding of unpopular views.

There are, however, other modifications possible that would not demand subjective evaluations. It may, for instance, be considered quite reasonable to prohibit engagement in any paid employment other than for the university. This would not prohibit people from receiving additional payments for extra work performed for the university and a specific exception would probably need to be made of the receipt of royalties from publications. But it could well be argued that those academics who put a high value on their right to maintain private consultancy practices or

involve themselves in commercial enterprises should be prepared to forego tenure.

It might also be clearly stated in contracts of employment that the staff member could, where a change of circumstances or of university policy made it necessary, be transferred, at equivalent rank, to any duties for which, in the view of the university, he was competent and which would be of greater value to his university than his current work.

There has been much talk lately of earlier retirement as a means of easing the flexibility problems of universities. Consideration could be given to the extension of tenure only to the age of earliest possible retirement on the understanding that staff members could continue in their posts, unless they became redundant, as untenured staff until the age of compulsory retirement.

These are some ways in which the conditions of tenure might be tightened to provide greater safeguards against abuses of tenure and/or to reduce the restrictive effect of tenured appointments on institutional flexibility. Though they might not be welcomed with open arms by all academics, they pose no real threat to that academic freedom which is so essential to the university function nor to fair-dealing or university/staff relationships. What would not be acceptable would be any attempt to build into the conditions of tenure any standard of decorous behaviour, any injunctions or any obligation to accept directives, other than from appropriate Heads of Departments subject to established practice, about what is taught or what research is undertaken or how it is taught or undertaken.

It is of little use, however, to ensure that the pattern of tenure is modified only in ways that do not destroy its value as a safeguard of the academic freedom of the individual unless it is also ensured that the frequency of tenured appointments is sufficient to maintain the overall objectivity and independent character of the university as such. Here there are two distinct questions: how many staff members should be tenured? and which staff members should be tenured?

The quantity question is obviously difficult to answer; there is something very arbitrary about naming a fixed percentage. The factors which should determine that percentage, however, are more clearly specifiable. On the one hand it must be high enough to provide the feeling through the university that tenure is still the norm, to create a settled atmosphere in which the confident assurance of the tenured people that their right and obligation is to propound and investigate their fields of study energetically and objectively is conveyed quite naturally to their untenured colleagues — and to ensure that every subject area or facet of the university's work has sufficient tenured people responsible for it to guarantee an independent stream of thought and assessment of values. On the other hand it must be sufficiently limited to give the university administration room to manoeuvre in any change situation which might reasonably be considered possible within the foreseeable future. It seems fair to suppose that both these conditions could be met if universities gave tenure to between 50% and 70% of their staff members.

The question of which people should hold tenured appointments also needs to be considered on two separate counts, the value of the university as an institution to its students and the wider society, and the equitable treatment of individual members of staff. The two are, however, closely inter-related since it is plainly not conducive to the effectiveness of the institution to have staff members who are, or feel themselves to be, unfairly treated or who are inhibited in their work by anxieties about their personal careers.

From the viewpoint of the unique educational and social role of a university, probably the most relevant factor is the manner in which universities have traditionally achieved the lively and diverse autonomy of thought which is characteristic of them. Very broadly, the university's governing body determines that certain discipline areas will be studied and taught. It then sets up comparatively small units, generally called departments, to undertake these areas of study by first appointing a suitable scholar to head that department and take a leading role in making further appointments of people who will fit in with, and add important dimensions to, his or her concept of how the department can most effectively promote the study and exposition of the subject area in question. This approach has always placed upon universities a heavy obligation to ensure that those appointed to be in charge of departments are people of ability, imagination and absolute integrity, but this is an obligation they have borne quite cheerfully for, unless decisions about what aspects of a discipline should be given priority and what methods of teaching that discipline should be adopted at any given time are left to those people who are the acknowledged authorities in that discipline area, then education would become stultified and sterile. That the governing bodies of universities, or members of them, do from time to time wish vehemently that they had made different choices of heads of departments, far from being an indictment of the established practice, is its ultimate vindication. It is the constant evidence that universities are the servants of education and exploration, not of authorities or power-groups.

It follows fairly plainly from this that department heads must have the option of tenure; they must be, and feel, totally free to determine and to follow

through the study and teaching of their disciplines in what they believe to be the most effective ways.

Particular note should be taken, however, that the claim is that they should have the option of tenure. It has been suggested earlier that tenure could well carry certain obligations such as the foregoing of outside work, and that some people have a temperamental preference for untenured appointments. To the incumbent head of department in a discipline which is considered absolutely central to any university, who is happy to pursue it in the well-established manner, tenure may seem almost irrelevant — especially if the discipline in question is one for which there is a wide market outside of the institutions of learning. If some compensatory advantages were attached to untenured appointments then it is very likely that even some senior academics would opt for such untenured appointments. Those who would be least likely to do so would be people who realised that the more innovative approaches they wish to adopt would be likely to generate opposition, even hostility, from entrenched conservative elements and felt the need for the protection of tenure, those who by opting for university careers have effectively put themselves outside the broader job market and need the personal security and those whose area of activity, though fully acknowledged to be a valuable and on-going part of the work of a particular university, is not generally regarded as an essential ingredient of any university and, for this reason, always remains peripheral. This last category is not to be confused with special research or experimental projects which are quite properly staffed by people on contract appointments. Rather it applies to such functions as Education Research Units, Counselling Services, Extension Divisions, Centres of Asian Studies or Environmental Studies, those sections of a university which do not fit the traditional academic mould but which experience has shown to be most effectively staffed by traditional academic people. For obvious reasons, people in such sections feel themselves to be more vulnerable than their more mainstream colleagues, especially in times of economic crisis or threatened political pressures, yet it is no less essential that they are free to design and develop their work in a planned, coherent way in the manner they perceive to be most effective without the possibility of duress by those in authority over them. It would be a grave mistake to assume that the academic freedom of universities rests only on the rights to self-determination of people in the traditional, mainstream disciplines.

It would be most unfortunate, however, if the threat of possible tyranny from outside authorities were averted by the creation of an equally real threat of tyranny of heads of departments. There are situations in the world where securely tenured department heads call to order the untenured members of their departments as soon as they question strongly held views or take any initiatives on their own account. It is essential, therefore, that the academic autonomy of a department head is checked and balanced by the similar academic autonomy of at least some of his department colleagues.

It is in considering how many and which staff members, other than department heads should be tenured, if they so elect, that both factors, the free functioning of the university and fair treatment of individuals, are most obviously relevant. On the first count tenure is most vital for those individuals whose very strength is the cause of their vulnerability, the people who have, and know themselves to have, considerable contributions to make in introducing innovative methods or challenging entrenched viewpoints. It is the constant review, necessitated by conflicts of ideas within departments, which above all gives university education its special character. However, that very lack of fixed assessment criteria which is so important to free enquiry makes it virtually impossible to provide any formula on the grounds of potential value to education for which people should be preferred for tenure. Fortunately, a more manageable approach would, in nearly every case, provide at least the necessary proportion of such people in tenured appointments. And the more manageable system is that governed by considerations of fairness to the individuals involved.

Here it could be argued strongly that the central question is age, rather than, for instance, seniority or qualifications. We must assume that all appointees are, and will continue to be, properly qualified for their positions. As this means that they hold higher degrees, generally these days doctorates, it is not surprising that people take up their first academic appointments at a wide range of ages, anything from twenty-five to forty-five or so. This is in marked contrast to most career patterns where there is a fairly clear correlation between age and seniority. Plainly, somebody moving from private practice, commercial employment or public service to a university lectureship at the age of forty, when he probably has a family dependant upon him, is taking quite a drastic step in his private life; it is certainly not an easy one to reverse. And it seems reasonable that he should have, as soon as possible, the security of tenure of his post. The situation of young people in their twenties and early thirties is quite different; they are still, to a great extent, sorting out their own futures and should be better able to cope with the situation if their employment were terminated for any reason.

There could, therefore, be a stronger case for a minimum age for tenure than for increasing the probationary period. Thirty-five would seem to be a fairly realistic minimum age. If this were coupled with an early retirement clause, as suggested earlier, then

the longest period for which a university could be committed to the employment of any individual would be twenty years — as against the present forty years. Furthermore, the same rule could apply whether the appointment were to a tutorship, a lectureship or an associate professorship; it is, rather oddly, often assumed that, if the proportion of tenured positions were reduced, tenure would be retained by the holders of the higher ranks but, plainly, if tenure does create a problem, the higher the rank involved, the greater the problem.

One problem that immediately presents itself with the minimum age suggestion is that it would not disperse tenured staff proportionately through departments; there could well be departments with tenured heads and all other members ineligible for tenure whilst other departments had wholly tenured staff. But occasional anomalies of this kind should not, in practice, present major problems. The important thing is that the general ethos of the universities is not changed towards authoritarianism and, provided department heads and a resonable proportion of other staff, those more senior in years though not necessarily in rank or academic experience, enjoy the security which tenure gives, there would be little need to fear such a change.

My aim in this paper has been to show that, whilst the practice of making appointments with tenure undoubtedly has its disadvantages, far more would be lost than would be gained by the abandonment or the drastic reduction of tenured appointments and that strategies are possible, both to provide further safeguards against the abuse of tenure and to increase the flexiblility of universities by reducing the proportion of tenured appointments, without real threat to universities' capacity to fulfil their time-honoured role.

I certainly do not claim that the specific suggestions made exhaust the possibilities and are not subject to further argument. I do claim that they indicate the most fruitful approach to the question, especially in the light of present-day problems.

TENURE OF EMPLOYMENT IN THE UNIVERSITIES

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Tenure relates to the length of time assuredness of employment is given to an individual within an enterprise unit. It may convey highly specific commitment, or merely strong intent, perhaps backed by precedent. If the employing unit itself is not assured of continuity with adequate funding beyond the date implied or stated, that in itself creates doubts as to the nature of the labour employment relationship.

In a sense every employee enjoys tenure, differences across individuals relate to the length of binding commitment, or at least to the likely expectation of length. Tenure is one element entering into job choice in the eyes of a would-be employee, and one element entering into the content of a job package offered by a would-be employer. Each party considers it a desirable attribute at least to some degree, otherwise we would find the average periods of tenure extremely short, rather than in practice quite, or very, long. For workers, within limits, longer tenure may be worth seeking at the expense of higher pay: for firms the offer of longer tenure imposes higher fixity of labour costs for which they will tend to seek offset by offering lower payment for services rendered per sub-unit of time.

In a freely competitive market would-be workers of given skill will spread themselves across employment opportunities until there is seen to be no advantage from rearrangement, and reassignment of skills. That is to say there is no move by any individual that can be made which gives longer tenure without say an offer of that degree of reduction in pay, which is considered a balanced offset. Of course not all workers operate in such a competitive situation in the short-run, but it is entirely reasonable to assume that in the longer run they do and hence glaring gaps in the total emoluments from employment packages will be eliminated save where there is strong control on entry (and here queueing costs must be accounted for).

This enables us to make two points. Firstly, tenure is a sought after element of a pay package to some degree: its length relates not only to the skill on offer but also to the viability of an enterprise unit to offer such a duration of employment — that is the second point. Clearly a Federal Government organisation with the fiat of the state is in a stronger position to make such an offer than is a state or local government and these in turn than enterprises in private hands whether single owner, charity or joint-stock company.

Thus it is not surprising to find longer tenure arrangements applying in the public sector than in the private sector, at least in explicit form. Moreover those types of job opportunities for any given pattern and quality of skill will draw towards them persons whose relatively stronger preferences are towards job security rather than higher pay. They cannot have both as that would make that type of job unduly appealing, and a lessening of tenure or a lowering of pay offered in order that the market clear. Thus any attempt by an employer to lower the previously operating period of tenure will, other things being equal, tend to lead to a lessening of the number of would-be applicants unless offsetting rises in pay are included in the job package. Not everyone is a marginal worker who would get up and go if tenure were lessened, or if pay were reduced for given tenure but, given time, more and more would be on the margin of transference, and recruitment of fresh workers would become much more difficult.

It is extremely important to be clear about these principles before we address the issue of academic tenure. Tenure is by no means confined to the academic group, indeed it is the more true of higher branches of the public service, especially in the departments of our paymasters, the Treasury and the Reserve Bank. It is also interestingly enough a much admired quality of the Japanese manufacturing employment scene, the so-called lifetime employment system. Yet in certain respects our most well known public companies also tend to operate similar arrangements. Banks and insurance companies immediately come to mind and firms such as Shell, CRA, BHP, to name but a few, use the same employment patterns at least in the more senior job categories.

What then is peculiar about academic tenure? I suppose first and foremost we must note the explicitness of the offer and commitment. Not that it is given without a trial period, an interval which itself varies with the dearth of good candidates, for academics offer skill that is capable of being performed within a variety of academic institutions and the employer will be anxious not only to secure, but also to hold, an obviously good person. The 'team' element — colleague to colleague, colleague to student — is something valuable, a counterpart to 'goodwill' in business. Once the employer confirms that the employee is such a person, the employer is likely to be eager to consolidate the employment relation speedily and to limit mobility by offering tenure, or speedier advancement, or both. Thus tenure is more readily offered to people who have passed a competence test with strong recommendation. To want to withdraw tenure from such