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## Fundamental Freedom or Fringe Benefit? Rice University and the Administrative History of Tenure, 1935–1963<sup>1</sup> By Caitlin Rosenthal

Despite deep historical roots, tenure as we know it today has a relatively short history.

Although the most prominent professors occasionally received special tenure privileges as early as the Middle Ages, tenure as a general practice is a twentieth-century invention.<sup>2</sup> In 1915, the recently established AAUP published a *Declaration of Principles* recognizing that the “dignity” of the professorial office required “security of tenure.” But the declaration provided little detail about what exactly “security of tenure” might mean or which policies should be adopted. The meaning of tenure remained unstable until at least 1940, when the AAUP codified its evolving position in a new *Statement of Principles*. This platform outlined the need for a “probationary

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<sup>1</sup> I would like to thank Thomas Haskell for his thoughtful support and encouragement on this project.

<sup>2</sup> As historian Walter Metzger has written, “Among the usages of our universities, tenure is commonly regarded as a latecomer, probably not older than the Great Depression”; Metzger, “Academic Tenure,” 93. On the long history of academic freedom and tenure, see Hofstadter and Metzger, *Development of Academic Freedom*.

period” in tenure-track positions and also specified two goals: (1) “freedom of teaching and research” and (2) “a sufficient degree of economic security to make the profession attractive.”<sup>3</sup>

Most research has focused on the first of these, depicting tenure as the handmaiden of academic freedom. Scholars have focused on the advocacy of professors, with administrators most often appearing as reluctant collaborators or in the role of the villain. This picture is incomplete: at many universities, administrators took the lead. In his classic account, Walter Metzger acknowledged that the Association of American Colleges, an organization of university presidents, played an important role in the development of the 1940 *Statement of Principles*.<sup>4</sup> The *Statement* was formulated in a series of joint conferences in 1937 and 1938.<sup>5</sup> However, despite this collaborative process, relatively little attention been paid to the broader role of administrators in formalizing tenure practices at American universities.

This article explores the perspectives and practices of university presidents and administrators, finding that they played a critical role in the spread of tenure practices in the decades following the 1940 *Statement*. In 1935, fewer than half of a sample of seventy-eight universities employed formal tenure policies, and many of these were weak and indeterminate by modern standards. By 1973, almost 100 percent had instituted provisions for tenure.<sup>6</sup> The intervening years generated many of the policies that still govern practices at American universities. Faculty members influenced the process, but administrators were also key players, and academic freedom scarcely entered their discussions. Asked about tenure policies, university presidents rarely mentioned academic freedom, conceptualizing tenure instead as one of many human resources considerations. They focused on the second of the AAUP’s goals: making their universities sufficiently attractive to recruit and retain excellent professors. Louis

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<sup>3</sup> “Academic Freedom and Tenure.”

<sup>4</sup> Hofstadter and Metzger, *Development of Academic Freedom*, 485–89.

<sup>5</sup> “Academic Freedom and Tenure,” 49.

<sup>6</sup> Data for 1935 come from letters in the Lovett President’s papers at Rice University Archives, boxes 34–35. Specific letters are cited throughout this essay. Figures for 1973 come from Keast, Macy, and Commission on Academic Tenure in Higher Education, *Faculty Tenure*, 219.

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Menand has quipped that “academic freedom is not just a nice job perk,” and his philosophical defense of academic freedom is compelling.<sup>7</sup> But tenure has been in some moments just that. Viewed from administrators’ perspectives, tenure was not just a safeguard for academic freedom. It was also a job perk, a fringe benefit, and a recruiting tool.

To explore the role of administrators in the formalization of tenure, I combine a survey of policies with a case study of the development of tenure at Rice University in Houston. In 1935, Rice’s first president, Edgar Odell Lovett, wrote to the presidents of more than seventy colleges and universities about tenure policies at their institutions.<sup>8</sup> Responses to Lovett’s inquiry provide a rich overview of the ambiguous state of tenure just before the 1940 *Statement of Principles*. In combination with interviews with Rice faculty members, the letters Lovett received from fellow university presidents also reveal the terms of the administrative debates over tenure during the 1950s and 1960s. At the conclusion of Lovett’s inquiries, the Rice Board of Trustees chose not to adopt an official tenure policy. Instead, the board revised university bylaws in the other direction, specifying that “all officers, faculty members, and employees were to be regarded as receiving annual appointments.”<sup>9</sup>

The Rice Board of Trustees maintained the power to remove even full professors until 1962, when a formal tenure policy was finally adopted. This change in policy, initiated not by the faculty but by a new president, reflected a new awareness of the potential benefits of tenure. Financial stability and enhanced recruiting—not academic freedom—framed the debate. Tenure was adopted because the trustees believed it was an economic asset rather than a financial burden.

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<sup>7</sup> Menand, *Marketplace of Ideas*, 131.

<sup>8</sup> Baker, “Letter to Edgar Odell Lovett.”

<sup>9</sup> Meiners, *History of Rice University*, 124.

## **I. Administrative Perspectives on Academic Freedom, 1935**

In the fall of 1935, Lovett wrote the presidents of a large number of prominent educational institutions, asking them to assess the general state of tenure policy at American and Canadian universities and to describe their own practices.<sup>10</sup> Seventy-eight colleges and universities responded. Their letters reveal a range of institutional practices: some universities sent copies of specific tenure policies while others like New York University described only a “general custom” of tenure in practice.<sup>11</sup> Several even denied the need for any kind of policy.

The respondents can be roughly categorized into three categories: (1) those with formal policies, (2) those with informal tenure practices, and (3) those with no provisions for tenure. Of the seventy-eight institutions responding to Lovett’s survey, only thirty-six, or 48 percent, had adopted formal tenure policies. Twenty-eight or 37 percent described a custom of tenure unsupported by written regulations. The remaining eleven institutions (14 percent) lacked any kind of tenure.<sup>12</sup> A full list of institutions and their classifications is appended to this essay. Lovett’s sample probably overstates the prevalence of formal policies. Those universities recognizing tenure were probably more likely to be included in the inquiry and more likely to reply. One of the respondents to Lovett’s survey included with his response a copy of a recent speech in which University of Arkansas President J. C. Futrall described a survey he had recently conducted of members of the Association of American Universities. Of the 175 institutions that responded to his survey, less than one-third had documented their administrative procedures in writing.<sup>13</sup>

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<sup>10</sup> Baker, “Letter to Edgar Odell Lovett.”

<sup>11</sup> Chancellor of New York University, “Letter to Edgar Odell Lovett.”

<sup>12</sup> My classification of policies was necessarily somewhat impressionistic due to the variation in detail provided in different letters. Universities with “formal” policies typically recognized the importance of tenure and mentioned some type of written regulations. Letters that did not mention a written policy but described detailed procedures were also considered to have “formal” policies. Institutions claiming to “recognize” tenure but giving no indication of the formal definition or regulation of its meaning were considered to be informal. Only those stating that they had no policy were classified as such. Three universities could not be categorized, due to lack of specificity or policies currently under examination.

<sup>13</sup> Futrall, “Some Aspects of University Administration,” 177.

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Among Lovett's respondents, each category of tenure policies included schools with a variety of practices. The forty-eight colleges and universities with "formal" tenure policies all acknowledged the importance of tenure and described some kind of documentation, but similarities ended there. Some had long-standing, well-defined policies: Brown University had employed some type of tenure policy since its founding in 1774, and its charter provided for permanent appointments to the faculty.<sup>14</sup> In contrast, institutions like Southern Methodist University had regularized their procedures only a few years before Lovett's letter.<sup>15</sup> The University of Pittsburgh was in the process of assembling a committee to formulate a tenure policy.<sup>16</sup>

Institutions with formal policies also diverged in their opinions about who should receive tenure. Some institutions awarded tenure only to full professors,<sup>17</sup> but others, like the University of Wyoming, actually granted tenure to all professors, including instructors.<sup>18</sup> Virtually none of the universities classified had practices that would be considered well developed by today's standards. None had established "tenure-track" procedures, though some alluded to "probationary periods."<sup>19</sup> For example, Livingston Farrand of Cornell wrote of the need to push young professors "out of the nest" when they were not promoted.<sup>20</sup>

Universities that informally guaranteed tenure represent a still more vague and inchoate group. Correspondents from these schools claimed that professors enjoyed tenure, but few could cite any institutional protections for professors. The president of Columbia wrote to Lovett that while "every appointment . . . is wholly under the control of the Trustees, all academic appointments . . . are and have been permanent."<sup>21</sup> Louisiana State University

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<sup>14</sup> Mead and Brown University, "Letter to Edgar Odell Lovett."

<sup>15</sup> Selecman and University of Florida, "Letter to Edgar Odell Lovett."

<sup>16</sup> Stegemaer and University of Pittsburgh, "Letter to Edgar Odell Lovett."

<sup>17</sup> Angell and Yale University, "Letter to Edgar Odell Lovett."

<sup>18</sup> Crane and University of Wyoming, "Letter to Edgar Odell Lovett."

<sup>19</sup> Elliot and Purdue University, "Letter to Edgar Odell Lovett."

<sup>20</sup> Farrand and Cornell University, "Letter to Edgar Odell Lovett."

<sup>21</sup> Butler and Columbia University, "Letter to Edgar Odell Lovett."

considered professors to be “permanent employees” despite the fact that they could “be dropped from the institution at the end of any academic year.”<sup>22</sup> At the University of Nevada, any appointment could be terminated with five-months notice, but “as a matter of practice,” all members of the faculty had life tenure.<sup>23</sup> The specific terms of informal tenure varied according to institutional needs. For example, the small size and personal character of Washington and Lee University apparently eliminated the need for any kind of established tenure procedure. President Francis P. Gaines admitted that while this might not work at larger universities, at Washington and Lee, granting full and associate professors informal tenure gave them sufficient security to be considered permanent employees.<sup>24</sup>

How much security did such the informal recognition of tenure actually provide? All of the various forms of informal tenure granted employees a measure of economic continuity, but none offered formal recourse in case academic freedom was violated. Most presidents claimed never to have terminated a professor’s appointment without sufficient cause, but “sufficient cause” remained a matter of opinion. Informal tenure placed responsibility for academic freedom in the hands of trustees and administrators: as long as they operated in good faith, professors’ jobs remained secure. Ultimately, however, most of these informal tenure practices left professors without protection if their rights were violated.

Most of the eleven universities without any tenure provisions appointed professors to annual appointments,<sup>25</sup> although one appointed professors to five-year terms.<sup>26</sup> Several presidents of state universities expressed their desire to offer tenure, attributing their lack of policies to laws against indefinite appointments. However, other universities without tenure policies embraced their status. As Robert Clothier, president of Rutgers, wrote in a speech he

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<sup>22</sup> Smith and Louisiana State University, “Letter to Edgar Odell Lovett.”

<sup>23</sup> Clark and University of Nevada, “Letter to Edgar Odell Lovett.”

<sup>24</sup> Gaines and Washington and Lee University, “Letter to Edgar Odell Lovett.”

<sup>25</sup> Brittain and University of Florida, “Letter to Edgar Odell Lovett”; Bryan and University of Mississippi, “Letter to Edgar Odell Lovett”; Tigert and Georgia School of Technology, “Letter to Edgar Odell Lovett.”

<sup>26</sup> Finney and University of the South, “Letter to Edgar Odell Lovett.”

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included with his letter to Lovett, professors should “not expect greater security in their positions than that which all other persons, including college presidents, enjoy in theirs.”<sup>27</sup>

Beyond revealing a lack of consensus about what kind of policy was appropriate, the letters to President Lovett reveal a lack of agreement on even the definition of tenure. Before 1915, one of the main struggles over tenure revolved around the debate between indefinite tenure and short-term appointments. After 1915, the tenure debate changed focus: when indefinite tenure became common, battles began to focus on achieving permanent tenure instead. Responses to Lovett’s inquiry reveal the continuing ambiguity of “indefinite” and “indeterminate” tenure. Some presidents equated “indefinite” tenure with “permanent tenure,” intending it to continue “for life” or until retirement.<sup>28</sup> In these cases, tenure implied that a professor could not be removed from his post without cause. Others specified that although professors received “indefinite tenure,” this did “not mean for life . . . although they tend to construe it as so.”<sup>29</sup> Tenure in this case meant merely that professors did not have to be reappointed annually.

In the letters received by Lovett, universities most often justified their tenure policies in economic terms. These interests included recruiting the best faculty members and meeting the long-term financial needs of professors. As James Grant of Harvard wrote, “our only hope of recruiting men for this important service is to guarantee the permanency of their tenure when they have reached a certain age and attained to a certain eminence.”<sup>30</sup> The chancellor of New York University pointed specifically to the volatility of the economy and the meager financial rewards received by faculty members as justifications for tenure. He wrote that

in the case of executives of big business in which a more ruthless policy is followed it must be remembered that business executives in normal times at any rate go through a

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<sup>27</sup> Clothier, “Remarks of President Clothier to the Faculty Meeting.”

<sup>28</sup> Chancellor of New York University, “Letter to Edgar Odell Lovett”; Futrall and University of Arkansas, “A Booklet of Information”; Robbins and Agriculture and Mechanical College of Texas, “Letter to Edgar Odell Lovett.”

<sup>29</sup> Few and Duke University, “Letter to Edgar Odell Lovett.”

<sup>30</sup> Grant and Harvard University, “Letter to Edgar Odell Lovett.”

period of years in which their earnings are very much greater than college professors' are or ever hope to be. Most universities do not pay their best men anything like their full value and as a compensation for this they need the sense of security and the ability to plan ahead.<sup>31</sup>

University presidents were sensitive to the need to shelter their faculties from ruthless market competition.<sup>32</sup> As the president of Clark University wrote, "If a man over fifty is dropped from a faculty his chances of finding any remunerative occupation are very poor, and I am coming to believe that all organizations . . . must make some contribution for the men and women who have been in their employ for a considerable term of years." Foremost in their minds was the material well-being of their faculties. Given this, distinguishing between "indefinite" and "permanent" appointments was relatively unimportant. Informal systems provided for general economic security even if they provided little protection for academic freedom.

A few universities did recognize academic freedom as the most important goal of any tenure policy. The principal and vice chancellor of McGill wrote that "security of tenure is the necessary basis of that liberty of speech which is the most precious and fundamental heritage of universities and places of higher learning."<sup>33</sup> Another, responding to Lovett's inquiries, cited a recent *AAUP Bulletin*.<sup>34</sup> In a broad philosophical defense of academic tenure, the bulletin drew parallels to judicial tenure. In it, the retiring president of the AAUP, W. B. Munro, wrote that "security of tenure is the bulwark of judicial independence" and should serve the same function in the academy.<sup>35</sup> Outside these few statements, however, presidents and administrators cited economic, not academic, justifications for tenure.

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<sup>31</sup> "Letter to Edgar Odell Lovett."

<sup>32</sup> Tenwood and Clark University, "Letter to Edgar Odell Lovett."

<sup>33</sup> Morgan and McGill University, "Letter to Edgar Odell Lovett."

<sup>34</sup> Wheeler and Agriculture and Mechanical College of Texas, "Letter to Edgar Odell Lovett."

<sup>35</sup> Munro, "Advancement of Teaching," 13.

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## II. Informal Tenure in Practice: Rice University, 1935–1961

In the spring of 1936, James A. Baker, chairman of the Rice Board of Trustees, assisted President Lovett with the review of the responses to his inquiry. He synthesized the results simply: there was no “uniform policy.” Only the “most prominent of the faculty in some of the institutions hold what might be construed as a life tenure.” Given this absence of national consensus, Baker recommended that “the trustees adopt a policy that no one whomsoever be employed, directly or indirectly, for life, and none for a definite period longer than one year.”<sup>36</sup> In 1942, the Board of Trustees amended its bylaws accordingly, maintaining the express power to remove even full professors.<sup>37</sup>

Baker correctly discerned from the responses to Lovett’s inquiry that American and Canadian universities employed a myriad of practices concerning tenure. However, his assessment that only “one or more” of the top faculty members at a few institutions held tenure partially misrepresents the contents of the letters received by Lovett. The revision of the bylaws of the Board of Trustees placed Rice in the small group of institutions without even informal provisions for tenure. On paper Rice mirrored most other universities, but in practice it lagged behind.<sup>38</sup>

Rice did not formally reconsider establishing tenure until 1961. However, between 1942 and 1961, the tenure system at Rice seems to have changed dramatically. Though Rice’s second president, William Houston, never considered establishing a formal tenure policy, by the end of his term, faculty members holding the ranks of full, associate, and even assistant professor

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<sup>36</sup> Baker, “Letter to Edgar Odell Lovett.”

<sup>37</sup> Meiners, *History of Rice University*, 124.

<sup>38</sup> Rice’s location suggests another possible explanation for the decision not to adopt a tenure policy. Futrall reported that the universities lacking definite administrative structure tended to be in the South and West. A similar trend appears in the letters received by Lovett. Only two of the universities completely lacking tenure policies were on the East Coast or in New England. The tenure policy adopted by Rice in 1942 would have been less unusual in the South than in the rest of the United States. Still, however, the actions of the trustees placed Rice well behind other private institutions. Clothier and Rutgers University, “Letter to Edgar Odell Lovett”; President of the University of New Hampshire, “Letter to Edgar Odell Lovett.”

“were considered to have ‘presumed tenure’ after a brief period of satisfactory service on the campus.”<sup>39</sup> This informal arrangement did not provide faculty members with legal protection, but it provided adequate security in practice. No professors appear to have been dismissed “under adverse circumstances.”<sup>40</sup>

Faculty recruitment contributed to the development of an informal tenure system. As new faculty members arrived from a “wider and wider range of institutions at which regularized tenure rules had long been in operation,” they began to inquire about tenure at Rice.<sup>41</sup> In February 1953, a new engineering professor, F. E. Jordan, wrote to President Houston that “it is my understanding that I now have tenure at Rice Institute. If this is not true, I would like to know it.”<sup>42</sup> Houston replied that “although the Trustees have been unwilling to make any official commitments with regard to tenure, it is our fairly well established custom” that after “two years or more at the Rice Institute” assistant professors can expect to continue indefinitely.<sup>43</sup> New faculty members like Jordan either received informal assurances that their careers would be continued or—very rarely—were asked to leave. Professors who had taught at Rice for many years simply assumed that their careers would continue.<sup>44</sup>

Rice’s informal policy in the 1950s continued to lag behind policies at other universities in the United States. In 1959, Clark Byse and Louis Joughin prepared a survey of institutions of higher education in Illinois, California, and Pennsylvania.<sup>45</sup> Of the 170 schools that replied to their survey, 86 percent had formally described their procedures for acquisition of tenure in plans that had been officially adopted by a board of trustees.<sup>46</sup> Yet, a few institutions clearly still employed informal tenure policies. Byse and Joughin’s description of procedures at Illinois

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<sup>39</sup> Rice University, *Self-Study*, 43–45.

<sup>40</sup> Brotzen, interview; Rice University, *Self-Study*, 44.

<sup>41</sup> Rice University, *Self-Study*, 43–44.

<sup>42</sup> Jordan, “Letter to W. V. Houston.”

<sup>43</sup> Houston, “Letter to F. E. Jordan.”

<sup>44</sup> Mackenzie, “Letter to Bill Masterson.”

<sup>45</sup> Byse and Joughin, *Tenure in American Higher Education*, 61.

<sup>46</sup> *Ibid.*, 10.

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College also fits those employed at Rice: “good practice inadequately supported by official commitment.”<sup>47</sup> Similarly, a 1954 study of faculty rights and obligations at eight elite liberal arts colleges found “considerable variation in the formality with which continuous tenure is conferred,” as well as a mix of indefinite and permanent tenure. The study also found that for practical purposes, these various provisions worked similarly. Most of the colleges seemed “to be reluctant to [terminate] professors except in extreme circumstances.”<sup>48</sup>

Rice faculty members suffered little under the practice of indefinite tenure employed in the 1950s. Professors “assumed that as long as they did their jobs, their appointments would be continued.”<sup>49</sup> Some even received informal assurance of this security.<sup>50</sup> Asked about the effects the tenure policy in a 2004 interview, Franz Brotzen, former dean of engineering, speculated that, if anything, professors whose appointments should have been discontinued stayed longer than they could have with a formal tenure plan. In his view, the indeterminate tenure policy granted mediocre professors a high degree of job security while denying the best professors—who could surely achieve tenure elsewhere—an important incentive to stay at Rice.<sup>51</sup> Tenure had begun to play an important role in faculty recruitment, and in the midst of fierce competition for the best scholars, Rice’s “ad hoc process seemed almost guaranteed to produce a second-rate faculty.”<sup>52</sup>

### **III. Change from Above: Rice Adopts Tenure**

When academic tenure finally came to Rice in 1961, it arrived from the top down. Shortly after taking office, President Kenneth Pitzer proposed a policy to the faculty and the trustees for both groups’ approval. The policy he introduced, with some minor amendments, forms the basis of

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<sup>47</sup> *Ibid.*, 21.

<sup>48</sup> Dennison, *Faculty Rights and Obligations*, 27–39.

<sup>49</sup> Meiners, *History of Rice University*, 61.

<sup>50</sup> Houston, “Letter to F. E. Jordan.”

<sup>51</sup> Brotzen, interview.

<sup>52</sup> Meiners, *History of Rice University*, 204.

the policy used today. Though a Rice *Self-Study* claims that by 1961, tenure had become “a common subject for faculty conversation,”<sup>53</sup> faculty awareness of the need for tenure at Rice seems to have been relatively moderate. Although incoming professors had begun to inquire about tenure procedures, existing faculty members expressed little concern. When asked about receiving tenure at Rice, Katherine Drew, a professor of history, replied that when she was appointed in the 1950s, she didn’t even know what tenure meant.<sup>54</sup> Similarly, Brotzen quipped that the first thing Pitzer had to do when he proposed the tenure policy was to explain what tenure was. “We were completely ignorant,” he said. “We didn’t understand what receiving tenure entailed.”<sup>55</sup> Rice professors do not seem to have felt threatened by the lack of an official policy, and the adoption of a formal policy appears to have been driven more by administrative than by academic motives.<sup>56</sup>

In his first speech to the faculty, Pitzer announced that in accord with “tradition in all of the leading universities,” he intended to introduce a “sharply defined point of transition between junior appointments of a temporary and probationary nature and continuing status of a permanent nature.”<sup>57</sup> Many years later, in an interview, Pitzer would explain that he “never found out” about the lack of a tenure policy until he “got fairly closely connected” at Rice. He also didn’t understand “why President Houston hadn’t dealt with it” and felt that a policy was long overdue.<sup>58</sup>

By 1961, at least from the perspective of an outside administrator, formal tenure policies seem to have been so much a matter of course that Pitzer expected a policy to be adopted without conflict. On November 18, 1961, Pitzer circulated a proposal for a tenure policy to the members of the Rice Faculty Council. He requested comment on the proposal and informed the

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<sup>53</sup> Rice University, *Self-Study*, 43–44.

<sup>54</sup> Drew, interview.

<sup>55</sup> Brotzen, interview.

<sup>56</sup> Mackenzie, “Letter to Bill Masterson.”

<sup>57</sup> Brotzen, interview.

<sup>58</sup> Pitzer, interview.

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council that he expected to discuss it with the Board of Governors (trustees) at its next meeting.<sup>59</sup> On November 29, Pitzer distributed his tenure proposal to all of the Rice trustees, but he deferred discussion of the proposal to the January meeting.<sup>60</sup> By December 19, after incorporating minor amendments, he had officially proposed the policy to the Faculty Council, which approved it unanimously.<sup>61</sup> On January 31, 1962, the trustees and governors did the same.<sup>62</sup>

At least since President Lovett's 1935 inquiry about the national state of tenure, the Rice Board of Governors had resisted formalizing the Rice tenure policy. Pitzer secured the governors' support in part because the nature of the tenure debate had changed dramatically. In 1935, the presidents responding to Lovett's inquiry justified their tenure policies by pointing to the economic welfare of individual professors. Though this concern and a concern for academic freedom both contributed to Pitzer's proposal of a tenure policy in 1961, neither directly motivated its adoption. Pitzer presented his policy to the Board of Governors as a management tool by which the board could refine and improve the faculty. A firm tenure policy had become an economic necessity not for Rice's current faculty but for the university as a whole. The university needed a way to induce the best professors to stay at Rice and to eliminate their less-distinguished colleagues. Thirty years earlier, tenure had been perceived as benefit for professors but an administrative burden for trustees. By 1961, tenure had become an administrative need as well. Rice simply could not recruit the best professors without a tenure policy.

The only professor to comment in a letter on the need for tenure prior to Pitzer's proposal wrote in his capacity as chairman of the Department of Foreign Languages. He urged the adoption of a tenure policy based on administrative, not academic, need. Professor Donald C. Mackenzie wrote:

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<sup>59</sup> Pitzer, "Letter to Members of Rice Faculty Council."

<sup>60</sup> Trustees and Governors of William Marsh Rice University, "Minutes" (November 29, 1961).

<sup>61</sup> Faculty Council, "Minutes."

<sup>62</sup> Trustees and Governors of William Marsh Rice University, "Minutes" (January 31, 1962).

This year and next I will be in large part responsible for the recruitment of eight new faculty members. It would be rash to hope that more than five of the eight will [turn out to be] really good. This would in all probability [under the informal system] mean that the three bad guesses would remain on the faculty, while there is no reason to suppose that some of the good men will not be attracted by outside offers . . . Any university faces competition, and will lose good men from time to time, but one which loses a normal number of good men and also keeps all its bad choices, seems to me to face disaster.<sup>63</sup>

In 1935, with the United States just emerging from the Great Depression, tenure had been first and foremost a protection for professors. In 1961, the lack of a specific tenure-review process at Rice also impeded the elimination of mediocre professors and the recruitment of the best new candidates. Unlike older professors, new candidates seem to have been acutely aware of the prevalence of tenure at other institutions. Department chairs wanted tenure as a recruiting tool so much that one sought (and received) permission to circulate a draft of the Rice tenure policy to prospective candidates before it had been finalized.<sup>64</sup>

In March 1962, Pitzer informed the Rice department chairmen of the adoption of an academic personnel and tenure system, explaining that Rice would begin a review process to determine who currently possessed tenure. All full professors received tenure automatically, and in the future, all associate professors would receive tenure as well. Pitzer asked the department chairmen to make recommendations about which associate professors should be granted tenure. He requested that they evaluate both the length of service and past performance. The longer a professor had been at Rice, the surer he could be of receiving

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<sup>63</sup> Mackenzie, "Letter to Bill Masterson."

<sup>64</sup> Pitzer, "Letter to Busch."

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tenure.<sup>65</sup> The transition “involved some pain since in some cases it classified individuals as non-tenure who had thought they were probably permanent.”<sup>66</sup>

The uncomfortable process of awarding tenure produced a kind of university-wide “housecleaning” of unproductive professors. Before 1962, virtually no one had ever been asked to leave.<sup>67</sup> After 1962, associate professors who did not receive tenure received appointments of between one and three years before being either promoted or dismissed. At one point, Brotzen, a committee member, recalls turning to Pitzer and inquiring if the members of the committee themselves had tenure. Pitzer turned to him and exclaimed, “Of course you have tenure!”<sup>68</sup>

The Rice trustees resisted the institution of a formal tenure policy until quite late, not accepting tenure policies until they had become a personnel tool that facilitated management and recruiting. Competition for professors made tenure a smart management choice from the perspective of the president and ultimately also from the point of view of the trustees. In the end, the policy came quietly, not because of faculty action but at the recommendation of a new president.

Walter Metzger and Richard Hofstadter concluded their classic two-volume history of academic freedom in the United States with a chapter on the development of the AAUP. Among the topics addressed was the posture of the new organization toward administrators. As Metzger writes, in the “early stages of the founding of the AAUP” professors took up the “question of whether college and university presidents were to be admitted to the organization.” After some debate, they agreed that administrators would only be admitted if they gave a “substantial amount of instruction.” The AAUP would represent professors and instructors only. As Metzger summarized, it “was not to be a company union.”<sup>69</sup> The AAUP

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<sup>65</sup> Pitzer, “Letter to Department Chairmen.”

<sup>66</sup> Pitzer, “Confidential Supplementary Report.”

<sup>67</sup> Brotzen, interview.

<sup>68</sup> Ibid.

<sup>69</sup> Hofstadter and Metzger, *Development of Academic Freedom*, 472.

took a collaborative path, working with administrators and university presidents, but by most accounts, the faculty led the charge.

The debate over tenure at Rice suggests a different process of change at universities that lagged in their adoption of tenure policy. At Rice, administrators implemented tenure from the top down, with faculty involvement only through a committee assembled by the president. Late adopters of tenure policy were a significant minority—only in 1973 did the Commission on Academic Tenure in Higher Education, led by William Keast, find that 100 percent of established public and private universities practiced some form of tenure.<sup>70</sup> At many of these universities, administrators may have played critical roles, and their focus on tenure as an employment benefit rather than a fundamental freedom undoubtedly shaped the policies they promoted.

The spread of tenure policies has been motivated by multiple goals. Both Rice's 1935 survey of university presidents and the story of its own eventual adoption of tenure policies show the importance of economic goals among these. Presidents and administrators mentioned the practical exigencies of recruiting and maintaining excellent faculties far more often than they mentioned academic freedom. Business historian Sanford Jacoby has described the development of welfare capitalism in the mid-twentieth century in terms of the growth of "modern manors." At companies like Eastman Kodak, Sears, and TRW, businessmen used benefits as a management tool rather than just as a bargaining chip.<sup>71</sup> Fringe benefits, human resource departments, and employee participation kept workers healthy and happy. These companies were nonunion by design, using benefits to build employee loyalty and encourage efficiency. At Rice, similar goals motivated the adoption of a tenure policy. A new president introduced the change, involving the faculty in much the manner of a "company union." Faculty organization may have inspired the first wave of tenure policies, but administrators wrought their completion. The AAUP won critical early concessions, but tenure policies became

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<sup>70</sup> Keast, Macy, and Commission on Academic Tenure in Higher Education, *Faculty Tenure*, 219.

<sup>71</sup> Jacoby, *Modern Manors*.

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universal only when they were no longer concessions. In an age of welfare capitalism, tenure became a mode of personnel management, the university another modern manor.

*Caitlin Rosenthal is a doctoral candidate in the History of American Civilization at Harvard University. Her dissertation project, "From Memory to Mastery: Accounting for Control in Antebellum America," explores the transformation of commercial numeracy in the late eighteenth and nineteenth centuries. In this project, she traces the development of accounting practices on slave plantations and factories, analyzing their influence on the development of modern management. Before graduate school, Caitlin worked as a consultant for McKinsey & Company, an experience that spurred her interest in political economy, calculation, and the history of work. At Harvard, Caitlin coordinates the Program on the Study of Capitalism and has organized two graduate student conferences on the history of capitalism in America.*

**Appendix : University Tenure Policies circa 1935**

School	Formal Tenure	Informal Tenure	No Stated Policy
Agricultural and Mechanical College of Texas			X
Alabama, University of	unclassified		
Arkansas, University of	X		
Birmingham-Southern College		X	
Brown University	X		
California Institute of Technology		X	
California, University of (Berkeley)	X		
Catholic University of America	X		
Cincinnati, University of	X		
Clark University	X		
Colorado College	X		
Colorado, University of (Boulder)	X		
Columbia University		X	
Cornell University		X	
Dartmouth College	X		
Delaware, University of		X	
Duke University		X	
Florida, University of			X
George Washington University	X		
Georgia School of Technology			X
Grinnell College	X		
Harvard University	X		
Haverford College	X		

Idaho, University of	X		
Illinois, University of	X		
Indiana University			X
Iowa, University of		X	
Johns Hopkins University	X		
Kansas, University of	X		
Kentucky, University of		X	
Lehigh University		X	
Louisiana State University		X	
Maine, University of		X	
McGill University	X		
Michigan, University of		X	
Minnesota, University of	X		
Mississippi, University of			X
Montana, University of	X		
Nebraska, University of	X		
Nevada, University of		X	
New Hampshire, University of			X
New Mexico, University of		X	
New York University		X	
North Carolina, University of	unclassified		
North Dakota, University of	X		
Northwestern University	X		
Oberlin College	X		
Ohio State University		X	
Ohio University		X	

Oregon, University of	X		
Pennsylvania, University of		X	
Pittsburgh, University of	unclassified		
Princeton University	X		
Purdue University	X		
Rensselaer Polytechnic Institute		X	
Rutgers University			X
South Carolina, University of		X	
South, University of the (Sewanee)			X
Southern Methodist University	X		
Stanford University	X		
Stevens Institute of Technology		X	
Tennessee, University of			X
Texas Christian University	X		
Texas, University of (Austin)		X	
Toronto, University of	X		
Trinity College	X		
Tulane University			X
Utah, University of			X
Vanderbilt University	X		
Vermont, University of		X	
Virginia, University of		X	
Washington and Lee University		X	
Washington University (St. Louis)		X	
Washington, University of (Seattle)		X	
Wesleyan University		X	

Western Reserve University	X		
Wyoming, University of	X		
Yale University	X		

*Note:* Letters from administrators not cited elsewhere in this essay can be found in the Lovett President's papers at Rice University Archives, boxes 34–35.

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