

# Speaking Out

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## Reflections on a Tenure Denial

The following was sent to the Dean of SAS and to *Almanac* for publication. It consists of a cover letter to the Dean and a chronology by Dr. Graham Walker, former assistant professor political science here. The [Dean's response](#), and [that of Dr. Thomas Callaghy](#), chair of political science, appear at the end of the author's chronology.

Dear Dean Stevens:

As you know, after a year and a half of dissension over my case, the Political Science Department at the University of Pennsylvania decided, by the smallest of margins, not to recommend me for tenure. You probably know that the department is deeply divided over the matter, almost down the middle. As Dean, you need to know the facts behind this hotly contested decision.

I have waited to write to you until today after my faculty appointment at Penn has terminated in order to make it clear that I am not asking you to take any kind of action to contest the decision against me. Since I am no longer on the faculty, I am no longer entitled to a grievance procedure (although such a procedure would have been appropriate). As Dean, you could have intervened at the time. You did not do so then, and I am not asking you to do so now. I am not interested in litigation, whether public or intramural. But I am interested in accountability.

As Dean, you need to know that my tenure denial was the culmination of a persistent pattern of discrimination marking every stage of my relationship with the School of Arts and Sciences, from my almost-aborted hiring, to my nearly-derailed reappointment, to my hair's-breadth tenure denial. The discrimination has been based on my religious identity and on my political orientation, or rather, on a pejorative characterization of both. The narrative attached recounts the history of bias in my case.

My experience convinces me that, claims to the contrary notwithstanding, Penn's School of Arts and Sciences harbors a culture of intolerance toward disfavored religious or ideological orientations or at least toward one, that of the believing Christian whose views can be branded "conservative," especially if he is male and white. This view of the situation is not mine alone. Many people familiar with my case acknowledge the pattern of prejudice. Many colleagues have come to me privately, since my tenure denial and before, lamenting the religious and ideological bias that has persistently dogged my steps at Penn. Moreover, those who have acted from bias are skillful and experienced. Not surprisingly, therefore, the official record of my case has been kept scrupulously sanitary. So far as I know, the record contains no written evidence of bias. I recently asked the present political science Chair whether he could honestly deny that bias was the decisive factor behind my tenure denial. Instead of answering my question, he said, no doubt most correctly, "There was not a whiff of bias expressed in comments made at the faculty meetings where your case was discussed." I never expected otherwise. Who would?

Obviously, bias operates in public under cover of pretext. It is widely acknowledged that the SAS Personnel Committee operated under such cover when its majority first derailed my appointment as an Assistant Professor in 1988. The same procedure was reenacted in the political science department more recently, by those who persuaded a slight majority of tenured faculty members to vote against recommending me for tenure. They portrayed me as falling short of the necessary standard. But the standard I was held to differed from that invoked in the cases of other recently tenured colleagues. It was an ad-hoc standard, necessary only to the purpose of excluding me. I am sorry to say that this episode reflects a more general tendency of the

department's currently dominant faction to manipulate standards so as to produce the desired outcome in a given situation.

Of course I knew from the beginning what the terms were likely to be. There is always enormous pressure to conform for the sake of tenure. I could not easily change my gender or my race. But as a political philosopher unable to escape controversial subjects, I felt unmistakable pressure to construct my scholarly identity in a way that would comport with secularistic ideology rather than religious faith, and in a way that would ratify the values of progressive academic liberalism rather than call those values into question. I decided to ignore such pressures. I knew this meant taking a risk at the tenure stage. But I gambled that my colleagues and the University would have the integrity to put aside predilections and judge my research and teaching on their merit. Except for a large minority of tenured colleagues who did precisely that, I was mistaken. (From what I am told, the letters from scholars who acted as external referees would have vindicated my "gamble," and are a considerable embarrassment to my internal detractors.)

I must emphasize that there is a noble group of Penn political scientists just short of a majority, in fact who have consistently supported me on the merits even though they do not share my views on controversial subjects; they deserve your admiration. Would that colleagues of such character were more numerous!

I know that I am supposed to disappear quietly and acquiesce in my own muzzling. But there are principles at stake such as impartiality, and tolerance toward those with unpopular views which the School of Arts and Sciences cannot violate without wounding itself. I care too much about Penn to let such abuses pass away without comment.

--Graham Walker

*Facts Related to Discrimination  
in Hiring and Promotion July 2, 1996,  
by Graham Walker, formerly Assistant  
Professor of Political Science, University  
of Pennsylvania (until 6/96) presently,  
NEH Fellow and John M. Olin Fellow in Political  
Theory, Institute for Advanced Study, Princeton (1995-97)*

"You should feel lucky even to be interviewed here," said the genial man across the desk from me, "because you have a degree from a religious school, and Penn has been a secular institution from its founding by Ben Franklin." It was February 1988, and I was sitting in the office of the Political Science chair at the University of Pennsylvania, who was explaining to me the obstacles I would face at his institution and in his department. He was neglecting to mention the role of revivalist preacher George Whitefield in the founding of the school (which enables Penn to claim 1740 as its founding date, third oldest in the Ivy League, after Yale but before Princeton). But even if I had known about Whitefield, I wouldn't have minded the omission. I was grateful indeed to be sitting there, in an Ivy League office, on the brink of an Ivy League job. Any words to the wise were welcome, especially after what I'd just been through at Princeton a few weeks before.

I had already defended my dissertation at the University of Notre Dame. The Ph.D. had been conferred. The favorable judgment of my mentors was about to be tested by the wider academic marketplace. Everyone was discouragingly realistic about my prospects, especially since my dissertation proposed an unconventional analysis of problems in contemporary constitutionalism, employing theological concepts from St. Augustine. Still, things had begun well. The first call had come from Princeton. The month before my visit to Penn I had gone to Princeton as a candidate for a tenure track position in Politics. The job talk at Princeton had been bracing but successful, and the search committee seemed favorably inclined. But things stalled for a while, and Walter Murphy, the search committee chair at Princeton, finally called to tell me that the committee wanted me, but that senior colleagues had opposed my appointment for ideological reasons: they considered

me too "religious" and too "conservative." It had been one of the most frustrating episodes of his career at Princeton, he told me. He wouldn't agree to hire anybody that year since I had been rejected. He suggested that I would be better off elsewhere where I wouldn't face such attitudes. I learned later that a senior member of the Princeton department had circulated a private memo opposing my appointment on the grounds that "we already have enough Catholics around here." I am a Protestant, not a Roman Catholic. But from his perspective he had identified the threat accurately enough. I would not be going to Princeton. Some advised me to file suit on a case of religious discrimination.

I had other things to do, among them my February 1988 interview at Penn. It was evidently a success. Of course people posed serious questions at my job talk naturally enough since I was raising an unusual argument for the relevance of St. Augustine's theological ethics to American constitutional theory disputes. But I had serious answers for serious questions. More than one person restated the chairman's sobering warning about Penn being a secular school, reminding me how unusual was my position in such an institution. Not long after I had returned to Indiana, I got a congratulatory phone call from Penn's political science chair, Ed Haefele, welcoming me to the department. He explained that the offer would have to be made formally by letter, and formally accepted by letter, but that for all practical purposes it was a done deal. I thanked him, began to make plans for moving to Philadelphia, and waited for his letter.

It never came. Finally in early April the phone rang. "Something has happened," Haefele explained. The Personnel Committee of the School of Arts and Sciences at Penn had rejected the department's hiring decision. Without their approval I would not become an Assistant Professor. "What were their reasons?" I wanted to know. I was told that the Committee does not formally register its reasons, but it was clear to Haefele what those reasons were. Certain ideologically hostile members of the Committee noticed, he said, that I had a degree from a religious institution, and that my dissertation was "on a religious subject" (as they inaccurately characterized it). Moreover, they noticed (on my cv) that I had previously worked on two Republican Congressional staffs in Washington for Senator S.I. Hayakawa, and Rep. David Stockman. As Haefele explained, these were things that raised the hackles of certain important Committee members, and they put a stop to my appointment. To put it in plainer words, the Committee had painted me as a narrow-minded fundamentalist right-winger, and Penn, being a secular school committed to diversity, could not hire un-secular, un-diverse people. I received phone calls from a number of other people at Penn confirming this interpretation of the situation.

Professor Haefele was apologetic and embarrassed. He was also annoyed that the department's judgment had been called into question on a normally routine decision. Shortly afterwards, he found a way to bring me to Penn. He offered me a one-year contract as a lecturer in political science; this he could do under authority from the (Acting) Dean of Arts and Sciences and without approval from the Personnel Committee. I arrived at Penn in the fall of 1988. During that year, the department once again conducted a national search for my position, and once again I gave another job talk. In the months immediately following, word came from the American Political Science Association that I had won the Edward S. Corwin Award for best dissertation in the United States in the field of public law. Shortly afterward, Princeton University Press issued me a contract for publication of the book titled *Moral Foundations of Constitutional Thought* (actually my second published book). The Political Science Department once again recommended my hiring as an Assistant Professor. This time the SAS Personnel Committee acquiesced. It was hard to gainsay the APSA and Princeton Press. I entered upon a tenure track in the fall of 1989. But the whole episode had cast my identity in vivid terms, and alerted everyone, inside the department and out, that I bore watching.

In 1991 I came up for a "mid-term" review and reappointment. My Princeton book had come out and been reviewed widely, and I had won a full -year fellowship from the Pew Charitable Trusts enabling me to get underway with a new project on moral and constitutional theory issues as illustrated by events in post-communist Europe. The Department recommended me for reappointment. But the SAS Personnel Committee had not forgotten me. They rejected my reappointment. After some lobbying, the Department Chair, then Oliver Williams, managed to get me reinstated for the remainder of my term as an Assistant Professor. But

several new senior faculty had just joined the department, and this new episode of controversy about my case formed their first clear impression of me.

In 1994 the department began to review my case for tenure. The new department chair, Tom Callaghy, solicited a raft of outside letters. He also sought to help me manicure my cv so as to minimize the objections that had so long dogged my case. I was grateful for the help, although I didn't want to hide relevant information or pretend to be someone I wasn't. I agreed, nevertheless, to some changes that he proposed. Most striking was his proposal which I agreed to delete reference to the late California Senator S.I. Hayakawa, on whose staff I had served as an intern many years before. We re-wrote that entry to say merely that I had served the U.S. Senate Budget Committee staff. As Callaghy put it, the reference to Stockman was bad enough, but the combination of Stockman and Hayakawa "might even give me pause."

The tenured members of the Political Science Department met to discuss and vote on my case on December 14, 1994. In terms of research and publication, my dossier was comparable to three or four others whom the department had successfully recommended for tenure in the immediately preceding years. I had two books, three articles, two fellowships, an international symposium which I organized and which produced an edited volume, and an agenda of works-in-progress. On the teaching side, my record was (I am told) considerably better than most of those who had recently been tenured. After an acrimonious discussion, the tenured faculty voted. I lost. But the department was almost evenly divided. Evidently I was rejected by the smallest possible numerical majority short of a tie.

Many of those who supported me were angry. In the weeks that followed, they came to me privately, one by one, expressing their astonishment at the decision, or their disgust at the pretexts given for the decision. They told me that my record was distorted by the opposition, that it was impossible for my detractors to reconcile their view with the extremely positive outside letters, and that several recent successful tenure cases had no more publications than I had. At least five tenured political science colleagues identified ideological bias as a key factor in the decision. A very senior member of the department told me that the outcome was determined by "prejudicial attitudes toward your religiosity." Others speculated that the strength of the outside letters was precisely the problem; those letters, combined with my excellent teaching record, were potentially strong enough to get through the University's higher levels of approval. In other words, it was suggested to me, those who opposed me couldn't count on the higher-ups doing their dirty work for them.

Adding insult to injury, the single most influential member of the department (and not an advocate of my case) told me that the outcome of my case would have been different if I had been a woman or a person of color. The former chair, Ed Haeefe, called me from his retirement home in Nebraska to express his chagrin at the character of the decision.

In the months immediately following the decision I received word that I had been awarded a year's Membership at the Institute for Advanced Study in Princeton, in furtherance of my next book, *The Mixed Constitution After Liberalism* (which is being sought in advance by both Princeton University Press and Johns Hopkins University Press). The Institute had approximately 240 applications for the 18 fellowships awarded. I also received word that an article manuscript had been accepted for publication in *Nomos*, the prestigious Yearbook of the American Society for Political and Legal Philosophy. And I received word that I had been named a John M. Olin Faculty Fellow in History and Political Theory (by the John M. Olin Foundation in New York; the award is for 1996-97).

All of this encouraged my supportive colleagues. While I was away here in Princeton, they checked the department's by-laws and determined that my case could be re-visited so long as I remained an Assistant Professor (that is, during my "seventh" year). The Chair declared that a petition signed by six tenured faculty was required for the case to be re-visited. Although the by-laws nowhere required this, the six signatures were quickly obtained, and the tenured faculty met again on my case on October 18, 1995. At that meeting, the Chair evidently advised that there were only two grounds on which a reconsideration should be admitted:

either because a large amount of new scholarly work had appeared, or else because the first vote had been marred by procedural improprieties. Neither of these, he pointed out, applied to my case. My supporters argued (I am told) that the department was free to reverse itself simply on grounds that the earlier decision had been unwise. And they pointed to the additional outside recognition I had recently received. After all, they argued, the SAS Personnel Committee was not being asked to revise its judgment; it had no judgment to revise since it had never received my tenure case (although the biased judgment it had exercised at my hiring was, to be sure, an ominous precedent). At the end of a long and bitter discussion, in which the substantive merits of my case were hotly argued, a small majority decided not to move my case to a re-consideration.

A senior member of the department wrote me immediately afterward expressing distaste for the pretextual character of the proceedings. "The debate and vote on your tenure case was one of the most depressing experiences in my 30-odd years in academe. The recognition bestowed on you by the Institute for Advanced Study should be seen as an a fitting rebuke to the Department." A considerable number of others said much the same thing to me in a whole series of private, personal conversations. It is remarkable, but true, that if all the Penn political scientists who privately expressed to me their displeasure with the tenure vote had actually voted in my favor, the outcome of the votes would have been different.

The questionable character of my case has not escaped outside notice. Many political scientists from other institutions have called to say that they understand the ideological basis of my exclusion. Nearly every one of them has commented that my case is sadly consistent with the longstanding reputation of Penn's political science department for quirky and unprincipled personnel decisions. Many of them know Penn's remarkable history of spurning Assistant Professors in political philosophy who were regarded as conservatives. The list of my predecessors in this nasty process includes William Kristol (chief of staff for Education Secretary William Bennett and for Vice-President Dan Quayle and now publisher of the *Weekly Standard*), Jeffrey Bergner (chief aide to Senator Richard Lugar), Jim Piereson (President of the John M. Olin Foundation), Mark Blitz (Provost at Adelphi University; just appointed Fletcher Jones Professor of Political Philosophy at Claremont McKenna College) and Terry Marshall. All of them taught political philosophy at Penn, all of them were derisively classified as "conservative," and all were either denied tenure or left the department because they could foresee the likelihood of a denial.

A senior colleague from a "top-five" political science department in another state wrote recently to tell me that she had been one of my tenure referees, and that she was disappointed that colleagues at Penn had not taken her advice. This colleague is committed to political and philosophical values that are, largely, the antithesis of mine. (We agree on the kind of questions that need to be asked in the field of public law and theory, but disagree on the answers.) What she wrote about my work, she said, "was that I thought it was really serious and important, that you make a stronger case for a position with which I disagree than I would have thought possible, and so you have made me rethink my own commitments." She continued, "I said that tenure shouldn't be based on whether one agrees with your conclusions but whether one believes that you have done serious work and taken potential objections seriously and argued in good faith and met the standards of academic argument, and on all these grounds I thought your work was outstanding. I also put some of your stuff on mixed constitutions in the context of debates in Eastern Europe and said that I thought that you were onto something potentially appealing." Fortunately for me, she has been sending letters on my behalf to other schools where I've applied for faculty positions.

I have spent seven stimulating years at the University of Pennsylvania, and would gladly have spent more. I appreciate the vigor of the institution, and the principles to which it subscribes. Among such principles are its claim to value teaching, to uphold impartiality, and to embrace a diversity of perspectives. Unfortunately, my experience gives grounds for skepticism, or even cynicism, about these claims.

*Graham Walker*  
*School of Social Science,*  
*Institute for Advanced Study*

## **Dean Stevens responds:**

It is my consistent policy not to comment on the substance and outcome of tenure cases, as members of the University community are well aware.

*--Rosemary Stevens, Dean*

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## **Dr. Callaghy Adds:**

Given the norms of the University, I am not at liberty to comment on the substance of the tenure case itself, which was considered by the Department twice, in succeeding academic years. The Department vigorously defended Professor Walker's appointment in 1988, again in 1989, and his reappointment in 1991-92. In addition, the Department provided him ample support for his work, including funding and logistical support for the international symposium he refers to in his statement. The handling of Professor Walker's tenure case by the Department focused exclusively on consideration and discussion of the matters normally taken into account in a tenure

*--Thomas M. Callaghy, Professor and Chair of Political Science*

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Almanac

Volume 43 Number 4  
September 17, 1996

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